

## **Austrian Criminal Law**

Offences committed abroad which are punishable without consideration for the laws of the place where the crime was committed.

### **Article 64**

(1) The Austrian criminal laws apply, irrespective of the criminal laws of the place where the crime was committed, to the following crimes committed abroad;

1. Misappropriation of a business or trade secret on behalf of a foreign power (Article 124), high treason (Article 242), preparation of high treason (Article 244), subversive links (Article 246), attacks on the highest institutions of the State (Articles 249-251), treason (Articles 252-258) and punishable offences against the federal army (Articles 259 and 260)

2. Punishable offences committed by someone against an Austrian official (Article 74 line 4) during or on account of the performance of his tasks and by someone as an Austrian official;

3. Giving false statements to the court (Article 288) and giving false statements under oath or under confirmation by oath to an administrative authority (Article 289) in a case pending before an Austrian court or an Austrian administrative authority;

4. Abduction with blackmail (Article 102), surrender of persons to a foreign power (Article 103), trafficking in slaves (Article 104), trafficking in human beings (Article 104a), cross-border trafficking in prostitution (Article 217), counterfeiting of money (Article 232), counterfeiting punishable under Article 232 of specially protected securities (Article 237), criminal organisation (Article 278a(1)) and the offences punishable under Articles 28(2)-(5), 31(2) and 32(2) of the Addictive Drugs Act if such offence has prejudiced Austrian interests or the perpetrator cannot be extradited;

4a. Serious sexual abuse of minors below the age of 14 (Article 206), sexual abuse of minors below the age of 14 (Article 204), pornographic representation of minors in accordance with Article 207a (1) and (2), sexual abuse of juveniles in pornographic performances of minors (Article 215a) if the perpetrator is Austrian and is habitually resident in Austria;

## **Trafficking in slaves**

### **Article 104**

(1) Any person trafficking in slaves shall be liable to a term of imprisonment of between 10 and 20 years.

(2) The same sentence shall apply to any person who causes another person to be enslaved or to be brought into a situation similar to slavery or who causes another person to place himself into slavery or into a situation similar to slavery.

## **Trafficking in human beings**

### **Article 104a**

(1) Any person who enlists, accommodates or enrolls in any other way, transports or offers or passes on to another person

1. a person under age or

2. a person of full age using unfair means (paragraph 2) against the person with the intention of that person being exploited sexually, through organ removal or as labour, shall be liable to a term of imprisonment not exceeding three years.

(2) Unfair means are the misrepresentation of facts, the abuse of a position of authority,

of a position of constraint, of a mental illness or of a situation rendering the person defenceless, intimidation and the granting or acceptance of a gain for the transfer of control over the person.

(3) Any person who commits the crime using violence or the threat of violence shall be liable to a term of imprisonment of between six months and five years.

(4) Any person who commits the crime against a minor as part of a criminal association, using severe violence or in such a way that the crime endangers the life of the person intentionally or through gross negligence or the crime is particularly detrimental to the person, shall be liable to a term of imprisonment of between one and 10 years.

### **Leading to prostitution**

#### Article 215

Any person who leads another person to prostitution shall be liable to a term of imprisonment not exceeding two years.

### **Promotion of prostitution and pornographic performances of minors**

#### Article 215a

(1) Any person who recruits a minor, regardless of whether the minor is already engaged in prostitution, to perform prostitution or to participate in a pornographic performance or who offers or procures the minor to another person for that purpose shall be liable to a term of imprisonment not exceeding three years. The same sentence shall apply to any person who exploits a minor who is engaged in prostitution or participating in a pornographic performance for financial gain for himself or a third party.

(2) Any person who commits the crime as part of a criminal association, using severe violence or in such a way that the crime endangers the life of the person intentionally or through gross negligence or the crime is particularly detrimental to the person, shall be liable to a term of imprisonment of between six months and five years. Any person who commits the crime against a minor below the age of 14 shall be liable to a term of imprisonment of between one and 10 years.

(3) A person shall be deemed to participate in a pornographic performance if he performs a sexual act which is reduced to itself, removed of other expressions of life and for the sexual arousal of the viewer, on himself, on another person or with an animal, allows such a sexual act to be performed on himself or who displays his genitals or pubic region in such a manner.

### **Procuring**

#### Article 216

(1) Any person who, with the intention of obtaining for himself a regular income by prostituting another person, takes advantage of that person, shall be liable to a term of imprisonment not exceeding one year.

(2) Any person who, with the intention of obtaining for himself a regular income by prostituting another person, exploits or intimidates that person or lays down the conditions to him for engaging in prostitution or takes advantage of several such persons simultaneously, shall be liable to a term of imprisonment not exceeding two years.

(3) Any person who commits the crime (paragraphs 1 and 2) as a member of a criminal association shall be liable to a term of imprisonment not exceeding three years.

(4) Any person who, through intimidation, prevents another person from abandoning prostitution, shall also be liable to a term of imprisonment not exceeding three years.

## **Cross-border trafficking in prostitution**

### Article 217

(1) Any person who leads or recruits another person, regardless of whether the latter is already engaged in prostitution, to prostitution in a country other than that of which he is a national or in which he is habitually resident, shall be liable to a term of imprisonment of between six months and five years, or to a term of imprisonment of between one and 10 years if the crime is committed for financial gain.

(2) Any person who, with the intention of making another person (paragraph 1) engage in prostitution in a country other than that of which he is a national or in which he is habitually resident, through deception as to this intention entices or using violence or the threat of violence forces that person to go to another country or who transports this person to another country using violence or exploiting his confusion regarding this intention, shall be liable to a term of imprisonment of between one and 10 years.