

Law n. 678/2001 on Preventing and Combating Trafficking in Human Beings (excerpts)

(...)

Art.12 – (amended by Law 287/2005).

(1) It is an offence for anyone who recruits, transports, transfers, harbours or receives a person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or by taking advantage of that person's inability to defend him-/herself or to express his/her will, or by giving, offering or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation and is punishable by imprisonment for 3 to 12 years and interdiction of certain rights.

(2) Any trafficking offence committed under either of the following circumstances:

- an offence committed by more than 2 perpetrators;
- victim sustains grievous bodily or mental harm;
- an offence committed by a public servant while performing his legal duties, is punishable by imprisonment for 5 to 15 years and interdiction of certain rights.

(3) In case the offence has resulted in the victim's death or suicide, the punishment shall be 15 to 25 years imprisonment and interdiction of certain rights.

Art. 13 – (amended by EGO-79/2005)

(1) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered an offence and shall be punished by imprisonment for 5 to 15 years and interdiction of certain rights.

(2) If the offence referred to in paragraph (1) is committed by means of threats and violence or use of other forms of coercion, of kidnapping, of fraud or of deception, of the abuse of power or by taking advantage of the minor's inability to defend himself or to express his will or by offering, by giving or receiving payments or benefits to achieve the consent of a person having control over the minor, it is punishable by imprisonment for 7 to 18 years and interdiction of certain rights.

(3) Acts referred to in paragraphs (1) and (2) committed under the circumstances set forth in article 12, paragraph (2) shall be sanctioned by imprisonment for 7 to 18 years and interdiction of certain rights for an offence established in accordance with paragraph (1) and 10 to 20 years imprisonment and interdiction of certain rights for an offence established in accordance with paragraph (2).

(4) Acts established in accordance with this article resulting in the death or suicide of the victim, shall be sanctioned by imprisonment for 15 to 25 years imprisonment and interdiction of certain rights.

