

CRIMINAL CODE excerpts

Founding a slave relationship and transportation of persons in slavery

Article 418

(1) A person who by violating the rules of international law places another in slavery or in some similar relationship, or keeps him under such relationship, buys him, sells him, hands him over to another, or mediates in the buying, selling or handing over of such a person, or instigates another to sell his freedom or the freedom of a person he is keeping or caring for, shall be punished with imprisonment of one to ten years.

(2) A person, who transports persons under a slavery or similar relationship from one country to another, shall be punished with imprisonment of six months to five years.

(3) A person, who commits the crime from items 1 and 2 against a juvenile, shall be punished with imprisonment of at least five years.

Trafficking in Human Beings

Article 418-a

(1) A person who by force, serious threat misleads or uses other forms of coercion, kidnapping, deceit and abuse of his/her own position or a position of pregnancy, weakness, physical or mental incapability of another person, or by giving or receiving money or other benefits in order to obtain agreement of a person that has control over other person or in any other manner, recruits, transports, transfers, buys, sells, harbors or accepts persons because of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship or illicit transplantation of human body parts, shall be punished with imprisonment of at least four years”.

(2) A person who destroys or takes away an ID, passport or other documents for identification with aim to commit the crimes set out in paragraph 1 of this article shall be punished with at least 4 years of imprisonment.

(3) A person who uses or enables another person to use sexual services or another type of exploitation from persons for whom he knew or was obliged to know that they were victims of human trafficking shall be punished with imprisonment of 6 months up to 5 years.

(4) If the crime referred to in paragraphs (1), (2) and (3) of this article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment

of at least eight years.

(5) The consent of the human trafficking victim in relation to the intent for exploitation, as referred to in paragraph (1), shall not bear any importance regarding the existence of the criminal offence as referred to in paragraph (1).

(6) If the action in this article is committed by a legal entity it shall be fined.

(7) The real estate, the items and means of transport used for committing the crime shall be confiscated.

Smuggling of migrants

Article 418-b

(1) One who, using force or serious threat that will attack the life or body, with kidnapping, fraud, out of greed, with misuse of his/her official position or using of the powerlessness of other illegally transfers migrants through the state border, as well as one that produces, purchases or owns fake passport with such intention, shall be sentenced with imprisonment of at least four years.

(2) One that engages, transports, transfers, buys, sells, hides or accepts migrants, shall be sentenced with imprisonment of one to five years.

(3) If during the commitment of the crimes stipulated in the paragraphs 1 and 2 the life or the health of a migrant is endangered, or the migrant is treated especially humiliating or cruelly, or he/she is prevented to use the rights he/she has according to the international law, the stipulator shall be sentenced with imprisonment of at least eight years.

(4) If the crime stipulated in the paragraphs 1 and 2 is committed with a minor, shall be sentenced with imprisonment of at least eight years.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment of at least ten years.

(6) The means and the vehicles used for committing the crime shall be confiscated.

Organization of a group and urging for commitment of the crimes human trafficking, trafficking of juveniles and smuggling of migrants

Article 418-c

(1) One who will organize a group, gang or other association with intention to commit crimes stipulated in the articles 418-a, 418-b and 418-

d, shall be sentenced with imprisonment of at least eight years.

(2) One who will become a member of a group, gang or other association stipulated in paragraph 1 or in other way helps the group, gang or association, shall be sentenced with imprisonment of at least one year.

(3) The member of the group stipulated in the paragraph 1 who will disclose the group before he/she commits a crime as its member or on its behalf, shall be pardoned.

(4) One that calls, urges or supports commitment of the crimes stipulated in the articles 418-a, 418-b and 418-d shall be sentenced with imprisonment of one to ten years.

Trafficking in juveniles

Article 418-d

(1) Any person who recruits, transports, transfers, buys, sells, harbours or accepts a juvenile for the purpose of exploitation by prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriage, forced fertilization, illegal adoption or similar relationship, or illegal transplantation of human organs, shall be sentenced to imprisonment of at least eight years.

(2) Any person who commits the crime as referred to in paragraph (1) by using force, serious threats, delusion, or other form of coercion, abduction, deception, or abuses his or hers position or conditions of pregnancy, disability or physical or mental incapability of another person, or by giving or taking money or other benefits in order to get consent from a person who has control over another person, shall be sentenced to imprisonment of at least ten years.

(3) Any person who uses or enables another person to use sexual services or other type of exploitation of a juvenile person, for whom he or she knew or was obliged to know that the person is a victim of human trafficking, shall be sentenced to imprisonment of at least eight years.

(4) Any person who takes away or destroys a personal identification card, passport or other identification document that belongs to another person, for the purpose of committing the crime as referred to in paragraphs (1) and (2), shall be sentenced to imprisonment of at least four years.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment of at least ten years.

(6) The consent of the juvenile person in relation to the activities as referred to in paragraph (1), shall bear no importance regarding the existence of the criminal offence as referred to in paragraph (1).

(7) If the crime referred to in this article has been committed by a legal entity, it shall be punished with a monetary fine.

(8) Any real estate and the items or transport vehicles used to commit the crime shall be seized.