

ROMANIAN CRIMINAL CODE
(excerpts)
(as of November 2015)

GENERAL PART

ART. 182

Exploitation of a person

Exploitation of a person means:

- a) forcing a person to carry out work or a task;
- b) enslavement or other similar procedures to deprive of freedom or place in bondage;
- c) forcing persons into prostitution, pornography, in view of obtaining and distributing pornographic material or any other types of sexual exploitation;
- d) forcing into mendicancy;
- e) illegal collection of body organs, tissues or other cells.

SPECIAL PART

TITLE I

Offense against the person

[...]

CHAPTER VI

Offenses against individual freedom

ART. 205

Illegal deprivation of freedom

(1) Illegal deprivation of freedom of an individual shall be punishable by no less than 1 and no more than 7 years of imprisonment.

(2) The kidnapping of an individual unable to express their will or to defend themselves shall also constitute deprivation of freedom.

(3) If such act is committed:

a) by an armed person;

b) against a underage person;

c) by jeopardizing the victim's health or life, it shall be punishable by no less than 3 and no more than 10 years of imprisonment.

(4) If such act resulted in the victim's death, it shall be punishable by no less than 7 and no more than 15 years of imprisonment and a ban on the exercise of certain rights.

(5) The attempt to commit the offenses set under par. (1) - (3) shall be punishable.

ART. 206

Threats

(1) The act of threatening an individual with the commission of an offense or of a prejudicial act against them or other individual, if this is of nature to cause a state of fear, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine; however, the applied penalty may not exceed the penalty established by law for the offense that was the subject matter of the threat.

(2) Criminal action shall be initiated based on a prior complaint filed by the victim.

ART. 207

Blackmail

(1) Coercion of an individual to give, to do, not do, or suffer something for the purpose of unlawfully acquiring a non-financial benefit, for themselves or for another individual, shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) The same penalty shall apply to a threat to disclose a real or fictitious fact that is compromising for the threatened individual or for a member of their family, for the purpose set under par. (1).

(3) If the acts set by par. (1) and par. (2) were committed for the purpose of deriving a financial benefit, for themselves or for another individual, they shall be punishable by no less than 2 and no more than 7 years of imprisonment.

ART. 208

Harassment

(1) The act of an individual who repeatedly, with or without a right or legitimate interest, pursues an individual or supervises their domicile, working place or other places attended by the latter, thus causing to them a state of fear, shall be

punishable by no less than 3 and no more than 6 months of imprisonment or by a fine.

(2) Making of phone calls or communications through remote communication devices which, through their frequency or content, cause a state of fear to an individual, shall be punishable by no less than 1 and no more than 3 months of imprisonment or by a fine, unless such act represents a more serious offense.

(3) Criminal action shall be initiated based on a prior complaint filed by the victim.

CHAPTER VII

Trafficking in, and exploitation of vulnerable persons

ART. 209

Slavery

Pressing of keeping an individual in a state of slavery, as well as the trafficking in slaves shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

ART. 210

Trafficking in human beings

(1) Recruitment, transportation, transfer, harboring or receipt of persons for exploitation purposes:

a) by means of coercion, abduction, deception, or abuse of authority;

b) by taking advantage of the inability of a person to defend themselves or to express their will or of their blatant state of vulnerability;

c) by offering, giving and receiving payments or other benefits in exchange for the consent of an individual having authority over such person,

shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) Trafficking in human beings committed by a public servant in the exercise of their professional duties and prerogatives shall be punishable by no less than 5 and no more than 12 years of imprisonment.

(3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defense.

ART. 211

Trafficking in underage persons

(1) Recruitment, transportation, transfer, harboring or receipt of a juvenile for the purpose of their exploitation shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) If such act was committed under the terms of Art. 210 par. (1) or by a public servant while in the exercise of their professional duties and prerogatives,

it shall be punishable by no less than 5 and no more than 12 years of imprisonment and a ban on the exercise of certain rights.

(3) The consent expressed by an individual who is a victim of trafficking does not represent a acceptable defense.

ART. 212

Pressing into forced or compulsory labor

An act of compelling a person, in cases other than the ones established by the legal stipulations, to work against their will or to compulsory labor shall be punishable by no less than 1 and no more than 3 years of imprisonment.

ART. 213

Pandering

(1) The causing or facilitation of the practice of prostitution or the obtaining of financial benefits from the practice of prostitution by one or more individuals shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(2) In the event that a person was determined to engage in or continue the practice of prostitution through coercion, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(3) If such acts are committed against an underage person, the special limits of the penalty shall be increased by one-half.

(4) Practicing prostitution means having sexual intercourse with various individuals for the purpose obtaining financial benefits for oneself or for others.

ART. 214

Exploitation of beggary

(1) An act of an individual who causes a juvenile or a person having physical or psychic disabilities to resort repeatedly to the public's pity in order to ask for material help or benefits from financial benefits from such activity shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

(2) If such act is committed in the following situations:

a) by a parent, guardian, curator or by the person under whose care the begging person is;

b) by means of coercion,

it shall be punishable by no less than 1 and no more than 5 years of imprisonment.

ART. 215

Use of underage persons for mendicancy

The action of a person who is of age and has the capacity to work, who resorts repeatedly to the public's pity in order to ask for material help, by using the presence of a juvenile for this purpose, shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine.

ART. 216

Use of an exploited person's services

The action of using the services listed under Art. 182, provided by a person about whom the beneficiary knows that they are a victim of trafficking in human beings or of trafficking of underage persons, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine, unless such action is a more serious offense.

ART. 217

Punishing the attempt

The attempt to commit the offenses set forth by Art. 209-211 and Art. 213 par. (2) shall be punishable.

CHAPTER VIII Offenses against sexual freedom and integrity

ART. 220

Sexual intercourse with a juvenile

(1) Sexual intercourse, oral or anal sex, as well as any act of vaginal or anal penetration committed with a juvenile aged 13 to 15 shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) The act set by par. (1), committed on a juvenile who has not turned 13 years of age, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(3) The act set by par. (1), committed by a person of age with a juvenile aged 13 to 18, when the former abused their authority or influence over the victim, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(4) The act set by par. (1) - (3) shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights, when:

- a) the juvenile is a direct-line relative, a brother or sister;
- b) the juvenile is entrusted to the perpetrator for care, protection, education, guard or treatment;
- c) the act was committed for the production of pornographic materials.

(5) The acts set out in par. (1) and par. (2) shall not be punishable if the age difference does not exceed 3 years.

ART. 221

Sexual corruption of juveniles

(1) The commission of an act that is sexual in nature, other than the one set out in Art. 220, against a juvenile who has not turned 13 of age, as well as determining a juvenile to endure or carry out such an act shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) The penalty shall be no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights, when:

a) the juvenile is a direct-line relative, a brother or sister;

b) the juvenile is entrusted to the perpetrator for care, protection, education, guard or treatment;

c) the act was committed for the production of pornographic materials.

(3) The sexual act of any nature, committed by a person of age in the presence of a juvenile who has not turned 13 shall be punishable by no less than 6 months and no more than 2 years of imprisonment or by a fine.

(4) Determination of a juvenile who has not yet turned 13 years of age, by a person of age, to assist to the commission of acts that are exhibitionist in nature or to shows or performances in which sexual acts of any kind are committed, and making materials that are pornographic in nature available to the juvenile shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

(5) The acts set out in par. (1) shall not be punishable if the age difference does not exceed 3 years.

ART. 222

Recruitment of juveniles for sexual purposes

The act of an individual of age to propose that a juvenile who has not yet turned 13 years of age to meet for the purposes of the commission of one of the acts set out in Art. 220 or Art. 221, including when such proposal has been made using remote communication means, shall be punishable by no less than 1 month and no more than 1 year of imprisonment or by a fine.

ART. 223

Sexual harassment

(1) Repeatedly soliciting sexual favors as part of an employment relationship or a similar relationship, if by so doing the victim was intimidated or placed in a humiliating situation, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

(2) Criminal action shall be initiated based on a prior complaint filed by the victim.

CHAPTER II

Offenses against state borders

ART. 262

Fraudulent crossing of the border

(1) Entering or leaving the country by fraudulently crossing Romania's state border shall be punished by an imprisonment year between 6 months and 3 years or by a fine.

(2) If the act set out in par. (1) was committed:

a) in order to avoid criminal liability or the serving of a sentence or of an custodial educational measure;

(b) by an alien who was declared undesirable or who was denied entry or stay in the country, in any way, the penalty shall consist of no less than 1 and no more than 5 years of imprisonment.

(3) The attempt shall be also punishable.

(4) The act set out in par. (1), committed by a victim of trafficking in human beings or in juveniles, shall not be punishable.

ART. 263

Trafficking in migrants

(1) Recruitment, instructing, guiding, transporting, transferring or harboring individuals for the purposes of fraudulently crossing Romania's state border shall be punishable by no less than 2 and no more than 7 years of imprisonment.

(2) When the act was committed:

a) in order to obtain material gain, directly or indirectly;

b) using means that endanger the life, integrity or health of the migrant;

c) by subjecting migrants to inhuman or degrading treatment,

it shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(3) The attempt shall be also punishable.

ART. 264

Facilitating illegal stay in Romania

(1) Any individual who facilitates, by any means, the illegal stay on the Romanian territory of an individual who is a victim of offenses of trafficking in human beings, juveniles or migrants, who is not a Romanian citizen and does not reside in Romania, shall be punishable by no less than 1 and no more than 5 years of imprisonment and a ban on the exercise of certain rights. If the mean used is in itself an offense, the rules for multiple offenses shall apply.

(2) When the act was committed:

a) in order to obtain a material gain , directly or indirectly;

c) by a public servant in the exercise of office

it shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(3) When the acts set out in par. (1) and par. (2) are committed in relation to another alien who is on Romanian territory illegally, the special limits of the penalty shall be reduced by one-third.

CHAPTER IV

Violation of rules established for activities regulated by law

ART. 349

Failure to take labor health and safety measures

(1) Failure to take any of the legal labor health and security measures by a person who was tasked with taking these measures, in case it results in the imminent danger of a labor accident or of an occupational disease, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

(2) The act set out in par. (1) committed with basic intent shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

ART. 350

Non-compliance with labor health and safety rules

(1) Non-compliance with the labor health and safety rules by any individual, if this results in the imminent danger of a labor accident or of an occupational disease, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

(2) The same penalty shall apply to the act of resuming the operation of installations, machines or equipment before removing all the deficiencies that caused their operation to be stopped.

(3) The acts set out in par. (1) and par. (2) committed with basic intent shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

TITLE VIII

OFFENSES THAT HARM SOCIAL RELATIONSHIPS

CHAPTER I

Offenses against public order and peace

ART. 367

Creation of an organized crime group

(1) The act of initiating or creating an organized crime group or of joining or supporting such a group in any way shall be punishable by no less than 1 and no more than 5 years of imprisonment and a ban on the exercise of certain rights.

(2) When the offenses included in the purpose of an organized crime group are punished by life imprisonment or by a term of imprisonment exceeding 10 years, it shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(3) If the acts set out in par. (1) and par. (2) were followed by the commission of an offense, the rules on multiple offenses shall apply.

(4) No penalty shall apply to the individuals who committed the acts set out in par. (1) and par. (2) if they report the organized crime group to the authorities before it was discovered and before the commission of any of the offenses included in the purpose of the group.

(5) If the perpetrator of one of the acts referred to in par. (1) - (3) facilitates, during the criminal investigation, discovery of the truth and the prosecution of one of more members of the organized crime group, the special limits of the penalty are reduced by one-half.

(6) An "organized crime group" means a structured group, made up of three or more persons, which exists for a certain period of time and acts in a coordinated manner for the purpose of perpetrating one or more offenses.

ART. 374

Child pornography

(1) The production, possession for display or distribution, the purchase, storage, display, promotion, distribution and supplying, in any manner, of child pornography shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) If the acts set out in par. (1) are committed using a computer system or other means of data storage, it shall be punishable by no less than 2 and no more than 7 years of imprisonment.

(3) The act of unlawfully accessing child pornography through computer systems or other means of electronic communication shall be punishable by no less than 3 months and no more than 3 years of imprisonment or by a fine.

(4) Child pornography means any material that shows a juvenile displaying a sexually explicit behavior or that, even if not presenting a real person, simulate a juvenile with such behavior in a credible manner.

(5) The attempt shall be also punishable.

ART. 375

Indecent exposure

The act committed by an individual who unlawfully exposes or distributes images that display a sexually explicit activity, other than the one referred to in Art. 374, or who commits exhibitionist acts or other sexually explicit acts shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine.