

Law to combat trafficking in human beings, crimes against carnal freedom, pornography, economic exploitation of carnal freedom, and support to the victims

Part One

Article 1

Article 323A should be added after article 323 of the Penal Code.

Article 323A. Trafficking in Human Beings

1. Whoever with the use of violence, threat, power and abuse of power or with any other means, hires, transfers, promotes in the country or outside the country, detains, remands, harbors, encourages, delivers with or without compensation, or takes from another person a person in order to take organs from his body, or to exploit his labor, is punished with incarceration up to ten years and pecuniary fine of 10,000 to 50,000 euros.
2. This sentence is also imposed to offenders who attain the same end misleading victims taking advantage of their situation by making false promises and commitments, offering gifts, presents or other benefits.
3. Those who with full cognizance accept the work of persons under the situation described in para 1 and 2, are punished with imprisonment of six months minimum.
4. Offenders the actions of whom are committed
 - against under age persons,
 - by profession,
 - by employees in the performance of their duties
 - have as a consequence serious bodily injuries of the victimsare punished with incarceration of ten years minimum and pecuniary fine of 50,000 to 100,000 euros.

Article 2

Article 338 of the Penal Code is replaced as follows:

Article 338. Indecent assault.

1. Those who take advantage of the insanity situation of a person or his/her disability to resist sexual intercourse or lewd acts, are punished with incarceration up to ten years.
2. Those who take advantage of the above situations and perpetrate lewd acts are punished with six months imprisonment at minimum.

Article 3

Article 340 of the Penal Code is replaced as follows:

Article 340. General Provision

The perpetrators of any of the afore-mentioned acts which caused the decease of the victim, are punished with life imprisonment.

Article 4

Article 344 of the Penal Code is replaced as follows:

“For the penal prosecution of the acts stipulated by articles 337 and 341 a summons is required.”

Article 5

A third para is added to article 348 of the Penal Code.

“Whoever by profession or in order to gain profit facilitates openly or covertly with the publication of advertisements, pictures, telephone numbers or email messages, or by any other means, indecent acts involving under age persons, is punished with imprisonment and pecuniary fine of 10,000 to 100,000 euros.

Article 6

The following article 348A is added to article 348 of the Penal Code:

Article 348A. Pornography with minors

1. Those who manufacture, offer, procure, circulate, provide, possess, or sell pornographic materials are punished with imprisonment of one year minimum and pecuniary fine of 10,000 to 100,000 euros.
2. Pornographic material under the previous paragraph is any description, real or artificial depiction of sexual acts in any material format aiming at sexual arousal, and the recording or depicting to any material format of a real or a virtual act involving a under age person.
3. If acts described by para 1 of this article constitute pornographic material related with exploitation of need or mental incapacity, deafness, or inexperience of an under age person, or by the use of violence against him, incarceration up to ten years is imposed and pecuniary fine of 50,000 to 100,000 euros. If the act resulted in bodily injuries of the victim, the incarceration is 10 years at minimum and the fine 100,000 to 500,000 euros.

Article 7

Article 349 of the Penal Code is replaced as follows:

Article 349. Pimping

1. Those who act as go-between to other persons sexual desires, procure and encourage prostitution of minors are punished with imprisonment of up to ten years and pecuniary fines ranging from ten to fifty thousand euro.
2. The sentence can be more than ten years incarceration and the fine to be fifty to one hundred thousand euro if the crime a) is committed against minors under the age of 15, b) was committed by means of deception c) by parents or step parents, relatives

and in laws, spouses, guardians, custodians or others who teach, have custody, take care, guard or supervise under age persons.

3. Whoever by profession or in order to gain profit promotes women into prostitution is punished with imprisonment of 18 months at minimum and with pecuniary fine. The commitment of this act by an employee during the performance of his duties or taking advantage of his position constitutes aggravated situation.

Article 8

Article 351 of the Penal Code is replaced as follows:

Article 351. Trade in humans.

1. Whoever by use of force, or threat, or any other coercive means, or through the exercise or abuse of authority hires, transports inside or outside [Greek] territory, abets, surrenders with or without reward to another, or receives from another, a person with the purpose of sexually exploiting [this person] himself, or [allowing] someone else [to exploit this person,] shall be punished by imprisonment of up to ten years and pecuniary fine of 10,000 to 50,000 euros.
2. The offender who, in order to achieve this purpose, elicits the concurrence of a person who is need through promises, gifts, payments, or provision of other benefits, or the use of deceptive methods, shall be punished by the penalty of the previous paragraph.
3. Offenders who knowingly perform lewd acts with persons under the situation described by para 1 and 2, are punished with imprisonment of six months minimum.
4. A culprit according to previous paragraphs shall be punished by imprisonment of at least ten years, and a monetary penalty of up to one hundred thousand euros, if the act
 - (a) is directed at a person younger than 18 years, or a person mentally or physically incapacitated.
 - (b) was perpetrated by a person of item c of paragraph 2 of article 349
 - (c) is connected to the illegal entry, residence, or exit from the country of the victim, or
 - (d) is being perpetrated as an occupation
 - (e) is being perpetrated by an employee during the performance of his duties or by taking advantage of his position
 - (f) had as a result serious bodily harm of the victim
5. If an act according to paragraphs 1 and 2 resulted in the death of the victim life imprisonment shall be imposed.
6. Sexual exploitation as in previous paragraphs comprises the perpetration for profit making of any lewd act, or the use for profit making of the body, the voice, or the picture of a person for the real or artificial perpetration of such acts, or the provision of labor or services, which aim at sexual arousal.

Article 9

After article 351 of the Penal Code, Article 351A is added as follows:

Article 351A. Lewd act against minors for payment.

1. Adults who perpetrate lewd acts with under age persons with remuneration or other material considerations, adults who cause lewd acts to occur between under age persons before themselves or before others, are punished as follows:

(a) if the victim has not reached ten years of age, by imprisonment of at least ten years and monetary penalty of one hundred to five hundred thousand euros.

(b) if the victim has reached ten years, but is under fifteen years of age, by imprisonment of up to ten years and monetary penalty of 50 to 100 thousand euros and

(c) if [the victim] is over fifteen, by imprisonment of one year at least and monetary penalty of ten to fifty thousand euro.

Article 83 para e is not taken into consideration in apportionment of the penalty.

2. The habitual perpetration of the act according to the previous paragraph comprises an incriminatory condition.

3. Life sentence is imposed if the act of the first para caused the death of the victim.

Article 10

Paragraph 2 of article 353 of the Penal Code is replaced as follows:

"2. Whoever abuses the decency of another person through an immoral act that is perpetrated in his presence shall be punished by imprisonment of up to six months or by monetary penalty. If the act as previously is committed in the presence of a person younger than fifteen, [the offender] shall be punished by imprisonment of up to five years. For the penal prosecution of the acts as previously a summons is required."

Article 11

(1) "If he act is not punished for any other more serious act" is to be added in article 350 of the 350 of the Penal Code

(2) Item 8 of article 8 of the Penal Code is replaced as follows: "8) The act of slave trade, trade in humans, or indecent assault against minors for payment."

(3) In the list of felonies that are enumerated in paragraph 1 of article 187 of the Penal Code, the phrase "351 paragraph 3 (trade in humans,) 351A (indecent assault against minors for payment)" is added between comas after the phrase "339 (seduction of children.)"

PART B

Article 12

Aid to victims

1. If there is immediate danger, protection is offered to victims of the crimes provided for in articles 323, 323A, 349, 351, and 351A of the Penal Code, which is especially in reference to protecting their life, corporeal integrity, and personal and carnal liberty. Aid shall be also provided for their housing, sustenance, health care, and psychological support. In addition, care shall be provided for securing them legal representation and language interpretation, if this is necessary for their relations with Greek authorities. Minors shall be placed in educational and vocational training. Details of how to apply this provision will be defined by a Presidential Decree which must be drafted by the Ministries of National Economy and Finance, Interior, Public Administration, National Education and Religions, Labor and Social Security, Health and Welfare, Public Order and Justice, within six months from the date the present law is set into force.
2. Concerning victims of acts referred to in paragraph 1, who are aliens and are present in the country illegally, and with the proviso of the next article concerning repatriation, it shall be possible to suspend their deportation upon order from the prosecutor of the court of misdemeanors and approval by the appellate court prosecutor until an irrevocable ruling in the penal trial of the perpetrators is issued.
3. Details relating to the execution of deportation decisions according to the previous paragraph shall be provided for by ruling according to paragraph 8 of article 44, Law 2919/2001.

Article 13

Repatriation

Aliens who are in the country illegally and are victims of the crimes provided for in articles 323, 323A, 349, 351, and 351A of the Penal Code are repatriated by safe means without their dignity being abused. If the victim is a minor, then a report shall be prepared by the Officer of Minors; for his repatriation the concurrence of the Prosecutor of Minors shall be required.

Article 14

The force of the present law starts from the date it will be published in the Government Gazette.