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Federal Law No. 162-FZ amending Criminal Code (16 December 2003) (excerpts)

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Excerpts from Federal Law No. 162-FZ

**"On Introducing Changes and Amendments to
the Criminal Code of the Russian Federation"**

Passed by the State Duma

on November 21, 2003; Approved by the Federation Council on November 26, 2003; signed by President Putin on December 8, 2003; effective date December 16, 2003.

Source: "Rossijskaya Gazeta" 12.16.2003, pp. 10 -- 12.

"52) The Criminal Code of the Russian Federation (hereinafter referred to as the Code)

shall be supplemented with new Articles 127¹ and 127² consisting of the following:

"Article 127¹ Trafficking in Persons

1. Trafficking in persons, i.e. the buying-selling of a person or other actions committed for the purpose of such person's exploitation in the form of recruitment, transportation, transfer, harboring, or receipt of such person, -

shall be punishable by a term of imprisonment of up to 5 years.

2. The same act:

(a) committed with regard to two or more persons;

(b) committed with regard to a person known to be a minor;

(c) committed by a person through his official position;

(d) committed by transferring a victim across the state borders of the Russian Federation or by unlawfully keeping such person abroad;

(e) committed through the use of false documents, or likewise by the seizure, concealment, or destruction of the victim's identity documents;

(f) committed through the use or threat of force;

(g) committed for the purpose of removing organs or tissues of the victim, -

shall be punishable by a term of imprisonment of 3 to 10 years.

3. Acts identified in Parts One or Two of this Article:

(a) resulting in death through negligence, or severe damage to the health of the victim, or any other grave consequences;

(b) committed by means posing a threat to the lives or health of many persons;

(c) committed by an organized group, -

shall be punishable by a term of imprisonment of 8 to 15 years.

Notes

1. A person who, for the first time, commits an act specified in either Part One or Part Two, Point "a" of this Article and who voluntarily frees the victim and who also assists in the exposure of the crime which has been committed shall be excused from criminal liability, provided that his actions do not contain the elements of another crime.

2. For purposes of this Article, "exploitation" is defined as the exploitation of the prostitution of others and other forms of sexual exploitation, use of slave labor (services), involuntary servitude, as well as the removal of organs or tissues of another.

Article 127² Use of Slave Labor

1. The use of the labor of any person over whom power similar to the right of ownership is exercised, if such person, for reasons beyond his control, is unable to refuse to perform such labor or services-

shall be punishable by a term of imprisonment of up to 5 years.

2. The same act:

- (a) committed with regard to two or more persons;
 - (b) committed with regard to a person known to be a minor;
 - (c) committed by a person through his official position;
 - (d) committed through blackmail, force, or threat of force;
 - (f) committed through the use of false documents, or by the seizure, concealment, or destruction of the victim's identity documents;
- shall be punishable by a term of imprisonment of 3 to 10 years.

3. Acts specified in Parts One or Two of this Article which result in death through negligence, or severe damage to the health of the victim, or any other grave consequences; or committed by an organized group, -

shall be punishable by a term of imprisonment of 8 to 15 years."

" 77) In Article 151

The word "prostitution" in part one of the Article shall be deleted".

"78) Article 152 of the Code shall be null and void".*

"166) Articles 240-241 of the Code shall be amended as follows:

"Article 240. Recruitment into Prostitution

1. Recruiting someone to engage in prostitution or coercing someone to continue to engage in prostitution -

shall be punishable by a fine of up to two hundred thousand rubles or by a fine equaling the wages or other income of the offender for a period of up to 18 months or by restriction of liberty for a period of up to 3 years or by imprisonment for the same period of time.

2. The same acts:

- (a) committed through the use of force or threat of force;
- (b) committed by transferring a victim across the state borders of the Russian Federation or by unlawfully keeping such person abroad;
- (c) committed by a group of persons through prior agreement, -

shall be punishable by a term of imprisonment of up to 6 years.

3. Acts specified in Part One or Two of this Article committed by an organized group or with regard to a person known to be a minor, -

shall be punishable by a term of imprisonment of 3 to 8 years.

Article 241. Organization of the Activity of Prostitution

1. Acts directed towards the organization of the activity of prostitution by others, or likewise the maintenance of places of prostitution or periodic provision of premises for the purpose of engaging in prostitution -

shall be punishable by a fine of one hundred thousand to five hundred thousand rubles or by a fine equaling the wages or other income of the offender over a period of one to three years or by restriction of liberty for a period of up to 5 years or by a term of imprisonment for the same period of time.

2. The same acts:

- (a) committed by a person through his official position;
- (b) committed through the use or threat of force;
- (c) involving the use of persons known to be minors in prostitution activity, -

shall be punishable by a term of imprisonment of up to 6 years.

3. Acts specified in Parts One or Two of this Article involving the use of persons known to be under the age of 14 in prostitution activity, -

shall be punishable by a term of imprisonment of 3 to 10 years."

"167) In Article 242 of the Criminal Code, the words "from five-hundred to eight-hundred times the minimum wage" shall be replaced by the words "from one hundred thousand to three hundred thousand rubles", and the words "from five to eight months" shall be replaced by the words "from one year to two years;"*

"168) The Criminal Code shall be supplemented by Article 242¹ to read as follows:

"Article 242¹ Manufacture and Distribution of Materials or Objects with Pornographic Depictions of Minors

1. The manufacture, storage, or movement across the state borders of the Russian Federation for the purpose of distribution, public demonstration, or advertisement, or the distribution, public demonstration, or advertisement of materials or objects with pornographic depictions of persons known to be minors, or the involvement of persons known to be minors as performers in shows of pornographic nature by a person under the age of 18, -

shall be punishable by a term of imprisonment of up to 6 years.

2. The same acts committed:

(a) by a parent or other person charged with legal responsibility for raising a minor, or by a teacher or other employee of an educational, developmental, medical or other institution responsible for the oversight of a minor;

(b) with regard to a person known to be under the age of 14;

(c) by a group of persons through prior agreement or by an organized group, -

shall be punishable by a term of imprisonment of 3 to 8 years."

"242) In Article 327, Part Two, the word "repeatedly" shall be replaced with the words "with the goal of concealing the commission of another crime or with the facilitating its commission." In Article 327, Part Three, the words "from one hundred to two hundred times the minimum wage" shall be replaced by the words "up to eighty-thousand rubles" and the words "from one to two" shall be replaced by the words "up to six."*

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