

France

National Child Protection Legislation

National Legislation

- Age of Child: **<18 years old¹**
- Age of Consent: **15 years old**
[Penal Code](#)
Art. 227-25
The commission without violence, constraint, threat or surprise of a sexual offence by an adult on the person of a minor under fifteen years of age is punished by five years' imprisonment and a fine of €75,000.
- Age of Marriage: **18 years old**
[Civil Code](#)
Art. 144
Marriage cannot be contracted until the age of eighteen.

Art. 146
There is no marriage when there is no consent.
- Age of Criminal Responsibility: **There is no specific legal age required for a juvenile to be prosecuted**
[Penal Code](#)
Art. 122-8
Minors able to understand what they are doing are criminally responsible for the felonies, misdemeanours or petty offences of which they have been found guilty, and are subject to measures of protection, assistance, supervision and education according to the conditions laid down by specific legislation.

This legislation also determines the educational measures that may be imposed upon minors aged between ten and eighteen years of age, as well as the penalties which may be imposed upon minors aged between thirteen and eighteen years old, taking into account the reduction in responsibility resulting from their age.

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- **Extraterritoriality**

[Penal Code](#)
Art. 113-6
French criminal law is applicable to any felony committed by a French national outside the territory of the French Republic.

¹ France: Definition of Youth, YouthPolicy.org, at <http://www.youthpolicy.org/factsheets/country/france/> (last visited Apr. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

It is applicable to misdemeanours committed by French nationals outside the territory of the French Republic if the conduct is punishable under the legislation of the country in which it was committed.

The present article applies even if the offender has acquired French nationality after the commission of the offence of which he is accused.

[Code of Criminal Procedure](#)

Art. 689

Perpetrators of or accomplices to offences committed outside the territory of the Republic may be prosecuted and tried by French courts either when French law is applicable under the provisions of Book I of the Criminal Code or any other statute, or when an international Convention gives jurisdiction to French courts to deal with the offence.

- **Dual Criminality**

[Penal Code](#)

Art. 113-8-1 (Inserted by Act no. 2004-204 of 9 March 2004 article 19 Official Journal of 10 March 2004)

Without prejudice to the application of articles 113-6 to 113-8, French Criminal law is also applicable to any felony or misdemeanour subject to a penalty of at least five years' imprisonment committed outside the territory of the French Republic by an alien whose extradition to the requesting State has been refused by the French authorities either because the offence for which the extradition has been requested is subject to a penalty or to a safety measure that is contrary to French public policy, or because the person in question has been tried in the aforesaid State by a court which does not respect the basic procedural guarantees and the rights of the defence, or because the matter in question shows the characteristics of a political offence. Prosecution for the offences set out in the first paragraph may only be initiated at the request of the public prosecutor. It must be preceded by an official accusation, transmitted by the Minister of Justice, from the authorities in the country where the offence has been committed and which has requested the extradition.

Art. 113-9

In the cases set out under Articles 113-6 and 113-7 no prosecution may be initiated against a person who establishes that he was subject to a final decision abroad for the same offence and, in the event of conviction, that the sentence has been served or extinguished by limitation.

- **Mandatory reporting requirements**

[Penal Code](#)

Art. 226-13

The disclosure of secret information by a person entrusted with such a secret, either because of his position or profession, or because of a temporary function or mission, is punished by one year's imprisonment and a fine of €15,000.

Art. 226-14

Art. 226-13 is not applicable to the cases where the law imposes or authorises the disclosure of the secret. In addition, it is not applicable:

1° to a person who informs a judicial, medical or administrative authority of cruelty or deprivation, including sexual abuse, of which he has knowledge and which has been inflicted

on a minor or a person unable to protect himself because of his age, or physical or psychological state;

2° to a doctor who, with the consent of the victim, brings to the knowledge of the public prosecutor instances of cruelty or deprivation, either physical or psychological, that he has observed in the exercise of his profession that cause him to believe that physical, sexual or psychological violence of any sort, has been committed. Where the victim is a minor, his consent is not necessary;

3° to health professionals or social work professionals who inform the prefect and, in Paris, the chief of police, that someone who consults them presents a danger to himself or to other people when they know that this person has a weapon or has manifested the intention to acquire one.

Alerting the competent authorities under the conditions provided for by the present Art. may not lead to disciplinary sanctions.

The provisions of Art. 226-14 of the Criminal Code are applicable in New Caledonia, French Polynesia and the islands of Wallis and Futuna.

Art. 434-3 (Act no. 98-468 of 17th June 1998 Article 15 Official Journal 18 June 1998; Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Any person who, having knowledge of maltreatment, deprivations, or sexual assaults inflicted upon a minor under fifteen years of age or upon a person incapable of self-protection by reason of age, sickness, infirmity, psychical or psychological disability or pregnancy, omits to report this to the administrative or judicial authorities is punished by three years' imprisonment and a fine of €45,000. Except where the law otherwise provides, persons bound by an obligation of secrecy pursuant to the conditions set out under article 226-13 are exempted from the above provisions.

- **Obligations of Educational Institutions**

[Education Code](#)

Legislative Part; Part One: General and common provisions; Book I: General Principles of Education; Title III: Obligation to attend school, free admission and reception of nursery and elementary school pupils; Chapter III: Reception of nursery and elementary school pupils

Art. L133-7

The mayor draws up a list of the persons likely to provide the reception service provided for in article [L. 133-4](#) , ensuring that they have the necessary qualities to receive and supervise children.

This list shall be transmitted to the academic authority which, by means of an audit carried out under the conditions provided for in [paragraph 3 of Article 706-53-7 of the Code of Criminal Procedure](#) , ensures that these persons, previously informed of the verification, do not appear in the national automated court file of perpetrators of sexual or violent offenses.

When the academic authority is ordered to remove certain people from the list, it informs the mayor without disclosing the reasons.

This list is sent for information to representatives of parents of pupils elected to the school council. The persons appearing there are informed beforehand of this transmission.

Regulatory Part; Book V: School Life; Title IV: School Health; Chapter II: The prevention of ill-treatment

Art. D542-1 Modified by [Decree n ° 2009-765 of June 23, 2009 - art. 1](#)

I.-Without prejudice to the other regulatory provisions relating to the training of persons mentioned in Article [L. 542-1](#), the initial and continuous training of those concerned in the field of the protection of children at risk shall be implemented in program framework that addresses the following themes:

- 1 ° The evolution and perspective of the child protection policy in France, particularly with regard to the International Convention on the Rights of the Child;
- 2 ° Knowledge of the child protection system, from prevention to care, in particular that of its legal framework, its organization and its actors, its strategies and types of interventions, as well as that partnerships it gives rise to;
- 3 ° The knowledge of the child and the family situations, in particular that of the stages of the development of the child and his disorders, the evolution of the families, the dysfunctions of the family, the means of identifying and evaluating the situations of the child. children at risk or at risk;
- 4 ° Professional positioning, particularly with regard to ethics, responsibility, professional secrecy and information sharing.

In particular, continuing education aims to raise awareness of the identification of warning signs, knowledge of how departmental child protection mechanisms work and the acquisition of skills to protect children at risk or who may be at risk.

The initial and continuous training is adapted according to the respective responsibilities, knowledge and needs of the different persons mentioned in Article L. 542-1 regarding child protection.

II.-Initial and in-service training is organized partly through shared sessions bringing together:

- 1 ° For initial training, students at the national, interregional, regional or departmental level;
- 2 ° For continuing education, the various professionals intervening in particular in the same territory, in order to promote their mutual knowledge, their coordination and the implementation of the protection of children in the territory concerned.

The general framework of the shared sessions, their objectives as well as their methods of implementation and evaluation are the subject of agreements between all the institutions, services and organizations concerned.

Legislative Part; Book V: School Life; Title IV: School Health; Chapter II: The prevention of ill-treatment

Art. L542-1 Modified by [LAW n ° 2010-121 of February 8, 2010 - art. 3](#)

Physicians, all medical and paramedical personnel, social workers, magistrates, teaching staff, sports, cultural and leisure activities personnel and personnel of the national police, municipal police and the national gendarmerie receive initial and continuing training, partly shared by the various professions and institutions, in the field of the protection of children at risk. This training includes a multidisciplinary module on sexual offenses against minors and their effects. This training is provided under conditions set by regulation.

Art. L542-3 Modified by [LAW n ° 2010-121 of February 8, 2010 - art. 3](#)

At least one annual information and sensitization session on child abuse, particularly on domestic violence of a sexual nature, is included in the timetable of students in schools, colleges and high schools.

These sessions, organized at the initiative of school heads, involve families and all staff, as well as public services of the state, local communities and associations concerned with child protection.

Part Two: School Teaching; Book III: The organization of school teachings; Title VI: Teachings preparing for the artistic and sports professions; Chapter II: The teaching of dance

Art. L362-5

Any conviction for a term of imprisonment of more than four months, for the offenses of rape, sexual assault, sexual assault on a minor or procuring under [sections 222-22 to 222-33](#) , [225-5 to 225-10](#) and [227-22 to 227-28](#) of the penal code, obstructs the activity of dance teacher.

Part Two: School Teaching; Book IV: Schools; Title VII: Common Provisions; Chapter II: Penal Provisions

Art. L472-1

Where a crime or offense has been committed inside the premises of a school or when it concerns, in the immediate vicinity of that school, a pupil of that school or a member of its staff, the public prosecutor shall notify the head of the establishment concerned of the date and purpose of the trial by registered letter sent at least ten days before the date of the hearing. When [Articles 395 to 397-5](#) of the Code of Criminal Procedure are applied, this opinion shall be sent as soon as possible and by any means.

Part Four: The Staff; Book IX: Education Personnel; Title I: General Provisions; Chapter I: Common Provisions

Art. L911-5

Individuals unable to direct or be employed by any public or private educational institution, whether primary, secondary or technical, for any purpose whatsoever:

- 1 ° Those who have been convicted of a crime or offense contrary to probity and morals;
- 2 ° Those who have been deprived by judgment of all or part of the civil, civil and family rights mentioned in [article 131-26 of the penal code](#) , or who have been deprived of parental authority;
3. Those who have been permanently banned from teaching.

In addition, any person who has been removed from public education has been unable to manage or be employed by any public or private secondary school.

The provisions of this article are not applicable to members of general secondary education.

▪ **Prohibition to hold certain positions**

[Penal Code](#)

Art. 131-36-2 (Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

The measures of supervision applicable to the person sentenced to socio-judicial probation are those laid down by article 132-44. The convicted person may also be subjected by the

convicting judgment or by the penalty enforcement judge to the obligation specified by article 132-45. He may also be subjected to one or more of the following obligations:

- 1° not to be present in such places or such category of places as specifically designated, in particular where minors are to be found;
- 2° not to visit or to have contact with certain persons or certain categories of persons, and particularly minors, except, where relevant, those specified by the court;
- 3° not to carry out any professional or voluntary activity involving regular contact with minors.

Art. 222-44

Natural persons convicted of the offences provided for by the present chapter also incur the following additional penalties:

- 1° prohibition to discharge the social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed, pursuant to the conditions set out under Art. 131-27;
 - 2° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;
 - 3° suspension of the driving licence for a maximum period of five years; suspension may be limited to driving otherwise than in the course of professional activity; in the cases provided for by Articles 222-19-1 and 222-20-1, this measure may not be suspended, even partially, and may not be limited to driving otherwise than in the exercise of a professional activity; in the cases provided for by 1° to 6° and by the last paragraph of Articles 222-19-1 and 222-20-1, the maximum period of suspension is ten years.
 - 4° cancellation of the driving licence, together with prohibition, for a maximum period of five years, to apply for the issue of a new licence;
 - 5° confiscation of one or more vehicles belonging to the convicted person;
 - 6° confiscation of one or more weapons belonging to the convicted person or which are freely available to him;
 - 7° confiscation of the thing which was used or was intended for the commission of the offence, or of the thing which is its product.
 - 8° in cases provided for by Articles 222-19-1 and 222-20-1, the prohibition from driving certain motor vehicles, including those for which a driving licence is not required, for a maximum period of five years;
 - 9° in cases provided for by Articles 222-19-1 and 222-20-1, the requirement to complete a road safety awareness course, at the offender's expense;
 - 10° in cases provided for by Articles 222-19-1 and 222-20-1, the immobilisation of the vehicle used by the convicted person in committing the offence, if this vehicle belongs to him, for a period of one year;
- Any conviction for the misdemeanours provided for by 1° to 6° and by the last paragraph of Art. 222-19-1 results in the automatic cancellation of the driving licence with the prohibition to apply for a new licence for a maximum period of ten years.

Art. 222-45

Natural persons convicted of the offences set out under sections 1,3 and 4 also incur the following penalties:

- 1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under Art. 131-26;
- 2° prohibition, pursuant to the conditions set out under Art. 131-27, to hold public office
- 3° prohibition, indefinite or for a period of up to ten years, to engage in paid or voluntary work involving regular contact with minors;
- 4° the obligation to complete a citizenship course, pursuant to the conditions provided for by Art. 131-5-1.

Art. 227-29

Natural persons convicted of the offences provided for under the present chapter also incur the following additional penalties:

- 1° forfeiture of civic, civil and family rights, in accordance with the conditions laid down under Article 131-26;
- 2° suspension of the driving licence for a maximum period of five years; this suspension may be limited to driving other than in the course of professional activity;
- 3° cancellation of the driving licence together with the prohibition, for a maximum period of five years, to apply for the issue of a new one;
- 4° prohibition, for a maximum period of five years, to leave the territory of the French Republic.
- 5° confiscation of the object which was used or intended to commit the offence or the object which is the product of it;
- 6° prohibition, for a period of up to ten years or permanently, to undertake any professional or charitable activity involving regular contact with minors.

▪ **Employment Law**

[Code of Criminal Procedure](#)

Chapter II: The Automated National Court Record of Sexual and Violent Offenders

Art. 706-53-1 Modified by [Law n ° 2005-1549 of December 12th, 2005 - art. 28 \(V\) JORF December 13, 2005](#)

The national automated court file of perpetrators of sexual or violent offenses is an automated application of personal information held by the Criminal Records Department under the authority of the Minister of Justice and the control of a magistrate. In order to prevent the renewal of the offenses mentioned in article [706-47](#) and to facilitate the identification of their authors, this treatment receives, keeps and communicates to the authorized persons the information provided for in article [706-53-2](#) according to the provided for in this Chapter.

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Art. 706-47 Modified by [Law n ° 2016-457 of April 14, 2016 - art. 1](#)

The present title is applicable to the procedures concerning the following offenses:

- 1 ° Crimes of murder or assassination envisaged in articles 221-1 to 221-4 of the penal code, when they are committed on a minor, preceded or accompanied by a rape, torture or barbarity, or when committed in a state of lawful recidivism;
- 2 ° Crimes of torture or acts of barbarism provided for in articles 222-1 to 222-6 of the same code;
- 3 ° rape crimes provided for in articles 222-23 to 222-26 of the said Code;
- 4 ° Offenses of sexual assault provided for in articles 222-27 to 222-31-1 of the same code;
- 5 ° crimes and crimes of trafficking in human beings in respect of a minor provided for in articles 225-4-1 to 225-4-4 of the same code;
- 6 ° The offense and procuring crime against a minor provided for in 1 ° of article 225-7 and article 225-7-1 of the same code;
- 7 ° Offenses for recourse to the prostitution of a minor provided for in articles 225-12-1 and 225-12-2 of the same code;
- 8 ° Minor corruption offense provided for in article 227-22 of the same code;
- 9 ° Offense of sexual proposal made by a person of full age to a minor of fifteen years or to a person posing as such by using a means of electronic communication, provided for in article 227-22-1 of the same code;

10 ° Offenses relating to the capture, recording, transmission, offer, making available, dissemination, importation or exportation, acquisition or possession of an image or pornographic representation of a minor as well as the usual offense of consultation or in return for a payment of an online public communication service providing such an image or representation, provided for in article 227-23 of the same code;

11 ° Crimes of manufacture, transport, distribution or trade of violent or pornographic message likely to be seen or perceived by a minor, provided for in article 227-24 of the same code;

12 ° Incitement of a minor to submit to sexual mutilation or to commit this mutilation;

13 ° Offenses of sexual abuse provided for in articles 227-25 to 227-27 of the same code.

Art. 706-53-7 Modified by [Law n ° 2016-731 of June 3rd, 2016 - art. 78](#)

The information contained in the file is directly accessible, via a secure telecommunication system:

3 ° To the prefects and the administrations of the State whose list is fixed by the decree envisaged with the article [706-53-12](#), for the administrative decisions of recruitment, affectation, authorization, approval or authorization for activities or professions involving contact with minors and for the control of the exercise of these activities or professions;...

[Labour Code](#)

Termination of an indefinite-term employment contract must be based on one of two types of grounds for dismissal: Personal Grounds or Economic Grounds. These grounds are laid out in Title III, Chapters II and III of the Labour Code. (Title III: Termination of Indefinite Term Contract; Chapter II: Dismissal on Personal Grounds; Chapter III: Dismissal on Economic Grounds).

Personal grounds include:

- Poor performance;
- Inability to perform assigned tasks;
- Misconduct within the company;
- Possibly, repeated absence or absence for a long period of time not related to a work-related accident.

Economic grounds include:

- economic difficulties facing the relevant business sector at group level within France;
- technological changes;
- safeguard of competitiveness;
- business closure.

A fixed-term contract can only be terminated when any of the following occurs:

- Serious or gross misconduct;
- An act of God;
- Mutual agreement.

Title IV – Contract of work with a determined duration; Chapter III: Anticipated Term Maturity and Renewal of the contract; Section 1: Early termination of the contract.

Art. L1243-1

Unless agreed by the parties, the fixed-term employment contract cannot be terminated before the expiry the term in case of serious fault, force majeure or incapacity established by the doctor of the job.

When it is concluded pursuant to paragraph 6 of Article L. 1242-2, the duration of the employment contract may be broken by one or the other party, for a real and serious reason, eighteen months after its conclusion and then on the anniversary of its conclusion.

Art. L1243-2

By way of derogation from the provisions of Article L. 1243-1, a fixed-term employment contract may be broken before the end of the term at the initiative of the employee, when he justifies the conclusion of a contract of indefinite duration.

Unless agreed by the parties, the employee is then required to respect a notice the duration of which is calculated at one day a week considering:

- 1 ° The total duration of the contract, including renewal, when it includes a specific term;
- 2 ° Duration when the contract does not contain a specific term.

The notice cannot exceed two weeks.

▪ **Criminal Law - Defamation**

[Penal Code](#)

Art. 226-10

A denunciation made by any means and directed against a specified person, of a fact that is liable to cause judicial, administrative or disciplinary sanctions and that the maker knows to be totally or partially false, where it is sent either to a judicial officer or to a judicial or administrative police officer, or to an authority with power to follow it up or to refer it to the competent authority, or to hierarchical superiors or to the employer of the person concerned, is punished by five years' imprisonment and a fine of €45,000.

The falsity of the act denounced is conclusively established by a final decision of acquittal, or decision to drop the prosecution, which declares that the alleged facts are not established or that they are not attributable to the person denounced.

In any other case, the court seised with the prosecution of the denouncer weighs the accuracy of the denouncer's accusations.

Art. 226-11

Where the subject matter of the denunciation has led to a criminal prosecution, the prosecution case against the denouncer may not be decided upon until after the decision putting a final end to the proceedings concerning that matter.

Art. 226-12

Legal persons may incur criminal liability, pursuant to the conditions set out under Art. 121-2, for the offence defined under Art. 226-10.

The penalties incurred by legal persons are:

- 1° a fine, pursuant to the conditions set out under Art. 131-38;
- 2° prohibition, either permanent or for a maximum period of five years, to engage in, either directly or indirectly, the social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed;
- 3° the public display or dissemination of the decision taken, pursuant to the conditions set out under Art. 131-35.

Sexual Offenses Against Children

Penal Code

Art. 222-14

Habitual acts of violence committed against a minor under the age of fifteen years or against a person whose particular vulnerability, due to age, sickness, disability, a physical or psychological disability or to pregnancy, is apparent or known to the perpetrator is punished:

- 1° by thirty years' criminal imprisonment where they have caused the death of the victim;
- 2° by twenty years' criminal imprisonment where they have caused mutilation or permanent disability;
- 3° by ten years' imprisonment and a fine of €150,000 where they have caused a total incapacity to work in excess of eight days;
- 4° by five years' imprisonment and a fine of €75,000 where they have not caused a total incapacity to work in excess of eight days.

The first two paragraphs of Art. 132-23 governing the safety period are applicable to the cases provided for by 1° and 2° of the present Article.

Art. 222-22

Sexual aggression is any sexual assault committed with violence, constraint, threat or surprise.

Where a sexual aggression was committed abroad against a minor by a French national or a person habitually resident in France, French law applies notwithstanding the second paragraph of Art. 113-6 and the provisions of the second sentence of Art. 113-8 are not applicable.

Art. 222-23

Any act of sexual penetration, whatever its nature, committed against another person by violence, constraint, threat or surprise, is rape.

Rape is punished by fifteen years' criminal imprisonment.

Art. 222-24

Rape is punished by twenty years' criminal imprisonment

- 1° where it causes mutilation or permanent disability;
- 2° where it is committed against a minor under the age of fifteen years;
- 3° where it is committed against a person whose particular vulnerability, due to age, sickness, an infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the perpetrator;
- 4° where it is committed by a legitimate, natural or adoptive ascendant, or by any other person having authority over the victim
- 5° where it is committed by a person misusing the authority conferred by his position;
- 6° where it is committed by two or more acting as perpetrators or accomplices;
- 7° where it is committed with the use or threatened use of a weapon;
- 8° where the victim has been brought into contact with the perpetrator of these acts through the use of a communications network, for the distribution of messages to a non-specified audience;
- 9° where it is committed because of the sexual orientation of the victim.

Art. 222-25

Rape is punished by thirty years' criminal imprisonment where it caused the death of the victim.

The first two paragraphs of Art. 132-23 governing the safety period are applicable to the offence set out under the present Article

Art. 222-26

Rape is punished by imprisonment for life when it is preceded, accompanied or followed by torture or acts of barbarity.

The first two paragraphs of Art. 132-23 governing the safety period are applicable to the offence set out under the present Article.

Art. 222-29

Sexual aggressions other than rape are punished by seven years' imprisonment and a fine of €100,000 where they are committed against:

1° a minor under the age of fifteen years;

2° a person whose particular vulnerability due to age, sickness, infirmity, to a physical or psychological disability or to pregnancy, is apparent or known to the perpetrator.

Art. 222-30

The offence defined under Art. 222-29 is punished by ten years' imprisonment and a fine of €150,000:

1° where it has caused an injury or a lesion;

2° where it is committed by a legitimate, natural or adoptive ascendant or by any other person having authority over the victim;

3° where it is committed by a person misusing the authority conferred by his position;

4° where it is committed by two or more acting as offenders or accomplices;

5° where it is committed with the use or threatened use of a weapon;

6° where it is committed because of the sexual orientation of the victim.

Art. 222-31

Attempt to commit the misdemeanours set out under Articles 222-27 to 222-30 is punished by the same penalties.

Art. 222-33

The harassment of another person for the purpose of obtaining favours of a sexual nature is punished by one year's imprisonment and a fine of €15,000.

Art. 223-15-2 (Act no. 2001-504 of 12 June 2001 Article 10 Official Journal of 13 June 2001) (Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002) Fraudulently abusing the ignorance or state of weakness of a minor, or of a person whose particular vulnerability, due to age, sickness, infirmity, to a physical or psychological disability or to pregnancy, is apparent or known to the offender, or abusing a person in a state of physical or psychological dependency resulting from serious or repeated pressure or from techniques used to affect his judgement, in order to induce the minor or other person to act or abstain from acting in any way seriously harmful to him, is punished by three years' imprisonment and a fine of €375, 000. Where the offence is committed by the legal or de facto manager of a group that carries out activities the aim or effect of which is to create, maintain or exploit the psychological or physical dependency of those who participate in them, the penalty is increased to five years' imprisonment and to a fine of €750, 000.

Art. 224-1 (Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The arrest, abduction, detention or imprisonment of a person without an order from an established authority and outside the cases provided by law is punished by twenty years' criminal imprisonment. The first two paragraphs of article 132-23 governing the safety period are applicable to this offence. However, where the person detained or imprisoned is voluntarily freed within seven days of his

capture, the sentence is five years' imprisonment and a fine of €75,000, except in the cases as set out under article 224-2.

Art. 224-5

Where the victim of one of the felonies set out under articles 224-1 to 224-4 is a minor under fifteen years of age, the penalty is increased to criminal imprisonment for life where the offence is punished by thirty years' criminal imprisonment and to thirty years' criminal imprisonment where the offence is punished by twenty years' criminal imprisonment. The first two paragraphs of article 132-23 governing the safety period are applicable in the cases set out under the present article.

Art. 225-4-1

Human trafficking is the recruitment, transport, transfer, accommodation, or reception of a person in exchange for remuneration or any other benefit or for the promise of remuneration or any other benefit, in order to put him at the disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of procuring, sexual assault or attack, exploitation for begging, or the imposition of living or working conditions inconsistent with human dignity, or to force this person to commit any felony or misdemeanour.

Human trafficking is punished by seven years' imprisonment and by a fine of €150,000.

Art. 225-4-2

The offence under Art. 225-4-1 is punished by 10 years' imprisonment and by a fine of €1,500,000 when it is committed:

- 1° against a minor;
- 2° against a person whose particular vulnerability due to age, sickness, infirmity, to a physical or psychological disability, or to pregnancy, is apparent or known to the perpetrator;
- 3° against two or more people;
- 4° against a person who is outside the territory of the French Republic or upon his arrival on the territory of the French Republic;
- 5° when the person has been brought into contact with the perpetrator through the use of a telecommunications network for the distribution of messages to a non-specified audience;
- 6° in circumstances which directly expose the person against whom the offence is committed to the immediate risk of death or of injuries of a nature to cause mutilation or a permanent disability;
- 7° with the use of threats, constraints, violence or fraudulent behaviour against the party concerned, his family or someone who has a regular relationship with him;
- 8° by a legitimate, natural or adoptive ascendant of the victim of the offence provided for by Art. 225-4-1 or by a person holding authority over him or who misuses the authority conferred by his position;
- 9° by a person whose post requires him to participate in the fight against human trafficking or to uphold public order.

Art. 225-4-3

When it is committed by an organised gang, the offence provided for by Art. 225-4-1 is punished by 20 years' imprisonment and by a fine of €3,000,000.

Art. 225-4-4

The offence provided for by Art. 224-4-1, when committed with recourse to torture or acts of barbarity, is punished by life imprisonment and by a fine of €4,500,000.

Art. 225-4-5

When the felony or misdemeanour committed or to be committed against the victim of the offence of human trafficking is punishable by a custodial sentence longer than the prison sentence applicable

under Articles 225-4-1 to 225-4-3, the human trafficking offence is punishable by sentences applicable to the felonies or misdemeanours of which the perpetrator was aware, and if this felony or misdemeanour is accompanied by aggravating circumstances, by the penalties applicable only to the aggravating circumstances of which the perpetrator had knowledge.

Art. 225-4-6

Legal persons can be declared criminally responsible, under the provisions of Art. 121-2, for the offences provided for in the present section. The penalties incurred by legal persons are:

- 1° a fine, subject to the terms of Art. 131-38;
- 2° the penalties mentioned by Art. 131-39.

Art. 225-4-7

Attempt to commit the offences provided for by the present section is punished by the same penalties.

Art. 225-4-8

Being unable to account for resources corresponding to one's lifestyle while being in close contact with one or more victims or perpetrators of the offences provided for by Articles 225-4-1 to 225-4-6 is punished by 7 years' imprisonment and by a fine of €750,000.

Art. 225-4-9

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and, where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator of or the accomplice to the offence is reduced by half if, by alerting the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices. Where the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

Art. 225-5

Procuring is where any person, in whatsoever manner:

- 1° helps, assist or protects the prostitution of others;
- 2° makes a profit out of the prostitution of others, shares the proceeds of it or receives income from a person engaging habitually in prostitution;
- 3° hires, trains or corrupts a person with a view to prostitution or exercises on such a person pressure to practice prostitution or to continue doing so.

Procuring is punished by seven years' imprisonment and a fine of €150,000.

Art. 225-6

The following acts committed by any person and in whatever manner are assimilated to procuring and are punished by the penalties set out under Art. 225-5:

- 1° acting as an intermediary between two persons one of whom is engaged in prostitution and the other exploits or remunerates the prostitution of others;
- 2° facilitating the justification of a procurer's fictitious resources;
- 3° being unable to account for an income compatible with one's lifestyle while living with a person habitually engaged in prostitution or while entertaining a habitual relationship with one or more persons engaging in prostitution;

4° obstructing operations of prevention, control, assistance or re-education undertaken by institutions qualified to deal with persons in danger of prostitution or engaging in prostitution.

Art. 225-7

Procuring is punished by ten years' imprisonment and a fine of €1,500,000 where it is committed:

- 1° in respect of a minor;
- 2° in respect of a person whose particular vulnerability, due to age, sickness, to a infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the offender;
- 3° in respect of two or more persons;
- 4° in respect of a person who was incited to engage in prostitution either outside the territory of the French Republic, or upon arrival on the territory of the French Republic;
- 5° by a legitimate, natural or adoptive ascendant of the person engaged in prostitution or by a person holding authority over him or who misuses the authority conferred on him by his position;
- 6° by a person called upon to take part, by virtue of his position, in the fight against prostitution, in the protection of health or in the keeping of the public peace;
- 7° by a person bearing a weapon;
- 8° with the use of constraint, violence or fraudulent behaviour;
- 9° by two or more acting as offenders or accomplices, although not constituting an organised gang.
- 10° through the use of a communications network for the distribution of messages to a non-specified audience.

The first two paragraphs of Art. 132-23 governing the safety period are applicable to the offences set out under the present Article.

Art. 225-7-1

The offence of procuring is punished by fifteen years' criminal imprisonment and a fine of €3,000,000 where it is committed against a minor under the age of fifteen.

Art. 225-8

The offence of procuring defined under Art. 225-7 is punished by twenty years' criminal imprisonment and a fine of €3,000,000 where it is committed by an organised gang.

The first two paragraphs of Art. 132-23 governing the safety period are applicable to the offence set out under the present Article.

Art. 225-9

The offence of procuring committed by resorting to torture or acts of barbarity is punished by criminal imprisonment for life and a fine of €4,500,000.

The first two paragraphs of Art. 132-23 governing the safety period are applicable to the offence provided for by the present Article.

Art. 225-10

A penalty of ten years' imprisonment and a fine of €750,000 is incurred by anyone who, acting directly or through an intermediary:

- 1° holds, manages, exploits, directs, operates, finances or contributes to finance a place of prostitution;
- 2° holding, managing, exploiting, directing, operating, financing or contributing to finance any given place open to the public or used by the public, accepts or habitually tolerates one or more persons to engage in prostitution within the premises or their annexes, or solicits clients in such premises with a view to prostitution;
- 3° sells or makes available to one or more persons any premises or places not open to the public, in the knowledge that they will there engage in prostitution;

4° sells, hires or makes available in any way whatsoever vehicles of any type to one or more persons knowing that they will engage in prostitution in them.

The first two paragraphs of Art. 132-23 governing the safety period are applicable to the offences set out under 1° and 2° of the present Article.

Art. 225-11

Attempt to commit the misdemeanours set out under the present section is subject to the same penalties.

Art. 225-11-1

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and, where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator or the accomplice to the offence is reduced by half if, by alerting the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices. Where the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

Art. 225-12

Legal persons may be convicted of the offences defined by Articles 225-5 to 225-10, pursuant to the conditions set out under Art. 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under Art. 131-38;

2° the penalties set out under Art. 131-39.

Art. 225-10-1

Publicly soliciting another person by any means, including passive conduct, with a view to inciting them to engage in sexual relations in exchange for remuneration or a promise of remuneration is punished by two months' imprisonment and by a fine of €3,750.

Art. 225-12-1

Soliciting, accepting or obtaining, in exchange for remuneration or a promise of a remuneration, relations of a sexual nature with a minor who engages in prostitution, even if not habitually, is punished by three years' imprisonment and a fine of €45,000.

Soliciting, accepting or obtaining in exchange for remuneration or a promise of remuneration, sexual relations with a person whose particular vulnerability, due to age, sickness, infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the offender, and who engages in prostitution, even if not habitually, is punished by the same penalties.

Art. 225-12-2

The penalty is increased to five years' imprisonment and to €75,000:

1° where the offence is committed habitually or against more than one person;

2° where the person was put in contact with the offender by the use, for the dissemination of messages to an unrestricted public, of a communication network;

3° where the offence was committed by a person abusing the authority conferred upon him by his position.

The penalty is increased to seven years' imprisonment and to a fine of €100,000 where the offence was committed against a minor under fifteen years of age.

Art. 225-12-3

Where the misdemeanours referred to under Articles 225-12-1 to 225-12-2 are committed abroad by a French national or by a person habitually resident on French territory, French law is applicable notwithstanding the second paragraph of Art. 113-6, and the provisions of the second sentence of Art. 113-8 do not apply.

Art. 225-12-4

A legal person may incur criminal liability, pursuant to the conditions set out under Art. 121 -2, for the offences defined under this Section of the present Code.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under Art. 131-38;

2° the penalties enumerated in Art. 131-39.

The prohibition under 2° of Art. 131-39 applies to the activity in the exercise of which or on the occasion of the exercise of which the offence was committed.

Art. 227-22 (Act no. 98-468 of 17 June 1998 Article 16 Official Journal of 18 June 1998) (Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002) (Act no. 2004-204 of 9 March 2004 article 6 VII Official Journal of 10 March 2004)

Assisting or attempting to assist in the corruption of a minor is punished by five years' imprisonment and a fine of €75,000. The penalty is increased to seven years' imprisonment and a fine of €100,000 where the minor is under fifteen years of age, where the minor was put in contact with the offender by the use, for the dissemination of messages to an unrestricted public, of a telecommunications network, or where the offence is committed inside a learning or educational institution or, when the pupils are entering or leaving, outside such an institution. The same penalties are in particular applicable to the organisation, by an adult, of meetings involving indecent exposure or sexual relations at which minors are present or are participating. The penalties are increased to ten years' imprisonment and to fine of €1,000,000 where the offence was committed by an organised gang.

Art. 227-23

Taking, recording or transmitting a picture or representation of a minor with a view to circulating it, where that image or representation has a pornographic character, is punished by three years' imprisonment and a fine of €45,000.

Attempting to do so is subject to the same penalties.

The same penalty applies to offering or distributing such a picture or representation by any means, and to importing or exporting it, or causing it to be imported or exported.

The penalties are increased to five years' imprisonment and a fine of €75,000 where use was made of a communication network for the circulation of messages to an unrestricted public in order to circulate the image or representation of a minor.

Possessing such an image or representation is punished by two years' imprisonment and a fine of €30,000.

The offences set out in the second, third and fourth paragraphs are punished by ten years' imprisonment and by a fine of €500,000 where they are committed by an organised gang.

The provisions of the present Art. also apply to the pornographic images of a person whose physical appearance is that of a minor unless it is proved that the person was over eighteen on the day his picture was taken or recorded.

Art. 227-24

The manufacture, transport, distribution by whatever means and however supported, of a message bearing a pornographic or violent character or a character seriously violating human dignity, or the trafficking in such a message, is punished by three years' imprisonment and a fine of €75,000, where the message may be seen or perceived by a minor.

Where the offences under the present Art. are committed through the press or by broadcasting, the specific legal provisions governing those matters are applicable to define the persons who are responsible.

Art. 227-25

The commission without violence, constraint, threat or surprise of a sexual offence by an adult on the person of a minor under fifteen years of age is punished by five years' imprisonment and a fine of €75,000.

Art. 227-26

The offence set out under Art. 227-25 is punished by ten years' imprisonment and a fine of €150,000:

- 1° when it was committed by a legitimate, natural or adoptive ascendant or by any other person having authority over the victim;
- 2° when it was committed by a person abusing the authority conferred by his position;
- 3° when it was committed by two or more persons acting as perpetrators or accomplices;
- 4° when the minor was put in contact with the offender by using a telecommunications network for the dissemination of messages to an unrestricted public.

Art. 227-27

Sexual acts committed without violence, constraint, threat or surprise on a minor aged over fifteen and not emancipated by marriage are punished by two years' imprisonment and a fine of €30,000:

- 1° where they are committed by a legitimate, natural or adoptive ascendant or by any other person having authority over the victim;
- 2° where they are committed by a person abusing the authority conferred by his functions.