

Chile

National Child Protection Legislation

National Legislation

- Age of Child – Infant – Under 7 years; Prepubescent – Under 14 years; Minor – Under 18 years
[Civil Code](#)

Art. 26

Every child who has not attained seven years is called an infant or child; every child who has not reached fourteen years and the woman who has not turned twelve is called prepubescent; and anyone who is no longer prepubescent is an adult; everyone who has turned eighteen is considered of age; and a minor is anyone who has not reached eighteen years of age.

Art. 270

The legal emancipation is carried out:

4. When the child has completed eighteen years of age.

- Age of Consent – 14 years

[Criminal Code](#)

Art. 362

Any person who accesses a person under the age of fourteen through a sexual, vaginal, anal or oral route, shall be punished with imprisonment in any degree, even if there is no circumstance listed in the preceding article.

- Age of Marriage – 18 years

[Civil Code](#)

Title IV – Of Marriage

Art. 106

Those who have completed eighteen years will not be required to obtain the consent of any person.

Art. 107

Those who have not reached the age of eighteen years cannot marry without the express consent of their parents; if one of them is missing, that of the other parent; or in the absence of both, that of the ascendant or of the ascendants of the nearest degree. In case of equality in number of opposite votes, the one favorable to marriage will be preferred.

- Age of Criminal Responsibility – 18 years

[Criminal Code](#)

Art. 10

They are exempt from criminal liability:

2. The child under eighteen years. The responsibility of minors under the age of eighteen and over fourteen will be regulated by the provisions of the law on juvenile criminal responsibility.

[Juvenile Criminal Responsibility Law](#)

Art. 3 – Age limits to liability

The present law shall apply to those who, at the moment when the principle of execution of the offense was given, are over fourteen and under eighteen years of age, who, for the purposes of this law, are considered adolescents.

In the event that the offense begins between fourteen and eighteen years of the accused and consummation extends beyond the age of eighteen years, the applicable legislation will be the one that applies to the accused of legal age.

The age of the accused must be determined by the competent judge in any of the forms established in Title XVII of Book I of the Civil Code.

▪ **Extraterritoriality**

[Criminal Code](#)

Art. 5

Chilean criminal law is mandatory for all inhabitants of the Republic, including foreigners. Crimes committed within the territorial or adjacent sea are subject to the provisions of this Code.

Art. 6

The crimes or misdemeanors committed outside the territory of the Republic by Chileans or foreigners, will not be punished in Chile except in cases determined by law.

▪ **Dual Criminality**

[Criminal Procedure Code](#)

Art. 449 – Failure of passive extradition

The court will grant extradition if it considers proven the existence of the following circumstances:

- a) The identity of the person whose extradition is requested;
- b) That the offense imputed to him or that for which he has been convicted is of those that authorize extradition according to the treaties in force or, in the absence of these, in accordance with the principles of international law, and;
- c) That from the background of the procedure it could be presumed that **in Chile an indictment would be deduced** against the accused for the facts attributed to him.

The corresponding sentence will be dictated, in writing, within the fifth day of the end of the hearing.

▪ **Mandatory reporting requirements**

[Criminal Procedure Code](#)

Art. 173 – Reporting

Any person may communicate directly to the public prosecutor the knowledge he has of the commission of an act that has the character of a crime.

The complaint may also be made to the officials of Carabineros de Chile (national police force), the Investigative Police, the Gendarmerie of Chile in the cases of crimes committed within the prisons, or before any court with criminal jurisdiction, all of whom must do so. get immediately to the public ministry.

Art. 174 – Form and content of the report

The complaint may be made by any means and must contain the identification of the complainant, address of residence, detailed narration of the event, the designation of those who committed it and of the persons who had witnessed it or who had news of it, and all of the information the of which the complainant has knowledge.

In the case of the verbal complaint, a record will be filed in the presence of the complainant, who will sign it together with the official who receives it. The written complaint will be signed by the complainant. In both cases, if the complainant cannot sign, a third party will do so at his request.

Art. 175 – Mandatory reporting

The following are required to report:

- a) The members of Carabineros de Chile (national police force), the Investigative Police of Chile, and the Gendarmerie (military police), all the crimes that they witness or of which they are informed. The members of the Armed Forces will also be obliged to report all the crimes of which they became aware in the exercise of their functions;
- b) Prosecutors and other public employees, the offenses of which they become aware in the exercise of their functions and, especially, where appropriate, those that they notice in the ministerial conduct of their subordinates;
- c) Heads of ports, airports, train or bus stations or other means of locomotion or cargo, captains of ships or commercial aircraft navigating in the territorial sea or territorial space, respectively, and drivers of trains, buses or other means of transport or cargo, crimes committed during the trip, in the precincts of a station, port or airport or on board the ship or aircraft;
- d) Heads of hospital establishments or private clinics and, in general, professionals in medicine, dentistry, chemistry, pharmacy and other branches related to the conservation or restoration of health, and those who exercise auxiliary services, that they notice signs of poisoning or other crime in a person or in a corpse; and
- e) The **directors, inspectors and teachers of educational establishments of all levels**, the crimes that affect the students or that have taken place in the establishment.

The complaint made by any of the parties in this article will exempt the rest.

Art. 176 – Deadline to report

Persons indicated in the previous article must file a report within the twenty-four hours following the moment they become aware of the criminal act. With respect to the captains of ships or aircraft, this period shall be counted from arrival at any port or airport of the Republic.

Art. 177 – Failure to comply with the obligation to report

The persons indicated in article 175 who omit to file a report that is prescribed will incur the penalty provided in article 494 of the Penal Code, or a corresponding penalty indicated in special provisions.

The penalty for the crime in question will not be applicable when it appears that the person who omitted to file the report risked the criminal prosecution of their self, his or her spouse or relatives, descendants or siblings.

Art. 178 – Responsibility and rights of the complainant

The complainant shall not incur any liability other than that corresponding to the offenses committed by him or her on the occasion of the complaint. Nor will the complainant acquire the right to intervene later in the proceeding, without prejudice to the rights that may correspond to the complainant in the case of being a victim of the crime.

[Criminal Code](#)

Art. 369

One cannot proceed because of the crimes provided in articles 361 to 366 quáter, without, at least, the fact being reported to the justice system, to the Public Ministry or to the police by the person offended or by his legal representative.

If the offended person cannot freely make the complaint by itself, or have legal representative, or if, having it, is disabled or involved in the crime, may proceed ex officio by the Public Prosecutor, who will also be entitled to deduct civil actions referred to in article 370. Without prejudice to the foregoing, any person who takes cognizance of the fact may report it.

However, in the case of underage victims, the provisions of the second paragraph of Article 53 of the Criminal Procedure Code will apply.

If a spouse or partner commits any of the offenses set forth in paragraphs 5 and 6 of this Title against the one with whom they live together, the process may be terminated at the request of the offended party, unless for well-founded reasons the judge does not agree.

[Law No. 20.536 About School Violence 2011](#)

Art. 16 D

Any type of physical or psychological violence committed by any means against a student who is a member of the educational community, carried out by anyone who holds a position of authority, be it director, teacher, assistant of education or other, as well as that exercised by an adult of the educational community against a student.

The fathers, mothers, legal guardians, education professionals and assistants, as well as the teaching teams and directors of educational establishments, **must report situations of physical or psychological violence, aggression or harassment** that affect a student member of the educational community of which they take notice/have knowledge, all in accordance with the internal regulations of the establishment.

If the authorities of the establishment do not adopt corrective, pedagogical or disciplinary measures provided in their own internal regulations, they may be sanctioned in accordance with the provisions of article 16 of this legal body.

- **Obligations of Educational Institutions**

[General Education Law](#)

Art. 46

The Ministry of Education will officially recognize the educational establishments that teach at the educational levels nursery, basic and middle, when they request it and comply with the following requirements:

- g) Have appropriate necessary teaching staff and assistant personnel with sufficient education allowing them to fulfill the functions that correspond to them, attending the level and modality of the subject they teach and the number of students they attend.

In the case of pre-school and basic education, a qualified teacher will be understood as one who holds the title of education professional of the respective level and specialty when appropriate, or is qualified to exercise the teaching function according to current legal standards.

In secondary education, a qualified teacher will be understood as one who holds to the title of education professional of the respective level and specialty when appropriate, or is qualified to exercise the teaching function according to current legal standards, or is in possession of a professional title or bachelor's degree of at least 8 semesters, from an accredited university, in an area related to the specialty taught, for which you will be authorized to teach for a maximum period of three years renewable by two others, continuously or discontinuously and at the sole request of the director of the establishment. After five years, to continue teaching, he or she must have the professional title of the respective education or be pursuing studies leading to said degree or accredited teaching competencies according to what the regulation establishes. This regulation may only establish the instruments of evaluation of disciplinary knowledge and pedagogical practices as the ideal means to accredit teaching competences.

The teachers qualified according to the law and assistant education personnel must, in addition, **have moral suitability, meaning that they have not been convicted of crime or simple crime** of those referred to in Title VII of Book II of the Penal Code, and, or Law No. 20,000, which sanctions illicit drug trafficking and Law No. 20,066, which sanctions intrafamily violence.

[Law No. 20.536 On School Violence 2011](#)

Art. 16 D

Any type of physical or psychological violence committed by any means against a student who is a member of the educational community, carried out by anyone who holds a position of authority, be it director, teacher, assistant of education or other, as well as that exercised by an adult of the educational community against a student.

The fathers, mothers, legal guardians, education professionals and assistants, as well as the teaching teams and directors of educational establishments, **must report situations of physical or psychological violence, aggression or harassment** that affect a student member of the educational community of which they take notice/have knowledge, all in accordance with the internal regulations of the establishment.

If the authorities of the establishment do not adopt corrective, pedagogical or disciplinary measures provided in their own internal regulations, they may be sanctioned in accordance with the provisions of article 16 of this legal body.

- **Prohibition to hold certain positions**

[Criminal Code](#)

Penalties

Absolute temporary disqualification for positions, jobs, trades or professions exercised in educational areas or involving a direct and habitual relationship with minors.

Absolute temporary disqualification for positions, jobs, trades or professions exercised in educational areas, health or involving a direct and habitual relationship with children under eighteen years of age, seniors or people with disabilities.

Art. 39

The penalties of perpetual and temporary special disqualification for any office or public office holder or profession produce:

1. The deprivation of positions, jobs, trades and professions, and the honors attached to it, perpetually if the disqualification is perpetual, and for the duration of the sentence if it is temporary.
2. The inability to obtain such position, employment, occupation or profession or others in the same career track, perpetually when the disqualification is perpetual, and for the duration of the sentence if it is temporary.

Art. 39 bis

The penalties of absolute perpetual or temporary disqualification for positions, jobs, trades or professions exercised in educational fields or involving a direct and habitual relationship with minors, provided under Article 372 of this Code, produces:

1. The deprivation of all positions, jobs, trades and professions exercised in educational areas or involving a direct and habitual relationship with minors under the age of conviction.
2. The inability to obtain the positions, jobs, trades and professions mentioned, perpetually when the disqualification is perpetual, and if the disqualification is temporary, the inability to obtain them before the expiration of the time of the disqualification conviction, counted from the moment the sentence is executed, conditions freedom is obtained, or the execution of some of the penalties of law No. 18.216 are initiated as a substitute for the main penalty.

The penalty of temporary absolute disqualification dealt with in this article has an extension of three years and one day to ten years and is divisible in the same way as the temporary absolute and special disqualification penalties.

Art. 372

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A person who commits any of the offenses set forth in articles 362, 365 bis, 366 bis, 366 quater, 366 quinquies and 372 bis, against a minor under fourteen years of age, shall be sentenced in addition to the penalty of perpetual absolute disqualification for positions, jobs, trades or professions exercised in educational areas or involving a direct and habitual

relationship with minors. The same penalty shall apply to anyone who commits any of the offenses established in articles 142 and 433 N ° 1 of this Code, when any of the victims has suffered a violation and is under fourteen years of age.

If any of the crimes indicated in articles 361, 363, 365 bis, 366, 366 quater, 366 quinquies, 367, 367 ter and 372 bis is committed against a minor over fourteen years of age, the guilty party shall be further convicted to the penalty of temporary absolute disqualification for positions, jobs, trades or professions exercised in educational areas or involving a direct and habitual relationship with minors, in any of its degrees. The same penalty shall be imposed on anyone who commits any of the offenses established in articles 142 and 433, No. 1, of this Code, when any of the victims has suffered a violation and is a minor but over fourteen years of age.

Art. 403 quáter

Anyone who commits any of the offenses referred to in paragraphs 1 [*homicide*], 3 [*lesión corporal / corporal or physical injury*] and 3 bis [*maltreatment of children, the elderly or people with special needs*] of title VIII of book II of this Code, against a minor under eighteen years of age, older adult or person with a disability, will also be sentenced to the penalty of temporary absolute disqualification to exercise the positions contemplated in article 39 ter, in any of its degrees. In case of recidivism in crimes of the same kind, the judge may impose absolute perpetual disqualification.

- **Employment Law**

No information found.

- **Private Fostering**

No information found.

- **Criminal Law – Defamation**

[Criminal Code](#)

Part 6 – Slander

Art. 412

Slander is the imputation of a specific but false crime and can currently be prosecuted ex officio.

Art. 413

Slander propagated in writing and with publicity shall be punished:

1. With the penalties of minor imprisonment in its middle degree and a fine of eleven to twenty vital salaries, when a crime is imputed.
2. With those of minor imprisonment in its minimum degree and a fine of six to ten vital salaries, if a simple offense is imputed.

Art. 414

Not propagating slander with publicity and in writing, shall be punished:

1. With the penalties of minor imprisonment in its minimum degree and a fine of six to fifteen vital salaries, when a crime is imputed.

2. With those of minor imprisonment in its minimum degree and a fine of six to ten vital salaries, if a simple offense is imputed.

Art. 415

The defendant of slander shall be exempt from any penalty by proving the criminal act with which he has been charged.

The sentence in which the slander is declared, if the offended one requests it, will be published for once at the expense of the accused in the newspapers that he designates, not exceeding three.

Part 7 – Insults

Art. 416

Insult is every proffered expression or action executed to dishonor, discredit or disparage another person.

Art. 417

Serious insults constitute:

1. The imputation of a crime or simple crime that does not give rise to ex officio proceedings.
2. The imputation of a crime or simple crime punishable or prescribed.
3. That of a vice or lack of morality the consequences of which may significantly harm the fame, credit or interests of the victim.
4. Insults that by their nature, occasion or circumstances were understood by the public as affronts.
5. Those that rationally deserve the classification of serious attention to the state, dignity and circumstances of the victim and the offender.

Art. 418

Serious insults made in writing and with publicity will be punished with the penalties of minor imprisonment in its minimum to medium degrees and a fine of eleven to twenty vital salaries. Not attending those circumstances, the penalties will be minor imprisonment in its minimum degree and a fine of six to ten vital salaries.

Art. 419

Minor insults will be punished with the penalties of minor imprisonment in its minimum degree and a fine of six to ten vital salaries when they are made in writing and with publicity. Not attending these circumstances will be punishable as faults.

Art. 420

The defendant of insult will not admit proof about the truth of the accusations, but when these are directed against public employees on facts concerning the exercise of their position. In this case, the defendant will be acquitted if he proves the truth of the accusations.

Part 8 – Provisions common to the two previous paragraphs

Art. 421

The crime of slander or insult is committed not only manifestly, but by means of allegories, caricatures, emblems or allusions.

Art. 422

Slander and insult are said to be made in writing and with publicity when they are propagated by means of posters or papers posted in public places; for printed papers, not subject to the law of printing, lithographs, engravings or manuscripts communicated to more than five persons, or for allegories, cartoons, emblems or allusions reproduced by means of lithography, engraving, photography or any other procedure.

Art. 423

The defendant accused of slander or insult, concealed or equivocal, who refuses to give satisfactory explanations about it, will be punished as a defendant of libel or slander.

Art. 425

Regarding slander or insult published by means of foreign newspapers, those who, from the territory of the Republic, have sent the articles or given order for their insertion, or contributed to the introduction or publication of these newspapers in Chile may be prosecuted with manifest intention of spreading slander or insult.

Art. 426

Slander or insult caused in the trial will be judged (in a disciplinary process) by the court hearing the case without prejudice to the offended party's right to bring a corresponding criminal action once the process has concluded.

Art. 427

Expressions that may be considered slanderous or injurious, consigned in an official document, not intended for publicity, on matters of public service, do not give the right to criminally accuse the person who consigned them.

Art. 428

The defendant for slander or insult may be relieved of the penalty imposed by the accuser's pardon; but the remission will not produce an effect with respect to the fine once it has been satisfied.

Slander or insult shall be understood as tacitly remitted when there have been positive acts that, in the opinion of the court, imply reconciliation or abandonment of the action.

Art. 430

In the case of slander or reciprocal insults, the following rules shall be observed:

1. If the most serious of the slander or reciprocal insults inferred deserve the same penalty, the court shall consider them all compensated.
2. When the most serious of the slanders or insults imputed by one of the parties, has indicated greater punishment than the most serious of those charged by the other, by imposing the penalty corresponding to that will be reduced to the one assigned to it.

Art. 431

The action of slander or insult prescribes in a year, counted from the time the offended had or could rationally have knowledge of the offense.

The same rule shall be observed with regard to the other persons enumerated in article 108 of the Criminal Procedure Code; but the time elapsed since the offended had or could have

knowledge of the offense until his death, will be taken into account when computing the year during which this action can be exercised by the persons included in said article.

Slander or insult action cannot be instituted after five years, counted from the time the offense was committed. But if the slander or insult has been caused in court, this period shall not prevent the calculation of the year during which the action may be exercised.

Sexual Offenses Against Children

Criminal Code

Part 5 – Of the Violation

Art. 361

Rape will be punished with the penalty of major imprisonment in its minimum to medium degree.

Anyone who accesses sexually, vaginally, anally or orally, a person over 14 years of age, in any of the following cases, commits a rape:

- 1- When using force or intimidation.
- 2- When the victim is deprived of sense, or when their inability to oppose is exploited.
- 3- When the alienation or mental disorder of the victim is abused.

Art. 362

Any person who accesses sexually, vaginally, anally or orally, a person under the age of fourteen, will be punished with imprisonment in any degree, even if there is no circumstance listed in the preceding article.

Art. 363

One who physically sexually accesses vaginally, anally or orally, a person who is under the age of fourteen years, and concurrently with any of the following circumstances shall be punished with minor imprisonment in its maximum degree to major imprisonment in its minimum degree:

1. When a temporary anomaly or mental disturbance that is minor, not constituting alienation or mental disorder, of the victim is abused.
2. When a relationship of dependence of the victim is abused, as in cases in which the aggressor is in charge of their custody, education or care, or has an employment relationship with them.
3. When the grave distress of the victim is abused.
4. When the victim is deceived through the abuse of their sexual inexperience or ignorance.

Art. 365

A person who accesses a child under the age of eighteen years of the same sex, regardless of the circumstances of the offenses of rape or statutory rape, will be punished with minor imprisonment in their minimum to medium degrees.

Art. 365 bis

If the sexual action consists of the introduction of objects of any kind, vaginally, anally or orally, or animals are used, the accused shall be punished:

1. with imprisonment in its minimum to medium degree, if any of the circumstances listed in Article 361 are met;
2. with major imprisonment in any degree, if the victim is under fourteen years of age, and

3. with minor imprisonment in its maximum degree to major imprisonment in its minimum degree, if any of the circumstances listed in Article 363 are met and the victim is a minor, but over fourteen years of age.

Art. 366

The person who abusively performs a sexual action other than sexual intercourse with a person over fourteen years of age shall be punished with minor imprisonment in its maximum degree, when the abuse meets any of the circumstances enumerated in article 361.

The same penalty shall be applied when the abuse meets any of the circumstances enumerated in article 363, provided that the victim is over fourteen and under eighteen years of age.

Art. 366 bis

Whoever performs a sexual act other than carnal access with a person under the age of fourteen shall be punished with the penalty of a minor imprisonment in its maximum degree to maximum imprisonment in its minimum degree.

Art. 366 ter

For the purposes of the three preceding articles, sexual act means any act of sexual significance and relevance carried out through body contact with the victim, or that affected the genitals, anus or mouth of the victim, even when there was no body contact with her.

Art. 366 quater

Whoever, without performing a sexual action in the previous terms, to seek sexual excitement or sexual excitement of another, perform actions of sexual significance before a person under the age of fourteen, make him or her see or hear pornographic material or witness shows of the same character, will be punished with minor imprisonment in its medium to maximum degree.

If, for the same purpose of procuring their sexual arousal or the sexual arousal of another, one causes a person under the age of fourteen to perform sexual acts in front of him/her or another or to send, deliver or display images or recordings of him or herself or another person under 14 years of age, with sexual significance, the penalty shall be minor imprisonment in its maximum degree.

Whoever performs any of the behaviors described in the preceding paragraphs with a person who is under age but over fourteen years of age, with any of the circumstances listed in number 1 of article 361 or those listed in article 363 or by threats under the terms of Articles 296 and 297, shall have the same penalties indicated in the preceding paragraphs.

The penalties indicated in this article shall also apply when the offenses described therein are committed remotely, by any electronic means.

If in the commission of any of the offenses described in this article, the perpetrator falsifies his identity or age, the penalty applicable in a degree shall be increased.

Art. 366 quinques

Whoever will participate in the production of pornographic material, whatever their medium, in whose production a person under eighteen years of age has been used, will be sanctioned with minor imprisonment in its maximum degree.

For the purposes of this article and article 374 bis, pornographic material in the elaboration of which

minors under eighteen years of age have been used, any representation of these dedicated to explicit, real or simulated sexual activities, or any representation of their genital parts with primarily sexual purposes, or all representation of said minors in which their voice or image is used, with the same purposes.

Art. 367

Anyone who promotes or facilitates the prostitution of minors to satisfy the desires of another, will suffer the penalty of minor imprisonment in its maximum degree.

If habitual, abuse of authority or confidence or deception occurs, the penalties of major imprisonment in any of its degrees and a fine of thirty-one to thirty-five monthly tax units will be imposed.

Art. 367 ter

Whoever, in exchange for money or other benefits of any nature, obtains sexual services from persons over fourteen but under eighteen years of age, without the circumstances of rape or statutory rape, shall be punished with minor imprisonment in its maximum degree.

Art. 368

If the offenses set forth in the two preceding paragraphs have been committed by a public authority, minister of a religious cult, guardian, **teacher**, employee or person in charge of any title or cause of **education**, care, treatment or care of the offended party, it shall be imposed on the person responsible the punishment indicated to the offense excluding its minimum degree, if it consists of two or more degrees, or of its lower half, if the penalty is a degree of a divisible one. The same rule will apply to those who have committed the aforementioned crimes against a minor on the occasion of functions it organizes, even sporadically, on school premises, and to those who commit them during the school transportation service provided in any capacity.

Exceptions are cases in which the offense is of those that the law describes and penalty expresses the circumstances of using force or intimidation, abusing a relationship of the victim's dependence or abusing authority or trust.

Art. 368 bis

Without prejudice to the provisions of Article 63, for the offenses indicated in paragraphs 5 and 6 of this Title, the following shall be aggravating circumstances:

1. The 1st paragraph of article 12. (*pre-meditation*)
2. There are two or more perpetrators of the crime.

Art. 368 ter

When, in the commission of the crimes indicated in articles 366 quater, 366 quinquies, 367, 367 ter or 374 bis establishments or premises are used, with the knowledge of their owner or manager, or without their knowledge, the final closure of the establishment or premises may be decreed.

Likewise, during the respective judicial process, the temporary closure of said establishments or premises may be decreed as a precautionary measure.

Art. 374 bis

Whoever commercializes, imports, exports, distributes, disseminates or exhibits pornographic material, regardless of the medium, in the production of which minors under eighteen years of age have been used, shall be sanctioned with the penalty of minor imprisonment in its maximum degree.

Anyone who maliciously acquires or stores pornographic material, regardless of the medium, in the production of which minors under eighteen years of age have been used, will be punished with minor imprisonment in its medium degree.

Art. 374 ter

The commercialization, distribution and exhibition behaviors indicated in the previous article shall be understood to have been committed in Chile when they are carried out through a telecommunications system that is accessed from national territory.

Art. 403 bis

Anyone who, in a relevant manner, physically abuses a child or adolescent under eighteen years of age, an elderly person or a person in a situation of disability under the terms of Law No. 20,422 will be punished with imprisonment in any of its degrees or fine of one to four monthly tax units, unless the fact is constitutive of a crime of greater severity.

Those having a special duty of care or protection with regard to any of the persons referred to in the first paragraph, who, in a relevant manner, physically abuse or do not prevent their abuse, will be punished with the penalty of minor imprisonment in its minimum degree, except when the act constitutes a more serious offense, in which case only the penalty assigned by law will be applied to it.

Art. 403 ter

Whoever subjects one of the persons referred to in the first and second paragraphs of Article 403 bis to degrading treatment, seriously undermining their dignity, shall be punished with the penalty of minor imprisonment in its minimum degree.

Art. 403 quáter

Anyone who commits any of the offenses referred to in paragraphs 1 [homicide], 3 [*lesión corporal / corporal or physical injury*] and 3 bis [*maltreatment of children, the elderly or people with special needs*] of title VIII of book II of this code, against a minor under eighteen years of age, older adult or person with a disability, will also be sentenced to the penalty of temporary absolute disqualification to exercise the positions contemplated in article 39 ter in any of its degrees. In case of recidivism in crimes of the same kind, the judge may impose absolute perpetual disqualification.

Art. 411 quáter [Trafficking in Persons]

That through violence, intimidation, coercion, deception, abuse of power, exploitation of a situation of vulnerability or dependence on the victim, or the granting or receipt of payments or other benefits to obtain the consent of a person who has authority over another captures, transfers, receives or receives persons to be subjected to some form of sexual exploitation, including pornography, forced labor or services, servitude or slavery or similar practices, or organ harvesting, the penalty of imprisonment in its minimum to medium degrees and fine of fifty to one hundred monthly tax units will be imposed.

If the victim is a minor, even if there is no violence, intimidation, coercion, deception, abuse of power, taking advantage of a situation of vulnerability or dependence on the victim, or granting or receiving payments or other benefits to obtain the consent of a person who has authority over another, the penalties of major imprisonment in its medium degree and a fine of fifty to one hundred monthly tax units will be imposed.

The one that promotes, facilitates or finances the execution of the behaviors described in this article will be sanctioned as the perpetrator of the crime.

- **Female Genital Mutilation (FGM)**

No information found.