

Peru

National Child Protection Legislation

National Legislation

- Age of Child – **Children – Under 12 years of age; Adolescents – 12-18 years**
[Code of Children and Adolescents](#)
Art. 1 – Definition
A child is considered every human being from its conception until twelve years of age and adolescent from twelve until the age of eighteen years old.
- Age of Consent – **14 years of age**
[Penal Code](#)
Art. 173 – Sexual violation (rape) of a minor
Whoever has sexual intercourse by vaginal, anal or oral route or performs any other analogous act with the introduction of an object or part of the body by one of the first two routes, with a minor under fourteen years of age, will be punished with life imprisonment.
- Age of Marriage – **18 years of age**
[Civil Code](#)
Art. 241 – Absolute Impediments
The following cannot contract in marriage:
 1. Adolescents. The judge can remove the impediment for reasons justified, provided that the parties are at least sixteen years old and expressly communicate their desire to marry.
Art. 244 – Requirements for marriage between minors
Minors, in order to marry, need the express consent of their parents. The discrepancy between the parents amounts to assent.
...
- Age of Criminal Responsibility – **18 years of age**
[Penal Code](#)
Art. 20
Is exempt from criminal liability:
 2. The child under 18 years of age;
...

- **Extraterritoriality**

[Penal Code](#)

Art. 2 – Principle of Extraterritoriality, Real or Defense Principle and Principle of Active and Passive Personality

The Peruvian Criminal Law applies to all crimes committed abroad, when:

1. The agent is an official or public servant in the performance of his position;
2. Attempts against security or public safety or are treated as typified as money laundering, provided that they produce their effects in the territory of the Republic;

3. Aggravates the State and national defense; to the Powers of the State and the constitutional order or to the monetary order;
4. Is perpetrated against a Peruvian or by a Peruvian and the offense is provided as extraditable pursuant to Peruvian law, provided that it is also punishable in the State in which it was committed and the agent enters in any way into the territory of the Republic;
5. Peru is obliged to repress in accordance with international treaties.

Art. 3 – Principle of Representation

The Peruvian Criminal Law may be applied when, extradition is requested, the agent is not delivered to the competent authority of a foreign State.

Art. 4 – Exceptions to the Principle of Extraterritoriality

The provisions contained in article 2, paragraphs 2, 3, 4 and 5, do not apply:

1. When the criminal action has been extinguished according to one or another legislation;
2. When it comes to political crimes or facts related to them; and,
3. When the defendant has been acquitted abroad or the convicted person has complied with the sentence or it is prescribed or remitted.

If the agent has not fully complied with the sentence imposed, the process may be renewed before the courts of the Republic, but the part of the sentence served will be computed.

Art. 5 – Principle of Ubiquity

The place of commission of a crime is that in which the author or participant has acted or omitted the obligation to act or in which its effects take place.

■ **Dual Criminality**

Penal Code

Art. 2 – Principle of Extraterritoriality, Real or Defense Principle and Active and Passive Personality Principle

The Peruvian Criminal Law applies to all crimes committed abroad, when:

4. it is perpetrated against a Peruvian or by a Peruvian and the offense is extraditable pursuant to Peruvian law, provided that it is also punishable in the State in which it was committed, and the agent enters in any way into the territory of the Republic.

■ **Mandatory reporting requirements**

Code of Children and Adolescents

Art. 18 - Protection by the Directors of educational centers

The Directors of educational centers shall communicate to the competent authority the cases of:

- a) Physical abuse, psychological abuse, harassment, sexual abuse and violence to the detriment of the students;
- e) Helplessness and other cases that imply a violation of the rights of the child and adolescent; ...

Art. 45 – Functions

1. The functions of the Ombudsman's Offices are:

h) Communicate or report the presumed faults, crimes or offenses against children and adolescents, to the competent authorities.

Art. 75 – Obligations of residential reception centers

The residential reception centers have the following obligations:

l) Report any alleged crime committed in aggravation of the child or adolescent to the Public Ministry.

Penal Code

Art. 407 – Failure to Report

Whoever fails to communicate to the authorities news he has about the commission of a crime, when he is obliged to do so for his profession or employment, shall be punished with imprisonment not exceeding two years.

If the unreported punishable offense is punishable in the law by imprisonment for more than five years, the penalty shall be not less than two nor more than four years.

If the omission is related to the crimes of genocide, torture or enforced disappearance, the penalty shall be not less than two nor more than six years.

[An Act to Prevent, Punish and Eradicate Violence against Women and Members of the Family Group](#)

Art. 15 – Complaint

A complaint can be presented in writing or orally. When dealing with a verbal complaint, a report is drawn up with no other requirement than to provide a succinct account of the facts.

The complaint may be filed by the injured party or by any other person on his behalf, without the need to have his representation. It can also be filed by the ombudsman's office. No attorney's signature, fee or any other formality is required.

Without prejudice to the above, health and education professionals must report cases of violence against women or members of the family group they know in the performance of their activity.

When the national police of Peru know of cases of violence against women or members of the family group, in any of its police stations nationally, it must bring the facts to the attention of the family courts or those who perform their functions within twenty-four hours of knowing the fact, sending the report that summarizes the act.

▪ **Obligations of Educational Institutions**

[Code of Children and Adolescents](#)

Art. 16 – To be respected by their educators

The child and the adolescent have the right to be respected by their educators and to question their evaluative criteria, being able to resort to higher instances if necessary.

Art. 18 - Protection by the Directors of educational centers

The Directors of educational centers shall communicate to the competent authority the cases of:

- a) Physical abuse, psychological abuse, harassment, sexual abuse and violence to the detriment of the students;
- b) Repeated repetition and school dropout;
- c) Repeated unjustified absences;
- d) Consumption of toxic substances;
- e) Helplessness and other cases that imply a violation of the rights of the child and adolescent;
- f) School performance of working children and adolescents; and,
- g) Other harmful facts.

[Regulation of Law N° 29988, law that establishes extraordinary measures for the educational and administrative personnel of public and private educational institutions, involved in crimes of terrorism, advocacy of terrorism, violation of sexual freedom and illicit drug trafficking, creates the registry of persons convicted or processed for the crime of terrorism, advocacy of terrorism, violation of sexual freedom and illicit drug trafficking and modifying articles 36 and 38 of the Criminal Code](#)

[See also, [Ley No. 29988](#)]

Art. 1 – Purpose of the rule

The purpose of this Regulation is to regulate the provisions that must be followed by educational institutions, decentralized educational management bodies, organs, or persons of public or private law, to definitively separate or dismiss teaching or administrative personnel sentenced with consent or enforceable judgment, as well as for their definitive disqualification or to detach preventively those who find themselves with an administrative or criminal complaint for the crimes referred to in Law N° 29988; as well as the implementation and use of information from the Registry of Persons Convicted or Prosecuted for the Crime of Terrorism, Advocacy of Terrorism, Violation of Sexual Freedom and Illicit Drug Trafficking, in accordance with the current legal framework.

Art. 3 – Persons included

This Regulation includes any person who, independently of the labor or contractual regime by which he/she provides services in any of the educational institutions, instances of decentralized educational management, organs or persons of public or private law described in the preceding article, has been sentenced with consent or enforceable judgment, or are within an investigation process for the clarification of the commission in any of the crimes referred to in Law N° 29988.

Art. 5 – Definitive separation or dismissal of the service

- 5.1** Definitive separation or dismissal in the public sector, in the cases that the personnel of some career regime has been condemned by the Judicial Power for the crimes indicated in the Law, is automatic and is made official by resolution of the competent authority. In the case of hired personnel, with the exception of the labor regime of private activity, the termination of the employment relationship is materialized through the termination of the contract.
- 5.2** In the case of personnel working in institutions or bodies referred to in Article 2 of these regulations, included in the labor regime of private activity, the employer communicates the termination of the contract through a dismissal letter, specifying the cause of the same and the date of completion of the contractual link.

- 5.3** Teaching or administrative staff that has a contract of a different nature to those included in the preceding numerals, is definitively separated by the corresponding contractual resolution.

Art. 6 – Impediment of entry or re-entry

Teaching or administrative staff that has been sentenced, with consent or enforceable resolution, for any of the crimes referred to in the Law, is permanently disabled to enter or re-enter the service in educational institutions, instances of decentralized educational management, bodies or persons of public or private law indicated in article 2 of these Regulations, under any labor or contractual regime. Disqualification is national in scope.

Art. 7 – Preventive Administrative Measure

- 7.1** In the case of public educational institutions, instances of decentralized educational management, organs or persons of public law indicated in article 2 of this standard; the highest administrative authority that takes cognizance of an administrative, criminal or procedural complaint for the commission of acts typified in any of the crimes indicated in the Law, by the teaching or administrative personnel must adopt the preventive measure provided for in article 44 of Law No. 29944, Law on Teacher Reform, within twenty-four (24) hours. In addition, in the case of administrative complaints, must communicate them, in the same period, to the police or Public Ministry.
- 7.2** In those cases in which the highest administrative authority becomes aware of the existence of a criminal proceeding against the teaching or administrative staff, by means of written, radio or television communication, among others, it must request of the competent authority, directly, or through the parties to the process, the pertinent information about the criminal complaint that allows it to adopt the preventive measure.
- 7.3** The preventive measure is materialized through a resolution. The adopted measure culminates with the conclusion of the administrative disciplinary process or judicial process, as appropriate. In case the two processes are processed simultaneously (administrative and judicial), the measure ends with the conclusion of both, unless administratively sanctioned with dismissal.
- 7.4** The preventive measure does not constitute sanction or demerit and does not suspend the payment of remunerations, as long as the teaching or administrative staff continue to provide services. In case the personnel subject to preventive measure is acquitted, they may return to the position they occupied.
- 7.5** If a convicted or executory sentence is pronounced against the personnel subject to preventive measure, the procedure established in articles 5 and 6 of this regulation is followed.
- 7.6** The preventive measure must not affect the provision of the service provided, and the continuity of the service must be guaranteed, adopting the corresponding measures.
- 7.7** In the case of private educational institutions, organs or persons of private law; apply what is indicated in the preceding paragraphs, as appropriate, according to the labor regime that regulates them and internal management standards.

Art. 8 - Obligation to report

Any person who provides services in public educational institutions, instances of decentralized educational management, organs, or persons of public law detailed in article 2 of this regulation, is obliged to formally report the commission of acts typified in the Law of which they have knowledge, under their responsibility.

Art. 11 – Verification

For the purposes of the supervision detailed in the preceding article, the following provisions must be taken into account:

- 11.1** In the case of public educational institutions, instances of decentralized educational management, bodies or persons under public law; The Chief of Human Resources, or the person in charge of the MINEDU, of the DRE or UGEL at a national level, verifies quarterly that all the teaching or administrative personnel appointed or hired in their administrative offices and attached public bodies and in educational institutions of its jurisdiction is not registered in the Registry.
- 11.2** If an employee is found registered in the Registry, the final separation, dismissal or termination of the contract is made, or the preventive measure is adopted, as appropriate, in accordance with the provisions of Articles 5 and 7 of these Regulations.
- 11.3** In public tender processes for hiring, appointment and/or designation of personnel, it is verified whether the applicant is registered in the Registry, in which case the respective act is not issued.
- 11.4** In the case of private educational institutions, organs or persons of private law; the directors, or those who take their place, of the private educational institutions and pre-university preparation academies must send the list of all their personnel (surnames and names and identity document numbers), within fifteen (15) business days of the beginning of classes, to the DRE or UGEL of the jurisdiction where they are located.
- 11.5** The Head of Human Resources, or whoever takes his place, of the DRE or UGEL, as appropriate, must verify, within fifteen (15) business days of the aforementioned list of personnel working in the private educational institution or pre-university preparation academy, if they are registered in the Registry.
- 11.6** If the information submitted reveals that there are persons registered in the Registry, it is communicated to the director, or whoever acts as such, for the purpose of terminating the contract, dismissal, or preventive measure, as applicable; must inform the DRE or UGEL of the action taken, as appropriate, within three (3) business days from the date of communication.

Art. 15 – Penalties for non-compliance

- 15.1** The official or public servant who, by action or omission, fails to comply with the provisions of the Law and the present regulatory norm, is liable to administrative sanction according to his labor or contractual regime.

[Law No. 29944 Law on Teacher Reform](#)

Art. 44 – Preventive measures

The Director of the educational institution separates the teacher preventively and reports to the Director of the corresponding Local Educational Management Unit (UGEL), when there is an administrative or judicial complaint against him, for the alleged crimes of rape against sexual freedom, sexual harassment to the detriment of a student, advocacy of terrorism, crimes of terrorism and its aggravated forms, crimes of corruption of officials, crimes of illicit drug trafficking; as well as for committing acts of violence against the fundamental rights of the person and against the patrimony, that impede the normal operation of the public services. The preventive separation ends at the end of the corresponding administrative or judicial process.*

() In accordance with Section 3.1 of Resolution 1 of File No. 0021-2012-PI-TC, published on April 24, 2015, it is provided that this article should be interpreted, that when it establishes "The Director of the institution educationally separates the teacher and reports to the Director of the corresponding Local Educational Management Unit (UGEL) (.), "refers to an act of preventive separation of the teacher, adopted by means of a resolution issued in accordance with the principles of reasonableness and interdiction of the arbitrariness that frame the sanctioning action of all authority.*

Art. 49 – Dismissal

The transgression by action or omission of the principles, duties, obligations and prohibitions in the exercise of the teaching function, considered as very serious are grounds for dismissal. Also considered as very serious offenses or infractions, subject to dismissal, are the following:

- a) Failing to submit to the evaluation of teaching performance without just cause.
- b) Having been convicted of an intentional crime.
- c) Having been convicted of a crime against sexual freedom, advocacy of terrorism or the crime of terrorism and its aggravated forms.
- d) Incurring acts of violence or causing serious damage to the fundamental rights of students and other members of the educational community and/or educational institution, as well as preventing the normal functioning of public services.
- e) Physically or psychologically mistreating the student causing serious harm.
- f) Conducting sexual harassment and acts that threaten the integrity, indemnity and sexual freedom typified as offenses in the Penal Code.

...

Also, the teacher who incurs a fault or infraction, having been previously sanctioned on two (2) occasions with temporary cessation, is subject to dismissal.

In the case of teachers who provide services in educational institutions, who incur the faults indicated in subparagraphs **d), e), f), g)** and **h)**, the investigative process has begun prior to the administrative disciplinary process and as long as these do not conclude, the teacher is removed from the educational institution.

The dismissal is imposed by the head of the Local Educational Management Unit, the Regional Directorate of Education and the Ministry of Education, as appropriate.

▪ **Prohibition to hold certain positions**

Penal Code

Art. 36 – Disqualification

Disqualification will produce, according to the ruling:

1. Deprivation of the function, position or commission exercised by the condemned, even if it comes from popular election;
2. Inability or impediment to obtain a mandate, position, employment or commission of a public nature;
3. Suspension of political rights indicated in the judgment;
4. Inability to exercise on their own account or through a third profession, trade, art or industry, which must be specified in the judgment;
5. Inability to exercise parental authority, guardianship or curatorship;

6. Suspension or cancellation of authorization to carry or use firearms. Definitive inability to renew or obtain a license or certification from a competent authority to carry or use firearms, in case of conviction for a fraudulent crime or committed under the influence of alcohol or drugs;
7. Suspension, cancellation or permanent disability to obtain authorization to drive any type of vehicle;
8. Deprivation of military or police degrees, honorific titles or other distinctions that correspond to the position, profession or office that the agent had been used to commit the crime;
9. Definitive inability to enter or reenter the teaching or administrative service in institutions of basic or higher education, public or private, in the Ministry of Education or in its decentralized public bodies or, in general, in any body dedicated to education, training, training, resocialization or rehabilitation, or to exercise activity, profession, occupation or trade that involves the teaching, care, monitoring or care of girls, boys or adolescents or students of higher education both technical and university of people sentenced with sentence consented or executed by any of the following:
 - a. Terrorism provided for in Decree Law 25475.
 - b. Advocacy of the crime of terrorism, established in article 316-A.
 - c. Trafficking in persons, aggravated forms of trafficking in persons, sexual exploitation and slavery and other forms of exploitation, provided for in articles 153, 153-A, 153-B and 153-C.
 - d. Simple homicide (article 106), parricide (article 107), qualified homicide (article 108) and femicide (article 108-b).
 - e. Serious injuries (Article 121) and Serious injuries due to violence against women and members of the family group (Article 121-B).
 - f. Book Two: Title IV: Chapter IX: Sexual Violation (Article 170), Rape of a person in a state of unconsciousness or inability to resist (Article 171), Violation of a person unable to give their free consent (Article 172), Sexual violation (rape) of a minor (article 173), violation of a person under authority or supervision (article 174), sexual violation by deception (article 175), touching, acts of a sexual nature or libidinous acts without consent (article 176), touching, acts of a sexual nature or libidinous acts against minors (article 176-A), Chapter X (Procuration) and Chapter XI (Offenses to public modesty).
 - g. Illicit drug trafficking, provided for in Section II, is mandatorily imposed on the sentence as the main penalty.
10. Deprivation of the right to reside in or go to certain places;
11. Prohibition of approaching or communicating with the victim, their relatives or other persons determined by the judge;
12. Prohibition of communicating with inmates or visiting prisons; or
13. Definitive or temporary incapacity for the possession of animals.

Art. 38 – Duration of the principal disqualification

The principal disqualification extends from six months to ten years, except for the cases of definitive incapacity referred to in numerals 6, 7 and 9 of article 36.

The penalty of principal disqualification extends from five to twenty years in the case of the offenses set forth in articles 382, 383, 384, 387, 388, 389, 393, 393-A, 394, 395, 396, 397, 397-A, 398, 399, 400 and 401. In these cases, it will be perpetual, provided that the agent acts as a member of a criminal organization, as a related person or acts on behalf of it; or the conduct falls on programs for welfare, support or social inclusion or development purposes,

provided that the value of the money, goods, effects or profits involved exceeds fifteen tax units.

The principal disqualification also extends from five to twenty years in the case of offenses provided for in article 4-A of Decree-Law 25475, articles 1, 2 and 3 of Legislative Decree 1106, as well as articles 296, 296-A first, second and fourth paragraphs; 296-B, 297 of the Penal Code.

In the cases of the previous paragraph, the disqualification will be perpetual when the agent acts as a member of a criminal organization, as a related person or acts on behalf of it; or when the value of the money, goods, effects or profits involved exceeds five hundred tax units. In the case of the crimes contemplated in articles 1, 2 and 3 of Legislative Decree 1106, disqualification will also be perpetual when the money, goods, effects or profits come from illegal mining, illicit drug trafficking, terrorism, kidnapping, extortion or about people.

[Law No. 29944 Law on Teacher Reform](#)

Art. 52 – Disqualification

Disqualification prevents the employee from exercising a public teaching function for a certain period of time, due to having been sanctioned as a result of the commission of a serious fault in the exercise of his public function or in his private life, which makes him unworthy of public teaching, such as:

- a. The administrative sanctions of suspension and temporary cessation imply the disqualification of the exercise of the teaching function until the end of the sanction.
- b. The sanction of dismissal implies the disqualification for the performance of public function under any form or modality, for a period of not less than five (5) years.
- c. By a final judicial decision that provides for disqualification pursuant to article 36 of the Penal Code, the teacher is disqualified, according to the terms of the sentence.
- d. The education professional condemned for the crime of terrorism or its aggravated forms, crime against sexual freedom, crime of official corruption and illicit trafficking in drugs, is prevented from entering public service in the Education Sector.

[Regulation of Law No. 29944, Law on Teacher Reform](#)

Art. 84 – Criminal conviction

- 84.1 The criminal conviction, consented or enforceable, depriving of liberty for willful crime, entails automatic dismissal without administrative process.
- 84.2 In the event of a suspended criminal conviction for an intentional crime not related to the exercise of the assigned functions or affecting the public administration, the Permanent Commission or Special Commission of Disciplinary Administrative Processes for Teachers recommends whether the teacher must be sanctioned with temporary dismissal or dismissal.
- 84.3 The teacher sentenced with an acquitted or enforced sentence for the crime of terrorism, or its aggravated forms, crime against sexual freedom, corruption of officials or crime of illicit drug trafficking, is permanently prevented from entering or re-entering to the public teaching service.

Art. 85 – Disqualification to exercise public teaching function

- 85.1 The disciplinary administrative sanction of suspension and temporary suspension disqualifies the teacher for the time of the sanction to exercise public function, under any form or modality.

- 85.2 The dismissed teacher is unable to exercise a public teaching function under any form or modality, for a period of not less than five (5) years.
- 85.3 The final judicial decision, issued in accordance with Article 36 of the Criminal Code, disqualifies the teacher according to the terms of the sentence.
- 85.4 In all cases, the disqualification is national in scope.

- **Employment Law**

For more information, see [Law No. 29944 Law on Teacher Reform](#)

[General Labor Law](#)

Sub chapter II – Just causes of dismissal

Art. 154 – Requirement of justified cause for dismissal

A worker can only be dismissed when there is just cause established by Law.

The justified cause must be related to the ability or behavior of the worker or with the operating needs of the company.

Sub chapter III – Dismissal for reasons relating to the conduct or worker's ability

Art. 156 – Causes related to conduct

Are justified causes of dismissal related to the conduct of the employee:

- 1) commission of serious misconduct;
- 2) the criminal conviction for an intentional crime; and,
- 3) Disqualification of the worker for ninety (90) or more days.

- **Private Fostering**

No information found.

- **Criminal Law – Defamation**

[Penal Code](#)

Art. 132 – Defamation

Whoever, before several persons, gathered or separated, but in a way that the news can be disseminated, attributes to a person, a fact, a quality or conduct that may harm his/her honor or reputation, will be punished with a penalty of imprisonment of not greater than two years and a fine of thirty to one hundred twenty days.

If the defamation refers to the fact foreseen in article 131, the penalty shall be imprisonment of not less than one nor more than two years and with a fine of ninety to one hundred twenty days.

If the offense is committed through a book, press or other means of social communication, the penalty shall be imprisonment of not less than one nor more than three years and a fine of one hundred twenty to three hundred sixty-five days.

Sexual Offenses Against Children

Penal Code

Article 151-A - Harassment

Whoever, repeatedly, continuously or habitually, and by any means, watches, pursues, harasses, besieges or seeks to establish contact or closeness with a person without their consent, in such a way as to alter the normal development of their daily life, shall be punished with deprivation of liberty of no less than one nor more than four years, disqualification, as appropriate, in accordance with paragraphs 10 and 11 of article 36, and with a fine of sixty to one hundred eighty days.

The same penalty applies to anyone who, by any means, watches, pursues, harasses, besieges or seeks to establish contact or closeness with a person without their consent, in such a way as to alter the normal development of their daily life, even when the conduct was not repeated, continuous or habitual.

The same penalty applies to those who perform the same behaviors using any information or communication technology.

The penalty of deprivation of liberty shall be no less than four nor more than seven years, disqualification, as appropriate, in accordance with paragraphs 10 and 11 of article 36, and a fine from two hundred eighty to three hundred sixty-five days, if any of the aggravating circumstances occur:

1. The victim is a minor, is elderly, is pregnant or is a person with a disability.
2. The victim and the agent have or have had a relationship, are or have been living together or spouses, have a consanguineous parental link or affinity.
3. The victim lives in the same domicile as the agent or shares common spaces of the same property.
4. The victim is in a condition of dependence or subordination with respect to the agent.
5. The conduct is carried out within the framework of an employment, educational or training relationship of the victim.

Art. 153 - Trafficking in persons

1. Whoever through violence, threat or other forms of coercion, deprivation of freedom, fraud, deception, abuse of power or of a situation of vulnerability, grant or receipt of payments or any benefit, captures, transports, transfers, welcomes, receives or retains another, in the territory of the Republic or for exit or entry into the country for the purpose of exploitation, is punished with a penalty of imprisonment of no less than eight nor more than fifteen years.
2. For purposes of subsection 1, the purposes of exploitation of trafficking in persons include, among others, the sale of children or adolescents, prostitution and any form of sexual exploitation, slavery or practices similar to slavery, any form of labor exploitation, begging, forced labor or services, servitude, extraction or trafficking of somatic organs or tissues or their human components, as well as any other analogous form of exploitation.
3. The recruitment, transportation, transfer, welcome, reception or retention of a child or adolescent for the purpose of exploitation is considered to be trafficking in persons even when none of the means provided in subsection 1 is used.
4. Consent given by the adult victim to any form of exploitation has no legal effect when the agent has resorted to any of the means set forth in subsection 1.
5. The agent that promotes, favors, finances or facilitates the commission of the crime of trafficking in persons, is punished with the same penalty provided for the author.

Art 153-A – Aggravated forms of Trafficking in Persons

The penalty shall be no less than twelve nor more than twenty years of imprisonment and disqualification pursuant to article 36, paragraphs 1, 2, 3, 4 and 5 of the Penal Code, when:

1. The agent commits the act by abusing the exercise of public function;
2. The agent is a promoter, member or representative of a social, educational or business organization that takes advantage of this condition and activities to perpetrate this crime;
- ...
4. The victim is between fourteen and less than eighteen years of age or incapable;
5. The agent is a spouse, partner, adopter, guardian, conservator, relative up to the fourth degree of consanguinity or second of affinity, or has the victim in their care for any reason or live in the same home.

...

The penalty shall be imprisonment of no less than 25 years, when:

1. Death, serious injury or imminent danger to the life and safety of the victim.
2. The victim is under fourteen years of age or suffers, temporarily or permanently, from a physical or mental disability.

Art. 153-B – Sexual exploitation

Whoever forces a person to exercise acts of a sexual nature with the purpose of obtaining an economic or other advantage is punished with a penalty of imprisonment of no less than ten nor more than fifteen years.

If the agent commits the offense by deception, manipulation or other conditioning the same penalty as the first paragraph will be applied.

Consent given by a child or adolescent has no legal effect.

The penalty of deprivation of liberty of no less than fifteen nor more than twenty years will be imposed, when:

1. The agent has the victim under his care or surveillance for any reason, or maintains with it a bond of superiority, authority, power or other that impels him to place his trust in him.
2. The victim is between fourteen and less than eighteen years of age.
3. The agent commits the crime in the field of tourism, within the framework of the activity of a legal entity or in the context of any economic activity.

The penalty of deprivation of liberty no less than twenty nor more than twenty-five years will be imposed, when:

1. The agent is an ascendant or descendant by consanguinity, adoption or affinity; relative collateral up to the fourth degree of consanguinity or adoption, or second degree of affinity.
- ...
4. The victim has a disability, is under fourteen years of age, a senior citizen, suffers from a serious illness, belongs to an indigenous people or presents any situation of vulnerability.

...

If the death of the victim occurs, the penalty of deprivation of liberty will be no less than twenty-five nor more than thirty years.

In all cases, the penalty of disqualification will also be imposed pursuant to article 36, paragraphs 1, 2, 3, 4, 5, 6, 8, 10 and 11.

Art. 153-C – Slavery and other forms of exploitation

Whoever forces a person to work in conditions of slavery or servitude, or reduces or maintains it in such conditions, with the exception of cases of the crime of sexual exploitation, shall be punished with imprisonment of no less than ten nor more than fifteen years.

If the agent commits the crime by deception, manipulation or other conditioning, the same penalty as the first paragraph will apply.

Consent given by a child or adolescent has no legal effect.

The penalty of deprivation of liberty of no less than fifteen years nor more than twenty years, will be imposed when:

1. The victim is between fourteen and less than eighteen years of age.
- ...
3. If the agent has the victim under his care or surveillance for any reason, or maintains with him/her a bond of superiority, authority, power or other that impels him/her to place his/her trust in him.

The penalty of deprivation of liberty of no less than twenty nor more than twenty-five years, will be imposed when:

1. The agent is a relative of the victim up to the fourth degree of consanguinity or second degree of affinity.
- ...
4. The victim has a disability, is under fourteen years of age, a senior citizen, suffers from a serious illness, belongs to an indigenous people, is a migrant worker or presents any situation of vulnerability.

If the death of the victim occurs, the penalty of deprivation of liberty is not less than twenty-five nor more than thirty years.

In all cases, the penalty of disqualification shall also be imposed pursuant to article 36, paragraphs 1, 2, 3, 4, 5, 6, 8, 10 and 11.

Art. 154-B – Dissemination of images, audio-visual materials or audios with sexual content (revenge pornography)

Whoever, without authorization, disseminates, discloses, publishes, transfers or sells images, audio-visual materials or audios with sexual content of any person, obtained with their consent, shall be punished with imprisonment of no less than two nor more than five years and with a fine of thirty to one hundred twenty days.

The penalty of deprivation of liberty shall be no less than three nor more than six years and a fine of one hundred eighty and three hundred sixty-five days, when any of the following circumstances occur:

1. When the victim maintains or has maintained a relationship with the agent, are or have been living together or spouses.
2. When, in order to materialize the event, social networks or any other means that generates mass dissemination is used.

Art. 170 – Sexual violation (rape)

Whoever violently, physically or psychologically, seriously threatens or takes advantage of an environment of coercion or any other environment that prevents a person from giving their free consent, forces a person to have sexual intercourse by vaginal, anal or oral route or perform any

another analogous act with the introduction of an object or part of the body by one of the first two routes, will be punished with a penalty of imprisonment of no less than fourteen nor more than twenty years. The penalty of deprivation of liberty shall be no less than twenty nor more than twenty-six years, in any of the following cases:

1. If the violation is made with the use of a weapon or by two or more subjects.
2. If the agent abuses his profession, science or trade or takes advantage of any position, position or legal responsibility that confers on him the duty of vigilance, custody or particular authority over the victim or impels him/her to place their trust in him.
3. If the agent takes advantage of his status as ascendant or descendant, by consanguinity, adoption or affinity; or of spouse, ex-spouse, cohabitant or ex-survivor or the victim is or has maintained an analogous relationship; or have children in common with the victim; or he/she lives in the same home of the victim provided there are no contractual or labor relations; or is a collateral relative up to the fourth degree, by consanguinity or adoption or second degree of affinity.
4. If it is committed by a pastor, priest or leader of a religious or spiritual organization that has particular ancestry over the victim.
5. If the agent has a managerial position, is a teacher, assistant or administrative staff in the educational center where the victim studies.
- ...
9. If the agent knowingly commits rape in the presence of any girl, boy or adolescent.
- ...
11. If the victim is between fourteen and less than eighteen years of age, is an elderly person or suffers from physical or sensory disability, and the agent takes advantage of that condition.
- ...

Art. 173 – Sexual violation (rape) of a minor

Whoever has sexual intercourse by vaginal, anal or oral route or performs any other analogous act with the introduction of an object or part of the body by one of the first two routes, with a minor under fourteen years of age, will be punished with life imprisonment.

Art. 175 – Sexual violation by deception

Whoever, through deception, has sexual intercourse by vaginal, anal or oral route or performs any other analogous act with the introduction of an object or part of the body by one of the first two routes, to a person of fourteen years and less than eighteen years shall be punished with imprisonment of no less than six nor more than nine years.

Art. 176-A – Indecent acts against minors

Whoever, without the intent to have sexual intercourse regulated in Article 170, performs on a minor of fourteen years or obliges the latter to effect on himself/herself, the agent or third party, undue touching of his/her private parts, acts of a sexual or lascivious nature on any part of the his/her body, shall be punished with deprivation of liberty of not less than nine nor more than fifteen years.

Art. 176-B – Sexual harassment

Whoever, in any way, watches, harasses, besieges or seeks to establish contact or closeness with a person, without the consent of the person, to carry out acts of a sexual nature, shall be punished with deprivation of liberty not less than three nor more than five years and disqualification, as appropriate, according to the subsections 5, 9, 10 and 11 of article 36.

The same penalty applies to the person who performs the same conduct using the use of any information and communication technology.

The penalty of deprivation of liberty shall be no less than four nor more than eight years and disqualification, as appropriate, in accordance with paragraphs 5, 9, 10 and 11 of article 36, if any of the aggravating circumstances are present:

1. The victim is an elderly person, is pregnant or has a disability.
2. The victim and the agent have or have had a relationship, are or have been living together or spouses, have a parental bond up to the fourth degree of consanguinity or second of affinity.
3. The victim lives in the same domicile as the agent or share common spaces of the same property.
4. The victim is in a condition of dependency or subordination with respect to the agent.
5. The conduct is carried out within the framework of the victim's employment, education or training relationship.
6. The victim is between fourteen and less than eighteen years of age.

Art. 176-C – Sexual blackmail (sextortion)

Whoever threatens or intimidates a person, by any means, including the use of information and communication technologies, to obtain from it a conduct or act of a sexual nature, will be punished with imprisonment of not less than two nor more than four years and disqualification, as appropriate, in accordance with the clauses 5, 9, 10 and 11 of article 36.

The penalty of deprivation of liberty shall be no less than three nor more than five years and disqualification, as appropriate, according to subsections 5, 9, 10 and 11 of article 36, if the agent threatens the victim with the dissemination of images, audiovisual materials or audios with sexual content in which the victim appears or participates.

Art. 177 - Aggravated forms

In any of the cases of articles 170, 171, 172, 174, 175, 176 and 176-A:

1. If the agent proceeded with cruelty, treachery or to degrade the victim, the penalty of imprisonment is increased by five years in the minimum and maximum extremes in the respective crime.
2. If the acts cause serious injury to the victim and the agent could foresee the result, the penalty of imprisonment shall be not less than thirty nor more than thirty-five years.
3. If the acts cause the death of the victim and the agent could foresee that result, the penalty will be life imprisonment.

In the cases of the offenses provided for in articles 171, 172, 174, 176 and 176-A the penalty is increased by five years in its minimum and maximum extremes if any of the circumstances set forth in article 170, second paragraph are present.

If the agent registers any of the conducts provided in articles 170, 171, 172, 174, 175, 176 and 176-A by any visual, auditory or audiovisual means or transmits it through any information or communication technology, the penalty shall increase by five years in the minimum and maximum extremes applicable to the crime registered or transmitted.

Art. 179 - Favoring prostitution

Whoever The promotes or favors the prostitution of another person, will be punished with a custodial sentence of not less than four nor more than six years.

The penalty shall be not less than five nor more than twelve years when:

1. The victim is under eighteen years of age.
2. The perpetrator uses violence, deception, abuse of authority, or any means of intimidation.
3. The victim is deprived of discernment for any reason.
4. The author is a relative within the fourth degree of consanguinity or second of affinity, or is spouse, concubine, adopter, guardian or curator or has the aggrieved in their care for any reason.

5. The victim has been uprooted from her home for the purpose of prostituting her or is in a situation of abandonment or extreme economic need.
6. The author has made pimping his trade or way of life.
7. If the agent acts as a member of a criminal organization.

Art. 179-A - User-client

Whoever, through an economic benefit or advantage of any nature, has sexual intercourse by vaginal, anal or oral route or performs other analogous acts introducing objects or parts of the body by one of the first two routes with a person of fourteen and less than eighteen years of age, shall be punished with deprivation of liberty of not less than four nor more than six years.

Art. 180 – Pimping

Whoever exploits the profit obtained by a person who practices prostitution will be punished with imprisonment of not less than three nor more than eight years.

If the victim is between fourteen and less than eighteen years of age, the penalty shall be not less than six nor more than ten years.

If the victim is under fourteen years of age, or is a spouse, partner, descendant, adopted child, child of their spouse or their partner or if they are in their care, the penalty shall be not less than eight nor more than twelve years.

Art. 181 – Procuration

Whoever commits, seduces, or abducts a person to deliver him/her to another in order to have sexual intercourse, shall be punished with a penalty of imprisonment of not less than three nor more than six years.

The penalty shall be not less than six nor more than twelve years, when:

1. The victim is under eighteen years of age.
2. The agent employs violence, threat, abuse of authority or other means of coercion.
3. The victim is a spouse, concubine, descendant, adopted child, child of his / her spouse or his / her concubine, or if it is in their care.
4. The agent acts as a member of a criminal organization.
5. The victim is handed over to a pimp.

Art. 181-A - Commercial sexual exploitation of children and adolescents in the field of tourism

Whoever promotes, advertises, favors or facilitates commercial sexual exploitation in the field of tourism, through any written, pamphlet, printed, visual, audible, electronic, magnetic means or through the Internet, in order to offer sexual relations of a commercial character of persons of fourteen (14) and less than eighteen (18) years of age will be punished with imprisonment of not less than four (4) nor more than eight (8) years.

If the victim is under fourteen years of age, the agent shall be punished with imprisonment of not less than six (6) nor more than eight (8) years.

The agent will also be sanctioned with disqualification pursuant to article 36, paragraphs 1, 2, 4 and 5.

The punishment shall be not less than eight (8) nor more than ten (10) years of imprisonment when committed by a public authority, his ascendants, a teacher or a person who has taken care of the victim by any title.

Art. 181-B - Aggravated forms

In the cases of the offenses provided for in articles 179, 181 and 181-A, when the agent is the father or the mother, the guardian or caretaker, in the sentence will be imposed, in addition to the penalty of deprivation of liberty that corresponds, the accessory penalty of disqualification referred to in numeral 5) of article 36.

Art. 182-A – Publication in the media about crimes of sexual freedom to minors

The managers or those responsible for the publications or editions to be transmitted through the mass media that advertise child prostitution, child sex tourism or trafficking of minors under eighteen years of age will be punished with a prison sentence of not less than two nor more than six years.

The agent will also be sanctioned with disqualification pursuant to subsection 4 of article 36 and with a fine of three hundred and sixty days.

Art. 183 - Obscene exhibitions and publications

It shall be punished with imprisonment of not less than two nor more than four years, in a public place, exhibitions, gestures, touching or other conduct of an obscene nature. It will be punished with imprisonment of not less than three nor more than six years:

1. Whoever shows, sells or delivers to a child under eighteen, by any means, objects, books, writings, images, visuals or audios, which by their obscene nature, may seriously affect their modesty, prematurely excite or pervert sexual instinct.
2. Whoever incites a child under eighteen years to practice an obscene act or facilitates the entry to brothels or other places of corruption.
3. The administrator, watchman or authorized person to control a cinema or other show where obscene representations are exhibited, who allows entry of a child under eighteen years of age.

Art. 183-A – Child Pornography

Whoever possesses, promotes, manufactures, distributes, exhibits, offers, commercializes or publishes, imports or exports, by any means objects, books, writings, images, videos or audios, or performs live shows of a pornographic nature, in which persons of fourteen and less than eighteen years of age are used, will be sanctioned with custodial sentence of not less than six nor more than ten years and with a fine of one hundred twenty to three hundred sixty-five days.

The penalty of deprivation of liberty shall be not less than ten nor more than twelve years and a fine of fifty to three hundred sixty-five days when:

1. The minor is under fourteen years of age.
2. The pornographic material is disseminated through information or communication technologies.

If the victim is in any of the conditions provided in the last paragraph of Article 173 or if the agent acts as a member of an organization dedicated to child pornography, the penalty of imprisonment shall be no less than twelve nor more than fifteen years. If this is the case, the agent will be disqualified pursuant to numerals 1, 2 and 4 of article 36.

Art. 183-B – Sexual solicitation of children and adolescents (grooming)

Whoever contacts a minor under fourteen years of age to request or obtain pornographic material from him/her, or to propose to carry out any act of a sexual nature with him/her or a third party, shall be punished with imprisonment of no less than six nor more than nine years and disqualification pursuant to numerals 1, 2, 4 and 9 of article 36.

When the victim is between fourteen and less than eighteen years of age and there is deceit, the penalty shall be no less than three nor more than six years and disqualification pursuant to numerals 1, 2, 4 and 9 of article 36.

- **Female Genital Mutilation (FGM)**

No information found.