

Estonia

Penal Code

Passed 6 June 2001, (RT¹ I 2001, 61, 364; consolidated text RT I 2002, 86, 504), entered into force 1 September 2002

Division 6

Offences Against Liberty

Division 2

Offences Against Minors

§ 175. Disposing minors to engage in prostitution

(1) A person who by inducement, threat or any other act influences a person of less than 18 years of age in order to cause him or her to commence or continue prostitution, but the act does not have the necessary elements of an offence provided for in § 133 or 143 of this Code, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

(2) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code, or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

(13.12.2006 entered into force 01.02.2007 - RT I 2007, 2, 7)

§ 176. Aiding prostitution involving minors

(1) Aiding prostitution involving a person of less than 18 years of age by mediation, provision of premises or in any other manner is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

(2) The same act, if committed:

1) by a group or a criminal organisation;

2) by a person who has previously committed a criminal offence provided in this section or aiding prostitution, - is punishable by 3 up to 15 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

(4) An act provided for in clause (2) 2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

(5) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code, or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

(13.12.2006 entered into force 01.02.2007 - RT I 2007, 2, 7)

§ 177. Use of minors in manufacture of pornographic works

(1) Use of a person of less than 14 years of age as a model or actor in the manufacture of a pornographic or erotic picture, picture, film or other work, and use of a person of less than 18 years of age as a model or actor in the manufacture of a pornographic picture, film or other work is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 178. Manufacture of works involving child pornography or making child pornography available

(1) A person who manufactures, stores, hands over, displays or makes available in any other manner pictures, writings or other works or reproductions of works depicting a person of less than 18 years of age in a pornographic situation, or person of less than 18 years of age in a

pornographic or erotic situation shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 179. Sexual enticement of children

(1) A person who hands over, displays or makes otherwise knowingly available pornographic works or reproductions thereof to a person of less than 14 years of age, engages in sexual intercourse in the presence of such person or knowingly sexually entices such person in any other manner shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 180. Exhibiting violence to minors

(1) A person who hands over, displays or makes otherwise knowingly available works or reproductions of works promoting violence or cruelty to a person of less than 18 years of age, kills or tortures an animal in the presence of such person without due cause or knowingly exhibits violence to him or her in any other manner shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 133. Enslaving

(1) Placing a human being in a situation where he or she is forced to work or perform other duties against his or her will for the benefit of another person, or keeping a person in such situation, if such act is performed through violence or deceit or by taking advantage of the helpless situation of the person is punishable by 1 to 5 years' imprisonment.

(24.01.2007 entered into force 15.03.2007 - RT I 2007, 13, 69)

(2) The same act, if committed:

1) against two or more persons, or

2) against a person of less than 18 years of age,

is punishable by 3 to 12 years' imprisonment.

(2¹) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(24.01.2007 entered into force 15.03.2007 - RT I 2007, 13, 69)

(2²) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(24.01.2007 entered into force 15.03.2007 - RT I 2007, 13, 69)

(3) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

(13.12.2006 entered into force 01.02.2007 - RT I 2007, 2, 7)

§ 134. Abduction

(1) Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave the state, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

1) against two or more persons, or

2) against a person of less than 18 years of age,

is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(24.01.2007 entered into force 15.03.2007 - RT I 2007, 13, 69)

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(24.01.2007 entered into force 15.03.2007 - RT I 2007, 13, 69)

§ 135. Hostage taking

(1) Imprisonment of a person in order to compel, under the threat to kill, detain or cause health damage to the person, a third person to commit or consent to an act is punishable by 3 to 12 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 5 to 15 years' imprisonment.

§ 136. Unlawful deprivation of liberty

(1) Unlawful deprivation of the liberty of another person is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 1 to 5 years' imprisonment.

§ 138. Illegal conduct of human research

(1) Conduct of medical or scientific research on a person who has not granted consent thereto pursuant to the procedure prescribed by law or who before granting such consent was not notified of the essential potential dangers arising from the research is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 139. Illegal removal of organs or tissue

Removal, for transplantation purposes, of human organs or tissue by a person with the corresponding right arising from law, if the person from whom the organs or tissue are removed has not been notified of the essential potential dangers arising from the removal of organs or tissue before he or she grants consent thereto, or if the person removing the organs or tissue was aware that the person from whom the organs or tissue are removed will receive remuneration therefor, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 140. Inducing person to donate organs or tissue

Inducing a person to consent to the removal of his or her organs or tissue for the purposes of transplantation or genetic research by offering material remuneration or causing damage to the person or by threatening to cause damage to the person is punishable by a pecuniary punishment or up to one year of imprisonment.

Division 7

Offences Against Sexual Self-determination

§ 141. Rape

(1) Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by 1 to 5 years' imprisonment.

(2) The same act, if:

1) committed against a person of less than 18 years of age;

- 2) committed by two or more persons;
- 3) serious damage is thereby caused to the health of the victim;
- 4) it causes the death of the victim;
- 5) it leads the victim to suicide or a suicide attempt, or
- 6) it was committed by a person who has previously committed a criminal offence provided in this Division, -

is punishable by 6 to 15 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

§ 142. Satisfaction of sexual desire by violence

(1) Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by up to 3 years' imprisonment.

(2) The same act, if committed:

1) against a person of less than 18 years of age;

2) by a person who has previously committed a criminal offence provided in this Division, - is punishable by up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

§ 143. Compelling person to engage in sexual intercourse

(1) Sexual intercourse with a person against his or her will by taking advantage of the dependency of the victim from the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code, is punishable by up to 3 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by up to 5 years' imprisonment.

§ 143¹. Compelling person to satisfy sexual desire

(1) Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse by taking advantage of the dependency of the victim from the offender but without using force or outside a situation where the person was not capable of initiating

resistance or comprehending the situation as provided for in § 142 of this Code, is punishable by up to 2 years' imprisonment.

(2) The same act, if committed:

1) against a person of less than 18 years of age;

2) by a person who has previously committed a criminal offence provided in this Division, - is punishable by up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

§ 144. Sexual intercourse with descendant

A parent, a person with the rights of a parent, or a grandparent, who engages in sexual intercourse with his or her child or grandchild shall be punished by up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

§ 145. Sexual intercourse with child

An adult person who engages in sexual intercourse with a person of less than 14 years of age shall be punished by up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

§ 146. Satisfaction of sexual desire with child

An adult person who involves a person of less than 14 years of age in satisfaction of sexual desire in a manner other than sexual intercourse shall be punished by up to 5 years' imprisonment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 233)

§ 147. Inability of person of less than 10 years to comprehend

Within the meaning of the offences provided for in this Division, a person is deemed to be incapable to comprehend if he or she is less than 10 years of age.