

## Question 2

### Compelling or inducing person of age to prostitution

205. Whosoever in order to gratify the lust of any other person, by the use of violence, compels or, by deceit, induces a person of age, to practise prostitution, shall, where the act committed does not constitute a more serious offence, be liable, on conviction, to imprisonment for a term from three to seven years:

Provided that the offence shall be punishable with imprisonment for a term of four to nine years, if it is committed –

- (a) **with abuse of authority, of trust or of domestic relations;**

### Non-consensual act of a sexual nature

207. Whosoever shall be guilty of any non-consensual act of asexual nature which does not, in itself, constitute any of the crimes, either completed or attempted, referred to in the preceding articles of this Sub-title, shall, on conviction, be liable to imprisonment for a term from three to seven years: Provided that in the cases referred to in article 202, the punishment shall be increased by one degree.

*N.B. This article is seen as a very wide all-encompassing blanket provision for protection and has to be read in conjunction with article 202, which lists several aggravating circumstances:*

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(a) when the offender has availed himself of his capacity of **public officer**, or when the offender is a servant of the injured party, with salary or other remuneration, or any person otherwise having abused of his authority over the injured party;

**(b) when the crime is committed by any ascendant, tutor, or institutor;**

(c) when the crime is committed on any prisoner by the person charged with the custody or conveyance of such prisoner;

(d) when the offender has, in the commission of the crime, been aided by one or more persons;

(e) when the offender has, in the commission of the crime, made use of any arms proper or improper;

(f) when the person on whom the crime is committed, or any other person who has come to the assistance of that person, has sustained any bodily harm;

(g) **when the offence is committed on a minor;**

(h) when the crime is committed on the person of: (i) **the current or former spouse, civil union partner or cohabitant;** or(ii) **the brother or sister;** or (iii) **an ascendant or descendant;** or (iv) **another person having or having had a child in common with the offender;** or(v) **another person living in the same household as the offender or who had lived with the offender before the offence was committed;**(vi) **another person who is or was in a relationship with the offender whether with the intention of marriage or not;**(vii) **other persons who are related to each other by consanguinity or affinity up to the third degree inclusively:**

Provided that in this paragraph "spouse" includes the person whose marriage with the offender has been dissolved or declared null;

(i) when the crime is committed in the presence of, or within hearing distance of a minor;

(j) the offence, or related offences, were committed repeatedly;

(k) the offence was committed against a vulnerable person within the meaning of article 208AC(2);

(l) the offence was committed with the threat of a weapon;

(m) the offence resulted in severe physical or psychological harm for the victim;

(n) the offender has been previously convicted of offences of a similar nature:

Provided that where an aggravation of punishment in respect of the circumstances mentioned in this article is already provided for under this Code or any other law, the higher punishment may be applied.