

### Question 3.b.

#### Offences listed in Criminal Code, Chapter 9 Laws of Malta

Article 202 lists the following as **aggravating circumstances** for the offence of '**Non-consent in cases of carnal knowledge and indecent assault**'

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

(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;

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