

Law
on punishment for the crime of trafficking in persons

Article (1)

The following new chapter shall be added to Book (2), Part (8) of the Penal Code:

Chapter (3)
Trafficking in Persons

Article (586 – 1)

“Trafficking in persons” shall be defined as:

The enticement, transport, reception, detainment, or provision of a shelter for a person:

1. By the threat or means of force, or by kidnapping, deception, the exploitation of authority or of a state of weakness, giving or receiving monetary sums or benefits, or by the use of these means on the part of a person who has authority over another person.
2. With the goal of exploiting a person or facilitating the exploitation thereof by a third party.

The consent of the victim shall not be taken into account if any of the means designated in this article are used.

“Trafficking victim” shall be defined as:

For the purposes of this law, “trafficking victim” shall be defined as any natural person that was the subject of trafficking in persons, or any person that the competent authorities have reason to believe was the victim of trafficking in persons, regardless of whether the perpetrator’s identity has been revealed, or whether he was arrested, tried or convicted.

In accordance with the provisions of this article, forcing a person to participate in any of the following acts shall be considered exploitation:

1. Legally punishable acts.
2. Prostitution or exploitation of the prostitution of a third party.
3. Sexual exploitation.
4. Beggary.
5. Enslavement or actions similar to slavery.
6. Forced or compulsory labour.
7. This includes the forced or compulsory recruitment of children for use in armed conflicts.
8. Forced involvement in terrorist acts.
9. The removal of organs or tissue from the body of the victim.

The consent of the victim or his relative, legal guardian or any other person that has legal or actual authority over him shall not be taken into consideration in regards to the intended exploitation stipulated in this paragraph.

The enticement, transport, reception, detainment, or the provision of shelter for the victim for the purpose of exploitation in regards to persons under the age of 18 shall be considered trafficking in persons, even in the event that the aforementioned act is not accompanied by any of the means stipulated in Paragraph (1) (2) of this article.

Article (586 – 2)

The crimes stipulated in Article (586 – 1) shall be punishable in accordance with the following:

1. Imprisonment for a period of five years and a penalty of between 100 to 200 times the minimum official limit for wages in the event that these actions are committed in exchange for monetary sums or any other benefits, or in exchange for the promise of granting or receiving the same.
2. Imprisonment for a period of seven years and a penalty of between 150 to 300 times the minimum official limit for wages in the event that these actions are committed through the use of deception, violence, force, threat, or influence over the victim or his family members.

Article (586 – 3)

The sentence shall be imprisonment for a period of ten years and a penalty of between 200 to 400 times the minimum official limit for wages in the event that the perpetrator of the crime stipulated in Article (586 – 1) or his partner, an intermediary or an instigator is one of the following:

1. A civil servant, any person entrusted with a civil service, the manager of a recruitment office, or an employee in a recruitment office.
2. The official or unofficial relative of the victim, one of his family members, or any other person that has legal, direct actual or indirect authority over the victim.

Article (586 – 4)

The sentence shall be imprisonment for a period of 15 years and a penalty of between 300 to 600 times the minimum official limit for wages if the crime stipulated in Article (586 – 1) is committed as follows:

1. By a collective act whereby two or more persons commit criminal acts, whether in Lebanon or in more than one country.
2. If the crime concerns more than one victim.

Article (586 – 5)

In the event of any of the following circumstances, the criminal acts stipulated in Article (586 – 1) shall be punishable by imprisonment for a period between 10 and 12 years and a penalty of between 200 to 400 times the minimum official limit for wages:

1. When the offense entails serious injury to the victim or another person, or causes the death of the victim or another person, including death resulting from suicide.
2. When the offense is related to a person in a position of particular weakness, including pregnant women.
3. When the offense exposes the victim to a sickness that threatens his life, including HIV/AIDS.
4. When the victim is physically or mentally disabled.
5. When the victim is under 18 years of age.

Article (586 – 6)

An exemption from penalties shall be granted to anyone that comes forth to notify the administrative or judicial authorities of the crimes stipulated in this chapter, as well as those that provide these authorities with information that allows them to uncover the crime before it is committed, or to arrest the perpetrators, partners, intermediaries or instigators, provided that the notifying person is not to be held responsible given his status as the perpetrator of a crime stipulated in Article (586 – 1).

Article (586 – 7)

Anyone who provides the competent authorities with information that allows them to prevent the continuation of one of the crimes stipulated in this chapter after its perpetration shall benefit from mitigating circumstances.

Article (586 – 8)

An exemption from punishment shall be granted to any victim that can prove they were forced to commit legally punishable actions or actions in violation of residency or work conditions.

The investigating magistrate or adjudicating judge in the case file shall be permitted, by virtue of the issuance of a decree, to allow the victim to reside in Lebanon during the period required by the investigation procedures.

Article (586 – 9)

The Minister of Justice shall enter into agreements with the competent organisations or associations in order to provide assistance and protection to victims of the crimes stipulated in this chapter.

The conditions that shall be fulfilled in these organisations and associations, and the foundations for providing assistance and protection shall be determined by virtue of a decree issued by the Council of Ministers on the basis of a proposal submitted by the Minister of Justice.

Article (586 – 10)

Money obtained from the crimes stipulated in this chapter shall be confiscated and deposited in a special account in the Ministry of Social Affairs to help victims of these crimes.

The organising systems for the account shall be determined by virtue of a decree issued by the Council of Ministers on the basis of a proposal submitted by the Minister of Social Affairs.

Article (586 – 11)

The Lebanese courts shall have jurisdiction in the event that any of the actions comprising the crime are committed on Lebanese territory.

Article (2)

The texts of Articles (524) and (525) of the Penal Code shall be repealed and superseded by the following text:

Article (524) (New)

Anyone who proceeds to satisfy the desire of another person to seduce, entice or alienate a person with his consent shall be sentenced to imprisonment for a minimum of one year and a penalty of no less than half the value of the minimum official limit for wages.

Article (525) (New)

Anyone who proceeds to retain a person against his will due to a debt he owes in a house of ill-repute shall be sentenced to imprisonment for a period between two months and two years and a penalty of between one-tenth to the minimum official limit for wages.

Article (3)

1. The phrase “or making him commit it [the crime]” shall be deleted from the text of Articles (508) and (509) of the Penal Code.
2. The phrase “or making him commit it [the crime]” shall be deleted from the text of Article (510) of the Penal Code.

Article (4)

Persons who are being prosecuted before this law enters into effect shall be punished pursuant to the provisions of Articles (524) and (525) of the Penal Code by imposing upon them the penalties that are stipulated in these two articles before they were amended pursuant to this law.

Article (5)

The following new section shall be added after Section (7) of the Code of Criminal Procedure:

Section (7) bis

On Protection Procedures in Crimes of Trafficking in Persons

Article (370 – 2)

The investigating magistrate shall decide to hear the testimony of a person that has obtained information in the capacity of a witness. The minutes of the testimony shall not contain the identity of the person giving the testimony if the following two conditions are met:

1. The crime of trafficking in persons that is being investigated is punishable by a criminal sentence of no less than imprisonment for a period of five years.
2. Fear that sharing information regarding the crime may result in a threat to the life or wellbeing of the person giving the testimony, his family members, or his siblings.

The decision shall be justified and shall contain the actual and material reasons on which the issuing thereof was based.

The identity and address of the person shall be recorded in a special file that shall not be attached to the case file. It shall be deposited and maintained by the Public Prosecutor at the Court of Cassation.

Article (370 – 3)

The defendant may request that the judge presiding over the case reveal the identity of the witness in accordance with the provisions of the previous article, in the event it is deemed that this procedure is essential for the exercise of the rights to defence.

The judge shall decide, if they find the request conditions have been met, to either reveal the identity, provided that the person concerned approves, or to annul the file drafted in accordance with the provisions of Article (370 – 2).

Article (370 – 4)

The defendant may request to confront the witness in accordance with the provisions of Article (370 – 2). In this case, the judge shall determine the use of techniques that disguise the person's voice.

The details of implementing the provisions of this article shall be determined by virtue of a decree issued by the Council of Ministers on the basis of a proposal submitted by the Minister of Justice.

Article (370 – 5)

The conviction shall not be limited to the testimony of the witness in accordance with the provisions of Article (370 – 2).

Article (370 – 6)

Anyone who discloses information about the protection procedures stipulated in this section shall be sentenced to imprisonment for a period of between two and three years and a penalty of between 20 million and 30 million LBP.

Article (6)

This Law shall enter into force upon its publication in the Official Gazette.