

**Law No. 205 issued on 30  
December, 2020 criminalizing  
sexual harassment and  
rehabilitating its victims**

## Scope of application

This law criminalizes sexual harassment, especially in the workplace, public institutions or educational facilities.

Under Article 2<sup>nd</sup>, the law has expanded its application to now protect victims who have any “relationship of dependency” and penalizing perpetrators who have “material or moral” power over the victims. Taking into account victims who are physically disabled or else unable of defending themselves.

## Key provisions

- In addition to punishing the offenders, this new law ensures protection to both the victims and the witnesses.
- The definition of sexual harassment, as defined has finally expended its scope “any recurring bad behavior that is out of the ordinary, unwanted by the victim, with a sexual connotation that constitutes a violation of the body, privacy, or feelings”.
- Anyone who commits sexual harassment shall be punished with imprisonment and a fine up to a minimum of 3 to a maximum of 20 times the rate of the official minimum wage.
- The penalty shall be increased if the harassment is committed within the framework of the organization, or if the harassment occurs in official or military departments, public institutions, municipalities, universities, schools, nurseries, institutes, clubs or in public transport, or if the harasser is an employee as per the definition established in article 350 of the Penal Code.  
The penalty is worsened if the offense is committed against a juvenile, or a person who has special needs or a person who cannot defend herself because of her physical or psychological health status, and also if the offender has material, moral, functional or educational authority over the victim.
- Prosecution depends on a complaint submitted by the victim, except in some cases, where the offense is committed by two or more persons, or when the victim has special needs.
- Any discrimination or prejudice to the legal rights of the victim who has refused to submit to acts of harassment is prohibited, as well as the rights of the person who reported the harassment.
- Criminal prosecutions shall not preclude any disciplinary sanctions against the harasser.
- A special fund shall be established at the Ministry of Social Affairs to assist victims of sexual harassment and shall be financed from State contributions, donations and fines.