

## Chapter Eighteen

### **CRIMINAL OFFENSES AGAINST FULL FREEDOM**

#### **Rape**

##### **Article 178**

(1) Whoever forces another to have intercourse or an act equated with it by the use of force or by threatening to directly attack the life or body of that or a person close to him, shall be punished by imprisonment for a term between three and twelve years.

(2) If the act referred to in paragraph 1 of this Article was committed by threatening to reveal something that would harm his part or reputation or by threatening him with another grave evil, the perpetrator will be sentenced to two to ten years in prison.

(3) If as a result of the act referred to in paragraphs 1 and 2 of this Article a serious bodily injury occurred to the person against whom the act was committed or if the act was committed by several persons or in a particularly cruel or particularly humiliating manner or against a minor resulted in pregnancy, the perpetrator will be sentenced to five to fifteen years in prison.

(4) If, as a result of the act referred to in paragraphs 1 and 2 of this Article, the death of the person against whom the act was committed or the act was committed against a child occurred, the perpetrator shall be punished by imprisonment for a term not less than ten years.

#### **Promise over a helpless face**

##### **Article 179**

(1) Whoever commits sexual intercourse or an act equated with it by taking advantage of a mental illness, retarded mental development, other mental disorder, impotence or any other condition of that person due to which he is not capable of resistance, shall be punished by imprisonment for a term between two and ten years.

(2) If as a result of the act referred to in paragraph 1 of this Article a serious bodily injury of a helpless person occurred or if the act was committed by several persons or in a particularly cruel or particularly humiliating manner or was committed against a minor or the act resulted in pregnancy, the perpetrator will be sentenced to five to fifteen years in prison.

(3) If, as a result of the act referred to in paragraphs 1 and 2 of this Article, the death of the person against whom the act was committed occurred or if the act was committed against a child, the perpetrator shall be punished by imprisonment for a term not less than ten years.

### **Intercourse with a child**

#### **Article 180**

(1) Whoever commits adultery or an act equated with it with a child, shall be punished by imprisonment for a term between three and twelve years.

(2) If as a result of the act referred to in paragraph 1 of this Article, a serious bodily injury of the child occurred, according to which the act was committed or the act was committed by several persons or the act resulted in pregnancy, the perpetrator will be sentenced to five to fifteen years in prison.

(3) If, as a result of the act referred to in paragraphs 1 and 2 of this Article, the death of the child occurred, the perpetrator shall be punished by imprisonment for a term not less than ten years.

(4) The perpetrator shall not be punished for the act referred to in paragraph 1 of this Article, if there is no significant difference between him and the child in their mental and physical maturity.

### **Promise of abuse of position**

#### **Article 181**

(1) Whoever, by abusing his position, induces a person who is in a relationship of any subordination or dependence to commit adultery or an act equated with it, shall be punished by imprisonment for a term between three months and three years.

(2) A teacher, educator, guardian, adoptive parent, parent, stepfather, stepmother or other person who, by abusing his position or authority, commits adultery or an act equated with it with a minor entrusted to him for the purpose of learning, upbringing, care or nursing, shall be punished by imprisonment for a term between one and ten years.

(3) If the act referred to in paragraph 2 of this Article was committed against a child, the perpetrator will be sentenced to three to twelve years in prison.

(4) If the act referred to in paragraphs 1 to 3 of this Article resulted in pregnancy, the perpetrator shall be punished for the offense referred to in paragraph 1 by imprisonment for a term between six months and five years, for the offense referred to in paragraph 2 with imprisonment for two to twelve years, and for the offense referred to in paragraph 3 with imprisonment for three to fifteen years.

(5) If, as a result of the act referred to in paragraph 3 of this Article, the child died, the perpetrator shall be punished by imprisonment for a term not less than ten years.

## **Illegal sexual acts**

### **Article 182**

(1) Who under the conditions from art. 178, paragraphs 1 and 2, 179, paragraphs 1 and 181, paragraphs 1 to 3 of this Code, perform some other sexual act, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Who under the conditions referred to in Article 180, paragraph 1 of this Code performs another sexual act, shall be punished by imprisonment for a term between six months and five years.

(3) If, as a result of the act referred to in paragraphs 1 and 2 of this Article, a serious bodily injury occurred to the person against whom the act was committed or if the act was committed by several persons or in a particularly cruel or particularly humiliating manner, the perpetrator will be sentenced to two to ten years in prison.

(4) If, as a result of the act referred to in paragraphs 1 and 2 of this Article, the person against whom the act was committed has died, the perpetrator shall be punished by imprisonment for a term not less than five years.

## **Cheating and enabling sexual intercourse**

### **Article 183**

(1) Whoever deceives a minor for the purpose of committing adultery, an act equated with it or another sexual act, shall be punished by imprisonment for a term between one and eight years and by a fine.

(2) Whoever enables the performance of sexual intercourse, an act equated with it or another sexual act with a minor, shall be punished by imprisonment for a term between six months and five years and by a fine.

## **Mediation in prostitution**

### **Article 184**

(1) Whoever induces or incites another to prostitution or participates in the surrender of a person to another for the purpose of prostitution or who promotes or advertises prostitution through the media and other similar means, shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) If the act referred to in paragraph 1 of this Article was committed against a minor, the perpetrator will be punished by imprisonment for one to ten years and a fine.

## **Showing, obtaining and possessing pornographic material and exploiting a minor for pornography**

### **Article 185**

(1) Whoever sells, displays or otherwise makes available to a minor through a public exhibition or in any other way texts, images, audio-visual or other objects of pornographic content or shows him a pornographic performance, shall be punished by a fine or imprisonment for a term not exceeding six months.

(2) Whoever uses a minor for the production of images, audio-visual or other objects of pornographic content or for a pornographic performance, shall be punished by imprisonment for a term between six months and five years.

(3) If the act referred to in paragraphs 1 and 2 of this Article was committed against a child, the perpetrator shall be punished for the offense referred to in paragraph 1 by imprisonment for a term between six months and three years, and for the offense referred to in paragraph 2 with imprisonment for a term between one and eight years.

(4) Whoever acquires for himself or another, possesses, sells, displays, publicly exhibits or electronically or in any other way makes available images, audio-visual or other objects of pornographic content created by the exploitation of a minor, shall be punished by imprisonment for a term between three months and three years.

(5) The items referred to in paragraphs 1 to 4 of this Article shall be confiscated.

### **Inducing a minor to attend sexual activities**

#### **Article 185a**

(1) Whoever induces a minor to attend rape, prostitution or an act equated with it or other sexual activity, shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) If the act referred to in paragraph 1 of this Article was committed by force or threat, or against a child, the perpetrator will be sentenced to one to eight years in prison.

### **Exploitation of a computer network or communication by other technical means for the commission of criminal offenses against sexual freedom against a minor**

#### **Article 185b**

(1) Who in order to commit a criminal offense under Art. 178, paragraph 4, 179, paragraph 3, 180, paragraphs 1 and 2, 181, paragraphs 2 and 3, 182, paragraph 1, 183, paragraph 2, 184, paragraph 3, 185, paragraphs 2 and 185a of this Code, using

a computer network or communication by other technical means, arrange a meeting with the minor and appear at the agreed place for the meeting, shall be punished by imprisonment for a term between six months and five years and by a fine.

(2) Whoever commits the act referred to in paragraph 1 of this Article against a child, shall be punished by imprisonment for a term between one and eight years.

### **Prosecution for crimes against sexual freedom**

#### **Article 186**

Prosecution for criminal offenses under Art. 178 and 179 of this Code committed against the spouse and for the criminal offense referred to in Article 182, paragraph 1, shall be undertaken upon the proposal.