

(4) If the act mentioned in the second subsection results with corporal and spiritual injury of a woman, the person responsible from this consequence is sentenced to imprisonment from three years to six years; in case of death of woman, punishment of imprisonment from four years to eight years is imposed for the offender.

(5) Even if the abortion is based on consent of the woman, expulsion of fetus, which is less than ten weeks (incl.), by an unauthorized person, is subject to punishment of imprisonment from two years to four years. If the above-mentioned acts are executed by an unauthorized person, the punishments assessed pursuant to above subsections are increased by one half.

(6) In case a woman gets pregnant as a result of an offense, no punishment is imposed on the person due to expulsion of fetus provided that the pregnancy period does not exceed twenty weeks and the consent of the woman is obtained for abortion. In such case, the abortion should be made by the specialist physicians in the hospital.

Abortion

ARTICLE 100-(1) In case a woman agrees on abortion during the pregnancy period exceeding ten weeks, then she is punished with imprisonment up to one year or punitive fine.

Sterilization

ARTICLE 101-(1) Any person, who involves in sterilization without the consent of man or woman, is sentenced to imprisonment from three years to six years. If the sterilization process is performed by an unauthorized person, then the punishment is increased by one third.

(2) Even if the abortion is based on the consent of parties, performance of this act by unauthorized persons is still subject to punishment from one year to three years.

SIXTH SECTION

Offenses against Sexual Immunity

Sexual abuse

ARTICLE 102- (1) Any person who attempts to violate sexual immunity of a person, is sentenced to imprisonment from two years to seven years upon complaint of the victim.

(2) In case of commission of offense by inserting an organ or instrument into a body, the offender is punished with imprisonment from seven years to twelve years. In case of commission of this offense against a spouse, commencement of investigation or prosecution is bound to complaint of the victim.

(3) If the offense is committed;

- a) Against a person who cannot protect himself because of corporal or spiritual disability,
- b) By undue influence based on public office,
- c) Against a person with whom he has third degree blood relation or kinship,
- d) By using arms or participation of more than one person in the offense,

the punishments imposed according to above subsections are increased by one half.

(4) In case of use of force during the commission of offense in such a way to break down victim's resistance, the offender is additionally punished for felonious injury.

(5) In case of deterioration of corporal and spiritual health of the victim as a result of the offense, the offender is sentenced to imprisonment not less than ten years.

(6) In case of death of vegetal existence of a person as result of the offense, the offender is sentenced to heavy life imprisonment.

Child molestation

ARTICLE 103-(1) Any person who abuses a child sexually is sentenced to imprisonment from three years to eight years.

Sexual molestation covers the following acts;

- a) All kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack of ability to understand the legal consequences of such act,
- b) Abuse of other children sexually by force, threat or fraud.

(2) In case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to imprisonment from eight years to fifteen years.

(3) In case of performance of sexual abuse by antecedents, second or third degree blood relations, step father, guardian, educator, trainer, nurse and other persons rendering health services and responsible from protection and observation of the child, or by undue influence based on public office, the punishment to be imposed according to the above subsections is increased by one half.

(4) In case of execution of sexual abuse against the children listed in paragraph (a) of first subsection by use of force or threat, the punishment to be imposed is increased by one half.

(5) The provisions relating to felonious injury are additionally applied in case the acts of force and violence cause severe injury to the person subject to sexual abuse.

(6) In case of deterioration of corporal and spiritual health of the victim as a result of offense, the offender is sentenced to imprisonment not less than fifteen years.

(7) In case the offense results with death or vegetal existence of the victim, the offender is punished with heavy life imprisonment.

Sexual intercourse between/with persons not attained the lawful age

ARTICLE 104 – (1) Any person who is in sexual intercourse with a child who completed the age of fifteen without using force, threat and fraud, is sentenced to imprisonment from six months to two years upon filing of a complaint.

(2) If the offender is older than the victim more than five years, the punishment to be imposed is doubled without seeking raise of a complaint.

Sexual harassment

ARTICLE 105-(1) If a person is subject to sexual harassment by another person, the person performing such act is sentenced to punishment from three years to two years upon complaint of the victim.

(2) In case of commission of these offenses by undue influence based on hierarchy or public office or by using the advantage of working in the same place with the victim, the punishment to be imposed according to the above subsection is increased by one half. If the victim is obliged to leave the business place for this reason, the punishment to be imposed may not be less than one year.

SEVENTH SECTION

Offenses against Freedom

Threat

ARTICLE 106- (1) Any person who threatens another person by saying that he intends to kill himself or one of his relatives, or to violate corporal or sexual immunity of others, is punished with imprisonment from six months to two years.

(2) In case of performance of threat;

- a) By use of a weapon,
- b) By unsigned letter or use of special signs concealing ones identity,
- c) By more than one person,
- d) By taking advantage of the terror actions of existing or potential organized groups,

the offender is sentenced to imprisonment from two years to five years.

(3) In case of commission of offense by threat resulting with felonious homicide, felonious injury or damage to property, the offender is additional punished from these offenses.

Blackmail

ARTICLE 107- (1) Any person who forces a person to perform an act contrary to the law; or to execute or not to execute a duty beyond his responsibility; or to derive unjust benefit from a thing by declaring his will to perform or not to perform an obligation which he is entitled to do so, is sentenced to imprisonment from one year to three years and punished with punitive fine up to five thousand days.

Violence

ARTICLE 108-(1) In case of use of physical power against a person to force him to do or not to do a thing, or to allow him to perform an act, the punishment determined for felonious injury is imposed with an increase from one third to one half.

ARTICLE 109-(1) Any person who unlawfully restricts the freedom of a person by preventing him from traveling or living in a place is sentenced to imprisonment from one year to five years.

(2) If a person uses physical power or threat or deception to perform an act or during commission of offense, then he is sentenced to imprisonment from two years to seven years.

(3) In case of commission of this offense;

- a) By use of a weapon,
- b) Jointly by a group of persons,
- c) By virtue of a public office,
- d) By undue influence based on public office,
- e) Against antecedents, descendents or spouse,
- f) Against a child or a person who cannot protect himself due to corporal or spiritual disability,