

Article 14

Intentional conduct

- 1 - Acts with intent whoever, considering an act which fulfils a type of criminal offence, carries it out with the intention of accomplishing it.
- 2 - Whoever considers the accomplishment of an act that fulfils a type of criminal offence as a necessary consequence of his conduct, also acts with wilful intent.
- 3 - There is intent when the accomplishment of an act that fulfils a type of offence is considered as a possible consequence of the conduct, and the offender acts nonetheless accepting such execution.

Article 27

Complicity

- 1 - Whoever, intentionally and by any form, renders material or moral assistance to another for the execution of an intentional act is punishable as an accomplice.
- 2 - The accomplice is subject to the same penalty prescribed for the perpetrator, specially mitigated.

Article 163

Sexual coercion

- 1 - Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or unable to resist, constrains such person to submit to, or to engage into, with himself or with a third party, a relevant sexual intercourse is punished with imprisonment from one to eight years.
- 2 - Whoever, by any means other than those provided for in the preceding paragraph and by abusing of the authority resulting from a familiar relationship, tutorship or curatorship or from hierarchical, economic or work dependence, or by taking advantage of fear caused by him, constrains another person to submit to, or to engage into a relevant sexual act with himself or with a third party, is punished with imprisonment for no more than two years.

Article 164

Rape

- 1 - Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or unable to resist, constrains such person:
 - a) To submit to, or to engage into, vaginal coitus, coitus per anum or oral coitus with himself or with a third party;
or
 - b) To submit to vaginal or per anum penetration by parts of the body or objects;is punished with imprisonment from three to ten years.
- 2 - Whoever, by any means other than those provided for in the preceding paragraph and by abusing of the authority resulting from a family relationship, tutorship or curatorship or from a hierarchical dependence,
 - a) To submit to, or to engage into, vaginal coitus, coitus per anum or oral coitus with himself or with a third party;
or
 - b) To submit to vaginal or per anum penetration by parts of the body or objects;is punished with imprisonment for no more than three years.

Article 165

Sexual abuse of a person unable to resist

- 1 - Whoever engages into a relevant sexual act with an unconscious person or a person unable to resist due to any other reason. taking advantage of that person's state or inability. is punished with imprisonment from six months

to eight years.

2 - If the relevant sexual act consists of vaginal coitus, coitus per anum, oral coitus or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment from two to ten years.

Article 166

Sexual abuse of interned person

1 - Whoever, taking advantage of either the duties or the position performed or held at any title in:

- a) An institution where custodial sentences or measures are enforced;
- b) Hospital, hospice, asylum, recovery or health clinic or other institution aimed for assistance or treatment; or
- c) Education or correction institution;

engages into a relevant sexual intercourse with a person interned therein and who is, in any way, entrusted to him or under his care, is punished with imprisonment from six months to five years.

2 - If the relevant sexual intercourse consists of vaginal coitus, coitus per anum, oral coitus or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment from one to eight years.

Article 170

Sexual harassment

Whoever harasses another person by engaging into exhibitionist acts before such person or constrains him to a contact of sexual nature is punished with imprisonment for no more than one year, or with a fine for no more than 120 days, if a more severe sentence is not applicable to him by virtue of another legal provision.

Article 171

Sexual abuse of children

1 - Whoever engages into a relevant sexual act with or on a minor under 14 years of age, or procures him to engage into such act with another person, is punished with imprisonment from one to eight years.

2 - If the relevant sexual act consists of vaginal coitus, coitus per anum, oral coitus or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment from three to ten years.

3 - Whoever:

- a) Importunes a minor under 14 years of age, by engaging into the act provided for in article 170; or
 - b) Acts over a minor under 14 years of age, by means of a pornographic conversation, writing, show or object;
- is punished with imprisonment for no more than three years.

4 - Whoever engages into the acts described in the preceding paragraph with profitable intent is punished with imprisonment from six months to five years.

Article 172

Sexual abuse of dependant minors

1 - Whoever engages into or causes the engagement into the act provided for in paragraphs 1 or 2 of the preceding article, in relation to a minor between 14 and 18 years of age who has been entrusted to him for education or assistance, is punished with imprisonment from one to eight years.

2 - Whoever engages into the act provided for in subparagraphs a) and b) of paragraph 3 of the preceding article, in relation to a minor referred to in the preceding paragraph and in the conditions mentioned therein, is punished with imprisonment for no more than one year.

3 - Whoever engages into the acts provided for in the preceding paragraph with profitable intent is punished with imprisonment for no more than three years or with a fine.

Article 173

Sexual activities with adolescents

1 - Whoever, being of age, engages into a relevant sexual act with a minor between 14 and 16 years of age, or leads him to engage therein with another person, abusing from the minor's inexperience, is punished with imprisonment for no more than two years, or with a fine for no more than 240 days.

2 - If the relevant sexual act consists of vaginal coitus, oral coitus, coitus per anum or vaginal or per anum penetration by parts of the body or objects, the offender is punished with imprisonment for not more than three years, or with a fine for no more than 360 days.

Article 174

Resort to minors' prostitution

1 - Whoever, being of age, engages into a relevant sexual intercourse with a minor between 14 and 18 years of age, against payment or other compensation, is punished with imprisonment for no more than two years, or with a fine for no more than 240 days.

2 - If the relevant sexual act consists of vaginal coitus, coitus per anum, oral coitus or per anum or vaginal penetration by parts of the body or objects, the offender is punished with imprisonment for no more than three years, or with a fine for no more than 360 days.

3 - The attempt is punishable.

Article 175

Minors' pandering

1 - Whoever encourages, favours or facilitates a minor's engagement into prostitution is punished with imprisonment from one to five years.

2 - If the offender commits the criminal offence falling within the preceding paragraph:

- a) By means of violence or serious threat;
 - b) Through cunning or fraudulent manipulation;
 - c) With abuse of authority resulting from a family relationship, tutorship or curatorship or from hierarchical, economic or work dependence;
 - d) Acting professionally or with profitable intent; or
 - e) Taking advantage of a mental disability or a particularly vulnerable situation of the victim;
- is punished with imprisonment from two to ten years.

Article 176

Minors' pornography

1 - Whoever:

- a) Uses a minor in a pornographic performance or allures him for such purpose;
- b) Uses a minor in a pornographic photography, film or recording, regardless of their support, or allures him for such purpose;
- c) Produces, distributes, imports, exports, discloses, exhibits or assigns, at any title or by any means, the materials provided for in the preceding paragraph;
- d) Acquires or holds materials provided for in subparagraph b) with the intent to distribute, import, export, disclose, exhibit or assign them;

is punished with imprisonment from one to five years.

2 - Whoever commits the acts described in the preceding paragraph, either professionally or with profitable intent, is

punished with imprisonment from one to eight years.

3 - Whoever commits the acts described in subparagraphs c) and d) of paragraph 1 using pornographic material depicting a realist representation of a minor is punished with imprisonment for no more than two years.

4 - Whoever acquires or holds the materials provided for in subparagraph b) of paragraph 1 is punished with imprisonment for no more than one year or with a fine.

5 - The attempt is punishable.