

4 b.

Pursuant to Art. 157, para. "Whoever commits sexual intercourse or acts of sexual gratification with a person of the same sex, using force or intimidation for this purpose or using a situation of dependence or supervision, as well as with a person deprived of the possibility of self-defence, shall be punished by imprisonment from two to eight years."

The provision of Art. 157 para. "When the act referred to in par. 1 (described above) is committed in respect of a person under the age of 14 years, the penalty shall be imprisonment from five to twelve years". This provision criminalizes both rape and lewd acts such as homosexual intercourse committed with respect to a person under the age of 14.

The analogous provision in the case of heterosexual violence against a child under 14 years of age is Article 152, paragraph 4, item 1 of the Penal Code - rape when the victim is under fourteen years of age, with a penalty of imprisonment of ten to twenty years.

In relation to heterosexual acts of fornication against a person under the age of 14, the provision of Art. 150, para. "Whoever commits an act with the intent to arouse or gratify sexual desire without consent with respect to a person under the age of 14 years, by use of force or intimidation, by taking advantage of his helpless state or by placing him in such a state, or by using a situation of dependence or supervision, shall be punished by imprisonment from two to eight years".

Article 157(4) of the Penal Code provides that "Whoever commits sexual intercourse or acts of sexual gratification with a person of the same sex who has not attained the age of 14 years shall be punished by imprisonment for three to ten years."

An analogous provision for heterosexual activity is that in Art. 151, para. Whoever copulates with a person under the age of 14 years, insofar as the act committed does not constitute an offence under Article 152 (rape), shall be punished by imprisonment from two to six years.

In the case of heterosexual activity, i.e. fornication, without the use of coercion, the provision of Art. 149 para. "Whoever commits an act with the intent to arouse or gratify sexual desire without sexual intercourse in respect of a person under the age of 14 years shall be punished for fornication by imprisonment from one to six years."

According to the provision of article 157, paragraph 5 of the Penal Code, "Whoever commits sexual intercourse or acts of sexual gratification with a person of the same sex under the age of 14 years who is engaged in prostitution shall be punished by a term of three to ten years." An analogous provision is that in Article 151(2)(2) of the Criminal Code with regard to heterosexual activity, according to which an offender who copulates with a person under the age of 14 who is engaged in prostitution shall be punished by imprisonment from two to eight years.