

**(Official Gazette of the Federation of Bosnia and Herzegovina no. 58/25)**

Pursuant to Article IV B 7 a) (IV) of the Constitution of the Federation of Bosnia and Herzegovina, hereby I enact the following

**DECREE**

**PROMULGATING THE LAW ON AMENDMENTS TO THE CRIMINAL CODE OF THE  
FEDERATION OF BOSNIA AND HERZEGOVINA**

This is to promulgate the Law on Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina, as enacted by the Parliament of the Federation at the session of the House of Representatives on 23 July 2025 and the session of the House of Peoples on 16 June 2025.

Number 01-02-370-01/25  
29 July 2025,  
Sarajevo

Chairwoman  
**Lidija Bradara, m.p.**

**LAW**

**ON AMENDMENTS TO THE CRIMINAL CODE OF THE FEDERATION OF BOSNIA  
AND HERZEGOVINA**

**Article 1**

In the Criminal Code of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of BiH", nos. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16, 75/17 and 31/23), after Article 1, a new Article 1a shall be added to read:

**"Article 1a  
(Compliance with the Acquis Communautaire)**

This Law partially transposes Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence (OJ L2024/1385) into the legislation of the Federation of Bosnia and Herzegovina.

**Article 2**

In Article 2, paragraph (12) shall be amended to read:

"(12) A child is a person who has not reached 18 years of age."

Paragraph (13) shall be amended to read:

"(13) A younger adult is a person who, at the time of the commission of a criminal offence, has reached 18 years of age but has not reached 21 years of age."

After paragraph (13), new paragraphs (14), (15), (16) and (17) shall be added to read:

“(14) A victim of a criminal offense is a natural person who directly suffers physical and mental consequences, property damage or violation of fundamental rights and freedoms due to a committed criminal offense. The victim of a criminal offense is considered to be the spouse or common-law partner, intimate partner, and descendant, or if there are none, the ancestor, brother and sister of the person whose death was directly caused by the criminal offense, and the person whom that person was legally obliged to support.

(15) Family members are: spouses or former spouses and their children or the children of each of them, common-law partners or former common-law partners and their children or the children of each of them, blood relatives and relatives from a relationship of full adoption in the direct line without limitation, and in the collateral line up to the fourth degree, stepfather, stepmother, adopted child and adoptive parent from a relationship of incomplete adoption, relatives by law up to the second degree regardless of the fact that the marital union has ended, persons bound by a relationship of guardianship and foster care, persons who live or have lived in the same household regardless of kinship, persons who have a child together or a child was conceived even though they never lived in the same household, regardless of whether the perpetrator shares or has shared a household with the victim.

(16) Close persons are family members, as well as life partners, former life partners, current or former partners in an emotional or intimate relationship, regardless of whether the perpetrator shares or has shared a household with the victim.

(17) A life partner is a person who lives with another person of the opposite sex in a union that has a more permanent character.”

Current paragraphs (14) to (22) shall become paragraphs (18) to (26).

Paragraph (23) shall be deleted.

Current paragraphs (24) to (35) shall become paragraphs (27) to (38).

After paragraph (38), new paragraphs (39), (40), (41) and (42) shall be added to read:

“(39) Information and communication technologies are procedures, methods, electronic means and programs that enable the collection, storage, processing, management, transmission and presentation of computer data and information in electronic form, as well as network telecommunication equipment that enables communication, searching, sending, receiving and accessing computer data and information in electronic form.

(40) Violence is a violation of human rights and means all acts of violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or intentional deprivation of liberty, whether occurring in public or private life.

(41) Gender-based violence against women is violence directed against a woman because she is a woman or that affects women disproportionately. Such conduct shall be considered an aggravating circumstance unless this law expressly prescribes a more severe punishment.

(42) A female person includes female persons under 18 years of age.”

Current paragraph (36) shall become paragraph (43).

### **Article 3**

Article 9 shall be amended to read:

“Article 9  
**(Exclusion of Application of Criminal Legislation in the Federation towards Children under 14 Years of Age)**

Criminal legislation in the Federation does not apply to children who were under 14 years of age at the time of the commission of a criminal offense.”

### **Article 4**

Article 10 shall be amended to read:

“Article 10  
**(Application of Criminal Legislation in the Federation towards Children over 14 Years of Age and Younger Adults)**

This Law shall apply to children who are over 14 years of age at the time of the commission of a criminal offense and to younger adults unless otherwise prescribed by a special law.”

### **Article 5**

In Article 14, paragraph (2) shall be amended to read:

“(2) The provisions of the general part of this Law apply to children over the 14 years of age and younger adults, unless otherwise prescribed by a special law.”

### **Article 6**

In Article 16, after paragraph (6), new paragraph (7) shall be added to read:

“(7) For the criminal offenses of human trafficking and organized human trafficking, criminal offenses against sexual freedom and morality, criminal offenses of sexual abuse and exploitation of children, and criminal offenses against marriage, family and youth committed to the detriment of a child, the statute of limitations for criminal prosecution begins to run from the time the victim reaches the age of majority.”

### **Article 7**

In Article 41, after paragraph (1), new paragraph (2) shall be added to read:

“(2) A fine may be imposed as an accessory punishment on a perpetrator of a criminal offense motivated by greed even when it is not prescribed by the law or when it is prescribed that the perpetrator shall be punished with imprisonment or a fine, and the court imposes a prison sentence as the main punishment.”

### **Article 8**

In Article 43, paragraph (3) shall be amended to read:

“(3) Imprisonment referred to in paragraphs (1) and (2) of this Article may not be imposed on children over 14 years of age. Children over 16 years of age may be sentenced to juvenile imprisonment under the conditions prescribed by a special law.”

## **Article 9**

In Article 43a, paragraph (2), the numeral “100” shall be replaced with the numeral “150”.

After paragraph (3), new paragraph (4) shall be added to read:

“(4) Imprisonment imposed for a term of up to one year cannot be replaced by a fine for criminal offences against the constitutional order of the Federation, human trafficking and organized human trafficking, criminal offences against sexual freedom and morality, criminal offences of sexual abuse and exploitation of a child and criminal offences against marriage, family and youth.”

## **Article 10**

In Article 43c, paragraph (4) shall be amended to read:

“(4) Persons convicted for crimes against marriage, family and youth may not be ordered execution of imprisonment in the manner prescribed in paragraph (1) of this article.”

## **Article 11**

In Article 47, paragraph (3), the numeral “500” shall be replaced with the numeral “1000”.

## **Article 12**

In Article 48, paragraph (3), the numeral “100” shall be replaced with the numeral “150”.

## **Article 13**

In Article 49, after paragraph (1), new paragraph (2) shall be added to read:

“(2) When meting out the punishment for criminal offences against life and limb, human trafficking and organized human trafficking, criminal offences against sexual freedom and morality, criminal offences of sexual abuse and exploitation of children and criminal offences against marriage, family and youth, as mitigating circumstances cannot be taken culture, customs, religion, tradition and so-called honor.”

## **Article 14**

In Article 51, paragraph (1), items e) and g) shall be amended to read:

“e) if the minimum punishment for a criminal offense is imprisonment of less than one year, the punishment may be reduced to 30 days of imprisonment;

g) if a fine is prescribed for a criminal offense with an indication of the lowest amount, the punishment may be reduced by up to five daily amounts, and if it is imposed in the fixed amount, by up to 1000 KM.”

## **Article 15**

In Article 54, paragraph (5), after the words “compound punishment” shall be added the words “of imprisonment”.

## **Article 16**

In Article 57, paragraph (3), the numeral “100” shall be replaced with the numeral “150”.

## **Article 17**

In Article 71, after item e), new items shall be added to read as follows:

“f) ban on approaching and communicating with the victim;

g) removal from the household.”

## **Article 18**

After Article 78, new Articles 78a and 78b shall be added to read:

### **“Article 78a**

#### **(Ban on Approaching and Communicating with the Victim)**

(1) The security measure of ban on approaching and communicating with the victim may be imposed on a perpetrator of a criminal offense against life and limb, a criminal offense against sexual freedom and morality, a criminal offense of sexual abuse and exploitation of a child, a criminal offense against marriage, family and youth, as well as a criminal offense of stalking, if there is a risk that the perpetrator may repeat such a criminal offense.

(2) The security measure of ban on approaching and communicating with the victim includes the ban of approaching the victim at a certain distance, the ban of access to the area around the place of residence or the place of work of the victim, as well as the ban of harassment or communication with the victim, either through information and communication technologies or in another way.

(3) The security measure of ban on approaching and communicating with the victim may be imposed for a period of no less than six months or more than five years, counting from the date the court's decision becomes final, with the provision that the time spent serving the punishment of imprisonment shall not be credited toward the term of this measure.

(4) The perpetrator of a criminal offense who violates the ban on approaching and communicating with the victim as determined in a suspended sentence may be subject to the provisions of Article 66 of the Criminal Code of the Federation of Bosnia and Herzegovina (hereinafter: the Criminal Code of the Federation).

### **Article 78b**

#### **(Removal from the Household)**

(1) The court may impose the security measure of removal from the household on the perpetrator of a criminal offense against life and limb, a criminal offense against sexual freedom and morality, a criminal offense of sexual abuse and exploitation of a child, a criminal offense against marriage, family and youth, if there is a risk that the perpetrator could commit a criminal offense against a household member again.

(2) The security measure of removal from the household may be imposed for a period that cannot be shorter than six months or longer than five years, counting from the date the court's decision becomes final, with the provision that the time spent serving the punishment of imprisonment shall not be credited toward the term of this measure.

(3) The person on who the measure has been imposed referred to in paragraph (1) of this Article is obliged, in the presence of a police officer, to leave the apartment, house or other residential premises that constitute the household immediately after the judgment becomes final.

(4) After half of the term of the security measure imposed pursuant to paragraph (1) of this Article has been passed, the court may, at the proposal of the convicted person, suspend its execution if it determines that the danger referred to in paragraph (1) of this Article no longer exists. The convicted person may repeat the proposal, but not before six months have passed since the last review.

(5) The perpetrator of a criminal offense who fails to comply with the security measure of removal from the household or who violates this measure may be subject to action pursuant to Article 66 of the Criminal Code of the Federation.”

### **Article 19**

After Article 78 the title “X CHAPTER TEN – RULES RELATING TO EDUCATIONAL RECOMMENDATIONS, EDUCATIONAL MEASURES AND PUNISHING JUVENILES” and Articles 79 to 109 shall be deleted.

### **Article 20**

In Article 110, paragraph (1), the words “or juvenile imprisonment shall be executed” shall be replaced with the words “shall be executed”.

### **Article 21**

In Article 112, paragraph (1), shall be amended to read:

“(1) A person sentenced to imprisonment or a long-term imprisonment, who is capable to work may, work if he or she consents to it.”

### **Article 22**

In Article 113, paragraph (1), shall be amended to read:

“(1) For a person who has reached 16 years of age, the sentence of juvenile imprisonment shall be served in special institutions for juvenile offenders. For a person who has reached 18 years of age but has not reached 23 years of age, the sentence of juvenile imprisonment shall be served in special institutions for younger adults or in a special department of the institution in where the sentence is served by adults, ensuring that he or she does not come into contact with older prisoners. For a person who has reached 23 years of age before the end of serving the sentence, the rest of the sentence shall be served in a special institution for adult offenders.”

### **Article 23**

In Article 121, paragraph (1), shall be amended to read:

“(1) Following release from the institution where they had served sentences of imprisonment or long-term imprisonment or after being pardoned, or after the punishment was barred by the statute of limitation, convicted persons shall freely enjoy all rights provided by the constitution, law and other regulations, and may gain all rights other than those whose exercise is limited as a result of a security measure imposed on them or a legal consequence incident to conviction.”

## **Article 24**

In Article 125, paragraph (4), shall be amended to read:

“(4) A sentence to a long-term imprisonment and a sentence for the criminal offenses of sexual abuse and exploitation of a child and the criminal offenses of human trafficking and organized human trafficking committed to the detriment of a child shall not be deleted.”

## **Article 25**

In Article 166, paragraph (2), item e), at the end of the sentence the full stop is replaced by a semicolon and new items f) and g) shall be added to read:

“f) deprives of life a family member or a close person;

g) deprives of life a child or a pregnant woman.”

## **Article 26**

After Article 166, new Article 166a shall be added to read:

### **“Article 166a (Aggravated Murder of a Female)**

(1) Whoever commits gender-based murder of a woman, shall be punished by imprisonment for ten years or long-term imprisonment.

(2) When determining the criminal offense referred to in paragraph (1) of this Article, it shall be taken into account that the offense was committed against a close person, a person who has previously been abused by the perpetrator, a vulnerable person, a person in a relationship of subordination or dependence, or that the offense was committed in circumstances of sexual violence or due to a relationship that places women in an unequal position, or that there are other circumstances indicating that it is gender-based violence.”

## **Article 27**

Article 170, shall be amended to read:

### **“Article 170 (Incitement to Suicide and Assistance in Suicide)**

(1) Whoever induces another to commit suicide or renders aid in committing suicide, and it is committed or attempted, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever perpetrates the criminal offence referred to in paragraph (1) of this Article against a child who has reached 14 years of age or against a person whose ability to understand the meaning of his actions or to control his actions is substantially diminished, shall be punished by imprisonment for a term between one and ten years.

(3) Whoever perpetrates the criminal offence referred to in paragraph (1) of this Article against a child under 14 years of age or against a person who was unable to understand the meaning of his actions or to control his actions, shall be punished under Article 166 (*Murder*), paragraph (1) of this Code.

(4) Whoever brutally or inhumanly treats a person, who is in a way of subordinate or dependent on him and thereby provokes out of negligence that person to commit suicide or attempt suicide, shall be punished by imprisonment for a term between six months and three years.”

## **Article 28**

Article 171, shall be amended to read:

### **“Article 171 (Illicit Abortion)**

(1) Whoever, contrary to the regulations on termination of pregnancy, initiates or performs an abortion on a pregnant woman with her consent, or encourages or assists her to have an abortion, shall be punished by imprisonment for a term between three months and three years.

(2) Whoever initiates or performs an abortion on a pregnant woman without her consent, shall be punished by imprisonment for a term between one and eight years.

(3) If the criminal offense referred to in paragraph (1) of this Article seriously harmed the health of a pregnant woman or caused the death of a pregnant woman, or the offense is committed against a child, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(4) If the criminal offense referred to in paragraph (2) of this Article seriously harmed the health of a pregnant woman or caused the death of a pregnant woman, or the offense is committed against a child, the perpetrator shall be punished by imprisonment for a term between three and 15 years.”

## **Article 29**

Article 172, shall be amended to read:

### **“Article 172 (Aggravated Bodily Injury)**

(1) Whoever inflicts a serious bodily injury upon another person or seriously impairs his health, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever inflicts bodily injures upon another person or impairs his health so severely that the life of the injured person is endangered, or an important part of his body or an important organ is destroyed or permanently and significantly weakened, or the injured person is permanently incapacitated for work, or his health is permanently and severely impaired or disfigured, shall be punished by imprisonment for a term between one and eight years.

(3) If the injured person dies due to the injury referred to in paragraphs (1) and (2) of this Article, the perpetrator shall be punished by imprisonment for a term between two and 12 years.

(4) If the criminal offense referred to in paragraphs (1) to (3) of this Article is committed against a child or a pregnant woman or a family member or a close person or against a person who is particularly vulnerable due to a serious physical or mental disability or out of hatred, the criminal offense referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between one and eight years, the criminal offense referred to in paragraph (2) of this Article by imprisonment for a term between two and ten years, and the criminal offense referred to in paragraph (3) of this Article by imprisonment for a term between three and 15 years.



(5) Whoever perpetrates the criminal offense referred to in paragraphs (1) and (2) of this Article out of negligence, shall be punished by imprisonment for a term not exceeding three years.

(6) Whoever perpetrates the criminal offense referred to in paragraphs (1) to (3) of this Article in the heat of passion, having been provoked without his own fault into the state of intense exasperation or fright by an attack, abuse or serious insult from the injured person, shall be punished for the criminal offense referred to in paragraphs (1) and (2) by imprisonment for a term between three months and three years, and for the criminal offense referred to in paragraph (3) by imprisonment for a term between six months and five years.”

### **Article 30**

In Article 173, paragraph (2), shall be amended to read:

“(2) Whoever perpetrates the criminal offense referred to in paragraph (1) of this Article against a family member or close person or against a child or a pregnant woman or a person who is particularly vulnerable due to a serious physical or mental disability or out of hatred, shall be punished by imprisonment for a term not exceeding three years.”

Paragraph (3) shall be deleted.

### **Article 31**

After Article 173, new Articles 173a and 173b shall be added to read:

#### **“Article 173a (Female Genital Mutilation)**

(1) Whoever completely or partially removes, circumcises or otherwise mutilates the external genitalia of a female person, or forces, incites or assists her to do so, shall be punished by imprisonment for a term between one and eight years.

(2) If the criminal offence referred to in paragraph (1) of this Article is committed out of hatred or against a child or a family member or close person or against a person who is particularly vulnerable due to a serious physical or mental disability, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(3) If the criminal offense referred to in paragraphs (1) and (2) of this Article results in the death of a female person, the perpetrator shall be punished for the criminal offense referred to in paragraph (1) of this Article by imprisonment for a term between three to 12 years, and for the criminal offense referred to in paragraph (2) by imprisonment for a term between three and 15 years.

#### **Article 173b (Forced Sterilization)**

(1) Whoever performs an operation on another person for the purpose or with the effect of preventing natural reproduction without the informed consent of that person and understanding of the procedure, shall be punished by imprisonment for a term between one and eight years.

(2) If the criminal offence referred to in paragraph (1) of this Article is committed out of hatred or against a child or a family member or a close person or against a person who is particularly vulnerable due to a serious physical or mental disability, the perpetrator shall be punished by imprisonment for a term between one and ten years.

(3) If the criminal offence referred to in paragraph (1) of this Article results in the death of a person, the perpetrator shall be punished by imprisonment for a term between three and 15 years.”

### **Article 32**

After Article 179, new Article 179a shall be added to read:

#### **“Article 179a (Stalking)”**

(1) Whoever repeatedly follows or stalks another person or attempts to establish or establishes unwanted contact with them directly or through a third party or via information and communication technology or intimidates her in some other way and thereby causes her anxiety or fear for her safety or the safety of a family member or person close to her, shall be punished by imprisonment for a term not exceeding one year.

(2) If the criminal offence referred to in paragraph (1) of this Article is committed against a family member or close person, or against a child or against a person who is particularly vulnerable due to a serious physical or mental disability, or out of hatred, the perpetrator shall be punished by imprisonment for a term not exceeding three years.”

### **Article 33**

In Article 180, paragraph (2), the words “or juvenile”, shall be deleted.

### **Article 34**

After Article 181, new Articles 181a and 181b shall be added to read:

#### **“Article 181a (Coercion)”**

Whoever, by force or serious threat, compels another person to do or not to do something or to suffer something, if no special punishment is prescribed for the individual criminal offence, shall be punished by imprisonment for a term not exceeding three years.

#### **“Article 181b (Psychological Violence)”**

(1) Whoever abuses another person or treats him in a manner that offends human dignity and thereby violates his psychological integrity shall be punished by imprisonment for a term not exceeding one year.

(2) If the criminal offence referred to in paragraph (1) of this Article is committed against a child or a person who is particularly vulnerable due to a serious physical or mental disability or out of hatred or through information and communication technology, the perpetrator shall be punished by imprisonment for a term between six months and five years.”

### **Article 35**

In Article 183, paragraph (3) shall be deleted.

### **Article 36**

In Article 189, paragraph (3), shall be amended to read:

“(3) Items meant or used for the perpetration of the criminal offense referred to in paragraphs (1) and (2) of this Article and items produced by the perpetration of those criminal offenses shall be forfeited.”  
Paragraph (4) shall be deleted.

### **Article 37**

After Article 189, new Article 189a shall be added to read:

#### **“Article 189a (Abuse of Sexually Explicit Footage)**

- (1) Whoever abuses a relationship of trust and, without the consent of the person being recorded, makes a recording of sexually explicit content available to a third person, which was recorded with the consent of that person for personal use, and thus violates that person's privacy, shall be punished by imprisonment for a term not exceeding three years.
- (2) The punishment referred to in paragraph (1) of this Article shall be imposed on anyone who, using a computer system or in another manner, creates a new or modifies an existing recording of sexually explicit content and uses that recording as the rightful one, thereby violating the privacy of the person in that recording.
- (3) Whoever perpetrates the criminal offense referred to in paragraphs (1) and (2) of this Article by use of a computer system or network or in any other manner that makes the recording accessible to a larger number of persons, shall be punished by imprisonment for a term between six months and five years.
- (4) Recordings and special devices used to perpetrate the criminal offense referred to in this article shall be forfeited.”

### **Article 38**

Article 193, shall be amended to read:

#### **“Article 193 (Unauthorized Use of Personal Data)**

- (1) Whoever, in gross violation of the conditions prescribed by law or a regulation adopted on the basis of law, collects, processes or uses personal data of natural persons, shall be punished by imprisonment for a term not exceeding one year.
- (2) If the criminal offense referred to in paragraph (1) of this Article is committed by an official or responsible person in the exercise of official or public authority, shall be punished by imprisonment for a term not exceeding three years.”

### **Article 39**

Article 203, shall be amended to read:

#### **“Article 203 (Rape)**

- (1) Whoever engages in sexual intercourse or an equivalent sexual act with another person without her consent, or induces another person to engage in sexual intercourse or an equivalent sexual act with a third person without

her consent, or to engage in an equivalent sexual act on herself without her consent, shall be punished by imprisonment for a term between one and five years.

(2) A perpetrator whose mistake was avoidable regarding the existence of consent referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term not exceeding three years.

(3) Whoever coerces another person by force or by threat of immediate attack upon his life or limb, or the life or limb of someone close to that person, to engage in sexual intercourse or an equivalent sexual act, to engage in sexual intercourse or an equivalent sexual act with a third person, or to perform sexual intercourse or an equivalent sexual act on herself, shall be punished by imprisonment for a term between one and ten years.

(4) Whoever perpetrates the criminal offence referred to in paragraph (1) of this Article against a family member or close person or against a person particularly vulnerable due to illness, addiction, pregnancy, disability, serious physical or mental disability or against a child over 15 years of age or in a particularly cruel or particularly humiliating manner or out of hatred or together with one or more perpetrators, where multiple sexual intercourses or equivalent sexual acts are performed against the same person or with the use of a weapon or dangerous instrument or if the raped person is seriously physically injured or left pregnant, shall be punished by imprisonment for a term between three and 12 years.

(5) Whoever perpetrates the criminal offense referred to in paragraph (3) of this Article under the circumstances referred to in paragraph (4) of this Article, shall be punished by imprisonment for a term between five and 15 years.

(6) If the criminal offense referred to in paragraphs (1) and (3) of this Article causes the death of a person, the perpetrator shall be punished by imprisonment for a term not less than five years.

(7) Consent referred to in paragraph (1) of this Article exists if a person has voluntarily decided to engage in sexual intercourse or an equivalent sexual act and was capable of making and expressing such a decision. It is considered that such consent does not exist, especially if sexual intercourse or an equivalent sexual act was carried out using threats, fraud, abuse of position against a person who is in a dependent relationship with the perpetrator, exploitation of a person's condition due to which she was unable to express her refusal, or against a person who was unlawfully deprived of their freedom.”

#### **Article 40**

After Article 203, new Article 203a shall be added to read:

##### **“Article 203a (Sexual Harassment)**

(1) Sexual harassment is any verbal, non-verbal or physical unwanted conduct of a sexual nature that is intended to violate the dignity of a person, or that creates an intimidating, hostile, humiliating or offensive environment.

(2) Whoever sexually harasses another person, shall be punished by imprisonment for a term not exceeding one year.

(3) Whoever perpetrates the criminal offence referred to in paragraph (2) of this Article against a person who is in a relationship of subordination or dependence towards him or who is particularly vulnerable due to age, illness, disability, pregnancy, serious physical or mental disability, a family member, a close person or out of hatred or by use of information and communication technologies, shall be punished by imprisonment for a term between three months and three years.”

#### **Article 41**

Articles 204, 205, 206 and 207, shall be deleted.

#### **Article 42**

Article 208, shall be amended to read:

##### **“Article 208 (Lechery (Concupiscence))**

(1) Whoever in the cases referred to in Article 203 (*Rape*) of this Code, when not even an attempt of that criminal offense is perpetrated, perpetrates only a lecherous act, shall be punished by imprisonment for a term between three months and three years.

(2) Whoever perpetrates the criminal offence referred to in paragraph (1) of this Article against a child over 15 years of age, or if the criminal offence referred to in paragraph (1) of this Article is perpetrated by a blood relative in the direct line up to any degree, in the collateral line up to the fourth degree, a stepfather, stepmother, adoptive parent, guardian, teacher, educator, doctor, religious official or other person to whom the child has been entrusted for the purpose of teaching, upbringing, custody, care or nursing, the perpetrator shall be punished by imprisonment for a term between one and five years.”

#### **Article 43**

Article 209, shall be deleted.

#### **Article 44**

After Article 210b, new Chapter XIXa and new Articles 210c, 210d, 210e, 210f, 210g, 210h, 210i and 210j shall be added to read:

“XIXa. – CHAPTER NINETEEN A - CRIMINAL OFFENCES OF SEXUAL ABUSE AND EXPLOITATION OF CHILDREN

##### **Article 210c (Sexual Intercourse with a Child under 15 Years of Age)**

(1) Whoever performs sexual intercourse or an equivalent sexual act with a child under 15 years of age, or induces him to perform sexual intercourse or an equivalent sexual act with a third person, or to perform an equivalent sexual act on himself, shall be punished by imprisonment for a term between one and ten years.

(2) If the criminal offence referred to in paragraph (1) of this Article is perpetrated by a blood relative in the direct line up to any degree, in the collateral line up to the fourth degree, a stepfather, stepmother, adoptive parent, guardian, teacher, educator, doctor, religious official or other person to whom the child has been entrusted for the purpose of teaching, upbringing, custody, care or nursing, the perpetrator shall be punished by imprisonment for a term between three and 12 years.

(3) If the criminal offence referred to in paragraph (1) of this Article was perpetrated by the use of force or threat or by taking advantage of the mental disorder or helpless state of a child or in a particularly cruel or humiliating manner or by several persons or if the criminal offence resulted in serious bodily injury, serious impairment of health or pregnancy of the person against whom the criminal offence was perpetrated, the perpetrator shall be punished by imprisonment for a term not less than three years.

(4) If the criminal offence referred to in paragraph (2) of this Article was perpetrated by the use of force or threat or by taking advantage of the mental disorder or helpless state of a child or in a particularly cruel or humiliating manner or by several persons or if the criminal offence resulted in serious bodily injury, serious impairment of health or pregnancy of the person against whom the criminal offence was perpetrated, the perpetrator shall be punished by imprisonment for a term not less than five years.

(5) If the criminal offence referred to in paragraphs (1) to (4) of this Article resulted in the death of a child, the perpetrator shall be punished by imprisonment for a term not less than ten years.

(6) Whoever perpetrates a lecherous act on a child under 15 years of age or induces him or her to perpetrate a lecherous act with another person or to perpetrate a lecherous act on himself or herself, shall be punished by imprisonment for a term between six months and five years.

(7) Whoever under the conditions referred to in paragraphs (2) to (4) of this Article, perpetrates a lecherous act against a child under 15 years of age, shall be punished by imprisonment for a term between one and eight years.

(8) A perpetrator whose mistake was avoidable in relation to the age of the child referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term between one and five years, and if his mistake was avoidable in relation to the age of the child referred to in paragraph (6) of this Article, shall be punished by imprisonment for a term between six months and three years.

(9) The perpetrator shall not be punished for the offense referred to in paragraphs (1) and (6) of this Article if the age difference between the persons who engage in sexual intercourse or an equivalent sexual act does not exceed three years.

#### Article 210d **(Sexual Abuse of a Child over 15 Years of Age)**

(1) A blood relative in the direct line up to any degree, in the collateral line up to the fourth degree, stepfather, stepmother, adoptive parent, guardian, teacher, educator, doctor, religious official or other person who performs sexual intercourse or an equivalent sexual act with a child who has reached 15 years of age and who has been entrusted to his care, education, upbringing, care or nursing, or who induces him to perform sexual intercourse or an equivalent sexual act with a third person or to perform an equivalent sexual act on himself, shall be punished by imprisonment for a term between one and ten years.

(2) The punishment referred to in paragraph (1) of this Article shall also be imposed on anyone who performs sexual intercourse or an equivalent sexual act with a child over 15 years of age, taking advantage of his mental immaturity or frivolity or state of helplessness, or induces him to perform sexual intercourse or an equivalent sexual act with a third person, or to perform an equivalent sexual act on himself.

(3) Whoever under the conditions referred to in paragraphs (1) and (2) of this Article, perpetrates a lecherous act, shall be punished by imprisonment for a term between six months and five years.

#### Article 210e **(Enticement of Children for Satisfaction of Sexual Needs)**

(1) An adult who, using a computer network or other information and communication technology, arranges a meeting with a person under 15 years of age for the purpose of performing sexual intercourse or an equivalent sexual act, or for the purpose of producing pornographic material or for other forms of sexual exploitation, and who takes action to bring about that meeting, shall be punished by imprisonment for a term not exceeding three years.

(2) Whoever collects, provides or transmits data on a person under 15 years of age for the purpose of perpetrating a criminal offense referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term not exceeding one year.

Article 210f  
**(Satisfaction of Lust in Front of a Child)**

(1) Whoever, in front of a child under 15 years of age, performs acts intended to satisfy his own or someone else's lust, or whoever induces a child under 15 years of age to perform such acts in front of him or with another person, shall be punished by imprisonment for a term between six months and three years.

(2) Whoever, under the circumstances referred to in paragraphs (1) and (2) of Article 210d, performs acts intended to satisfy his own or someone else's lust in front of a child over 15 years of age, or whoever induces a child over 15 years of age to perform such acts in front of him or another person, shall be punished by imprisonment for a term between three months and three years.

Article 210g  
**(Enticement a Child into Prostitution)**

(1) Whoever, for the purpose of profit or other benefit, induces, incites or entices a child to provide sexual services or otherwise enables his transfer to another person for the purpose of providing sexual services or participates in any way in the organization or management of providing sexual services, and knew or was obliged and could have known that the person concerned was a child, shall be punished by imprisonment for a term between one and eight years.

(2) Whoever uses the sexual services of a child who has reached 15 years of age in return for any compensation or favor, and knew or was obliged and could have known that the person concerned was a child, shall be punished by imprisonment for a term between six months and five years.

(3) Whoever commits the criminal offence referred to in paragraph (1) of this Article against more than one person, shall be punished by imprisonment for a term between one and ten years.

(4) Whoever, for the purpose of making a profit, forces or induces a person whom he knew or was obliged and could have known to be a child, by force or threat, deception, fraud, abuse of authority or a difficult position or a relationship of dependency, to provide sexual services, or whoever uses the sexual services of that child for payment, and knew or should have known and could have known about the aforementioned circumstances, shall be punished by imprisonment for a term between three and 15 years.

(5) Whoever advertises providing of sexual services of a child, shall be punished by imprisonment for a term between six months and five years.

(6) It is not important for the existence of the offence whether the person who is induced, incited or enticed has previously engaged in prostitution.

Article 210h  
**(Exploitation of a Child for Pornography)**

(1) Whoever induces a child to participate in the filming of child pornography or whoever organizes or enables the filming of child pornography, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever records, produces, offers, makes available, distributes, disseminates, imports, exports, obtains for himself or for another person, sells, gives, displays or possesses child pornography or knowingly accesses it

via information and communication technologies, shall be punished by imprisonment for a term between one and eight years.

(3) Whoever, by use of force, threat, deception, fraud, abuse of the position or difficult circumstances of a child or a relationship of dependency, forces or induces a child to record child pornography, shall be punished by imprisonment for a term between one and ten years.

(4) Items, devices, means, computer programs and data intended or used for the perpetrating of the criminal offense referred to in paragraphs (1) to (3) of this Article or which resulted by the perpetrating of these criminal offenses shall be forfeited.

(5) A child shall not be punished for producing and possessing pornographic material showing him or her and another child if they themselves produced and possess the material with the consent of each of them and exclusively for their personal use.

(6) Child pornography, within the provisions of this article, is material that visually or otherwise shows a child or a realistically shown non-existent child or a person who appears to be a child in real or simulated sexually explicit conduct, or that shows the sexual organs of children for sexual purposes.

(7) Materials that have artistic, medical or scientific significance are not considered pornography within the provisions of this article.

#### Article 210i

#### **(Exploitation of a Child for Pornographic Performances)**

(1) Whoever induces a child to participate in pornographic performances, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever, by use of force, threat, deception, fraud, abuse of the position or difficult circumstances of a child or a relationship of dependency, forces or induces a child to participate in a pornographic performance, shall be punished by imprisonment for a term between one and ten years.

(3) Whoever makes money from pornographic performances in which a child participates or otherwise exploits a child for pornographic performances, shall be punished by imprisonment for a term between one and 12 years.

(4) The imprisonment referred to in paragraph (1) of this Article shall be imposed on anyone who attends a pornographic performance if he knew or should have known that a child was participating in it.

(5) Items, devices, means, computer programs and data intended or used for the perpetrating of the criminal offense referred to in paragraphs (1) to (4) of this Article or which resulted by the perpetrating of these criminal offenses shall be forfeited.

(6) Pornographic performance within the provisions of this article is the live or information and communication technology presentation of a real child or a realistically shown non-existent child or a person who appears to be a child in real or simulated sexually explicit conduct or the sexual organs of a real child, a realistically shown non-existent child or a person who appears to be a child for sexual purposes.

#### Article 210j

#### **(Introducing a Child to Pornography)**

(1) Whoever sells, gives as a gift, displays or publicly displays by a computer system, network or media for storing computer data or other forms of communication, or otherwise makes available documents, images,



audio-visual material or other objects of pornographic content to a child under 15 years of age, or shows him/her a pornographic performance, shall be punished by imprisonment for a term between six months and three years.

(2) Items, devices, means, computer programs and data intended or used for the perpetrating of the criminal offense referred to in paragraph (1) of this Article or which were created by the perpetrating of the criminal offense shall be forfeited.

(3) Pornography within the provisions of this article is material that visually or otherwise shows a person in real or simulated sexually explicit behavior or that shows the sexual organs of people for sexual purposes.

(4) Materials that have artistic, medical or scientific significance are not considered pornography within the provisions of this article.”

#### **Article 45**

Articles 211, 212 and 213 shall be deleted.

#### **Article 46**

After Article 215, new Article 215a shall be added to read:

##### **“Article 215a (Forced Marriage)**

(1) Whoever, by use of force or threat, forces another person to enter into marriage, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever, for the purpose of perpetrating the offense referred to in paragraph (1) of this Article, incites another person to go abroad, shall be punished by imprisonment for a term not exceeding three years.

(3) If the offense referred to in paragraphs (1) and (2) of this Article is perpetrated against a child, the perpetrator shall be punished by imprisonment for a term between one and eight years.”

#### **Article 47**

Article 216, shall be amended to read:

##### **“Article 216 (Common-Law Marriage with a Child under 16 Years of Age)**

(1) An adult, who cohabitates in a common-law marriage with a child under 16 years of age, shall be punished by imprisonment for a term between three months and three years.

(2) The punishment referred to in paragraph (1) of this Article shall be imposed on anyone who enables a child under 16 years of age to cohabitate with another person in a common-law marriage or induces him or her to do so, and who does not thereby perpetrate another criminal offense for which a more severe punishment is prescribed.

(3) Whoever commits the criminal offense referred to in paragraph (2) of this Article for gain, shall be punished by imprisonment for a term between six months and five years.”

## **Article 48**

Article 217, shall be amended to read:

### **“Article 217 (Abduction of a Child)**

- (1) Whoever unlawfully takes a child away from a parent, adoptive parent, guardian or institution to which he or she has been entrusted, or whoever unlawfully holds or prevents him or her from being with an entitled person, or whoever prevents the execution of an enforceable decision on a guardianship for a child, shall be punished by imprisonment for a term not exceeding three years.
- (2) If by the criminal offense referred to in paragraph (1) of this Article, a child has left the territory of Bosnia and Herzegovina, the perpetrator shall be punished by imprisonment for a term between three months and five years.
- (3) The perpetrator who voluntarily surrenders a child, may be released from punishment.”

## **Article 49**

In Article 218, the words “three months and three years” shall be replaced with the words “six months and five years”.

## **Article 50**

Article 219, shall be amended to read:

### **“Article 219 (Neglect or Maltreatment of a Child)**

- (1) A parent, adoptive parent, guardian or other person who severely neglects his functions in maintaining or upbringing a child, shall be punished by imprisonment for a term between three months and three years.
- (2) The punishment referred to in paragraph (1) of this Article shall be imposed on a parent, adoptive parent, guardian or other person who maltreats a child, compels him or her to work that is not suitable for his or her age or to excessive work or to beg, or induces him or her for gain to behave in a manner that is harmful to his or her development.
- (3) If, by the criminal offense referred to in paragraphs (1) and (2) of this Article, serious bodily injury to a child is inflicted, or his/her health is seriously impaired, or because of the criminal offense referred to in paragraphs (1) or (2) of this Article, the child has taken to begging, prostitution or other forms of antisocial behavior or delinquency, the perpetrator shall be punished by imprisonment for a term between three months and five years.”

## **Article 51**

After Article 219, new Article 219a shall be added to read:

### **“Article 219a (Child's Privacy Violation)**

- (1) Whoever discloses or transmits something from a child's personal or family life or, contrary to regulations, publishes a child's photograph or reveals the child's identity and thereby creates a state of anxiety in the child

or exposes him or her to ridicule from peers or other persons or in some other way endangers the child's well-being, shall be punished by a fine or imprisonment for a term not exceeding one year.

(2) Whoever perpetrates the offence referred to in paragraph (1) of this article using information and communication technology, at a public gathering or in another way, due to which it has become accessible to a larger number of people, shall be punished by a fine or imprisonment for a term not exceeding three years.

(3) Whoever perpetrates the offence referred to in paragraphs (1) and (2) of this Article as an official or in the performance of a professional activity, shall be punished by a fine or imprisonment for a term not exceeding three years.”

## **Article 52**

In Article 220, the words “three years” shall be replaced with the words “five years”.

## **Article 53**

Article 222, shall be amended to read:

### **“Article 222 (Domestic Violence)**

(1) Whoever by physical, sexual, psychological or economic violence, violates the peace, physical, sexual, psychological or economic integrity of a member of his family or household or a close person, regardless of whether the perpetrator shares or has shared a household with the victim, shall be punished by imprisonment for a term not exceeding three years.

(2) If in the course of the perpetration of the criminal offense referred to in paragraph (1) of this Article, a weapon, dangerous tool or other instrument suitable to inflict grave bodily injury or impair health has been used, the perpetrator shall be punished by imprisonment for a term between three months and three years.

(3) If, by the criminal offense referred to in paragraphs (1) and (2) of this Article, a family or household member or a close person is seriously injured or his or her health is severely impaired, or if the criminal offense referred to in paragraphs (1) and (2) of this Article is perpetrated against a child, the perpetrator shall be punished by imprisonment for a term between one and five years.

(4) If the criminal offense referred to in paragraphs (1) to (3) of this Article caused the death of a family or household member or a close person, the perpetrator shall be punished by imprisonment for a term between three and 15 years.”

## **Article 54**

After Article 222, new Article 222a shall be added to read:

### **“Article 222a (Incest)**

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a blood relative in the direct line or with a brother or sister, shall be punished by a fine or imprisonment for a term between three months and three years.

(2) Whoever perpetrates the offense referred to in paragraph (1) of this Article with a child, shall be punished by imprisonment for a term between one and ten years.”

## **Article 55**

In Article 224, the word “juvenile” shall be replaced with the word “child”.

## **Article 56**

In Article 231, paragraph (5), the words “deceased juvenile” shall be replaced with the words “deceased child or deceased”.

## **Article 57**

Article 237, shall be amended to read:

### **“Article 237 (Serving Alcoholic Drinks to a Child)**

Whoever in a catering establishment or other establishment used for selling alcoholic beverages, serves a child a strong alcoholic beverage or serves him/her another alcoholic beverage in quantities that may lead to the intoxication of a child, shall be punished by a fine or imprisonment for a term not exceeding six months.”

## **Article 58**

In Article 239, paragraph (2), the word “juvenile” shall be deleted.

## **Article 59**

In Article 345, paragraph (4), the words “or juvenile” shall be deleted.

## **Article 60**

After Article 353, new Article 353a shall be added to read:

### **“Article 353a (Violation of a Prohibition Established by a Security Measure)**

Whoever violates a prohibition established by a security measure imposed by a final court's decision, shall be punished by a fine or imprisonment for a term not exceeding three years.”

## **Article 61**

After Article 359, new Article 359a shall be added to read:

### **“Article 359a (Coercion Against a Healthcare Professionals)**

(1) Whoever by force or threat of direct use of force, prevents a medical doctor, dentist or other healthcare professionals who performs healthcare activities as a public service from performing his/her healthcare activities or forces him/her to perform a procedure or intervention that is not in accordance with the rules of the medical profession or ethics, shall be punished by imprisonment for a term not exceeding three years.

(2) If the criminal offense referred to in paragraph (1) of this Article endangers the life or body of a medical doctor, dentist or other healthcare professional, or causes bodily injury, or uses a weapon or dangerous tool, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) If the perpetrator of the criminal offense referred to in paragraphs (1) and (2) of this Article was provoked by the unlawful or rude behavior of a medical doctor, dentist or other healthcare professional, he or she may be released from punishment.”

#### **Article 62**

#### **(Consolidated text of the Criminal Code of the Federation of Bosnia and Herzegovina)**

The Legislative and Legal Committee of the House of Representatives and the Legislative and Legal Committee of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina are hereby authorized to determine the Consolidated Text of the Criminal Code of the Federation of Bosnia and Herzegovina within six months from the date of entry into force of this Law.

#### **Article 63**

This Law shall enter into force on the eighth day following its publication in the “Official Gazette of the Federation of BiH”.

Chairman  
of the House of Representatives  
of the Parliament of the Federation of BiH  
**Dragan Mioković, m.p.**

Chairman  
of the House of Peoples  
of the Parliament of the Federation of BiH  
**Tomislav Martinović, m.p.**