

The Related Articles of Turkish Criminal Code

The acts as regards violence against women and domestic violence constitute a crime pursuant to The Criminal Code. In this case, it is necessary to file a criminal lawsuit in order to penalize the offender. The related provisions of The Turkish Criminal Code are specified as follows:

The Related Provisions

The Principle of Equal Treatment before the Law

ARTICLE 3- (1) Offender may be subject to a punishment and imposition of security measures in proportion with the grossness of the illegal acts executed by him.

(2) In the implementation of the Criminal Code no one shall receive any privilege and there shall be no discrimination against any individual on the basis of their race, language, religion, sect, nationality, colour, **gender**, political (or other) ideas and thought, philosophical beliefs, ethnic and social background, birth, economic and other social positions.

Intentional Killing

ARTICLE 81- (1) Any person who intentionally kills another shall be sentenced to to aggravated life imprisonment.

Qualified cases

ARTICLE 82- (1) If the act of intentional killing is committed:

- a) With premeditation,
- b) Brutally or through torment;
- c) By causing fire, flood, destruction, sinking, bombing or by using nuclear, biological or chemical weapons;
- d) **Against a direct ascendant, direct descendant, spouse or sibling;**
- e) Against a child or against somebody who cannot protect himself physically or mentally;
- f) **Against a pregnant woman, in knowledge of such pregnancy;**
- g) Against a person because of the public service he performs ;
- h) In order to conceal an offence, destroy evidence, facilitate the commission of another offence or prevent apprehension,⁽¹⁾
- i) **(This section was annexed by the article 9 of the law numbered 5377 and dated 29/6/2005)** Out of frustration for not being able to commit another offence;
- j) With the motive of a blood feud;

k) With the motive of tradition

the offender shall be sentenced to aggravated life imprisonment.

Directing Suicide

ARTICLE 84- (1) Any person who incites, or encourages, another person to commit suicide, or who strengthens an existing decision to commit suicide or who, in any way, assists a person in committing the act of suicide, shall be sentenced to a penalty of imprisonment for a term of two to five years.

(2) Where death occurs, the person shall be sentenced to a penalty of imprisonment for a term of four to ten years.

(3) Any person who publicly encourages others to commit suicide shall be sentenced to a penalty of imprisonment for a term of three to eight years. **(The second sentence of this section was abolished by the article 10 of the law numbered 5377 and dated 29/6/2015.)**

(4) Any person who directs another to commit suicide, where the capacity of that person to understand the meaning and consequences of the act is compromised or lacking, or if a person compels another person to commit suicide by using threat or force, they shall be culpable of the offence of intentional killing.

Intentional Injury

ARTICLE 86- (1) Any person who intentionally causes another person physical pain or who impairs another person's health, or ability to perceive, shall be sentenced to a penalty of imprisonment for a term of one to three years.

(2) **(This section was annexed by the article 4 of the law numbered 5328 and dated 31/3/2005)** Where the effect of an intentional injury upon a person is minor and can be cured by a simple medical treatment then, upon the complaint of the victim, a penalty of imprisonment for a term of four months to one year, or a judicial fine shall be imposed.

(3) Where an intentional injury is committed:

- a) against a direct antecedent, direct descendent, spouse or sibling;
- b) against a person who cannot defend himself physically or mentally
- c) against a person because of his duties as a public officer;
- d) on account of a public officer misusing his influence; or
- e) by using a weapon,

the penalty to be given shall be increased by one half and shall not require a complaint.

Aggravated Injury on Account of its Consequences

ARTICLE 87- (1) If the act of intentional injury results in:

- a) the permanent impairment of the functioning of any one of the senses or organs of the victim;
- b) a permanent speech defect;
- c) a distinct and permanent scar on the face;
- d) a situation which endangers a person's life; or
- e) **the premature birth of a child, where the victim is a pregnant women,**

then the penalty to be determined according to the above article shall be doubled. However, the penalty of imprisonment to be imposed shall not be for a term of less than three years for offences defined in section one and the penalty to be imposed shall not be for a term of less than five years imprisonment for offences defined in section three,

(2) If the act of intentional injury results in:

- a) An incurable illness or causes a vegetative state in the victim;
- b) The complete loss of functioning of one of the senses or organs;
- c) The loss of the ability to speak or the loss of fertility;
- d) A permanent disfigurement to the face;
- e) **The loss of an unborn child, where the victim is a pregnant woman,**

then the penalty to be determined according to the aforementioned article shall be increased by two folds. However, the penalty of imprisonment to be imposed shall not be for a term of less than five years imprisonment for offences defined in section one or not be for a term of less than eight years for offences defined in section three.

(3) **(This paragraph was amended by the article 4 of the law numbered 5560 and dated 6/12/2006)** Where the intentional injury results in the fracture or dislocation of a bone, the penalty to be imposed according the aforementioned article shall be increased by one half according to the effect of the fractured or dislocated bone on his ability to function in life.

(4) Where the intentional injury results in the death of a person, the offender shall be sentenced to a penalty of imprisonment for a term of eight to twelve years for offences defined in section one and twelve to sixteen years for offences defined in section three.

Reckless Injury

ARTICLE 89- (1) A person who recklessly causes another physical pain or who impairs another's health, or ability to perceive, shall be sentenced to a penalty of imprisonment for a term of three months to one year, or a judicial fine.

(2) If the reckless injury causes (of the victim):

- a) a permanent impairment of the functioning of any one of the senses or organs of the victim;
- b) a permanent speech defect;
- c) a distinct and permanent scar on the face;
- d) a situation which endangers a person's life;
- e) **the premature birth of a child, where the victim is a pregnant women,**

then the penalty to be imposed, according to section one shall be increased by up to one half.

(3) If the reckless injury act causes (of the victim):

- a) an incurable illness or if it has caused the victim to enter a vegetative state,
- b) the complete loss of functioning of one of the senses or organs,
- c) the loss of the ability to speak or loss of fertility;
- d) a permanent disfigurement of the face; or
- e) **the loss of an unborn child, where the victim is a pregnant woman,**

then the penalty to be imposed according to section one shall be doubled.

(4) Where the act results in the injury of more than one person then a penalty of imprisonment for a term of six months to three years shall be imposed.

(5) **(This paragraph was amended by the article 5 of the law numbered 5560 and dated 6/12/2006)** An investigation and prosecution for the offence of reckless injury shall be subject to a complaint. However, except for an injury falling within the scope of section one, no complaint is required where the offence is committed with conscious recklessness.

Torture

ARTICLE 94- (1) A public officer who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person's capacity to perceive or his ability to act of his own will or insults them shall be sentenced to a penalty of imprisonment for a term of three to twelve years.

(2) If the offence is committed against:

a) **a child, a person who is physically or mentally incapable of defending himself or a pregnant women; or**

b) a public officer or an advocate on account of the performance of his duty,

a penalty of imprisonment for a term of eight to fifteen years shall be imposed.

(3) **If the act is conducted in the manner of sexual harassment, the offender shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years,**

(4) Any other person who participates in the commission of this offence shall be sentenced in a manner equivalent to the public officer.

(5) If the offence is committed by way of omission there shall be no reduction in the sentence.

(6) **(This section was annexed by the article 9 of the law numbered 6459 and dated 11/4/2013)** Because of this offence, the limitation period shall stop.

Aggravated Torture on Account of its Consequences

ARTICLE 95- (1) Where the act of torture causes (of the victim);

a) a permanent impairment of the functioning of any one of the senses or an organ,

b) a permanent speech defect;

c) a distinct and permanent scar on the face,

d) a situation which endangers a person's life, or

e) **the premature birth of a child, where the victim is a pregnant woman**

the penalty determined in accordance with the above article shall be increased by one half.

(2) Where the act of torture causes (of the victim):

a) an incurable illness or if it has caused the victim to enter a vegetative state,

b) the complete loss of functioning of one of the senses or organs,

c) The loss of the ability to speak or loss of fertility,

d) a permanent disfigurement of the face, or

e) **the loss of an unborn child, where the victim is a pregnant woman**

The penalty determined in accordance with the article above shall be doubled.

(3) Where an act of torture results in the breaking of a bone, the offender shall be sentenced to a penalty of imprisonment for a term eight to fifteen years according to the effect of the broken bone on his ability to function in life.

(4) Where an act of torture causes the death of the victim, the penalty to be imposed shall be aggravated life imprisonment.

Torment

ARTICLE 96

(1) Any person who performs any act which results in the torment of another person shall be sentenced to a penalty of imprisonment for a term of two to five years

(2) Where the acts falling under the above paragraph are committed against:

a) a child, a person who is physically or mentally incapable of defending himself or a pregnant women; or

b) a direct ascendant, direct descendant, adoptive parent or spouse,

a penalty of imprisonment for a term of three to eight years shall be imposed.

Abandonment

ARTICLE 97

(1) Any person, holding the duty of protection or observation of an individual who cannot care for himself (on account of age or illness), who abandons that individual so that they are alone, shall be sentenced to a penalty of imprisonment for a term of three months to two years.

(2) If the victim suffers an illness, injury or death due to the abandonment, the penalty shall be imposed according to the provisions relating to an aggravated injury on account of its consequences.

Failure in the Duty of Assistance or Notification

ARTICLE 98

(1) Any person who fails to assist, taking into account his position and circumstances, an individual who is incapable of caring for themselves (on account of age, illness, injury or any other reason), or immediately notify the relevant authority of the circumstances of such individual, shall be sentenced to a penalty of imprisonment for a term of up to one year, or a judicial fine.

(2) Where an individual dies due to the failure of a person to perform in his duty to assist or to notify, a penalty of imprisonment for a term of one to three years shall be imposed.

Illegal abortion

ARTICLE 99

(1) **Any person who performs an abortion of a child upon a woman** without her consent shall be sentenced to a penalty of imprisonment for a term of five to ten years.

(2) A person who, in the absence of medical necessity, performs an abortion of a child, upon a woman, who is more than ten weeks pregnant and with her consent, shall be sentenced to imprisonment for a term of two to four years. The woman who consents to the abortion in these circumstances shall be sentenced to a penalty of imprisonment for a term of up to one year and a judicial fine.

(3) Where the act referred to in the section one causes damage to the physical or mental health of the woman, the person shall be sentenced to a penalty of imprisonment for a term of six to twelve years. Where the act results in the death of the woman, a penalty of imprisonment for a term of fifteen to twenty years shall be imposed.

(4) Where the act referred to in section two causes damage to the physical or mental health of the woman, the person shall be sentenced to a penalty of imprisonment for a term of three to six years. Where the act results in the death of the woman, a penalty of imprisonment for a term of four to eight years shall be imposed.

5) Irrespective of the consent of the woman; if an unauthorized person performs the abortion of a child, upon a woman, who is less than ten weeks pregnant; a penalty of imprisonment for a term of two to four years shall be imposed. If any of the offences listed in the above sections are committed by an unauthorized person the penalties shall be increased by one half.

(6) Where a woman is pregnant due to an offence that she was a victim of, no penalty shall be imposed upon any person who terminates such pregnancy, where the term of pregnancy is not more than 20 weeks and there is consent from the woman. However this requires the termination of a pregnancy by expert doctors in a hospital environment.

Sterilization

ARTICLE 101

(1) Any person who sterilises a man or woman, without their consent, shall be sentenced to a penalty of imprisonment for a term of three to six years. If the act is performed by a person who is unauthorized to sterilise, then the penalty shall be increased by one third.

(2) Where the sterilisation is performed by an unauthorized person, even with the person's consent, a penalty of imprisonment for a term of one to three years shall be imposed.

Sexual Assault

ARTICLE 102

(1) Any person who violates the physical integrity of another person, by means of sexual conduct, shall be sentenced to a penalty of imprisonment for a term of five to ten years, upon the complaint of the victim. On occasions when sexual conduct remains as molestation, a penalty of imprisonment for a term of two to five years shall be imposed.

(2) Where the act is committed by means of inserting an organ, or other object, into the body, the offender shall be sentenced to a penalty of imprisonment of not less than twelve years. If the act is committed against the offender's spouse, conducting an investigation and prosecution shall be subject to a complaint by the victim.

(3) Where the offence is committed:

- a) against a person who is physically or mentally incapable of defending themselves;
- b) by misusing the influence derived from a position in public office or a private working relationship;
- c) against a person of first, second or third degree blood relationship or a relative by marriage; or by step father, step mother, step siblings, adoptive parent and adopted child
- d) by using weapons or together with the cooperation of more than one person,
- e) by benefiting from the facility provided by the environment where the people have to live together,

the penalties imposed in accordance with sections above shall be increased by half.

(4) Where greater force than is necessary to suppress the resistance of the victim is used during the commission of the offence the offender shall also be sentenced to a penalty for intentional injury in addition.

(5) Where, as a result of the offence, the victim enters a vegetative state, or dies, a penalty of aggravated life imprisonment shall be imposed.

Sexual abuse of children

ARTICLE 103- (This article was amended by the article 59 of the law numbered 6545 and dated 18/6/2014)

(1) Any person who sexually abuses a minor shall be sentenced to a penalty of imprisonment for a term of three to eight years. On occasions when sexual conduct remains as molestation, a penalty of imprisonment for a term of three to eight years shall be imposed. If the offender of the offence remained as molestation is a child, conducting an investigation and prosecution shall be subject to a complaint by the parent or guardian of the victim. Sexual abuse means:

a) any act of a sexual nature against a minor who has not completed fifteen years of age or, though having completed fifteen years, lacks the competence to understand the meaning and consequences of such acts,

b) sexual acts conducted against any other minor with the use of force, threat, deception or any other method which affects the willingness of the child,

(2) Where the sexual abuse occurs as a result of the insertion of an organ or a similar object into the body, a penalty of imprisonment of not less than sixteen years shall be imposed.

(3) Where the offence is committed;

a) by more than one person,

b) by taking advantage of the environments where people have to live communally,

c) against a person of first, second or third degree blood relationship or a relative by marriage or by step father, step mother, step siblings or the adoptive parent,

d) by guardian, tutor, teacher, carer, other persons in charge of providing health services or who bears the obligation for protection or supervision,

e) by misusing the influence derived from a position in public office or a private working relationship,

the penalty to be imposed in accordance with the above sections shall be increased by half.

(4) Where the sexual assault is committed against the a minor described in section one (a) by force or threat or a minor described in section two (b) by using weapon, the penalty to be imposed in accordance with the above sections shall be increased by half.

(5) Where any force or violence, used with the aim of sexual assault, leads to any aggravated injury on account of its consequences the provisions of that offence shall apply in addition.

(6) Where the offence leads the victim to enter a vegetative state, or die, a penalty of aggravated life imprisonment shall be imposed.

Sexual Intercourse with those who have not achieved adulthood

ARTICLE 104

(1) Any person who enters, without any force, threat or deceit, into sexual intercourse with a minor who has completed fifteen years of age shall be sentenced to a penalty of imprisonment for a term of two to five years.

(2) **(Paragraph is deemed annulled by the the Constitutional Court decision dated 23.11.2005 and having docket number: 2005/103, and decision number: 2005/89; it is rearranged by the article 60 of the law numbered 6545 and dated 18/6/2014.)**Where the offence is committed by a person who has a restraint og marriage with the victim, the offender

shall be sentenced to a penalty of imprisonment for a term of ten to fifteen years without any complaint.

(3) **(This section was annexed by the article 60 of the law numbered 6545 and dated 18/6/2014)** Where the offence is committed by the person who takes care of the child and bears the obligation for protection, caring and supervision of the child within the framework of custodial parents relationship before being adopted, a penalty in accordance with the provision of section two shall be imposed without seeking raise of a complaint.

Sexual Harassment

ARTICLE 105

(1) Any person who sexually harasses another person, shall be sentenced to a penalty of imprisonment of three months to two years or a judicial fine, upon complaint of the victim. Where the offence is committed against a child, the offender shall be sentenced to a penalty of imprisonment of six months to three years.⁽¹⁾

(2) **(This article was amended by the article 61 of the law numbered 6545 and dated 18/6/2014)** Where the offence is committed;

- a) by taking advantage of a public officer or or a private working relationship or familial relationship,
- b) by guardian, trainer, educator, carer, custodian parents or other persons in charge of providing health services or who bears the obligation for protection or supervision,
- c) by taking advantage of working at the same workplace,
- d) by taking advantage of mailing or electronic communication device,
- e) by exposing himself in public,

the penalty to be imposed under the above section shall be increased by one half.

Where the victim has had to leave his employment or school or separate from his family, the penalty to be imposed shall not be less than one year.

Threat

ARTICLE 106

(1) Any person who threatens another individual by stating that he will attack the individual's, or his relative's, life or physical or sexual immunity shall be subject to a penalty of imprisonment for a term of six months to two years. Where the threat relates to causing extensive loss of economic assets or other related harms, there shall be a penalty of imprisonment for a term of up to six months or a judicial fine, upon the complaint of the victim.

- (2) Where the threat is carried out:
- a) with the use of a weapon;

- b) while concealing his identity or with an unsigned letter or by using a particular symbol;
- c) jointly with more than one person;
- d) by taking advantage of the power to invoke fear derived from a criminal organisation which exists, or is assumed to exist

the offender shall be sentenced to a penalty of imprisonment for a term of two to five years.

(3) Where the offences of intentional killing, intentional injury or damaging property are committed with the aim to threaten, the penalties for such offences shall be imposed in addition.

Blackmail

ARTICLE 107

(1) Any person who forces an individual to obtain an illegal interest or forces someone to act, or fail to act (such not being within the scope of his duty), or to perform an act contrary to law; by stating that he will, or will not, do something which would be within his duty or rights, shall be sentenced to a penalty of imprisonment for a term of one to three years and a judicial fine of up to five thousand days.

(2) **(This section was annexed by the article 14 of the law numbered 5377 and dated 29/6/2005)** Where a person threatens to disclose, or make an accusation as to, a matter that would damage a person's honor or reputation for the purposes of obtaining a benefit for himself or others, he shall be sentenced according to the provisions of section one.

Force

ARTICLE 108

(1) Any person who uses force against an individual in order to compel such individual to carry out, or fail to carry out, an act, or to enable himself to carry out a particular act, the penalty that would be imposed under the offence of intentional injury shall be increased by one third to one half.

Deprivation of Liberty

ARTICLE 109

(1) Any person who unlawfully restricts the freedom of a person to move, or to remain, in a particular place shall be sentenced to a penalty of imprisonment for a term of one to five years.

(2) Where a person, uses force, threats or deception in order to commit an offence (or during the commission of the offence) then a penalty of imprisonment for a term of two to seven years shall be imposed.

(3) Where this offence is committed:

- a) with use of a weapon,
 - b) together with more than one person,
 - c) against a public officer as a result of the performance of his public duty,
 - d) by misusing the influence derived from public office,
 - e) against a direct antecedent, direct descendents or spouse,
 - f) against a child or a person who cannot defend himself physically or mentally,
- the penalty to imposed according to the above sections shall be doubled.

(4) Where this offence results in the significant economic loss to the victim, an additional penalty of a judicial fine up to one thousand days shall be imposed.

(5) Where the offence is committed with a sexual purpose, the penalty to be imposed in accordance with the above sections shall be increased by one half.

(6) Where an aggravated injury on account of its consequences is committed in order to commit this offence (or during the commission of this offence), then the provisions relating to intentional injury shall be additionally applied.

Violation of the Immunity of Residence

ARTICLE 116

(1) A person who enters an individual's residence or its associated buildings without consent, or a person who refuses to leave such after having entered with consent, shall be sentenced to a penalty of imprisonment for a term of six months to two years, upon the complaint of the victim.

(2) **(This article was amended by the article 8 of the law numbered 5328 and dated 31/3/2005)**Where the acts defined in section one are committed in a work-place or its associated buildings (excluding places where it is habitual to enter without consent), then a penalty of imprisonment for a term of six months to one year or a judicial fine shall be imposed.

(3) **(This article was amended by the article 8 of the law numbered 5328 and dated 31/3/2005)**The provisions of the above section are not to be applied where a family member of a household or, where a residence or workplace is shared, one of the sharers, gives his consent. The giving of consent should be for a legitimate purpose.

(4) Where the act is carried out by using force, threats or is committed at night, then a penalty of imprisonment for a term of one to three years shall be imposed.

Violation of the Freedom to Work and Labour

ARTICLE 117

(1) Any person who violates the freedom to work or labour by using force, threats or by any other unlawful act shall be sentenced to a penalty of imprisonment for a term of six months to two years or a judicial fine, upon the complaint of the victim.

(2) Any person who employs another person, or persons, without payment or on a very low salary, which is clearly disproportionate to the service provided, or subjects such person, or persons, to conditions of work and residence which are incompatible with human dignity by exploiting his helplessness, isolation, or dependence shall be sentenced to a penalty of imprisonment for a term of six months to three years, or a judicial fine which will not be less than hundred days.

(3) Where a person provides an individual, or sends or transports an individual from one place to another, with the aim of placing such person in the situation described in the above section the same penalty shall be imposed.

(4) A person who forces, or threatens, a worker or employer to increase or decrease earnings, or to accept an agreement with conditions that are different from those previously agreed upon, in order to cause the cessation, suspension or continuation of a suspension of work shall be sentenced to a penalty of imprisonment for a term of six months to three years.

Discrimination

ARTICLE 122- (This article was amended by the article 15 of the law numbered 6529 and dated 2/3/2014)

(1) Any person who discriminates against another person on the ground of language, race, colour, gender, disability, political view, philosophical belief, religion, sect, or any similar reasons by:

a) preventing the sale, or transfer, of personal property or real estate that is available to the public,;

b) withholding foodstuffs or refusing a service that is available to the public,

c) recruiting a person,

d) preventing a person from carrying out an ordinary economic activity, shall be sentenced to a penalty of imprisonment for a term of one to three years or a judicial fine.

Disturbing an Individuals' Peace and Harmony

ARTICLE 123

(1) Where a person persistently makes phone calls, creates noise, or otherwise acts in an unlawful manner, with the aim of disturbing a person's peace and harmony the offender shall be sentenced to a penalty of imprisonment for a term of three months to one year, upon the complaint of the victim.

Prostitution

ARTICLE 227

(1) Any person who encourages a child to become a prostitute, facilitates a child becoming such or supplies or accommodates a child for such purpose, or acts as an intermediary for the prostitution of a child, shall be sentenced to a penalty of imprisonment for a term of four to ten years and judicial fine up to five thousand days. The preparation acts for the commission of an offence shall be punished as a completed offence.

(2) Any person who encourages another to become a prostitute or who facilitates or acts as an intermediary for such or who provides an environment for such purpose shall be sentenced to a penalty of imprisonment for a term of two to four years and a judicial fine up to three thousand days. Earning a living, totally or partially, from the proceeds of prostitution shall be presumed to be an encouragement to prostitution.

(3) **(This section was abolished by the article 45 of the law numbered 5560 and dated 6/12/2006.)**

(4) The penalty to be imposed according to the aforementioned sections shall be doubled where a person is encouraged to engage in acts of prostitution or secures an individual to engage in prostitution through the use of threat, violence, deceit, or by taking advantage of another's desperation.

(5) **The penalty to be imposed according to aforementioned sections shall be increased by one half where the offence is committed by a spouse, direct-antecedents, direct antecedents-in-law, sibling, adopting parent, guardian, trainer, educator, nurse or any other person responsible for the protection and supervision of a person; or by a public officer or employee who misuses the influence derived from their positions.**

(6) The penalty to be imposed according to aforementioned sections shall be increased by one half where the offence is committed in the course of the activities of a criminal organisation.

(7) Legal entities shall be subject to security measures for involvement in these offences.

(8) Any person who has been forced into prostitution may be given treatment or psychological therapy.

Begging

ARTICLE 229

(1) Any person who uses a child or person with physical or mental impairments as a means for begging shall be sentenced to a penalty of imprisonment for a term of one to three years.

(2) The penalty to be imposed shall be increased by one half, where the offence is committed by blood relatives, or in-laws, up to third degree or **a spouse**.

(3) The penalty to be imposed shall be increased by one fold where the offence is committed in the course of the activities of a criminal organisation.

Polygamy, Marriage by Deception and Religious Ceremonies

ARTICLE 230

(1) Any person who, while already married, marries someone else, by completing the official procedure, shall be sentenced to a penalty of imprisonment for a term of six months to two years.

2) Any person who, while unmarried, marries someone else, by completing the official procedure, knowing him to be already married to someone else, shall be sentenced in accordance with the aforementioned section.

3) Any person who marries someone else, by completing the official procedure, while concealing his real identity shall be sentenced to a penalty of imprisonment for a term of three months to one year.

4) The limitation period in respect of the offences defined in the aforementioned sections shall take effect as of the date on which the marriage is annulled.

5) **(The Paragraph is deemed annulled by the Constitutional Court decision dated 27/5/2015 and having docket number: 2014/36, and decision number: 2015/51.)**

6) **(The Paragraph is deemed annulled by the Constitutional Court decision dated 27/5/2015 and having docket number: 2014/36, and decision number: 2015/51.)**

Maltreatment

ARTICLE 232

(1) Any person who maltreats a person that they are living together with in the same dwelling, shall be sentenced to a penalty of imprisonment for a term of two months to one year.

(2) Any person who improperly uses the right to enforce discipline, deriving from their right to educate a person who is under their control or for whom they are responsible in respect of their growth, education, care, protection or training of a profession or trade, shall be sentenced to a penalty of imprisonment for a term of up to one year.

Breach of Obligations Derived from Family Law

ARTICLE 233

- (1) Any person who fails to fulfil the obligations conferred upon them by family law, which provides for the care, education or support of family members, shall be sentenced to a penalty of imprisonment for a term of up to one year, upon complaint.
- (2) Any person who abandons his pregnant wife, or a pregnant single woman with whom he lives where he is aware of such pregnancy and he is the biological father, shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (3) Where a mother or father seriously endangers the health, safety or morality of their children as a result of a lack of moral or material care derived from degrading behaviour and actions, alcoholism or the use of narcotics or psychotropic substances, notwithstanding any loss of parental responsibility, shall be sentenced to a penalty of imprisonment for a term of three months to one year.

Genital Examination

ARTICLE 287

- (1) Where a person conducts a genital examination or dispatches a person for such, without a decision of an authorized judge or prosecutor, shall be sentenced to a penalty of imprisonment for a term of three months to one year.
- (2) The provision of the aforementioned section shall not apply for examinations which have been carried out in compliance with the provisions of law or decree which are designed to protect the public from contagious disease.