

REGULATION NO. 2003/1

**AMENDING THE APPLICABLE LAW ON CRIMINAL OFFENCES
INVOLVING SEXUAL VIOLENCE**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Taking into account, *inter alia*, the International Covenant on Civil and Political Rights, the European Convention on Human Rights and Fundamental Freedoms, the Convention on the Elimination of all forms of Discrimination Against Women, and the International Convention on the Rights of the Child,

Recognizing that sexual violence committed against any person regardless of his or her gender, marital or other status cannot be tolerated,

Hereby promulgates the following:

Section 1

Amendments to the Applicable Criminal Code

1.1 Article 74 of the Applicable Criminal Code of the Socialist Autonomous Province of Kosovo ("applicable Criminal Code") shall be amended to read as follows:

"(1) Whoever compels another person to have sexual intercourse by using force or by threatening direct attack against the life or body of such person or of another person close to him or her shall be punished by imprisonment of one to ten years.

(2) If the criminal act referred to in paragraph 1 of this article resulted in grave bodily injury to the person or his or her death or the act was committed by several persons or in a particularly cruel or particularly humiliating way or in another especially grave way, the offender shall be punished by imprisonment of at least three years.”

1.2 Article 75 of the applicable Criminal Code shall be amended to read as follows:

“Whoever compels another person to have sexual intercourse by seriously threatening to disclose something about such person or another person close to him or her which might be harmful for their honor or reputation, or by threatening another person with grave cruelty, if the characteristics of another criminal act do not exist, shall be punished by imprisonment of six months to five years.”

1.3 Article 76 of the applicable Criminal Code shall be amended to read as follows:

“(1) Whoever has sexual intercourse with another person by taking advantage of the mental disease, temporary mental derangement, infirmity or any other state of such person due to which such person is incapable of offering resistance shall be punished by imprisonment of three months to five years.

(2) If the criminal act referred to in paragraph 1 of this article results in grave bodily injury to the person or his or her death or the act was committed by several persons or in a particularly cruel or particularly humiliating way or in another especially grave way, the offender shall be punished by imprisonment of at least one year.”

1.4 Article 78(1) of the applicable Criminal Code shall be amended to read as follows:

“Whoever, by abusing his or her official position, induces another person subordinate to or dependent on him or her to have sexual intercourse shall be punished by imprisonment of three months to three years.”

Section 2 Implementation

The Special Representative of the Secretary-General may issue Administrative Directions for the implementation of the present Regulation.

Section 3
Applicable Law

The present Regulation shall supersede any provision in the applicable law that is inconsistent with it.

Section 4
Entry into Force

The present Regulation shall enter into force on 6 January 2003.

Michael Steiner
Special Representative of the Secretary-General