

# Combating Child Pornography: International Legal Regulation and Experience of Ukraine and Foreign Countries

**Volodymyr V. Iemelianenko\***

*Yaroslav Mudryi National Law University  
Kharkiv, Ukraine*

*\*e-mail: criminallawstudy1@gmail.com*

**Mariana P. Dmytruk**

*Yaroslav Mudryi National Law University  
Kharkiv, Ukraine*

## **Abstract**

*The relevance of the topic is determined by the fact that child pornography is a serious threat to the safety and well-being of children, and combating it requires a comprehensive approach at the national level and international cooperation. Thus, the purpose of this study is to analyse international legal regulation in the field of combating child pornography, the experience of Ukraine and such foreign countries as France, Japan, India, the United Kingdom and Canada. The objectives are to identify the main regulatory provisions, mechanisms and approaches aimed at preventing and combating child pornography. The study was conducted using a number of scientific methods, including dialectical, formal and logical, analysis, comparison and generalisation methods. The authors draw attention to the concept of child pornography. It is determined what actions are considered to be the crime of child pornography and are criminalized. The recommendations and obligations of countries that have ratified these acts are analyzed. The article analyses the issues of criminalization of child pornography offenses in the legislation of the respective countries, criminal liability measures, establishment of national organizations and structures to combat it, etc. It was concluded that the maximum term of imprisonment an offender can receive in Canada and Great Britain, and one of the smallest – in Japan and India. The article also disproves the hypothesis that approaches to combating child pornography are identical in individual countries with different legal systems. The authors draw attention to the problem of determining the status of graphic materials and works of artificial intelligence that contain signs of child pornography. The authors also raise the issue of criminal legal assessment of viewing child pornography, including live broadcasts. It is stated that no country is immune to this form of child sexual exploitation. Attention is drawn to international cooperation, which is key to sharing best practices, resources and information between countries. It is argued that national governments, law enforcement agencies and civil society*

*need to work together in a concerted effort to ensure the protection of children in the world. This is important, among other things, to combat the avoidance of responsibility by criminals.*

**Keywords:** *child pornography; Internet pornography; sexual exploitation; minors; pornographic materials; child prostitution; anime; artificial intelligence; cybercrime.*

## **Протидія дитячій порнографії: міжнародно-правове регулювання та досвід України і зарубіжних країн**

**Володимир Віталійович Ємельяненко\***

*Національний юридичний університет імені Ярослава Мудрого  
Харків, Україна*

*\*e-mail: criminallawstudy1@gmail.com*

**Мар'яна Петрівна Дмитрук**

*Національний юридичний університет імені Ярослава Мудрого  
Харків, Україна*

### **Анотація**

*Актуальність теми статті визначається тим, що дитяча порнографія є серйозною загрозою безпеці та благополуччю дітей, і боротьба з нею вимагає комплексного підходу на рівні країни та міжнародного співробітництва. Таким чином, метою даного дослідження є аналіз міжнародно-правового регулювання у сфері протидії дитячій порнографії, досвіду України та таких зарубіжних країн, як Франція, Японія, Індія, Велика Британія та Канада. Завданнями є визначення основних нормативних положень, механізмів та підходів, спрямованих на запобігання та протидію дитячій порнографії. Дослідження було здійснено за допомогою низки наукових методів, зокрема, діалектичного, формально-логічного, аналізу, методів порівняння та узагальнення. Авторами звертається увага на поняття дитячої порнографії. Визначено, які дії вважаються злочином щодо дитячої порнографії та є кримінально караними. Проаналізовано рекомендації та зобов'язання країн, які ратифікували ці акти. Розглянуто питання криміналізації злочинів, пов'язаних з дитячою порнографією, у законодавстві відповідних країн, заходи кримінальної відповідальності, створення національних організацій і структур для боротьби з нею тощо. Зроблено висновок, що максимальний термін ув'язнення правопорушник може отримати в Канаді та Великій Британії, а один з найменших – в Японії та Індії. У статті також спростовується гіпотеза про те, що підходи до боротьби з дитячою порнографією є ідентичними в окремих країнах*

з різними правовими системами. Звернено увагу на проблему визначення статусу графічних матеріалів і творів штучного інтелекту, які містять ознаки дитячої порнографії. Крім того, порушено питання щодо кримінально-правової оцінки перегляду дитячої порнографії, в тому числі в прямому ефірі. Констатується, що жодна країна не застрахована від цієї форми сексуальної експлуатації дітей. Звернено увагу на міжнародне співробітництво, яке є ключовим для обміну найкращими практиками, ресурсами та інформацією між країнами. Наголошено, що національні уряди, правоохоронні органи та громадянське суспільство повинні працювати разом, об'єднуючи зусилля для забезпечення захисту дітей у світі. Це важливо, в тому числі, для боротьби з уникненням злочинцями відповідальності.

**Ключові слова:** дитяча порнографія; інтернет-порнографія; сексуальна експлуатація; неповнолітні; порнографічні матеріали; дитяча проституція; аніме; штучний інтелект; кіберзлочинність.

## Introduction

The problem of child pornography remains one of the most pressing and threatening problems in the modern world, which indicates the *relevance of the study*. In recent decades, it has grown in size due to the proliferation of the Internet, which pedophiles use to acquire and distribute pornographic materials with children. The proliferation of information technology has led to an unprecedented proliferation and accessibility of child pornography. Since then, the criminalization of child pornography has increased significantly in many countries around the world, which is not surprising, as it has become a serious problem.

In this context, it is important to study the international legal regulation and legislation of individual countries in combating child pornography, as they play a key role in protecting children's rights. The relevance of this study is dictated by the threat of child pornography as a global problem, the need to promote international cooperation and effective counteraction to child pornography, especially in the context of technological development and the increasing ability of criminals to avoid responsibility for crimes against children, one of the most vulnerable segments of society.

The study will allow us to understand what specific actions to combat child pornography are provided for in the national legislation of Ukraine, as well as in the legislation of France, Japan, India, the United Kingdom and Canada. Given the global nature of the problem, understanding international legal regulation and the experience of individual countries is important for the development of more effective strategies and legislative frameworks to combat child pornography at the international level. Thus, *the purpose of this study* is to analyze the international legal regulation in the field of combating child pornography, the experience of Ukraine and

such foreign countries as France, Japan, India, the United Kingdom and Canada. The objectives are to identify the main regulatory provisions, mechanisms and approaches aimed at preventing and combating child pornography.

## **Materials and Methods**

The following Ukrainian scholars have devoted their works to the study of ways and means of combating child pornography: S. Shatrava [1], O. Dzhafarova [1], T. Shevchenko [2], I. Lubenets [3], S. Knizhenko [4], V. Yemelianov [5], S. Denysov [6], I. Zhdanova [7] and others. Among the scholars of the countries whose legislation is being studied, P. Agal [8], S. Bhadury [9], L. Langde [10], A. Mignault [11], J. Patil [12], M.P. Hutagi [12], E. Huber [13], Y. Matsuura [14], S. Toshiaki [15], G. Oliván-Gonzalvo [16], E. Newman [17; 18], S. Prat [19], V. Savoie [20], etc. However, certain aspects of the comparative legal study of responsibility for the creation and distribution of child pornography were not the subject of a separate thorough study. Theoretical foundations of the study include scientific articles, legislation reviews, doctrinal ideas, and views on the subject. The empirical basis of the research includes criminal legislation acts of Ukraine, France, Japan, India, Great Britain and Canada. International legal acts have been also used in this paper. The methodological basis of the research consists of general and special scientific methods. The dialectical method was used to define the terms of "child pornography", "pornographic materials", "sexual exploitation". To analyze the experience of foreign countries and international legislation, a formal method, methods of comparison and generalization were used.

## **Results and Discussion**

In the modern era of civilization, information technology plays a key role in all aspects of our lives. Thanks to access to information technology, users are united on a global scale. However, the rapid development of these technologies also leads to negative consequences, one of which is the growth of new forms of transnational crimes on the Internet, where cyberspace is a convenient place for the easy distribution of pornographic materials with children. Today, child pornography is not the least of the online crimes and is the cause of serious conflicts related to sexual abuse and sexual crimes against children. It also leads to other crimes against children, such as child trafficking, sex tourism, child abuse, etc.

Child pornography is a problem that violates, first and foremost, the fundamental rights of children. Establishing legislation and effective mechanisms is essential to successfully combat child pornography and child exploitation on a global scale. The most effective means of combating

child pornography and child exploitation are a holistic and unified approach to ensure consistency in criminalization and punishment, raising public awareness of the problem, improving the professionalism of law enforcement, increasing the number of services available to assist victims, and other efforts by states at both the international and national levels. In addition to establishing a national legislative framework to combat child pornography, it is important to ensure that national legislation complies with international legal standards, which can be considered the first step in combating child pornography.

### ***International legal regulation of combating child pornography***

In general, there are three main international legal documents related to combating child pornography, namely: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Convention on Cybercrime; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. These international legal acts are effective tools in combating not only child pornography, but also sexual exploitation of children in general, as they contain clear and specific definitions of the relevant crimes and require criminalization of the relevant acts at the national level. In addition, some provisions require states to implement mechanisms and provide services to assist child victims and their families.

On November 20, 1989, the United Nations General Assembly adopted the *Convention on the Rights of the Child*. This convention is a continuation of the Declaration on the Rights of the Child, adopted on November 20, 1959, which states that the child, owing to lack of physical and intellectual maturity, needs special protection and special care, including appropriate legal protection, both before and after birth [21].

Although this Convention addresses a fairly broad range of rights, such as civil, cultural, economic, political and social, it also contains provisions to combat sexual exploitation of children. Specifically, Art. 34 states that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials [22].

*The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* entered into force on January 18, 2002. As of October 2022, 178 states are parties to the



Protocol. As for the definition, Art. 2 defines "child pornography" as "any representation, by any means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes" [23]. Art. 3(1) requires States Parties "that, at a minimum, the following acts and activities are fully covered by its criminal or penal law, whether such offenses are committed domestically or transnationally or on an individual or organized basis" [Ibid]. That is, not only crimes committed domestically, but also transnationally, both individually and in an organized manner, are taken into account. Art. 3(1) (c) criminalizes "producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes" child pornography. Thus, mere possession, regardless of the intention of distribution, is covered by this article. Paragraph 4 of the same Art. 3 regulates the liability of legal entities. This Optional Protocol also emphasizes the importance and necessity of international cooperation in the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism [Ibid]. States should facilitate international cooperation in this area, because, as already emphasized, child pornography spreads easily and quickly across borders, offenders can avoid detention and continue their criminal activities against children in the absence of international cooperation between countries.

The development of civilization and information technology has made it possible for cybercriminals to be located in different countries (i.e., different jurisdictions) from their victims. This has become a huge challenge in the fight against child sexual exploitation and pornography. For a unified and common approach to addressing the issue in the fight against *cybercrime*, the Council of Europe adopted the *Convention on Cybercrime* on November 23, 2001. The issue of child pornography offenses is addressed in Chapter 2, Title 3, entitled "Content-related offenses". Art. 9(1) criminalizes the following offenses: Producing child pornography for the purpose of its distribution through a computer system; offering or making available child pornography through a computer system; distributing or transmitting child pornography through a computer system; procuring child pornography through a computer system for oneself or for another person; and possessing child pornography in a computer system or on computer-data storage [24].

Paragraph 2 of this Art. lists what child pornography includes, namely pornographic material that visually depicts: "a minor engaged in sexually explicit conduct; a person appearing to be a minor engaged in sexually explicit conduct; realistic images representing a minor engaged in sexually explicit conduct" [Ibid]. However, Art. 9(4) of the Convention also stipulates

that a State may not apply, or apply in Part or in full, the subparagraphs concerning procuring child pornography and possession, as well as subparagraphs of paragraph 2, namely (b) a person appearing to be a minor engaged in sexually explicit conduct; and realistic images representing a minor engaged in sexually explicit conduct.

According to paragraph 3 of this Article, the term "minor" includes all persons under 18 years of age, but the state may set a lower age threshold, but it must not be less than 16 years of age.

*The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* is an international legal document that aims to combat sexual exploitation of children, including child pornography. It was concluded and signed on October 25, 2007 and focuses on combating violence against children by preventing abuse and exploitation. It addresses important issues related to the protection and assistance of child victims, the punishment of perpetrators and the promotion of national and international law enforcement cooperation in this area.

Paragraph 1 of Art. 20 criminalizes intentional behavior in the following areas: "producing child pornography; offering or making available child pornography; distributing or transmitting child pornography; procuring child pornography for oneself or for another person; possessing child pornography; knowingly gaining access, through information and communication technologies, to child pornography" [25].

The term "child pornography" is also defined as "any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes" [Ibid]. The state retains the right not to apply, in whole or in part, the subparagraphs relating to the production and possession of pornographic products consisting of simulated representations or real images of a non-existent child; and involving children who have reached the age set in the application of Art. 18(2), where these images are produced and possessed by them with their consent and solely for their own private use. The state is also given the choice to criminalize the subparagraph on knowingly gaining access, through information and communication technologies, to child pornography in whole or in Part [Ibid]. Separate questions are raised regarding attempts and incitement, liability of legal entities, international cooperation, and others.

In order to analyze and confirm or refute the hypothesis that approaches to combating child pornography are similar or different in individual countries with different legal systems, it would be advisable to consider the legislation of *France, Japan, India, the United Kingdom, Canada and Ukraine*.

### ***Experience of combating child pornography in France***

In the *French Criminal Code*, Articles 227-23 and 227-24 are aimed at protecting children and combating child pornography. Specifically, Art. 227-23 of the *Criminal Code* provides that the fact of capturing, recording or transmitting an image or representation of a minor with the intent to disseminate it, if it is of a pornographic nature, is punishable in France by up to 5 years in prison and a fine of EUR 75,000 [26]. French law also stipulates that if pornographic material concerns a person under the age of fifteen, these actions are punishable, even if they were not committed with the intent to distribute. The mere fact of offering, providing access to or distributing such materials by any means, whether importing or exporting them, is punishable equally. The penalty has been increased to seven years' imprisonment and a fine of EUR 100,000 for an electronic communications network. The fact of ordinary counseling or for payment of a publicly available online communication service that makes available such an image or representation, acquisition or possession of such an image or representation by any means is punishable by five years' imprisonment and a fine of EUR 75,000.

As for the attempted crime under the same article, it is punishable by the same penalties. However, if the crime is committed by an organized group, the penalty is increased and is ten years' imprisonment and a fine of EUR 500,000. It is important to note that the provisions of this Art. in France also apply to pornographic images of a person whose physical appearance is that of a minor, unless it is established that the person was eighteen years old on the day of recording or recording his or her image.

Art. 227-23-1 also criminalizes the actions of an adult who requires a minor to distribute or transmit pornographic material to a minor, which is punishable by seven years in prison and a fine of EUR 100,000 [Ibid], a penalty that is higher than in Art. 227-23. The penalty is also increased to ten years' imprisonment and a fine of EUR 150,000 if the acts are committed against a person under 15 years of age. In the case of an organized group, the penalty is increased to ten years' imprisonment and a fine of one million EUR.

Art. 227-24 makes the fact of producing, transporting, disseminating by any means and media a message of a violent nature, inciting terrorism, of a pornographic nature, including pornographic images containing one or more animals, or causing serious harm to human dignity or inciting minors to participate in games that put them in physical danger or to trade in such a message punishable by three years' imprisonment and a fine of EUR 75,000 if the message is likely to be seen or noticed by a child [Ibid].



With this provision, the legislator also places the responsibility of the result on the publishers of content on the Internet or on mobile phones. They are therefore responsible for ensuring that minors do not have access to harmful content.

Various laws have also been adopted to strengthen the system established by Art. 227-23 of the Criminal Code. Law No. 98-468 of June 17, 1998, on the prevention and suppression of sexual offenses and the protection of minors. This law penalizes pornographic images of minors, even virtual ones. Law No. 2002-305 of March 4, 2002 on parental authority was also passed, adding a Part to Art. 227-23, which penalizes the simple fact of possessing pornographic materials with minors.

### ***Experience of combating child pornography in Japan***

In *Japan*, the "Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children" is the national legislation regulating child pornography. The criminalized conduct covered by the Act consists of: importing, producing, exporting, and possessing materials that fall within the scope of child pornography.

The reason and prerequisite for the adoption of this law was the World Conference Against the Commercial Sexual Exploitation of Children, which took place in Stockholm in 1996. At that time, Japan was accused of lagging behind other developed countries in terms of combating child pornography, which led to the mass production and sale of such materials, and called for an immediate response and change. And in May 1998, a bill was submitted by the ruling parties to the parliament and discussions began. In June of the same year, the UN Committee on the Rights of the Child recommended that Japan take all necessary measures, including legal ones. As a result, Japan adopted the Law on the Punishment of Acts Related to Child Prostitution and Child Pornography and the Protection of Children, which came into force on May 26, 1999.

Later, it was amended in 2004 and 2014 to include more restrictive provisions. The 2004 amendment added a provision on the protection of children's rights to the purpose of the Law in line with international trends. It also increased the number of penalties and expanded the scope of their application. In 2014, the title of the Law was changed to the Law on the Control and Punishment of Activities Related to Child Prostitution and Child Pornography and the Protection of Children. The definition of child pornography was also clarified, simple possession was criminalized, and other changes were made.

The term "child pornography" in this Law is defined as photographs, recording media containing electronic or magnetic recordings (which

means a recording used in computerized information processing, created in electronic form, magnetic form or any other form that cannot be perceived by human senses; the same shall apply hereinafter) or any of the following means that depict the image of a child in a form that can be recognized by the organs of vision: any depiction of a sexual act or any behavior similar to a sexual act.

It also contains a definition of a child, namely, a "child" is a person under the age of 18, as set forth in Art. 2(3) of the Law.

Section 2 sets out penalties for actions related to child prostitution and child pornography. Specifically, Art. 7 provides for punishment for child pornography. Any person who possesses child pornography for the purpose of satisfying sexual desire shall be punished by imprisonment for a term not exceeding 1 year or a fine not exceeding 1,000,000 yen. Any person who provides child pornography shall be punished by imprisonment for a term not exceeding 3 years or a fine not exceeding 3,000,000 yen. Any person who produces, possesses, transports, imports or exports child pornography from Japan for the purpose of committing the acts referred to above shall be punished with the same penalty as provided in this paragraph. Any person who provides child pornography to many or indefinite persons or displays it in public shall be punished by imprisonment for a term not exceeding 5 years, a fine not exceeding 5,000,000 yen, or both [27].

### ***Experience of combating child pornography in India***

Sexual abuse of children is a widespread problem, and *India* also has various legal acts regulating this area and aimed at protecting the rights and welfare of children. The Constitution of India enshrines the right to life and personal liberty, with the impossibility of deprivation of this right, except as provided by law, in Art. 21. Art. 24 prohibits the employment of children in factories, mines or any other hazardous work under the age of fourteen. In addition, the state is obliged in Art. 45 to endeavor to provide early childhood care and education for all children until they reach the age of six. Several other articles of the Indian Constitution are also devoted to the protection of children's rights and ensuring their well-being.

There are also specific laws that are aimed at protecting children's rights and preventing offenses against children, such as: *The Immoral Traffic (Prevention) Act, 1986*; *The Prohibition of Child Marriage Act*; *The Child Labour (Prohibition and Regulation) Act, 1986*; *Juvenile Justice (Care and Protection of Children) Act, 2000*; *Indian Penal Code, 1860*; *The Indecent Representation of Women (Prohibition) Act, 1986*, sections 3 and 4 Deal with Pornography.

*The Indian Penal Code* contains provisions to combat sexual abuse of children and distribution of obscene items to minors. Specifically, Section

293 criminalizes the sale, hiring out, distribution, display or transfer to any person below the age of twenty years of any obscene article, or offering or attempting to do so, punishable with imprisonment for a term not exceeding three years and a fine of Rs. 2,000 in the case of a first conviction. In the case of a second or subsequent conviction, the penalty shall be increased to imprisonment for a term which may extend to seven years and a fine which may extend to Rs. 5,000.

It is important to understand and define what the Criminal Code means by "obscene". Art. 292(2) contains a definition that includes the content of a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object shall be deemed to be obscene if it is lascivious or appeals to the prudish interest or if its effect or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied therein [28] Whoever sells, lets to hire, distributes, publicly exhibits or in any way puts into circulation, or for the purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene object; or imports, exports or transfers any obscene object, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any way put into circulation; or takes Part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, made, produced, purchased, stored, imported, exported, conveyed, publicly exhibited or in any way put into circulation; or advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offense, or that any such obscene object can be procured from or through any person; or offers or attempts to do any act which is an offense under this section shall be punishable, on first conviction, with imprisonment for a term not exceeding 2 years and a fine of Rs. 2,000 [Ibid]. In the case of a second or other subsequent conviction, the penalty is increased to 5 years' imprisonment and a fine of up to 5,000 rupees. The same article, inter alia, identifies some exceptions to which the law does not apply, such as if the publication is justified for the public good and on the grounds that such book, paper, picture, image, etc. is in the interest of science, literature, art, education, etc. of general interest; or an image of such nature is presented in an ancient monument, archaeological site, etc., or in any temple or any vehicle used for the transportation of idols, or is kept or used with any religious

*Information Technology Act, 2000.* With the development of civilization and information technology, there was a need to regulate electronic and

digital activities in the country. To this end, a law was adopted to regulate cyber legislation in the country. The law was amended and supplemented in 2008. Among other things, Section 67 "Punishment for publishing or transmitting obscene material in electronic form" was amended to reduce the term of imprisonment from 5 years to 3 years and increase the fine from INR 100,000 to INR 500,000, and Sections 67A to 67C were added.

Section 67A deals with the electronic transmission and publication of sexually explicit material, which is punishable, on a first conviction, by imprisonment for up to 5 years and a fine of up to ten lakh rupees (1 million rupees); on a second or subsequent conviction, the imprisonment is increased to seven years and the fine remains the same.

Section 67B of the law deals with child pornography and provides for penalties for those who "publishes or transmits or causes to be published or transmitted material in any electronic form that depicts children engaged in sexually explicit acts or conduct; or creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in an obscene or indecent or sexually explicit manner; or cultivates, entices or induces children to an online relationship with one or more children for and on a sexually explicit act or in a manner that may offend a reasonable adult on a computer resource; or facilitates abusing children online, or records in any electronic form his own abuse or that of others pertaining to sexually explicit acts with children", shall be punishable, on first conviction, by imprisonment for a term not exceeding 5 years and a fine not exceeding ten lakh rupees (1 million rupees), on second or subsequent convictions, the imprisonment shall be increased to seven years and the fine shall remain the same [29]. We can conclude that the penalties under both Section 67A and 67B, which specifically address child pornography, are identical. It is also important to note that in Section 67B the term "children" is defined as a person under the age of 18.

*Protection of Children from Sexual Offenses Act, 2012.* This law was adopted to protect children from crimes related to sexual abuse, sexual harassment, and pornography, and provides for the establishment of special courts to try such crimes and cases related to them or related to them. The article defines, among other things, the term "child", which means any person under the age of 18. Also, the term "child pornography" is defined as any visual depiction of sexually explicit conduct involving a child that includes a photograph, video, digital or computer-generated image indistinguishable from an actual child and an image created, adapted, or modified but appearing to depict a child [30]. In other words, based on Art. 2, we can conclude that "a computer-generated image indistinguishable from an

actual child and an image created, adapted, or modified but appearing to depict a child" refers to child pornography.

Section 3 deals with child pornography under the title "Using child for pornographic purposes and punishment therefor". According to the provisions of Art. 13, anyone who uses a child in any form of media (including a program or advertisement broadcast by television channels or the Internet or any other electronic form or printed form, whether or not such program or advertisement is intended for personal use or for distribution), for the purposes of sexual gratification, shall be guilty of the crime of using a child for pornographic purposes [Ibid].

Art. 14 deals with the punishment for the use of a child for pornographic purposes and provides for imprisonment for a term of not less than 5 years and a fine, and in case of a second or subsequent conviction, it is increased to not less than 7 years and a fine.

Art. 15 also criminalizes the possession of pornographic material involving a child, namely, any person who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, as may be prescribed, with intent to share or transmit child pornography [Ibid], shall be punishable with a fine not less than 5,000 rupees, and on a second or subsequent conviction, with a fine not less than 10,000 rupees. Section 2 provides that any person who stores or possesses pornographic material in any form involving a child for transmission or propagation or display or distribution in any manner at any time except for the purpose of reporting as may be prescribed or for use as evidence in a court of law shall be punishable with imprisonment of either description which may extend to three years, or with fine, or with both [Ibid]. Section 3 provides for the punishment of possession or handling of pornographic material of this nature with children for commercial purposes, punishable, on a first conviction, with imprisonment for a term not less than 3 years as specified, which may extend to 5 years, or with fine, or with both. In the case of a second or subsequent conviction, the penalty is increased to imprisonment for a term of not less than 5 years, which may be increased to 7 years, and a fine. It is also important to note that the law provides for the punishment not only of the offender who commits such acts, but also of persons who incite or attempt to commit such acts. A person who contributes to the commission of a crime by incitement, conspiracy, intentional assistance by any act or omission is liable for the commission of a crime and is subject to punishment. The same applies to attempted murder, which is the subject of Section 4 of this Law [30].

However, it is important to pay attention to the problem of the term, as the concept of "child pornography" is defined in different ways in the



laws, which can lead to conflicting explanations of the meaning of child pornography.

### ***Experience of combating child pornography in the UK***

In the UK, the main legislative act regulating the issue of combating child pornography is The Protection of Children Act 1978. In addition to it, there are a number of legal acts, such as The Obscene Publication Act, 1959; The Protection of Children Act, 1978; The Data Protection Act, 1984; The Computer Misuse Act, 1990, etc. It is important to note that simple possession of pornographic materials with children was not criminalized immediately, but only after the adoption of the Criminal Justice Act of 1988.

Section 1 of The Protection of Children Act 1978, entitled "Indecent photographs of children", states that it is an offense for a person:

- (a) to take, or permit to be taken, any indecent photograph of a child (meaning in this Act a person under the age of 16); or
- (b) to distribute or show such indecent photographs; or
- (c) to have in his possession such indecent photographs, with a view to their being distributed or shown by himself or others; or
- (d) to publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs. or intends to do so.

A person convicted on indictment of any offense under this Act shall be liable to imprisonment for a term not exceeding ten years, or to fine, or to both [31].

In digital media, when an obscene image is saved to a computer's hard drive, it is considered "creating" the image because it produces a copy that did not exist before.

To cover "pseudo-photographs", the 1978 Act was expanded by the Criminal Justice and Public Order Act 1994. Among other things, the Criminal Justice Act, Section 160A clearly states that it is an offense for a person to have any indecent photograph of a child in his or her possession.

Also, the well-known Sexual Offenses Act of 2003, which also applies to child pornography, changed the age of a "child" from 16 to 18 years, with 16 years being the age of consent. However, there are certain exceptions, such as images of a person who has already reached the age of 16 may remain legal if the material is private and between two parties. Also, the same law was expanded in 2008 to cover caricatures and other works based on photographs or pseudo-photographs and in 2009, caricatured sexual images of minors were criminalized, not just those derived from photographs or pseudo-photographs.

In the same year, 2009, any possession of pornographic images of children became a criminal offense, whereas previously it was legal to possess printed copies of such images if there was no intention to distribute or show them to others. This prohibition is reflected in the Coroners and Justice Act 2009.

An independent organization, the Internet Watch Foundation, was also created to combat child pornography. It was founded on December 10, 1996, and provides a hotline mechanism for anyone wishing to report illegal content on the Internet to the police. It cooperates with the police, authorities, society, Internet providers and other organizations to identify, prevent and remove harmful and illegal child sexual abuse content on the Internet and protect one of the most vulnerable parts of society, i.e. children.

### ***Experience of combating child pornography in Canada***

According to research, in *Canada*, from 2014 to 2022, police registered 15,000 cases of sexual offenses against children on the Internet, and more than 45,000 cases of online child pornography. The overall rate of police-reported cases of online child sexual exploitation has increased since 2014. As noted, the percentage of child online pornography increased by 290% from 2014 to 2022. The majority of victims were girls, especially those aged 12 to 17, accounting for 71% of all victims.

The provisions prohibiting the production, distribution, possession and access in Canada have been reflected in the Criminal Code since 1993. However, section 163.1 of the Criminal Code has been amended several times to take into account the new realities of information technology. Indeed, this offense has undergone various transformations over time. The popularization of the Internet since the 1990s has increased the availability of child pornography online. This has made it more difficult to identify offenders. In addition, the definitions and activities associated with online child sexual exploitation have been revised to reflect the technological changes brought about by the Internet. In 2007, the federal government raised the legal age of consent from 14 to 16, taking further steps to protect children.

Art. 163(1) of the Criminal Code of Canada states that every person commits an offense who makes, prints, publishes, distributes, circulates or has in their possession for the purpose of publication, distribution or circulation any obscene written matter, picture, model, phonograph record or any other obscene thing [32]. Child pornography is separately singled out and criminalized. Namely, Art. 163.1, Part 1 defines child pornography as – a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,

- (i) that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or is depicted as engaged in explicit sexual activity, or
- (ii) the dominant characteristic of which is the depiction, for sexual purposes, of a sexual organ or anal region of a person under the age of eighteen;
  - any written material, visual representation or audio recording that advocates or counsels sexual activity with a person under the age of eighteen that would be an offense under this Act;
  - any written material whose predominant characteristic is the description, for sexual purposes, of sexual activity with a person under the age of eighteen that would be an offense under this Act; or
  - any audio recording that has as its dominant characteristic the description, presentation or representation, for sexual purposes, of sexual activity with a person under the age of eighteen that would be an offense under this Act.

With regard to punishment, paragraphs 2 and 3 of the same Article provide that a person is guilty of a criminal offense and shall be punished by imprisonment for a term not exceeding 14 years and a minimum sentence of one year for the creation and distribution of child pornography, etc. With regard to possession, this is Part 4, anyone who possesses any child pornography shall be punished by imprisonment for a term not exceeding 10 years and a minimum sentence of imprisonment for a term of one year. The same applies to access: anyone who has access to any child pornography shall be punished by imprisonment for a term not exceeding 10 years and a minimum sentence of one year's imprisonment. The law specifies that a person gains access to child pornography if he or she knowingly causes the viewing or transmission of child pornography to himself or herself or to other persons. In the case of a simplified procedure, the offense is punishable by imprisonment for a term not exceeding two years without one day and a minimum sentence of six months' imprisonment.

If the person committed the crime for profit, the court considers this as an aggravating factor, which is enshrined in Part 4.3 of Art. 163(1). According to Art. 164(1) of the Code, *the judge may order the provider to provide information necessary for identification and search of the person if there are reasonable grounds to believe that child pornography is available through the computer of the Internet service provider that posted it. The judge may order the provider to remove pornographic materials with children.*

In 2004, the Government of Canada also launched The National Strategy for the Protection of Children from Sexual Exploitation on the Internet. This strategy included prevention and raising public awareness of the risks

of child sexual exploitation on the Internet, identifying and prosecuting offenders, protecting children's rights and providing support services to victims, and supporting and cooperating with national and international organizations.

A key partner in The National Strategy for the Protection of Children from Sexual Exploitation on the Internet is the Canadian Centre for Child Protection, a charitable organization dedicated to combating child sexual abuse. They are also responsible for the Cybertip.ca website, where people can report cases of online child sexual exploitation. They also run Project Arachnid, which detects and processes tens of thousands of images per second and sends takedown notices for child sexual abuse material to online service providers around the world.

### ***Experience of combating child pornography in Ukraine***

In *Ukraine*, the Law No. 1256-IX "On amendments to certain legislative acts of Ukraine concerning the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)" of February 12, 2021 [33] introduced some amendments and additions to the Criminal Code of Ukraine, including those related to sexual abuse of children. The Code was supplemented with new articles, namely Art. 156 "Solicitation of a child for sexual purposes" and Art. 301(1) "Gaining access to child pornography, its acquisition, storage, importation, transportation or other movement, sale and distribution".

Part 1 provides for punishment for intentional access to child pornography using information and telecommunication systems or technologies or intentional acquisition of child pornography, or intentional storage, importation, transportation or other movement of child pornography without the purpose of sale or distribution, which is punishable by probation for up to five years or restriction of liberty for the same period, or imprisonment for a term of two to six years with deprivation of the right to hold certain positions or engage in certain activities for up to three years. If child pornography is imported into Ukraine for the purpose of sale or distribution, or if it is stored, transported or otherwise moved for the same purpose, it is punishable by imprisonment for a term of seven to ten years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years, as set out in Part 2 of this article. Part 3 criminalizes the production, distribution, sale of child pornography or coercion of a minor to participate in the creation of child pornography, which is punishable by imprisonment for a term of eight to twelve years with deprivation of the right to hold certain positions or engage in certain activities for up to three years [33].

The actions criminalized by paragraphs 2 and 3, committed repeatedly or by conspiracy of a group of persons, or with the receipt of large-scale income or forcing a minor to participate in the creation of child pornography, shall be punishable by a possible imprisonment for a term of nine to fifteen years with disqualification to hold certain positions or engage in certain activities for up to three years.

However, there are also exceptions in parts 5 and 6, which provide that minors shall not be subject to criminal liability if the production, storage, transportation or other movement of child pornography was committed without the purpose of sale or distribution and the person who intentionally gained access to, or intentionally acquired or stored, imported, transported or otherwise moved child pornography in order to perform the powers vested in him/her on the grounds and in the manner prescribed by law.

It also specifies that gaining access to child pornography through the use of information and telecommunication systems or technologies should be considered intentional if it is proved that the person was aware that in this way he or she would gain access to child pornography (for example, it is proved that the person gained such access repeatedly or by paying a fee, etc.

***The problem of determining the status of graphic materials and works of artificial intelligence, watching child pornography live***

It is also important to note in this study that the issue of graphic and simulated images and artificial intelligence has been increasingly criticized and discussed in the world recently, due to the proliferation of graphic and simulated pornographic materials with children, the easy access to which has been noted by international organizations. For example, anime and manga are becoming increasingly popular all over the world, with Japan being the country of birth. Some sub-genres of these materials have proliferated, usually consisting of scenes of a pornographic nature, including those with children and violence, which is worrying and criticized. They have significant markets and remain as prevalent as other categories of pornography. The international legal instruments considered in this study extend the concept of child pornography to this type of material, such as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Each of the countries considered in the Article has ratified this act, but we can pay more attention to Japan, which is the country of birth of manga and anime. Article 3 of the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children, which deals with artistic and cultural activities, explains the reason for excluding



manga from the definition of "cultural and artistic activities" by referring to the Basic Law of Japan on the Development of Culture and Art, which recognizes manga as an important element of the national tradition.

Another issue that has been gaining attention around the world and has recently been discussed is artificial intelligence and the fact that pedophiles are using it to create pornographic material, which makes it possible to create extremely accurate images of child sexual abuse. A recent investigation by the Internet Watch Foundation found instructions on the darknet that encourage criminals to use software tools that remove the clothes of real children and then blackmail them into providing real photos and videos of these children.

At the same time, there are proposals to legalize pedophiles' mere possession of pornographic materials with children modeled by artificial intelligence or graphic images, without distributing, selling, etc., arguing that this initiative does not harm real children and is aimed at preventing crimes and violence against real children, instead of allowing the use of materials created in this way. However, opponents of such an initiative argue that legal permission even for this type of material will not stop criminals, and may even encourage them to satisfy their sexual desires with real children in the future.

The issue of viewing pornographic materials with children, live, etc. remains controversial. The problem in court practice is that a person who has viewed an image or video does not save any copies of it on his or her device. In other words, in cases related to live broadcasting, after viewing an image or video, there are no forensic traces on the device used to view the image or video. The person who viewed the image or video will not save any copy of it on their device.

### **Conclusions and Prospects for Further Research**

This research article has achieved the purpose of the study, namely to analyze the international legal regulation in the field of combating child pornography and the experience of foreign countries, such as France, Japan, India, the United Kingdom, Canada and Ukraine, in order to identify the main regulations, mechanisms and approaches aimed at preventing and combating child pornography. The goal was also to refute the hypothesis that approaches to combating child pornography are the same in different countries with different legal systems.

The authors analyzed three major international legal instruments in the field of combating child pornography, namely the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Convention on Cybercrime; and

the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. They highlighted the concept of child pornography, the actions that are criminalized, and recommendations and obligations for countries that have ratified these acts in combating child pornography.

The legislation of individual countries, such as France, Japan, India, the United Kingdom, Canada and Ukraine, was also considered in more detail. Each of these countries criminalizes child pornography, but there are peculiarities and differences, such as the degree of criminal liability. In France, the fact of capturing, recording or transmitting an image or representation of a minor for the purpose of dissemination, if it is of a pornographic nature, is punishable in France by up to 5 years in prison and a fine of EUR75,000. The mere fact of offering, providing access to or distributing such materials by any means, whether importing or exporting them, is punishable equally. In Japan, possession of child pornography for the purpose of satisfying sexual desire is punishable by imprisonment for a term not exceeding 1 year or a fine not exceeding 1,000,000 yen. Any person who provides child pornography is punishable by imprisonment for a term not exceeding 3 years or a fine not exceeding 3,000,000 yen. Any person who produces, possesses, transports, imports or exports child pornography from Japan with the intent to commit the acts described above shall be punished with the same penalty. In India, the Penal Code punishes the possession, sale, distribution, manufacture, etc. of child pornography, on first conviction, with imprisonment for up to 2 years and a fine of Rs. 2,000. In the United Kingdom, the production, distribution, possession, publication, etc. of child pornography is punishable by imprisonment for a term not exceeding ten years or a fine, or both. In Canadian law, a person is subject to imprisonment for a term not exceeding 14 years and a minimum sentence of one year for the production and distribution of child pornography, etc. Possession is punishable by imprisonment for a term not exceeding 10 years and a minimum penalty of one year's imprisonment, and the same applies to access. In Ukraine, intentional access to child pornography through the use of information and telecommunication systems or technologies, or intentional acquisition of child pornography, or intentional storage, importation, transportation or other movement of child pornography without the purpose of sale or distribution, is punishable by probation for up to five years or restriction of liberty for the same period, or imprisonment for a term of two to six years, with disqualification to hold certain positions or engage in certain activities for up to three years. If child pornography is imported into Ukraine with the intent to sell or distribute it, or if it is stored, transported or otherwise moved for the same purpose, it is punishable by imprisonment for a term of seven to ten years

with deprivation of the right to hold certain positions or engage in certain activities for up to three years. The production, distribution, sale of child pornography or coercion of a minor to participate in the creation of child pornography is punishable by imprisonment for a term of eight to twelve years with disqualification to hold certain positions or engage in certain activities for up to three years. It can be stated and concluded that the maximum possible sentence can be received by a criminal in Canada or the United Kingdom, and one of the shortest in Japan and India.

The study also drew attention to the problem in connection with the proliferation of graphic and modeled images and artificial intelligence. Anime and manga are becoming increasingly popular around the world, and some subgenres of these materials have proliferated, usually consisting of scenes of a pornographic nature, including children and violence. Also, artificial intelligence is being discussed in the world and the fact that pedophiles use it to create pornographic materials, which makes it possible to create extremely accurate images of sexual abuse of children. The issue of viewing pornographic materials with children, live or otherwise, remains controversial, and the problem is that the person who has viewed the image or video does not save any copies of it on his or her device, meaning that there are no forensic traces.

In summary, no country is immune to this form of child sexual exploitation, and governments, law enforcement agencies and civil society need to work together to ensure that children are protected around the world.

The importance of further research in this area is to find new strategies and tools to effectively combat child pornography. This may include developing more progressive legislation, raising public awareness of the problem, and improving mechanisms for international cooperation and information exchange between countries. It is also important to study the impact of technology, in particular the Internet, on the spread of child pornography and develop strategies to limit it, and to pay attention to issues related to graphic materials, such as manga and anime, artificial intelligence, and others, as cyberspace is a convenient environment for criminals.

## **References**

- [1] Shatrava, S.O., Dzhafarova, O. V., Denyschuk, D.Y. & Pohorilets, O.V. (2023). Directions for the Development of the Criminal Procedure Science. *Bulletin of Kharkiv National University of Internal Affairs*, 103(4), 184-196. <https://doi.org/10.32631/v.2023.4.17>.
- [2] Shevchenko, T.V. (2023). Obtaining Access to Child Pornography as a Sign of the Objective Side of Art. 301-1 of the Criminal Code of Ukraine. *Problems of Modern Transformations. Series: Law, Public Management and Administration*, 8. <https://doi.org/10.54929/2786-5746-2023-8-01-05>.
- [3] Lubenets, I.G., & Prykhodko, O.O. (2020). The Problem of Child Pornography on the Internet: State, Trends, Ways to Overcome it. *Legal Scientific Electronic Journal*, 5, 182-186. <https://doi.org/10.32782/2524-0374/2020-5/43>.

- [4] Knyzhenko, S.O. (2022). Forensic Characteristics of the Creation and Distribution of Content Containing Child Pornography Using Information and Telecommunication Systems or Technologies. *Analytical and Comparative Jurisprudence*, 3, 227-231. <https://doi.org/10.24144/2788-6018.2022.03.41>.
- [5] Yemelianov, V.P., & Mytrofanova, Y.S. (2023). Problems of Application and Ways to Improve the Law on Criminal Liability for Child Pornography. *Bulletin of Criminological Association of Ukraine*, 28(1), 31-40. <https://doi.org/10.32631/vca.2023.1.02>.
- [6] Denisov, S.F., & Garyga-Grykhno, M.M. (2023). Combating Child Pornography in the Countries of the European Union. *Bulletin of the Criminological Association of Ukraine*, 28(1), 87-98. <https://doi.org/10.32631/vca.2023.1.07>.
- [7] Zhdanova, I., & Grabar, O. (2021). The Problem of Child Pornography on the Internet and Criminal Liability. *Public Law*, 3(43), 120-126. <https://doi.org/10.32782/2306-9082/2021-43-13>.
- [8] Agal, P. (April, 2019). Child Pornography: a Comparative Analysis. *International Journal of Science and Research*, 8(4), 746-749. <https://doi.org/10.21275/ART20196918>.
- [9] Dr. Bhadury, S. (2022). Child Pornography in India: Issues and Challenges. *Journal of Positive School Psychology*, 6(6), 6524-6529.
- [10] Langdem L. (May, 2023). Child Pornography in Virtual World: a National and International Legal Perspectives. *International Journal of Researches in Social Science & Information Studies*, IX(I), 29-33
- [11] Mignault, A., & Fortin, F. (April, 2022). Analysis of Sentencing Factors According to Judges for Child Pornography Cases in Canada. *ResearchGate*. <https://doi.org/10.13140/RG.2.2.11713.12640>.
- [12] Smt. Hutagi, M.P. & Dr. Patil, J.S., (February, 2019). A Study of Child Pornographic Responses in India and Its Impact. *Journal of Emerging Technologies and Innovative Research*, 6(2), 742-745.
- [13] Huber, E. (June, 2022). Child Sexual Abuse and the Media. Child pornography in the Internet. *ResearchGate*. <https://doi.org/10.5771/9783748904403-231>.
- [14] Matsuura, Masaru. (March, 2021). The Politics of Sexuality in the Regulation of Manga Expression as "Child Pornography Regulation": From The Perspective of "Interpersonal Sexual Centrism". *Human Sciences and Sociology of Coexistence*, 11, 1-18.
- [15] Sato, Toshiaki. (2015). Rhetorical Analysis of the Debate over the Regulation of Sexual Expressions of Non-Existent Children in the Anti-Child Pornography Law: The Emergence and Effects of a "Contest of Defenders" due to the Turnaround. *Sociologos*, 39, 211-232.
- [16] Oliván-Gonzalvo, G., Sánchez-Quiroz, P.L., & Parte-Serna, A.C. de la. (2021). Use of Tanner Stages to Estimate Chronological Age in Alleged Child Pornography Cases: A Systematic Review. *Andes Pediatrica*, 92(3), 470-477. <https://doi.org/10.32641/andespediatr.v92i3.3374>.
- [17] Newman, E., Steel, C.M.S., O'Rourke, S., & Quayle, E. (2023). Self Perceptions and Cognitions of Child Sexual Exploitation Material Offenders. *International Journal of Offender Therapy and Comparative Criminology*, 67(10-11), 1017-1036. <https://doi.org/10.1177/0306624X211062161>.
- [18] Newman, E., Steel, C.M.S., O'Rourke, S., & Quayle, E. (2024). Improving Child Sexual Exploitation Material Investigations: Recommendations Based on a Review of Recent Research Findings. *Police Journal*, 97(1), 150-165. <https://doi.org/10.1177/0032258X221142525>.
- [19] Prat, S., Bertsch, I., Praud, N., Huynh, A.-C., & Courtois, R. (2020). Child Pornography: Characteristics of its Depiction and Use. *Medico-Legal Journal*, 88(3), 139-143. <https://doi.org/10.1177/0025817219898151>.

- [20] Savoie, V., Quayle, E., Flynn, E., & O'Rourke, S. (2022). Predicting Risk of Reoffending in Persons with Child Sexual Exploitation Material Offense Histories: The Use of Child Pornography Offender Risk Tool in a Scottish Population. *Sexual Abuse: Journal of Research and Treatment*, 34(5), 568-596. <https://doi.org/10.1177/10790632211047190>.
- [21] Resolution of General Assembly of the United Nations No. 1386 (XIV) "Declaration of the Rights of the Child" (November 20, 1959). Retrieved from <https://www.ohchr.org/en/resources/educators/human-rights-education-training/1-declaration-rights-child-1959>.
- [22] Resolution of General Assembly of the United Nations No. 44/25 "Convention on the Rights of the Child". (November 20, 1989). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child/>
- [23] Resolution of General Assembly of the United Nations No. A/RES/54/263 "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography". (May 25, 2000). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>.
- [24] Law of Ukraine No. 2824-IV (2824-15) "Convention on Cybercrime". (September 7, 2005). Retrieved from [https://zakon.rada.gov.ua/laws/show/994\\_575#Text](https://zakon.rada.gov.ua/laws/show/994_575#Text).
- [25] Law of Ukraine No. 4988-VI "On the Ratification of the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Violence". (June 20, 2012). Retrieved from [https://zakon.rada.gov.ua/laws/show/994\\_927#Text](https://zakon.rada.gov.ua/laws/show/994_927#Text).
- [26] Penal Code. (Version in force on June 13, 2024). Retrieved from [https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000006070719/](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070719/).
- [27] Act No. 52 "Act on the Regulation and Punishment of Acts Related to Child Prostitution and Child Pornography, and the Protection of Children". (1911). Retrieved from <https://elaws.e-gov.go.jp/document?lawid=411AC0100000052>.
- [28] The Indian Penal Code. Arrangement of Sections. A1860-45. Retrieved from <https://liddashboard.legislative.gov.in/sites/default/files/A1860-45.pdf>.
- [29] The Information Technology Act, 2000. Arrangement of Sections. Retrieved from [https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf).
- [30] The Protection of Children from Sexual Offences Act, 2012. Arrangement of Sections. Retrieved from <https://www.indiacode.nic.in/bitstream/123456789/9318/1/sexualoffencea2012-32.pdf>.
- [31] Protection of Children Act 1978. Retrieved from <https://www.legislation.gov.uk/ukpga/1978/37>.
- [32] The Criminal Code of Canada. *Justice Laws Website*. Retrieved from <https://laws-lois.justice.gc.ca/eng/acts/c-46/>.
- [33] Law of Ukraine No. 1256-IX "On Amendments to Certain Legislative Acts of Ukraine on the Implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)". (February 18, 2021). Retrieved from <https://zakon.rada.gov.ua/laws/show/1256-20#Text>.

## **Volodymyr V. Iemelianenko**

Ph.D. in Law, Associate Professor

Associate Professor of the Department of Criminal Law Policy

Yaroslav Mudryi National Law University

61024, 77 Hryhoriia Skovorody Str., Kharkiv, Ukraine

e-mail: [criminallawstudy1@gmail.com](mailto:criminallawstudy1@gmail.com)

ORCID 0000-0002-8999-3672



**Mariana P. Dmytruk**

Student of the Faculty of International and European Law  
Yaroslav Mudryi National Law University  
61024, 77 Hryhoriia Skovorody Str., Kharkiv, Ukraine  
e-mail: mariana2004.13dm@gmail.com  
ORCID 0009-0007-9415-9926

**Володимир Віталійович Смельяненко**

кандидат юридичних наук, доцент  
доцент кафедри кримінально-правової політики  
Національний юридичний університет імені Ярослава Мудрого  
61024, вул. Григорія Сковороди, 77, Харків, Україна  
e-mail: criminallawstudy1@gmail.com  
ORCID 0000-0002-8999-3672

**Мар'яна Петрівна Дмитрук**

студентка факультету міжнародного та європейського права  
Національний юридичний університет імені Ярослава Мудрого  
61024, вул. Григорія Сковороди, 77, Харків, Україна  
e-mail: mariana2004.13dm@gmail.com  
ORCID 0009-0007-9415-9926

**Suggested Citation:** Iemelianenko, V.V., & Dmytruk, M.P. (2024). Combating Child Pornography: International Legal Regulation and Experience of Ukraine and Foreign Countries. *Theory and Practice of Jurisprudence*, 1(25), 174-197. [https://doi.org/10.21564/2225-6555.2024.1\(25\).306612](https://doi.org/10.21564/2225-6555.2024.1(25).306612).

Submitted: 22.03.2024

Revised: 02.06.2024

Approved: 04.06.2024

Published online: 28.06.2024