

*Alpingi*

*Erindi nr. p 121 / 108*

*komudagur 19 / 11 1996*

**National Legislation on  
and  
International Trafficking in  
Child Pornography  
1996**

Center on Speech, Equality, and Harm  
University of Minnesota Law School  
415 Law Center  
Minneapolis, MN 55455  
612 381 9185 (phone)  
612 381 9219 (fax)  
cseh @ maroon.tc.umn.edu



**National Legislation on  
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Child Pornography**

by Laura J. Lederer, Director  
Center on Speech, Equality, and Harm

Legal Research by Paul Guthrie and Mery Amalia Mendoza

© August 1996

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The Canadian Ministry of Justice

The Butler Family Foundation

Presbyterian Church (U.S.A.), Women's Ministries,  
Health Ministries (U.S.A.), and Child Advocacy

United Methodist Church, General Board of Global Ministries, Women's Division

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## Acknowledgments

We wish to acknowledge the support and encouragement of the following organizations and individuals: Bertil Lindblad, Mark Connelly, and Stephan Dahlgren (UNICEF - CEDC); J. Robert Flores ( U.S. Department of Justice); Karen Bron (Canadian Ministry of Justice); Ron O'Grady and Margaret Healy (ECPAT); Mariam Bell (Enough is Enough); Deen Kaplan (National Coalition for the Protection of Children and Families); Kathleen Mahoney (University of Calgary Faculty of Law); Oscar Aliaga (Hubert H. Humphrey Institute for Public Policy Studies); Mark B. Lindberg, Mui D. Le, and Alan J. Willis (University of Minnesota Cartography Laboratory); John a. powell, Jeff Rutherford, and Mary Thacker (Institute on Race and Poverty); Annie Wu King and David Zuverink (Presbyterian Church ( U.S.A.)); Kolya Braun (United Methodist Church, Women's Division); Sandra Butler and Carrie Jo Short (Butler Family Foundation); Una Stevenson, Ruth Williams, and Carol Hornback (Presbyterian Women's Leadership Fund); Anne Smith (Women in Mission and Ministry, Episcopal Church Center); Faith Fretheim (Women of the Evangelical Lutheran Church of America); Patrice Swan (University of Minnesota, Printing Services); Liisa Kuusisto; John Foster-Bey; and Audrey Van Deren.





## National Legislation on Child Pornography

*\*In December 1986 one of the world's top pediatric specialists, Dr. Oliver Brooke, was found guilty of dealing in and collecting child pornography. When police searched his office at St. George's Hospital in London, England, they found over 300 photographs of children in explicitly sexual poses, 22 albums of child pornography gathered from child porn magazines, and dozens of Danish magazines specializing in child pornography. Professor Brooke, who has since been barred by the British General Medical Council, was at the time considered one of the top five specialists on premature births.*

*\*In 1995, in the United States, police arrested Robert Thomas, a pornographer operating an international business called "Amateur Action" over the Internet. They seized over 5000 images featuring the exhibition of child genitals from this business which also featured violent, bestial, hebephiliac, coprophiliac, and other forms of hardcore pornography. Computer analysts ascertained that the demand for the pedophiliac images exceeded availability by more than 25%. They also confirmed over 2000 cities around the world where these images had been downloaded.*

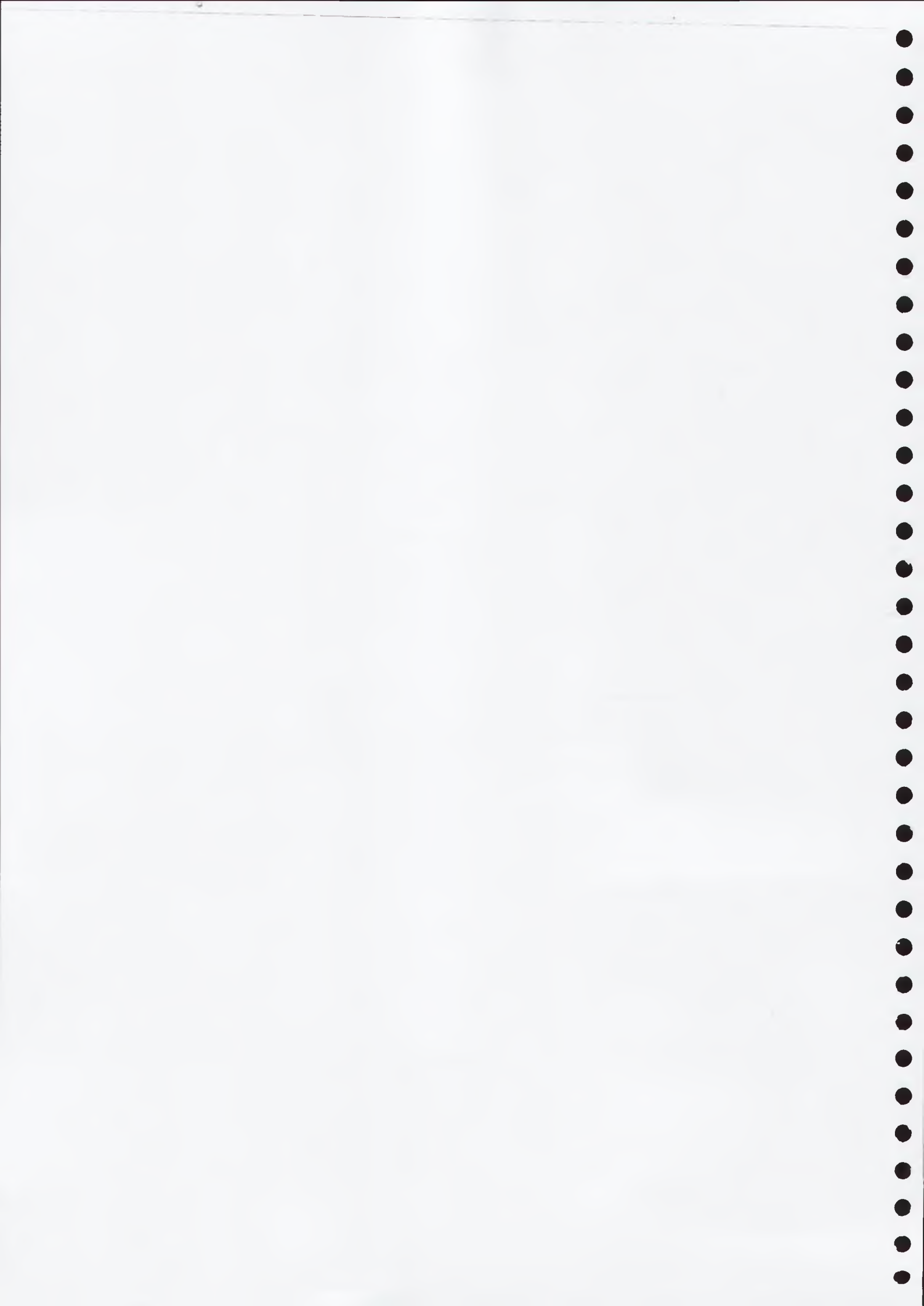
*\*In 1995, in Copenhagen, Denmark, police seized a child pornography business operating under the title of Screwdriver, and another in Aalborg, Denmark advertising a list of hundreds of pictures of children involved in sexually explicit and pornographic conduct. Users paid an \$85.00 annual fee to look at pictures and to download them into their own home computers.*

*\*In 1995, police in Stockholm, Sweden, uncovered 300 hours of child pornography videos from Sri Lanka, including European men videotaping themselves having sex with Sri Lankan boys.*

*\*Thai police closed down a child pornography ring in Bangkok, Thailand that supplied child pornography to over two hundred clients worldwide. The photographs featured children as young as ten engaged in sexual acts with adult men.*

*\*In Acapulco, Mexico, in August of 1996, police made what is being called one of the largest child pornography ring arrests in the country. Three U.S. expatriates living in an expensive hillside mansion used hundreds of Mexican street children to make homosexual child pornography. According to news reports, the boys were paid mainly in drugs and sniffing glue. Clients ranged from Canada and the U.S. to the Netherlands.*

These are some examples of the child pornography industry which international and national law enforcement agencies identify as a growing problem. Good laws provide a basis for protection to children from sexual exploitation through child pornography. This paper reports on the current state of child pornography laws in countries around the world. Knowledge of these laws will help the international community develop a plan of action that will reduce and eventually prevent the production, distribution, and consumption of child pornography.





## **Methodology**

One hundred ninety two countries and territories were sent a brief questionnaire asking whether they had specific laws prohibiting the production, distribution, and possession of child pornography. In addition, countries were asked whether they had a general law against obscenity or pornography. They were also asked how they are handling transmission of child pornography through new telecommunications technologies. Each country was asked to provide penal code citations and to include a copy of that portion of the penal code, in the original language of the country, and, if possible, in English.

Countries were also asked the age of majority (legal age -- the age at which, by law, a person is entitled to the management of his own affairs and to the enjoyment of basic civil rights). In addition, countries were asked to identify the legal age of marriage, legal age for sexual relations (or statutory rape in some countries), and any other age applicable to the subject of child pornography. They were asked to comment further if necessary (for instance, if age of majority is different for males and females).

In most cases information came from letters and documents from Ministries of Justice, embassies, and law enforcement agencies. When necessary, researchers obtained information through telephone conversations with embassy officials or legal scholars. In some cases, information was obtained from The Library of Congress Law Project, or from other secondary sources such as legal databases. In all cases, the sources have been cited.

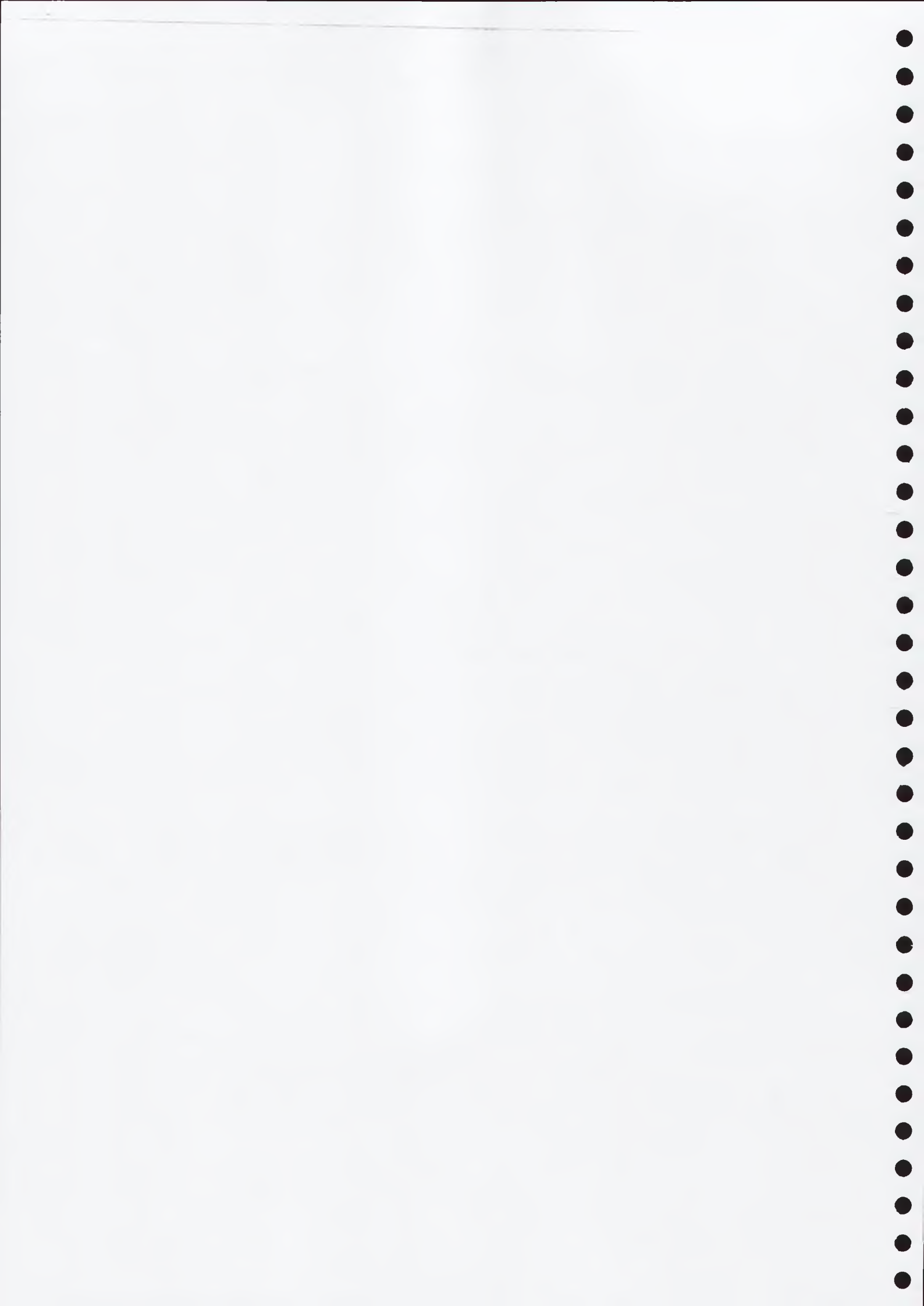
## **Chart, Maps, and Country Notes**

The answers to the specific questions have been recorded in a chart which presents the countries on a region by region basis, making it possible to see regional trends and patterns. The chart is followed by country notes. They are arranged alphabetically. Wherever possible, criminal codes are cited and quoted in the notes. Where additional information is available, for example, anecdotal information on trends, patterns, enforcement practices or issues in the country, that information is part of the country's note.

In addition to the chart, three maps have been produced. The first map delineates countries that have specific child pornography laws. The second delineates the known places of production of, the known distribution routes of, and the known consumption patterns for child pornography. The third map is an index map, to help identify countries.

## **Results**

Of the 192 countries and territories contacted, information was obtained on 165 countries. One hundred fifty countries replied to the survey. Fifteen countries were added through use of secondary sources. Of the 165 countries included in the study, 126 indicated that child pornography is considered illegal in their country. Forty-six countries have specific laws prohibiting child pornography. Eighty-one countries have one general law prohibiting all forms of pornography, including child pornography. Twenty-six countries have no laws prohibiting any form of pornography. (Twelve countries left a blank in one or another of the survey areas, so the responses mentioned here do not total 165).



One working hypothesis explored was that child pornography laws would vary from region to region, and that countries within certain geographic parameters and sharing certain cultural roots and traditions might regulate child pornography similarly. To a certain extent the data confirms this hypothesis.

## Europe

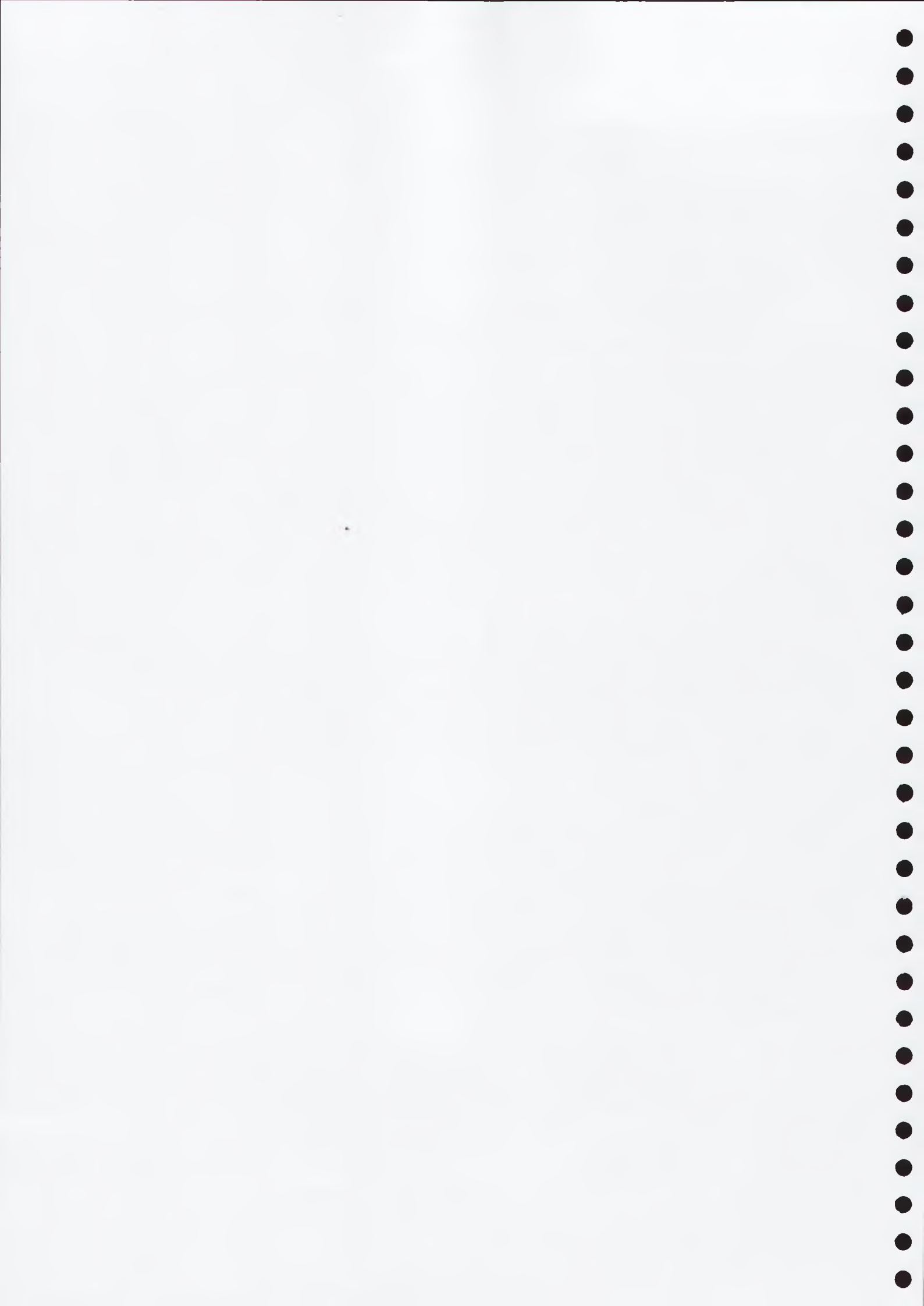
For the purposes of this study, Europe can be roughly divided into "Western" Europe and "Central and Eastern" Europe. In this region, legal prohibitions against child pornography have generally targeted **production, distribution, and possession** of child pornography.

In Western Europe, the majority of countries have laws against the production and distribution of child pornography. The remaining point of discussion for these countries is whether possession should be criminalized. Approximately half of the Western European countries (Belgium, Denmark, England, Germany, the Netherlands, Norway) prohibit possession of child pornography. The other half (Andorra, France, Finland, Spain, Sweden, and Switzerland) do not. Several countries (Switzerland, Finland, France) report discussions within governmental agencies and parliamentary bodies on whether to prohibit possession. Five Western European countries (Ireland, Iceland, Italy, Liechtenstein, and Malta) have no specific laws against child pornography. All five have a general law that prohibits both adult and child pornography. Iceland has indicated that it intends to amend its law this autumn to prohibit production, distribution, and possession of child pornography.

Following a decade or so of debate in the 1960's on whether or not pornography and prostitution were "victimless" crimes, some Northern and Western European nations, most notably Sweden, Denmark, and the Netherlands, decriminalized pornography, prostitution, and some sexual offences (indecent exposure, peeping toms, etc.). Some nations retained their obscenity laws, but relaxed enforcement of the laws. During the subsequent decades, pornography of all types, including child pornography, flourished in these countries. By the early 1980's, pornography was identified by one researcher as the third largest industry in one of these countries (following only agriculture and furniture-making).

In the 1990's, after realizing that fewer laws and lax enforcement resulted in an increase in child sexual exploitation, most countries began strengthening their laws against child pornography. Recently, several have added articles prohibiting the possession of child pornography as well as the production and distribution, and increased penalties for child pornography. But child pornography, now that it has taken hold, continues to be a serious problem in Western Europe. Major child pornography rings have been discovered in Denmark, Germany, Italy, the Netherlands, Sweden, and the United Kingdom. As these networks increasingly use advanced telecommunications technologies, making use of encryption and code names ("Jubilee," "The Sanctuary," "Secluded Pond," "The Ultimate Social Club," "Orchidhouse,"), they become more and more difficult to uncover. Most Western European countries have not yet passed legislation dealing with computer transmission of child pornography.

In Central and Eastern Europe, over a dozen countries, including Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Georgia, Hungary, Lithuania, Macedonia, Poland, Romania, Russia, Turkey and the Ukraine have no child pornography laws. Child pornography rings have been uncovered in Poland, Hungary, and several of the states that were originally a part of the former Soviet Union. The combination of the difficult economic situation due





to rapid changes in the political systems and the lack of any specific legal prohibitions against child pornography may increasingly allow these countries to become centers for production and distribution of child pornography. Recently, Estonia, Croatia, Latvia and Slovakia have recognized this and amended their laws to prohibit child pornography.

### **Africa**

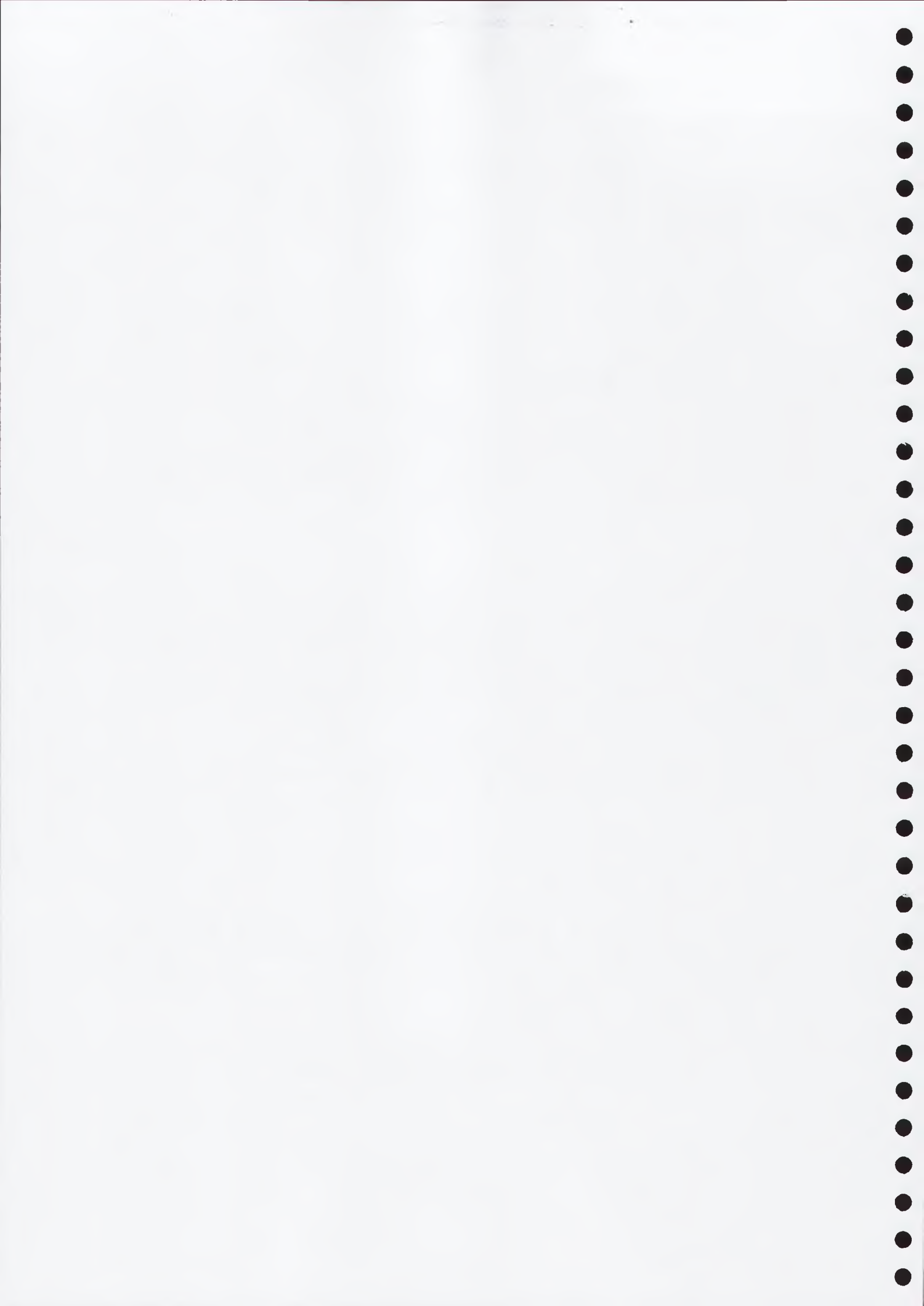
Thirty five African countries responded. Most of these countries have no specific laws prohibiting child pornography. But the majority do have a general law that prohibits both child pornography and adult pornography. Several countries noted that they were in transition and had not yet revised their criminal codes. Somalia returned its questionnaire with a cover letter saying that the country had no government and could not accurately answer any of the questions on the survey. Burkina Faso and Sierra Leone stated that child pornography is not a common problem and therefore no law is required. On the other hand, one government, South Africa, has just discarded its prohibitions on all forms of pornography and currently has no laws against child pornography nor any general law under which child pornography could fall. With the rapidly changing political and economic situation there, and the influx of Western culture and proclivities, this is a place where child sexual exploitation could begin to increase.

### **Middle East**

Of the thirteen countries listed in the Middle East, eight responded. In this region, where several countries have undergone official Islamization programs, countries cited Shari'a Law, the religious law based on juristic interpretations of the Qu'ran (the Koran). Shari'a law states that it is a woman's duty not to provoke male lust. Pornography of any sort falls under this law. Most Islamic states do have a civil code of law in addition to the shari'a. The code is based on, and follows, the religious law. A number of nations in this region stated that they have strict prohibitions against all forms of pornography, and make no distinction between child and adult pornography. The prohibition is equally strict against any medium, whether video, print, electronic (broadcast or cable), or computer transmission. Penalties are severe, ranging from two to twenty years for citizens, and immediate deportation for foreigners.

### **Asia and the Pacific**

Only ten countries out of forty-three countries in Asia and the Pacific reported that they have specific laws prohibiting child pornography. According to NGOs working in this region, the situation is similar to that in Eastern Europe: low income countries with few or no legal prohibitions against child pornography has resulted in increasing and serious child sexual exploitation. Yet it is important to point out that poverty is not the sole, or perhaps even the driving, force behind sexual exploitation. Vitat Muntarbhorn, of Child Rights ASIANET notes that "in many instances sexual exploitation is not the result of poverty but of criminality....[W]omen and children are tricked--mugged, drugged and abducted--into sexual exploitation. There are extensive criminal networks which indulge in selling and trafficking in women and children. There is widespread supply of and demand for the victims of sexual exploitation and such abuse is spreading."





## **Central and South America**

None of the Central and South American countries contacted have specific criminal legislation prohibiting production, distribution, and possession of child pornography. Most of the South American countries surveyed noted that there is a cultural rejection of child pornography and thus it is not a phenomenon that has been addressed by their governments. A common feature in South American law is a criminal provision prohibiting the corruption of minors. In the rare case, the code may specify obscenity as a type of corruption, as in the Peruvian code, which specifies that "He who incites a minor...into the practice of an obscene act," is criminally liable. In most countries, the codes more broadly prohibit the enticement of a child into prostitution or a "place of corruption."

Another feature of Central and South American law is the Code of the Minor (Código del Menor) which many of the Latin countries have adopted. Brazil, Uruguay, Bolivia, Ecuador, and Peru all have such codes. These codes have general prohibitions against the exploitation of children, but no specific provisions dealing with child pornography. In addition, the codes have no direct provisions for punishment and thus might be difficult to apply to child pornography. There are several exceptions, including the Bolivian and Brazilian Codes of the Minor. The Bolivian code establishes that a child who is exploited or used in activities for profit, including pornographic photographs or movies, is considered to be suffering from abuse and must be reported to the authorities. The Brazilian code has a specific provision against the production of child pornography, and establishes a punishment of one to four years in jail.

## **North America**

The United States and Canada both have laws prohibiting production, distribution, and possession of child pornography. Mexico has a general law that makes no distinction between adult and child pornography and prohibits both. But all three countries are experiencing an increasing trade in child pornography. A recent analysis of a computer bulletin board of a U.S. pornographer who traded in child sexual images demonstrated that of 2000 cities where information had been downloaded, 1800 were in the United States. According to the FBI, there is presently no national mechanism for capturing child pornography statistics, as there is no reporting mechanism from local jurisdictions.

Canada's child pornography legislation requires only that a visual have a person who is or "is depicted as" being under the age of eighteen years. In the United States courts have only recently held that pornographers are required to provide proof that the models they use are eighteen years or older. Prior to this case, pornographers were using children as young as twelve and fourteen in pornography, claiming that the children had told them they were eighteen. In addition, unlike Canada, which has criminalized possession of child pornography throughout the country, possession of child pornography is still legal in ten states in the U.S. Federal legislation prohibits possession of 3 or more materials, thus there could be a situation in these ten states where a person possessed two magazines of hundreds of pages each, and the possession would be legal.

## **Age of Majority and Legal Age for Marriage**

Good child pornography laws are less effective if the age of majority is low. In the same way, a country that prohibits child pornography but lowers the age of consent for sexual relations loses protection for its children when they reach this age. For this reason, countries were asked to



supply the age of majority, legal age for marriage and age for legal sexual relations.

The age of majority was defined as the legal age, the age at which a person is entitled to the management of his/her own affairs and to the enjoyment of basic civil rights. In fifteen countries the age of majority is 21 or 20 (including Bolivia, Paraguay, Burkina Faso, Mali, Senegal, Togo, Oman, Rwanda, South Korea, Singapore). Over one hundred countries set age of majority at 18. The next most prevalent age of majority is 14 (Barbados, Trinidad & Tobago, Croatia, Austria, Pakistan, Fiji). Switzerland's age of majority is 16, but they have been discussing lowering the age to 14. Two countries, the Philippines and Tanzania, set age of majority at 12.

Legal age for marriage also varied greatly. In thirty-five countries, legal age for marriage and for sexual relations is the same as the age of majority. In twelve countries, marriage can legally take place before being recognized as a full citizen. For instance, in Venezuela, a girl can marry at 14 although she will not reach the age of majority until 18. In a number of countries, legal age for marriage differs for boys and girls.

The age for legal sexual relations (age of consent, or, in some countries, statutory rape) also varied greatly between countries. In most of the Middle Eastern countries, the question was not applicable, because sexual relations are not legal outside marriage. In some countries, age for legal sexual relations followed age of majority. In others, the legal age is younger than the age of majority. And in some countries, like England and Australia, legal age for sexual relations differs for heterosexuals and homosexuals. Several countries, including the Netherlands, have recently lowered legal age for marriage and for sexual relations from 16 to 14.

### **Convention on the Rights of Children Ratification**

The last column of the chart provides information on whether the country has ratified the Convention on the Rights of Children. Article 34c urges states parties to protect the child from the exploitative use of children in pornographic performances and materials.

As of July, 1996, only the United States, the United Arab Emirates, Oman, Somalia, Switzerland, and the Cook Islands had not ratified the Convention on the Rights of the Child. Reasons range from inner turmoil (Somalia) to disagreement with a particular article (for example, U.S. objection to the age for draft). None of the six non-ratifying countries object to Article 34c.

### **Conclusion**

Only thirty-one countries reported that they have specific legislation prohibiting the production, distribution, and possession of child pornography. While most countries do have some form of law prohibiting child sexual exploitation, specific legislation addressing supply, demand, and distribution is critical if the international community is to stop the proliferation of child pornography. This report supplies a baseline of information for governments and NGO's interested in eliminating child pornography. More information is needed. Countries must examine their definitions of a child, the age of consent for sexual relations, and the legal age for marriage. More study is needed on the penalties for child pornography, and on the enforcement of existing laws. In addition, the emerging telecommunications technologies being used to transmit child pornography must be studied and mastered, and legislation must be designed to give law enforcement the tools needed to catch criminals who exploit children to make child pornography.





## NATIONAL LEGISLATION ON CHILD PORNOGRAPHY

Region & Country	Law <b>specifically</b> prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
NORTH AMERICA								
Canada	Yes	Yes	Yes	Yes	18	18	14	X
Mexico	No	No	No	Yes	18	18	18	X
United States	Yes	Yes	Yes	Yes	18	varies by state	varies by state	NO
CENTRAL AMERICA								
Belize	No	No	No	Yes	18	18	16	X
Costa Rica	No	No	No	Yes	18	15	17	X
El Salvador	No	No	No	Yes	18	14f/16m		X
Guatemala	No	No	No	Yes	18	18	18	X
Honduras	No	No	No	No	18	21	No law	X
Nicaragua	No	No	No	No	21	18f/21m		X
Panama	No	No	No	No	18	14f/16m	18	X
SOUTH AMERICA								
Argentina	No	No	No	Yes	18	16f/18m	15	X
Bolivia	Yes	No	No	Yes	21	14f/16m	17	X
Brazil	Yes	No	No	Yes	21	16f/18m	14	X
Chile	No	No	No	Yes	18	18	12	X
Colombia	No	No	No	No	18	14f/16m	14	X
Ecuador	No	No	No	Yes	18	12f/14m		X
Guyana	No	No	No			14f/16m		X
Paraguay	No	No	No	Yes	20	12f/14m		X
Peru	No	No	No	No	18	14f/16m	14	X
Suriname	No	No	No	Yes	21	18	12	X

Region & Country	Law specifically prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Uruguay	No	No	No	Yes	18	18	16	X
Venezuela	No	No	No	Yes	18	14f/16m		X
<b>CARIBBEAN</b>								
Antigua & Barbuda	No	No	No	No	18	14	14	X
Bahamas	No	No	No	Yes	18	18	14	X
Barbados	No	No	No	No	14	18	14	X
Cuba	Yes	Yes	Yes	No	21	18	14	X
Dominica	No	No	No	Yes	18	18	16	X
Dominican Republic	No	No	No	No	18	18	18	X
Grenada	Yes	Yes	Yes	Yes	18	21		X
Haiti	No	No	No	No	18			X
Jamaica	No	No	No	Yes	18	16	16	X
St. Kitts & Nevis								X
St. Lucia	No	No	No	No	18	16	16	X
St. Vincent & The Grenadines								X
Trinidad & Tobago	No	No	No	Yes	14	18	14	X
<b>CENTRAL &amp; EASTERN EUROPE</b>								
Albania	No	No	No	No				X
Armenia	No	No	No	Yes	18	16	16	X
Azerbaijan	No	No	No	Yes			16	X
Belarus	No	No	No	Yes	18	18	18	X
Bosnia Hercegovina	No	No	No	Yes				X
Bulgaria	No	No	No	Yes				X
Croatia	Yes	Yes	No	No	14	18	14	X
Czech Republic	Yes	Yes	No	Yes	18	18	15	X



Region & Country	Law specifically prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Estonia	Yes	Yes	Yes	No	18			X
Georgia	No	No	No	Yes		18	sexual maturity	X
Hungary	No	No	No	Yes	16			X
Latvia	Yes	Yes	Yes	Yes	18	18	16	X
Lithuania	No	No	No	No		18	14	X
Macedonia (former Yugoslavia)	No	No	No	Yes	18	16-18	14-16	X
Republic of Moldova	No*	No*	No*	Yes*	18	18	18	X
Montenegro								X
Poland	Yes	No	No	Yes	18	18f/21m	15	X
Romania	No	No	No	Yes	18		18	X
Russian Federation	No	No	No	Yes	18	18	no law	X
Serbia								X
Slovakia	Yes	Yes	No	Yes	15	18	16	X
Slovenia	Yes	Yes	No	Yes	14	18	14	X
Turkey	No	No	No	Yes	18	15f/17m	15	X
Ukraine	No	No	No	Yes	18	17f/18m	16	X
<b>WESTERN EUROPE</b>								
Andorra	Yes	Yes	No	Yes	18		16	X
Austria	Yes	Yes	Yes	Yes	14	16f/19m	14	X
Belgium	Yes	Yes	Yes	No	18	18	18	X
Cyprus	No	No	No				16	X
Denmark	Yes	Yes	Yes	No	18	18	15	X
Finland	Yes	Yes	No	Yes	18	18	14	X
France	Yes	Yes	No	Yes	18	18	18	X
Germany	Yes	Yes	Yes	Yes	18	18		X

Region & Country	Law <b>specifically</b> prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Greece	Yes	Yes	Yes	Yes	18	18	18	X
Iceland	No	No	No	Yes	16-18	18	14	X
Ireland	No	No	No	Yes	18	18	17	X
Italy	No	No	No	Yes	18	18	14/13	X
Liechtenstein	No	No	No	Yes	18	18f/20m	18	X
Luxembourg	No	No	No	Yes	18	15f/18m	16	X
Malta	No	No	No	Yes	18	18	18	X
Monaco					18	18	18	X
Netherlands	Yes	Yes	Yes	No	18	18	16	X
Norway	Yes	Yes	Yes	Yes	18	18	16	X
Portugal	Yes	Yes	Yes	Yes	18	18	18	X
San Marino								X
Spain	Yes	No	No	Yes	18	16	12	X
Sweden	Yes	No	No	No	18	18	15	X
Switzerland	Yes	Yes	No	Yes		18	16	NO
United Kingdom	Yes	Yes	Yes	Yes	18	18	16	X
<b>AFRICA</b>								
Algeria					19	18f/21m	16	X
Angola	No	No	No	Yes	18	18	18	X
Benin								X
Botswana	No	No	No	Yes	18	18	18	X
Burkina Faso	No	No	No	No	21	17f/21m	No law	X
Burundi								X
United Republic of Cameroon	Yes	Yes	Yes	Yes	21	16	18	X
Cape Verde								X
Central African Republic	No	No	No	Yes	18	18	18	X

Region & Country	Law specifically prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Chad								X
Comoros								X
Congo	No	No	No	Yes	18	18	18	X
Cote d'Ivoire	No	No	No	Yes	21	18f/21m	21	X
Djibouti	No*	No*	No*	Yes*	18	18	18	X
Egypt	No*	No*	No*	Yes*		puberty	puberty	X
Equatorial Guinea	No	No	No	No	18	no law	18	X
Eritrea	No	No	No	Yes		18		X
Ethiopia	No*	No*	No*	Yes*				X
Gabon								X
The Gambia	Yes	Yes	Yes	Yes	18	18	18	X
Ghana	No	No	No	Yes	18	customary	customary	X
Guinea	Yes	Yes	Yes	Yes	18	17f/21m		X
Guinea-Bissau								X
Kenya	No	No	No	Yes	18	18	18/16	X
Lesotho	No	No	No	No	21	18		X
Liberia	No	No	No	Yes	18	18	18	X
Libyan Arab Jamahiriya	No	No	No	Yes	18	18	marriage	X
Madagascar	No	No	No	Yes	18	14f/17m		X
Malawi								X
Mali	Yes	Yes	Yes	Yes	21	18	18	X
Mauritania	No*	No*	No*	Yes*	18	21	21	X
Mauritius	Yes	Yes	Yes	Yes	18	16	16	X
Morocco	No*	No*	No*	Yes*				X
Mozambique	Yes	Yes	Yes	Yes	18	21	18	X
Namibia	No	No	No	Yes	16	21	12/16	X

Region & Country	Law <b>specifically</b> prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Niger	No*	No*	No*	Yes*	18	15f		X
Nigeria					16			X
Rwanda	No	No	No	No	21	21		X
Sao Tome & Principe	No	No	No	Yes				X
Senegal	No*	No*	No*	Yes*	21	18f/21m		X
Seychelles					18f/21m	21	21	X
Sierra Leone	No	No	No	No		18	18	X
Somalia	NA	NA	NA	NA	NA	NA	NA	NO
South Africa	No	No	No	No	18	18	16	X
Sudan								X
Swaziland	Yes	Yes	Yes	Yes	18	18	16	X
United Republic of Tanzania	No	No	No		12		14	X
Togo					21	21	21	X
Tunisia	No*	No*	No*	Yes*	20	18f/20m	13	X
Uganda								X
Zaire					18			X
Zambia	No	No	No	Yes	18	18	16	X
Zimbabwe	Yes	Yes	Yes	Yes	18	15f/18m	16	X
<b>MIDDLE EAST</b>								
Bahrain	No*	No*	No*	Yes*				X
Iran	No*	No*	No*	Yes*	18	18	NA	X
Iraq	No*	No*	No*	Yes*	18	18	NA	X
Israel								X
Jordan	No*	No*	No*	Yes*	18	16	NA	X
Kuwait	No*	No*	No*	Yes*			NA	X



Region & Country	Law specifically prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Lebanon					18		12-15	X
Oman						21	21	NO
Qatar	No*	No*	No*	Yes*	puberty	18	18	X
Saudi Arabia	No*	No*	No*	Yes*	puberty	puberty	marriage	X
Syrian Arab Republic	No*	No*	No*	Yes*	18	18	18	X
United Arab Emirates								NO
Yemen					18	16f/18m		X
ASIA								
Afghanistan	No*	No*	No*	Yes*	16	18 (15?)	N/A	X
Bangladesh	No	No	No	Yes		18f/22m		X
Bhutan	No	No	No	No	18	18	18	X
Brunei Darussalam	No	No	No	No				X
People's Republic of China	No*	No*	No*	Yes*	18	20f/22m	14	X
India	No	No	No	Yes	18	21f/18m	18	X
Indonesia	No	No	No	Yes	18	16f/19m	marriage	X
Japan	No	No	No	Yes	20		18	X
Kampuchea	No	No	No	Yes		18	18	X
Kazakhstan	No	No	No	Yes	18	18		X
Kyrgyzstan	No	No	No	Yes	18	18		X
Democratic People's Republic of Korea								X
Republic of Korea	Yes	Yes	Yes	Yes	20	16f/18m	no law	X
Lao People's Democratic Republic	No	No	No	Yes	18	18	15	X
Malaysia	No	No	No	Yes	18	21	16	X

	Law <b>specifically</b> prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Maldives								X
Mongolia	Yes	No	No	Yes	18	18		X
Myanmar (Burma)	No	No	No	Yes	14f/18m	21f/18m	14	X
Nepal	Yes	Yes	No	Yes	16	18f/21m	marriage	X
Pakistan	No	No	No	Yes	14	18	N/A	X
Philippines	Yes	Yes	Yes	Yes	12	18f/?	12	X
Singapore	No	No	No	Yes	21	18	14	X
Sri Lanka	Yes	Yes	Yes	Yes	18	16	marriage or 21	X
Taiwan	Yes	No	No					X
Tajikistan	No	No	No	Yes	18	18		X
Thailand	No	No	No	Yes		20	20	X
Turkmenistan	No	No	No	Yes	18	18		X
Uzbekistan	No	No	No	Yes	18	18		X
Viet Nam	No	No	No	Yes	18	18f/20m		X
<b>PACIFIC</b>								
Australia								
West.Australia	Yes	Yes	Yes	Yes	18	18	16	X
S. Australia	Yes	Yes	Yes	Yes	18	18	16	X
New S. Wales	Yes	Yes	Yes	Yes	18	18	16	X
Victoria	Yes	Yes	Yes	Yes	18	18	16	X
Tasmania	Yes	Yes	Yes	Yes	18	18	16	X
Queensland	Yes	Yes	Yes	Yes	18	18	16	X
N. Territories	Yes	Yes	Yes	Yes	18	18	16	X
Aust. Cap.	Yes	Yes	Yes	Yes	18	18	16	X
Fiji	No	No	No	Yes	14	21	16	X
Kiribati	No	No	No	Yes	18	18	18	X



	Law <b>specifically</b> prohibits child pornography			Law prohibits both adult & child pornography under a general law	Age of majority	Legal age for marriage	Legal age for sexual relations	CRC ratification
	Prod.	Dist.	Poss.					
Marshall Islands	No	No	No	No	18	customary marriage	no law	X
Micronesia								
St. of Chuuk	No	No	No	No	18	18	13	X
St. of Pohnpei	No	No	No	Yes	18	18	13	X
St. of Yap	No	No	No	No	18	18	13	X
Nauru	Yes	Yes	Yes	Yes	18	18	18	X
New Zealand	Yes	Yes	Yes	Yes	18	16	16	X
Palau	No	No	No	No	18	18	16	X
Papua New Guinea	Yes	Yes	Yes	Yes	16	16f/18m		X
Solomon Islands	No	No	No	Yes	18	customary marriage	16	X
Tonga								X
Tuvalu								X
Vanuatu								X
Western Samoa	No	No	No	Yes		16f/18m	21	X



## COUNTRY NOTES

### AFGHANISTAN

Afghanistan does not have specific legislation against child pornography. The country, which is 99% Muslim (15% Shi'a and 84% Sunni) abides by Shari'a Law (Islamic religious law) which prohibits all forms of pornography, and makes no distinction between adult and child pornography. The prohibition is equally strict against any form of pornography, whether it is video, print, or transmission by computer. Penalties are severe. Prostitution is also illegal. The age of majority in Afghanistan is 18, for this is the age to vote. However, in order to join the military a person must be 20 years old. In order to marry a person has to be 18 years old, but traditional law allows marriage at 15 for a woman and 18 for a man. Penal code available in Persian and Pashtu.

*Information provided by Mr. Yar M. Mohabbat, Charge d'Affair, Embassy of the Republic of Afghanistan, Washington, DC.*

### ALBANIA

Request for information sent 06/17/96, no response. Penal code available in Albanian.

### ALGERIA

Request for information sent 06/19/96, no response. Penal code available in Arabic.

### ANDORRA

Pornography is prohibited by the Criminal Code of Andorra, and if a child is involved the law sanctions this with a stronger punishment. Article 213 of the Criminal Code states that: "Production, editing, distribution, exhibition and sale of pornographic material will be sanctioned with prison of up to two and a half years. When the crime is committed against a minor, the punishment shall be of up to four years of prison." The age of majority in Andorra is 18, but for criminal prosecution it is 16. A person can legally get married at the age of 18, and age of consent for legal sexual relations is fixed at the age of 16. Penal code available in Catalan.

*Information provided by Ambassador Juli Minoves-Priuell of the Permanent Mission of the Principality of Andorra to the United Nations.*

### ANGOLA

Angola does not have specific legislation against child pornography, but it does have a general provision prohibiting pornography that covers broadcast TV, satellite TV and cable TV. The age of majority is reached at 18 years of age. Eighteen is also the legal age for marriage and for consent to sexual relations. Penal code available in Portuguese.

*Information provided by Mr. Nascimento of the Permanent Mission of Angola in New York.*

### ANTIGUA & BARBUDA

Antigua & Barbuda have no specific laws prohibiting child pornography, nor does this country have any general laws prohibiting pornography. The Ministry of Justice and Legal Affairs has heard that tourists are bringing in sexually explicit materials and pornographic materials, but other than that, the Ministry is not aware of specific problems with pornography. The age of majority in Antigua & Barbuda is 18 years of age. However, the legal age for marriage and for consent to sexual relations is 14 years of age.

*Information provided by Ambassador Lionel Hurst of the Embassy of Antigua & Barbuda, Washington, DC.*

### ARGENTINA

Argentina does not have a specific criminal provision for child pornography. Adult pornography is prohibited by article 128 of the Criminal Code, as a "Crime Against Public Decency." This article states: "Anybody who publishes, prints or reproduces lewd books, writings, pictures or objects or anybody who exhibits, distributes or circulates them, shall be punished by jailing from fifteen days to one year." Articles 4,5,17,20 and 22 of Law No. 12.295 - *Ley de Radiodifusión* - state that all broadcasting must be of public interest, tending to the cultural enlightening and the moral uplifting of the population. It also determines the schedules within which programs for children can be shown, and prohibits the participation of children under 12 years of age in programs that are broadcast between 10 p.m. and 8 a.m.



The Argentine Criminal Code does contain a number of related provisions that could provide minors with protection against child pornography, including: Rape: Article 119; Statutory Rape: Article 120; Fraudulent Carnal Knowledge: Article 121, Aggravated Rape and Aggravated Statutory Rape: Articles 122 and 123; Promoting and Facilitating the Prostitution and Corruption of Minors: Article 126; Dishonest Abuse: Article 127; Trade in Women and Minors: Article 127; Obscene Publications and Reproductions: Article 128; Obscene Exhibitions: Article 129.

The *Consejo Nacional del Menor y la Familia* (National Council of the Minor and the Family) will utilize the occasion of the World Congress to End Commercial Sexual Exploitation of Children to propose amendments to the Criminal Code, including the following amendment dealing with child pornography: Article 128 - Obscene Publications and Reproductions, the following paragraph would be added: "the penalty will be three to eight years if a person under the age of eighteen years has been used in the production of these images."

Argentina incorporated the United Nations Convention on the Rights of the Child into their national legislation by Law No.23.849, but with the following amendment with respect to the age to determine when a person is to be considered a child: "With respect to article 1 of the Convention on the Rights of the Child, the Argentine Republic declares that it should be interpreted that it is understood that a child is any human being from the moment of his/her conception until eighteen years of age." Although the age of majority for civil procedures is obtained at 21, women 16 and over and men of 18 and over may marry; under these ages they are impeded from marrying without a judicial provision and parental consent. For sexual relations, however, the criminal code considers statutory rape when the person is below the age of 15, with the following conditions: under the age of twelve it is aggravated, and if the victim should be an "honest woman" between the ages of 12 and 15, it is considered statutory rape.

On June 26 1996, the National Council of the Minor and the Family held a "Congress to End the Sexual Exploitation of Children", which approved the following proposals: "Prioritize the definition or redefinition of public policy around the issue of sexual exploitation. Guarantee human and capital resources for the implementation of these new policies. Identify the most vulnerable groups in order to implement actions to meet their needs," and "Formulate strategies of social mobilization to rouse public awareness so that all members of society commit to the elimination of the sexual exploitation of children and adolescents." Penal Code available in Spanish.

*Information provided by Dr. José Atilio Alvarez, President of the Consejo Nacional del Menor y la Familia (National Council of the Minor and the Family), and Counselor Eduardo Mallea of the Argentine Embassy, Washington, DC.*

## ARMENIA

Armenia does not have a specific prohibition against child pornography. The smallest of the former USSR's republics, Armenia is in the process of rewriting its Constitution and is still using the old USSR regulations with regard to pornography. The prohibition is a general one -- against all pornography -- and makes no distinction between adult and child pornography. The age of majority in Armenia is 18, as is the age for marriage. The legal age for sexual relations is 16.

*Information provided by Ms. Karine Terterian of the Embassy of Armenia, Washington, DC.*

## AUSTRALIA

Australia has a federal system of Government comprising the Commonwealth, six states and two territories. The Commonwealth's legislative powers are limited to those powers set out in the Commonwealth Constitution. The legislative powers of the States are unrestricted. In the event of inconsistency between Commonwealth and State laws, the Commonwealth law prevails to the extent of the inconsistency. Child pornography law is predominantly a State matter. However, regulation of broadcasting services, including television and radio, is a Commonwealth matter.

Each Australian State has laws prohibiting the production, distribution and possession of child pornography. The importation of child pornography and bestiality is also prohibited. All child pornography assessed by the national Classification Board is classified RC (refused classification) and is banned in all jurisdictions. Unlike adult pornography, this ban extends to possession of child pornography whether or not it has been through the classification process. The Australian Government has recently passed laws making it punishable in Australia for citizens or residents to engage in sexual activities with children under 16 years while overseas. These laws cover individuals and organizations and include the crimes of engaging in, encouraging and profiting from child sex tourism. The penalties range from 12 to 17 years imprisonment for persons, and fines of up to \$510,000 for corporations.

Though it is not an offense to possess adult pornography, Australia has laws, both State and Federal, that regulate or prohibit the transmission of "adult" pornography or sexually explicit material, through the following mediums: broadcast TV, cable TV and satellite TV. The television industry is essentially self-regulating. The industry has guidelines which regulate the transmission of sexually explicit material. Hard core pornography is prohibited (Code of Practice). As far as the transmission of pornography by computer, some laws have been introduced but they generally deal with computer games. Most Australian laws have not yet been amended and no new legislation introduced to deal with computer pornography.

Some difficulty has been noted with regard to the definitions applied to "pornography" and "sexually explicit material". Each state has in place Censorship laws which pertain to that particular State and there are also Federal censorship laws in existence. The guidelines used by the federal body in classifying pornography and sexually explicit material are currently under review.

The age for legal consent for girls for sexual activity is 16 years of age in Australia.

*Information provided by Ms. Jessica Lightfoot of the Attorney-General's Legislation & Policy Branch of the Department of Justice Victoria and Mr. Romi Gyergyak, Second Secretary (Police Liaison), Australian Federal Police.*

#### AUSTRIA

Austria has specific laws prohibiting the production, distribution and possession of child pornography. The Criminal Code citation for this prohibition is Par. 207a StGB. Austria also has laws that regulate and prohibit adult pornography, including TV broadcast, satellite TV, Cable TV and computer transmission of pornography. The definition of a child in Austria is a person under the age of 7. A person is considered "underage" if s/he is under the age of 14 and it is above this age that they can legally consent to sexual relations. Statutory rape, according to article 201 StGB of the Criminal Code, would be below this age. The courts may grant their approval for marriage to a woman of 15 or a man of 18, provided that the court finds them to be responsible and mature. Penal Code and Statutes in German; full translation not available.

*Information provided by Ms. Ingrid Richardson, Consular Attaché of the Austrian Embassy, Washington, DC.*

#### AZERBAIJAN

Request for information sent 06/04/96, no response.

#### BAHAMAS

The Bahamas does not have specific laws prohibiting the production, distribution or possession of child pornography. However, there are several statutory provisions which on interpretation can address some concerns in those areas. Pornography is not specifically defined in The Bahamas laws, nor is there a distinction between child and adult pornography. The Post Office Act, Chapter 274 speaks of words, marks or designs on a postal packet of an indecent, obscene, libellous or grossly offensive character. Similarly, the Theaters and Cinemas Act 347 speaks of the performance of a play or an exhibition of a film deemed to be obscene if taken as a whole its effect was such as to tend to deprave and corrupt persons who were likely, having regard to all relevant circumstances, to attend or see it. If such play was performed or the film exhibited, the person who presented or directed them is guilty of an offence, whether it was for gain or not (Sections 7, 8 and 9).

The relevant statutory provisions concerning the protection of children from sexual exploitation and abuse generally, are found in the Sexual Offences and Domestic Violence Act (SODVA). Under SODVA, any person who is the owner or occupier of any premises or having acting or assisting in its management or control, who induces or knowingly suffers any person under the age of 16 to resort to be in or upon the premises for obtaining or having unlawful sexual intercourse with any person, can be tried and if found guilty imprisoned.

The Post Office Act, Chapter 274, indirectly addresses the issue of distribution and possession of pornographic material. According to this Act, rules may be made for preventing the sending or delivery by post of indecent or obscene prints, paintings, photographs, etc. Rules have been enacted. By virtue of Rule 57 of the Post Office Rules, no postal packets shall be posted, conveyed or delivered by post which consist of or contain any indecent or obscene print, painting, book or card, etc. Such goods are listed as prohibited and their importation is also prohibited under Customs Management Act, Chapter 267 of the Statute Laws of Bahamas (First Schedule of the Act).

The definition of who is to be considered a child by the court will depend on the circumstances with which the court is faced and the age of the individual appearing before the Court. In the definitional section of the Children and Young Persons (Administration of Justice Act), Chapter 90 a child is defined as a person under the age of 14. The Act also defines a "young person" as a person who has attained the age of 14 years and is under the age of 18. On the other hand, the word child is not used in the SODVA. Instead the definitional section states that a "minor" is a person under 18 years of age. The age of consent for marriage is 18 (Marriage Act, Chapter 106 Section 20-1). If under 18, consent must be obtained from one of those individuals mentioned in Schedule M of the Act, which lists the persons from whom consent would be required in circumstances if both parents were living, divorced or separated, dead or if the child was legitimate. Sexual relations had with persons between 14 and 16 (with or without consent), or under 14 (whether the person consents) are indictable offences.

*Information provided by K. L. Bain, Assistant Counsel, Office of the Attorney General, Bahamas.*



## BAHRAIN

Bahrain, a Muslim country (30% Sunni and 70% Shi'a), abides by both religious code of law (Shari'a Law) and a civil code. Shari'a Law prohibits all pornography and makes no distinction between child or adult, and the civil code follows Shari'a Law. The law is strictly enforced and punishment is severe. The age of majority in Bahrain is set at 18 years of age, and this is also the age for marriage.

*Information provided by the Embassy of the State of Bahrain, Washington, DC.*

## BANGLADESH

While there are no specific laws against child pornography, Bangladesh is a typical conservative, rural-based country. Eighty-eight per cent of its population is Muslim, and from a religious point of view pornography of any sort is forbidden. Only recently has child sexual exploitation emerged as a problem. Legal provisions prohibit production, performance or possession of obscene or other forms of pornography in Bangladesh and are very similar to the Indian provisions. (Constitution of Bangladesh, Art. 38-39, the Bangladesh Dramatic Performances Act. No. 19 of 1876, and the Bangladesh Penal Code, Act. No.5 of 1860).

*Information provided by Krishan S. Nehra, Senior Legal Specialist, Directorate of Legal Research, Law Library of Congress and Mr. G.H. Khan, Minister of Press of the Embassy of Bangladesh, Washington, DC.*

## BARBADOS

Barbados does not have any legislation prohibiting pornography, whether it be child or adult. According to the Juvenile Act CAP 229, a "child" is understood to be a person of 14 years of age. Act. CAP 261 Sec. 26 establishes that the legal age for marriage in Barbados is 18 years of age. The Sexual Offenses Act 1995 No. 9 of 1995 establishes 14 years of age for legal sexual relations.

*Information provided by the Office of the Permanent Secretary, Ministry of Legal Affairs.*

## BELARUS

Belarus has no specific law that prohibits production, distribution, and possession of child pornography, but it does have laws prohibiting pornography in general and that can protect the child from pornography. The Criminal Code, art. 223, establishes the general prohibition and in the Law on the "Rights of the Child", art. 9, there is protection for the minor from obtaining pornography. Additionally, in article 5 of the Law that Regulates the Press there is a provision related to pornography. However, "we have the same problems as most Eastern European Countries. We know that private videotapes are made in and exported from our country, and that they are imported from other countries but no one knows how to differentiate pornography from erotica" (Valery Kourvyukov).

The age of majority is 18 years of age in Belarus. The age for marriage is 18, but authorization can be awarded at 16 years of age. The legal age of consent for sexual relations is 16. Penal code available in Belorussian.

*Information provided by N. Drozd, Head of the Humanitarian Cooperation and Human Rights Department of the Ministry of Foreign Affairs of the Republic of Belarus, and Mr. Valery Kourvyukov, Political Counselor, Embassy of Belarus, Washington, DC.*

## BELGIUM

On April 13, 1995, Belgium passed new legislation that contained amendments to the Criminal Code on Child Pornography. Chapter II of this legislation deals directly with child pornography and establishes, in Art.7 that amends Art. 383 of the Criminal Code: "... whoever shall expose, sell, rent or send figures, objects, films, photographs, slides or other visual supports that represent sexual acts or positions that can be characterized as pornographic, that involve or present minors under the age of 16, or has manifested the purpose of commerce, distribution, production, possession, has imported or had such objects imported, sent them to an agent of transportation or distribution, will be punished with prison and a fine ranging from five hundred to ten thousand francs." Adult pornography and its transmission is free as long as no "under age" individuals have access to it. The legal age for marriage is 18 years of age, but some exceptions may apply at the age of 15 for both sexes. Regarding sexual relations, there are different ages set up by the Criminal Code to protect a person from an attack on personal integrity: 12, 12 to 14, 14 to 16 and 16 to 18. The strongest penalty is for sexual molestation or rape of a person under 12. Penal Code available in Flemish and French.

*Information provided by L.O. Etienne Van Mol, Liaison Officer, Ministry of Justice and Embassy of Belgium, Washington, DC.*



## **BELIZE**

Belize has general legislation against pornography. The Summary Jurisdiction (Offenses) Act, Cap-99 covers child and adult pornography, as well as pornography that is broadcast by TV, satellite TV, cable TV and computer transmission of pornography. The age of majority in Belize is 18 years of age and the legal age of consent for sexual relations is 16 years of age. Penal code available in English.

*Information provided by the Office of the Attorney General of Belize.*

## **BENIN**

Request for information sent 06/05/96, no response. Penal code available in French.

## **BHUTAN**

The High Court in Thimpu is now drafting new laws on child pornography. This country, therefore, does not have legislation against child or adult pornography to date. The age for majority is set at 18 years of age in Bhutan, and the age for legal consent to marriage and sexual relations is also 18. Penal code available in Dzongkha.

*Information provided by Kesang Wangdi, Consul General of Bhutan.*

## **BOLIVIA**

Although Bolivia does not have a specific criminal provision prohibiting child pornography, it does prohibit pornography in general in the Bolivian Criminal Code, and provides protection against child pornography both through other provisions in its Criminal Code and in the Code of the Minor. Chapter IV of the Criminal Code ("Offenses Against Public Decency") contains article 324 that specifically states: "He who, with whatever purposes, publicly exposes, introduces into the country or reproduces books, writings, drawings, images or other obscene objects, or he who distributes or circulates, or he who publicly offers theatrical or cinematographic spectacles or other obscene ones, or transmits auditions of the same type, will be sanctioned with prison of three months to two years." In the Bolivian Criminal code, articles 318 and 319 punish the crime of corruption of minors, and articles 310, 311 and 312 punish statutory rape, aggravated statutory rape and dishonest abuse, respectively. (Dishonest abuse refers to libidinous acts that do not constitute carnal knowledge). All of these figures could be used to protect minors against child pornography.

The Code of the Minor, articles 117.4 and 117.5 establishes that a child who is exploited or used in activities for profit, including pornographic photographs or movies, is considered to be suffering from abuse. Article 177 also considers that minors who are involved, directly or indirectly, in prostitution, or being used in obscene spectacles are "at risk". These cases must be reported to the authorities. A Judge of Minors will pass these cases onto the corresponding judge who may then begin to prosecute those who have abused the minor or placed them in a situation of risk.

Although the legal age to vote in Bolivia has been set at 18 years of age, age of majority is still 21 years of age, and the "age of puberty" is considered under 17 years of age. The Code of the Minor protects all children until they reach the age of majority. The age for marrying without judicial authorization is 14 years of age for women and 16 years of age for men. Penal code available in Spanish.

*Information provided by Dr. Marcelo Alfaro M., First Secretary and Legal Advisor of the Bolivian Embassy, Washington, DC.*

## **BOSNIA & HERCEGOVINA**

Request for information sent 06/05/96, and 06/24/96, no response. Library of Congress advises that these countries have kept the old Yugoslavian laws, but the laws are not available right now.

## **BOTSWANA**

Botswana does have general legislation prohibiting pornography and provisions refer to child pornography. CAP. 60:02 of the Criminal Code is the general prohibition on pornography, and laws CAP. 20:01, CAP. 28:04 pertain to child pornography. The age of majority is reached at 18 in Botswana, and this is also the legal age of consent for marriage and sexual relations. Penal code available in English.

*Information provided by C.S. Maribe of the Embassy of Botswana, Washington, DC.*

## **BRAZIL**

Brazil has a specific provision against the production of child pornography in the "Statute of the Child and Adolescent". Under Title VII of the Statute, "Crimes and Administrative Infractions", Article 240 states that it

constitutes a crime to : "Produce or direct theater or television plays or cinema films, utilizing a child or adolescent in scenes of explicit or pornographic sex." The penalty is confinement from one to four years and a fine. "Under the conditions referred to in this article, those who participate with the child or adolescent are liable to the same penalty". Article 241 establishes that it is a crime to "photograph or publish scenes of explicit or pornographic sex involving a child or adolescent". The Criminal Code (article 72), contains a criminal provision for "corruption of minors" that may also be used to protect minors against child pornography.

Brazil has established the age of majority at 21 for civil purposes, 18 for penal purposes, and 14 for work purposes. However, the Statute of the Child and Adolescent establishes that a person is considered a child when s/he is under 12 years of age and an adolescent between 12 and 18 years of age. The age for statutory rape is 14 years of age. In order to marry without judicial authorization, the ages set are 16 for women and 18 for men. Penal code available in Portuguese and English.

*Information provided by Dr. Isa Maria De Oliveira, Executive Secretary of the Conselho Nacional Dos Direitos Das Crianca E Do Adolescente - CONADA (National Council of the Rights of Children and Adolescents) in Brazil, and Mr. Francisco Carvallio Chagas, Consulate General of Brazil and Mr. Roland Stille, Deputy Consul at the Brazilian Consulate in Chicago.*

#### BRUNEI

Request for information sent 06/05/96, no response.

#### BULGARIA

"Bulgaria is experiencing economic and other difficulties as it makes its transition to a full democracy. In general, the country does not tolerate pornography, but it is true that some sexual exploitation is taking place: women are emigrating to Western Europe to work as prostitutes; some are being forced. Some children are involved too. The media are still predominantly state run, so pornography is not seen on TV or in the print media." Penal code available in Bulgarian.

*Information provided by telephone conversation with Valery Yotov, Second Secretary, Bulgarian Mission, United Nations.*

#### BURKINA FASO

Burkina Faso does not have laws prohibiting pornography, whether it be child or adult pornography. "With an economy based mainly on agriculture, and indigenous tribes making up the majority of the population (Indigenous 65%, Muslim 25%, Roman Catholic 10%), Burkina has not had a problem with child pornography, and thus it has not laws to regulate it. Even adult pornography is not a problem; perhaps someone may special order one from Europe or bring one back from a trip overseas, but it is not generally sold in Burkina" (Cecile Toe). The age of majority in Burkina Faso is 21 years of age. The legal age for marriage is 21 for men and 17 for women. Penal code available in French.

*Information provided by Mrs. Cecile Toe, Cultural Attaché, Embassy of Burkina Faso, Washington, DC.*

#### BURUNDI

Request for information sent 06/05/96 and 06/05/28, no response.

#### CAMEROON

Cameroon has a special law that prohibits child pornography, and a separate law that prohibits adult pornography. The adult pornography law covers television, but not pornography transmitted by computers. There is not widespread use of computers, however. The age of majority in Cameroon is reached at 21 years of age. The age for legal consent for marriage is 16 years old for both men and women, though the age for legal consent of sexual relations is 18 years of age.

*Information provided by the Embassy of Cameroon, Washington, DC.*

#### CANADA

Child pornography is specifically prohibited in Canada. Article 163.1(1) of the Canadian Criminal Code defines child pornography: "In this section, 'child pornography' means a) 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 purpose, of a sexual organ or the anal



region of a person under the age of eighteen years; or b) any written material or visual representation that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act".

This same article 163.1 in sections (2), (3) and (4) establishes the penalties for: production ("every person who makes, prints, publishes or possesses for the purpose of publication any child pornography is guilty of.."), distribution or sale ("every person who imports, distributes, sells or possesses for the purpose of distribution or sale any child pornography is guilty of ..") and possession ("any person who possesses any child pornography is guilty of...").

The Criminal Code R.S.C. c. C-46 was amended in 1993 to specifically name child pornography as a prohibited type of obscene material. Under the general pornography section of the code it is an offense to make, print, publish, distribute, circulate or have possession for the purpose of publication, distribution or circulation of obscene material. However, under the new section, the mere possession of child pornography is prohibited under the Code. Maximum penalty for importation, distribution or sale of child pornography is 10 years in prison. Mere possession has a maximum penalty of 5 years. Maximum penalty under the general pornography sections is 2 years. The age of majority in Canada is 18 years of age, as is the age of legal consent for marriage. The age for legal consent for sexual relations is 14. Penal code available in English and French.

*Information provided by Sandra J. Hildebrand, Barrister and Solicitor and Board Member of the Alberta Coalition Against Pornography (ACAP).*

#### CAPE VERDE

Request for information sent 06/05/96, no response.

#### CENTRAL AFRICAN REPUBLIC

The Central African Republic does not have specific legislation prohibiting child pornography. It does, however, have general legislation prohibiting pornography and child pornography could be included. The age of majority in the Central African Republic has been lowered from 21 to 18 years of age. This is the age for the legal consent for marriage and sexual relations as well. Penal code available in French.

*Information provided by Mr. Manguiri, Financial Attaché of the Embassy of Central African Republic, Washington, DC.*

#### CHAD

Request for information sent 06/05/96 and 06/25/96, no response.

#### CHILE

Although Chile does not have specific legislation prohibiting child pornography, the criminal code and a law against abuse in broadcasting do contain prohibitions against acts contrary to morals, the family, and "good mores" that could provide minors with protection against child pornography. Articles 366 and 369 of the Chilean Criminal Code punish the crimes of dishonest abuse against minors, as well as the corruption of minors and the promotion of prostitution among minors. Article 374 of the Chilean Criminal Code considers it a crime against "good mores" to sell, distribute, exhibit: songs, pamphlets or other written material, figurines or stamps that are considered "contrary to good mores." Article 20 of Law No.16.643 ("Abuse of Publicity"), punishes the crimes against "good mores" that are committed by any broadcasting mean, such as newspapers, magazines, other printed material, radio, television and in general any artifice for fixing, recording, reproducing or transmitting words, sounds or images. It also punishes importing, selling, offering, exhibiting, transmitting, distributing, printing or reproducing obscene objects or objects that are contrary to "good mores". The penalty is raised if the crime against "good mores" has as its object the perversion of a person under 18 years of age. Penal Code available in Spanish

*Information provided by Dr. Raquel Espejo Muñoz, Director of the Legal Department of the Servicio Nacional de Menores (National Service for Minors), of the Ministry of Justice of Chile.*

#### CHINA

Although there is no law that specifically prohibits the production, distribution, and possession of child pornography, there are a number of laws that regulate all pornographic material, with severe punishment for those who break the laws. The Standing Committee of the National People's Congress passed a decision prohibiting prostitution which reads, "On the correction of criminal elements guilty of smuggling, manufacturing, peddling or disseminating pornographic material. Any person disseminating pornography material to minors under the age of 18 shall be liable to severe penalties." It also forbids minors to be involved in making or displaying pornographic images or publications. Section 4, paragraph 4. In addition, Chinese law prohibits nude sexual display and performance in productions on obscene topics.

In 1994, at a U.N. General Assembly committee meeting, a Chinese delegate is quoted as saying that "after signing the convention on the rights of the child, China strengthened its legislation on the protection of the rights of the child by promulgating the law on the protection of minors" and that "it was illegal to engage in the employment of child labor, the sale of children and child pornography in China."<sup>1</sup> The Central Committee of the Chinese Communist Party and the State Council have also issued a joint statement that condemns "harmful materials" on the Internet.<sup>2</sup>

One recent set of measures of the People's Republic of China (PRC) that has a specific provision prohibiting child pornography is the Measures on the Censorship of Contents of Audiovisual Products.<sup>3</sup> Under the Measures, audiovisual products are defined as including audiotapes, videotapes, records, laser audio discs, and laser read-only discs (art. 2). Its Chapter 4, "Standards for the Censorship of Contents of Audiovisual Products" sets forth three main categories of products: those that can be produced, reproduced, or imported because they fully meet one of the five criteria listed (art. 14); those whose content basically meets the standards of the first group but from which certain (listed) kinds of content must be excised before they can be produced, reproduced, or imported (art. 15); those that are prohibited from being produced, reproduced, imported, or distributed because their contents fall into one of a number of listed types (art. 16). Item 6 of art. 16 bans products whose contents are totally obscene - those that intensely stimulate the senses, harm the psychological health of minors, and cause minors to become degenerate. Among the seven types of products listed under this item are those that "concretely depict sexual acts of youth and children" (no. 5).

Subcategory one under article 15, listing items whose contents are admixed with obscene, pornographic, and vulgar content (eight types in all) may also be of interest.<sup>4</sup> It includes as type number 1 pictures that describe sexual behavior or sexual feelings or that directly portray male and female sexual organs or the female body nude from the breasts down that might cause minors to have unhealthy thoughts. Products of type number 3 are those that so concretely portray depraved and degenerate acts as to result in minors' imitating them.

#### General legislation relating to child pornography

The Criminal Law of the PRC has a general provision that prohibits pornography, which would include child pornography. According to this provision,

Whoever, for the purpose of reaping profits, produces or sells pornographic books or pictures is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control, and may in addition be sentenced to a fine (art. 170).<sup>5</sup>

It may be noted that under article 82 of the Criminal Law, "Whoever abuses a member of his family, when the circumstances are odious, is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention, or control" (art. 182).<sup>6</sup>

The 1990 Decision of the National People's Congress (NPC) Standing Committee on Punishing Felons Engaged in Smuggling, Producing, Selling, and Disseminating Pornographic Goods<sup>7</sup> in nine articles states in article 6: "Any one of the following shall be strictly punished according to relevant regulations of this decision: ... (4) Adults who instigate juveniles under 18 to smuggle, produce, reproduce, sell, and disseminate pornographic goods."

The 1991 NPC Decision Standing Committee Decision Regarding the Severe Punishment of Criminal Who Abduct and Traffic in or Kidnap Women or Children<sup>8</sup> defines abducting and trafficking in a woman or child as "any

<sup>1</sup> *China Attaches Great Importance to Child Rights Protection*, Xinhua News Agency, Nov. 14, 1994, in Nexis, Curnws File.

<sup>2</sup> Danyll Wills, *Internet Firm Eases Sex Ban*, South China Morning Post, Jan. 8, 1996, at 6, Nexis, Curnws File.

<sup>3</sup> Promulgated by the Ministry of Culture of the People's Republic of China on Feb. 1, 1996, and effective the same day. For the Chinese text, see 3 *Zhonghua Renmin Gongheguo Guowuyuan Gongbao* (Gazette of the State Council of the People's Republic of China) 91-96 (Feb. 27, 1996).

<sup>4</sup> The other subcategories cover products in which the contents are admixed with murder or violence (Subcategory 2) or with the propagation of "feudal superstition" (Subcategory 3).

<sup>5</sup> For a bilingual text, see *The Criminal Law and the Criminal Procedure Law of China* 53 (Beijing, Foreign Languages Press, 1994).

<sup>6</sup> *Id.* at 61

<sup>7</sup> Adopted by the 17th Session of the Seventh National People's Congress Standing Committee on Dec. 28, 1990. For the Chinese text, see 2 *Zhonghua Renmin Gongheguo Falu Fagui Quanshu* (Compendium of Laws and Regulations of the People's Republic of China) 937 (Beijing, China Democratic Legal System Press, 1994). For the text in English, see Xinhua, in Chinese, Dec. 28, 1990, as translated in Foreign Broadcast Information, Daily Report: China, Dec. 31, 1990, at 29-31 (FBIS).

<sup>8</sup> Adopted at the 21st Meeting of the Standing Committee of the Seventh National People's Congress on Sept. 4, 1991, and effective the same day. For the Chinese text, see 2 *Zhonghua Renmin Gongheguo Falu Fagui Quanshu*, at 938-939. For the text in English, see Legislative Affairs Commission of the Standing



act of abducting, buying, trafficking in, fetching or sending, or transferring a woman or a child, for the purpose of selling the victim" (art. 1, ¶ 2). Punishments ranging from imprisonment for five years up to the death penalty are prescribed for such acts as causing serious bodily injury or death or other severe consequences to the woman or child abducted or trafficked in or selling a woman or a child out of the territory of China (art. 1, ¶ 1, items 5, 6). Whoever buys an abducted woman or child and illegally deprives the victim of his or her personal freedom or restricts that personal freedom or commits any criminal act such as hurting, insulting, or maltreating the victim is to be punished in accordance with the relevant provisions of the Criminal Law (art. 3, ¶ 3).

The Regulations of the PRC for Controlling and Punishing Public Offenses<sup>9</sup> stipulate that

Anyone who has any one of the following misconducts [sic] of violating another person's personal rights, but the act does not warrant a punishment for criminal offense, shall be detained for a period of up to 15 days, fined for a sum of up to 200 *yuan*, or served a warning:

...(6) Ruining the physical and mental health of people under 18 by coercing or luring them to perform shows featuring horror or cruelty;... (art. 22).

The Regulations also strictly ban the "production, duplication, sale, renting or circulation of pornographic books, pictures or video tapes, or other obscene materials (art. 32, ¶ 1). Violators are liable to detention for not more than 15 days that may apply singly or jointly with a maximum fine of 3,000 *yuan*, or alternatively may be given reform-through-labor in accordance with the regulations (art. 32, ¶ 2). In addition, the Regulations on the Management of Audiovisual Products prohibit, among others, business activities involving AV products whose contents propagate obscenity and superstition or promote violence (art. 3, ¶ 2, item 4).<sup>10</sup>

Recently, as part of its effort to control the use of the Internet, China adopted the PRC Interim Regulations Governing the Management of International Computer Networks.<sup>11</sup> Article 13 of the new regulations deals with pornography:

Units and individuals engaging in Internet business shall strictly enforce safety and security control systems according to relevant state laws and administrative regulations, and shall not make use of the Internet to conduct criminal activities - including activities prejudicial to state security and the leakage of state secrets - or to produce, retrieve, duplicate, and disseminate information prejudicial to public order and pornographic materials.

There are also prohibitions against providing pornographic materials to minors. According to the Law of the PRC for the Protection of Minors:<sup>12</sup>

Parents or other guardians are to use healthy thoughts, good conduct, and proper methods to educate minors, guide minors to engage in activities good for their physical and mental health, prevent and stop

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Committee of the National People's Congress of the People's Republic of China, comp., *The Laws of the People's Republic of China (1990-1992)* 304-306 (Beijing, Science Press, 1993).

<sup>9</sup> Adopted at the Seventeenth Session of the Sixth National People's Congress (NPC) Standing Committee on Sept. 5, 1986, as amended by a Decision adopted at the Seventh Session of the Eighth NPC Standing Committee on May 12, 1994. For the text in Chinese, see 4 *Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Gongbao* (Gazette of the Standing Committee of the National People's Congress of the People's Republic of China) 35-46 (June 20, 1994). For the text in English, see *Xinhua*, in Chinese, May 13, 1994, as translated in FBIS, May 16, 1995, at 15-21.

<sup>10</sup> Promulgated by Premier Li Peng, Head of the State Council, on Aug. 25, 1994, and effective Oct. 1, 1994. For the Chinese text, see 22 *Zhonghua Renmin Gongheguo Guowuyuan Gongbao* 920-928 (Sept. 30, 1994). For the text in English, see *Xinhua*, in Chinese, Sept. 9, 1994, as translated in FBIS, Sept. 15, 1994, at 48-53.

<sup>11</sup> The provisions were adopted by the State Council on Jan. 23, 1996, and were promulgated and became effective on Feb. 1, 1996. For the Chinese text, see 4 *Zhonghua Renmin Gongheguo Guowuyuan Gongbao* 102-104 (Mar. 4, 1996). For the text in English, see *Xinhua*, in Chinese, Feb. 4, 1996, as translated in FBIS, Feb. 8, 1996, at 14-16. It may be noted that according to a circular issued by the Ministry of Public Security, domestic Internet users with overseas access are to go through registration procedures at public security (police) departments within 30 days after connecting to international networks. According to one report, as of July 1995, about 40,000 were hooked up to the networks. *Xinhua*, in English, as carried in FBIS, Feb. 15, 1996, at 10. Another estimate says that the number of Internet users in China jumped from 3,000 to 100,000 in 1995. Amy Cortase, John Carey, and David Woodruff, *Alt.sex.bondage Is Closed. Should We Be Scared?* Business Week 39 (Jan. 15, 1996), Nexis, Cumwv File.

<sup>12</sup> Adopted by the Standing Committee of the Seventh National People's Congress at its 21st meeting on Sept. 4, 1991. For the Chinese text, see 1 *Zhonghua Renmin Falu Fagui Quanshu* at 898-901. For the English text, see *Xinhua* (in Chinese), Sept. 4, 1991, as translated in FBIS, Sept. 9, 1991, at 36-40.

minors from smoking, indulging in alcoholic drinking, roaming about, gambling, taking drugs, and prostitution (art. 10).

The law on minors further provides that "organizations and individuals are strictly prohibited from selling, renting, or spreading in other forms to minors, books, newspapers, journals, video and audio products with pornographic, violent, murderous, and terror descriptions" (art. 25).<sup>13</sup> Moreover, "Whoever sells, rents, or uses other means to spread obscene books, magazines, audio and video products, and other publications to minors should be heavily punished according to law" (art. 51).<sup>14</sup>

#### Issues of majority

The age of majority in China is 18 years.<sup>15</sup> The legal age for marriage is 22 for men and 20 for women.<sup>16</sup> There does not appear to be a legal age set for sexual relations. However, statutory rape is covered under the Criminal Law:

Whoever by violence, coercion or other means rapes a woman is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

Whoever has sexual relations with a girl under the age of fourteen is to be deemed to have committed rape and is to be given a heavier punishment.

Whoever commits a crime in the preceding two paragraphs, when the circumstances are specially serious or a person's injury or death is caused, is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment or death.

When two or more persons jointly commit rape in succession, they are to be given a heavier punishment (art. 139).<sup>17</sup>

*Information provided by Tao-Tai Hsia, Chief, Eastern Law Division and Wendy Zeldin, Legal Research Analyst, Directorate of Legal Research, Law Library of Congress.*

### COLOMBIA

Colombia does not have a specific provision against child pornography. The United Nations Convention on the Rights of the Child was incorporated into national legislation by Law 12 of January 22 1991, and article 34 of this Convention establishes protection against child pornography. Apart from this provision, which has no criminal sanctions, it is by related provisions in the Criminal Code (such as the provision for corruption of minors), that children can be protected.

Articles 312 and 305 of the Criminal Code prohibits prostitution and corruption of minors. Article 305 states: "He who effects sexual acts different from carnal knowledge with a person under 14 years of age or in his presence, or induces sexual practices, will suffer one to four years of prison". The article on stimulating prostitution, Art. 312, states: "He who utilizes a house or establishment for the practice of sexual acts in which minors under the age of 14 participate, will be punished with 6 months to 4 years of prison". The Code of Minors (Decreto 2737 of 1989), article 25 establishes the protection of the minor from being utilized in any publication, interview or report that could affect the minor's reputation or honor. Law 14 of 1991 establishes the obligation of radio and television companies to protect minors by controlling what they broadcast.

<sup>13</sup> *Id.* at 38.

<sup>14</sup> *Id.* at 39.

<sup>15</sup> Art. 11, General Principles of the Civil Law, adopted at the Fourth Session of the Sixth NPC, promulgated by Order No. 37 of the President of the PRC on Apr. 12, 1986, and effective as of Jan. 1, 1987. For the Chinese text, see 2 *Zhonghua Renmin Gongheguo Falu Fagui Quanshu* at 1-9. For an English translation, see Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China, *comp.*, *The Laws of the People's Republic of China* (1983-1986) 225-249 (Beijing, Foreign Languages Press, 1987).

<sup>16</sup> Art. 5, Marriage Law of the People's Republic of China, adopted at the Third Session of the Fifth National People's Congress and promulgated by Order No. 9 of the Chairman of the Standing Committee of the National People's Congress on Sept. 10, 1980, and effective as of Jan. 1, 1981. For the Chinese text, see 2 *Zhonghua Renmin Gongheguo Falu Fagui Quanshu* at 29-32. For an English translation, see 1 *id.* at Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China, *comp.*, *The Laws of the People's Republic of China* (1979-1982) 184-189 (Beijing, Foreign Languages Press, 1987).

<sup>17</sup> *Supra* note 5, at 49-50. It may be noted that according to art. 30, ¶ 2, of the PRC Regulations for Controlling and Punishing Public Offenses, "Prostitution involving female juveniles below the age of 14 shall be tried as rape and the sentence shall be in accordance with article 139 of the Criminal Law" (*Supra* note 9, at 19).



The age of majority in Colombia is set at 18 years of age. Children under this age can only marry if they have parental consent or a judicial authorization.

*Information provided by Dr. Angela Moreno of the Dirección General de Políticas Jurídicas y Desarrollo Legislativo (Department of Juridical Policies and Legislative Development) and Dr. Renato Joaquim Mendes of the Dirección General de Prevención y Conciliación (Department of Prevention and Conciliation), of the Ministry of Justice and Law.*

#### COMOROS

Request for information sent 06/20/96, no response.

#### CONGO

The Republic of Congo does not have any specific legislation prohibiting child pornography. It does, however, have general provisions against pornography which would cover broadcast by television, cable TV, satellite TV and computer transmission of pornography. "Pornography has never existed in the people's culture of Congo", states the Ambassador of this republic. The age of majority is reached at 18 in Congo, and this is the age at which legal consent for marriage and sexual relations is also established. "Portella law condemns those who break this regulation". Penal code available in French.

*Information provided by Mr. D. Antoine-Ganga, Ambassador of the Embassy of the Republic of Congo, Washington, DC.*

#### COSTA RICA

Costa Rica does not have specific legislation prohibiting child pornography. Adult pornography is regulated through a special administrative commission within the Ministry of Justice. Children are protected against corruption, rape, sodomy, statutory rape by the Criminal Code, and a new draft of the Code of Minors is probably going to be amending some articles to protect children from being sexually exploited. The age of majority is reached at 18 in Costa Rica. The age for marriage is set at 15 and the age for legal consent for sexual relations at 17.

*Information provided by Mr. José Thompson, Consul General at the Embassy of Costa Rica, Washington, DC.*

#### COTE D'IVOIRE

Cote d'Ivoire does not have specific legislation that prohibits child pornography. It does have a general provision against pornography that covers transmission of adult pornography by broadcast TV, satellite TV, cable TV and computer transmission of pornography. The age of majority is reached at 21 years in Cote d'Ivoire, and legal age of consent for marriage is set at 21 for men and 18 for women. Legal age of consent for sexual relations is 21 years of age.

*Information provided by Mr. Zoro Bi Bah Jeannot, Counselor in Charge of Economic Affairs, Embassy of Cote d'Ivoire, Washington, DC.*

#### CROATIA

Croatia has specific laws prohibiting child pornography. It prohibits the production and distribution of child pornography. Article 206 of the Basic Criminal Law of the Republic of Croatia states: "(1) Whoever sells, exhibits or through public display or any other means makes available to a person who is less than 14 years of age, documents, pictures, audiovisual or other objects containing pornographic material, or shows him/her a pornographic performance, will be subject to a fine or a jail sentence of up to one year. (2) Whoever includes a person less than 14 years of age in pictures, audiovisual material or other objects of pornographic content, or sells, distributes, or exhibits such material, or induces the child to participate in a pornographic production, will be subject to a fine or a jail sentence of up to three years." The distribution of pornographic material is not forbidden in Croatia when it involves adults. However, in the area of television and cable television, there are numerous legal provisions which forbid the exhibition of pornographic material that might be accessible to children. Under Croatian law, a child is defined as a person who has not yet turned 14 years of age. According to the provisions of the Law on Marriage and Family Relations, a person who is not 18 years of age cannot enter into marriage. In special cases, a court order can allow a person who has turned 16 to marry, if it is established that the person is sufficiently mentally and physically mature for marriage. Penal code available in Croatian.

*Information provided by Ms. Tanja Posavac, Information Office of the Embassy of Croatia, Washington, DC.*

## CUBA

Cuba has specific legislation prohibiting child pornography. Articles 310, 311 and 312 of the Cuban Criminal Code establish severe punishment for the production, distribution and possession of child pornography. Even foreigners who bring pornographic material into the country will have this material confiscated. Penalties for crimes such as pederasty with a child under the age of 14 may be sanctioned with the death penalty. There are no provisions or regulations prohibiting the transmission of adult pornography. In Cuba a child is defined as such when s/he is under the age of 16. The legal age of consent for marriage is 18 years of age, and the legal age of consent for sexual relations is 14. Prostitution is not legal in Cuba. Penal code available in Spanish.

*Information provided by Mr. Antonio Gonzales of the Permanent Mission of Cuba before the United Nations and Ms. Debra Evenson, Professor of Law, International Human Rights Institute.*

## CYPRUS

No information received regarding child pornography. Penal code available in Greek and Turkish.

## CZECH REPUBLIC

The Czech Republic has specific legislation prohibiting the production and distribution of child pornography. Possession is not prohibited. Article 205 of the Criminal Code deals with the topic of pornography and differentiates between "hard" and "simple" pornography. Hard pornography (sec.1) manifests a lack of respect for man and violence, sexual relations with a child, an animal, or other pathological practices. Its production and distribution is prohibited generally. Simple pornography is prohibited to persons below the age of 18 (sec.2). The article includes all forms of pornography including written, sound recording, picture or drawing, and includes its offer, availability, or exhibition in places accessible to persons below the age of 18. The age of majority in the Czech Republic is 18 years, as is the legal age for consent for marriage. The legal age of consent for sexual relations is 15. Criminal Code available in Czech.

*Information provided by Mr. George E. Glos, Special Group Team Leader, Law Library, Directorate of Legal Research, Eastern Law Division, Library of Congress.*

## DENMARK

Denmark has specific legislation prohibiting the production, distribution and possession of child pornography. Article 235 of the Danish Criminal Code states: "(1) Any person who commercially sells or otherwise disseminates, or who, with such intention, produces or procures obscene photographs, films or similar objects of children shall be liable to a fine, to simple detention or to imprisonment for any term not exceeding 6 months. (2) Any person who possesses photographs, films or similar objects of children having sexual intercourse or other sexual relations than sexual intercourse shall be liable to a fine. The same provision shall apply to any person who possesses photographs, films or similar objects of children having sexual relations with animals or using objects in a grossly obscene manner". Denmark does not have laws prohibiting or regulating the transmission of adult pornography. The age of majority in Denmark is 18 years of age, and this is also the age of legal consent for marriage. The age of legal consent for sexual relations is 15 years. Criminal code available in Danish.

*Information provided by Hanne Schmidt, Head of the Law Department Division, Ministry of Justice, Denmark.*

## DJIBOUTI

Djibouti has specific legislation prohibiting child pornography. Djibouti is a Moslem country. It is strictly forbidden to produce, distribute, and/or possess pornography. Anyone who breaks the law is sentenced to six months in jail on the first offense, and to three years in jail the second time. If the person who breaks the law is not a citizen, s/he will be deported immediately. Age of majority in Djibouti is 18 years, as is the legal age of consent for marriage and sexual relations. Penal code available in Arabic and French.

*Information provided by Mr. Issa Bouraleh, Second Secretary of the Embassy of Djibouti, Washington, DC.*

## DOMINICA

Request for information sent 06/25/1996, no response.



## DOMINICAN REPUBLIC

The Dominican Republic has no specific provision in the criminal code prohibiting child pornography. There is no provision in the Criminal Code prohibiting adult pornography, which is not prohibited but highly regulated. The Code of the Minor has provisions to protect children from abuse. Separate entities and laws cover the regulation of pornography, for example, zoning laws and a zoning commission which has wide discretion determining the suitability of certain establishments in particular areas of the city. The age of majority in the Dominican Republic is reached at 18 years of age, and this is also the age of legal consent for marriage and sexual relations.

*Information provided by Ms. Yira Rodriguez, attorney from the Dominican Republic in Washington, DC.*

## ECUADOR

Although Ecuador does not have specific laws against child pornography, it does have provisions that can be used to protect minors against it. The Code of the Minor guarantees children the protection from being utilized and abused. The *Ley de Radiodifusión* (Law for Radio and Television) regulates in general terms those activities, and the Association of Television Channels in Ecuador has adopted its own Code of Ethics that prohibits the transmission of any type of pornographic material. There is no special law with regard to the transmission of "adult" pornography by satellite or cable TV, but in practice they follow the same ethical rules established by the Code of the Association of Television Channels. There are no regulations regarding the transmission of adult pornography by computer. The age of majority in Ecuador is 18 years. Code for Minors and other relevant laws are available in Spanish.

*Information provided by Ms. Lucía Zambrano of the Embassy of Ecuador, Washington, DC.*

## EGYPT

Egypt does not have specific legislation prohibiting child pornography. However, as the Ambassador to Egypt in the United States declares: "Although there are no specific laws prohibiting child pornography, Egypt is a very strict and conservative country. All pornography is illegal. It is actively prosecuted, and the Egyptian police has a special squad for combating vice". Egypt is a 94% Muslim country (mainly Sunni). Marriage is governed by Shari'a Law and a person can marry when they have reached puberty. Criminal code is available in Egyptian.

*Information provided by Mr. Abdelaleem El-Abyad, Minister and Head of Office, Press & Information Bureau, Embassy of the Arab Republic of Egypt, Washington, DC.*

## EL SALVADOR

Although El Salvador does not have specific provisions in their Criminal Code referred to child pornography, nor to pornography in general, it does have a number of related provisions that could protect minors against child pornography. The Family Code (D.L. 677) in its articles 368, 371 and 372 prohibits selling or facilitating "immoral material" to children. The Criminal Code sanctions the corruption and prostitution of minors in Title III, Chapter II, Articles 204 to 210. Articles 211 and 212, referred to "Offense of Public Decency", could also be used to protect minors against pornography.

El Salvador considers the "International Convention for the Repression of Distribution and Traffic of Obscene Publications" (January 30, 1937) among its legislation against pornography. But as with other International Conventions, there are no criminal sanctions. There are also other laws and decrees that regulate radio, television and other public exhibitions, which are directed at regulating and curtailing pornography.

The age of majority is reached at 18 years of age in El Salvador. Persons under the age of 18 may marry with the consent of their parents if, having reached puberty, they already had a child or if the woman were pregnant. Penal Code available in Spanish.

*Information provided by Dr. Gastón Ovidio Gómez, Director - Dirección de Asistencia Técnico Jurídica, Ministerio de Justicia (Legal Department, Ministry of Justice).*

## EQUATORIAL GUINEA

There are no laws prohibiting either child or "adult" pornography because it has not been a problem in Equatorial Guinea. The country is very small (400,000 people) and custom makes law. The custom is very conservative and very religious (90% Roman Catholic). Prostitution is illegal. The age of majority is reached at 18, which is also the age of legal consent for sexual relations. The penal code is available in Spanish.

*Information provided by Mr. Theodoro Biyogo, Permanent Mission of Equatorial Guinea to the United Nations, New York.*

## ERITREA

Eritrea has no specific legislation against child pornography, but it does have a general prohibition which would include child pornography. Articles 609 and 610 of the Criminal Code (Obscene or Indecent Publications and Obscene or Indecent Performances) sanctions production, distribution and/or possession of pornography as well as trafficking in pornographic material. The punishment is increased if the offender: "knowingly exhibits, hands over or delivers such objects to an infant or young person for considerations". There is also an article prohibiting the exposure of children to pornography (Article 613 -- Protection of Infants or Young People). While the legal age for marriage is 18 years, customary marriage is not prohibited where one of the spouses is above 15, subject to validation by the court, and taking into account the circumstances of the spouses and/or the interests of the family. Prostitution, traffic in women, children and young people --i.e., the exploitation of the immorality of others-- is a crime. The criminal code is available in Tigrinya, Arabic and English.

*Information provided by Mr. Eden Fassil of the Ministry of Justice of the State of Eritrea and by Ms. Vicky Rentmeesters, Information Officer of the Embassy of Eritrea, Washington, DC.*

## ESTONIA

Estonia introduced amendments to their Criminal Code February 1995, which included the incorporation of specific provisions against child pornography. §1. Section 200 of the criminal code now states: "The acquiring, keeping and distribution of a work with erotic or pornographic contents or propagating violence. (1) For the acquiring, keeping, transport, transfer, distribution, demonstrating or making accessible in any other way of a work depicting a minor in an erotic or pornographic situation, the punishment shall be a monetary fine, seizure or the loss of freedom up to one year. (2) For the distributing or demonstrating or making accessible to a minor in any other way a work propagating violence or cruelty, the punishment shall be a monetary fine, seizure or the loss of freedom up to two years. (3) For the distributing, demonstrating or making accessible to a minor in any other way a work depicting a minor in an erotic or pornographic situation, the punishment shall be the loss of freedom from one up to three years." §2. Section 200 (3) adds: "The manufacture of a work depicting a minor in an erotic or pornographic situation. (1) For the manufacture of a work or of the copy of a work depicting a minor in an erotic or pornographic situation without using the minor as the object of the pornographic activity, the punishment shall be seizure or the loss of liberty up to three years. (2) For the use of a minor as the object of erotic or pornographic activity by the manufacture of a work depicting and erotic or pornographic situation, the punishment shall be the loss of freedom from two up to five years". The age of majority is reached at 18 years of age in Estonia.

*Information provided by Mr. Triinu Rajasalu, Information Officer of the Ministry of Foreign Affairs of the Republic of Estonia.*

## ETHIOPIA

Ethiopia does not have specific legislation prohibiting child pornography. The Constitution of Ethiopia is the only written law that refers indirectly to pornography, and only in terms of proclaiming the protection of children. There is, however, a ban on pornography in general based on the "customary law" of the country. It is therefore illegal to produce, distribute, or possess child or adult pornography. The Press law also deals indirectly with the prohibition of pornography through means such as television and computers. The age of majority in Ethiopia is reached at 18, which is also the legal age of consent for marriage and sexual relations. Penal code available in Amharic.

*Information provided by Mr. Dina, Press Officer of the Embassy of Ethiopia, Washington, DC.*

## FIJI

Fiji does not have specific legislation against child pornography. It does have general provisions that cover transmission of adult pornography by broadcast TV and cable TV. There is a specific Cinematographic Films Act of 1971 and a Film Control Board with censors for films and advertisements. A child is defined as "one who has not attained the age of 14 years". The legal age for marriage is 21 years of age, and the legal age of consent for sexual relations is 16. Penal code available in English.

*Information provided by Ms. Lele Vosailagi, Second Secretary of the Embassy of Fiji, Washington, DC.*

## FINLAND

Finnish law (in Finnish: Laki epäsiiveellisten julkaisujen levittämisen ehkäisemisestä 1927/23) prohibits production and distribution of child pornography. The law does not criminalize the possession of child pornography intended for one's personal use. Finland is in the process of discussing a bill that would make mere possession of child pornography illegal as well.



The law makes all forms of distribution of child pornography illegal; this would cover most forms of transmission of pornography, but there is no specific legal provision for transmission of pornography by means such as computers. The new law would include sanctions on all the different possible forms of transmitting pornography. There is no legal definition of a child in Finland, and this too shall be reviewed in the new law. The legal age of consent for marriage is 18, and the Ministry of Justice can, in certain circumstances, give permission to marry under that age. Sexual relations are always considered criminal when practiced with a person under 14 years of age. The general age of protection is 16 years. Penal code available in Finnish, Swedish, and English.

*Information provided by Mr. Raija Toiviainen, Senior Adviser of International Affairs, Ministry of Justice of Finland.*

## FRANCE

France has specific legislation against the production and distribution of child pornography. Articles 227-23 and 227-24 of the French Criminal Code (Nouveau Code Penal) establish the prohibitions. Article 227-23 states : "The production -for distribution, print, reproduction or transmission - of the image of a minor when this image has pornographic characteristics is sanctioned with prison and a fine of 300 000 F. The transmission of such an image, by whatever means, is also sanctioned with the same penalties. The sanctions will be 3 years of imprisonment and a fine of 500 000 F if it deals with a child under the age of 15 years". Article 227-24 sanctions exposing minors to pornography. There is no law prohibiting possession child pornography. France also has a general prohibition of pornography and the sanctions the transmission of pornography by means of broadcast TV, cable TV, satellite TV and computers. Section II of the Criminal Code, "Of the Transmission of Messages Contrary to Decency", specifically deals with this issues in Art. R. 624-2. The age of majority in France is reached at 18 years of age, which is also the legal age of consent for marriage and sexual relations. Penal code is available in French.

*Information provided by Mrs. Pierrette Collomb of the French Consulate, Embassy of France, Washington, DC.*

## GABON

Request for information sent 06/12/96, no response.

## GAMBIA

Request for information sent 06/12/96, no response.

## GEORGIA

Because pornography was prohibited in the USSR, the Criminal Code of Georgia repeats the same provision of the Fundamentals of the Criminal Legislation of the USSR. Article 148 prohibits the "production, distribution, keeping with the purpose of distribution, and trade of pornographic text, prints, images, and objects containing pornography." It provides punishment for such an offense by imprisonment for the term of up to three years. There are no particular provisions in regard to child pornography.

Only during the last four years has the Republic of Georgia existed as an independent state. Earlier, when it was one of the Soviet Union republics, the legislation of that state was based on the Fundamentals of the USSR legislation, and this legislation duplicated many of the all-Union provisions. After the independence of Georgia was declared, the Republic started to adapt its legislation to the conditions of market reforms and democratic development. At first this legislation was related to business. In other areas the legislation of the Georgian Soviet Socialist Republic has remained in force and is being changing gradually.

Georgia legislation in the field of criminal and family law remains very close to the general norms implemented by the USSR Fundamentals of the legislation. Some differences reflect cultural, historic and geographical factors. Variations seem purely cosmetic. Georgian law provides the punishment for the crimes that are considered survivals of local customs. Differences can be found in provisions governing sex offenses and family relations. Punishments also reflect differences. Because of Soviet policy, the similarities are stronger regarding the commission of crimes related to national customs and traditions.

Under the Georgian Code on Marriage and Family, the legal requirements that must be satisfied for marriage are:

- mutual consent of the intending spouses;
- age eighteen for both spouses, which in exceptional circumstances may be reduced to sixteen;
- neither spouse can be already married;
- the spouses are not relatives in direct line of ascendance or descendance, full or half-brothers or sisters, or adoptive and adopted persons; and
- neither spouse lacks dispositive legal capacity as a consequence of mental illness, as determined by a court.

Religious marriages are not recognized.<sup>1</sup>

To protect the moral development of minors, the Criminal Code of Georgia punishes such offenses as lewd conduct in regard to a minor and sexual relations with a person who has not reached sexual maturity. The law does not determine the age of sexual relations, but it prohibits any kind of "sexual relations with a person who has not reached sexual maturity, even if the relations are in the form of the factual marriage."<sup>2</sup> The Ministry of Public Health issued a special instruction how to determine sexual maturity.<sup>3</sup> The perpetrator of this crime can be any sane male of the age of sixteen and up. This crime is punishable by imprisonment for the term of up to three years. The Regulation of the Supreme Court of 1964 states that sexual relations between teenagers do not necessarily to the amount to commission of a crime under article 129.

Solving the question of the criminal responsibility of persons who have not reached the age of majority, the court shall take into consideration that the law is dedicated to the normal development of both males and females who have not reached the age of majority. The courts are obliged to take into consideration personal characteristics, the age of the teenager, the consequences, and other facts of the case.

The Supreme Court recommends the use of more broad compulsory educational measures instead of criminal punishment.<sup>4</sup>

*Information provided by Mr. Peter Roudik, Legal Specialist, Eastern Law Division, Law Library of Congress.*

## GERMANY

Germany has specific legislation against production, distribution, and possession of child pornography. "To supplement the legal provisions heretofore in effect, which in practice had proved to be insufficiently effective, the '27th Act to Amend the Criminal Law - Child Pornography' was adopted on 23 July 1993 (Federal Gazette, Part I, p. 1346). This Act, which entered into force on 1 September 1993...increased the statutory range of punishment of pornographic material featuring children and in particular made possession of pornographic materials featuring children -which had previously been exempt from punishment - a punishable offense. The purpose of this measure was to also render the consumer of child pornography, who by virtue of his demand ultimately creates the market for such products, liable to criminal prosecution in cases -especially those involving videos, for instance- in which children have actually been sexually abused...this should help to dry up the market for such products". Production of child pornography is sanctioned in § 184 Section No. 3 C.C. Distribution is sanctioned by §. 184 Section 3 No. 1 C.C. Possession is sanctioned by § 184 Section 5 C.C. Germany has legislation regulating the transmission of adult pornography, which covers transmission by broadcast TV, cable TV, satellite TV and computer transmission of pornography (§ 184. Sec. 1 No. 2 and sec. 2 C.C.), but pornography is legal in Germany for adults (over 18). The age of majority in Germany is 18 years of age, and this is also the age of legal consent for marriage, and 16 if there is consent of the court. The legal age of consent for sexual relations is 14 years or older. Penal code available in German and English.

*Information provided by Mr. Ulf Hanel, Consul General, Embassy of the Federal Republic of Germany, Washington, DC.*

## GHANA

Ghana does not have specific legislation against child pornography. § 280 of the Criminal Code of Ghana, in the section on "Offenses Against Morality" establishes a general prohibition against pornography, in particular in broadcasting. The age of majority is reached at 18 years of age in Ghana. The age of marriage and the consent for sexual relations is established by customary laws.

*Information provided by Mr. Charles Mwalimu, Ghana specialist of the Library of Congress.*

## GREECE

Greece has a general provision against pornography, which covers transmission by broadcast TV, satellite TV, cable TV and computers. The legal age of majority is eighteen years. Penal Code available in Greek.

*Information provided by Ana Muchairidis, Press Office, Embassy of Greece, Washington, DC.*

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<sup>1</sup> Code of Marriage and Family of the Republic of Georgia, arts. 156 & 158.

<sup>2</sup> *Id.* art. 129.

<sup>3</sup> Ministry of the Public Health of the GSSR, Rules of the court gynecological expertise, Jan. 7, 1963, ¶ 2, Collection of Decrees and Regulations of the Government of the GSSR, No. 6, item 144 (1963).

<sup>4</sup> *Supra* note 2, Regulation No. 8 of Mar. 25, 1964, v. 2, p. 199.



## GRENADA

Grenada has general provisions against pornography, that cover transmission by broadcast TV. The age of majority in Grenada is reached at eighteen years. The legal age of consent for marriage is 21 years. Penal Code available in English.

*Information provided by Ambassador Dennis Antoine, Embassy of Grenada, Washington, DC.*

## GUATEMALA

Guatemala does not have specific legislation prohibiting child pornography, but it does have general legislation prohibiting pornography. The production, reproduction, publication or distribution of pornography is prohibited by Article 196 of the Criminal Code. This article does not make a distinction between "child" and "adult" pornography. The age of majority in this country is set at 18 years, yet a girl of 14 and a boy of 16 years of age can get married with parental authorization. Penal Code available in Spanish.

*Information provided by Alfonso Quiñones of the Embassy of Guatemala, Washington, DC.*

## GUINEA

Guinea has specific provisions against child pornography. It also has general provisions prohibiting transmission of adult pornography by broadcast TV, satellite TV, cable TV, and computer transmission of pornography. The age of majority in Guinea is reached at eighteen years. The legal age of consent for marriage is 21 years for men and 17 years for women. Penal Code available in French.

*Information provided by Mr. Bangoura Frederick, Counselor, Embassy of Guinea, Washington, DC.*

## GUINEA-BISSAU

Request for information sent 06/24/96, no response.

## GUYANA

Request for information sent on 06/12/96 and 07/24/96, no response.

## HAITI

Haiti does not have any legislation against child pornography or pornography. The age of majority is reached at eighteen years. Penal Code available in French.

*Information provided by Mr. Claude Ambroise, Cultural Section, Embassy of Haiti, Washington, DC.*

## HONDURAS

Honduras does not have specific criminal legislation against child pornography, although it does have provisions to protect children against exploitation and abuse. Adult pornography is regulated, not prohibited. The age of majority is reached at eighteen years. The legal age of consent for marriage is 21 years. Penal Code available in Spanish.

*Information provided by the Permanent Representation of Honduras to the United Nations.*

## HUNGARY

Request for information sent on 06/12/96, no response.

## ICELAND

Iceland does not have specific legislation prohibiting child pornography. However, a Bill was recently introduced in the Althing (Icelandic Parliament), adding a new subsection to Section 210 of the Criminal Code No. 19/1940 that punishes pornography in general. The objective of the Bill is to tackle child pornography specifically, and it is expected that this Bill will be adopted this Autumn. According to the Bill, the mere possession of photographs, films or comparable material showing children in sexual intercourse or other sexual acts is punishable by fines. The same applies to the mere possession of photographs, films or comparable material showing children in sexual acts with animals or using objects in a gross pornographic manner. The age of the victim is not included as a criteria. This is due to the fact that it may be difficult to prove the exact age of children who are subject to child pornography, since it is considered that the largest amount of such material is imported from other countries. Full legal majority is attained at eighteen years of age. However, an individual becomes personally competent at the age of sixteen and is able from that time to decide his place of residence, occupation and other personal matters. The legal age of consent for marriage is eighteen years, but the Ministry of Justice may grant younger person permission. The legal age of consent for sexual relations is fourteen years.

*Information provided by Mr. Björg Thorarensen, Head of Section, Ministry of Justice and Ecclesiastical Affairs, Iceland.*

## INDIA

Constitutional and penal provisions of Indian laws prohibit the publication of materials which may be indecent, or which may be against morality. The sanction for restrictive laws is to be found in Article 19 of the Constitution.<sup>5</sup> It also empowers the Government to frame laws imposing reasonable restrictions in the interest of decency or morality. Thus, the legislature, federal or state, can enact laws making it punishable to publish pornographic material.

The criminal law also declares it an offense to sell, distribute, publicly exhibit, or, for purposes of sale, distribution, etc., to possess any pornographic material. Similarly, the importation, and exportation of such matter is an offense.<sup>6</sup> Even a sale, letting on hire, distribution, exhibition or circulation of such obscene object or matter to any person under the age of twenty years, or an attempt to do so may be punishable, upon conviction, with imprisonment for a term which may extend to seven years and/or a fine.<sup>7</sup> Performing an obscene act or uttering obscene words or singing such songs in or near a public place is also an offense.

The Cinematographic Act of India regulates the exhibition of films subject to the issuance of a certificate of clearance by the Board of Film Censors.<sup>8</sup> No picture is certified for public exhibition if it lowers the moral standards of those who see it.

The primary object of the Dramatic Performances Act, 1876, is to empower the Government to prohibit Native plays which are scandalous, seditious, defamatory or obscene.<sup>9</sup> The order to prohibit the performance of such plays may be made personally on the performers or on the owners of the place in which the play takes place, or it may be published by proclamation. Penalties are provided for disobedience of the order.

Generally, a person is deemed to have attained the age of majority upon completing the age of 18 years.<sup>10</sup> However, he/she may marry when reaching the age of twenty-one years.<sup>11</sup>

*Information provided by Mr. Krishan S. Nehra, Senior Legal Specialist, Directorate of Legal Research, Law Library of Congress.*

## INDONESIA

Indonesia does not have specific provisions prohibiting child pornography. It does have laws that prohibit the transmission of adult pornography, which cover broadcast TV, satellite TV, cable TV and computer transmission of pornography (article 282 of the Criminal Code). The age of majority is reached at eighteen years. The legal age of consent for marriage is 19 years for men and 16 years for women.

*Information provided by Mr. Hupudio Supardi, Head of Information Division, and Mr. D. Budiman, Deputy Chief of Mission, Embassy of the Republic of Indonesia, Washington, DC.*

<sup>5</sup> Constitution of India.

<sup>6</sup> The Indian Penal Code, No. 45 of 1860, § 292.

<sup>7</sup> *Id.* § 293.

<sup>8</sup> Act No. 37 of 1952, § 5B.

<sup>9</sup> Act No. 19 of 1876, § 3.

<sup>10</sup> The Indian Majority Act, No. 9 of 1875, § 4.

<sup>11</sup> The Child Marriage Restraint Act, No. 19 of 1929, § 3.

## IRAN

Pornography is prohibited in Iran. The law does not distinguish between adult and child pornography. Article 104 of the Islamic Criminal Code (Taazirat), adopted by Parliament on August 9, 1983, establishes these provisions. The law is strictly enforced and severely punished. A child is defined as any person under the age of sixteen. However, the legal age of consent for marriage and sexual relations is eighteen years.

*Information provided by the Permanent Mission of Iran to the United Nations, New York.*

## IRAQ

The legislation dealing with pornography in Iraq is found in part VIII of the Penal Code, entitled *Social Crimes*, which has a section on crimes against public ethics and morality. In addition to illicit sexual acts with either women or men, with aggravating circumstances if the victim of the crime was less than 18 years, the Code prohibits both the handling of pornographic material and the encouragement of young persons to indulge in acts of depravity.

### Production, distribution and possession

The Code prohibits the "production, import, export, acquisition, ownership, or transport with the intent of exploitation or distribution, books, printed material, or other publications or writings, drawings, photographs, films, symbols, or any other such materials which violate public decency and morals." The Code also penalizes anyone who "advertises, broadcasts, sells, rents, or offers for sale or rental whether, openly or clandestinely, and anyone who distributes or provides for distribution of such materials by any means."<sup>1</sup>

The penalty for these acts is a prison term of up to two years and a fine of not more than 200 Iraqi *Dinars*. Acts committed with the intent of corrupting someone's moral character will be considered an aggravating circumstance deserving stiffer punishment.

The Code also penalizes anyone who "in person or by means of mechanical equipment in a public place, sing songs or utters language which is obscene or indecent."<sup>2</sup> The prescribed punishment for these acts is imprisonment up to one year and a fine of no more than 100 Iraqi *Dinars*.

### Instigating depravity or prostitution among the young

The Code prohibits anyone "to instigate or facilitate the indulgence in acts of depravity or prostitution by boys or girls who have not attained the age of eighteen."<sup>3</sup> The penalty for this crime is a prison term of up to five years which is increased to up to ten years if the accused is related to the victim or is his/her guardian, supervisor or servant, or sought profit from or remuneration for the act.

### Illicit sex with the young

While sex with either a man or a woman without their consent is generally punishable by up to fifteen years in prison, the punishment is increased to up to eighteen years if the victim was a boy or a girl below the age of eighteen. And if the act resulted in the death of the victim, then the punishment is the death sentence.<sup>4</sup>

Reflecting the importance given by Arab and Muslim traditions regarding the virginity of the unmarried woman, the Code grants the victim of rape "appropriate compensation," in addition to the punishment meted to the perpetrator.<sup>5</sup>

### Other laws

Other laws prohibiting the publications, transmission or handling of pornographic materials include the Post Office Law,<sup>6</sup> for using the mail; the Film Censorship Law,<sup>7</sup> for selling or showing movies; and the Press Law,<sup>8</sup> for publishing in the dailies and periodicals.

### Age of maturity

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<sup>1</sup> Law No. 111 of 1969, art. 403.

<sup>2</sup> *Id.* art. 404.

<sup>3</sup> *Id.* art. 399.

<sup>4</sup> *Id.* art. 393.

<sup>5</sup> *Id.* art. 393(4).

<sup>6</sup> Law No. 6 of 1930.

<sup>7</sup> Law No. 64 of 1973.

<sup>8</sup> Law No. 206 of 1968.



The Civil Code<sup>9</sup> mentions the *age of maturity* without specifying the age. Judging, however, from the various laws requiring the attainment of the age of maturity, including the family law, that age is eighteen years.

#### **Legal age of marriage**

According to the Iraqi Family Law,<sup>10</sup> it is eighteen years.

#### **Legal age for sexual relations**

There is no legislation which specifies the legal age for sexual relations. In the Islamic tradition such relations cannot take place outside the marriage bond. Under classical Islamic Law, puberty is acceptable as the age of marriage. The Iraqi Law, however, has elevated this to eighteen years as already mentioned. Below that age, Iraqi Family law allows the judge to permit the marriage of a fifteen year old, but only if the judge is convinced of his/her mental and physical ability to do so. The law also requires the consent of the child's guardian, which consent the judge may disregard if such is withheld unfairly or arbitrarily.<sup>11</sup>

*Information provided by Mr. George N. Sfeir, Senior Legal Specialist, Directorate of Legal Research, Law Library of Congress.*

### **IRELAND**

There are no specific laws prohibiting the production, distribution and possession of child pornography. Laws in Ireland do not specifically regulate the transmission of pornography featuring adults. The censorship laws, that do exist (for instance, in broadcast TV), do not distinguish between pornography featuring adults or that feature children, and apply to pornography as well as other matters. The Age of Majority Act of 1985 provides that majority is attained at the age of eighteen years or on marriage. Outside of marriage, 17 years is the age of consent for both heterosexual and homosexual intercourse. The minimum age for marriage has been increased, as of August 1, 1996, to eighteen years (from sixteen years) and there is a minimum period of notice of three months. A court order is required for an exemption.

*Information provided by Ms. Maire McCanna, Law Division, Department of Justice, Ireland.*

### **ISRAEL**

Request for information sent on 06/13/96, no response.

### **ITALY**

Italy does not have specific laws prohibiting child pornography. It does, however, have a general provision prohibiting and regulating pornography. Law No. 223 of August 6, 1990, refers to pornography without specifying the age of the participants. Article 528 (obscene publication and exhibition) and article 725 (commercialization of written material, designs or other objects contrary to public decency) of the Penal Code that establish the main principles with respect to obscene publication and exhibitions, punish a broad range of obscene acts. Protection of children against pornography would be included within the general framework of these articles.

Age of majority in Italy is reached at eighteen years. The legal age of consent for marriage is also eighteen years, but may be sixteen years with a court authorization (Civil Code, art. 84). Legal age of consent for sexual relations is fourteen, but thirteen when relations are between minors that have less than three years difference in age.

*Information provided by the Parliamentary Information and External Affairs Service of the Chamber of Deputies, Italy.*

### **JAMAICA**

Jamaica does not have a statutory law that prohibits pornography. It is a Common Law offense and a person may be prosecuted for it. There is no separate law prohibiting child pornography, which falls under the same Common Law offense. Age of majority is reached at eighteen years. Legal age of consent for marriage and sexual relations is sixteen years.

*Information provided by the Public Prosecutions Office, Jamaica.*

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<sup>9</sup> Law No. 40 of 1951.

<sup>10</sup> Law No. 188 of 1959, art. 7.

<sup>11</sup> *Id.* art. 8.



## JAPAN

In Japan there is no law which criminalizes production, distribution and possession of child pornography specifically. However, article 175 of the Penal Code generally prohibits and establishes a criminal sanction for the distribution, sale, display and possession of obscene objects for the purpose of commercialization. Article 34 of the Child Welfare Law sanctions, among other things, engaging a child in promiscuous habit or illicit intercourse. In interpretation of these statutes, it should be noted that simple nudity without the exposure of genitals is not generally deemed obscene nor promiscuous.

The general prohibition mentioned above applies to the transmission of pornography through TV or computers. Article 3-2 of the Broadcasting Law further prohibits programs harming good morals. The legal age of consent for sexual relations is eighteen years.

*Information provided by Tatsuya Sakuma, First Secretary, Legal Attaché, Embassy of Japan, Washington, DC.*

## JORDAN

In general, pornography is not legal in Jordan. It has laws prohibiting or regulating the transmission of adult pornography, be that broadcast TV, satellite TV, cable TV and computer transmitted. The age of majority is eighteen years. The legal age of consent for marriage is sixteen. There is no specific provision for a minimum age for sexual relations.

*Information provided by Malia Asfour, Embassy of the Hashemite Kingdom of Jordan, Washington, DC.*

## KAMPUCHEA

Kampuchea does not have specific laws prohibiting child pornography. It does have a general prohibition of pornography which covers transmission of adult pornography by television. Since cable TV and satellite TV, as well as computer networks, are not in service yet, pornography cannot be transmitted by these means. The legal age of consent for marriage and sexual relations is 18 years in Cambodia. Penal code available in Khmer.

*Information provided by Mr. Kin Keng, Political Counselor, Embassy of Cambodia, Washington, DC.*

## KAZAKHSTAN

Kazakhstan follows the former Soviet Union Fundamentals of the Criminal Legislation. Kazakhstan has not passed new criminal legislation, but continues to change and amend its criminal code which was passed in 1968. This country does not have any separate child pornography law. Most of the former Soviet Union republics punish the production and distribution of pornographic objects in general. In Kazakhstan this crime is punishable by the fine only. Under the law, pornographic objects are confiscated.

*Information provided by Mr. Peter Roudik, Legal Specialist, Directorate of Legal Research, Eastern Law Division, Law Library of Congress.*

## KENYA

There is no specific law prohibiting child pornography in Kenya. There is, however, a general provision against the production, distribution and possession of pornography. Article 181 of the Penal Code of Kenya punishes those activities related to "obscene writings, drawings, prints, paintings, printed matter, pictures, posters emblems, photographs, cinematograph films or any other obscene objects, or any other object tending to corrupt morals." Kenya also has provisions regulating and prohibiting the transmission of adult pornography, which cover broadcast TV, satellite TV and cable TV. The age of majority is defined when a person reaches the age of eighteen years. The legal age for marriage is also eighteen.

*Information provided by Mr. Sammy Kirui, Embassy of the Republic of Kenya, Washington, DC.*

## KIRIBATI

There are no specific laws in Kiribati prohibiting child pornography. Child pornography prohibition is included under provisions for pornography in general as stated in the Penal Code. The Penal Code punishes the production, distribution and possession of pornography. The age of majority is eighteen years, which is also the legal age for marriage. Consent for sexual relations is attained with marriage.

*Information provided by Mr. Tiirora, Office of the Attorney General, Kiribati.*

## NORTH KOREA

Request for information sent 06/19/1996, no response.

## KOREA (REPUBLIC OF)

South Korean legislation specifically prohibits the production, distribution and possession of child pornography. The same legislation (Criminal Code, § 243-244) also established regulation or prohibition of the transmission of adult pornography, which covers broadcast TV, satellite TV, cable TV, and computer transmission. The age majority is reached at the age of 20 years. The legal age for marriage is reached at 18 to 20 years (male) and 16 to 20 years (female). There are no provisions for a legal age for sexual relations.

*Information provided by Joon-Gyu Kim, Legal Counselor, Embassy of Korea, Washington, DC.*

## KUWAIT

Kuwait has laws prohibiting the production, distribution and possession of child pornography and laws regulating or prohibiting transmission of adult pornography, which covers broadcast TV, satellite TV, cable TV and computer transmission.

*Information provided by Jean Winters, Kuwait Information Office, Embassy of the State of Kuwait, Washington, DC.*

## KYRGYZSTAN

The Republic of Kyrgyzstan follows the former Soviet Union Fundamentals of the Criminal Legislation. Kyrgyzstan has not passed new criminal legislation, but continues to change and amend its criminal code which was passed in 1963. This country does not have any separate child pornography law. Most of the former Soviet Union republics punish the production and distribution of pornographic objects in general. In Kyrgyzstan this crime is punishable by the fine only. Under the law, pornographic objects are confiscated.

*Information provided by Mr. Peter Roudik, Legal Specialist, Directorate of Legal Research, Eastern Law Division, Law Library of Congress*

## LAOS

Laos does not have a special law or provision dealing specifically with child pornography. However, article 127 of the Penal Code of Laos covers all actions involving the propagation of products such as books, pictures, videos or any other media productions that are considered to outrageously affect public decency or the national culture. These offenses, if one is convicted, will be punishable by one year of imprisonment or a fine from 5,000 to 50,000 kips (approx. from US \$7 to 70).

Under the Civil Code of Laos, apparently a man or a woman is considered to have attained the age of majority at 18 years of age and may marry when they are both 18 years old or older. However, in special cases, the age can be lower but not less than 15 years old.

*Information provided by Phuong-Khanh Nguyen, Senior Legal Specialist, Directorate of Legal Research, Law Library of Congress.*

## LATVIA

Latvia's general provision against pornography includes child pornography, but the punishment is increased if it is child pornography. Article 209 of the Criminal Code of Latvia punishes the publishing of both child or adult pornography, distribution and possession of pornographic material, as well as preparing for these activities, and extends this same prohibition to pornographic movies, pictures, advertisements, etc. The crime is sanctioned with 1 year imprisonment, a fine and confiscation of the material if it is adult pornography, and 3 years of imprisonment when it is child pornography. This provision covers pornography transmitted by broadcast TV, satellite TV and cable TV, but does not deal with computer transmission of pornography. The age of majority in Latvia is 18 years, and this is also the age of legal consent for marriage and sexual relations.

*Information provided by Mr. Edgar Bondars, Third Secretary, Embassy of Latvia, Washington, DC.*

## LEBANON

Request for information sent 06/17/96, no response. U.N. Doc. CRC/C/8/Add. 23 at 4 citing Civil code Article 4, Penal Code Articles 505,508.

#### LESOTHO

Lesotho does not have specific laws prohibiting pornography. There is an new Penal Code being discussed. The age of majority is 21 years of age. The legal age of consent for marriage is 18 years. The legal age of consent for sexual relations is 14.

*Information provided by Mr. Maeme, Office of the Attorney General, Lesotho.*

#### LIBERIA

Liberia has a general prohibition of pornography that includes child pornography. The age of majority in Liberia is reached at 18 years of age, which is the age of legal consent for marriage and sexual relations.

*Information provided by the Permanent Mission of Liberia to the United Nations, New York.*

#### LIBYA

Request for information sent 06/24/96 and 07/10/96, no response. Inconclusive telephone interview with Permanent Mission of Libya to the United Nations, New York.

#### LIECHTENSTEIN

There is no specific provision against child pornography in Liechtenstein. There is, however, a general provision against pornography. Article 218 of the Criminal Code contains this provision. The age of majority is reached at 18 year of age, which is also the legal age of consent for sexual relations. For marriage, the ages of legal consent established are 18 for women and 20 for men.

*Information provided by Mr. Bernard Levy, Permanent Mission of the Principality of Liechtenstein to the United Nations.*

#### LITHUANIA

Lithuania does not have specific laws prohibiting child pornography. Pornography, however, is not legal in Lithuania, and Art. 242 of the Criminal Code as well as Article 6 of the "Law on Media" deal with this prohibition. The age of majority in Lithuania is 18 years. The legal age of consent for marriage is also 18, but may be reduced in certain cases. The legal age of consent for sexual relations is 14.

*Information provided by Mr. Darius Gaidys, Consul of the Consulate General of the Republic of Lithuania, New York.*

#### LUXEMBOURG

Luxembourg does not have a specific provision against child pornography. Adult pornography is illegal, and child pornography would fall under the general provision that exists. There is also legislation to protect minors from abuse that would cover pornography. The age of majority is 18 years of age. The legal age of consent for marriage is 18 for men and 15 for women. The legal age of consent for sexual relations is 16.

*Information provided by Mr. Carlo Krieger, Deputy Chief of Missions, Embassy of Luxembourg, Washington, DC.*

#### MACEDONIA

Request for information sent 06/19/1996, no response.

#### MADAGASCAR

Madagascar has specific legislation regarding child pornography. Besides a general ban on pornography, Articles 330 to 335 of the Penal Code establish that the production of pornographic shows featuring children is a statutory offense. The age of majority in Madagascar is 18 years of age.

*Information provided by the Embassy of Madagascar, Washington, DC. and U.N. Doc. CRC/C/8/Add.5 at 63.*

#### MALAWI

Request for information sent 06/13/1996, no response.



## MALAYSIA

Malaysia does not have specific laws prohibiting child pornography. However, § 292 (a) - (e) of the Penal Code prohibits the sale, import, advertisement, distribution, etc. of obscene materials. This section could be applied to the sale, distribution, etc. of pornographic material. Such material includes items that would constitute child pornography, such as the portrayal of children engaged in sex acts or offensive acts, the persons selling, exhibiting, circulating, etc., such material would be liable to the penalties prescribe by § 292. Additionally, § 293 of the Penal Code prohibits the sale, etc., of obscene objects to a young person. It specifically makes it liable to imprisonment for up to five years, or monetary fine, or both a fine and imprisonment, any person who sells, rents, distributes, exhibits or circulates obscene objects as referred to in § 292 under the age of twenty years. § 377 of the Penal Code prohibits inciting a child to an act of gross indecency: "Any person who incites a child under the age of fourteen years to any act of gross indecency with him or another person shall be punished with imprisonment for term which may extend to five years, and shall also be liable to whipping".

As far as the general prohibition of pornography goes, § 4(1) Printing and Publications Act 1984 (Act 301), § 3 Indecent Advertisements Act 1953 (Act 259) (Rev-1981); and § 24 (1) Films (Censorship) Act 1952 (Act 35) can be cited as additional legislation for the regulation and prohibition of pornography.

The age of majority is reached in Malaysia at 21 years, which is established by Article 119 of the Federal Constitution. However, the Age of Majority Act 1971 (Act 21) has established the age of 18 years for other purposes. The legal age of consent for marriage is: a) Non-Muslims: a general rule states that the applicable age is 21 years (§ 12 of Law Reform on Marriage and Divorce Act 1976 - Act 164); however, an exception is provided were a woman is under 18 but has completed her 16th year and the marriage is authorized by the Chief Minister. b) Muslims: the minimum age for marriage in the case of the male is 18 and the females 16 unless Kadi/Syariah Judge grants written consent under exceptional circumstances. The relevant legislation would be the Islamic Family Law Enactment in each State. The age of consent for sexual relations is 16 years, by virtue of § 375 of the Penal Code.

*Information provided by Mr. Lau Bee Lan, Head of the Research Unit for the Attorney General's Chambers, Malaysia; and Mya Saw Shin, Senior Legal Specialist, Eastern Law Division, Law Library of Congress.*

## MALDIVES

Request for information sent 06/19/96, no response.

## MALI

Request for information sent 06/13/96, no response, partial information provided by telephone.

## MALTA

Malta does not have any specific legislation concerning child pornography. Pornography is not legal in Malta, and the prohibition is stipulated in Art. 208 of the Criminal Code. However, there are no other specific laws concerning the prohibition of transmission of pornography by means of broadcast TV, satellite, cable TV or computers. The age of majority is reached at 18 years, which is also the legal age of consent for marriage and sexual relations.

*Information provided by Mr. Walter Balzan, Permanent Mission of Malta de the United Nations, New York.*

## MARSHALL ISLANDS

Marshall Islands does not have specific legislation with respect to child pornography. "Adult pornography is not regulated in the criminal code because there is no access to it. Nothing higher than a R-rated movie is allowed in the country" (John Masek). The age of majority is 18 years in Marshall Islands. Customary marriage laws are still practiced (two weeks cohabitation implies marriage), and are allowed as of 14 years of age.

*Information provided by Mr. John Masek of the Attorney General's Office of Marshal Islands.*

## MAURITANIA

Mauritania does not have specific legislation prohibiting child pornography but it is a Moslem country (close to 100%) and has strict religious and civil laws prohibiting pornography which would include child pornography, and cover transmission of pornography by broadcast TV, satellite TV, cable TV and computer transmission of pornography. The age of majority in Mauritania is 18 years. The legal age of consent for marriage, however, is 21 years, as is the legal age of consent for sexual relations.

*Information provided by the Permanent Mission of Mauritania to the United Nations, New York.*



## MAURITIUS

Mauritius has specific legislation against child pornography. In Section 14 of the Child Protection Act sanctions with imprisonment not to exceed five years and a fine not to exceed US \$ 2,854 for a person who sexually abuses a child or engages in the child's corruption. This Act further states: "a child shall be deemed to be sexually abused where he has taken part as a willing or unwilling participant or observer in any act which is sexual in nature for the purpose of : a) another person's gratification; b) any activity of pornographic, obscene or indecent nature; and c) any other kind of exploitation by any person." Mauritius also has a prohibition of adult pornography which covers transmission of pornography by means of broadcast TV, satellite TV and cable TV. The age of majority in Mauritius is 18 years. The legal age of consent for marriage and sexual relations is 16 years.

*Information provided by the Permanent Mission of Mauritius to the United Nations, and U.N. Doc. CRC/C/3/Add.36, July 1995.*

## MEXICO

"Mexican laws restrict and prohibit pornography in general, either child or adult. However, this is regulated in different laws which establish the cases and applicable sanctions, giving child pornography and any other conduct against minors a more severe punishment. There is no comprehensive Act or Statute especially enacted for the purpose. Restrictions are directed at enabling authorities to ban and control the production, distribution and transmission of materials which are considered to be offensive to the public morals. The legislation's efforts are primarily directed at curtailing the access of this material to children and to protecting the welfare and moral standards of families (...) With regard to adult pornography, the production and broadcast of such material is highly supervised. The law of each industry involved and the criminal code, set constraints and penalties in case of infringement. The limits are intended to assure that only persons with adequate age and enough maturity, have access to pornographic material. Nevertheless, in cases of extreme obscenity and/or indecency, as decided by the corresponding authorities, the ban in production and/or distribution may be absolute." Art. 200 of the criminal code contains the general prohibition of pornography. The age of majority in Mexico is reached at 18 years. The legal age of consent for marriage and sexual relations is also 18, but with parental consent a person may marry below the age of 18.

*Information provided by Mr. Arturo A. Dager, Counselor for Legal Affairs, Embassy of Mexico, Washington, DC.*

## MICRONESIA

Most criminal laws in Micronesia are State laws, and vary from state to state.

**State of Pohnpei:** There are no laws prohibiting the production, distribution or possession of child pornography or adult pornography. There are, however, laws protecting a minor from obscene materials. Section 8-7 of the criminal law ("Obscene Materials") states: "(1) Offenses. It shall be unlawful for any person, company, corporation, partnership or other entity to: (a) Intentionally or knowingly display or distribute any obscene material in a reckless manner where a child is present who will be offended or alarmed by the display or distribution. (b) Intentionally or knowingly sell, commercially distribute, commercially exhibit or possess for sale, display, distribution, commercial distribution or commercial exhibition any obscene or harmful material to a child; (c) Intentionally or knowingly transport any obscene or harmful material for purposes of sale, display, distribution, commercial distribution, or commercial exhibition to a child; (d) Intentionally or knowingly sell, distribute, display, exhibit, commercially distribute or commercially exhibit any harmful material to a child or possess such material for such purposes; (e) Hire, employ, or otherwise use a child to do or accomplish or assist in doing or accomplishing any act prohibited by this Subsection".

**State of Yap:** "Although we do not have a specific law prohibiting child pornography, we do have a reporting law that requires a report to the Chief of Police if mental injury is suspected. Taken broadly, this would cover children exploited through child pornography. The criminal law of Yap makes it illegal to have sexual relations with a person less than 13 years of age. Regarding marriage, the old Trust Territory law, which is current law until repealed (...) reads that a marriage cannot take place until both parties are over 18. However that is for a legal marriage. As a practical matter, traditional marriages are not held to the legal requirements. However, most traditional marriages do not take place until late teens or later."

**State of Chuuk:** This state does not have specific laws prohibiting child pornography, nor does it have any that regulate the transmission of adult pornography.

*Information provided by Dawn Landwehr, Assistant Attorney General, Office of the Attorney General of the State of Yap; and the Offices of the Attorney General in Pohnpei and Chuuk.*

## MOLDOVA

Moldova does not have specific legislation prohibiting child pornography. The Penal Code has provisions that prohibits pornography in general. The age of majority is reached at 18 years, which is also the legal age of consent for marriage and sexual relations.

*Information provided by Mr. Rezenko, Department of International Agreements & Treaties, Moldova.*

## MONACO

Request for information sent 06/19/96, no response.

## MONGOLIA

Mongolia does have a specific provision in its Criminal Code that prohibits child pornography.<sup>12</sup> At present, the text of that provision is not available, nor are the texts of other laws that might be generally relevant. The age of majority in Mongolia is 18 years.<sup>13</sup> The legal age for marriage is also 18.<sup>14</sup> Information on the legal age for sexual relations, if one exists, is not available.

*Information provided by Tao-tai Hsia, Chief, Eastern Law Division, and Wendy Zeldin, Legal Research Analyst, Directorate of Legal Research, Law Library of Congress.*

## MONTENEGRO

No information obtained.

## MOROCCO

Request for information 06/24/96, inconclusive information obtained from the Embassy of Morocco.

## MOZAMBIQUE

Mozambique does not have specific legislation that prohibits the production, distribution and possession of child pornography, but it does have general provisions that prohibit pornography, and special legislation to protect minors from sexual abuse. By Decree No. 14046 of 20 July 1927 the International Convention to Prohibit the Distribution of Obscene Publications was ratified. Legislation on publishing, such as art. 407 of Law on Publishing Jul. 9, 1922, contains dispositions against pornography. The Criminal Code, on the other hand, in Article 391 (Crimes Contrary to Propriety) states: "Any act contrary to propriety (decency) committed against a person of either sex, that was committed using violence, that was geared towards satisfying lascivious passions, or that were for whatever motive will be punished with prison. If the person offended were under the age of 16, the punishment will be the same, even if the use of violence is not proved". "There is no specific legal definition of child, but there is an understanding that the age under 16 years deserves special protection. The age of civil responsibility is 18 years." The legal age of consent for marriage is 21 years, for sexual relations is 18 years and for statutory rape is 16 years.

*Information provided by Ms. Esperança Machavela, Minister-Consular of the Embassy of Mozambique, Washington, DC.*

## MYANMAR

Myanmar Penal Code, first passed in 1861 and amended from time to time since then, has a number of sections which would serve to prohibit pornography in general and child pornography. Several sections in Chapter XIV of the Code, which is entitled *Of Offences Affecting the Public Health, Safety, Convenience, Decency and Morals*, and Chapter XVI, entitled *Of Offences Affecting the Human Body*, could be applied to pornography material. Chapter XIV consists of sections 268 through 294,<sup>15</sup> while Chapter XVI consists of sections 299 through 377.<sup>16</sup>

<sup>12</sup> According to an officer of the Embassy of Mongolia. The officer noted that the Criminal Law has recently been amended and a text in English may not be currently available.

<sup>13</sup> The Civil Code of Mongolia, art. 9. Surenguin Badral and Mitch Rice, trans., *The Civil Code of Mongolia* (rev. ed., Nov. 1, 1994), 111 p., Online, Yahoo Index, accessed July 17, 1994.

<sup>14</sup> *Supra* note 1.

<sup>15</sup> The Burma Code (Rangoon, 1979), at 86-91.

<sup>16</sup> *Id.* at 93-110.



Section 292 of the Code states:

Whoever

(a) sells, lets to hire, distributes, publicly exhibits or in a manner puts into circulation, or, for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or

(c) 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, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any other manner put into circulation, or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or

(e) offers or attempts to do any act which is an offence under this section, shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine, or with both.<sup>17</sup>

The next section, section 293, increases the penalties when the acts prohibited in section 292 are made to any person under the age of twenty years.<sup>18</sup>

Persons who are responsible for activities constituting child pornography may be covered by the provisions of sections 372 and 373 in Chapter XVI. Section 372 makes the offender liable to imprisonment for up to ten years, as well as a monetary fine, where a person sells, hires out, or otherwise disposes of a person under the age of eighteen, with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose.<sup>19</sup>

Section 373 prohibits a person from buying, hiring, or otherwise obtaining possession of any person under the age of eighteen, with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose. The prescribed penalties are imprisonment for up to ten years and possibly also a monetary fine.<sup>20</sup>

Other legislation that might be applicable to child pornography consists of the Cinematographic Act, first passed in 1918,<sup>21</sup> and the Dramatic Performances Act, first passed in 1876.<sup>22</sup> The Cinematographic Act provides for the establishment of a licensing authority for licensing places where films may be shown commercially and for the certification of films as being suitable for public exhibition. No film can be shown in theaters unless they have been so certified. The punishment for contravention of this Act is a fine of up to 1,000 *kyats*, and if a continuing offense, a further fine which may be extend to 100 *kyats* a day for each day during which the offense continues.<sup>23</sup>

The Dramatic Performances Act allows the President of Myanmar to prohibit the performance of a play in a public place which is of a scandalous or defamatory nature, or which is likely to excite feelings of disaffection to the Government established by law in Myanmar, or is likely to deprave and corrupt persons present at the performance.<sup>24</sup>

The legal age of majority is eighteen years.<sup>25</sup> The legal age for marriage, according to the customary Burmese Buddhist law which governs matters pertaining to the personal status of Buddhists in Myanmar, is not established. The only requirement is that for women under the age of twenty years, the consent of the parents or guardian is required in order to contract a valid marriage. This consent may be express or implied, and it may also be subsequently given or implied. If so given or implied, the union is retrospectively validated. If the woman is a widow or a divorcee, no consent is needed whatever her age may be.<sup>26</sup> The legal age for having sexual relations is fourteen, since according to section 375 of the Penal Code, a man is said to commit rape when he has sexual intercourse with a woman with or without her consent, when she is under fourteen years of age.<sup>27</sup>

<sup>17</sup> *Id.* at 90-91. The Code makes an exception to this section for any book, pamphlet, writing, drawing or painting kept or used *bona fide* for religious purposes, or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

<sup>18</sup> *Id.* at 91.

<sup>19</sup> *Id.* at 109.

<sup>20</sup> *Id.*

<sup>21</sup> 4 The Burma Code (Rangoon, 1956), at 216.

<sup>22</sup> *Id.* at 214.

<sup>23</sup> *Id.* at 217.

<sup>24</sup> *Id.* at 214.

<sup>25</sup> The Majority Act, 1875, 11 The Burma Code (Rangoon, 1959), at 121.

<sup>26</sup> E. Maung, *Burmese Buddhist Law* 33-34 (Rangoon, 1970).

<sup>27</sup> *Supra* note 1, at 110.



*Information provided by Mya Saw Shin, Senior Legal Specialist, Eastern Law Division, Law Library of Congress.*

#### NAMIBIA

Article 15 of the Constitution of Namibia - "Children's Rights" - (2) states: "Children are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development. For the purposes of this Sub Article children shall be persons under the age of sixteen (16) years."

U.N. Doc. CRC/C/3/Add.12 at 9, states: "The production of pornography is practically unknown in Namibia. Pornographic materials, which sometimes include child pornography, are imported illegally by private individuals, but this appears to happen on a relatively small scale."

*Information provided by Connie Karuaihe, First Secretary, Embassy of the Republic of Namibia, Washington, DC.*

#### NAURU

Nauru has specific legislation prohibiting child pornography. The Criminal Code Act of Queensland 1899 (adopted) is the legal provision which contains this prohibition on pornography, and which covers the transmission of adult pornography by means of broadcast TV, cable TV and satellite TV. The age of majority is reached at 18 years, which is also the legal age of consent for marriage and sexual relations.

*Information provided by William Halm, Secretary of Justice, Department of Justice of the Republic of Nauru.*

#### NEPAL

Nepal has specific legislation that prohibits the publication, exhibition and distribution of child pornography, but it is not so clear on the issue of possession of pornography. The Children's Act is the main body of legislation that contains this prohibition. As the United Nations document CRC/C/3/Add.34 at 17 states: "During the Special Rapporteur's visit, several sources indicated that child pornography is evident in certain areas. Pornographic materials, such as videos, are at times imported into the country via India. Conversely, some Indian paedophiles are known to take children into India from Nepal for pornographic purposes. The arrival of foreigners from other parts of the world such as Europe and America also points to a potential increase in the use of local children by foreign paedophiles for pornographic purposes. The practice is, of course, against the law, in particular the Children's Act".

The legal age of consent for marriage is set at 21 for men and 18 for women. Legal sexual relations "are only allowed between husband and wife". Pornography, in general, is not allowed.

*Information provided by the Embassy of Nepal, Washington, DC.*

#### NETHERLANDS

The Netherlands has specific legislation prohibiting child pornography. Article 240b of the Dutch criminal code states: "1. Any person who distributes or publicly exhibits a pictorial representation of a sexual act involving a person who is manifestly under the age of sixteen, or an information carrier containing such a pictorial representation, or who manufactures, imports, conveys in transit, exports or stocks such a pictorial representation or information carrier, shall be liable to a term of imprisonment not exceeding four years or a fifth-category fine. 2. Not liable is the person who stocks such a pictorial representation whom it is established that he uses it for a scientific, educational or therapeutic aim. 3. Any person who has made a profession or habit of committing the criminal offenses, described in paragraph 1, shall be liable to a term of imprisonment not exceeding six year or a fifth category fine".

It should be noted that the punishment in this article is an amendment introduced 1 February 1996, because before then the term of imprisonment was three months, it has been raised to four/six years. The fine has also been raised from f10.000 to f100.000. "Its aim is the prevention ... of sexual abuse of children".

There are no specific laws in the Netherlands regulating or prohibiting the transmission of adult pornography. Articles 240 and 240a of the Criminal Code protect people against the unexpected confrontation with indecent material and 240a protects minors from the display of indecent material.

"Recently, an initiative of self regulation of Internet providers [was] set up: the creation of a central point where child pornography on Internet can be [reported] by users. The [website provider] asks the sender of the child pornography to delete it. In case of refusal or no reply, notice [will be given] to the police. Legal censorship otherwise than mentioned before does not exist. Penal action is indicated when a breach of the Criminal Code is established, for instance when the transmitted material contains child pornography."

Age of majority is reached in the Netherlands at 18 years. The age of legal consent for marriage is 18, with exceptions, and the legal age of consent for sexual relations is 16 years.

*Information provided by Ms. Olga Burgerhout Tipton, Press & Cultural Affairs, Consulate General of the Netherlands, Chicago.*

#### NEW ZEALAND

New Zealand has specific legislation prohibiting child pornography. The Films, Videos, and Publications Classification Act of 1993, S.3 (1), (2)(a) and (3) (a-iv),(b) states: (1) "For the purposes of this Act, a publication is objectionable if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good. (2) A publication shall be deemed to be objectionable for the purposes of this Act if the publications promotes, supports or tends to promote or support (a) the exploitation of children, or young persons, or both, for sexual purposes". (3) In determining..whether or not any publication is objectionable...particular weight shall be given to the extent and degree to which, and the manner in which the publication a) describes, depicts, or otherwise deals with iv) sexual conduct with or by children, or young persons, or both; b) exploits the nudity of children, or young persons, or both."

The age of majority in New Zealand varies: for voting it is 18 years, for sexual relations it is 16 and for the use of alcohol it is 20 years. The legal age of consent for marriage is 16 years.

*Information provided by Ms. Lois Holmes, Legal Adviser, Ministry of Justice of New Zealand.*

#### NICARAGUA

Nicaragua does not, at present, have specific legislation prohibiting child pornography, however it is very close to approving it. On June 4, 1996, the *Anteproyecto del Código de la Niñez y Adolescencia* (a Bill to pass the "Code of Childhood and Adolescence") was presented to the National Assembly. Articles 73 - 77 protect minors from being utilized in child pornography, as well as protecting them from being exposed to pornographic material.

The Nicaraguan criminal code punishes the corruption of minors which is a provision that could be used to protect minors against child pornography. Article 201 of the Criminal Code states: "The crime of corruption of minors is committed by he who in any form induces, promotes, facilitates or favors the sexual corruption of a person under the age of 16 years, even when the victim has consented to participate in sexual acts or in observing their execution. The punishment is 4 to 8 years of prison".

The age of majority in Nicaragua is established at 21 years of age. However women of 18 years can marry without judicial or parental authorization.

*Information provided by Dr. Sandra Arguello Martínez , legal council for the Comisión Nacional de Promoción y Defensa de los Derechos de los Niños y Niñas (National Council for the Promotion and Defense of the Rights of Boys and Girls), a division of the Office of the Presidency.*

#### NIGER

Pornography is not legal in Niger, and this covers child pornography. The age of majority in Niger is eighteen. The legal age of consent for marriage is fifteen years for girls.

*Information provided by Aboubcar Kabo, Embassy of Niger, Washington, DC.*

#### NIGERIA

Request for information sent 06/20/96, no response.

#### NORWAY

Norway has specific legislation prohibiting child pornography. Section 211(1)(d) of the Criminal Code states that "fines or imprisonment for up to two years may be imposed on anyone who: d) possesses of imports pictures, films, videos, or similar objects where anyone who is, is believed to be or appears to be under sixteen years of age, is shown in an obscene or pornographic manner ... For the purpose of this section obscene or pornographic depictions mean sexual depictions which are offensive or which otherwise be perceived as being humanly degrading or debasing, including sexual depictions involving children, animals, violence, force or sadism."

The production and distribution of pornography is regulated by Section 211 (a) - (c). Computer transmission of pornography is not directly included in Section 211, because this is a fairly new phenomenon. The issue has not been tried before the courts so far. There is, however, a general assumption that computer transmission would fall under Section 211, subsection (1), litra b.

The age of consent for marriage is eighteen years, the exception being parental consent or authorization by the regional commissioner. The legal age of consent for sexual relations is sixteen years.

*Information provided by Aasmund Rygnestad, First Secretary, Royal Norwegian Embassy, Washington, DC.*



## OMAN

Request for information sent on 06/05/96 and 06/25/96, no response.

## PAKISTAN

Pakistan has legislation prohibiting pornography. A child is defined as being a fourteen years or under. The age of consent for marriage is eighteen years.

*Information provided by Dr. Syed Rifaat Hussain, Minister, Information Division, Embassy of Pakistan, Washington, DC.*

## PALAU

Palau does not have specific laws prohibiting child pornography. Pornography is legal in this country. However, 21 PNCA § 601 of the Criminal Code sanctions child abuse which could protect children from pornography.

The age of majority in Palau is reached at eighteen years. The legal age of consent for marriage is eighteen, but women of sixteen may marry with parents' consent. The legal age of consent for sexual relations is sixteen years.

*Information provided by Salvador Ingereklii, Minister of Justice, Ministry of Justice, Republic of Palau.*

## PANAMA

Panama does not have specific laws prohibiting child pornography. However, the Family Code, the Penal Code, and the Law Against Family Violence, contain provisions that could protect children from pornography. The Constitution of Panama, article 85, establishes a general prohibition of pornography which covers the transmission of adult pornography by television.

The age of majority is reached in Panama at age of eighteen, and this is the age of legal consent for sexual relations. However, girls age fourteen and boys age sixteen can marry with parental consent.

*Information provided by Ms. Liriola Leoteau, Director, Legal Services, Fundación para la Promoción de la Mujer (Foundation for the Advancement of Women), Panama.*

## PAPUA NEW GUINEA

Papua New Guinea has legislation prohibiting pornography. These laws cover the transmission of adult pornography by broadcast TV. A child is defined as a boy or girl under the age of sixteen. The age of consent for marriage is eighteen for men and sixteen for women.

*Information provided (partial) by the Embassy of Papua New Guinea, Washington, DC.*

## PARAGUAY

Paraguay does not have specific legislation prohibiting child pornography. However, it does have legislation that protects minors from child pornography. The Criminal Code, article 434, establishes that "a fine of 52 a 100 pesos will be given to: (3) he who incites a minor to immoral acts or allows his entrance into places of corruption." The Criminal Code also contains provisions against sexual abuse of children. Article 54 of the Constitution of Paraguay states that "the family, society and the State have the obligation of guaranteeing a harmonic and integral development of the child as well as the full exercise of his rights, protecting them against abandonment, malnutrition, violence, abuse, traffic and exploitation. Any person can demand that the corresponding authority fulfill such guarantees and sanction infractions." Age of majority is reached at age 20. However, men may marry at sixteen and women at fourteen with parental consent.

*Information provided by Elianne Cibils, Counselor, Embassy of Paraguay, Washington, DC.*

## PERU

Peru does not have specific legislation prohibiting child pornography, nor is pornography prohibited in general. However, the Peruvian Criminal Code does contain provisions that prohibit the distribution of pornography to minors as well as the corruption of minors. Article 183 of the Criminal Code states: "Punishment of no more than 2 years of imprisonment will be given to: 1) He who exposes, sells or gives a minor under the age of 14 objects, books, written documents, audio/visual images that, due to their obscene character, may gravely affect the virtue of the victimized one, or prematurely excites or perverts his/her sexual instinct; 3) He who incites a minor of 14 years of age to insobriety or the practice of an obscene act or facilitates the minor's entrance into a brothel or other places of corruption." Peru has a Code of the Minor, but this Code does not contain a specific provision referred to prostitution or pornography. It does have general prohibitions against the exploitation of children (sexual abuse and battering).



Age of majority is 18 years of age. For purposes of marriage, however, with a judicial consent, the age is set at 14 and above for women, and 16 and above for men.

*Information provided by Ms. Teresa Quesada, Cultural Consular, Embassy of the Republic of Peru, Washington, DC, and Tammy Quintanilla Zapata of the Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (Latin American and Caribbean Committee for the Defense of the Rights of Women).*

#### PHILIPPINES

The Philippines has a general provision in the Criminal Code that prohibits pornography (article 201). The legal age of consent for marriage is eighteen years, and the threshold age in cases of statutory rape is twelve years.

*Information provided by Mr. Leo M. Herrera-Lim, Second Secretary and Consul, Embassy of the Philippines, Washington, DC.*

#### POLAND

Poland does not have specific legislation prohibiting child pornography. However, article 172 of the Criminal Code states: " § 1 A person who disseminates newspapers, prints, photographs or other objects having a pornographic character shall be punished by deprivation of liberty up to two years, control of freedom or fine. § 2 The same penalty shall be imposed to a person who creates, keeps, carries, sends or transports, such newspapers, prints, photographs or other objects in order to disseminate them."

The age of majority is reached at eighteen years. However, the legal age of consent for marriage is 21 for men and 18 for women; in some cases a woman of sixteen and a man of eighteen may marry with court authorization. The legal age for sexual relations is fifteen.

*Information provided by Bozena Kowalczyk, Ministerstwo Sprawiedliwosci, Poland.*

#### PORTUGAL

Portugal has general legislation prohibiting pornography. The age of consent to engage in legal sexual activity is eighteen years.

*Information provided (partial) by the Embassy of Portugal, Washington, DC.*

#### QATAR

Request for information sent on 06/06/96, inconclusive response.

#### ROMANIA

Request for information sent on 06/06/96 and 06/26/96, no response

#### RUSSIA

There is no specific law prohibiting child pornography, because the production, distribution and advertisement of the pornography is prohibited in Russia in general.<sup>28</sup> It was also prohibited in the former Soviet Union. The state takes special measures to protect children from sexual exploitation and sexual defilement and punishes all activities directed against the normal social development of children.

The Criminal Code of the Russian Federation, which was passed in June 1996, and will be in force as of January 1, 1997, reflects serious changes in Russian criminal policy as well as actual social processes and the situation in society. It prohibits involvement in prostitution (imprisonment for a term of up to three years); organization and maintenance of houses of prostitution (imprisonment for a term of up to five years) as well as the distribution or pornographic material or objects, and likewise the trade in printed matter, films or video materials, depictions, or other objects of a pornographic character. Such crimes are punishable by a fine in the amount from 500 to 800 times the amount of the minimal labor wage, or by imprisonment for a term of up to two years.

On December 27, 1991, the Supreme Soviet (Parliament) of the Russian Federation passed the Law on the Mass Media.<sup>29</sup> This law explained the definition of the term *erotic publication* and determined a particular order for the dissemination of media productions with erotic content, and it prevents the distribution of such productions for children.

<sup>28</sup> Criminal Code of the Russian Federation, signed by the President of Russia on June 13, 1996, No. 63-F3, Rossiiskaya Gazeta (official gazette of the Russian Federation), June 20, 1996, articles 240, 241 & 242

<sup>29</sup> Vedomosti S'ezda Narodnih Deputalov i Verhovnago Soveta RSFSR (Ved. VS., Official Gazette), 1992, No. 1. Item 9.

A special chapter of the Criminal Code covers crimes against the sexual inviolability of the individual. The punishment for such crimes (as forced actions of sexual character) are much stronger if those actions were performed in regard to a person who is known to be a minor.

Performance of lewd actions without the application of force in regard to a person known to be under the age of 14 is punishable by fine in the amount of from 300 to 500 times the minimal amount of the labor wage, or by limitation of freedom for a term of up to 2 years, or by imprisonment for a term of up to 3 years.<sup>30</sup>

To protect youth from pornography, on April 12, 1991, the Russian Parliament passed the Regulation on Urgent Measures on Prevention of the Propaganda of Pornography, Violence, and Cruelty.<sup>31</sup> Under this Regulation, a special legal order for admitting of shows by children was provided, special police services on prophylactic and prevention of misdemeanor in the sphere of the social morality were established, and custom controls were strengthened.

The Family Code of the Russian Federation sets the marriage age for both men and women, and it specifically sets the age of their majority at eighteen years. The Russian Constitution gives citizens of that age the right to vote and to serve in the military; they are also as a rule sufficiently mature to decide the question of starting a family, although it is prohibited to buy and drink alcoholic beverages until the age of 21. The Code provides for granting petitions to lower the marriage age. Russian legislation permits the marriage age to be lowered to sixteen years for both spouses in individual exceptional case through a decision made by the local administration.

There are also other age restrictions in the law. The labor age is sixteen and can be lowered for one year, and a person who has reached the age of sixteen at the time of the commission of a crime is subject to criminal responsibility. The responsibility for most dangerous crimes, such as the murder, the intentional infliction of grave bodily harm, rape, forced actions of a sexual character, theft, robbery, extortion and some others begins at fourteen.

The state controls the realization of these provisions and pays a lot of attention to the social education, development of children and the preservation of morality. For this purpose the legislature implemented article 151 of the Criminal Code.<sup>32</sup> It provides punishment for the involvement of minors in the commission of anti-social actions. Anti-social actions include the "systematic use of alcoholic beverages, stupeficient substances, engaging in prostitution, vagrancy, and begging." This crime is punished by the arrest for a term of from three to six months, or by imprisonment for a term of up to two years. The same actions performed by a parent, teacher or other person charged by law with the responsibility of upbringing a minor are punishable by imprisonment for a term of up to three years.

Current Russian law does not determine the legal age for sexual relations. However, article 134 of the Criminal Code is a novelty in the Russian legislation. It prohibits sexual relations, homosexuality, or lesbianism by a person who has reached the age of eighteen with a person who is known to be under the age of sixteen. In the draft of the Code the age was fourteen, but legislators increased the age limit. Such actions are punishable by a limitation of freedom for a term of up to three years, or by imprisonment for a term of up to four years.

*Information provided by Peter Roudik, Legal Specialist, Eastern Law Division, Law Library of Congress.*

## RWANDA

Rwanda has no specific legislation prohibiting child pornography. Pornography is prohibited in Rwanda, but "no laws are printed in the Constitution for the simple reason that TV, video, technology are relatively new." The age of majority in Rwanda is 21 years, which is also the age of consent for marriage, but article 180 of the Constitution and Chapter 1 of the Family Code allows some exceptions.

*Information provided by J. Mutaroba, Embassy of the Republic of Rwanda, Washington, DC.*

## SAINT KITTS & NEVIS

Request for information sent on 07/12/96, no response.

## SAINT LUCIA

Saint Lucia does not have legislation prohibiting pornography. The age of majority is reached at eighteen years. The legal age of consent for marriage and sexual relations is sixteen years.

*Information provided by Andra Gokool-Foster, Crown Counsel 1, Attorney General's Chambers, Ministry of Legal Affairs and Women Affairs, Saint Lucia.*

<sup>30</sup> *Supra* note 1, arts. 132 & 135.

<sup>31</sup> Ved. VS. 1991, No. 14, Item 463.

<sup>32</sup> *Id.*



#### SAINT VINCENT & THE GRENADINES

Request for information sent on 06/18/96, no response.

#### SAN MARINO

Request for information sent on 06/19/96, no response.

#### SAO TOME & PRINCIPE

Request for information sent on 06/20/96, no response.

#### SAUDI ARABIA

Saudi Arabia has no specific legislation against child pornography. It does not distinguish between any form of pornography because the Criminal Code is based on Common Law rules: Shari'a and Islamic Law governs. In this law, any form of pornography is forbidden. Age of majority is non-specific: "when puberty is reached." Any sex outside marriage is illegal.

*Information provided by Dr. Siddiqui, Legal Counsel, Royal Embassy of Saudi Arabia, Washington, DC.*

#### SENEGAL

Request for information sent on 06/17/96, inconclusive response.

#### SERBIA

No information.

#### SEYCHELLES

Request for information sent on 06/17/96 and 06/26/96, no response.

#### SIERRA LEONE

Sierra Leone does not have legislation prohibiting pornography. Age of majority is eighteen years. A child is considered as such under thirteen years. Legal age of consent for marriage is eighteen, and for sexual relations above sixteen years.

*Information provided by Mr. Joseph G. Abdulai, Administrative Assistant, Embassy of Sierra Leone, Washington, DC.*

#### SINGAPORE

While Singapore does not have a law specifically prohibiting child pornography, section 292 of the Penal Code of Singapore would make illegal certain activities involving pornography in general, including child pornography. This section prohibits the sale, distribution, import, export, etc., of obscene books, drawings, or objects, stated as below:

Whoever

(a) sells, lets to hire, distributes, publicly exhibits or in a manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever; or

(b) imports, exports, or conveys, any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed, or publicly exhibited, or in any manner put into circulation; or

(c) 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, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited, or in any manner put into circulation; or

(d) advertises, or makes known by any means whatsoever, that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or



(e) offers or attempts to do any act which is an offence under this section, shall be punished with imprisonment for a term which may extend to three months, or with fine, or with both.<sup>1</sup>

Section 293 makes the sale, etc., of obscene objects as described in section 292 to a person under the age of twenty, or even offers or attempts to do so, punishable with imprisonment for up to six months, with or without a fine.<sup>2</sup> Sections 372 and 373 pertain to the buying or selling of a minor, defined as being a person under the age of 21 years, with intent that such person shall be employed or used, at any age, for purposes of prostitution or illicit intercourse or for any unlawful and immoral purpose. It makes it an offense merely to know it to be likely that such person will be at any age be employed or used for any such purpose. The penalties prescribed are imprisonment for up to ten years, plus a fine.<sup>3</sup>

The Women's Charter of Singapore contains one part, Part X, entitled *Offenses Against Women and Girls*, consisting of sections 128 through 164. Although these sections are intended to protect women and girls from being the victims of offenses relating to prostitution, their provisions could be used to punish the victimization of young females by using them for purposes of child pornography.<sup>4</sup>

The legal age of majority is 21 years. The Women's Charter defines a minor as meaning a person who is under the age of 21 years and who is not married or a widower or widow.<sup>5</sup> The legal age of marriage is eighteen. The Women's Charter provides in its section 9 that a marriage is void if at the date of the marriage either party is under the age of eighteen years, unless the solemnization of such marriage was authorized by a license granted by the minister in charge.<sup>6</sup> The legal age for having sexual relations is fourteen. Section 375 of the Penal Code makes it statutory rape for a man to have sexual intercourse with a woman, with or without her consent, when she is under fourteen years of age.<sup>7</sup>

Concerned with pornography on the Internet and aiming to protect Internet users, "particularly the young, against the broadcast of unlawful or objectionable materials," the Singapore Broadcasting Authority (SBA) announced a new licensing scheme to regulate cyberspace. Under this Scheme, two groups: those who provide or sell Internet access and those who provide information with business, political and religious content, will be deemed to be licensed automatically. While both groups will have to follow a set of SBA guidelines on what material can enter Singapore's cyberspace, the first group will also have to be registered with SBA. From the second group, only those whose home pages engage in local political or religious discussion, and on-line newspapers targeting Singapore subscribers, will need to register. The SBA is to have up to ten persons monitoring cyberspace, looking for objectionable sites.<sup>8</sup>

*Information provided by Mya Saw Shin, Senior Legal Specialist, Eastern Law Division, Law Library of Congress, and Ms. Serena Wong, First Secretary, Embassy of Singapore, Washington, DC.*

## SLOVAKIA

Slovakia has specific legislation prohibiting child pornography. The Slovak Criminal Code, par. 205, Law 392/1992 coll. forbids the production, distribution, presentation and transmission of indecent material (without specifying the means of transmission), which presents child pornography and pathological forms of sex. It does not go further in explaining what is considered pathological.

A child is considered under the age of fifteen. The age of consent for marriage is eighteen; under eighteen parental and medical permission is required. The age of consent for legal sexual relations is sixteen. Statutory rape is under sixteen.

*Information provided by Jan Orlovsky, Embassy of the Slovak Republic, Washington, DC.*

## SLOVENIA

Slovenia has no specific legislation prohibiting child pornography. However, article 183 of the Penal Code penalizes sexual abuse of children under fourteen years of age. The age of majority, defined in article 117 of the Law of Matrimony and Family Relationships (1989), is eighteen.

*Information from UN/CRC/C/8 Add. 25., p. 5, May 29, 1995*

<sup>1</sup> Singapore Statutes 103 (Singapore, 1970). There is a note to the section making an exception for a book, pamphlet, etc., kept or used *bona fide* for religious purposes, or representations in any temple, ... or kept or used for any religious purpose.

<sup>2</sup> *Id.* at 162.

<sup>3</sup> *Id.* at 182.

<sup>4</sup> 1 Singapore Statutes 823-841 (Singapore, 1970).

<sup>5</sup> *Id.* § 2, at 774.

<sup>6</sup> *Id.* at 777.

<sup>7</sup> *Supra* note 1, at 183.

<sup>8</sup> G. Pereira, *Government to Impose Internet Regulations by 15 July*, The Straits Times (July 12, 1996), reproduced in Foreign Broadcast Information Service: Daily Report, East Asia (July 12, 1996), at 71-72.

## SOLOMON ISLANDS

There is no specific legislation prohibiting child pornography in Solomon Islands. The Penal Code prohibits pornography in general. Age of majority is eighteen and age of legal consent for marriage is eighteen as well. Age of legal consent for sexual relations is sixteen.

*Information provided by Mr. Primo Afeu, Office of the Attorney General, Solomon Islands.*

## SOMALIA

Request for information sent on 06/20/96, no response.

## SOUTH AFRICA

Currently, there are no laws prohibiting child pornography or adult pornography in South Africa. "The pornography laws of this country are presently in a state of flux, due to the workings of our new Bill of Rights as contained in the Constitution. At present, only one piece of legislation regulating pornography remains, that is the Publications Act, No. 42 of 1974. The constitutionality of this Act is also presently under review, while other new legislation is in the pipeline, the Film and Publications Bill, 1995." Pornography was illegal until recently, when it was decided that the right to freedom of speech and expression and the right to privacy, dictated that pornography be legalized. New legislation is being considered which will legalize and regulate certain forms of pornography.

The Publications Act of 1974 contains a general provision that "no person shall produce an undesirable publication or object" (Section 8 (1) (a)). There is no control over satellite TV or computer transmission of pornography via the Internet. Broadcast and cable TV will not be regulated by the new Film and Publications Bill, but will be left to the independent Broadcasting Complaints Commission of South Africa and the Independent Broadcasting Authority.

According to the Constitution, a child is any person under the age of eighteen years. The legal age for marriage is eighteen years or fifteen years with parental consent or permission from the Supreme Court. Legal age for sexual relations is sixteen years.

*Information provided by J. N. Labuschagne, Ministerial Services, Ministry of Justice, South Africa.*

## SPAIN

Spain has specific legislation prohibiting child pornography. A new law (Ley Orgánica 10/1995, 11/23/95), introduced the following amendment to the Penal Code. Article 189 specifically establishes a punishment of one to three years imprisonment for those that use a minor for exhibitionist or pornographic purposes and spectacles.

The Penal Code also penalizes other crimes related to child pornography, such as prostitution of minors, exhibitionism or sexual incitement.

The age of majority in Spain is eighteen years. Article 46 of the Spanish Civil Code forbids marriage to minors that are not emancipated; emancipation is attained at sixteen years. However, a Judge may allow marriage based on just cause as of fourteen years. The Penal Code sanctions sexual acts against minors under twelve, whether the act is voluntary or not. Sexual abuse is also sanctioned when the act is committed with minors between twelve and sixteen years under deception.

*Information provided by Ms. Ligia Flores Escobar, Directora de Programa, Subdirección General de Programas del Menor y la Familia, Secretaría General de Asuntos Sociales, Ministerio de Trabajo y Asuntos Sociales, España (Program Director, General Subdivision of Programs for the Minor and the Family, General Secretariat for Social Affairs, Ministry of Labor and Social Affairs, Spain).*

## SRI LANKA

Request for information sent on 06/24/96, inconclusive information obtained.

## SUDAN

Request for information sent on 06/06/96, no response.



## SURINAME

Suriname has no specific legislation against child pornography but it does have general legislation prohibiting pornography.

*Partial information provided by Karin Wannerd, Secretary, Embassy of Suriname, Washington, DC.*

## SWAZILAND

Swaziland has specific legislation prohibiting child and adult pornography. The Proscribed Publications Act No. 17 of 1968 establishes the prohibition. This prohibition covers the transmission of pornography by broadcast TV, satellite TV and cable TV. The age of majority in Swaziland is reached at eighteen. The age of consent for marriage is also eighteen, and the age for sexual relations is sixteen.

*Information provided by the Office of the Attorney General of Swaziland.*

## SWEDEN

Sweden, at present, has established The Committee on Child Pornography, within the Ministry of Justice, consisting of a Justice of the Supreme Court and ten members of Parliament. The Committee's directive is to investigate how to best combat child pornography. Some of the questions to be analyzed are criminalization of possession, how to define a child, and organizational questions. The Committee should report at the end of the year. Adult pornography is not forbidden in Sweden. Age of majority in Sweden is eighteen. Legal age of marriage is 21, but can be earlier with parental consent. Age of consent for sexual relations is fifteen years.

*Information provided by Mr. Joel Brorsson, The Committee on Child Pornography, Ministry of Justice, Sweden.*

## SWITZERLAND

Switzerland has specific legislation prohibiting production and distribution of child pornography, but not possession. Article 197, ¶ 3 of the Swiss Penal Code states that "whoever produces, imports, stores, distributes, promotes, exposes, exhibits, shows, makes available or gives objects or representations described in ¶ 1 (pornographic or pornographic representation) that have as contents acts of sexual nature with children, animals, human excrements or involve acts or violence, will be punished with imprisonment or a fine. The objects will be confiscated. ¶ 4 If the author committed the crime for lucrative purposes, the punishment will be imprisonment and fine." There have been discussions in the country as to how to deal with pornography from other countries beamed in by satellite, but to date no legislation has been proposed.

Article 187 of the Penal Code establishes that a person who engages in sexual activities with a child under sixteen years is punishable with imprisonment up to five years.

*Information provided by Mr. Christoph Bubb, Embassy of Switzerland, Washington, DC.*

## SYRIA

Request for information sent on 06/17/96, no response.

## TAIWAN

Request for information sent on 06/20/96, no response. In 1995 Taiwan passed a law criminalizing the production of paintings, video tapes, photographs, CD-ROMS, "electronic signals" and other products depicting indecent conduct or sexual interaction involving persons under 18 years of age.

*Information from "Child Pornography: An International Perspective," by Margaret A. Healy; prepared for the World Congress to End Commercial Sexual Exploitation of Children, August 1996.*

## TAJIKISTAN

Tajikistan, as many other countries of the former Soviet Union, follows the USSR Fundamentals of the Criminal Legislation. Thus, it does not have specific laws against child pornography, but it does have one general law which covers adult and child pornography.

*Information provided by Mr. Peter Roudik, Legal Specialist, Directorate of Legal Research, Eastern Law Division, Law Library of Congress.*



#### TANZANIA

Request for information sent on 07/12/96, no response.

#### THAILAND

Thailand has a general provision applicable to both child and adult pornography, which is Section 287 of the Criminal Code. This covers the transmission of adult pornography by broadcast TV, satellite TV and cable TV (Publications Act). The legal age for marriage and sexual relations is 20, however with the consent of the guardian it may be seventeen. Statutory rape is set at fifteen years.

*Information provided by Suksri Lumprasert, Royal Thai Embassy, Washington, DC.*

#### TOGO

Request for information sent on 06/17/96, inconclusive response.

#### TONGA

Request for information sent on 06/19/96, no response.

#### TRINIDAD & TOBAGO

Trinidad and Tobago has no specific law prohibiting child pornography. Pornography is however illegal. The Criminal Code, Ch. 11:01, 5 states the proscription of "... publishing any obscene print, writing or picture." Ch. 11:01, 7 proscribes "any public selling or exposing for public sale or to public view of any obscene book, print, picture or other indecent exhibition." Ch. 11:02, 46 (g) establishes that "any person who offers for sale or distribution or who exhibits to public view any profane, indecent, or obscene book, paper, print, drawing, painting or representation shall be liable for imprisonment for two months."

The definition of "child" is a person under fourteen years; a "young person" is between fourteen and sixteen years of age. The legal age for marriage is eighteen, and for sexual relations fourteen.

*Information provided by Mr. Gerald Thompson, Counselor, Embassy of the Republic of Trinidad and Tobago, Washington, DC.*

#### TUNISIA

Request for information sent on 06/10/96, inconclusive response.

#### TURKEY

Turkey has a general prohibition against pornography. According to Law No. 1117 and articles 426, 427, and 428 of the Turkish Penal Code, the production, sale and distribution of child and adult pornography is prohibited. As of yet, there is no special law governing the transmission of adult pornography by satellite TV, cable TV, and computer. The age of consent for girls in Turkey to engage in legal sexual activity is predicated on the marrying age. Legally they cannot marry until fifteen, boys seventeen.

*Information provided by Ms. Sina Baydur, Counselor, Turkish Embassy, Washington, DC.*

#### TURKMENISTAN

Turkmenistan, as many other countries of the former Soviet Union, follows the USSR Fundamentals of the Criminal Legislation. Thus, it does not have specific laws against child pornography, but it does have one general law which covers adult and child pornography.

*Information provided by Mr. Peter Roudik, Legal Specialist, Directorate of Legal Research, Eastern Law Division, Law Library of Congress.*

#### TUVALU

Request for information sent on 06/19/96, no response.

#### UGANDA

Uganda has specific legislation prohibiting child pornography. However, it is not contained in the Children Statute. Transmission of adult pornography is prohibited through the Penal Code. Legal sexual relations are only

through marriage, under the Marriage Act, Islamic Law, customary law. If not married one must be over eighteen or else it is considered defilement.

*Information provided by Mr. Richard Cabonero, Second Secretary, Embassy of Uganda, Washington, DC.*

#### UKRAINE

The Ukrainian legislation does not contain specific provisions on child pornography. Article 211 of the Criminal Code of Ukraine "Production, Sale and Distribution of Pornographic Articles" is a general provision. Article 121 of the Criminal Code can also be used (Sexual Depraving of Juveniles). The age of consent for marriage is eighteen for men and seventeen for women.

*Information provided by Mr. Leonid Kozhara, First Secretary, Embassy of Ukraine, Washington, DC.*

#### UNITED ARAB EMIRATES

Request for information sent on 06/10/96, no response.

#### UNITED KINGDOM

The United Kingdom has specific legislation against child pornography. In British Criminal Law, Title 14 Offences Against Decency and Morality, there is a section dealing with indecent photographs of children, that sanctions taking, distributing, and possessing such photographs. Regulation and prohibition of pornography in general can be found in the Criminal Law under this title, but also in laws such as the Obscene Publications Act 1959, and the Indecent Displays Act 1981, among others. These laws cover the transmission of adult pornography by broadcast TV, satellite TV and cable TV.

Age of majority is established at eighteen. This is also the legal age for marriage, which can be exceptionally reduced to sixteen with parental consent. Legal age for sexual relations is sixteen.

*Information provided by Ms. Janet Bacon, British Information Services, New York, and Dr. Catherine Itzin, Research Fellow, University of Bradford, England.*

#### UNITED STATES

The United States has specific legislation prohibiting child pornography. The United States Code Annotated, Title 18. Crimes and Criminal Procedure, Part I-Crimes, Chapter 110-Sexual Exploitation and Other Abuse of Children, prohibits the production, receipt, distribution, possession, transportation, mailing and advertising of child pornography. § 2251. (a) states that "Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (d), if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, or if such visual depiction has actually be transported in interstate or foreign commerce or mailed." These provisions include transmission by computer. The punishment is imprisonment of not more than ten years, a fine, or both.

#### URUGUAY

The Uruguayan Law prohibits the production, distribution and possession of child pornography. The transmission of adult pornography by broadcast TV, satellite TV, cable TV and computer is currently in the process of being regulated. No rules or laws have been passed yet. According to the Code of the Minor of 1934 and the Civil Code of 1875 any sexual intercourse with a minor of fifteen, with or without his or her consent is considered rape.

*Information provided by Héctor A. Azeves, Embassy of Uruguay, Washington, DC.*

#### UZBEKISTAN

Uzbekistan, as many other countries of the former Soviet Union, follows the USSR Fundamentals of the Criminal Legislation. Thus, it does not have specific laws against child pornography, but it does have one general law which covers adult and child pornography.

*Information provided by Mr. Peter Roudik, Legal Specialist, Directorate of Legal Research, Eastern Law Division, Law Library of Congress.*

#### VANUATU

Request for information sent on 06/20/96, no response.

#### VENEZUELA

Request for information sent on 06/17/96, inconclusive response.

#### VIETNAM

The Law on Marriage and Family states that the minimum age for marriage is 20 years for men and eighteen years for women.

*Information from UN/CRC/C/3/Add. 4, pag. 17, par. 63 (b), Oct. 22, 1992*

#### WESTERN SAMOA

Western Samoa does not have specific laws prohibiting child pornography. Pornography is not legal in this country. Section 43 of the Crime Ordinance 1961, the Indecent Publication Ordinance 1960, and the Censorship of Films Ordinance 1960, are the legal provisions against pornography. These laws cover the transmission of adult pornography by broadcast TV, satellite TV and cable TV. The legal age for marriage is eighteen for men and sixteen for women. The legal age of consent for sexual relations is 21 years.

*Information provided by Ms. Andrea Williams, Permanent Mission of Western Samoa to the United Nations, New York.*

#### YEMEN

"The Children's Protection Act covers corruption of children, i.e. allowing, causing or coercing children to engage in sexual acts, prostitution and pornographic performances, but remains weak in implementation. Most abuses go unreported and does not recorded or acted upon.

Article 28 of the Civil Code (Act No. 19 of 1992) stipulates that the personality of the individual shall commence at the time of his live birth and shall end at his death. Article 5 of the Civil Code stipulates that the age of majority is fifteen full years if the person who attains that age has the use of his mental faculties, is rational in his behavior and is fully competent to exercise his civil rights."

*Information from UN/CRC/C/8/Add. 20, pag. 5, par. 16*

#### ZAIRE

Request for information sent on 06/17/96, no response.

#### ZAMBIA

Zambia does not specific laws prohibiting child pornography. It does have a general provision against pornography. Section 177 of the Penal Code (Cap. 146), provides for "any person who (a) for purpose of trade ... distribution ... public exhibition ... has in possession any one or more obscene writings ... is guilty of a misdemeanor ...". The age of consent for marriage is eighteen years, and for sexual relations sixteen years.

*Information provided by Mr. Guilbert Chileshe, Embassy of Zambia, Washington, DC.*

#### ZIMBABWE

Zimbabwe has specific legislation prohibiting child pornography. Provisions are contained in the Children's Protection and Adoption Act Cap. 33 and the Censorship and Entertainment Control Act Cap. 78. The Zimbabwe Broadcasting Act prohibits the transmission of adult pornography by broadcast TV. The age of majority is reached at eighteen. The age of consent for sexual relations is sixteen.

*Information provided by the Board of Censors, Zimbabwe.*



