

CHILD PORNOGRAPHY

"child pornography" includes pornographic material that conspicuously depicts:

- minor,
- person who appears to be a minor,
- or realistic image depicting a minor in the course of sexually explicit activity

COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN
AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE
LANZAROTE OCTOBER 25, 2007
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"material that visually depicts a child engaged in actual or pretend sexually explicit activity or any depiction of the genitals of a child primarily for sexual purposes"
(Article 202)

"ANY MATERIAL THAT DEPICTS A CHILD ENGAGED IN ACTUAL OR SIMULATED SEXUALLY EXPLICIT CONDUCT; ANY DEPICTION OF THE SEXUAL ORGANS OF A CHILD FOR PRIMARILY SEXUAL PURPOSES; ANY MATERIAL THAT DEPICTS A PERSON APPEARING TO BE A CHILD ENGAGED IN ACTUAL OR SIMULATED SEXUALLY EXPLICIT CONDUCT AND DEPICTIONS OF THE SEXUAL ORGANS OF PERSONS APPEARING TO BE A CHILD, FOR PRIMARILY SEXUAL PURPOSES; OR REALISTIC IMAGES OF A CHILD ENGAGED IN SEXUALLY EXPLICIT CONDUCT OR REALISTIC IMAGES OF THE SEXUAL ORGANS OF A CHILD, FOR PRIMARILY SEXUAL PURPOSES"

ARTICLE 202 OF THE PENAL CODE [PORNOGRAPHY].

Art. 202 § 1. Whoever publicly presents pornographic content in such a way that it may impose upon a person who does not wish to receive it, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2 (repealed)

§ 3 Whoever for the purpose of dissemination produces, archives or imports, stores or possesses or disseminates or presents pornographic content with the participation of a **minor** or pornographic content associated with the presentation of violence or the use of an animal shall be subject to the penalty of deprivation of liberty for a term of between 2 and 12 years.

§ 4 Whoever archives pornographic content with the participation of a **minor** shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 4a. Whoever stores, possesses or gains access to pornographic content with the participation of a **minor** shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 4b. Whoever produces, disseminates, presents, stores or possesses pornographic content presenting a produced or processed image of a **minor** participating in a sexual act shall be subject to a fine, the penalty of limitation of liberty or deprivation of liberty for up to 2 years.

§ 4c. The punishment specified in § 4b shall be imposed on anyone who for the purpose of sexual gratification participates in a presentation of pornographic content with the participation of a **minor**.

(5) The court may pronounce the forfeiture of tools or other objects that served or were intended for the commission of offences specified in § 1-4b, even if they are not the property of the perpetrator.

" CHILD EROTICA"

- Any material relating to children that serves a sexual purpose for a person
- "Child model" sites - contain pictures of girls in outfits and poses that could be considered defiant.

COPINE SCALE

- **Level 1 - *Indicative*** - photographs or videos of no erotic or sexual nature showing a child wearing lingerie, in a bathing suit; the image is from commercial sources or family albums; images of children in normal situations,
- **Level 2 *Nudist*** - photographs - of nude or partially nude children in situations characteristic of nudism, photographs from legitimate sources
- **Level 3 *Erotic*** - photographs taken surreptitiously in playgrounds or other safe environments showing the child's underwear or nudity
- **Level 4 - *Posing*** - images showing deliberate posing of clothed, semi-nude or nude children (the context and organization of the images suggests a sexual interest in minors).

COPINE SCALE

- **Level 5 - *Erotic posing*** - images showing deliberate posing of clothed, semi-nude or nude children in provocative/sexual poses.
- **Level 6 - *Explicit erotic posing*** - images highlighting intimate areas of clothed, semi-nude or nude children.
- **Level 7 - *Explicit sexual activity*** - images showing touching, mutual or self-masturbation, oral sex or intercourse by a child, without adult involvement;
- **Level 8 - *Assault*** - images showing children being sexually abused by an adult.
- **Level 9 - *Gross assault*** - grossly obscene images of sexual abuse of a child, including penetration, masturbation, or oral sex involving an adult
- **Level 10 - *Sadistic/bestiality*** - images that show a child being tied, tied, beaten, flogged, or otherwise caused pain; images in which an animal is engaged in sexual activity with a child

ONLINE SHARING OF IMAGES OF CHILDREN AND THE PROBLEM OF CHILD PORNOGRAPHY

- **SHARENTING** - habitual use of social media to share information, pictures, etc. about your child

JEDEN KLIK



I JESTEM U CIEBIE

Czy wiesz, co inni mogą zrobić ze zdjęciem Twojego dziecka umieszczonym w internecie?

POMYŚL, ZANIM WRZUCISZ

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 Projekt realizowany przy wsparciu finansowym
Programu Prewencji i Walki z Przestępstwami Korupcyjnymi

ZNAJDZIESZ



MNIE W SIECI

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Definition of	Photo	
	girl	boy
Sweet	8	3
Inappropriate	23	81
Nice	47	10
Being a cool souvenir	67	22
Shocking	1	10
An expression of the parent's thoughtlessness and stupidity	23	68
innocent	45	20



- Can the images shown be considered pornographic?
- Yes - 61
- No - 99
- No answer to question - 32

SEXTING

Sexting (**sexting** = **sex** + **texting**) - sending or exchanging sexually explicit messages, photos, or videos (naked or nearly naked) via cell phones or the Internet

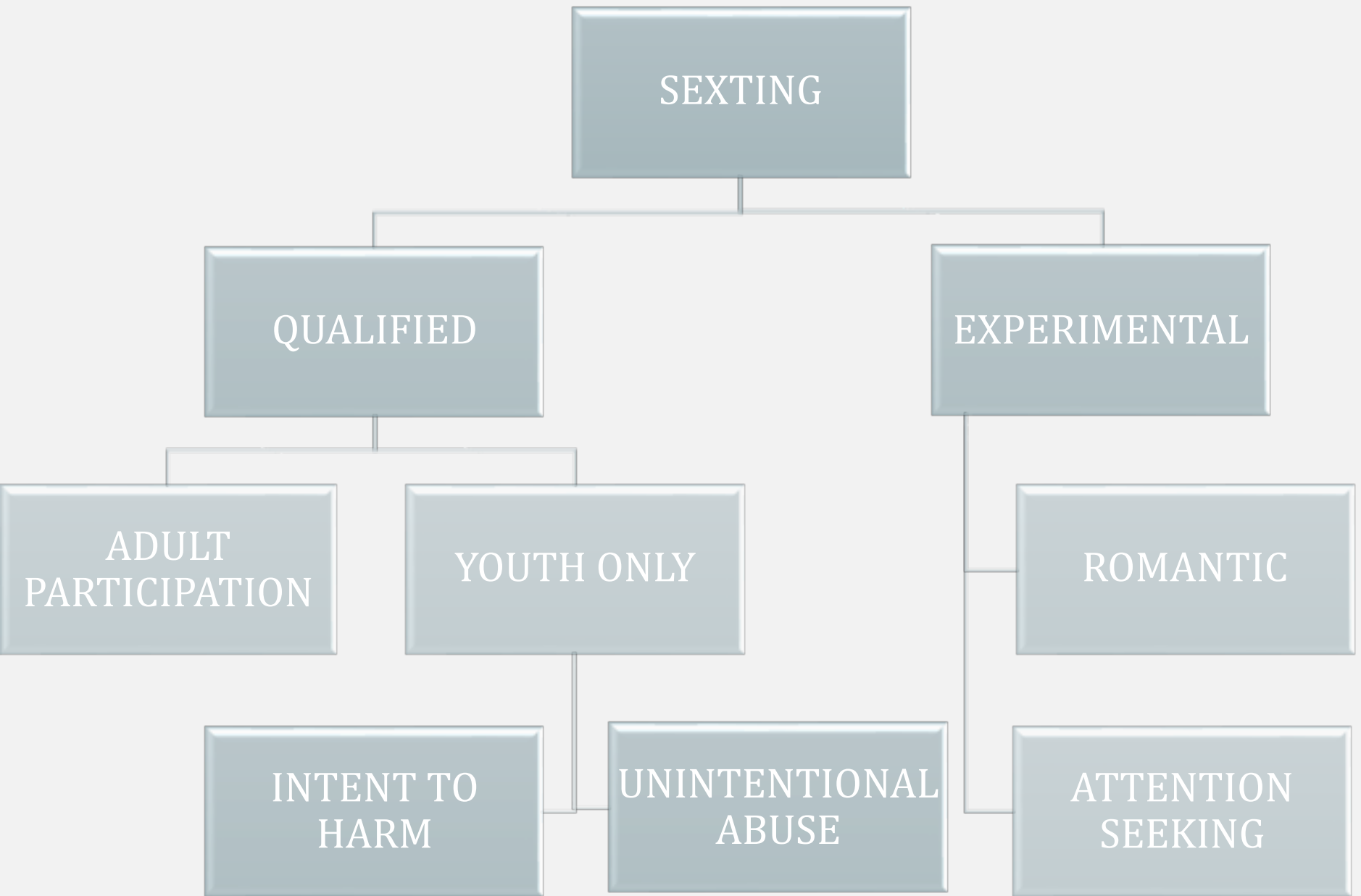


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graph TD; A[SEXTING] --- B[QUALIFIED]; A --- C[EXPERIMENTAL]
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SEXTING

QUALIFIED

EXPERIMENTAL



SEXTING

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graph TD; A[SEXTING] --> B[COMMERCIAL]; A --> C[EMOTIONAL]
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COMMERCIAL

EMOTIONAL

SEXTING AND THE LAW

- NO CRIME CALLED SEXTING
- because of the characteristics of this phenomenon, it may fulfill the criteria of several crimes, including
- 202 CC - PORNOGRAPHY
- 191A CC - PRESERVING THE IMAGE OF A NAKED PERSON