

Proposals for Amendments to the Criminal Law in Accordance with the Draft Law on Protecting Children in Cyberspace

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Article 6.1. Criminal liability

2. A person between the ages of fourteen and sixteen who commits any of the following crimes: 10.1/Killing another person/, 11.1/Intentionally causing serious damage to a person's health/, 12.1/Rape/, 14.1/Discrimination/, 16.8/Promoting and inciting children into pornography/, 16.9 /Promoting pornography involving children/, 17.1/Theft/, 17.2/Robbery/, 17.8/Destruction or damage to property/, 20.7/Illegal use of narcotic drugs and psychoactive substances/, 20.16/Disturbing public peace/, 26.1/Illegal access to online information/, 26.2/Production and sale of programs and equipment intended for cybercrimes/, 26.3/ Creating, using, and distributing malware/, 29.8/Committing terrorism/ shall be criminally liable.

Article 10.4. Inciting another person to commit suicide

1. Whoever, by using their wealth, social position, kinship to the victim and other conditions, subjects another to constant abuses, insults, beatings, tortures and intimidations online or offline, thereby incites them to commit suicide is punished by imprisonment for a period of two to eight years.

Article 12.5. Having sex with another person under the age of sixteen

1. A person who is at least eighteen-year-old who knowingly has sex with a person over the age of fourteen but not yet sixteen, they shall be sentenced to a fine of four hundred and fifty units to five thousand and four hundred units, or restriction of their right to travel for a period of six months to one year, or imprisonment for a period of six months to one year.

1.1. If the crime is:

- 1.1.1. Committed by hiring other person(s)
- 1.1.2. If committed by a person who was previously considered guilty of committing the crime specified in this article, they shall be sentenced to imprisonment for a period of one to five years.
- 1.1.3. If committed constantly by gaining the victim's trust through kinship, family situations; affection through cyberspace, they shall be sentenced to imprisonment for a period of five to twelve years.

Note: Need to specify the concept of child grooming, and related penalties.

Article 12.6. Aiding and abetting prostitution

1. If a person mediates or encourages another to participate in prostitution, they shall be sentenced to the restriction of their right to travel for a period of six months to three years, or imprisonment for a period of six months to three years.

- 1.1. If the crime is committed by using cyberspace, they will be sentenced to imprisonment for a period of one to five years.
- 1.2. If committed by a person who was previously considered guilty of committing the crime specified in this article, they shall be sentenced to imprisonment for a period of two to eight years.

Article 14.1. Discrimination

1. If a person discriminates against another on the basis of their race, ethnicity, language, age, gender, social background, wealth, job position, religion, personal opinion, education, sexual orientation, health condition, or restricts their rights and freedoms, they shall be sentenced to a fine of four hundred and fifty units to five thousand and four hundred units, or their right to travel shall be restricted for a period of one month to one year.

/This section was amended by the law of May 11, 2017/

2. If the crime is committed:
 - 2.1. in groups
 - 2.2. by using violence
 - 2.3. by using cyberspace
 - 2.3.4. by an official who abuses their functions and powers or if committed by a family member, they shall be sentenced to a fine of five thousand and four hundred to twenty-seven thousand units, or their right to travel shall be restricted for a period of one to five years, or they shall be imprisoned for a period of one to five years.

Article 16.8. Promoting and inciting children into pornography

1. A person who deliberately shows, gives, or promotes books, pictures, movies, videos, or other materials promoting pornography to children; ~~inciting children into pornography, prostitution or sexual intercourse,~~ shall be sentenced to a fine of two thousand seven hundred units to five thousand four hundred units, or community service for a period of two hundred forty to seven hundred twenty hours, or restriction of their right to travel for a period of six months to one year, or imprisonment for a period of six months to one year.

1.1. If the crime is committed:

- 1.1.1. by using cyberspace
 - 1.1.2. if committed against a child under the age of 14, a fine of one thousand three hundred fifty to ten thousand units, or restriction of the right to travel for a period of six months to three years, or imprisonment for a period of six months to three years shall be imposed on the perpetrator.
 - 1.1.3. If committed by a person who was previously considered guilty of committing the crime specified in this article, they shall be sentenced to a fine in the amount of two thousand seven hundred units to fourteen thousand units, or their right to travel shall be restricted for a period of one to five years, or they shall be sentenced to imprisonment for a period of one year to five years.
2. If a child is subjected to an act intended to stimulate erotic or sexual desires, imprisonment for a period of three months to one year shall be imposed on the perpetrator.
 - 2.1. if committed against a child under the age of 14, imprisonment for a period of six months to three years shall be imposed.

- 2.2. If committed by a person who was previously considered guilty of committing the crime specified in this article, imprisonment for a period of one year to five years shall be imposed on the perpetrator.
3. If a child is offered prostitution or sexual intercourse, a fine in the amount of one thousand three hundred fifty to ten thousand units, or restriction from traveling for a period of six months to three years, or imprisonment for a period of six months to three years shall be imposed on the perpetrator.
 - 3.1. If this crime is committed against a child under the age of 14, a fine of two thousand seven hundred to fourteen thousand units, or restriction of the right to travel for a period of one to five years, or imprisonment for a period of one to five years shall be imposed on the perpetrator.

Article 16.9. Promoting pornography involving children

~~1. In the case of making, selling, distributing or storing publications, literature, pictures, movies, video recordings involving children doing pornographic acts, a fine of five thousand four hundred to twenty-seven thousand units, or restriction of the right to travel for a period of one to five years, or imprisonment for a period of one to five years shall be imposed on the perpetrator.~~

~~2. If the crime is committed:~~

~~2.1. by using cyberspace;~~

~~/This section was amended by the law of December 17, 2021/~~

~~2.2. If committed against a child under the age of 14, a fine of ten thousand to forty thousand units or imprisonment for a period of two to eight years shall be imposed on the perpetrator.~~

1. A person who **knowingly reproduces, obtains or possesses access rights** to pedopornographic materials such as publications, literature, texts, pictures, movies, songs, video recordings etc. shall be fined in the amount of four hundred fifty units to five thousand four hundred units, or their right to travel shall be restricted for a period of one to three months, or imprisonment for a period of one to three months shall be imposed on them.

Note: No penalty shall be imposed if less than three access rights were obtained for the purpose of reporting to a government agency or law enforcement agency authorized to protect children.

2. A person who **knowingly shares in any form, distributes or promotes** pedopornographic materials such as publications, literature, texts, pictures, movies, songs, video recordings etc. shall be fined in the amount of four hundred and fifty units to five thousand and four hundred units, or their right to travel shall be restricted for a period of one to six months, or imprisonment for a period of one to six months shall be imposed on them.

2.1. If the crime is committed:

- 2.1.1. to a child under the age of 14, a fine of one thousand three hundred fifty to ten thousand units, or restriction of the right to travel for a period of three months to one year, or imprisonment for a period of three months to one year shall be imposed on the perpetrator.
- 2.1.2. by using cyberspace, a fine of two thousand seven hundred to fourteen thousand units, or restriction of the right to travel for a period of six months to three years, or imprisonment for a period of six months to three years shall be imposed on the perpetrator.
- 2.1.3. by a person who was previously considered guilty of committing the crime specified in this article, they shall be fined in the amount of five thousand four hundred units to twenty-seven thousand units, or their right to travel shall be restricted for a period

of one to five years, or imprisonment for a period of one year to five years shall be imposed on them.

3. A person who sells pedopornographic materials such as publications, literature, texts, pictures, movies, songs, video recordings etc. shall be fined in the amount of two thousand and seven hundred units to fourteen thousand units, or their right to travel shall be restricted for a period of six months to one year, or imprisonment for a period of six months to one year shall be imposed on them.

3.1. If the crime is committed:

- 3.1.1. If this crime is committed against a child under the age of 14, a fine of five thousand four hundred units to twenty-seven thousand units, or restriction of the right to travel for a period of one to five years, or imprisonment for a period of one to five years shall be imposed on the perpetrator.
- 3.1.2. if committed in cyberspace, a fine of ten thousand units to forty thousand units, or restriction of the right to travel for a period of two years to eight years, or imprisonment for a period of two to eight years shall be imposed on the perpetrator.
- 3.1.3. If committed by a person who was previously considered guilty of committing the crime specified in this article, they shall be sentenced to imprisonment for a period of two to eight years.

4. A person who **produces** pedopornographic materials such as publications, literature, texts, pictures, movies, songs, video recordings etc. or a parent, a legal guardian, or a relative who **consented to the production of such materials** or refused to intervene, shall be fined in the amount of five thousand and four hundred units to twenty-seven thousand units, or their right to travel shall be restricted for a period of one to five years, or imprisonment for a period of one to five years shall be imposed on them.If the crime is committed:

- 4.1.1. If committed by a person who was previously considered guilty of committing the crime specified in this article;
- 4.1.2. If committed against a child under the age of 14, imprisonment for a period of five to twelve years shall be imposed on them.