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PROSECUTION OF CHILD PORNOGRAPHY CASES IN ARMENIA COMMITTED BY THE MEANS OF TELECOMMUNICATION: CHALLENGES, ACHIEVEMENTS AND LESSONS LEARNED

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The United Nation's Convention on the Rights of the Child is the most ratified human rights treaty in history, which emphasizes the high importance that the governments of signatory states attach to the protection of children's right. Despite this, violence against children is a global crisis and according to the latest available global data of United Nations Children's Fund (UNICEF) about 90 million children alive today have experienced sexual violence^[1].

Law enforcement bodies do have a very important role not only in ensuring that the individuals who commit offences against children are held responsible but also protecting the rights of children from violence and enhancing the culture of respect for human rights in the society. In the current technological era one of the emerging challenges that the Prosecutor's Office of the Republic of Armenia (PGO) is facing is the dilemma in prosecution of Internet child pornography cases. There has been a significant increase in the awareness of offenders in the use of communications technologies in the commission of children's rights abuse or violation. This has been one of the evolving crime trends in Armenia that the PGO faced.

[1] URL: <https://www.unicef.org/press-releases/fast-facts-violence-against-children-widespread-affecting-millions-globally>

This Article discussed the challenges, achievements and lessons learned of the prosecution of child pornography in Armenia that are committed by the means of telecommunication.

Legal framework

Article 300 of the Criminal Code of the Republic of Armenia (CC) adopted on 30 June 2021 defines criminal responsibility for preparing, disseminating or maintaining pornographic materials or objects. It was only with the adoption of CC in 2021, when the law maker established the child pornography definition, which reads as follows:

"...child pornography is considered each material, where the child is depicted performing a real or simulated action of sexual nature or sexually motivated display of a child's genital."^[2]

In addition, with the addendum to the CC made on October 24, 2024 a list of cybercrimes was defined and one of the 11 types of crimes provided for is the creation and circulation of child pornography, as provided for in Article 300 of the CC. This addendum was a direct response to the growing online availability of child pornography materials and the fact that the offenders started using Internet for gaining wider audience interested to consume child pornography online materials for different purposes.

Challenges

There are not very many disclosed child pornography cases in Armenia, however Internet has made child pornography more accessible. The below statistical data also confirms the rise of the number of disclosed cases in the past year in Armenia. This, among other things, was due to the fact, the Internet made the production, storage, and distribution of child pornography audio-visual material easier, faster and cheaper.

^[2] CC, Article 300 (5).

Statistics of child pornography cases in the last 5 years

Year	Number of cases in which criminal proceedings were initiated (cases were filed)	The status of initiated criminal cases (proceedings)							
		The case materials have been submitted to the court					The proceedings have been terminated		Cases that are in the preliminary investigation stage
		Number	From which				Number	Grounds for termination	
			Convicted			Being examined in the court			
number	From which a punishment involving restriction of liberty								
			imprisonment	Short-term imprisonment					
2020	4						1	Statute of limitations passed	3
2021	2	1	1	1			1	Active repentance	
2022	1								1
2023	4	2	1	1		1	1	Not having reached the age of criminal responsibility	1
2024	6	4			1	3	1	The absence of a physically identified crime scene	1

The analysis of the PGO in child pornography crimes committed by the means of telecommunication, allows grouping the challenges faced during investigation into the following: (1) protecting the best interests and the wellbeing of the child if the sexually abusive images of children for personal and/or commercial reasons were disseminated online; (2) Not double-victimizing the child during the investigation stage and in the meantime getting necessary information and evidences necessary for proper prosecution of the case. This proved to be particularly challenging in the cases when parents of the victims are also engaged in committing the crime; (3) identifying the real creators of the content of abusive images available online as well as collectors and distributors, and prosecuting sale of child pornography for cryptocurrencies. The latter requires active, speedy and efficient international cooperation including Virtual Asset Service Providers and (4) enhancing the investigation and prosecution capabilities and techniques parallel to the speedy technological developments.

Achievements and lessons learned

Violence against minors requires active cooperation amongst different state authorities and services. For addressing consequences of child violence, active engagement and cooperation with social, health care, rehabilitative services and other institutions is necessary.

Armenian state authorities prioritize active and quick interagency cooperation in investigation of child pornography cases. For that purpose, a working group, composed of the representatives of the PGO and the Ministry of Internal Affairs (the Police operates within the structure of this Ministry) has been established to promptly discuss each individual situation and advance an operational response to these types of violence.

Another achievement is the common agreement amongst the law enforcement bodies and the judiciary that the investigation and judication of child pornography cases should be conducted in the possible short terms to minimize the risks of double-victimization and causing additional harm to the victims. Active work is also being done by law enforcement bodies towards educating the public about child pornography offenses. This is also considered to be a preventive mechanism.

The prosecution of cases of sexual abuse of minors is a top propriety for the PGO of Armenia and its prevention is a major concern given the current rapid tendencies of maintaining and developing online networks. Regular work needs to be done to ensure that the prosecution office is equipped with necessary tools and resources to combat this crime and ensure effective prosecution and most importantly prevention of child pornography.
