

Child Pornographic Materials and the Albanian Legal Inadequacy “To Deny” Copyright ability Claims

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ABSTRACT

The national standard of children’s rights protection is one of the main indicators of a good and civilized society. Although children still face difficult challenges which endanger their physical and mental well-being, like pornography. Albania has already become part of important international acts related to children rights, but this “hi-tech” era with the increasing risk of exposing children to pornography, demands clear legal solutions.

This paper will analyze both the Albanian Copyright Law and the Albanian Criminal Code regarding their approaches towards child pornographic materials. On one hand there will be explained how the actual copyright law does not expressly denies protection for such illegal material, and at the other hand the paper will show the actual regulation and sanctioning of child pornography from the Criminal Code; a single article which has been continuously completed.

As the neutrality in offering copyright protection is considered an ambivalent point of copyright, the aim of the paper is to offer and suggest possible amendments in Albanian legal framework, affecting Copyright Law and the Criminal Code, in order to avoid any possibility of ambiguity and misinterpretation that there can be any benefit from child pornography.

Key words: Child Pornography; Children’s Rights; Copyright Law; Criminal Code; Protection