



FACTSHEET – CZECH REPUBLIC

Lanzarote Committee Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

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I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Czech Republic.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)¹;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Czech Republic to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

¹ See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to lanzarote.committee@coe.int.

Key findings of the implementation report as to all Parties

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to the Czech Republic

Interplay of the age of criminal responsibility and the age of sexual consent with the criminalisation of conduct related to the production and possession of CSAM and CSGSIV

The Committee observes that in the Czech Republic children who are below the age of criminal responsibility, which is the age of 15, and above the legal age for sexual activities cannot be held criminally liable for production and possession of CSGSIV.² However, the Committee notes that relying on the age of sexual consent to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such cases, children above the age of criminal responsibility but below the legal age for sexual activities may not be covered by the exemption from criminal responsibility.³

- The Committee **requests** that the Czech Republic ensures in its legal framework⁴ that a child will not be prosecuted when he/she possesses:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them.⁵
- The Committee also **invites** the Czech Republic to introduce explicit references in its legal framework to conduct concerning CSGSIV,

identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.⁶

Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing their own or other children’s CSGSIV

The Committee observes that the Czech Republic has rules that lead to the criminalisation of the distribution/transmission by children of their own or other children’s CSGSIV under special circumstances.⁷

The Committee **requests** the Czech Republic to ensure that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.⁸
- the distribution or transmission by children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) Lanzarote Convention.⁹

On the prosecution of conduct amounting to “sexual extortion of children”

The Committee observes that in cases of “sexual extortion of children” for obtaining additional sexual images or videos of the child, the Czech Republic prosecutes for offences related to “child pornography”, in concurrence with offences where

² Paras. 71, 73.

³ Para. 73.

⁴ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

⁵ Recommendation II-6.

⁶ Recommendation II-2.

⁷ Paras. 78, 82.

⁸ Recommendation II-8.

⁹ Recommendation II-9.

threat is a core element, such as extortion or coercion.¹⁰ The Czech Republic also referred to the offence of sexual coercion which may be established, in recognition of the constituent elements of coercion/extortion.¹¹

In cases where the objective of the perpetrator is to obtain other sexual favours from the child depicted in the images/videos or from another child, the Committee observes that the Czech Republic would prosecute for offences related to participation in pornographic performances and sexual coercion in general (not specifically targeting children).¹² The

Czech Republic also stated that threat is a constituent element of sexual aggression and rape.¹³

In addition, the Czech Republic would prosecute conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20.¹⁴ In cases where the objective of the perpetrator is a financial gain, the Committee observes that in the Czech Republic the conduct will be qualified under offences related to extortion or aggravated extortion, child pornography and human trafficking.¹⁵

Generic recommendations of the Committee on legal frameworks

The Committee **invites** all Parties, including the Czech Republic:

- to introduce a definition of “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)^{16, 17}
- to rather use the term “child sexual abuse material” in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that using the term “child pornography” can undermine the gravity of the crimes it refers to.¹⁸
- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Lanzarote Convention.¹⁹
- to adopt legislative or other measures

which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.²⁰

- to consider criminalising the offence of “grooming” (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.²¹
- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional CSGSIV, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to address this situation,
 - or prosecuting both the initial detention of CSGSIV and the act of extortion.²²
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²³

¹⁰ Para. 98.

¹¹ Para. 100.

¹² Paras. 102, 104.

¹³ Para. 104.

¹⁴ Para. 103.

¹⁵ Para. 106.

¹⁶ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology](#)

[Guidelines”](#), pages 38-40 in particular.

¹⁷ Recommendation II-1.

¹⁸ Recommendation II-3.

¹⁹ Recommendation II-4.

²⁰ Recommendation II-7.

²¹ Recommendation II-10.

²² Recommendation II-11.

²³ Recommendation II-12.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on investigations and prosecution specific to the Czech Republic

The Committee observes that the Czech Republic's investigation, prosecution, and legal services are already in line with some of its recommendations as the Czech Republic has:

- specialised units dealing with ICT-facilitated offences against children within law enforcement, with a central unit and regional subdivisions specialised in ICT-facilitated sexual offences against children, which cooperate at different levels.²⁴

- prosecution offices dedicated to combating cybercrime that manage cases concerning sexual abuse or exploitation of children facilitated by ICTs.²⁵

- training programmes provided by State authorities for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.²⁶ The content of the training addresses juvenile delinquency.²⁷

- training programmes provided by State authorities on aspects of child sexual exploitation and sexual abuse for prosecutors.²⁸ The training content includes online child sexual abuse and sexual exploitation, child sexual abuse material, and specific issues relating to high-tech or cybercrime.²⁹

- relevant training programmes provided by State authorities in place for judges.³⁰

- judges and prosecutors are trained together and/or have the same training options available to them.³¹ Additionally, seminars on issues surrounding child sexual abuse materials

are regularly held for prosecutors and judges.³²

- victim identification units within law enforcement for cases of ICT facilitated sexual offences against children,³³ and a national database for identification of victims in child abuse materials.³⁴

The Committee also observes that the Czech Republic makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE) database.³⁵

To improve the effective implementation of the Convention, the Committee **invites** the Czech Republic:

- to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.³⁶

- to provide specific training on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.³⁷

- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.³⁸

²⁴ Paras. 115, 119.

²⁵ Para. 125.

²⁶ Paras. 145, 146.

²⁷ Para. 152.

²⁸ Paras. 156, 157.

²⁹ Para. 164.

³⁰ Para. 167.

³¹ Ibid.

³² Para. 165.

³³ Para. 180.

³⁴ Para. 183.

³⁵ Para. 186.

³⁶ Recommendation III-8.

³⁷ Recommendation III-14.

³⁸ Recommendation III-20.

- to ensure that training on ICT-facilitated sexual offences against children for law-

enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.³⁹

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁴⁰

The Committee **invites** all Parties, including the Czech Republic:

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units.⁴¹
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.⁴²
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.⁴³
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁴⁴

On measures to ensure the effective investigation and prosecution

- The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁴⁵

The Committee also **invites** all Parties, including the Czech Republic:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices across Parties, including establishing and using national child abuse material databases, and that resources are sufficiently allocated.⁴⁶
- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.⁴⁷
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.⁴⁸
- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.⁴⁹

³⁹ Recommendation III-21.

⁴⁰ Recommendations III-3 and III-7.

⁴¹ Recommendation III-4.

⁴² Recommendation III-5.

⁴³ Recommendation III-9.

⁴⁴ Recommendation III-10.

⁴⁵ Recommendation III-30.

⁴⁶ Recommendation III-24.

⁴⁷ Recommendations III-25, III-29.

⁴⁸ Recommendation III-31.

⁴⁹ Recommendation III-32.

Promising practice

In the Czech Republic, law enforcement agents can benefit from qualification training courses. A time allowance of 20 hours is devoted to the issue of committing crime against children, including in the cyberspace. The issue of cybercrime is given a time allowance of 22 hours.

In the Czech Republic, the Judicial Academy regularly organises or co-organises educational events related to ICT facilitated criminal offences including sexual offences, available to prosecutors, judges, and, depending on the capacity of the courses, legal and judicial trainees, as well as assistants to judges and prosecutors. Among these, two long seminars were organised in 2021 on the theme “Cybercrime – selected issues”, focusing, among others, on “threats on social networks, especially against children, cyberbullying, cybergrooming, sexting, cyberstalking, extortion, production and distribution of child pornography”. In addition, a three-day seminar “Juveniles and minors” was organised in 2019, focusing on the issue of “children and risks of cyberspace”, including on the issues of “crimes committed by children and on children through the cyber environment and the protection of children, cyberbullying, sexting, webcamtrolling, cybergrooming”.

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to the Czech Republic

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1) (a-c))

The Committee notes that the Czech Republic has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Accordingly, the Czech Republic will accept jurisdiction if an offender committed the act in the national territory, either entirely or in part, even where the violation or endangering of an interest protected by criminal law occurred, or was supposed to occur, either entirely or in part, abroad. The same is true of the opposite situation: the offence shall be considered to have been committed in the territory if an offender violated or endangered an interest protected by criminal law, or if such a consequence was supposed to occur, in whole or in part, within the territory, even though the act was committed abroad. Moreover, an offence will be considered as committed in the territory of the Czech Republic if the perpetrator or accomplice to an offence committed abroad acted in whole or in part in the territory.⁵⁰

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

It appears that the Czech Republic assumes jurisdiction in cases where offences covered by the Convention were committed by its nationals or persons who have their habitual residence on its territory.

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed

(Article 25(6))

It appears that the Czech Republic does not apply this condition for prosecution.

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

The Committee observes that the criminal law of the Czech Republic has a clause which provides for the possibility of derogating from the general rules on jurisdiction based on international instruments. However, it is sometimes unclear which provisions of the Criminal Code can be adapted or excluded, and whether this allows full compliance with Article 25(1)(d), (e) and 25(4) of the Lanzarote Convention.⁵¹ In the Czech Republic, jurisdiction will be granted for the prosecution of acts committed abroad by a foreigner or a stateless person who has not been granted permanent residence in the territory of the Czech Republic if the act is criminalised in the territory it was committed, the offender was apprehended in the Czech Republic, extradition and transfer proceedings were held but did not result in extradition or transfer, and the party which requested extradition or transfer of the offender requests criminal prosecution of the offender in the Czech Republic.⁵²

Therefore, to improve the effective implementation of the Convention, the Committee invites the Czech Republic:

- to remove the requirement for dual criminality for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in

⁵⁰ Para. 214.

⁵¹ Para. 227.

⁵² Para. 230.

pornographic performances (Article 21), when committed by one of their nationals.⁵³

- to remove the requirement for dual criminality for offences of possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved when committed by one of their nationals.⁵⁴
- to remove the requirement for dual criminality for offences concerning solicitation of children for sexual purposes (Article 23) when committed by one of their nationals.⁵⁵

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

As detailed in the Explanatory Report of the Convention, Parties are not obliged, but can

endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the territory under Article 25(2). The passive personality principle is applied in the Czech Republic only for certain offences punishable by imprisonment of at least 6 years committed against a national or a stateless person granted permanent residence.⁵⁶ The penal code of the Czech Republic also requires dual criminality in order to apply the passive personality principle.⁵⁷

- The Committee **requests** Parties that are not already doing so, including the Czech Republic, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.⁵⁸

⁵³ Recommendation IV-6.

⁵⁴ Recommendation IV-7.

⁵⁵ Recommendation IV-8.

⁵⁶ Para. 231.

⁵⁷ Para. 232.

⁵⁸ Recommendation IV-9.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations of the Committee on international cooperation specific to the Czech Republic

The Committee observes that INHOPE,⁵⁹ WeProtect Global Alliance,⁶⁰ and EMPACT cybercrime CSE/CSA⁶¹ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in the Czech Republic.⁶²

The Committee also observes that law enforcement representatives from the Czech Republic attend the Europol's central training course "Combatting the Sexual Exploitation of Children on the Internet" (COSEC) and the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).⁶³

Additionally, the Committee notes that some Parties that are members of the European Union requires their nationals or residents that are victims of a crime committed in another country of the European Union following the transposition of Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.⁶⁴ However the Committee observes that the Czech Republic does not have this limitation.⁶⁵

Generic recommendations of the Committee on international cooperation

- The Committee **requests** all Parties, including the Czech Republic, to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁶⁶

The Committee **invites** all Parties, including the Czech Republic:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.⁶⁷
- to expand international cooperation with countries which are not Parties to the Lanzarote

Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to CSGSIV.⁶⁸

- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁶⁹
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their

⁵⁹ www.inhope.org/

⁶⁰ <https://www.weprotect.org/>

⁶¹ <https://www.europol.europa.eu/empact>

⁶² Para. 255.

⁶³ Para. 259.

⁶⁴ See, Article 17§2: "Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of

residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so."

⁶⁵ Para.271.

⁶⁶ Recommendation V-3.

⁶⁷ Recommendations V-6, V-11.

⁶⁸ Recommendations V-4, V-7, V-12, V-15.

⁶⁹ Recommendation V-5.

flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁷⁰

- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁷¹

- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁷²

- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁷³

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁷⁴

⁷⁰ Recommendations V-8, V-13.

⁷¹ Recommendation V-9.

⁷² Recommendation V-10.

⁷³ Recommendations V-14, V-16.

⁷⁴ Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to the Czech Republic

The Committee observes that in the Czech Republic many helplines are run in collaboration between different bodies, including ministries and NGOs. This can be very effective for victims who benefit from this synergy and broader services.⁷⁵ The law of the Czech Republic specifies the child's right to access help even without parental consent. Such clauses eliminate certain paradoxes that are often left to the discretion of professionals.⁷⁶ Additionally, the government provides moral and financial compensation to victims of crime, including children victims of sexual abuse in the Czech Republic.⁷⁷

- To improve the effective implementation of the Convention, the Committee **requires** the Czech Republic to take the necessary legislative or other measures to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice

to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. These information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, and especially the child, can understand, and it is free of charge.⁷⁸

- The Committee also **invites** the Czech Republic to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those who wish to help them.⁷⁹

⁷⁵ Para. 277.

⁷⁶ Para. 291.

⁷⁷ Para. 293.

⁷⁸ Recommendation VI-1.

⁷⁹ Recommendation VI-2.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations of the Committee on civil society involvement and cooperation specific to the Czech Republic

The Czech Republic emphasised that its support for the development of prevention activities by civil society takes the form of financial support and grants, such as state sponsorship of civil society campaigns.⁸⁰

The Committee observes that, in the Czech Republic, most victim assistance mechanisms are limited to offering a helpline to report illegal material online or offences in these telephonic and electronic helplines usually concern fairly broad issues such as violence against children, including sexual violence.⁸¹

Generic recommendations of the Committee on civil society involvement and cooperation

To improve the effective implementation of the Convention, the Committee **invites** all Parties, including the Czech Republic:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.⁸²
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.⁸³

- to support civil society to carry out projects and programmes that include the issue of CSGSIV.⁸⁴

- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives⁸⁵ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.⁸⁶

⁸⁰ Paras. 310, 314.

⁸¹ Paras. 328.

⁸² Recommendation VII-3.

⁸³ Recommendation VII-4.

⁸⁴ Recommendation VII-5.

⁸⁵ Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

⁸⁶ Recommendations VII-6, VII-7.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Observations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves specific to the Czech Republic

Although it is not necessarily specific to co-ordination of awareness-raising activities concerning the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, the Committee observes that in the Czech Republic, the Ministry of the Interior, in cooperation with other ministries, regularly

prepares the so-called Crime Prevention Strategy and submits it to the Government of the Czech Republic for approval. The upcoming Crime Prevention Strategy for the period 2021-2026 includes a target on the issue of danger in cyberspace, specifically in terms of children's presentation (images) and sharing of such content by children.⁸⁷

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including the Czech Republic:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.⁸⁸
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is "adapted to their evolving capacity" or, in other words, their age and degree of maturity.⁸⁹
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their

own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.⁹⁰

- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.⁹¹
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.⁹²
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about

⁸⁷ Para. 378.

⁸⁸ Recommendation VIII-1.

⁸⁹ Recommendation VIII-2.

⁹⁰ Recommendation VIII-3.

⁹¹ Recommendation VIII-4.

⁹² Recommendation VIII-5.

the preventive measures that can be taken.⁹³

- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.⁹⁴
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual

exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.⁹⁵

- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.⁹⁶

⁹³ Recommendation VIII-6.

⁹⁴ Recommendation VIII-7.

⁹⁵ Recommendation VIII-8.

⁹⁶ Recommendation VIII-9.

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendation of the Committee on education for children specific to the Czech Republic

Although it cannot be inferred that all the challenges associated with CSGSIV are covered in the national curricula or other non-formal educational contexts, the Committee observes that elements of information on the prevention of sexual exploitation and sexual abuse, including when facilitated by ICTs, are being taught to children in the Czech Republic as it is one of the areas that is included in compulsory education from pre-school to secondary education throughout the country. In 2021, an amendment to the framework educational program for basic education came into force, with updates for the

educational field of "Informatics", which also includes the safe handling of technologies and mastering skills and habits that lead to the prevention of risky behaviour or of misuse of data and information within cyberbullying.⁹⁷

The Committee observes that the information is also provided within "Health Education" at the 2nd level of primary and secondary schools and at the 1st level of primary schools within "Man and his world" in the thematic area of "Man and Health".⁹⁸

Generic recommendations of the Committee on education for children

The Committee **invites** all Parties, including the Czech Republic:

- to consistently involve children in the development of internet safety awareness programmes.⁹⁹
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹⁰⁰
- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV,

in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.¹⁰¹

- to ensure that parents, caregivers and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.¹⁰²

⁹⁷ Para. 386.

⁹⁸ Para. 399.

⁹⁹ Recommendation IX-4.

¹⁰⁰ Recommendation IX-5.

¹⁰¹ Recommendation IX-6.

¹⁰² Recommendation IX-8.

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to the Czech Republic

The Committee observes that in the Czech Republic, students of pedagogical lyceums, where they are prepared to continue their studies in the fields of pedagogy, psychology and social work or in fields preparing teachers and educators, are taught about the prevention of risky behaviours of children, domestic violence as well as the consequences of communication in the cyberspace.¹⁰³ Additionally, the Committee notes that some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse.¹⁰⁴

To improve the effective implementation of the Convention, the Committee **requires** the Czech Republic:

- to ensure that the persons who have regular contacts with children are equipped to identify any situation of sexual exploitation and sexual abuse of children:
 - in the education sector
 - in the health sector
 - in the social protection sector.¹⁰⁵
- to ensure that the persons who have regular contacts with children are informed of

the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:

- in the education sector
- in the health sector
- in the social protection sector
- in areas relating to sport, culture and leisure activities.¹⁰⁶
 - to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.¹⁰⁷

- The Committee also **invites** the Czech Republic to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example through education or continuous training.¹⁰⁸

¹⁰³ Para. 419.

¹⁰⁴ Para. 428.

¹⁰⁵ Recommendation X-5.

¹⁰⁶ Recommendation X-6.

¹⁰⁷ Recommendation X-7.

¹⁰⁸ Recommendation X-2.

Generic recommendations of the Committee on higher education curriculum and continuous training

- The Committee **invites** all Parties, including the Czech Republic, to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.¹⁰⁹

Promising practices

In the Czech Republic, Disman Radio Children's Ensemble and the Czech Radio Children's Choir, when appointing artistic leaders or, as the case may be, choir masters and other collaborators involved in the work of these bodies, places great emphasis on their knowledge of child sexual abuse and the risks in this area, as well as their ability to identify situations of sexual exploitation or child abuse. Czech Radio also provides continuing education to these persons in the area of protection of children against sexual exploitation and sexual abuse.

¹⁰⁹ Recommendation X-3.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to the Czech Republic

The Committee observes that the Czech Republic has participated for at least one year in the EU Kids Online surveys, which is a multinational research network seeking to enhance knowledge of children's online opportunities, risks and safety. Surveys carried out in the framework of EU Kids Online collect data and information on, *inter alia*, children's practice of sending and receiving sexual messages online.¹¹⁰ It appears from the EU Kids Online 2020 Report that civil society and Masaryk University enabled the survey to be carried out in the Czech Republic.¹¹¹

On the other hand, the Committee observes a **difficulty in implementing the Convention** as the Czech Republic has affirmed that no research has

been undertaken on issues raised by CSGSIV and/or on the psychological effects on persons who have had such material shared online, except the EU Kids Online surveys.¹¹²

- Therefore, the Committee **invites** the Czech Republic to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹¹³

Generic recommendations of the Committee on research

The Committee **invites** all Parties, including the Czech Republic:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of CSGSIV.¹¹⁴
- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and

research on the issue is regularly undertaken.¹¹⁵

- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by CSGSIV.¹¹⁶

¹¹⁰ Para. 440.

¹¹¹ Para. 455.

¹¹² Para. 443.

¹¹³ Recommendation XI-4.

¹¹⁴ Recommendation XI-1.

¹¹⁵ Recommendation XI-2.

¹¹⁶ Recommendation XI-3.