



T-ES(2017)ICT-CZ

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

CZECH REPUBLIC

2nd thematic monitoring round

"The protection of children against sexual exploitation and
sexual abuse facilitated by information and communication
technologies (ICTs)"

Replies registered by the Secretariat on 2 March 2018

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In general, prevention is a key part of sexual education and it is part of compulsory education in all schools in the Czech Republic. Part of this training is also materials that provide schools with professional organizations involved in the protection against sexual violence. The content of this compulsory education is determined by the Ministry of Education, Youth and Sports.

Every school is obliged to have school programme for prevention and awareness rising and school methodologist on prevention. Prevention of sexual behaviour that is considered to be risky is one of the key parts. Various campaigns are currently active in the Czech Republic and teachers as well as school methodologist are using those programmes. As example can be stated the campaign of CoE the underwear rule which is available in Czech and also promoted on the Czech page "chance for child"

<https://www.sancedetem.cz/cs/hledam-pomoc/rodina-v-problemove-situaci/rizikove-chovani-dospoleho-k-diteti/sexualni-zneuzivani-ditete.shtml> (unfortunately in Czech but including the various materials on this matter) and most recently the campaign of Europol in which Czech Police also actively participates <http://www.policie.cz/clanek/sayno-celoevropska-kampan-proti-internetovemu-sexualnimu-natlaku-a-vydirani-deti-rekni-ne.aspx>

The campaign Say No is primarily focused on 'sextortion' or 'webcam blackmailing', the online coercion and extortion of children – a form of digital blackmail where sexual information or images are used to extort sexual material, sexual favours or money, has skyrocketed in the past years, but remains largely underreported

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Yes, education in this area is part of compulsory education in all schools in the Czech Republic. The content of this compulsory education is determined by the Ministry of Education, Youth and Sports. The concrete form of the activity depends on each school and usually is based on preventative campaign such as those mentioned in 1.2.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Public education, including pupil parents, is mostly provided by non-governmental non-profit organizations that also promote education in this area.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

Publications on the subject are provided directly to schools and are also available on the websites of the organizations concerned.

For concrete materials and current video please consult link above on campaign Say No.

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The support of preventive projects and programs carried out by non-state non-profit organizations is carried out by state authorities through the provision of funds under subsidy programs and by sponsorship, especially by the Ministry of Education, Youth and Sports.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

Please, see the answers above.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Yes, these topics are included in the compulsory curriculum and are part of compulsory education in all schools in the Czech Republic.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

No, these topics are not particularly targeted in higher education.

Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?
- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- self-generated sexually explicit images and/or videos as children have been shared online?
 - self-generated sexual content as children has been shared online?

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

There was no any research on this topic initiated by public authorities.

Protection

Question 6. Assistance to victims

- 6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:
- self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - self-generated sexual content are provided with the necessary support, assistance and psychological help?

The criminal offence may be reported with any police authority and any public prosecutor both in writing and orally. These authorities are obliged to deal with the report as soon as possible. The public prosecutors are obliged to prosecute all criminal offences that they learn about. A special hotline of the Police of the Czech Republic has been established in order to facilitate reporting of cybercrime, including cases of sexual exploitation online. Reporting by means of this helpline is direct, anonymous and safe. Child victims of sexual exploitation online may take advantage of numerous helplines, such as Crime Victims Helpline 116 006 operated by Bílý Kruh Bezpečí, Linka bezpečí 116 111 or general helplines of the police 158 and 112. Necessary support, assistance and psychological help is provided to child victims by numerous private entities, which are as a rule filed in the Register of providers maintained by the Ministry of Justice, and by the public Probation and Mediation Service.

Ministry of Justice of the Czech Republic has in its competencies also to grant a compensation to crime victims according to the Act No. 45/2013 on crime victims, to (art. 24)

d) a victim of a crime against human dignity in a sexual area ..., who suffered non-pecuniary damage, or

a) a victim suffering injury to health in consequence of a criminal act.

The compensation according to the d) is linked for compensation of expenses relating to provision of psychotherapy and physiotherapy or other technical services aimed at rectifying occurring non-pecuniary damage, up to a total amount of CZK 50,000.

In a case of health injury (or serious health injury), incl. mental one, a victim can also obtain a compensation in in a lump sum of CZK 10,000 (and CZK 50,000 for serious health injury) or in an

amount representing the victim's proven loss in earnings and proven costs affiliated with treatment, decreased by the sum of all amounts which the victim has already received as compensation for damage; monetary assistance may not exceed a total amount of CZK 200,000.

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Child victims are considered particularly vulnerable under the Act no. 45/2013 Coll., on Victims of Crimes, as amended, and therefore they enjoy particular enhanced rights. If requested, they must be provided with assistance which is free of charge, regardless of whether such assistance consists in psychological assistance, social assistance, legal information, restorative programs or legal aid. Such assistance is provided before commencement of the criminal proceedings, during its course and after its conclusion. Child victims may also request certain measures protecting them from secondary victimization, such as prevention of contact with person indicated as the offender. Children must be interrogated in an especially sensitive manner and in such way that the interrogation does not need to be repeated. Their interrogation in the pre-trial proceedings is conducted by a person with relevant training in rooms adjusted for this purpose. The Act on Victims of Crimes elaborates in detail on right to information of the victims, including those not speaking Czech. All information necessary to fully exercise rights of the victim should be available.

Act No. 359/1999 Coll., on social and legal protection of children, regulates the provision of social and legal protection, for which social and legal protection bodies of children are responsible. This law regulates only certain actions aimed at protection of children, other actions are specified in numerous legal regulations targeted at specific areas. These include, inter alia, Civil Code, Civil Procedure Code, Criminal Code, Rules of Criminal Procedure, Act No. 108/2006 Coll., on Social Services, Act No. 45/2013 Coll., on Victims of Crime, Act No. 372/2012 Coll., on Health Services, and others.

From the above specified legal regulations the below stated key principles of legislation in the sphere of social and legal protection of children may be derived:

- Priority factor of providing social and legal protection to children consists in the best interest, prosperity and well-being of children.
- Social and legal protection shall be afforded to all children in general, without any discrimination based on grounds of race, colour, gender, language, religion, political or any other opinion, national, ethnic or social origin.
- Social and legal protection shall be granted to all children below the age of eighteen years unless they attain majority earlier.
- The state shall be responsible for the protection of children from physical or mental violence, for the protection of their healthy development in physical, mental and moral terms and the protection of other aspects of integrity of a child as a holder of rights guaranteed by the Constitution and the Charter and rights ensuing from international commitments of the Czech Republic. However, the state shall neither substitute for discharge of parental obligations and responsibilities not intrude into the position of parents as holders of parental responsibilities, unless the child's rights or development are at risk.
- The bodies having general jurisdiction in the sphere of child's protection are courts and entities specified by the Act No. 359/1999 Coll., i.e. the Ministry of Labour and Social Affairs, regional and municipal authorities and in the sphere of foreign affairs the Office for International Legal

Protection of Children, seated in Brno. Tasks in the field of social and legal protection of children are also accomplished by regions and municipalities with separate powers and natural and legal persons, if authorized to exercise of social and legal protection.

Under section 8 of the Act No. 359/1999 Coll. of every child, including children sexually abused or exploited, shall have the right to ask social and legal protection authorities and social and legal protection facilities, government authorities that are also responsible for the protection of rights and justified interests of children under special legal regulations, schools, schooling facilities, other legal entities and individuals charged with the performance of social and legal protection, and healthcare service providers for help in protecting his or her life and safeguarding his or her other rights; these authorities, legal entities and individuals shall be obliged to provide the child with adequate assistance. A child shall have the right to ask for help even without the knowledge of his or her parents or other persons responsible for the child's upbringing.

The municipal authorities of a municipalities with extended powers are obliged to provide the necessary assistance, counselling and support to the child, especially through social service providers under Act No. 108/2006 Coll. (for example Facilities Providing Professional Advisory Related to Caring for Children, early intervention services, protected and supported housing and others), health service providers under Act No. 372/2011 or specialized providers of assistance to victims of crimes under Act No. 45/2013 Coll.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

There is no specific information available.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

See also answer 6. 1

In general in the victims' protection area there are NGO like Bily kruh bezpeci available on English

<https://www.bkb.cz/en/>

Or Linka Bezpečí <http://www.linkabezpeci.cz/>

The Ministry of Labour and Social Affairs grants, according to a special law, a purpose-designed subsidy from the state budget for the financing of current expenses related to the provision of basic types and forms of social services in the scope determined by the basic activities of individual types of social services.

The regions are obliged to identify the needs of providing social services to persons or groups of persons in their territory, to cooperate with municipalities, other regions and social service providers in mediating assistance to persons, or to mediate contact between the provider and the person, to ensure the availability of social services in their territory with a medium-term plan for the development of social services, to define a network of social services in the region and taking into account information provided by municipalities pursuant to the Social Services Act.

The Ministry of Labour and Social Affairs provided in 2017 to the Safety Line, as a specific service for this target group, CZK 11 415 000.

Prosecution

Question 8. Legislation

8.1. Does national law contain any reference to:

- a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

The Criminal Code does not contain explicit reference “self-generated sexually explicit images and/or videos” in relation to offences covered by Art. 18 – 23 of the Lanzarote Convention. Nevertheless, this term is covered by the term “child pornography” which is defined as “photographic, film, computer, electronic or other pornographic works, displaying or otherwise using a child or a person that appears to be a child” [Section 192(1) of the Criminal Code]. In regard to social harmfulness of such behaviour, the mere possession of sexually explicit images and videos in any form is punishable. It is not required that the offender has materials containing child pornography directly with him/her, it is sufficient when he/she has access to it. The child, which produces his/her self-generated sexually explicit images and/or videos (even sexual content) is not criminally liable. The relevant offences covered by Article 18-23 of the Lanzarote Convention in Section 187, 192-193b and 202 of the Criminal Code.

Section 187 Sexual Abuse

(1) Whoever performs a sexual intercourse with a child under the age of fifteen, or whoever otherwise sexually abuses a child, shall be sentenced to imprisonment for one to eight years.

(2) An offender shall be sentenced to imprisonment for two to ten years, if he/she commits the act referred to in Sub-section (1) on a child under fifteen years of age entrusted to his/her supervision, while abusing their addiction or the offender’s position and, their credibility or influence derived therefrom.

(3) An offender shall be sentenced to imprisonment for five to twelve years, if he/she causes grievous bodily harm by the act referred to in Sub-section (1).

(4) An offender shall be sentenced to imprisonment for ten to eighteen years, if he/she causes death by the act referred to in Sub-section (1).

(5) Preparation is criminal.

Section 192 Production and other Disposal with Child Pornography

(1) Whoever handles photographic, film, computer, electronic or other pornographic works, displaying or otherwise using a child, shall be sentenced to imprisonment for up to two years.

(2) The same sentence shall be imposed to anyone, who using information or communication technologies get the access to child pornography.

(3) Whoever produces, imports, exports, transports, offers, makes publicly available, provides, puts into circulation, sells or otherwise procures photographic, film, computer, electronic or other pornographic works that display or otherwise use a child or a person, who appears to be a child or whoever profits from such pornographic works, shall be sentenced to imprisonment for six months to three years, to prohibition of activity or to confiscation of a thing.

(4) An offender shall be sentenced to imprisonment for two to six years or to confiscation of property, if he/she commits the act referred to in Sub-section (3)

- a) as a member of an organised group,

- b) by press, film, radio, television, publicly accessible computer network, or in other similarly effective way, or
 - c) with the intention to gain substantial profit for him-/herself or for another.
- (5) An offender shall be sentenced to imprisonment for three to eight years or to confiscation of property, if he/she commits the act referred to in Sub-section (3)
- a) as a member of an organised group operating in more states, or
 - b) with the intention to gain extensive profit for him-/herself or for another.

Section 193 Abuse of a Child for Production of Pornography

- (1) Whoever persuades, arranges, hires, allures, entices or exploits a child for production of pornographic works and profits the child's participation in such pornographic works, shall be sentenced to imprisonment for one year to five years.
- (2) An offender shall be sentenced to imprisonment for two to six years, if he/she commits the act referred to in Sub-section (1)
- a) as a member of an organised group, or
 - b) with the intention to gain substantial profit for him-/herself or for another.
- (3) An offender shall be sentenced to imprisonment for two three to eight years, if he/she commits the act referred to in Sub-section (1)
- a) as a member of an organised group operating in several states, or
 - b) with the intention to gain extensive profit for him-/herself or for another.

Section 193a Participation in Pornographic Performance

Whoever participates in a pornographic or any other similar performance in which a child performs shall be sentenced to imprisonment for up to two years.

Section 193b Establishment of Unauthorised Contacts with a Child

Whoever proposes a meeting to a child under fifteen years of age with the intention to commit a criminal offence referred to in Section 187 (1), Section 192, 193, Section 202 (2) or any other sexually motivated criminal offence shall be sentenced to imprisonment for up to two years.

- b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

See the answer to question 8.1.a

- c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

See the answer to question 8.1.a

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The offender commits an offence even when there is just one child. The involvement of more than one child can be evaluated as an aggravating circumstance. Such behaviour could also be assessed as intention to gain substantial profit. In that case the offender can be sentenced to imprisonment for two to six years.

- 8.3. Are there specificities related to the fact that more children appear on the:
- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?

This can be seen as offences under the Sections 192-193a of the Criminal Code in connection with Section 6 of the Act on Juvenile Justice which states: "...The Criminal Code shall apply to the assessment of the offences committed by juveniles, except this act states otherwise." (the full text of the Sections 192-193a of the Criminal Code see in answer to question 8.1.a).

- b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

This can be seen as offences under the Sections 192-193a of the Criminal Code in connection with Section 6 of the Act on Juvenile Justice which states: "...The Criminal Code shall apply to the assessment of the offences committed by juveniles, except this act states otherwise." (the full text of the Sections 192-193a of the Criminal Code see in answer to question 8.1.a).

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:¹
- a. possess child self-generated sexually explicit images and/or videos?

Yes, according to Section 192(1) of the Criminal Code whoever possess photographic, film, computer, electronic or other pornographic works, displaying or otherwise using a child or a person that appears to be a child, will be sentenced to imprisonment for up to two years.

Section 192 Production and other Disposal with Child Pornography

(1) Whoever handles photographic, film, computer, electronic or other pornographic works, displaying or otherwise using a child, shall be sentenced to imprisonment for up to two years.

- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

Yes, it would be criminalised as Production and other disposal with child pornography according to Section 192(3) of the Criminal Code. The provision states that whoever produces, imports, exports, transports, offers, makes publicly available, provides, puts into circulation, sells or otherwise procures photographic, film, computer, electronic or other pornographic works that display or otherwise use a child or a person that appears to be a child, or whoever exploits such pornographic works, will be sentenced to imprisonment for six months to three years, to prohibition of certain activity or to confiscation of an item.

Section 192 Production and other Disposal with Child Pornography

(1) Whoever handles photographic, film, computer, electronic or other pornographic works, displaying or otherwise using a child, shall be sentenced to imprisonment for up to two years.

(2) The same sentence shall be imposed to anyone, who using information or communication technologies get the access to child pornography.

¹ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

(3) Whoever produces, imports, exports, transports, offers, makes publicly available, provides, puts into circulation, sells or otherwise procures photographic, film, computer, electronic or other pornographic works that display or otherwise use a child or a person, who appears to be a child or whoever profits from such pornographic works, shall be sentenced to imprisonment for six months to three years, to prohibition of activity or to confiscation of a thing.

(4) An offender shall be sentenced to imprisonment for two to six years or to confiscation of property, if he/she commits the act referred to in Sub-section (3)

a) as a member of an organised group,

b) by press, film, radio, television, publicly accessible computer network, or in other similarly effective way, or

c) with the intention to gain substantial profit for him-/herself or for another.

(5) An offender shall be sentenced to imprisonment for three to eight years or to confiscation of property, if he/she commits the act referred to in Sub-section (3)

a) as a member of an organised group operating in more states, or

b) with the intention to gain extensive profit for him-/herself or for another.

- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Yes, such conduct is punished as Production and other disposal with child pornography according to Section 192(3) of the Criminal Code. Conduct described could be also assessed as an offence of Endangering a Child's Care according to Section 201(1) of the Criminal Code ["Whoever, even out of negligence, endangers the intellectual, emotional, or moral development of a child by enticing them to an indolent or immoral life (...) will be sentenced to imprisonment for up to two years."]. In addition, the court may consider the fact that the offence was committed to the harm of a child as an aggravating circumstance according to Section 42 letter h. of the Criminal Code.

Section 201 Endangering a Child's Care

(1) Whoever, even out of negligence, endangers the intellectual, emotional, or moral development of a child by

a) enticing them to an indolent or immoral life,

b) allowing them to lead an indolent or immoral life,

c) allowing them to obtain means for themselves or for others by a criminal activity or in another condemnable manner, or

d) seriously breaching his/her obligation to take care of them or another important obligation arising from parental responsibility,

shall be sentenced to imprisonment for up to two years.

(2) Whoever allows, even out of negligence, a child to play on vending machines equipped with a technical device affecting the outcome of the game and which provides the possibility of monetary winnings, shall be sentenced to imprisonment for up to one year, to a pecuniary penalty, or to prohibition of activity.

(3) An offender shall be sentenced to imprisonment for six months to five years, if he/she

a) commits the act referred to in Sub-section (1) or (2) out of a condemnable motive,

b) continues in commission of such an act for a long period of time,

c) commits such an act repeatedly, or

d) gains substantial profit for him-/herself or for another by such act.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

The Criminal Code and the Criminal Procedural Code offer several alternatives such as waiver of punishment, conditional discontinuation of criminal prosecution, settlement and criminal order. In case of misdemeanour (all negligent criminal offences and such intentional criminal offences for which the Criminal Code stipulates a sentence of imprisonment with the upper limit of up to five years) the court may use so-called waiver of punishment regulated by Section 46 of the Criminal Code under the circumstances that it can be reasonably expected, with regard to the nature and seriousness of the offense committed and the current way of life of the offender, that merely discussing the matter in court will suffice to ensure their reformation and the protection of society. The offender has to regret having committed the act and demonstrates genuine efforts of reformation.

Conditional discontinuation of criminal prosecution (Section 307 – 308 of the Criminal procedural Code) is as a temporary decision associated with setting a probation period, subject to fulfilment of certain conditions and obligations imposed to the accused person. It is utilized in cases where given the circumstances of the case and personality of the accused person it is apparent that in the event of a condemning judgment a suspended sentence of imprisonment would be imposed and the accused person would most likely approve himself in the course of the probation period. The decision on conditional discontinuation of criminal prosecution may be issued under the following conditions:

- the proceeding in question deals with a misdemeanour,
- consent of the accused person and his confession to the act,
- compensation of damage by the accused person, if it was caused by the act, or entering into an agreement on the compensation of damage with the aggrieved person, or taking other necessary steps towards its compensation,
- surrendering any unjust enrichment gained by the act, and
- given the personality of the accused person and his/her previous life and circumstances of the case such decision may be deemed as sufficient.

In addition to fulfilment of the conditions above, it is possible to require that the accused person also to undertake that he/she will refrain from a certain activity in the course of the probation period, in connection to which he/she has committed the crime, or to deposit a financial sum for assistance to the victims of crime.

The settlement (Section 309 – 314 of the Criminal Procedural Code) is designed to facilitate settlement of the conflict between the offender and aggrieved person in social relationships. The accused person has to remedy all harmful effects incurred to the aggrieved person by the offence. The accused person may be imposed an obligation to additional monetary performance exceeding the framework of the damage caused, which serves for publically beneficial purposes.

Decision on settlement may be issued under the following conditions:

- the proceeding in question deals with a misdemeanour,
- consent of both the accused and aggrieved person,
- statement of the accused person that he/she has committed the act, for which he/she is being prosecuted, and there are no reasonable doubts that his declaration was made freely, solemnly and specifically,

- compensation of damage caused by the offence to the aggrieved person or necessary steps of the accused person towards its compensation, eventually another way of rectification of the harm incurred by the offence,
- surrender of unjust enrichment gained by the act, or taking other appropriate steps towards its surrendering,
- the accused person will deposit a financial sum to the account designated for assistance to the victims of crime, and such performance is not clearly disproportionate to the seriousness of the misdemeanour, and,
- given the nature and seriousness of the committed crime, the extent in which public interest was affected by the act and the personality of the accused person and his personal and property relations such manner of execution of the case may be deemed as sufficient.

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

The offender who committed behaviour described in 9.1.a-c could be sentenced to imprisonment for up to two years. If the offender commits described offences either as a member of an organized group, or by press, film, radio, television, publicly accessible computer network, or in other similarly effective way, or with the intention to gain substantial profit for himself or for another, he/she could be sentenced to imprisonment for two to six years or to confiscation of assets.

9.4. Does national law criminalise cases when adults:²

- a. possess child self-generated sexual content?
- b. distribute or transmit child self-generated sexual content to other adults?
- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Czech Criminal Code does not differentiate whether the images showing children in sexually explicit positions are self-generated by children or taken by somebody else (as long as the person is criminally liable), if such images meet the definition of child pornography as explained in question 9.1.a. Therefore, the answers to questions 9.1.a-c are relevant also for questions 9.4.a-c.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Please see the answer to question 9.2.

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

The abovementioned behaviour is classified as committing of the criminal offence and is sanctioned according to the Criminal Code.

Please see the answer to question 9.3.

² If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

- 9.7. Does national law criminalise cases when children:³
- a. produce self-generated sexually explicit images and/or videos?

In general children are not criminally liable unless they reach the age of 15. When children between 15 to 18 years produce sexually explicit images and/or videos of themselves, it is not subject of criminal liability in accordance with the Criminal Code.

- b. possess self-generated sexually explicit images and/or videos?

No, the child who commits such activity (possesses his/her own images/videos) is not criminally liable.

- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Distribution or transmission of "self-generated sexually explicit images and/or videos" as stated in letters c.-f. is subject of criminal liability in line with Section 192(3) of the Criminal Code.

- 9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Waiver of punishment could be applied by the specialized youth courts in case of misdemeanours according to Section 11 of Act No 218/2003 Coll. the Justice over Juveniles Act if the offender regrets having committed the offence and demonstrates genuine efforts of reformation under following circumstances: a) it can be reasonably expected, with regard to the nature and seriousness of the offence committed and the current way of life of the offender, that merely discussing the matter in court will suffice to ensure their reformation and the protection of society; b) he/she has committed the offence for lack of knowledge of laws which is excusable regarding his/her age, mental maturity and environment he/she has been living in; c) the court accepts guarantee of the remedy of the child.

According to Section 70 of the Justice over Juveniles Act it is possible to apply waiver of prosecution which gives public prosecutor in pre-trial proceedings and the juvenile court in trial proceedings the possibility to waive criminal prosecution and at the same time discontinue criminal prosecution on the grounds of absence of public interest in further prosecution of the juvenile, of course if all statutory conditions are met.

The decision to waive criminal prosecution may be issued if the following conditions are met:

- the upper limit of an offence is imprisonment not exceeding three years,
- there is no public interest on further prosecution of the child,
- criminal prosecution would not be purposeful, and
- punishment is not necessary to turn the child away from committing other offenses.

³ This question does not in any way suggest that these behaviours should be criminalised.

Criminal prosecution may be waived especially in case the child has already undertaken a suitable probation program, has fully or in part compensated the damage caused by the offence and the aggrieved person agrees with such compensation, or if the child was reprehended with a warning and such solution may be considered sufficient in view of the purpose of the proceedings. A complaint is admissible against the resolution on waiver of criminal prosecution.

In case of child offenders it is possible to use also other divergences in the criminal proceedings which are offered by the Criminal Code and are described in details in answer to question 9.2.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

The Youth Court can impose three kinds of measures to children between 15 to 18 years: educational measure, protective measures and criminal measure. Sentencing children to imprisonment shall be recognised as a last resort measure. The statutory penalty stipulated in the Criminal Code is half decreased in case of children.

9.10. Does national law criminalise cases when children: ⁴

a. produce self-generated sexual content?

No, the child who commits such activity (produces his/her sexual content) is not criminally liable.

b. possess self-generated sexual content?

No, the child who commits such activity (possesses his/her sexual content) is not criminally liable.

c. distribute or transmit self-generated sexual content to peers?

The child should by this behaviour commit the criminal offence under the Section 201 of the Criminal Code in connection with the Section 6 of the Act on Juvenile Justice.

d. distribute or transmit self-generated sexual content to adults?

No, the child who commits such activity (distributes or transmits his/her sexual content to adults) is not criminally liable.

e. distribute or transmit self-generated sexual content of other children to peers?

The child should by this behaviour commit the criminal offence under the Section 192 and 201 of the Criminal Code in connection with the Section 6 of the Act on Juvenile Justice.

g. distribute or transmit self-generated sexual content of other children to adults?

The child should by this behaviour commit the criminal offence under the Section 192 of the Criminal Code in connection with the Section 6 of the Act on Juvenile Justice.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

Please see the answer to question 9.7.c-f.

⁴ This question does not in any way suggest that these behaviours should be criminalised.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

Please see the answer to question 9.9.

If the child is criminally liable, than his/her behaviour is sanctioned according to the Criminal Code in connection with the Act on Juvenile Justice.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2⁵

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2⁶

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

No, the conduct described is not regulated (criminalised) by Czech laws.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Conduct described could be covered by several offences depending on specific circumstances of the case. According to Section 193b whoever proposes a meeting to a child under the age of fifteen with the intention to commit a crime according to Section 187(1) [Sexual Abuse], 192 (Production and other Disposal with Child Pornography), 193 (Abuse of a Child for Production of Pornography), 202(2) [Seduction to Sexual Intercourse] or another sexually motivated criminal offense, will be sentenced to imprisonment for up to two years. The proposal to meet a child could be made in any form, e.g. in writing, orally or using the information and communication technology. The offence is completed even though the meeting with a child has never taken place.

⁵ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

⁶ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

Provision of Section 192(2) of the Criminal Code stipulates the punishment up to two years of imprisonment for anyone who gains access to child pornography by the means of an information or communication technology.

According to Section 186 of the Criminal Code (Sexual Duress) whoever forces another person to masturbation, indecent exposure, or other comparable conduct by a threat of violence or a threat of another serious detriment, or whoever exploits the vulnerability of another for such conduct, will be sentenced to imprisonment for one year to five years (if the offence is directed against a child). The same sentence will be imposed to anyone who makes another person perform sexual intercourse, masturbation, indecent exposure, or other comparable conduct by exploiting his addiction or the offender's position and credibility or influence derived therefrom.

Question 12. Jurisdiction rules⁷

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

If the victim is not present in the Party when the offence is committed, the principle of territoriality (Section 4 of the Criminal Code) or principle of registration (Section 5 of the Criminal Code). In case that the offender is not present in the Party, the principle of personality (Section 6 of the Criminal Code) shall apply. According to the principle of protection stipulated in Section 7(2) of the Criminal Code the law of the Czech Republic will also apply to assessment of criminality of an act committed abroad against a Czech national or a person without a nationality, who has been granted permanent residence in the territory of the Czech Republic, if the act is criminal in the place of its commission, or if the place of its commission is not subject to any criminal jurisdiction.

Section 4 Principle of Territoriality

(1) The criminality of an act committed in the territory of the Czech Republic shall be assessed pursuant to the law of the Czech Republic.

(2) A criminal offence shall be considered as committed in the territory of the Czech Republic

a) if an offender committed the act here, either entirely or in part, even though the violation or endangering of an interest protected by the criminal law occurred or was supposed to occur, either entirely or in part abroad, or

b) if an offender violated or endangered an interest protected by criminal law or if such a consequence was supposed to occur, even partially, within the territory, even though the act was committed abroad.

(3) Participation is committed in the territory of the Czech Republic,

a) if the act of the offender has been committed within its territory; which is determined analogically according to Sub-section (2), or

b) if the accomplice of the act committed abroad partially acted within its territory.

(4) If the accomplice acted in the territory of the Czech Republic, the law of the Czech Republic shall apply to the participation, regardless of whether the act of the offender is criminal abroad.

Section 5 Principle of Registration

The criminality of an act committed outside of the territory of the Czech Republic, on a board of a ship or another vessel, aircraft or other means of air transport, which is registered in the Czech Republic, shall also be assessed in accordance to the law of the Czech Republic. The place of commission of such an act shall be assessed according to Section 4 (2) and (3).

⁷ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

Section 6 Principle of Personality

The law of the Czech Republic shall also apply to assessment of criminality of an act committed abroad by a citizen of the Czech Republic or a person with no nationality, who has been granted a permanent residence in its territory.

Section 7 Principle of Protection and Principle of Universality

(1) The law of the Czech Republic shall apply to assessment of criminality of Torture and other cruel and inhumane treatment (Section 149), Forgery and alteration of money (Section 233), Uttering forged and altered money (Section 235), Manufacture and possession of forgery equipment (Section 236), Unauthorised production of money (Section 237), Subversion of the Republic (Section 310), Terrorist attack (Section 311), Terror (Section 312), Sabotage (Section 314), Espionage (Section 316), Violence against public authority (Section 323), Violence against a public official (Section 325), Forgery and alteration of public documents (Section 348), Participation in organised criminal group pursuant to Section 361 (2) and (3), Genocide (Section 400), Attack against humanity (Section 401), Apartheid and discrimination against groups of people (Section 402), Preparation of offensive war (Section 406), Use of prohibited means and methods of combat (Section 411), War cruelty (Section 412), Persecution of population (Section 413), Pillage in the area of military operations (Section 414), Abuse of internationally and state recognised symbols (Section 415), Abuse of flag and armistice (Section 416) and Harming a parliamentarian (Section 417), even when such a criminal offence was committed abroad by a foreign national or a person with no nationality, who has not been granted permanent residence in the territory of the Czech Republic.

(2) The law of the Czech Republic shall also apply to assessment of criminality of an act committed abroad against a Czech national or a person without a nationality, who has been granted permanent residence in the territory of the Czech Republic, if the act is criminal in the place of its commission, or if the place of its commission is not subject to any criminal jurisdiction.

Section 8 Subsidiary Principle of Universality

(1) The law of the Czech Republic shall also apply to assessment of criminality of an act committed abroad by a foreign national or a person with no nationality who has not been granted permanent residence in the territory of the Czech Republic, also if

- a) the act is criminal also under the law effective in the territory of its commission,
- b) the offender was apprehended in the territory of the Czech Republic, extradition and transfer proceeding was held and was not extradited or transferred to another state or to another authority entitled to criminal prosecution and to serving a sentence and
- c) the foreign state or another entitled entity, which requested extradition or transfer of an offender for criminal prosecution or serving a sentence, requested criminal prosecution of an offender in the Czech Republic.

(2) The law of the Czech Republic shall apply to assessment of criminality of an act committed abroad by a foreign national or a person without a nationality to who has not been granted permanent residence in the territory of the Czech Republic, also when the act was committed in favour of a legal entity with a registered office or branch in the territory of the Czech Republic.

(3) However, the offender cannot be imposed a more severe sentence than the sentence prescribed by the law of the state, in the territory of which was the criminal offence committed.

Section 9 Jurisdiction Stipulated by International Treaty

(1) Criminality of an act shall be assessed according to the law of the Czech Republic also if an international treaty incorporated into the system of law (hereinafter referred to as "international treaty") stipulates it.

(2) The provisions of Section 4 to 8 shall not apply if it is not admissible according to an international treaty.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

There are special units of the Police of the Czech republic in charge of dealing with children and juveniles on the national level ("Úřad služby kriminální policie a vyšetřování"), district level ("Služba kriminální policie a vyšetřování, Odbor obecné kriminality") and local level ("Služba kriminální policie a vyšetřování, Oddělení obecné kriminality").

All district directorates and local units employ employees specially trained to work with children and juveniles (child victims and juvenile offenders). The education of the employees as well as preparation of the educational programs is in charge of the Unit of police education and service preparation ("Útvar policejního vzdělávání a služební přípravy") and the Office for criminal police and investigation service ("Úřad služby kriminální policie a vyšetřování"). Police officers in particular departments pass basic training on working with minors (victims and offenders).

In the system of state prosecution, obligatory specialization of prosecutors for moral and violent crime and cybercrime is established. At the Public Prosecutor's Office operates a National Correspondent for cybercrime fight, to protect the rights to intangible goods and cyber security: a national strategy for information security (cyber threats); the national correspondent and his expert team are guarantors of interdepartmental cooperation, cooperation with foreign countries, analyses case law and expert articles, participates in the processing of questionnaires, educational activities, especially provided by the Judicial Academy, participates in inter-ministerial cooperation and consultations of specialists, attends or suggest attending conferences.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

In general, it can be referred to Act No. 218/2003 Coll., on juvenile justice, which covers two age categories - juveniles and children under 15 years of age.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

Number of staff depends on the size of the service district. The structure of the districts is following:
National level

- a) The Office for criminal police and investigation service, which has methodical officers for district directorates - department of general criminality, the agenda of juveniles as well as on the level of local departments of the office for police and investigation service, where there are as well departments of general criminality, the agenda of juveniles.
- b) The National central for the fight against organised crime, Department of cyber criminality – methodical officers for district directorates and local departments, the National central also deals with cases of cyber criminality reported from abroad (Europol, Interpol, NCMEC reports, CyberTipline etc.) and Contact Point 24/7.
The Office for police and investigation service – department of general criminality – police officer working on cyber criminality cases.

District level: individual district directorates of the police of the Czech Republic (the office for police and investigation service, department of general criminality - the agenda of juveniles and the Department of cyber criminality).

Local level: The Office for criminal police and investigation service, department of general criminality, the agenda of juveniles as well as police officers working on cyber criminality cases.

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?

It is mainly the office for police and investigation service being in charge of the identification of children victims of sexual abuse taking place online. Currently there is a national database of sexually abused children being created which should among others help to raise the numbers of identified children victims of sexual abuse taking place online.

- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

On the national level there have been already trained 8 people having an active access to the ICSE database, with two more people scheduled to be trained this year. The persons trained are officers from the Department of international police cooperation, the Office for criminal police and investigation service and the National central for the fight against organised crime, department of cyber criminality.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The application practice of law enforcement authorities in the Czech Republic includes cases of illegal sharing of photos / videos with sexual content [a]) as well as cases of illegal sharing of other sexual content. Often, this is done through social networks, especially on Facebook or on ICQ, on e-mail, etc. Most often these cases are legally classified as a crime of blackmail under Section 175 of the Penal Code. The offender passes off as someone else, contacts the child (a person under the age of 18), requests photos (videos) with sexual content. Often, it is the image of the child's own body. It could concern girl but a boy too. Getting the photos, videos, or sharing the sexual content goes on in several phases. It is often accompanied by flattery, abuse of the child's inexperience, ignorance of the functioning of the social network, etc. The next step is to verify the identity of the child. Eventually, there is an increase of the intimacy, the photos, videos, or sexual content are becoming more daring. The blackmailing manifests either as a threat of intimate content being disclosed to the parents of the child, or as a threat of publication of such content directly on the social network, to friends, classmates, etc.

A similar blackmailing mechanism may include the offender presenting him/herself as the representative of model agency. It may occur that there is a creation of virtual friendship between the victim and the offender. The criminal act of blackmailing consists in the fact that the offender forces the victim to do something, to omit or to tolerate. It is not necessarily part of the factum to require financial performance, counter-service, etc.

Other qualified facts of the crime that may occur:

Section 181 Infringement of Stranger's Rights of the Penal Code defined as "whoever causes serious harm to the rights of someone else by bringing another person into error, or taking advantage of another person's error, shall be punished by a prison sentence of up to two years or punishment by disqualification." For example, there has been a case where the offender has published intimate photos / videos of the child without his/her knowledge and consent, but it could target other intimate communications (correspondence) as well. It can often be a display of vengeance, hostility, a reaction to the breakup of a friendship. Often, the content is published on Facebook, or on other various social networks (such as www.spolužáci.cz, www.libimseti.cz), the content is used as false offer of sexual service.

Section 184 Slander of the Penal Code defined as "whoever shall bear a false statement about another person that is capable of substantially jeopardising their esteem among their countrymen, especially in their employment, disruption to their family, or to cause them any serious damage, shall be punished by a prison sentence of up to one year." The child will be particularly concerned with family relationships and relationships at school, with friends, etc. The qualified facts of the crime will then more severely affect acts committed by the press, film, radio, television, publicly accessible network or other similarly effective way. Most often, it may concern sending out (email) or publishing (on social networks) false statements about intimate life of the victim. These messages may be accompanied by photographs or videos. These actions can be the expression of the so called cyberbullying.

Section 353 Dangerous Threats of the Penal Code defined as "Whoever threatens another with death, grievous bodily harm, or other grievous harm in such a way that it raises legitimate concerns, shall be punished by a prison sentence of up to one year or punishment by disqualification." It may concern (in relation to the child) the mentioned other grievous harm which is assessed in consideration of every aspect of the case.

Section 354 Dangerous Persecution of the Penal Code defined as "Whoever persecutes another person long term by threatening them with bodily harm or another bodily harm to them or a person close to them, seeking out their personal closeness or watching them, persistently contacting them via means of electronic communications, written or otherwise, restricting them in their usual way of life, or abusing their personal data in order to obtain personal or other contact, and such conduct is capable of raising substantial concerns in them for their life or health or the life or health of persons close to them, shall be punished by a prison sentence of up to one year or punishment by disqualification. The concerned form of persecution is called cyber-stalking (unsolicited emails, distributing negative news via chat, blog or other way of virtual distribution of photos, videos, etc. Often it is so-called virtual or telephone terror.

Other facts of the crime may occur, such as Section 186 Sexual Coercion of the Penal Code ("whoever forces another person into masturbation, indecent exposure, or other comparable conduct by threat of violence or the threat of other grievous harm, or who exploits the person's vulnerability for such behaviour, Section 193 Abuse of a Child for the Production of Pornography of the Penal Code ("whoever persuades, arranges, hires, allures, entices, or exploits a child for the production of pornographic works and exploits the child's participation in such pornographic works), Section 193a Participation in pornographic performance of the Penal Code ("whoever participates in a pornographic or any other similar performance in which a child performs shall be punished by a prison sentence of up to two years."), Section 193b Establishment of unauthorised contacts with a child of the Penal Code ("whoever proposes a meeting to a child below fifteen years of age with the intention to commit a criminal offence referred to in Section 187 Subsection 1, Section 192, 193,

Section 202 Subsection 2 or any other sexually motivated criminal offence”), Section 201 Endangering a Child’s Care of the Penal Code (“whoever, even out of negligence, endangers the intellectual, emotional, or moral development of a child by enticing them to an indolent or immoral life, allowing them to lead an indolent or immoral life, allowing them to procure means for themselves or others through criminal activity or by another condemnable manner, or seriously breaching their obligation to care for them or any important obligation under parental obligations”) or Section 202 Enticement to Sexual Intercourse of the Penal Code (“whoever offers, promises, or provides monetary reward, benefits or advantages for the child or another person for sexual intercourse with a child, masturbation of a child, their indecent exposure, or other comparable conduct for the purpose of sexual satisfaction).

All these crimes can be committed through the internet and social networks. They also occur in the "non-internet" form.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

a.

Overview of seminars for national, district and local level – agenda of juveniles:

1. Qualification courses for officers from the Office for criminal police and investigation service, with professional specialization in detection (criminal intelligence course), (70 days, 504 hours, final exam).

The undertaking of the course is a mandatory requirement according to the provision 19 of the Act No. 361/2003 Coll., on the civil service of members of the police force for the position in the Office for criminal police and investigation service, with specialization in “detection”. A 20 hours long module of the course is dedicated to dealing with juveniles (content of the course: parenting obligations, social and legal protection of children, mediation, proceedings in criminal matters concerning juveniles, proceedings in criminal matters concerning children younger than 15 years, communication with juveniles, preparation and tactics of interrogation of children).

2. Qualification courses for officers from the Office for criminal police and investigation service, with professional specialization in investigation (65 days, 462 hours, final exam).

The undertaking of the course is a mandatory requirement according to the provision 19 of the Act No. 361/2003 Coll., on the civil service of members of the police force for the position in the Office for criminal police and investigation service, with specialization in “investigation”. A 20 hours long module of the course is dedicated to dealing with juveniles (content of the course: parenting obligations, social and legal protection of children, mediation, proceedings in criminal matters concerning juveniles, proceedings in criminal matters concerning children younger than 15 years, communication with juveniles, preparation and tactics of interrogation of children).

3. Dealing with juveniles according to the Act No. 218/2003 Coll., (course of further professional preparation according to provisions 45 and 77 of the Act No. 361/2003 Coll., 3 days, 20 hours, final exam, qualification valid for 5 years)

The absolvent of the course is qualified to carry out tasks related to detection, clarification and investigation of the crimes committed by juveniles and perpetrated on juveniles while using modern methods of interrogation tactics (content of the course: parenting obligations, social and legal protection of children, mediation, interim measures, institutional and protective education, special cases of social and legal protection of children, conflict resolution, cooperation with the body for the social and legal protection of children and probation and mediation body, criminal liability of juveniles, legal sources, proceedings in criminal matters concerning juveniles, proceedings in criminal matters concerning children younger than 15 years, communication with juveniles, preparation and tactics of interrogation of children).

4. Interrogation of child witness – victims of immoral criminal behaviour (specialized course according to provision 45 of the Act No. 361/2003 Coll., 5 days, 39 hours, final exam).

The purpose of the course is to deepen legal and professional knowledge in the area of interrogation of children, defence mechanisms of child victims, CAN syndrome, typology of perpetrators of immoral criminal behaviour, and gaining practical knowledge of use of special interrogation room (content of the course: the ability of children to give reliable testimony – history, problem of secondary victimization, particularities of interrogation of different age groups and people with special needs, characteristics and form of sexual abuse, syndrome of sexually abused child, analysis of concrete cases, typology of perpetrators of sexual abuse, practical work in the interrogation room).

Overview of seminars for national, district and local level – cyber criminality

There are three levels of education:

1. Basic bodies (new education program should be prepared around April 2018);
2. The Office for criminal police and investigation service (new education program should be prepared around April 2018);
3. Experts.

a. Seminary for experts (currently ongoing)

Practical process of creation of a bit copy of digital traces, computer networks - TCP/IP protocols (division into static and dynamic, NAT IP addresses, IPv4 and IPv6, public vs private, IP address ports in public and private networks), UDP, FTP, HTTP/S, DNS records, MAC address, VPN, Proxy, Cloud, web storages, remote desktop, Tor network, monitoring of Wi-Fi networks in the field, WEP, WPA, signal strength, screening of domains, Email – heading and its analysis (heading with private IP address, loopback IP address, without IP address) fake mailers (theory and principles), analysis of saved conversations of communication programs (ICQ, Skype, WhatsApp, Messenger,...) or mail clients, securing of complete web history, recovery SW – principle of data deleting and possibilities of retrieval of deleted data, SW for Win i in Linuxu – results/quality/tests, WIPE of data (safe deleting – options of deleting).

b. In connection with ISF – Internal security funds) there is a seminary for experts being prepared:

EnCase and Forensic Tool Kit – basic course

- Installation and updates
- Analysis and categorization of files according to different criteria (date, bookmarks etc.)
- Searching and index searching, key words, regular expressions
- Analysis of file signatures, verification of file types
- Setting of external browsers for particular persons
- Analysis of Windows logs, registers, connected devices etc.
- Use of preset report templates

- EnCase evidence processor – options
- Options of forensic analysis of the most used file systems
- Search and extraction of electronical communication data

EnCase a Foresinc Tools Kit – advanced course

- Searching of files/ data based on signature, carving, creating new signatures
- Searching and recovery of deleted data from a disc
- Recovery of fragments of partially rewritten files
- Options of examination of RAM memory back-ups
- Support and analysis of RAID
- Analysis of Slack space
- Analysis of Prefetch files
- Options of use and creation of scripts
- Updates of previous versions

+ other courses on networks in general, network protocols, dark net and cyber security.

b. + c

Judges and prosecutors are regularly addressed with the topic of the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies and about offences referred to in the questionnaire in training for judicial professionals provided by the Czech Judicial Academy. Since 2015 the topic of the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies is regularly addressed and included in criminal law training, namely the seminars: 1) Indecency offences involving children, 2) Internet crime, 3) Specific issues of cybercrime, 4) Exploitation of vulnerable victims.

According to law, training of judges is not mandatory in the Czech Republic, judges and prosecutors participate in training offered by the Czech Judicial Academy on voluntary basis.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

From the point of view of international judicial cooperation in criminal matters, the Institute for the Application of Legal Assistance in Criminal Matters is used. In cases where children are at risk, these requests for legal aid are identified as urgent. Cases are consulted at Eurojust and are used by the Joint Investigation Teams (JIT).