

## **Global Alliance against Child Sexual Abuse Online**

### **Czech Republic**

**Policy target No. 1: Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection**

<b>Operational Goal:</b>	Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly
<b>Operational Goal:</b>	Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders
<b>Actions ALREADY UNDERTAKEN</b>	
<b>Description of the actions already undertaken</b>	<p><b><u>Crime against children at strategic level</u></b></p> <p>At a strategic level several policy documents were adopted in the area of combating criminality against children, where particular aspects of combating child abuse online and activities with the impact on this criminal area can be found; e. g.:</p> <p><b>National Strategy on Protection of Children's Rights - Right to Childhood:</b>  <a href="http://www.mpsv.cz/files/clanky/14309/NSOPD.pdf">http://www.mpsv.cz/files/clanky/14309/NSOPD.pdf</a></p> <p><b>National Strategy on Prevention of Violence against Children 2008-2018</b>          More details: <a href="http://www.vlada.cz/scripts/file.php?id=61422">http://www.vlada.cz/scripts/file.php?id=61422</a>:</p> <p><b>Crime Prevention Strategy in the Czech Republic 2012-2015</b>  <a href="http://www.mvcr.cz/clanek/strategie-prevence-kriminality-na-leta-2012-2015.aspx">http://www.mvcr.cz/clanek/strategie-prevence-kriminality-na-leta-2012-2015.aspx</a></p> <p><b>Special Committee on Children issues</b> established by the Office of the Government is meeting on regular basis, approximately 5-6 times a year, more details on:  <a href="http://www.vlada.cz/cz/ppov/rlp/vyborny/pro-prava-ditete/uvod-55932/">http://www.vlada.cz/cz/ppov/rlp/vyborny/pro-prava-ditete/uvod-55932/</a></p> <p><b><u>At an operational level:</u></b></p> <p>It proved to be very functional to involve national focal points of Europol, Interpol, Sirene and Schengen issues "under one roof" in the department of International Relations of the Police Presidium of the Czech Republic (more information on: <a href="http://www.policie.cz/clanek/odbor-mezinarodni-policejni-spoluprace.aspx">http://www.policie.cz/clanek/odbor-mezinarodni-policejni-spoluprace.aspx</a>).</p> <p><b>Specialised units</b></p> <ul style="list-style-type: none"> <li>• there are no senates with an exclusive specialization in given criminal activity within the court system</li> </ul>

- there are police specialists focusing on crimes committed on minors and also specialised units focusing on information technology crime (at a national and regional level)

**Investigatory tools:**

the use of operational investigative resources and conditions for their use are regulated by the provisions of § 158b and following Criminal Code in the Czech legal system

**Special hearing rooms for children - witnesses or victims of crime**

The Special hearing rooms for children (SHR) are design to protect a child victim or witness of crime from further suffering and trauma or from any other forms of secondary victimization. They may be also used to interrogate juvenile offenders or other vulnerable individuals, such as victims of sexual abuse or domestic violence. The first SHR in the Czech Republic was launched in 2004 in Prague. The SHR is a properly equipped and clearly outlined facility which helps reaching maximum authenticity of the proceedings and their exact documenting (interviewing/working standards). SHR are equipped with cameras, microphones and sometimes also with computers and digital recording devices but, at the same time, they must be appropriately decorated and equipped for children (colourful furniture, toys, pictures, plants, etc.) in order to help them feel safe. SHR are located in a police building or another police facility based on the local conditions.

Up to January 2013 there were 41 SHR. In 2013 two other SHR are ready to be open. In 2012 SHR were used in 778 cases of hearing (children as witnesses, victims, perpetrators).

**Cooperation between investigators and prosecutors domestically and internationally**

Within the provisions of justice cooperation during criminal investigations and punishment of given criminal activity, justice authorities may use all the instruments governing the provision of legal aid (e.g. the European Convention on Mutual Assistance in Criminal Matters from 13. 12. 1957 and its two additional protocols, or the Convention on Mutual Assistance in Criminal Matters between the Member States of the EU from 29. 5. 2004 and its additional protocol) and instruments based on the protocol of mutual recognition (e.g. Council Framework Decision from 13. 6. 2002 on the European arrest warrant and the extradition procedures between Member States, or Council Framework Decision from 22. 7. 2003 on execution of freezing property or evidence orders in the European Union).

**Cooperation with private sector**

Regarding the nature of the crimes concerning child abuse online the cooperation with private stakeholders and NGOs is essential; police units cooperate with Internet service providers, different firms and internet companies facilitating the police investigation.

## Actions that WILL BE UNDERTAKEN

***Description of the actions that will be undertaken and timeframe***

**Legislation**

Current Czech legislation of the Criminal Code and the law on criminal liability of legal persons does not provide adequate protection of children against sexual assaults at such level as required by the EU.

Ministry of Justice therefore prepared and submitted to the Government a law proposal that, inter alia, implements a directive of the EU Parliament and the Council 2011/93/EU on combating child sexual abuse, child sexual exploitation and child pornography from 13 December 2011 to the Czech legal system, where

- it proposes a punishment for a participation in a pornographic performance including a child
- it adds a subject matter that provides for a required criminal intentionality of the act, where an adult individual proposes a meeting with sexually immature children via information or communication technologies with the aim to perpetrate a criminal offence of sexual abuse, or related
- it adds a punishment for a deliberate approach to child pornography via information or communication technologies
- it proposes an inclusion of further offences within the criminal liability of legal persons law, of which a legal person may be prosecuted for (rape, participation in a pornographic performance and facilitation of prohibited contact with a child)

On 30 January 2013, Act No. 45/2013 Sb. on victims of crimes and amendments to some laws (law on victims of crimes) was adopted. This Act creates a complex modification of the legal protection of victims of crimes, expands the rights of victims and removes the deficiencies of existing implementation of the EU law that regulates the position of a victim within the criminal proceedings.

Improving the protection of victims according to this law would also lead to a reduction in latent (hidden) crime. According to police statistics, the most common notifiers are the victims of crime themselves. (e.g., the reason for underreporting of sexual offences is usually fear from a possible judgmental behaviour of the authorities). According to the provision of § 2 para. 4 point a) of the given law, a child shall be deemed as a particularly vulnerable victim; there are special rules given in the law, e. g. for the process of examination and questioning. The Act also provides for the granting of financial assistance to victims of crime, even in cross-border cases.

**Other forms of cooperation**

The Ministry of the Interior has launched discussion on special child gynaecological ambulances serving to police and their investigation process.

**Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders**

<b>Operational Goal:</b>	Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online
<b>Operational Goal:</b>	Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks
<b>Actions ALREADY UNDERTAKEN</b>	
<b>Description of the actions <u>already undertaken</u></b>	<p><b>Awareness raising campaigns, hotlines</b></p> <p>Governmental institutions supported/are partners/launched several projects and activities in this area.</p> <p>Few examples:</p> <p><a href="http://aplikace.policie.cz/hotline/">http://aplikace.policie.cz/hotline/</a></p> <p><a href="http://www.e-bezpeci.cz/">http://www.e-bezpeci.cz/</a></p> <p><a href="http://www.saferinternet.cz/">http://www.saferinternet.cz/</a></p>
<b>Actions that WILL BE UNDERTAKEN</b>	
<b>Description of the actions that <u>will be undertaken and timeframe</u></b>	

**Policy target No. 3: Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online**

<b>Operational Goal:</b>	Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography
<b>Actions ALREADY UNDERTAKEN</b>	
<b><i>Description of the actions already undertaken</i></b>	Possible inspiration can be found on the above mentioned websites.
<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that will be undertaken and timeframe</i></b>	

**Policy target No. 4: Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted**

<b>Operational Goal:</b>	Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.
<b>Operational Goal:</b>	Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation
<b>Actions ALREADY UNDERTAKEN</b>	
<b><i>Description of the actions already undertaken</i></b>	Hotlines etc. – see above mentioned texts and websites. Cooperation between ISP and police units has been set up.
<b>Actions that WILL BE UNDERTAKEN</b>	
<b><i>Description of the actions that will be undertaken and timeframe</i></b>	