

Comparative Analysis of Criminal Legal Regulation of Non-Consensual Pornography

Abstract

This thesis addresses the issue of non-consensual pornography (NCP), commonly known as *revenge porn* or *image-based sexual abuse*. The phenomenon encompasses various methods of creating, obtaining, and sharing intimate materials of individuals without their consent. In recent times, it has become a frequently discussed topic in the media, prompting targeted responses from several foreign legal systems. However, the Czech Republic has yet to enact similar measures.

The objective of this thesis is to analyze the legal relevance of different forms of this phenomenon and evaluate whether the current legal framework provides sufficient protection against such conduct. Additionally, it aims to propose legislative reforms, if necessary, to ensure an adequate legal response. To achieve these goals, the author employs a combination of descriptive, analytical, comparative, and synthetic methods.

The thesis is divided into four chapters. The first chapter defines the concept of NCP, its forms, and the harmful impacts on the psychological and social well-being of victims, including discussions on secondary victimization. The second chapter analyzes the Czech legal framework regarding various forms of NCP and assesses the applicability and effectiveness of relevant criminal offenses to identify potential shortcomings in the current legal regime. The third chapter examines foreign approaches to this issue, identifying suitable and unsuitable elements of special statutory provisions employed by other legal systems, with the aim of finding an appropriate solution from the perspective of criminal law. In the concluding fourth chapter, the author formulates *de lege ferenda* proposals, which would provide a suitable response to the NCP phenomenon within the Czech context, taking into account planned legislative changes at both the national and European levels.

After evaluating all relevant issues, the author concludes that the current criminal law framework does not offer an adequate response to the various forms of NCP. Following the identification of more suitable solutions found in foreign legal frameworks, the author proposes the adoption of a new comprehensive criminal offense covering the entire range of behaviors falling under the discussed phenomenon.