

Abstract

Sexual Violence and Protection of its Victims

This rigorous thesis focuses on the issue of sexual violence, or more precisely on its individual aspects and its legislation in the Czech Republic.

As for the structure of this thesis, it is divided into four main sections. The first section deals with the issue of sexual violence in general. The individual chapters are devoted to the definition of this term, the historical development of this phenomenon and some forms of sexual violence, including three specific types of sexual violence, which are sexual violence against men, sexual violence between and against juvenile and drug-facilitated sexual assault. The second section deals with the characteristics of perpetrators of sexual violence and includes some typologies as well as classifications of perpetrators of sexual violence. This section is also devoted to the selected models of treatment of perpetrators of sexual violence. The third section concerns the victims of sexual violence, where at the beginning of this part myths and other misconceptions of society about this category of victims are refuted. Other individual chapters successively analyse the impact of sexual violence on the lives of victims, including post-traumatic stress disorder, as well as the selected strategies and approaches, whose purpose is to protect and help the victims of sexual violence, and finally the issue of false victims of sexual violence. The third section and the fourth one are the most comprehensive of all and together they constitute the core of the rigorous thesis. The fourth section focuses on the sexual violence legislation in the Czech Republic and its changes. At the beginning of this part, there is delineated the development of the sexual violence legislation in the Czech Republic from the times of the Austro-Hungarian Empire up to the present, including the adoption of the amendment to the Criminal Code No. 166/2024 Coll. The following are four very comprehensive chapters devoted to four criminal offenses that have undergone the most fundamental changes as a consequence of the above mentioned amendment. The individual chapters include a detailed analysis of the elements of these crimes, including their changes, and they are supplemented by my own reflections on the changes. This part ends with a final summary of the new legislation.

The main goal of this rigorous thesis was to comprehensively approach the issue of sexual violence, to elaborate the individual aspects of this phenomenon and to point out the significant changes of the legislation of sexual offenses in the Czech Republic, which are the consequences of the above mentioned amendment. With regard to the new legislation, the Czech legislator opted for the concept of non-consensual sexual intercourse in the form of the concept of "no means no". As a consequence of the adoption of the mentioned concept, there has been a very significant

change of the elements of the crime of rape, as well as the elements of the crime of sexual coercion and the crime of sexual abuse. At the same time, a new crime of sexual assault has been incorporated into the criminal code. The partial goal of this work was to take my own reasoned stands on the changes made in the legislation and on the related contentious issues. Within achieving this goal, I therefore express my opinion on the elements of the individual crimes, and I took a stand on the problematic issue of the concept of "yes means yes". I also express my opinion on the problematic and vague designation of the crime of sexual assault and propounded more apposite designation. I also dealt with the questionable issue of whether the criminal act of sexual abuse has become superfluous as a result of the changes of the legislation.

The rigorous thesis reflects the legal situation as of 11/5/2024, with the fact that it points out the changes of the legislation that will come into force from 1/1/2025.

Key words

sexual violence, the victims of sexual violence, sexual violence legislation in the Czech Republic, the crime of rape, the crime of sexual assault, the crime of sexual coercion, the crime of sexual abuse, changes of the sexual violence legislation in the Czech Republic, concept of "no means no", helping the victims of sexual violence, the perpetrators of sexual violence