

Retroactive application of sex offender registration statutes

Abstract

This thesis examines the proposed Czech sex offender registry, commonly known as the *child certificate*. Its aim is to determine whether the retroactive automatic registration of individuals violates the principle of legality and the *non bis in idem* principle as enshrined in the European Convention on Human Rights. To achieve this objective, the thesis first applies the Engel criteria derived from the case law of the European Court of Human Rights to the retroactive registration. The findings are then used to assess the registry's compliance with provisions of the Convention pertaining to the selected principles. The analysis concludes that the registry constitutes a measure of a criminal nature, as it pursues objectives analogous to those of criminal law and imposes significant restrictions on individual rights. Furthermore, its nature and implementation are difficult to distinguish from the criminal penalty of disqualification, thereby contravening the prohibition on imposing a heavier penalty than was applicable at the time of the offense. Due to the identical factual basis between the original conviction and the registration, along with the shared objectives of both processes and insufficient temporal connection between them, the thesis concludes that the registry also violates the prohibition against double punishment for the same offense.

Key words

child certificate – sex offender registration – European Convention on Human Rights