

## **Abstract**

This thesis deals with the criminal aspects of sexual abuse as it is a very sensitively perceived and always current issue. It is assumed that a significant minority of children in Europe (10-20 %) is sexually abused during their childhood. It is not an insignificant number and it is necessary to react with searching for answers to questions about how best to protect the child from such abuse and how best to prevent a potential offender from abusing a child.

The most effective tool in combating this serious phenomenon is considered criminal law, and therefore the aim of this paper is to analyse the topic of sexual abuse in terms of the substantive and procedural criminal law, to point out the shortcomings of current legislation and recommend possible solutions.

The content of the thesis is a historical excursion, introduction to problems of sexual abuse and the definition of basic concepts ( the cognitive development and current situation , the causes and forms, the basic characteristics of victims and perpetrators , the consequences of sexual abuse and the incidence and prevalence of this phenomenon , including graphical representations), forms of prevention in the area of sexual abuse at primary, secondary and tertiary level, the issue of commercial sexual abuse of children (child prostitution , child pornography and trafficking of children for sexual purposes), legal regulation of sexual abuse in international documents (particularly the United Nations , the Council of Europe and the European Union ) and their reflection in the legal order of the Czech Republic, criminal legislation in the area of sexual abuse in the Czech Republic (detailed analysis of the crime of sexual abuse under section 187 of the Penal Code with reference to the applicable case law and other related crimes), sexual abuse via the Internet, the specifics of the criminal proceedings in cases of sexual abuse, analytical processing current case law in cases of sexual abuse, the issue of sexual abuse in the case law of the European Court of Human Rights, comparison with selected foreign legal regulations ( Germany, Austria and Slovakia ) and finally an assessment of the shortcomings of current legislation on the protection of children against sexual abuse and suggestions *de lege ferenda*.

Based on the analysis of the available scientific literature, the international legal instruments, the national legislation, the comparison of foreign legal regulations relating to the topic of this work, we can say that there is a basic consensus on the necessity and effectiveness of criminal provisions in the area of sexual abuse, there are discussions about the merits of the offenses, their systematic classification etc. the protection of children against sexual abuse has traditional place in the criminal codes, and therefore it is not so much about promoting change of laws, but their consistent application. However, the effective response to new dangerous phenomenon involving the use of modern information

and communication technologies to the sexual abuse of children cannot do without the necessary changes of current legislation.