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Diploma thesis: Individual sexual behaviour control as a public policy topic
(based on analysis of regulations in the Czech Republic)

ABSTRACT

The goal of the diploma thesis named Individual sexual behaviour control as a public policy topic was, based on the analysis of the law regulations in the Czech Republic, to define and understand how sexual expressions are legally limited in our country. Human sexuality is a very private affair, but there are certain situations when the state authority has to interfere.

Human sexuality is a very complex phenomenon. On one side it has very deep biological roots, but on the other side satisfying our needs has been modified by the culture and society as well. Therefore in the theoretical part of the paper we tried to draw main components of sexuality through the view of such branches as ethology, psychology, social and cultural anthropology, sociology and gender studies as well as ethics, law and public policy.

Questioning human sexuality we cannot omit sexuology as a branch which is associated with it most closely. So we aspired to describe the basic elements of sexual motivation which are sexual identification, orientation and emotions. Of course we paid special attention to sexual behaviour. The sexual disorders were also addressed, because they have a lot in common with sexual delinquency. As for sexual disorders we mentioned sexual dysfunctions, sexual identification and orientation problems and especially sexual deviations (paraphilias).

In the following chapter of the thesis we performed the qualitative analysis of the regulations of sexual behaviour in the Czech Republic. First of all the constitutional base was set through such values as freedom, equality, human dignity, privacy, health and family. The national law has also been influenced by the international human rights documents produced by the United Nations, the Council of Europe as well as the European Union. Globally significant is the Declaration of Sexual Rights. Then we paid close attention to the criminal law trying to analyse the enactments concerning sexual behaviour control. So we must name such crimes as rape, sexual abuse, incest, sexual

exploitation and some legal aspects of prostitution and pornography. In a broad sense also other acts should be cited such as sexual diseases dissemination, human trafficking, double marriage and others, especially those connected with physical or mental violence and stalking. Some relevant enactments can be found also in the civil, family or health law as well as the social protection system.

As for the findings and conclusions we have made, we can state that the law regulations concerning sexual behavior in the Czech Republic are not only restrictive, but they also guarantee certain rights and freedoms and mark out the possibilities of qualified professional help. Though every human being has to observe certain aspects when considering sexual act – who is the preferred sexual partner, what kind of sexual activities he/she wants to carry out and also some situational aspects as place and time should not be omitted. But especially when comparing the up-to-date law regulations with the past ones or those in other countries we can see that the Czech law is rather large-minded. But still the role of the state authority is crucial, because it sets some important rules regarding sexual behaviour in the social environment, guarantees their obligation and enforces their fulfillment. In brief the state/public authority respects certain public interests when regulating the sexual behavior. They are the limitation of risky and dangerous acts on one side and the protection of public health, public order, children and families, sexual minorities, animals and property on the other side. In the effort to critically assess the valid law regulations of sexual behaviour, we can say, that in spite of certain questions regarding the legal age of sexual act, it is overall effective. The conclusions of our qualitative law analysis bring us also to the idea of sexual policy as a rather independent public policy branch. We tried not only to outline its contents but also to perform a brief stakeholders analysis. Anyway the sexual policy is a branch which needs to be examined more closely.