

## **Protection of sexual imperatives through criminal law**

### **Abstract**

Recently, there has been a growing interest from both the general public and professionals in the topic of sexual violence. It is also noticeable that international, foreign, and domestic legal frameworks are evolving to cover an increasingly broader range of sexual offenses. The topic of sexual violence is the subject of this rigorous thesis. Sexual crimes are very specific compared to other crimes. This specificity can be seen not only in the societal disagreement over which actions should be punishable by criminal law, but also in the latent nature of these crimes and the peculiarities accompanying criminal proceedings, especially in terms of evidence. The specific nature of the victims, who often have to deal with psychological or physical consequences of sexual crimes for their entire lives, cannot be overlooked, nor can the fact that public pressure to punish an ever-wider range of sexual behavior may affect the right to a fair trial.

This rigorous thesis addresses the issue of sexual offenses and their assessment by law enforcement authorities, aiming to familiarize the reader with interpretative and application practices.

The thesis is divided into four interconnected chapters, with the core of the work primarily located in the second chapter.

The first chapter, in addition to providing a general definition of crimes contained in Chapter III of the Penal Code, offers a detailed analysis of the facts constituting the crimes of rape, sexual coercion, and sexual abuse. The final part of the chapter also deals with the crime of incest as an excursion.

The second chapter addresses the interpretative and applicational practices of sexual offenses. Within this chapter, I highlight the differences in how society perceives the (im)punishability of certain sexual behaviors by criminal law. Furthermore, the chapter discusses the assessment and interpretation of sexual offenses by both the public and law enforcement authorities, focusing on the issue of evidence, specifically the assessment of the credibility of victims' testimonies and the development of case law over time. The last part of the chapter is dedicated to sexual offenses and the right to a fair trial.

The third chapter is devoted to the so-called Istanbul Convention, which deals with the issue of sexual crimes and rape, and whose (non)ratification is currently a hot topic of discussion in Czech republic.

The fourth chapter discusses the upcoming amendment to the Penal Code, which significantly affects crimes against human dignity in the sexual domain and abandons the concept

of coercion through the use of violence. For better clarity, this chapter includes a comparison with the existing legal framework.

**Key words: Sexual offenses, sexual violence, rape, sexual coercion, sexual abuse**