**Contribution of the Czech Republic to the Report on „countering cyberbullying against persons with disabilities, identifying recent trends and challenges, as well as applicable human rights principles, safeguards and best practices“**

Guiding questions on the inputs sought:

The following questions, albeit not meant to be exhaustive, indicate areas of particular interest for the drafting of the report:

* **Please provide information, in particular any study or detailed assessment you have undertaken, about how cyberbullying affects the human rights of persons with disabilities. If available, please provide disaggregated data.**

At the moment, the Czech Republic does not have studies or data on the impact of cyberbullying or other types of risky behaviour on the lives of persons with disabilities.

* **Please provide information about good practices (developed and/or implemented by States, national human rights institutions, civil society organizations, business enterprises, international organizations) at local, national, regional or international levels, to address cyberbullying against persons with disabilities, including its root causes.**

Although the Ministry of Education, Youth and Sports (MEYS) does not specifically monitor the occurrence of any of the types of risky behaviour from the point of view of children, pupils and students with disabilities, it only monitors them in general, incl. cyberbullying, within the framework of the iPREV platform, which has been created and is managed by the Addiction Clinic of the 1st Faculty of Medicine of Charles University and the General Faculty Hospital in Prague. As part of this platform, there is a system for recording preventive activities (SEPA), in which schools (primary and secondary schools in particular) also record occurrences of this type of risky behaviour at the given school. However, it is necessary to state that registration in this system is voluntary. Currently, the system is used by approximately 30% of schools, so the outputs cannot be presented in absolute numbers. It is not about the actual method of detecting cyberbullying, but about recording its occurrence.

The MEYS works primarily in the field of prevention and supports projects aimed at both pupils and teaching staff. The project "Regions for a safe Internet" is a nationwide project. In addition, such projects are implemented for the mentioned target groups, for example Palacký University in Olomouc - "E-safety".

In cooperation with the National Office for Cyber and Information Security and experts from practice, the MEYS has prepared an update of the Give cyber course, which is available on the website www.osveta.nukib.cz. Give cyber courses are developed into thematic areas, for example Give cyber for teachers - topics aimed at teachers or topics aimed at the classroom, but also at the general public. Furthermore, the so-called cyberprevention catalogue was prepared under the heading of DigiKoalice, which is published on the website https://digikoalice.cz/kyberprevence/.

An integral part of cyberbullying prevention is also the activities of the National Pedagogical Institute of the Czech Republic (NPI) as part of the DIGI project, which offers schools free educational courses, webinars, workshops for teachers, ICT coordinators and school principals. In 2023 NPI published recommendations for the use of artificial intelligence in primary and secondary schools (the so-called AI Ten Commandments), which were thematically divided into recommendations for teachers, for school principals and for parents and pupils, see <https://www.npi.cz/aktuality/74837-recommendations-how-to-work-with-artificial-intelligence> .

The main tools for educating and promoting prevention and safety in cyberspace are the portals [www.edu.cz](http://www.edu.cz), [www.osveta.nukib.cz](http://www.osveta.nukib.cz), [www.digikoalice.cz/kyberprevention](http://www.digikoalice.cz/kyberprevention).

The MEYS further implemented the verification of the cyberbullying prevention program in schools for pupils with hearing impairments. In March 2024, the material focused on cyberbullying adapted for pupils with hearing impairments in secondary, primary and kindergarten for the hearing impaired, Holečkova 4, Prague 5, was verified by the Department of Prevention of the Police of the Czech Republic of the Regional Directorate of the Police of the Capital City of Prague . With regard to the very high-quality material and the successful verification at the second level of this elementary school, the intention of the MEYS in cooperation with the Police of the Czech Republic is to continue the verification at other schools for pupils with hearing disabilities established by the MEYS.

* **Please provide information about any assessments made of how existing initiatives and responses to cyberbullying impact the rights of persons with disabilities. What improvements were achieved? Were and are there observed and potential negative impacts on the enjoyment of human rights related to those initiatives?**

The Police of the Czech Republic deals very intensively with the issue of cyberbullying as part of preventive work in the "Cybersecurity" pillar. This area covers a large number of topics (especially safe self-presentation on social networks, sexting, dating, but also fraudulent actions aimed at the financial benefit of the attacker). The problem of cyberbullying affects all individuals, so it also includes persons with disabilities. Police officers also attend to persons with disabilities through educational programs, with which they visit various entities that work with and help persons with disabilities.

The Police of the Czech Republic perceives cyberbullying as a very serious and frequent phenomenon, which negatively affects particularly vulnerable persons such as children or seniors. Persons with disabilities can also become victims of this behaviour and are also particularly vulnerable victims according to the Act on Victims of Crime; for this reason, it is granted specific rights, regardless of the illegal conduct being investigated (the presence of a trustee, appointment of a proxy and other related rights).

Some of the manifestations of cyberbullying show signs of several elements of the criminal offenses listed in the Criminal Code, it may primarily be the provisions of § 180 - Unauthorized handling of personal data, § 184 - Defamation, § 144 - Participation in suicide, § 175 - Blackmail, § 354 - A dangerous pursuit.

Until now, the Czech Republic has not recorded an increase in the number of persons with disabilities as victims of the above-mentioned manifestations. If a person with a disability becomes a victim, they are provided with individual help and access, taking into account their reduced functions (mobility, perception, etc.)

* **What other related threats and obstacles to effectively ensure the human rights of persons with disabilities online, including the right to privacy, the right to freedom of expression and the prohibition against discrimination, should be addressed in the report?**
* **Please provide information about measures taken to address those issues, including to ensure access to online platforms by persons with disabilities; to ensure inclusiveness and remove obstacles for persons with disabilities to the digital environment.**

Act No 99/2019 Coll., on accessibility of websites and mobile applications, and the European Accessibility Directive aim to make websites and mobile applications of public sector entities more accessible through common accessibility requirements. This is particularly the case for accessibility for persons with disabilities, who are often disadvantaged when working with them due to health-related limitations. Websites and mobile applications must be perceptible, manageable and understandable for their users. To meet the technical requirements for accessibility of websites and mobile applications, Czech legislation uses the harmonised standard EN 301 549 V2. 1.2 (2018-08) and the internationally recognised Web Content Accessibility Guidelines 2.1 standard.

* **What are good practices, mechanisms or models for ensuring the that persons with disabilities can exercise their rights in the online space, particularly on online platforms? Are there particular challenges in their implementation or adoption? What additional measures should be developed and implemented?**
* **Please provide information about whether specific measures have been taken to ensure accountability and access to remedies for persons with disabilities for violations or abuses of their rights in the digital space.**

As far as Czech criminal law is concerned, it is possible for victims of cyberbullying to file a criminal complaint for the most harmful forms of cyberbullying. There is no provision covering specifically and only cyberbullying in the Act No. 40/2009 Coll., the Criminal Code (hereinafter “the Criminal Code”). However, the person who commits cyberbullying may fulfil the merits of several criminal offences, typically offence of Extortion according to Section 175 of the Criminal Code, offence of Defamation according to Section 184 of the Criminal Code, offence of Dangerous Threatening according to Section 353 of the Criminal Code and offence of Dangerous Pursuing according to Section 354 of the Criminal Code.

1. Extortion (Section 175 of the Criminal Code)

In this provision, the Criminal Code protects the individual’s free decision. The objective aspect of the criminal offence of extortion is fulfilled at the moment when the offender has used violence, threats of violence or other grievous harm, intending to force another person to do something, omit or suffer, against his or her free will. It is thus irrelevant whether the person subjected to the pressure exerted, and the offender fulfilled the objective set by him. The Criminal Code requires an intention of the offender, which can be both a natural person and a legal person.

Pressure of the offender by threatening violence or other serious harm may also be done through a social network, an e-mail, a mobile phone, etc., and the person against whom this threat is directed may not be physically present. The threat of violence may constitute immediate violence if the person does not consent to the will of the offender at a given time, or it may mean violence carried out in the future. And the offender may also be at risk of committing violence against another person, such as a family member or animal. The threat of other serious harm represents a wide range of possible actions by the offender. In relation to social networks, the threat may for example concern the threat of publication of intimate photographs or sending of such photographs to family members or work colleagues. The threat may also consist of the publication of intimate photographs of, for example, the victim’s child. In order to fulfil that fact, it is irrelevant whether the offender actually possesses these photographs and is therefore capable of fulfilling his threat, since the protected object has already been affected by this threat.

Section 175 Extortion

(1) Whoever forces another person by violence or by a threat of violence or another serious detriment to act, omit or to suffer something, will be sentenced to imprisonment for six months to four years, or to a pecuniary penalty.

(2) An offender will be sentenced to imprisonment for two to eight years, if he

a) commits the act referred to in sub-section (1) as a member of an organized group,

b) commits such an act with at least two persons,

c) commits such an act with a weapon,

d) causes substantial damage by such an act,

e) commits such an act on a witness, expert, or interpreter in connection to performance of their obligations, or

f) commits such an act on another for his true or presupposed race, belonging to an ethnical group, nationality, political beliefs, religion or because of his true or presupposed lack of religious faith.

(3) An offender will be sentenced to a sentence of imprisonment for five to twelve years, if he

a) causes grievous bodily harm by such an act,

b) commits such an act with the intention to enable or facilitate commission of a terrorist criminal offense of Terrorism financing (Section 312d) or Threat by terrorist criminal act (Section 312f), or

c) causes extensive damage by such an act.

(4) An offender will be sentenced to imprisonment for eight to sixteen years, if he causes death by the act referred to in sub-section (1).

(5) Preparation is criminal.

1. Defamation (Section 184 of the Criminal Code)

This provision protects the honour, reputation, and seriousness of the individual person. The objective aspect is an offence consists of communicating false information about another person who, by its very nature, is capable of fundamentally endangering his seriousness among fellow citizens. The consequence consists of jeopardising the seriousness of the victim, according to a non-exhaustive list, especially in his/her work or family relationships, or if this false statement can cause other serious harm to him. For committing the offence, it is important whether such false information is able to cause harm to another person, not whether it has actually caused harm. This false information may be communicated orally, through a social network, by publication on the Internet, etc. However, it must be information, which is possible to verify, not a personal opinion. The intention of the offender, whether direct or indirect, is required. The offender acts with indirect intent, for example, when he disseminates such information in respect of which he does not verify its accuracy, even though he knows that such information is liable to jeopardise the seriousness of another person in fellow citizens. The perpetrator of the offence of defamation can be both natural and legal person.

Section 184 Defamation

(1) Whoever makes a false statement about another capable of significantly threaten his reputation among fellow citizens, especially harm him in employment, disrupt his family relations or cause another serious detriment, will be sentenced to imprisonment for up to one year.

(2) An offender will be sentenced to imprisonment for up to two years or to prohibition of certain activity, if he commits the act referred to in sub-section (1) by press, film, radio, television, publicly accessible computer network or in another similarly effective manner.

1. Dangerous Threatening (Section 353 of the Criminal Code)

In this provision, the Criminal Code protects interpersonal cohabitation from serious threats. The objective aspect of the offence consists of the offender threatening to another person, alternatively, by killing, serious harm to health or other serious harm, in such a way as to cause reasonable concern to that other person (the victim). For committing the offence, it is irrelevant whether the offender, at the time when he threatened another person, intended to give rise to a reasonable fear of realising the threat, however, it is important whether a threat which, by its very nature, is capable of giving rise to a genuinely reasonable fear in another. The offender may be both natural and legal person.

Section 353 Dangerous Threatening

(1) Whoever threatens another with death, grievous bodily harm another serious detriment in such a way that it can raise a reasonable fear, will be sentenced to imprisonment for up to one year or to prohibition of certain activity.

(2) An offender will be sentenced to imprisonment for up to three years or to prohibition of certain activity, if he commits the act referred to in sub-section (1)

a) as a member of an organized group,

b) against a child or a pregnant woman,

c) with a weapon,

d) on a witness, expert or interpreter in connection to performance of their duties, or

e) on a medical worker in performance of medical occupation or a profession aimed at saving lives or protection of health or on another person who was fulfilling his similar duty in protection of lives, health or property arising from his occupation, profession, position or function or imposed to him according to law.

1. Dangerous Pursuing (Section 354 of the Criminal Code)

This provision aims to protect undisturbed interpersonal coexistence from acts that are long-term, harassing, and unsolicited in nature, and at the same time capable of creating a sense of fear. The objective aspect is fulfilled by the offender if he pursues the victim for a long time, doing so by exhaustively defined forms of conduct under points (a) to (e) of paragraph 1 this provision, which are capable of giving rise to a reasonable concern for victim´s own life or health or the life and health of persons close to the victim. No conduct other than that referred to in points (a) to (e) of paragraph 1 may be regarded as dangerous pursuing under Section 354 of the Criminal Code. The conduct of the offender must fulfil the long-term criterion and be capable of giving rise to reasonable fear on the part of the victim. The long-term requirement must be assessed in the light of a specific case, which must be assessed comprehensively, and a number of factors must be taken into account, such as how long the victim was pursued, as well as the duration of partial attacks, their total number, frequency, severity, heterogeneity, or the victim’s response to the attacks, e.g. whether he/she was responding to the attacker’s messages, giving him a cause for further messaging, etc.

Section 354 Dangerous Pursuing (Stalking)

(1) Whoever pursues another in long term by

a) threatening with bodily harm or another detriment to him or to persons close to him,

b) seeks his personal presence or follows him,

c) persistently contacts him by the means of electronic communications, in writing or in another way,

d) restricting him in his usual way of life, or

e) abuses his personal data for the purpose of gaining personal or other contact,and this conduct is capable of raising reasonable fear for his life or health or lives or health of persons close to him, will be sentenced to imprisonment for up to one year or to prohibition of certain activity.

(2) An offender will be sentenced to imprisonment for six months to three years, if he commits the act referred to in sub-section (1)

a) against a child or a pregnant woman,

b) with a weapon, or

c) with at least two persons.