**EXECUTIVE SUMMARY**

*Czech Republic*

Introduction

The Czech Republic is a parliamentary republic in the Central Eastern European region with an educated population and developed infrastructure. The Czech Republic is a popular tourist destination; Prague, the capital city, has a reputation as an adult-entertainment destination. In the 1990s, after the initial “opening” of the Czech Republic, the country experienced a high volume of sex tourism, sex trafficking, and street prostitution. This perception of the Czech Republic is changing in part due to the rapid development of the economy and increase in the standard of living over the past twenty years, as well as growing political stability as the country assumes its role as a leader of Central and Eastern Europe.

For many children in the Czech Republic, life has improved in the past decade, but children from vulnerable ethnic minority groups (such as the Roma) have not benefitted from the country’s progress and remain at risk. Due to the historical legacy of exclusionary politics, vulnerable groups are particularly susceptible to CSEC and its manifestations, particularly trafficking and prostitution. International sources have found that Roma children, particularly Romani girls in state care, are frequently trafficked within and into the Czech Republic and are involved in prostitution. Because the Czech government does not break down its trafficking data by ethnicity, there is no official data on the percentage of Romani children involved in prostitution and sex trafficking. Given the lack of reliable information available about Roma children involved in sex trafficking, prostitution and other forms of CSEC, there is a need for the Czech government to address this group specifically.

Currently, the Czech Republic is a destination, transit, and origin country for sex trafficking and child prostitution. The Czech Republic is an important hub in the regular and irregular migration routes of Central and Eastern Europe, and is a transit and destination country for women and children (particularly teenage girls) primarily from Eastern European countries, including Ukraine, Moldova, Bulgaria, Slovakia and the former Yugoslavia. There have also been recorded instances of trafficked individuals from Vietnam and China. Czech citizens have been trafficked for organised prostitution in European states such as the United Kingdom, frequently by Czech nationals living abroad in those countries.

Domestically, there is child trafficking for sexual purposes and child prostitution both among the Czech and Roma population. There are also incidents of child prostitution along the border with Germany and Austria.

Child prostitution in the Czech Republic is defined by the relatively low age of sexual consent (15 years) the disjointed existing legal framework and governmental policies addressing prostitution, and the lack of knowledge about the extent of prostitution as it exists today in the country. Child sex tourism in Prague and major border towns such as Brno and Plzen has been on the decline due to the 2009 economic recession as well as crackdown efforts by the local governments.

In an effort to clean up its reputation as a sex tourism destination, the Czech government has implemented some successful measures to eliminate street prostitution, such as instituting fines for public solicitation.
While these measures have succeeded in reducing the incidence of street prostitution, the interface point for child sex tourism in the Czech Republic seems to be shifting from the streets to private brothels, clubs, and bars. In recent years, there have been several large busts of child pornography rings either operating out of the country or involving Czech perpetrators or child victims. In the Czech Republic, several transnational child pornography rings have been detected in the past years, suggesting the growing demand for pornographic images of children.

The Czech government has an up-to-date NPA addressing most aspects of human trafficking. Previous to 2008, the Czech government had a CSEC-specific NPA. In 2008, the government ended its practice of treating CSEC issues as a high-priority policy issue with a separate NPA. Instead, the Czech government currently handles CSEC issues more generally as a subgroup of children’s welfare issues. This policy shift within the Czech government has led to a de-prioritization of CSEC issues and poor implementation of existing policies and laws designed to protect child victims.

While the Czech government has policies in place to address trafficking issues and some other CSEC manifestations, there is a communication gap within the government itself regarding implementation. In certain instances, there appears to be several branches of the government working separately on the same issues. The Ministry of the Interior has the main responsibility for coordinating trafficking at a national level, while previous versions of the Trafficking NPA had identified other governmental offices to oversee various parts of the implementation. Currently there seems to be no singular responsible body in the Czech government which coordinates the response to all CSEC issues within Czech Republic.

There are positive government-NGO cooperation efforts at national and local levels. One area of established government and civil society cooperation is the partnership between the NGO La Strada Czech Republic and the MLSA (the Ministry of Labour Affairs) to support and house/monitor trafficked persons within country. The Czech Republic has undertaken several initiatives to combat trafficking, both bilaterally and in cooperation with international organizations. In its counter-trafficking efforts, the Czech government has most often cooperated with German, United Kingdom, Ukrainian, and Romanian police forces. The Czech government has provided international police cooperation to various international operations by providing information from its own general police force, as well as sending Czech police officers to embassies and/or consulates. The Czech Republic has also cooperated with source countries for trafficking victims, particularly neighbouring countries such as Moldova and Ukraine. While the Czech Republic’s coordination and cooperation efforts to combat trafficking are notable, more coordination and cooperation efforts need to be channeled by the government into combating the other manifestations of CSEC.
Despite the Czech government’s efforts to raise public awareness on trafficking, other CSEC manifestations receive less attention and focus. However, two recent projects highlight the new approach the government is taking with respect to child sexual violence and child pornography. The Czech Republic has participated in the ‘One in Five’ campaign with the Council of Europe Campaign to Stop Sexual Violence against Children. This program is being implemented as part of the Council of Europe’s programme “Building a Europe for and with Children”. The campaign's main objectives are to bring awareness and increase capacity to prevent sexual abuse to families, children and the larger community.

The Czech Republic has a mixed record regarding its ratification of the key international legal documents that relate to CSEC. The Czech Republic ratified the Convention on the Rights of the Child (CRC) on February 22, 1993 and the ILO Convention the Worst Forms of Child Labour on June 19, 2001. However, it has signed but not ratified the OPC or the Trafficking Protocol.

Czech Republic has laws in place that address the trafficking of children for sexual purposes, child pornography and child prostitution. While the Czech Republic government has made progress with the codification of the new Criminal Code, 40/2009 in early 2010, weaknesses still remain primarily related to a lack of legal protection against child sex tourism, as well as the new laws in the Criminal Code that are not meeting some international and many regional standards. There are significant concerns about the lack of law enforcement surrounding crimes of CSEC and also an inability to successfully charge and convict criminal offenders of CSEC crimes. While the New Criminal Code shows improvements in the structuring of laws related to CSEC, it has yet to be seen whether these new laws will improve the regulation and prosecution of CSEC in the Czech Republic.

Czech Republic has a provision addressing sex trafficking of children. The definition of trafficking was drafted to include forcing a child into producing pornography as a form of trafficking in addition to the pre-existing definition of forcing someone into sexual intercourse. Additionally in the New Criminal Code, there are two other trafficking-related provisions: (1) §169 Entrusting a Child to Another Power, and (2) §172 Introduction.

Czech Republic has progressed in its efforts to combat child pornography, with Sections 191, 191, and 193 of the new Criminal Code. Despite their recent enactment, sections 191, 192, and 193 are not in compliance with all international law elements and requirements. Specifically, the definition of child pornography under Section 192 does not include representations of children in pornographic situations by whatever means, and also does not cover a child engaging in real or simulated sexual activities or any representation of the sexual parts of a child for a sexual purpose. With the addition of Section 192(1) of the New Criminal Code 40/2009, and the criminalization of mere possession of child pornography, the Czech government has improved in its efforts to implement the OPC criteria into its national law. Additionally, the new Criminal Code includes a section that criminalizes the abuse of a child that occurs in...
the production of pornography, Section 193, Abuse of a Child to Produce Pornography. This new section is an improvement in that it criminalizes any adult who entices or lures children into the production in addition to adults who produce, transmit, transport or possess pornography. Lastly, Section 191, Accessing Pornography, has made it a crime to access pornography.

As it stands today Czech Republic has no law in place that specifically addresses child prostitution but instead has select provisions within multiple sections of the Criminal Code that address prostitution. Section 202 Seduction Intercourse, Section 203 Impunity of a Child and Section 187(1) Sexual Abuse are all prostitution-related provisions. As an initial matter, the Czech Republic should include a specific criminal provision that addresses child prostitution in its various forms in detailed terms. Section 202 “Seduction Intercourse” states that whoever promises, gives a child or another person for sexual intercourse with a child, or sexual abuse or a child’s indecent exposure or other comparable conduct for sexual satisfaction, reward advantage or benefit shall be punished by imprisonment or fine up to two years or a fine.” While this section addresses the use of a child in sexual abuse situation, it does not explicitly mention any form of remuneration or consideration. Section 203, Impunity of the Child addresses more aspects of child prostitution, as it states: “A child who requires or accepts consideration or another advantage or benefit for sexual intercourse with him/her or for his/her self-gratification denudation or other similar behavior shall not be criminally liable for such act . . .” However, Section 203 is incomplete or lacking in regards to the comprehensiveness of the law, in the sense that there is no mention of procuring, obtaining, offering or providing children for prostitution.

There are no specific definitions of child sex tourism offenses in the Czech criminal code. Sections 4, 6, 7, 8, address jurisdiction and extraterritorial legislation. Section 6 addresses the Personality principle, applying Czech criminal law to crimes committed by Czech citizens and permanent residents abroad. Section 7 addresses the Principle of Protection and Universality and lists specific crimes and criminal provisions under which universal criminality applies (e.g. Acts of Torture and Acts of Terrorism). It notably does not extend to CSEC manifestations such as child prostitution, child sex tourism, pornography or trafficking. Section 8 addresses the Subsidiary Principle of Universality, and states that Czech law shall be applied to determine the liability for punishment of an act committed abroad. Currently, there are no specific provisions related to criminalising child sex abuse or exploitation committed by Czech citizens abroad or foreign nationals while in the Czech Republic. The Czech government needs to draft and incorporate into its Criminal Code provisions that explicitly address and criminalise child sex acts and other exploitative actions against children that are committed by Czech citizens abroad and committed by foreign nationals within the Czech Republic.

The Czech government lacks a specific child protection unit to deal solely with all manifestations of the sexual exploitation of children. The Czech government has the Unit for Combating Organised Crime of the Criminal Police of the Investigation Service Office of the Czech Police (UCOC), a specialized unit tasked with identifying trafficking and organized prostitution committed by organized groups. The UCOC works to identify and expose offenders while also examining new methods for protecting family members of victims of trafficking and prostitution. The Czech government should undertake research on the extent and causes of continuing enforcement gaps and formulate targeted measures to ensure a consistent and comprehensive law enforcement response.

In recent years the Czech government has attempted to provide some legal protections, legal access programmes and social programmes to victims of trafficking victims. These efforts should be extended to apply to victims of other CSEC crimes. While there are some programs in place to support trafficking victims, the Czech government has had some issues with the proper identification of the traffickers themselves as well as the victims of trafficking which has made implementing relief somewhat inconsistent and not as valuable as hoped. Some experts claim that one of the factors contributing to the small number of people officially identified as trafficked victims and the small number of convictions related to trafficking is the prioritisation of the criminal law aspects of trafficking over victims’ relief and
rehabilitation. The Czech government should attempt to implement more victim-friendly policies towards trafficking and other CSEC victims.

There are several NGOs operating hotlines (both through the Internet and the telephone) that accept reports from children and other concerned individuals related to safe Internet techniques, child pornography, human trafficking, including child sex trafficking, and general child abuse. In the Czech Republic, most of the Internet and telephone hotlines are devoted to Internet abuses and reporting suspected pornographic images.

In 2010, the Czech government led several law enforcement training sessions related to the issue of human trafficking. The courses were designed for Czech police officers who work within the Ministry of the Interior and were comprised of initial basic training and specialized courses. In April 2010, there was a one-day seminar entitled “Crime via the Internet” which focused on cyber-crime, particularly ICT crime and crimes committed against children. While the Ministry of the Interior has made improvements in the law enforcement training programme, it should seek to broaden the training to include all manifestations of CSEC.

There are a few state-funded organizations that have child and youth participation in the Czech Republic. The Czech National Safer Internet Centre sponsors a Youth Panel which addresses issues of Internet safety. The Youth Panel includes youth participants aged 15-18 years old. The representatives of the Czech Safer Internet Youth Panel participate in regular meetings organized by the European Commission in Luxembourg scheduled around the Safer Internet Forums. Additionally, Czech children were asked to participate/participated in the 50th anniversary of the Declaration of the Rights of the Child and the 20th anniversary of the Convention on the Rights of the Child which was held in November 2009 in Prague.

Priority Actions Required

National plan for action

The Czech government should reinstate an up to date CSEC NPA that addresses policy initiatives and implementation.

Coordination and cooperation

The Czech government needs to reorganize the coordination and implementation of CSEC strategy among the government groups involved, including the Ministry of the Interior, Ministry of Labour and Social Affairs, Ministry of Education Youth and Sports and the Roma Affairs office to better coordinate the CSEC policy. Additionally, the tasks for protecting against CSEC at the local level need to be better delineated and identified. On account of the Czech Republic’s central physical location amidst the trafficking and migrant routes, the government should reach out to neighboring countries and engage in more bilateral and multilateral agreements. The Czech government should also enter and encourage further multi-disciplinary collaboration between government agencies, civil society and the private sector to address the manifestations of CSEC.

Prevention

There is a need for more stakeholders both within the government and in civil society to promote a Roma awareness campaign regarding trafficking and CSEC. The Czech government should examine its policies regarding vulnerable groups and their susceptibility to trafficking and other forms of CSEC. Lastly,
school-based awareness initiatives should be implemented to further educate children about CSEC.

Protection

The Czech Republic needs to ratify OPSC and Palermo Protocol now that criminal liability issue has been resolved as well as implement the requirements into its own national Criminal Code. The justice system should make it easier for victims for indemnification, and include a lower threshold of proof and more victim-friendly and child-friendly policies and procedures. The state should address the confusion regarding the ages for consent, majority, and criminal liability. The Czech Republic needs to reform laws relating to child prostitution including clarifying the definition and extend its application to children in private brothels.

Support Services

The government needs to adopt more victim-friendly policies regarding the identification of trafficking victims and the prosecution of traffickers. The government should also apply the existing framework in place to handle trafficking offenses and trafficking victims to victims of other CSEC crimes.

The Czech Republic needs to reform laws relating to child prostitution including clarifying the definition and extend its application to children in private brothels.

The Czech government should make laws and policies related to victims receiving assistance and remuneration easier to navigate, more personal and child-friendly. The state should apply the 60 day reflection period to all child sex trafficking and CSEC victims.

Child and youth participation

The Czech government should establish processes and structures to institutionalise meaningful child and youth participation in developing policies and programmes that affect them.

Committees with children, youth and adults should be established at all levels including children's involvement in informing and influencing the work of children's ombudsman and national rapporteur on trafficking.


3 Lenka Myslikova, National Strategy to Combat Trafficking in Human Beings (2008-2011), Ministry of the Interior, Czech Republic, 2008 at 7


5 Lenka Myslikova, National Strategy to Combat Trafficking in Human Beings (2008-2011), Ministry of the Interior, Czech Republic, 2008 at 7


7 Due to the lack of knowledge about the actual prostitution scene in the Czech Republic, in 2008, the Ministry of Labor and Social Affairs initiated a research commission/study/project/contract to examine the prostitution situation in Czech Republic on a macro-high-level and also on a micro-individual level. In 2009 the research project was canceled. Benjamin Cunningham, Prague Considers Legalizing Prostitution: City Council Seeks to Regulate, License and Tax Sex Workers, The Prague Post, September 15, 2010, available at www.praguepost.com.


9 The estimates of the number of women performing prostitution were not reliable in the state-socialist Czechoslovakia, and the reliability of the official estimates from the 1990s is also debatable. In 1976, the number of prostitutes in Prague was estimated at 12 000 by Research Institute of Criminology (VÚK 1976). In 1994, the estimate of the same institute stated that there was 25 000 regular sex workers and about 7 000 women working only occasionally. Radka Dudova, Prostitutes, sex workers and honest citizens: politics of prostitution in the Czech Republic, Paper Presented at the ECPG Conference, Leiden University, Institute of Political Science, at1, Fn 1, Budapest 2010


12 See New Criminal Code 40/2009 Section on Pornography- Sections 191, 192, 193. This section has been augmented.


23 For a list of countries who have signed and/or ratified the CRC, see http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

24 For a list of countries who have signed the ILO Convention on the Worst Forms of Child Labour, see http://www.ilo.org/iol/exe/English/subjlist.htm

25 For a list of countries who have signed the Optional Protocol to the CRC on Sale of Children see http://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&lang=en

26 For a list of countries who have signed the Trafficking Protocol see http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html

27 New Criminal Code Act 40/2009 Section 168(1)


29 OPSC Section 2c

30 New Criminal Code 40/2009 section 193

31 New Criminal Code 40/2009 section 191

32 New Criminal Code 40/2009 Sections 187(1), 189, 202, 203

33 New Criminal Code 40/2009 Section 202 (1)

34 New Criminal Code Act 40/2009 Section 203.


37 Lenka Myslikova, National Strategy to Combat Trafficking in Human Beings (2008-2011), Ministry of the Interior, Czech Republic, 2008 at 18


39 Jana Mensikova, Sarka Mostlova eds., 2010 Status Report of Trafficking in Human Beings in the Czech Republic, Ministry of the Interior, Czech Republic, 2011 at 15. This seminar was also modeled for judges and court officials and viewed by an additional 45 people in this form.


41 Declaration of the Rights of the Child, Czech Government Information Centre, November 13, 2009