CZECH REPUBLIC
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• **CRC**: United Nations Convention of the Rights of the Child

• **CSEC**: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or third person or persons.

• **CPD**: Crime Prevention Department

• **CST**: Child Sex Tourism

• **ECPAT**: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes.

• **EU**: European Union

• **Grooming**: Preparing a child for sexual abuse or exploitation

• **ICMPD**: International Centre for Migration Policy Development

• **IOM**: International Organisation for Migration

• **MFA**: Ministry of Foreign Affairs

• **MLA**: Mutual Legal Assistance Agreements

• **MLSA**: Ministry of Labour and Social Affairs

• **MoI**: Ministry of the Interior

• **NGO**: Non-governmental organization

• **NPA**: National Plan of Action

• **NRM**: National Referral Mechanism

• **OPSC**: Optional Protocol on the sale of children, child prostitution, and child pornography

• **OSCE**: Organization for Security and Co-operation in Europe

• **Programme**: Programme on Support & Protection of Victims of Trafficking in Human Beings

• **UCOC**: Unit Combating Organised Crime

• **UN**: United Nations

• **UNICEF**: United Nations Children's Fund
At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state’s commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers within the country as well as internationally. It also suggests
concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other organisations for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.
At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global pandemic that requires the urgent and concerted efforts of all duty-bearers (from local, national to global levels) to eliminate this heinous crime. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress so as to guide a systematic global response against the sexual exploitation of children.

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The Czech Republic is a parliamentary republic with a population of approximately 11 million. The Czech Republic has a unique location and position in the Central and Eastern European region as one of the most developed and industrialized economies in the region with an educated population and a developed infrastructure. Since its overthrow of the Communist regime in 1989-1990, the Czech Republic has been a desirable tourist and business hub for Western and Eastern Europe, America, and Asia. After experiencing a contraction of the national economy during the 2009 global recession, the Czech Republic experienced a modest 2.2% growth in 2010.

The Czech Republic became a European Union member on May 1, 2004. The benefits of EU membership have been felt economically, socially, and politically. From January 1, 2009 until June 30, 2009, the Czech Republic held the Presidency of the Council of the European Union. Generally and within the Eastern European region, the Czech Republic is a prosperous country with a well-developed economic and political infrastructure. However, poverty, social inequity and ethnic tensions remain, especially involving the Roma community which comprises roughly 3-4% of the population.

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 as well as abandoned Czech and foreign national children in the state institutional care system have missed out on the benefits of the country’s progress and remain at-risk populations. Due to the historical legacy of exclusionary politics, these two vulnerable groups are particularly susceptible to commercial sexual exploitation of children (CSEC), particularly trafficking and prostitution.

The Czech Republic is a popular tourist destination and 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 level/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 Czech economy and the increase in the standard of living in the past twenty years, as well as the growing political stability as the country assumes its role as a leader within Central and Eastern Europe.

The Czech government is making efforts to combat the commercial sexual exploitation of children, especially in regards to trafficking in children for sexual purposes. However, in 2008, the Czech government ended its practice of addressing other CSEC issues such as child prostitution, child pornography and child sex tourism as a high-priority policy issue with a separate national plan of action. Instead, the Czech government currently handles CSEC issues more generally as a subgroup of children’s welfare issues. This reorganization within the Czech government has led to a de-prioritization of CSEC policy.
issues and poor implementation of existing policies and laws designed to protect child victims. The reduction of CSEC policy creation and implementation can be seen in the Czech government’s lack of finalized convictions for CSEC crimes and a lack of accurate and easily accessible data related to CSEC crimes in the last five years. Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, Czech Republic reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents. In total more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around the world.9

Trafficking in children for sexual purposes

Currently, the Czech Republic is a destination, transit, and origin country for sex trafficking and child prostitution purposes.10 The Czech Republic is an important hub in the regular and irregular migration routes of Central, Eastern and Southeastern Europe, particularly the Baltic and the Central and Eastern European routes.11 It is a transit and destination country for women and children (particularly teenage girls), from primarily Eastern European countries, including Ukraine, Moldova, Bulgaria, Slovakia and the former Yugoslavia.12 There have also been recorded instances of trafficked individuals from Vietnam and China.13 Czech citizens were trafficked for organised prostitution and sex trafficking in European states such as the United Kingdom, frequently by Czech nationals living abroad in those countries.14 Domestically, there is child trafficking for sexual purposes and child prostitution both among the Czech and Roma population and there are also incidents of child prostitution along the border with Germany and Austria.15

While reported incidents of labour trafficking and related forms of exploitation are on the rise throughout the Czech Republic, the Czech government states the number of cases reported that were related to sex trafficking remained stable or decreased slightly in 2010.16 Despite this claim, the information provided by the Czech government itself, as well as information from various media outlets and NGOs, suggest that the number of reported incidents of sex trafficking are increasing. For example, the Czech government, through the police force and the Ministry of the Interior claim that 24 trafficking related crimes were detected by Czech police in 2010 and that 19 of them were related to sex trafficking.17 Several media reports corroborate this figure.18 The number of cases that involve children is unclear because the Czech police do not collect data on whether victims are children (for more discussion about this, see the Data Collection section).

According to the US State Department’s ‘Trafficking in Persons 2011’ report, the police conducted 24 investigations of 35 offenders (a decrease from 47 investigations conducted under older trafficking statutes in 2009). The report also contained information on the prosecution, convictions and punishment of offenders: in 2010, Czech authorities prosecuted 26 trafficking offenders. This was a significant decrease from 2009, in which 115 trafficking offenders were prosecuted. In
In 2010, 60 offenders were successfully prosecuted, a decrease compared to 83 trafficking offenders in 2009. The percentage of convicted trafficking offenders sentenced to time in prison, however, increased (in 2010, 26 offenders – approximately 43 percent – were sentenced to time in prison while in 2009, only 23 percent of convicted trafficking offenders received time in prison). In 2010, 16 trafficking offenders were sentenced to between one and five years’ imprisonment and 10 offenders received prison sentences greater than five years. The highest sentence awarded to a trafficking offender was 7.5 years.19

In addition to sex trafficking, child abuse and sexual abuse of children appears to be on the rise in Czech Republic. A local NGO estimates that there were 5787 cases of abused children in 2010 (up from 4447 in 2009).20 In 2010, there were 786 sexual abuse cases reported (633 cases involving girls and 153 involving boys).21 However, this number likely does not reflect the true number of child sex abuse cases that are occurring annually because many cases go unreported or are not investigated due to the lack of government law enforcement follow up and the rigorous legal requirements that must be fulfilled in order to successfully file a complaint with the government.22

The exploitation of children who come from vulnerable populations is becoming more common. Children living in government institutions, runaways, and foreign national minor children are a growing social group within the Czech Republic and are proving increasingly vulnerable to CSEC, particularly sex trafficking and child prostitution. A recent UNICEF report states that there were 1,313 children per 100,000 children aged 0–17 living alone in government and charitable housing in 2006 compared to roughly 1,100 children per 100,000 children aged 0–17 (living unaccompanied in government agency housing) in 2000.23 Currently, the number of children living in institutional care is estimated to be over 1% of the total population of children aged 0–17 years in the Czech Republic.24

Recently, the Czech government has begun to prioritize the protection of vulnerable children. In March 2011, the Czech government adopted through Resolution 191, a report, “Evaluation of the system of care for vulnerable children - Early Intervention System, a National Programme” which aims to set forth better policies and practices for identifying and protecting vulnerable children throughout the Czech Republic.25 Under Resolution 191, the Ministry of the Interior and the Ministry of Labour and Social Affairs aim to implement, a national Early Intervention System by 2015, which will help transform and streamline the system of care for vulnerable children.26

The US Department of State annually releases a Trafficking in Persons Report which categorises countries into different “tiers” based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the Trafficking Victims Protection Act’s minimum standards for the elimination of trafficking are placed in Tier 1. Those that have made “significant efforts” to meet the standards are placed in Tier 2, and countries that are not making significant efforts to combat human trafficking are placed in Tier 3.

In the 2011 report, Czech Republic was place in Tier 2 although in 2012 it regained its Tier 1 status (see: http://www.state.gov/j/tip/rls/tiprpt/2012/inder.htm)
In 2010, the Czech Republic police investigated a child trafficking case from the Liberec Region, where Czech nationals were recruiting juvenile girls for the purpose of forced prostitution in a bar in Teplice. Both offenders were aware that the girls were under 18 years old. The girls came from vulnerable populations one of the girls was a runaway and the other escaped a children’s home.\(^\text{27}\) It is uncertain whether the perpetrators were charged.

Additionally, there is a continued phenomena of unaccompanied minors particularly from Romania and Bulgaria. While the number of unaccompanied minors who actually made it into the Czech Republic declined in 2009 and 2010, this particular group of children is considered a vulnerable group in terms of child trafficking and other forms of exploitation.\(^\text{28}\) In 2009, a single case of a Bulgarian girl was reported.\(^\text{29}\) The girl concerned was apprehended during a road check (the car was stopped by the Czech police due to violating a speed limit). The girl was travelling with her mother and other family members. Upon investigation, it was discovered that the girl had escaped from a juvenile correctional facility in Spain. After an investigation by the Czech authorities and verification of a number of inconsistent pieces of information, the girl was placed, upon the court decision, in a school facility.\(^\text{30}\)

Roma children are a vulnerable group that is particularly susceptible to CSEC offenses. The European Roma Rights Centre and other international sources found that Roma children, particularly Romani girls in state care frequently are trafficked within and into the Czech Republic and are involved in prostitution.\(^\text{31}\) Because the Czech government does not breakdown its data on trafficking by ethnicity (in addition to age), there is no official data on the percentage of Romani people involved in prostitution and sex trafficking. As a result, the numbers estimated are wildly divergent: an NGO operating in the Ústí region near the German border claims that Roma are perceived to represent around 70% of persons trafficked for sexual exploitation,\(^\text{32}\) whereas an NGO working nationally in collaboration with the Ministry of the Interior estimated the representation of Roma among victims of trafficking in human beings (including both sexual exploitation and labor) to be around 20%.\(^\text{33}\)

Given the lack of reliable information available about Roma children possibly involved in sex trafficking, prostitution and other forms of CSEC, there is a need for Czech government policy to address this group specifically. Yet there is no mention of prevention activities in the Trafficking NPA specifically including or focusing on Roma. Nor does the Czech Republic’s Decade of Roma Inclusion (2005 - 2015) National Action Plan, (the major policy measure regarding the situation of Roma in the Czech Republic) include any measures specifically intended to prevent sex trafficking among and involving Roma.
Child prostitution

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 current extent of prostitution in the Czech Republic. The areas in the Czech Republic where prostitution has been the most prevalent are in Prague and in the border regions with Germany and Austria. In the 1990s and early 2000s, Czech children and adults were heavily involved in street prostitution. Recent laws implemented nationally and regionally have greatly reduced the volume of street prostitution throughout the Czech Republic. In the past five years, the Czech government has implemented fines for street prostitution, particularly in the tourist districts of Prague, such as Wenceslas Square. While in the last ten years, major Czech cities such as Prague, Brno and Plzen have adopted by-laws prohibiting prostitution in public places, and the new market for child prostitution seems to have shifted from the street to private clubs and brothels. This pattern of privatization of prostitution mirrors the Czech government’s recent approach towards regulating/combating/addressing prostitution. Since 2008, there have been numerous efforts to legalize adult prostitution, particularly in Prague. The efforts to privatize or regulate the prostitution industry have ranged from having prostitutes register with a government agency to having private brothels register. In addition to shifting governmental policies, the criminal provisions regarding prostitution, particularly child prostitution, also seem to be inconsistent and without a clear end goal or plan for effective implementation. For example, the current Criminal Code Act 40/2009 contains no direct provision on child prostitution. The haphazard approach towards adult prostitution and the possibility of privatizing prostitution via brothels reflect some of the obstacles facing the effective detection and elimination of child prostitution within the Czech Republic.

Tourism comprised approximately 3% of the Czech Republic GDP in 2010 and around 6 million people officially visited the Czech Republic in 2009. Most of the tourism in the Czech Republic is centred on Prague and the surrounding areas. 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. While there are reports of incidents of child sex tourism generally, there is limited data on cases involving child sex tourism (arrests, prosecutions and information on offenders and child victims) and very few policies put forth by the Czech government to directly address the issue of child sex tourism in the Czech Republic. While the Czech Ministry of Regional Development has issued a strategic document regarding responsible development of the tourism industry, The State Concept of the Tourism Policy in the Czech Republic for the period of 2007 – 2013, there is no mention of child sex tourism issues in the document or the corresponding policy documents.

In an effort to clean up its reputation as a 1990s sex tourism destination, the Czech government has implemented some successful measures to eliminate street prostitution, such as instituting fines (up to $1500) for public solicitation and the videotaping of sexual exchanges in the street. Nevertheless,
Czech Republic still has a sex tourism industry, which involves instances of child sex tourism, and is driven in part by a “legal grey area” regarding prostitution and the low age of consent, which is fifteen years of age. While these measures have succeeded in reducing the number of incidents 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. While the Czech government has succeeded in eliminating much of the visible street prostitution in areas like Prague, the sex tourism industry, including the child sex tourism industry, is still thriving throughout the state, but operating out of brothels, sex clubs and other private commercial establishments. Evidence of the growing appeal/staying power of the private commercial clubs and brothels is the fact that Prague remains a very popular destination for Western Europeans “stag/hen/bachelor” parties. Prague is still very popular for these parties, in part due to its reputation, its central location in Europe, and the lack of laws/prosecution relating to child sex tourism and the lax enforcement of laws related to prostitution generally. A recent UK news report estimated that there are on average 500,000 British male “stag” visitors to Prague per year alone.

In addition to the dissemination of child pornography, children residing in the Czech Republic are among the most vulnerable to inappropriate online sexual content in the EU. A recent EU-sponsored study stated that close to two-thirds of the children in the Czech Republic have come across pornography, bullying, abuse of personal data and other risk factors on the Internet. The study also states that children who are online with greater frequency than before (including children from the Czech Republic) may be susceptible to greater risks such as viewing pornographic images and getting involved in inappropriate interactions.

In recent years, there have been several large busts of child pornography rings either operating out of the Czech Republic or involving Czech perpetrators or Czech child victims. In October 2009 police broke up the largest child pornography distribution network located in Czech Republic to date. The distributors operated in Prague and parts of southern and northern Moravia. Of the 160 suspects involved, 32 were detained. The child pornography network had links to government employees as three civilian employees of the Ministry of Defense were also detained in affairs related to the matter and more than 300 computers containing pictures and videos with child pornography were confiscated. In 2011, the Czech police initiated operation “Tabor” (Czech for “camp”), a specialized anti-child pornography operation. Operation Tabor resulted in a raid of over 30 homes in 12 of the 14 districts of Czech Republic. In the Czech Republic, several transnational child pornography rings have been detected in the past years, suggesting a growing demand for pornographic images of children. There are frequently stories in the news about arrests or prosecutions of individuals engaged in child pornography, or of websites being closed down. However, it is unclear if prosecution of this large pornography ring has ever come to fruition.
pornographic images through large organized operations, distribution of pornography and exploitation of child victims by family members of the victims is an alarming trend in the Czech Republic. As recently as December 2011, the Czech police uncovered several sets of parents of ‘lending’ their children to a Czech-Polish gang for the creation of child pornographic images/materials in the Ostrava region. Of the ten people arrested, four were parents of the victims. As of publication, the parents were to be charged for threatening the upbringing of the child under section 201, Corrupting/Endangering the Morals of the Child.

While the Czech Republic has recently strengthened its criminal laws related to the production, possession and dissemination of pornography, the fact that the parents of the victims were to be charged with Corrupting the Morals of the Child, instead of a charge related to Pornography (Sections 191 and 192 of the New Criminal Code directly) illustrates the difficulty in getting charges related to any element of the possession, production, distribution, or dissemination of child pornography brought within the Czech Republic.

The Czech Republic’s strategies and mechanisms to address CSEC are primarily focused on trafficking and are contained in the National Strategy to Combat Trafficking in Human Beings 2008-2011 (Trafficking NPA). Previously from 2006-2008, the Czech Republic had a CSEC-specific plan and policies in the National Plan for Combating Commercial Sexual Exploitation of Children. The Czech government no longer is creating CSEC-specific plans but instead has begun to address CSEC issues as a subset issue of children’s policy. As a result of this shift in policy, other manifestations of CSEC (i.e. child pornography) receive less attention from the government.


The Trafficking NPA is largely compliant with the recommendations for NPAs contained in the Rio Declaration and Call for Action, in that it involves various stakeholders and contains strategies and policies to prevent trafficking and to promote the recovery and reintegration of victims. The Trafficking NPA primarily deals with labour and sex trafficking of women and men, with limited analysis of prostitution. There is also little mention of children within the plan. Other CSEC manifestations such as child pornography and child sex tourism are not discussed.

The Ministry of the Interior is the principle coordinator and organizer of the implementation of the Trafficking NPA. The Ministry of the Interior, which includes the National Rapporteur and the Security Policy Department, coordinates all
the intergovernmental and NGO-working groups and their efforts to combat trafficking within the Czech Republic.70 While the appointment of a National Rapporteur is seen as a welcome development relating to/for/ regarding CSEC issues in Czech Republic, the non-independent status of the position limits the National Rapporteur’s ability to engage in meaningful reform. The lack of independence of the National Rapporteur is delegitimizing as the National Rapporteur, who, in theory, is to advocate for trafficking victims and policy issues, is currently under the authority of the Ministry of the Interior, the same government branch that is responsible for making government policy related to trafficking. The Czech government refutes these concerns saying that the work of the National Rapporteur is not connected with the management of the Ministry of the Interior, but that keeping the position within the Ministry of the Interior’s domain enables the Rapporteur to efficiently obtain all relevant police information that the Ministry of the Interior has access to.71 The Czech government should make efforts to make the National Rapporteur a more independent institution.

Some of the fundamental changes stemming from the current Trafficking NPA are changes to the coordination of activities and the collection of data.72 Before the 2008-2011 edition, the Trafficking NPA was submitted to the government every two years, in the middle of the relevant year. As a result, the information did not provide a trafficking overview for the whole calendar year in which it was reported. The Plan of Tasks regarding Implementation of the 2008-2011 Trafficking NPA created a requirement of an annual status report from the Minister of the Interior on trafficking (in addition to the updated multi-year National Strategy plans). The Annual Status Report is to include updates on anti-trafficking efforts, identified needs, and relevant preventive measures as well as the Programme on Support and Protection of Victims of Trafficking in Human Beings.73 The goal of this reporting is to make available qualitative and quantitative data relating to trafficking for a given period.74 The 2009 and 2010 Annual Status Reports have been published and offer more complete information on the status of human trafficking in the Czech Republic.75

The 2009 and the 2010 Annual Status Reports are comprehensive in the discussion of human trafficking in the Czech Republic, and report on various stakeholder activities as well as contain strategies to prevent trafficking and promote victim recovery. The information in both reports is limited to labor and sex trafficking (and some minor attention to prostitution) and does not provide extensive specialized reporting involving/concerning children. However, the Annual Status Reports do provide very detailed and up-to-date accounts of the Czech government’s efforts to combat trafficking, including some of the government’s efforts to eliminate child trafficking.

The 2011 Annual Status Report is supposed to be submitted to the Minister of the Interior by April 30, 2012, and then published as a public report.76 As a result of the publication of the Annual Status Reports, the time frame for submitting the National Trafficking Strategy Plans was extended from two to four years.
The National Plan for Combating Commercial Sexual Exploitation of Children (“CSEC NPA”) is outdated and has not been replaced/updated. Instead, a limited amount of the CSEC information that was covered by the CSEC NPA is in the National Plan for Combating Violence against Children. The CSEC NPA is largely compliant with the recommendations for NPAs contained in the Rio Declaration and Call for Action, in that it involves various stakeholders and contains strategies and policies to prevent trafficking, and to promote the recovery and reintegration of victims. However, while the CSEC NPA is fairly thorough in its response to CSEC, it is only applicable for 2006-2008 and accordingly is not current with the policies and laws used to combat CSEC in the Czech Republic. Instead, one of the Task Plan elements listed in the CSEC NPA was to replace the CSEC NPA in 2008 with the National Plan for Combating Violence against Children. The responsibility for the National Plan for Combating Violence against Children was delegated to the Minister for Human Rights and away from the Ministry of Interior.79

The National Action Plan for Prevention of Violence against Children (2009 – 2010) does promote broad-spectrum cooperation among stakeholders; however it does not contain a particularly focused section on CSEC preventive strategies or policies as called for in the Rio Declaration and Call for Action. Instead there is very limited and superficial focus on the identification, protection and prevention of the manifestations of CSEC. The Czech government should reintroduce its policy of creating a separate CSEC NPA.

The Czech Ministry of Regional Development oversees all entities operating in the area of tourism. While the Ministry references “The State Tourism Policy Concept in the Czech Republic for the period of 2007 – 2013” as its plan that addresses socially responsible tourism, this document does not mention child sex tourism, child trafficking or child prostitution. Additionally, the 2008 Draft Czech Tourism Report which describes the Czech government tourism policy does not mention the issue of child sex tourism once in the document but instead focuses on traditional tourism development ideas.
isolated groups (such as Section 1.2 focus on special communities and Section 1.4 special education opportunities for vulnerable communities). While the Child Protection NPA does touch upon sexual abuse of children (Objective 1.9), child sex tourism (Objective 7.1), and sexual violence against children using elements of the Trafficking Protocol (Objective 2.4), the Child Protection NPA is a reduction on the strategy and policy development to CSEC issues in Czech Republic from the previous CSEC NPA, which covered child prostitution, child trafficking, and child pornography individually and in great detail.

Recently the Czech government has attempted to augment the number of government departments that address children’s rights as well as the services provided to children within the Czech Republic. For example, the Czech government has made progress in establishing a Children’s Ombudsman as well as implementing a Public Defender for Human Rights position that is accessible to children. The Children’s Ombudsman was in some way a Czech Republic-driven strategy, as the suggestion of a children’s ombudsman in all European countries was first initiated at the Children-Friendly Europe Conference held during the Czech presidency of the EU Council. However, there are limitations in these bodies, as the Children’s Ombudsman office (like the National Rapporteur on Trafficking) is not an independent body. Progress towards creating an independent Children’s Ombudsman or an official position at all within the Czech Republic has been slow. Additionally, the Public Defender for Human Rights is not equipped with adequate financial, technical, and human resources to effectively fulfill this function.

Though the Czech government has pursued a nationally-coordinated approach to human trafficking since 2003, the discontinuation of the policy to address CSEC issues directly in a separate national plan and instead address CSEC issues as a small subset of the national strategy involving violence against children is a setback for the implementation of meaningful policy regarding CSEC issues in the Czech Republic. It is necessary for Czech Republic to re-visit its strategy/efforts to create policy specifically focused on child pornography, prostitution, and sex tourism and establish one branch coordinating and monitoring the entire Czech government approach to CSEC.

COORDINATION AND COOPERATION

Intra-governmental coordination efforts

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and cooperation between government and nongovernment sectors is necessary to effectively plan, implement, and evaluate measures to combat CSEC. While the Czech government has policies in place to address trafficking issues and some of the other CSEC issues, there is a gap in the communication within the government itself regarding implementation. In certain instances, there appears to be several branches of the government working separately on the same issues. For the Czech government to improve its coordination on the domestic level, it should revisit its organizational structure and coordination efforts in an effort to more efficiently promote and implement CSEC initiatives throughout the Czech Republic.
The Ministry of the Interior has the main responsibility for coordinating trafficking at a national level. While the Ministry of the Interior is the governmental body responsible for implementation of the Trafficking NPA, previous versions of the Trafficking NPA (2003-2004) (2005-2007) had identified several groups to oversee various parts of the implementation and these groups had become increasingly redundant. One of the aims of the 2008-2011 Trafficking NPA was to improve the coordination amongst the Ministry of the Interior-created groups addressing trafficking policy in the Czech Republic. (The 2005-2007 Trafficking NPA had created both “round tables” and an Interdisciplinary Working Group which tended to overlap in their activities and mandate.94) The 2008-2011 Trafficking NPA proposed setting up one Inter-ministerial Coordinating Group (“Coordinating Group”) which is to have members that are appointed by government branches as well as NGO members.95 The Coordinating Group is to centralize the implementation of the Trafficking NPA and work supporting and protecting trafficking victims.96 In 2010, the Coordinating Group held two meetings—one in June and one in December. At the meetings, pertinent topics discussed included: the provision of funds to non-profits who participate in the Programme, the activities of the National Rapporteur, the introduction of a new NGO member to the Coordinating Group, and the current interpretation of section 368 of the new Criminal Code (will be discussed in the Protection section).97

Currently there seems to be no singular responsible body in the Czech government (comprised of relevant stakeholders such as public authorities and NGOs) that coordinates the response to CSEC issues within Czech Republic. Additionally it is unclear who oversees the implementation of the CRC within Czech Republic.98 There also seems to be a great deal of overlap in the monitoring and implementation of CSEC policy between the Ministry of the Interior (trafficking), the Ministry of Labour and Social Affairs (families, children’s work conditions, special populations–Roma), and the Ministry of Education, Youth and Sports (youth affairs generally).99 (There is also conflicting information as to exactly what Ministry of the Czech government is responsible for implementing the CRC. In the 2011 review of Czech Republic by the Committee on the Rights of the Child, it was stated that the Ministry of Labour and Social Affairs was in charge of implementing the CRC.100 However, on the official Czech Government webpage, the Government Council for Human Rights, an advisory body to the Czech Republic government, is said to monitor compliance with and implementation of the Convention on the Rights of the Child.101 While CSEC issues are admittedly very diverse and require a wide range of services and cooperation, some of the redundancies stem from the bifurcation of trafficking from the other CSEC crimes. In effect, trafficking policy is prioritized over other CSEC issues within the Czech Republic.102 The prioritization of trafficking issues and limited government resources devoted to CSEC issues generally weakens local and national cooperation and coordination efforts.

Additionally, the governmental responsibilities within the current Trafficking NPA are not clearly defined. Most of the tasks are the responsibility of the Ministry of the Interior, and cooperation between various Ministries is mentioned briefly but mostly through the vague phrase “collaboration with other Ministries,” other times the task is given to “all Ministries”.103 In the current Trafficking NPA’s section on coordination, the NPA itself mentions four government entities that are involved in the trafficking policy: (1) Ministry of the Interior; (2) Criminal Police and Investigation Service Office; (3) the Alien
and Border Police Service of the Czech Police (ABPS); and (4) the Ministry of Labour and Social Affairs. While the interdisciplinary cooperation among governmental offices involved is common, the lack of coordination is hampering the ability to effectively coordinate and implement coherent policy related to trafficking and CSEC.

GOVERNMENT AND NGO PARTNERSHIPS

There are some instances of positive cooperation efforts at national and local levels of the Czech Republic. 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 Czech Republic. La Strada Czech Republic is a NGO that works on the ground to provide a variety of assistance to trafficked individuals.

An additional project that has been successfully coordinated between the Czech government, the IOM, and the local NGO community has been the Programme on Support and Protection of Victims of Trafficking in Human Beings (“Programme”), which is a victims support program that aims to provide assistance to trafficked persons. The NGOs are contractual partners of the Czech Police Department. The NGOs under cooperation with the Czech government provide a range of services for trafficked people who join the Programme. Some NGOs provide services even though they have not joined the Programme.

Regional and international levels

At the international level, effective cooperation between countries and international organizations is crucial to implement a concerted and coordinated approach in the elimination of CSEC within a particular region.

GOVERNMENT-GOVERNMENT COOPERATION

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 the German, United Kingdom, Ukrainian, and Romanian police forces. To this end, the Czech police have used rogatory letters (letters which request international legal assistance) to enable investigations, questioning of witnesses and the implementation of European Arrest Warrants. The Czech government has provided international police cooperation to various international operations by providing information from its own general police force work, as well as sending Czech police officers to embassies and/or consulates. The Czech Republic has also co-operated with source countries for trafficking victims, particularly neighbouring countries such as Moldova and Ukraine. Additionally, Czech/international police cooperation has extended from investigating cases solely in EU Member States to include investigations of other third-countries from which both offenders and victims originate, such as Vietnam, China, and Russia.

In 2007-2008, the Ministry of Foreign Affairs distributed educational materials and conducted trainings relating to trafficking prevention for consular offices in ten selected “source” countries (Russia, Ukraine, Belarus,
The Czech government has strong working relationships with several international organisations, namely Interpol and International Centre for Migration Policy Development (ICMPD). Czech Republic’s relationship with Interpol in regards to combating trafficking is strong and continues to develop. The Czech Republic is among the top ten users and contributors to Interpol’s global databases for Stolen and Lost Travel Documents, Stolen Motor Vehicles and Wanted Persons. Recently, the Czech government confirmed that it would be sending a second officer to Lyon to further improve collaboration between the two (the Czech police force already has one officer working in collaboration at Interpol). Additionally, in 2010, the National Rapporteur recently participated in a series of meetings with other National Rapporteurs and equivalents held in Brussels. The first meeting of this kind was organised by the Czech Republic during the Czech EU Council Presidency in 2009 and later formalized by the Decision of the Council of the EU of 4 June 2009. The topics at these meetings range from guidance about the role of the National Rapporteur, suggested future partnership opportunities and also addressing the fight of human trafficking at the EU level, including the fight against child trafficking.

The Czech Republic has engaged in conferences with countries from the Eastern Europe and Central Asia region to combat youth trafficking. In June 2010, the Czech government participated in a seminar entitled “Regional Networking for Child and Youth Trafficking Prevention in Eastern Europe and Central Asia” in Bulgaria. The seminar was presented by the Bulgarian Network for Child and Youth Trafficking Prevention and the Open Society Institute–Sofia. The aim of the meeting was to build up a better information exchange network and connections for preventative approaches to
sex trafficking in the region. In May 2011 Prague hosted an international workshop where international experts (namely from the Netherlands, Bulgaria, Spain and Belgium) gathered together with Czech police officers, state prosecutors, state officers and judges to discuss the application of certain problematic terms of the definition of trafficking such as abuse of distress, other forms of exploitation etc. The follow up of the two day seminar is to be an extended legal analysis of the legislative tools the Czech Republic has to combat trafficking.

There is high-level cooperation with the UN on the Programme on Support and Protection of Victims of Trafficking in Human Beings (hereinafter referred to as the “Programme”). The Programme is a follow up to the 2003 pilot project, “Model of Support and Protection of Victims of Trafficking in Human Beings for the Purpose of Sexual Exploitation” by the UN Office on Drugs and Crime (UNODC). The Ministry of the Interior is the governmental organization/body responsible for overseeing the national victim referral system as well as the governmental support and protection of identified victims. In addition, the MoI, manages all other preventive victim support activities and the intergovernmental cooperation for implementation of the programme. The MoI works with other Czech ministries such as the MLSA, the MEYS, the Ministry of Foreign Affairs (MFA), the Czech police and NGOs. The Crime Prevention Department (CPD) is designated by the MoI to manage the Programme operations at the national level and organize the expert task force coordination meetings, which occur every two months. The MoI and the Czech police began efforts to cooperate together and also set up a National Referral Mechanism (NRM) to increase stakeholder participation and also better collect information. As of 2010, the MoI signed agreements of cooperation with national NGOs, La Strada and Archdiocese Charity Prague to further develop the Programme’s national infrastructure and the International Organisation of Migration (IOM) has also begun to provide some assistance to the Programme. Other NGOs in the Czech Republic who participate in prevention relating to trafficked individuals, namely: Rozkos bez rizika (Passion Without Any Risks), Organizace pro pomoc uprchlikum, o.s. (Organisation for Assistance for Refugees) and the Diaconate, have also begun partnerships with the Programme; however as of publishing, the MoI has not finalized cooperation agreements.

The Czech Republic along with Bulgaria, Hungary, Romania and Slovakia, were the founding members of the Decade of Roma Inclusion which was launched in Sofia in 2005. The Decade of Roma Inclusion 2005–2015 is an international initiative that brings together governments, international organisations, and civil society to promote Roma inclusion. While the Czech Republic is participating in this regionally-coordinated effort, some NGOs claim that the results from the latest efforts by the Czech Republic (and other participating countries) to eliminate the discrimination against the Roma and develop National Action Plans in the four priority areas of health, housing, employment, and education, have fallen short. Additionally, as of time
of publication, the Czech government still does not have existing policies in place that specifically address the vulnerability of Roma children to CSEC nor does the Czech government have any existing measures to protect and rehabilitate Roma children from CSEC-related crimes.

There have been recent efforts by the Czech government to reform its policies related to promote Roma inclusion, starting in March 2010. There have been fundamental changes involving the organization of the Inter-Ministerial Commission for Roma Community Affairs. The Government Resolution of March 29, 2010 No.254, changed the name of the government advisory body of Roma Affairs to Czech Government Council for Roma Affairs and made attempts to strengthen the implementation of the Concept of Roma integration and Roma inclusion into society. Additionally the reorganization brought increased cooperation with the Council of the Agency for Social Inclusion and the Association of Regions and the Association of Towns and Municipalities of the membership of the Council.

In addition to efforts made to improve Roma community conditions, the Czech government has recently reached out to address the issue of missing children. The Czech government recently created a National Coordination Mechanism of Searching for Missing Children. The National Coordination Mechanism of Search for Missing Children, overseen by the Ministry of the Interior, was developed to enhance the process of searching for missing children and to increase the success rate of locating children. The National Coordination Mechanism of Searching for Missing Children will help raise public awareness about the problem of missing children and of the need to keep children safe and prevent conduct which may lead to crime against the child.

The Czech government’s difficulty with keeping accurate, up-to-date, and detailed statistics on CSEC victims and convictions has been noted internationally and by the Czech government itself. First, the Czech government does not seem to have current figures related to child victims of child pornography, child sex tourism, or child prostitution. As an initial matter, the Czech government should create a mechanism for compiling all CSEC-related data— including information on perpetrators and victims of CSEC crimes, ages and gender of the child victims, regions in the country where the offenses occurred, formal prosecutions, and convictions. The Czech government’s unwillingness to focus on identifying the actual number of victims of trafficking can be applied more generally to the lack of identification of CSEC victims as well. As an initial matter in this area, the pertinent Ministries need to better organize and delineate their responsibilities and secondly need to better gather data from the diverse sources (NGOs) and find a better way to share data.

Secondly, while the Czech government has figures related to trafficking for 2010, these figures are not adequately broken down to decipher whether any of the victims were children. The majority of information collected on victims of crime is stored within the Statistical Crime Recording System. Under the Statistical Crime Recording System, the criteria for collecting the victim information is organized according to police protocol and record keeping; not according
Czech Republic

There is no designation for 'child' in the police crime recording standards. Accordingly, it is difficult to assess whether the victim was a child unless there is a separate notation or other information passed along. This makes record keeping and data recovery for analysis on CSEC crimes inconsistent and uncertain. The Czech government should look to alter its current data tabulation method to include children as one of the categories of demarcation in the Statistical Crime Recording System.

In addition to the Statistical Crime Recording System, the information on trafficking victims is also collected according to the geographical regions of the Czech Republic by the Organisational Department of the Czech Police. However, before 2010, the police regions were not in coordination with the governmental regions (there were eight police regions which were not aligned with the existing administrative structure of the Czech Republic). As of January 2010, six new regions were established under Decree No. 407/2009 to coordinate the regional structure of the Czech police with the regional self-government structure. While the Czech government is to be commended for this organisational/administerial streamlining, it remains to be seen if this will improve the data collection on CSEC victims and make the tabulating more accurate and thorough.

In the 2008–2011 Trafficking NPA, the Czech government states that it will attempt to make a concerted effort to use additional information sources (when collecting its data) such as: the Labour Offices, embassies and consulates, data of IOM international missions, and NGOs not participating in the Programme. This is a good suggestion but also falls into contravention with the reporting requirements of section 368 of the new Criminal Code 40/2009 (which requires that NGOs report all incidents of trafficking reported to them directly to the government or face a penalty). Accordingly, the Czech government needs to alter the provisions of Section 368 to allow greater participation in the data collection and information mining from NGOs.

In addition to the difficulties the Czech government has with its data collection and management related to CSEC victims, crimes and convictions, the government also does not have complete statistics and information on Roma children and the frequency with which they are victims of CSEC crimes. Due to the exclusionary policies of the Czech government, Roma people are frequently discriminated against and face problems associated with and linked to social exclusion, such as inadequate housing, sub-par health care and educational services, and face inhospitable work conditions and physically demanding and demeaning work. These factors lead them to be a vulnerable group in society, and more likely to be victims of both addiction and prostitution. Until the 1991 Census, the Roma people were not permitted to declare their nationality or their native language. While in recent years, the Czech government has participated in studies in cooperation with the World Bank to analyse employment and exclusion of Roma, much information is not known about the Roma community and Roma children in particular, within the Czech Republic. A UNICEF study estimates that in the early 2000s there were approximately 5,600 registered Roma children in the Czech Republic, and around 110,000 unregistered children. The large discrepancies regarding the actual number of Roma children within the Czech Republic are problematic by themselves and make combating CSEC among Roma children even more difficult. Because less is known about the Roma as a people/society, Roma citizens are at a greater risk of prejudicial treatment and face greater reluctance on the part of healthcare and other government service providers to address their needs. For this reason, the Czech government needs to improve its information/data collection regarding the Roma children and their vulnerabilities to CSEC.
The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children, while simultaneously addressing the root causes of CSEC such as poverty and lack of education.

Long term prevention strategies including improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise, and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities.

Furthermore, information, education, and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (e.g. users of children forced into prostitution) to promote changes in social norms and behavior and reduce the demand for child victims of CSEC. Factors such as the lack of birth registration of Roma children and the discrimination faced by vulnerable groups all render children even more vulnerable to commercial sexual exploitation. Czech prevention efforts should address all of these factors. Prevention measures should curb the demand for sex with children generated by both the local and foreign sex exploiters and ensure sustainability through allocation of adequate resources.

In terms of long term prevention, the Czech Constitution includes the right for all children to have the right to receive equal opportunity to education and the right to free basic and secondary education. The 2004 Act on Pre-school, Basic, Secondary, Tertiary professional and Other Education (Act No.561/2004 Coll.) (“Education Act”) replaced the three previous educational acts: the School Act, the Act on State Administration and Self-Government, and the Act on Educational Establishments. The Education Act devotes more attention to the educational process than to the educational institutions and sets the length of compulsory education (nine years starting at the beginning of the school year following a child’s sixth birthday).

Despite extensive legislation, there have been obstacles preventing Czech children from vulnerable social groups from receiving education. Most notably Roma children have been discriminated against from receiving education. The European Court of Human Rights (ECHR), found in a 2007 case, D.H. and Others v. the Czech Republic, that the Czech government discriminated against Roma children by making students with no mental impairments attend schools for students with mild mental disabilities. Romani children continue to be overrepresented in schools and classes for pupils with “mild mental disabilities”. A study in 2008 indicated that in some parts of the country Roma children constitute more than 80% of the pupils in practical schools. While the Czech government has recently stepped up efforts to recognize the need for greater educational inclusiveness, namely by drafting the National Action Plan to Transform and Unify the System of Care for Vulnerable Children (2009) and the National Action Plan for Inclusive Education (2010), these plans are not readily available and do not seem to have been implemented at any level.

The Czech Republic is involved in several
regional short-term educational and awareness efforts to thwart trafficking and CSEC. One of the major regional projects that the Czech Republic has participated in is 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 “One in Five” campaign is reflective of the fact that one in five children in Europe will experience sexual violence. The campaign’s main objectives are to bring awareness and ability to prevent sexual abuse to families, children and the larger community and to encourage more countries to sign, ratify, and implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). The Czech government is participating in this campaign despite not having ratified the Lanzarote Convention. The Czech government should ratify the Lanzarote Convention in the future.

One of the awareness raising tools employed by the “One in Five” campaign has been the Underwear Rule campaign, which is a campaign that aims to encourage child-friendly discussion with children about their rights to avoid sexual contact and abuse. The concept has been presented as a cartoon on a TV ad, in children’s books, posters and postcards. The Czech government has been involved in this project from the start. The Czech government translated the information into the Czech language and promoted the materials on the Government Council for Human Rights and the National Resource Center for Youth websites.

ECPAT International’s partner organization in Czech Republic, the Ecumenical Network for Youth Action (ENYA), was established in 1995. The Ecumenical Network for Youth Action is a growing partnership of churches, related associations and NGOs. The membership and partner base comprises organisations and individuals in over 48 countries. ENYA began its work to combat the commercial sexual exploitation of children and youth in 1998.

**Out of the Shadow – Into the Rainbow Programme**

ENYA’s ‘Out of the Shadows - Into the Rainbow’ programme addresses the trafficking, forced prostitution and sexual abuse of children, youth and women in East and Central Europe. The programme has expanded and now includes interactive training seminars, and prevention programmes. All programmes are co-managed in cooperation with young people living on the streets, Roma young people and communities, survivors and youth living in state institutional care or those who have just received independent status. ENYA also developed specialised peer-to-peer leadership programmes promoting the full inclusion of young people in the fight against commercial sexual exploitation of children. These programmes have been implemented in various countries of Eastern and Central Europe. ENYA has also established a home “Majak – Lighthouse” which works with young people leaving institutional care.
In 2010, there was some outreach efforts to build awareness about the dangers of trafficking to Czech youth in schools throughout the country. There was an educational video clip produced by the NGO La Strada and a company, SIK CZ, that aimed to educate about trafficking.167 The video was displayed in the schools.168 Approximately 269 basic and elementary schools were involved in this educational initiative.

The Czech government has been involved in efforts to inform children and parents of the dangers of child pornography and exploitation through unmonitored internet use. One programme, the Czech Safer Internet National Centre (“Saferinternet CZ”) was launched on January 1st, 2009.169 Saferinternet CZ is supported by the European Commission and the Czech Ministry of the Interior. The Czech National Safer Internet Centre campaign uses technology and media campaigns to promote internet safety for children and organizes trainings and workshops related to safer internet use for children, parents, and professionals in the field. Two of Saferinternet CZ’s recent projects are the (1) Teachtoday.eu portal and (2) Insafe e-safety family kit, both of which have been translated into Czech and used by schools and sponsors.

Saferinternet CZ most recent projects are the “Prague safe online” project and the celebration of Safer Internet Day within the Czech Republic. “Prague Safe Online” is a collaboration with the Municipality of Prague to train more than 300 experts in 22 districts of Prague.170 At the end of the series of workshops, a brochure will be published including the main safer internet themes trained as well as practical life cases and scenarios discussed during the workshops.171

Celebrating Safer Internet Day in the Czech Republic is another awareness raising campaign that Safeinternet CZ helps to facilitate.172 The Safer Internet Day project is part of an EU Initiative run by the INSAFE network.173 For 2011-2012, “dialogue between generations” is the main theme of Safer Internet Day (SID), which is an event that has its own logo and promotional materials.174 The main SID 2012 event in the Czech Republic is a press conference, arranged in cooperation with the Ministry of Social Affairs, where a range of events and documents will be rolled out to media. The Czech network of Information Centres for Youth will organise different events, including lessons, workshops, discussions and exhibitions to promote safer Internet use.175

There have been other awareness raising events related to remembrance days and demonstrations. For example, December 17, 2010, was designated the International Day to End Violence against Sex Workers. The NGO Rozkos bez rizika organized a march to mark the anniversary of death of 18 prostitutes.176 Several NGOs participated in the march in an effort to highlight the danger of sexual exploitation.177 In November 2011, there was an organized march to raise awareness about child abuse in Prague.178 The march (of approximately 100 people) was organized by the NGO Our Child Foundation, and was initiated to promote awareness that the numbers of abused children in Czech Republic were increasing yearly.

Horka Linka is the Internet reporting hotline that has been setup by the Czech Safer Internet National Centre.179 This is part of the INHOPE network of hotlines and is an important mechanism to address the distribution of child abuse images on the Internet and also child exploitation online. The hotline collaborates with relevant stakeholders such as the service providers
(fixed and mobile) and law enforcement to identify and remove illegal content and also to provide timely information and support to the child victims. This is very relevant for the country, given the extent to which children are used for the production of child abuse materials and the high proportion of their young population who goes online.

On June 7th, 2011, Telefonica Czech Republic partnered in the conference entitled “Prevention of Internet crimes against Children: Technology, Legislation and Education” in the Senate of the Parliament of the Czech Republic. Telefonica sponsored this conference for the third time due to its commitment towards digital safety and responsibility as the Telco leader and the deliberations and discussions made during the conference allowed Telefonica to initiate the “project for minimizing of bullying in Czech schools”. Other Telefónica activities include educating parents, instructors and teachers on the risks associated with the use of new technologies. In many of the projects Telefónica participates with partnering organizations like Bezpečnější internet, Horká linka Hotline, and also developing a platform for training and games for children and young people.

The Accor hotel chain, which prior to 2009, had 7 hotels in Czech Republic, is set to open the Mercure hotel in Ostrava City in 2011 and hopes to operate a total of 15 hotels in Czech Republic within the next few years. The Accor hotel chain has had a working relationship with ECPAT International since 2001, and is a signatory to the Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism. The Accor Group International will hopefully continue its policies of corporate social responsibility as it expands into the Czech Republic to combat the prostitution of children and child sex tourism.

As part of the global ‘Stop Sex Trafficking of Children and Young People’ campaign launched in 2009, ECPAT and The Body Shop released a country ‘progress’ report focusing on what the Czech government has done to specifically combat child sex trafficking.
STOP Sex Trafficking of Children & Young People Campaign

An important advocacy component of The Body Shop and ECPAT ‘Stop Sex Trafficking of Children and Young People Campaign’ is the country progress card system, which ECPAT and The Body Shop has created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states’ action to combat child trafficking, specifically towards the three goals of the campaign:

1. Community-base prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

### Table: Summary of Progress Card

<table>
<thead>
<tr>
<th>Goal 1: Community-base Prevention Programmes</th>
<th>Prevention</th>
<th>Collaboration</th>
<th>Awareness raising</th>
<th>Teacher training</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal 2: Legal Framework</td>
<td>Optional Protocol</td>
<td>Trafficking Protocol</td>
<td>National legislation</td>
<td>Special police units</td>
</tr>
<tr>
<td>Goal 3: specialised services for child victims</td>
<td>Helpline</td>
<td>Shelters</td>
<td>Medical services</td>
<td>Psychological counselling</td>
</tr>
</tbody>
</table>

Green = significant action taken by state; Yellow = partial action taken by state; Red = inadequate level of state action; Star = work undertaken by NGOs

From the global assessment of the Progress Cards, the Czech Republic is among the 26% of countries which have taken limited measures to stop sex trafficking of children and young people. Even though the Czech Republic has made some efforts to combat the trafficking in human beings, it has failed to specifically address child trafficking in light of the particular needs and rights of the child. The protective measures in place are not specialized enough to prevent children from being trafficked and sexually exploited or to provide adequate assistance to child victims of trafficking.
Thorough and meaningful legislation is essential to protect children from CSEC. Specific laws must be created, implemented and/or augmented to help combat the manifestations of CSEC. The existing laws need to be kept current and should reflect the evolving norms of CSEC that are articulated in the international legal framework as well as evolving forms of CSEC such as grooming or viewing and accessing child pornography online through the internet. In addition to enacting and updating legislation regarding CSEC, laws must be effectively implemented and consistently enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

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 OPSC and the Trafficking Protocol. Additionally, Czech Republic has signed but has not ratified the Council of Europe’s Convention on Cybercrime CETS No.: 185 “Budapest Convention”. As such, the provisions are also not in full effect upon the Czech Republic. Czech Republic has not signed nor ratified the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). The Lanzarote Convention is a newer convention that was originated in 2007 and came into force July 2010, and is a particularly important agreement for fighting CSEC. The Czech Republic should ratify all three Council of Europe conventions related to CSEC.

### Human Rights Bodies Related to Child Rights

<table>
<thead>
<tr>
<th>Charter- Based Bodies</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Working Group of the Universal Periodic Review- Human Rights Council</td>
<td>Scheduled to review in March 2012</td>
</tr>
<tr>
<td>Special Rapporteur on Trafficking in Persons, Especially in Women and Children</td>
<td>Reviewed in part of report submitted on May 17, 2011</td>
</tr>
</tbody>
</table>

### Treaty Based Bodies

| Committee on the Rights of the Child | 2011- main conclusions related to CRC:  
• ratify Trafficking Protocol and OPSC  
• improve implementation of laws related to CSEC and coordination of policy at the government level |

### Children’s Rights Instruments

| OPSC | Only signed | N/A (no reporting requirements) |
| UN Convention against Transnational Organized Crime | Only signed |
| Trafficking Protocol | Only signed | N/A (no reporting requirements) |

### Regional Instruments

| Council of Europe Convention on Action against Cybercrime | Only signed. |
| Council of Europe Convention on Action against Trafficking in Human Beings CETS No.:197 | Has not signed or ratified |
| Council of Europe Convention against Sexual Exploitation and Sexual Abuse CETS No.:201 | Has not signed or ratified |

### Legislation

Czech Republic has laws in place that address the trafficking of children for sexual purposes, child pornography and child prostitution. The Czech government made progress with the codification of sections 186 Sexual Duress/Coercion and 187 Sexual Abuse which offer nuanced protections against sexual violence against children generally. While the Czech Republic government has made progress with the codification of the new Criminal Code, 40/2009, in early 2010, the 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 not meeting the requirements of some international and many regional law 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.

The new Criminal Code, 40/2009 came into effect on January 2010. The New Criminal Code is an improvement from the old criminal code in many ways. While there are improvements in the structuring of the new laws related to CSEC, due to the newness of the implementation of the new Criminal Code it is yet to be seen it is not yet known whether these new laws will improve the regulation and prosecution of CSEC in the Czech Republic. While these laws offer an improvement from the previous Criminal Code, the crimes codified related to CSEC do not comply wholly with standards set forth in international legal documents. Two main high level complaints are: (1) that child pornography in particular does not address or incorporate all of the standards set forth by the OPSC; and (2) child sex tourism is not addressed in detail in the new Criminal Code. Additionally, there are concerns over the laws in place for protection against child prostitution. The Czech Republic has experienced difficulties in implementing the laws protecting CSEC victims by failing to formally charge and convict the perpetrators.

Under the Trafficking Protocol Article 3(a), trafficking in persons is “the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, fraud, deception, the abuse of power, or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. Exploitation, (under the Trafficking Protocol Article 3(b)) includes at a minimum: “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.” The elements of the crime of human trafficking in Czech law are stated in section 168(1) in the Section entitled Offenses against Liberty of the new Criminal Code 40/2009. The new 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. Trafficking under 168 carries a penalty from two to sixteen years depending on the circumstances. The offense of trafficking under 168 includes aggravating circumstances such as use of violence or threats (Section 168(2)); trafficking as part of an organized group (Section 168(3)); trafficking for the use of forced prostitution (Section 168 (3)); and trafficking in connection with an organized group operating in multiple states (Section 168(4)). 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. §169, Entrusting a Child to Another Power penalizes an adult for entrusting a child with another adult for the purpose of adoption, obtaining a benefit from that child, or bodily harm of that child, however this provision does not explicitly mention sexual exploitation of a child. §172 Introduction criminalizes the facilitators of trafficking (the
smugglers or transporters) by punishing the act of taking people away unwillingly from the Czech Republic or transporting them unwillingly to the Czech Republic. While the law addresses “bodily harm” and “physical or mental anguish” it does not explicitly mention sexual exploitation. It is important to note that Section 169 has an increased sentence for undertaking the crime “as a member of an organized group” and both Sections 172 and 169 have increased sentences for committing the crimes with the purpose of “acquiring large scale benefit.”

While the new trafficking law provisions under §168 and other related provisions like §169 Entrustment of a Child and §172 Introduction are an improvement from the previous trafficking statutes, they are not as comprehensive as possible and they are not in complete compliance with the requirements of Article 3 of the Trafficking Protocol of the UNTOC. Section 168 and other corresponding provisions of the new Criminal Code do comply with many of the requirements of Article 3: (1) Sections 168, 169 and 172 appear to cover all children both boys and girls and (2) Section 168(1) mentions the recruitment, transport, and harboring elements of the crime of human trafficking mirroring the definition under Article 3.

However, there are some areas that Section 168 does not comply with Article 3. There is no mention that consent is irrelevant for children and there is no mention of consent generally. (However, Section 203 states that a child who consents or even asks for sexual intercourse or any type of “comparable behavior” is not guilty of a criminal act even as an accessory.) The definition contained in section 168(1) does not seem to include the receipt of persons for the purpose of sexual exploitation. (However, under Section 202, Seduction Intercourse whoever offers or promises a child is to face criminal sanctions.)

While Czech laws on Child Trafficking for Sexual Purposes are much improved and extensive, the ability of law enforcement to investigate and the judiciary to indict and convict for child trafficking for sexual exploitation remains almost nonexistent and reflects low levels of meaningful implementation of the law. In 2010, 33 offenses of procurement for sexual purposes were detected and investigated by the Czech police, the lowest in ten years. Of that 33, 28 persons were investigated and formally prosecuted by the Czech police. The data provided from the Ministry of Justice of the Czech Republic gives a fuller picture of the criminal court’s participation in the fight against child trafficking. In 2010, 64 people in total were sentenced by final and conclusive judgment for the crime of procurement (this is the lowest number sentenced for this crime in the last five years). Of the 64 sentenced, 21 received unconditional sentences. Under the reporting system of the Czech police department, there were no instances of entrusting a child under the power of another person (section 169 of the new Criminal Code; formerly under section 216a of the old Criminal Code as child trafficking). Under the Ministry of Justice there was only one sentence imposed in 2010 and the sentence issued was a conditional sentence of imprisonment. Moving forward Czech law enforcement needs to produce more viable criminal investigations related to child sex trafficking and there should be more enforcement of the law in the form of indictments and successful convictions of child sex traffickers.
There is formal international concern over the reporting requirements under § 368 as highlighted in the UN Special Rapporteur’s (on Trafficking in Persons, Especially Women and Children) Addendum Report submitted on May 17, 2011. Under § 368 (1) of the new Criminal Code, any person who has received information about another person committing a crime (including trafficking of children for sexual purposes) and fails to report such a crime can be imprisoned for up to three years. The exceptions to this “duty to report” are attorneys and priests. NGO workers and service providers are not included in the exception. As such, there are concerns that placing the reporting requirement of section 368 upon NGO workers and service providers who work with CSEC victims could: (1) prevent NGO workers from fostering a trusting relationship with trafficking victims; and (2) jeopardize the safety of the NGO worker as a person reporting a crime of human trafficking must provide his or her permanent address for the record. When questioned about this measure in 2011, the Czech government declined to include NGO workers into the exception of the “duty to report” requirement of §368 and stated that it was “possible to presume” that NGO workers were included in the exception and pointed out that no single NGO worker was prosecuted or investigated pursuant to §368 of the Criminal Code.

In the 2010 Annual Status Report, the MoI stated that after a meeting with local stakeholders in December 2010, § 368 would be amended to exempt NGO workers from the reporting requirement as applies to trafficked individuals (under the purview of § 168) but only as applied to adult trafficking victims. Accordingly, the Czech government’s application of section 368 needs to be clarified to exempt NGO workers through a formal written process altering section 368 as it stands.

The relevant international standards/obligations in regards to child pornography are found in the OPSC Sections 2(c) and 3(1) (c). The OPSC § 2(c) defines child pornography as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. While the Czech Republic has progressed in its efforts to comply with this definition, sections 191, 192, and 193 of the new Criminal Code (the provisions which address child pornography) are not in compliance with all elements of OPSC Sections 2(c) and 3(1)(c). 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 sexual purpose. The Czech government needs to augment the statutes defining child pornography to include representations of children and also body parts of the child.

Since the last ECPAT Country Monitoring Report, the Czech government has progressed in its efforts to comply with Section 3(1) (c) of the OPSC. Section 3(1)(c) provides that producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography. Starting in 2007, a law criminalizing mere possession of child pornography was initiated, drafted and eventually brought before the government for approval. (Currently, under Section 192(1) of the new Criminal Code 40/2009,
harbouring photographic work that displays or otherwise uses a child carries a up two year prison term.) Before the enactment of the 2007 bill and Section 192 of the new Criminal Code 40/2009, producing and selling child pornography was a crime in the Czech Republic, but possessing such images was not. It is believed that there was some international pressure upon the government to change the possession aspect of the child pornography law particularly after an incident in 2007 where Austrian authorities caught an international child pornography and paedophile ring that was dealing child pornography online involving more than 2,360 suspects from 77 countries, including sixty-three Czechs. The Czech nationals did not face prosecution because at the time possession of pornography was not a crime in the Czech Republic. The Czech law, particularly the Czech Criminal Code (Act No. 140/1961Coll.), did not contain the crime of possession of child pornography for private use in contrast to the other European states, e.g. the Slovak Republic or the Republic of Hungary. The code defined only the crime “Danger to morality” (§ 205). The factors that constitute an offence were changed with the amendment No. 271/2007 Coll. which came into effect on 1st December 2007. The amendment cancelled the crime “Danger to morality” and substituted it by the crimes “Distribution of pornography”, “Possession of child pornography” and “Abuse of a child for production of pornography”. The crime “Distribution of pornography” is defined as: Any person who offers, conveys or accesses a child or exposes or accesses in other way on a place, which is accessible for children a pornographic work in written, as a photograph, by film, on PC, in electronic way or other similar work will be punished by imprisonment for up to two years, ban on activities or forfeiture (thing or asset value). 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 OPSC 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, which criminalizes anyone who makes, obtains, hires, lures, seduces or exploits children to work in 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 well.

In addition to making efforts to comply with the legal standards articulated under the OPSC, the Czech Republic should ratify the pertinent regional documents and update the definition of child pornography to comply with the definition in the CoE Convention against Cybercrime Article 9-2 which states that the definition of child porn shall include material that visually depicts a person appearing to be a minor engaging in sexual conduct. Additionally, the definition of child sex images should include the provisions from the CoE Convention against Sexual Exploitation regarding child pornography, particularly Article 20-3, which covers the production and possession of pornography consisting exclusively of simulated representations images of a non-existent child. Lastly, the definition in the new Criminal Code 40/2009 should be augmented to criminalize and include grooming, which is covered by Lanzarote convention article 23, or the solicitation of children online for sexual purposes. Lastly, at the recent Council of Europe Workshop 4, “Responses to Sexual Exploitation of Children Project on Cybercrime” (Octopus Conference in Strasbourg 21-23 November 2011), it was pointed out that Czech Republic could improve its regulations on child pornography related to (1) procuring child pornography through a computer system for oneself or for another person, and (2) knowingly
obtaining access to child pornography through information and communication technologies. While there are improvements in the Criminal Code relating to pornography, it is unclear to what extent the changes in the child pornography legislation has increased protection of children from pornography in the Czech Republic. Currently there are no readily available statistics on the number of individuals charged for child pornography or the number of individuals investigated or convicted. Accordingly, it is hard to gauge the impact of the new legislation. In the first six months of 2010, the Ministry of Justice reported that seven persons were convicted for production or handling of child pornography. One person received a prison sentence and six received suspended sentences. In some media accounts where there are incidents of child pornography the perpetrators do not seem to be charged with the child pornography statutes §§ 191, 192 and 193 but instead are charged under section 201, Endangering of the Child and section 168 human trafficking. Given the relative newness of the Criminal Code and the low levels of actual prosecution, the Ministry of Justice should work to promote awareness and understanding amongst law enforcement and legal prosecutors to implement the pertinent sections of the new Criminal Code addressing child pornography.

Within the new Criminal Code, there are some inconsistencies regarding the punishments for CSEC violations. The inconsistent assessment of punishment for CSEC crimes is most notable and contradictory in the area of child pornography/child sex images. Under 40/2009, Section 191, Dissemination of Pornography, carries a minimum sentence of one year of imprisonment and a ban on the activity or forfeiture of an item/asset. Aggravating factors under Section 191, include the dissemination of pornography of children (Section 191(2) also includes a range
of possible punishments—imprisonment, a period of prohibition/probation, or forfeiture of items.\textsuperscript{240} Section 192(1), Production and Other Handling of Child Pornography, codifies the crime of possession of child pornography and carries a punishment of imprisonment for up to two years.\textsuperscript{241} However, Section 192(2) which describes the crime of ‘manufacturing, importing, exporting, transporting, or making publicly available child pornography,’ faces a punishment of possible imprisonment from 6 months to 3 years and forfeiture or prohibition of activities or other things of value.\textsuperscript{242} In contrast, Section 193, Abuse of Child to Produce Pornography carries a minimum sentence of one to eight years for every element of the crime.\textsuperscript{243} These punishments are inconsistent and offer discretionary application. Additionally, the codification of more severe (prison only) sentences for certain manifestations of CSEC has the effect of prioritizing the importance of certain CSEC crimes over others. The punishments for CSEC violations should be made more consistent specifically within the single statute (in the case of child pornography) and generally in the realm of CSEC offenses. Augmenting and coordinating the punishments will also signify to the public the seriousness of the crimes and the government’s intention to take them seriously. It will also undercut the judiciary/attorneys tendency to not fully prosecute or charge offenders.

Child Prostitution as defined by OPSC Section 2(b) is the use of a child in sexual activities for remuneration or any other form of consideration.\textsuperscript{244} Under OPSC section 3(1) (b) child prostitution covers all elements of “offering, obtaining, procuring or providing a child for child prostitution.”\textsuperscript{245} As it stands today, the Czech Republic has no law in place that specifically addresses “child prostitution” but instead has select provisions within multiple sections of the Criminal Code 40/2009 that address prostitution. The only useful link is to Section 202 Seduction Intercourse, Section 203 Impunity of a Child and Section 187(1) Sexual Abuse.\textsuperscript{246} (While there is a provision in 40/2009 that addresses pimping/pandering/procuring, it does not specifically mention children in any of its provisions and accordingly does not seem to apply.)\textsuperscript{247} 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.\textsuperscript{248} While this Section addresses the use of a child in sexual abuse situation, it does not explicitly mention any form of remuneration or consideration. In this sense Section 202 falls short of satisfying any requirements under the OPSC or the regional law requirements under Council of Europe’s Lanzarote Convention. The same limitation regarding consideration or remuneration can be applied to Section 187(1) Sexual Abuse, which states that “whoever performs sexual intercourse with a child younger than fourteen years or who is otherwise sexually exploited.”\textsuperscript{249} 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 . . . 250 Section 203 addresses many of the requirements of the OPSC and Lanzarote Convention such as: gender neutral in its application to children; addresses multiple forms of consideration or remuneration, not just money; and a comprehensive definition of sexual conduct and acts, not just sexual intercourse. However, where Section 203 is incomplete or lacking is in regards to the comprehensiveness of the law, in the sense that there is no mention or procuring, obtaining, offering or providing children for prostitution. Accordingly, it is clear that the Czech government should reform/ augment/amend its laws to include a direct provision on child prostitution that complies with all of the elements of OPSC and Lanzarote. While the Czech Criminal code is lacking a straightforward statutory definition/codification of child prostitution, there are provisions within the code that address the societal dangers of prostitution with children, such as Section 190, Endangering the Morals of Children. 251 Section 190 was designed to protect children against prostitution that is performed near schools or other places where children congregate. 252 While in theory this law is very proactive, on the ground, implementation of this law has been lax. In 2010, there was only one charge brought under this section.253

One of the additional limitations regarding the existing legal framework addressing child prostitution in the Czech Republic is the conflicting laws about age of children deriving legal consequences. The age of sexual consent in the Czech Republic appears to be fifteen years old. Fifteen years is also the age of criminal liability under section 25 of the Criminal Code. 254 Aggravating factors of Section 202 include (a) having sex with a child younger than fourteen years. 255 While the Czech Criminal Code addresses the consent of a child to sexual acts or conduct is no defense under section 203, there is no clarification as to the age of a child within the section itself. The varying age cut-offs for consent and criminal liability are confusing and also contradictory to the requirement of the CRC, which is a uniform age-cut off of eighteen years. The Czech government should reform its laws on this matter and institute a more cohesive policy regarding child prostitution.

The Czech Republic participates in several regional corporate social responsibility or sustainable tourism programmes. The Czech Republic is involved in the World Trade Organization (WTO) World Tourism Network on Child Protection. The World Tourism Network on Child Protection (formerly the Task Force for the Protection of Children in Tourism) is a network of governments, international organizations, NGOs, and tourism industry businesses.256 The organization’s mission is to prevent all forms of youth exploitation in the tourism sector (i.e. sexual exploitation, child labour and child trafficking). 257 The Czech Republic is also involved in the EDEN program, the European Destinations of Excellence, an EU-sponsored initiative.258 The EDEN program strives to encourage responsible tourism throughout the EU and selects key tourist spots that reflect the values of responsible tourism. 259 Currently, the Czech Republic has three EDEN-designated tourist spots. 260 While the Czech government participates in these programmers, it is unclear that there is a coherent policy addressing child sex tourism at the domestic government level. Additionally, the Czech Republic is not promoting the Code of Conduct for the Protection of Children from
Sexual Exploitation in Travel and Tourism. As child sex tourism often involves the use of accommodation, transportation and other tourism-related services that facilitate contact with children and enable perpetrators to remain fairly inconspicuous in the surrounding environment, it is very important to have the government's support behind any child sex tourism mechanism- in part to encourage tourism-related companies to agree to comply. The Czech Republic needs to sign on to the Code and encourage tourism operators (such as hotel chains, rental agencies and tours) to sign on to the Code and comply with its requirements.

The new Criminal Code 40/2009 includes extraterritorial legislation. Sections 4, 6, 7, 8, of the new Criminal Code 40/2009 address jurisdiction and extraterritorial legislation. Under § 6 (Personality principle), Czech law is applied to every criminal offense committed abroad by a Czech citizen or by a stateless person who has granted permanent residence on the territory of the Czech Republic. Section 7 (Principle of Protection and Universality) lists specific crimes and criminal provisions under which it applies (such as Torture and Acts of Terrorism) but this provision does not extend to child sex crimes such as prostitution, child sex tourism, pornography or trafficking. Section 8, (the Subsidiary Principle of Universality), states that Czech law shall be applied to determine the liability for punishment of an act committed abroad by a foreign national or a stateless person with no permanent residence permit in the territory of the Czech Republic, if the act is also punishable under the law in force on the territory where it was committed; and the offender is apprehended in the territory of the Czech Republic and has not been extradited or surrendered for criminal prosecution to a foreign State or other subject authorised to criminal prosecution. Accordingly Section 8 requires requires double-criminality in order for there to be extradition. Lastly, Sections 17 and 18 of the new Criminal Code deal with the punishment of crimes committed by foreigners in Czech Republic territory and also the crimes committed abroad by the Czech citizens or persons without citizenship who are permanent residents in the Czech Republic.

While these new provisions are an improvement, as the new Criminal Code 40/2009 criminalises offenses committed abroad that would be deemed offences within Czech Republic, 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.

As there are no specific laws related to extradition for child sex tourism in the Czech Republic, general extradition is one option to deal with such limitations. The Czech Republic has entered into a number of agreements on extradition and mutual legal assistance that can be used to prosecute CSEC offences, especially at the regional level. The Czech Republic has ratified the European Convention on Extradition of 13 December 1957 and the Framework Decision on the European Arrest Warrant, the European Convention on Mutual Legal
While the Czech Republic has ratified these agreements, there is still some resistance in their implementation. Particularly, the Czech Republic has had difficulty with surrendering their own nationals. For instance, the Czech Republic still does not practice surrendering its citizens for offences committed before 1 November 2004. However, the Czech Republic Constitutional Court decided in May 2006 that Czech citizens had to assume the rights as well as the obligations conferred to them by their European citizenship and accordingly, the temporary surrender of a Czech citizen for sentencing or punishment under a European Arrest Warrant is not unconstitutional. The Czech government needs to fully implement and comply with the extradition agreements that it has signed and ratified.

There is no data available on the application of extraterritorial legislation in Czech Republic. The crime statistics provided by the Ministry of the Interior do not provide information on whether the crimes reported to the police or tried in court were committed abroad. In light of this lack of statistics, systematic data collection on extraterritorial legislation should be urgently developed and used to better shape policy development, measure programmes implementation and enhance law enforcement.

While there are no law enforcement agencies in the Czech Republic that deal solely with all manifestations of the sexual exploitation of children, there are government branches that address human trafficking. The Unit for Combating Organised Crime of the Criminal Police of the Investigation Service Office of the Czech Police (UCOC) is 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 UCOC has been working on augmenting its approach to identifying prostitution victims.

While significant progress has been made, particular efforts are still needed to improve identification of child victims and nationwide implementation of “best-interests of the child” procedures and child-friendly legal processes including child witness protection to ensure that all trafficking, prostitution and CSEC cases are investigated and perpetrators are charged and punished. While the UCOC focuses on trafficking, it should re-orient its detection and information collection to greater focus on child victims. Additionally, 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.
Support services for children

Strategies for the recovery and reintegration of victims of CSEC should contain immediate and long-term policies. Immediate assistance can include medical and psychological care, provision of adequate shelter and legal assistance; whereas longer term assistance could include reintegration into school, return to the family or community when possible, and sound plans for social and economic rehabilitation and reintegration. In relation to child victims who have been trafficked into the Czech Republic from other countries, it is also important to have in place specific support mechanisms for children without specific support mechanisms for children without Czech identity.

Approach to Victims

In recent years the Czech government has attempted to provide some legal protections, legal access programmes and social programmes to victims of primarily trafficking crimes. The 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. Reflecting this ethos is the Czech government’s policy to leave the determination of whether a crime of trafficking has been committed to the discretion of the police, public prosecution and the courts, without any input from any social service or victims’ protection governmental organisation. Additionally, some of the local regions face political pressures related to taking on trafficking cases: for example, the Regional Prosecuting Attorney’s Office in the region of Brno, have admitted to hesitancy in prosecuting less serious offenses, when “the police assume from the outset the legal version asserting the qualification of the most severely punishable offenses.”

The reliance on criminal law standards regarding trafficking should be augmented by a more “victims-rights oriented” approach. Some suggested victims’ rights-based standards provide that if “there is the slightest suspicion that the person in question has been trafficked, he/she should be guaranteed at least the basic assistance and a reflection period to decide for or against co-operation with the competent authorities.” To this end, the NGO community in the Czech Republic does offer these types of services. Specialised NGOs in the Czech Republic offer their services ranging from consultation of persons at risk to comprehensive services for trafficked and exploited persons, including undisclosed accommodation and legal representation. The Czech government should follow the lead of the NGO community and attempt to implement more victim-friendly policies towards trafficking and other CSEC victims.
Compensation and Representation of Victims

Act No. 108/2006, Coll. on Social Services (“Social Services Act”) outlines the provisions under which individuals in the Czech Republic may qualify for social services. All victims are entitled to free basic social counseling in regards to possible solutions of victims’ situations. Any victim or individual who attempts to receive social services is obligated to prove his/her need for social service. Submitting to a medical exam and evaluation may be a very difficult and traumatizing experience for child victims of CSEC. In the case of human trafficking and other CSEC crime victims, where the majority of the cases involve infliction of psychological and moral harm, it may be nearly impossible to successfully calculate an amount of damage/eligibility for social service and harm to the victim. Recently, the Czech government has addressed this very concern, with the implementation of Section 50 of the new Criminal Code, which gives the victim a choice to use a personal representative who represents the victim in a proceeding and can file proposals and accept remedies on behalf of the victim.

Trafficking and CSEC cases may attempt to claim financial assistance under 265/2001 Coll which provides financial assistance if the victim has died as a consequence of the crime or if the victim has been injured as a result of crime perpetrated against them. While, the 265/2001, provides for damages, the victim of the crime or bereaved family, in order to receive the damages, must agree to participate in the prosecution of the perpetrator. Additionally, the process for receiving the money is very public as the victim or family has to provide all of their personal information such as the nature of the crime, and the address and date of birth of the victim when filing for the application to receive the funding. The process is also very dependent on the victim proving damages in order to receive the remuneration claim damages within the main proceedings prior to the course of evidence and the proposal must clearly show the grounds for the damages and the amount of damages requested. According to the Ministry of the Interior, in 2010, no one applied for redress under this provision. The Czech government should make efforts to better implement this program and make it more victim and child-friendly in its administration. As of July 2011, there were efforts being made by the Czech government to strengthen and harmonise the currently split legislation regarding victims protection in an effort make it easier for victims to receive services and compensation. The new plan proposes increasing funding to victims, instating more victim-friendly questioning and investigative procedures, and improving the ability of state-accredited NGOs to participate in investigations and help victims. At publication, the proposed plan should have been submitted in September 2011, and if it were to be passed by parliament and signed by the President, the law would take effect starting January 2013.

HOTLINES AND COUNSELING SERVICES

There are several NGOs operating hotlines (both through the Internet and on 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
The Support and Protection of Victims of Trafficking in Human Beings Programme (Programme) was established by the Ministry of Interior in collaboration with IOM in 2005, and is a formal victim identification mechanism in which victims are identified by the police in collaboration with NGOs. The Programme focuses on trafficking victims of sexual exploitation and labour exploitation. It was designed to offer to victims’ legal, psychological and medical assistance as well as a “dignified return to the country of origin” and to function as a viable information gathering and investigative source. The voluntary returns are for individuals who join the Programme, and all identified Czech victims abroad. The Programme has been embraced by the NGO community in the Czech Republic in part because of its victim-focused and collaborative approach. In 2010, NGOs began to participate in the Programme task force coordination meetings. Their involvement was centered around helping the MoI develop a database, “Trafficked Person
Information System” which was designed to organize data on trafficked individuals who participated in the Programme.304 The Programme has been helpful for trafficked third-country nationalists who have either had their travel documents confiscated as a result of trafficking or have no valid visas or residence permits.305

In conjunction with the Programme, the Czech Republic government introduced in 2007 a longer reflection period of sixty days for non-national victims of trafficking who cooperate with the police during the investigation.306 The “reflection period” is a period in which a victim who is otherwise in the country illegally is permitted to stay in order to cooperate with the Czech police on the investigation of their crime. During this period, the victims receive assistance which may include assistance for asylum filing, health care, financial assistance, social care, psychological and social advisory services, legal advisory services, assistance with voluntary return to the country of origin, follow up social assistance, long-term social integration, support in seeking jobs, re-qualifying training courses, an option to be included in the programme for witness protection etc. Victims who cooperate in criminal proceedings are granted temporary residence and work visas for the duration of the relevant legal proceedings. In 2008, 19 victims were granted temporary residency permits.307 Upon conclusion of the court proceedings, victims have the opportunity to apply for a permanent residence permit. One victim was granted permanent residency in 2008. 308

While the Programme is a good initial measure that helps trafficking victims, there are limitations on the reflection period extension by the Czech government. The reflection period only applies to individuals who agree to cooperate with the police. Thus, if victims are not willing to participate with the police in the investigation, they do not get the benefit of the 60 day reflection period. Additionally, those victims also receive a more limited range of social services from a smaller pool of NGOs.309 The Programme and the 60 day reflection period only apply to trafficking victims, not other CSEC victims within the Czech Republic. The Programme should be extended to include other CSEC victims and the 60 day reflection period should be extended to apply to all CSEC victims, regardless of whether they participate in police investigations.

The Czech Republic has a residence policy for unaccompanied minors who have been left in the Czech Republic. The government allows unaccompanied minors to stay in the country until they reach the age of majority for the simple reason of being an unaccompanied child.310 Unaccompanied children who continue studying may then apply for a national residence status (permanent residence permit pursuant to the provision of Sec. 66 of the Aliens Act) and may eventually be granted a permanent residence permit.311 The Aliens Act allows family reunification for those children who are granted a residence permit pursuant to Directive 2004/81/EC. The residence permit for family members is contingent on the continuation of the trafficking victim’s residence permit.312

There are also special procedures in place when an unaccompanied minor applies for asylum. The first step according to the Zákon o azylu [Asylum Act] is to appoint a guardian
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 works who work within the MoI and were comprised of initial basic training and specialized courses. Additionally, the MoI organized eleven specialised courses for Czech regional police offices, titled “Operative Investigation Activities”. In 2010, a total of 1,154 police officers received training at the Police College of the Ministry of Interior in Prague on the issue of trafficking (including trafficking of children for sexual purposes).

The MoI included in its training courses a particular section on the commercial sexual exploitation of children and youth. The Judicial Academy, which provides education to the Ministry of the Justice employees, offers two seminars that relate to CSEC. One seminar, entitled “New Criminal Code” was a two-day seminar (which was repeated four times) which examined the new Criminal Code with a particular focus on trafficking, procurement, prostitution, endangering morals of children, production and distribution of child pornography, and abuse of a child for production of pornography. Additionally in April 2010, there was a one-day seminar entitled “Crime via the Internet” which focused on cyber-crime, particularly ICT crime and particularly crimes committed against children. While the MoI has made improvements in the law enforcement training programme, it should seek to broaden the training to include training on all manifestations of CSEC. Additionally, the training should include more inter-disciplinary elements from youth psychologists and social service entities that involve detection and identification of at risk children.
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.

There are several governmental organizations that provide services directly to Czech youth, including the Chamber of Youth, the Czech national Agency of Youth and Association for Support for the Development of Youth Information Centres in the Czech Republic. The Chamber of Youth is under the auspices of the Ministry of Education, and it provides feedback on children's issues.

The Czech National Agency YOUTH helps to coordinate and promote international youth exchanges, trainings and volunteer placements. While these governmental organizations are youth-centered and provide services to children, they seem to lack any process for children to participate in their governance or policy creation and implementation. This comment could also be stated about the Ombudsman for Children's Rights; as the Ombudsman is to work exclusively on children's issues it seems natural that there should be child-friendly processes in place to encourage youth participation.

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. Additionally, in December 2009 there were children who participated in the National Children's Parliament representing the interests of Czech children in Finland.
**PRIORITY ACTIONS REQUIRED**

- The Czech government should reinstate a CSEC NPA that addresses policy initiatives and implementation;
- The Czech government should address more of its current policy initiatives – such as the Trafficking NPA and the Annual Report on Children/CSEC issues or create an annual report that deals exclusively with children;
- In accordance with the Rio Declaration and Call for Action, child participation ought to be emphasized and facilitated in the new national plan and the plan should reflect children’s perspectives and they should be involved in contributing to the design of the plan;
- The Czech government should have an Independent National Rapporteur on Trafficking, which is not under the Ministry of Interior’s control;
- The Czech government should have a Children’s Ombudsman that is independent and not under the control of another ministry within the Government;
- The Ministry of Roma Affairs should be more involved in addressing Romani children’s vulnerability to trafficking and prostitution and CSEC situations and design and implement prevention campaigns specially targeted at Roma living in situations of increased vulnerability to CSEC;
- The Czech government needs to create or reorganize a high-level government entity to address vulnerable child groups in public housing, foster care and government institutions.

**Coordination and cooperation**

- The Czech government needs to reorganize the coordination and implementation of strategy among the government groups involved- 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;
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;

Victims who choose not to participate in the Programme on Support and Protection of Victims of Trafficking in Human Beings should still have NGO support from all the network of participating NGOs. Furthermore, child victims who do not comply with the Programme should still receive the 60 day policy extension visa;

The Czech Republic needs to ratify CoE Lanzarote Convention, the Cybercrime Convention, and CETS 197 against Trafficking;

The Czech Republic needs to ratify the OPSC and the Palermo Protocol now that the criminal liability issue have been resolved;

Given the Czech Republic’s central physical location in trafficking and migrant trades, the government should reaffirm and reach out to neighboring countries and engage in more bilateral and multilateral agreements;

The Czech government needs to identify which branch of the government is tasked with overseeing the implementation of the CRC;

The Czech government should enter and encourage multi-disciplinary collaboration between government agencies, civil society and the private sector to address commercial sexual exploitation of children.

There is a need for more stakeholders to work on Roma awareness campaign regarding trafficking and CSEC;

The state should examine its awareness policies on vulnerable groups and their susceptibility to trafficking and other forms of CSEC;

The Czech Government should better implement educational parity standards that enable children from vulnerable groups to attend adequate schools that provide education on CSEC. Public and school-based awareness initiatives should be implemented to mainstream knowledge about the commercial sexual exploitation of children.

The tasks for protecting against CSEC at the local level needs to be better delineated and identified;

To Comply with the Rio Declaration and Call for Action, the Czech Republic must strengthen systems for data collection in relation to all forms of CSEC, not only trafficking, for example the data figures need to better breakdown whether children or not- male and female and also the age brackets and make the information more available;

Protection

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The state should address the confusion of the issue of age of consent- age of majority, age of criminal liability- as it is interpreted and applied in many different ways;

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 augment the definition of child pornography to include simulated child images/child pornography as well as child body parts, per the requirements of OPSC §§ 2(c) and 3(1) (c) and the Council of Europe Requirements under Cybercrime Convention and Lanzarote. There is also a need to address grooming in the statute;

Private sector partners should be encouraged to sign the Tourism Child Protection Code;

The state should ensure child protection units/law enforcement units that help to investigate and identify CSEC crimes not just trafficking and train these units in multi-disciplinary manners i.e. how to speak and interview children victims, learning early signs of detection.

Recovery and reintegration

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 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.
The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments


(2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter, the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

(3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

(4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

(5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.

(6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.

(7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.

(8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

(9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.

(10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.

(11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.

(12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.

(13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

(14) Address the demand that leads to children being prostituted by making
the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child’s age.

(15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

(16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.

(17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.

(18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.

(19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State’s nationals who are reported or alleged to have sexually exploited a child in a foreign country.

(20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

(21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

 Trafficking and the sexual exploitation of children and adolescents

(22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.

(23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.

(24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child’s view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.
(25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.

(26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

(27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

(28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child’s age.

(29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.

(30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.

(31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.

(32) Establish special gender sensitive units/children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.

(33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.

(34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions
as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

**IV – Integrated Cross-Sectoral Policies and National Plans of Action**

(35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.

(36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.

(37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising awareness and preventing the sexual exploitation and trafficking of children and adolescents.

(38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

**Prevention**

(39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.

(40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.

(41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.

(42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.

(43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability.
to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

(44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

(45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.

(46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.

(47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.

(48) Strengthen existing national child protection services or establish new ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

(49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.

(50) Develop programs that provide children of sex workers and children living in brothels with support and protection.

(51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.

(52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with
due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

(53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.

(54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers’ and employers’ organizations, the media, children’s organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.

(55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.

(56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.

(57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers’ and employers’ organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.

(58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.

(59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime
in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers’ and workers’ organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

(60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.

(61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.

(62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

(63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and
in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

(64) Persevere with reviewing progress of States Parties’ fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.

(65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.

(66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

(67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties’ reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

(68) Ensure that the Universal Periodic Review process includes rigorous examination of States’ fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

(69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and asses their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

(70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.

(71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including
We call on international financial institutions such as the World Bank and the International Monetary Fund to:

(72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

(73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.

- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

(2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

Department of State, United States, Background Note Czech Republic. Accessed on March 2, 2012 from http://www.state.gov/r/pa/ei/bgn/3237.htm


"Irregular Migration Routes in Central, Eastern and South-Eastern Europe," ICMPD website, available at https://www.imap-migration.org/downloads/About_irrm_e2011.pdf (last accessed March 1, 2012). Czech Republic is an important hub in both the Baltic and the Central and Eastern European irregular migration routes. The Baltic route originates in the Moscow area and moves west towards the Baltic States (Estonia, Latvia, and Lithuania) stopping via Poland to the Czech Republic, which is the point at which the route disseminates into various Western Europe locales. Additionally the Central and Eastern European route involves migration from the Russian Federation and continuing on westward to Western Europe. Czech Republic is one of the destinations/transit points for migration towards Western Europe along with Poland, Slovakia, and Hungary.


A Czech national who was living in Northern Ireland was arrested for organising and
operating a sex trafficking ring in Northern Ireland which included Czech women and girls of undetermined age.


29 2009 Status Report on Trafficking in Human Beings in the Czech Republic, Ministry of the Interior, Prague, 2009 at 14

30 2009 Status Report on Trafficking in Human Beings in the Czech Republic, Ministry of the Interior, Prague, 2009 at 14

Czech Republic

Considers Legalizing Prostitution: City Council of Prague


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 the 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.


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

Rosie Johnston, Prague Police to Crack Down on Street Prostitution, Radio Prague-ICE Special, December 7, 2007 available at www.rozhlas.cz.com


The exact figure is 6,032,000 tourists who visited Czech Republic in 2009. See International tourism; number of arrivals in Czech Republic available at http://www.tradingeconomics.com/czech-republic/international-tourism-number-of-arrivals-wb-data.html


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

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

Rosie Johnston, Prague Police to Crack Down on Street Prostitution, Cesky Rozhlas, December 2013.
Czech Republic


By some estimates there are around 70 active brothels in Prague. See 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.


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


Can not make comment Attached Kids on Line Final report.pdf – don’t know if this any help http://www2.lse.ac.uk/media@lse/research/EUKidsOnline/Home.aspx


U.S. Department of State, 2010 Country Report on Human Rights Practice, Czech Republic available at http://www.unhchr.org/refworld.country,USDOs,CZE,4da56dd3c0.html


See 2012-2015 National Strategy for Fight Against Human Trafficking in the Czech Republic, File no. 334/12 Submitted by: Minister of the Interior. Programme of the Meeting of the Government of the Czech Republic held at 09.00 a.m. on Wednesday, 18 April 2012.

Draft speech by Mrs. Kanda Vajrabhaya Deputy Permanent Secretary, MSDH at the EU Ministerial Conference towards Global EU Action against Trafficking in Human Beings 19 October 2009 Brussels.

and other forms of CSEC.


The National Rapporteur for Trafficking in Human Beings in the Czech Republic was established in 2003 as a result of the first/2003 Trafficking NPA and was approved by Governmental Resolution No. 849 September 2003. The National Rapporteur is not an independent body, instead it is under the Ministry of Interior and has three main tasks: (1) Information gathering, analysis and continuous monitoring; (2) Coordination of anti-trafficking policy; and (3) Submission of reports and policy papers.

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 72. Another approach related to National Rapporteurs within the EU is that of the Netherlands- which supports establishing "links to be established between the national rapporteur and the independent judicial sector.


Lenka Myslíková ed., 2009 Status Report on Trafficking in Human Beings in the Czech Republic, Ministry of the Interior; Czech Republic, 2010; see also Jana Mensikova, Sarka Mostlova eds., 2010 Status Report of Trafficking in Human Beings in the Czech Republic, Ministry of the Interior; Czech Republic, 2011


Draft speech by Mrs. Kanda Vajrabhaya Deputy Permanent Secretary, MSDH at the EU Ministerial Conference towards Global EU Action against Trafficking in Human Beings 19 October 2009, Brussels.

Jakub Svec, Marcel Wohlgemuth eds. National Plan for Combating Sexual Exploitation of Children for Years 2006-2008, Ministry of Interior, Czech Republic, 2006 at Task Element 16, page 45, Section 7.5. The reasoning for ending a report specifically devoted to CSEC issues in Czech Republic and instead placing CSEC issues with the National Plan for Combating Violence against Children stems from a WHO –endorsed policy which stresses that government strategies address all forms of violence against children together. Accordingly, CSEC issues should not be dealt with separately from other forms of violence against children- such as sexual abuse child, neglect and domestic violence etc.


This plan is referenced on the Ministry of Regional Development website, but appears to be unavailable see http://www.mmrcz/cestowni-ruch


Jakub Svec, Marcel Wohlgemuth eds. National


The 2008-2011 National Strategy to Combat Trafficking in Human Beings outlined the plan to create Coordinating Groups. Part of this process included that the statute of the Coordinating Group will be submitted to the Government of the Czech Republic for approval, after which, activities related to the Coordinating Groups would be regulated by Rules of Procedure published by the Ministry of the Interior as an internal management act. On August 20, 2008, Government Resolution No. 1006, was adopted and the Coordinating Group was subsequently implemented. Lenka Myslíková, National Strategy to Combat Trafficking in Human Beings (2008-2011), Ministry of the Interior, Czech Republic, 2008 at 46. The Coordinating Group was established by Government Resolution No. 1006 on August 20, 2008. See Gov Resolution No. 1006/2008 see also, Dr. Lenka Myslíková ed., 2009 Status Report on Trafficking in Human Beings in the Czech Republic, Czech Republic government, Ministry of the Interior, Prague, 2010 at 5, available at http://ec.europa.eu/anti-trafficking/download.act ion?sessionid=HsdT2dw9r2403nLpL61nL RpfJ3gPHBoR5NjzTpvLzY3GBQe8zc2f74f16 69920?nodeId=6626803b-36cb-47fa-ae9e- 8c2887D8fd34&fileName=Status+Report+on +Trafficking+in+Human+Beings+in+the+Czech+Republic+2009_en.pdf&fileType=pdf


See Vlada Ceska Republiky (Czech Government webpage) Government Council for Human Rights available at http://www.vlada.cz/cz/pracovni-a-poradni-organy-vlady/rlp/ rlp-uvod-17537/ The Vice-President of the Council is the Deputy Director of the Department of Human Rights with the Office of the Government. The Head of the Government Office appoints him Deputy Director of the Department on the Recommendation of the President of the Council. The members of the Council – representatives of central authorities of the state administration and their permanent substitutes are appointed and recalled by the President of the Council on the recommendation of the responsible ministry. The members of the Council are:

(a) deputies: of the Minister of Foreign Affairs, Justice, Interior, Labour and Social Affairs, Education, Youth and Sports, Culture, Health, Local Development, Information Technologies and the Chief Inspector for human rights with the Ministry of Defence, and

(b) representatives of civil, professional and the academic public involved in human rights and fundamental freedoms issue and seeking to raise the general awareness of human rights and their protection.

Evidence of this can be seen in the absence of National Plans of Action to address child pornography, child sex tourism or child prostitution and the existence of the trafficking and their protection.


Information, La Strada Czech Republic webpage, available at http://lastradainternational.org/?main=lastradaoﬃces&section=czechrepublic


Rebecca Surtees, Anti-Traﬃcking Data Collection and Information Management in the European Union – a Handbook:The Situation in the Czech Republic, Poland, Portugal and the Slovak Republic, International Centre for Migration Policy Development (ICMPD), 135, Austria (2009) available at http://ec.europa.eu/anti-traﬃcking/download.action?nodeld=5637009-665f-4224-8945-c23a1877b9c6&fileNamel=ICMPD+Data+collection_2009_en.pdf&fileType=pdf. The seminar focused on the work performed by national rapports and equivalent mechanisms based on existing practices among the participating States on the following elements: gathering and analysis of information, provision of recommendations to the governments, the role of the mechanism as a monitoring body and evaluator (if applicable), and any specific challenges faced in this work (e.g., diﬃculties related to reporting of child traﬃcking, traﬃcking for sexual and labour exploitation, traﬃcking in organs, access to data, other systemic problems). See also Action Oriented Paper on Strengthening the EU External Dimension on Action Against Traﬃcking in Human Beings: Towards Global EU Action Against Human Traﬃcking, Council of the EU, September 21,2009, Brussels, 2009
in the Czech Republic, Ministry of the Interior, Czech Republic, 2011 at 40. See also the published list of participating organizations in the Programme – see http://www.mvcr.cz


Bernard Rorke, National Strategies: The Conversation Barely Has Begun, Decade of Roma Inclusion 2005-2015 Website February 22, 2012 available at http://www.romadecade.org/NRIS_conversation_barely_begun. In his article, Rorke has several criticisms of the participating countries policies. Namely he states that all strategies fail on two counts: first, they fail to describe how EU funds will be better used for Roma inclusion, and second, they fail to fulfill the criteria set by the EU Framework and draft EU regulations.


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Jana Mensikova, Sarka Mostlova ed., 2010 Status Report of Trafficking in Human Beings in the Czech Republic, Ministry of the Interior, Czech Republic, 2011 at 33. Under the current organisational scheme, it is impossible to collect the same information from every victim, as only one of the categories (female, male, group of persons, subject of a general crime, subject of economic crime) can be selected.

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Decree No. 407/2009

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Jiri Sandera and Gabriela Hrabanova, Analysis of the situation in the Czech Republic, Health and the Roma Community: Analysis of the Situation in Europe, (2006) at 110

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UNICEF Innocenti Social Monitor 2009: Child Well-being at a Cross Roads: Evolving Challenges in the Central and Eastern Europe and the Commonwealth of Independent States, UNICEF Innocenti Research Centre Table 4.1

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See Committee on Rights of the Child, 57th Session, May 30- June 17, 2011, Concluding Observations: Czech Republic, CRC / C/ CZE/ CO/3-4 at ¶¶20-21;


minimalizacesikany.cz/media-o-sikane/138-minimalizace-sikane-nabidka-pro-skolni-kolektivy


186 The Czech Republic Progress Card is available at www.ecpat.net.

187 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

188 For a list of countries who have signed the ILO Convention on the Worst Forms of Child Labour, see http://www.iolo.org/iIolex/english/subjlst.htm

189 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

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

191 For a list of countries who have signed on the Council of Europe Convention 197, see http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=8&DF=04/11/2011&CL=ENG

192 The Czech Republic’s lack of criminal liability statutes for legal entities is one of the main reasons that the Czech Republic has not signed or ratified the Convention. See e.g., Lenka Myslikova, National Strategy to Combat Trafficking in Human Beings (2008-2011), Ministry of the Interior, Czech Republic, 2008 16; 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 67. In 2011, the Czech government submitted its draft law on the issue, the Act on Legal Liability of Legal Entities and the President vetoed it. In December 2011 the Chamber of Deputies overruled the President’s veto of the governmental bill. The law came into force on 1 January 2012 and will introduce significant changes regarding the liability of companies as it specifies under what circumstances legal entities may be criminally liable. See Tomáš Matejovský, New Act on Criminal Liability of Legal Entities, January 11 2012, available at http://www.лексология.com/library/detail.aspx?g=724c4d89-2f3c-43f0-8d97-82e6dedb7877a

193 Czech Republic signed in 2005 but has not ratified. For a list of the countries who have ratified, see http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=185&CL=ENG

194 http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=201&CM=&DF=&CL=ENG


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

199 See New Criminal Code Act 40/2009 § 368


202 New Criminal Code 40/2009 Section 172 3(c) (D)

203 New Criminal Code 40/2009 Section 169 2(a)

204 New Criminal Code 40/2009 Section 172(3)(e) and 169(2)(d)


207 Jana Mensikova, Sarka Mostlova eds., 2010


See Criminal Code 40/2009 Section 368.


OPSC section 2c

OPSC Section 2c

OPSC Section 3(1)(c)

Czech Republic: Possessing Child Porn Becomes Criminal Offense, CRIN Website, October 18, 2007 available at http://www.crin.org/resources/infodetail.asp?id=15208. The bill faced opposition as it was struck down by the upper house in August 2007 after the lower house first approved the bill in June 2006. The lower house then overruled the Senate vote in September 2007.

See Criminal Code 40/2009 Section 191(1)

For information on the incident see e.g. Daniela Lazarova, Child porn consumers safe from prosecution in the Czech Republic, Radio Czech Republic, 09-02-2007, available at http://www.radio.cz/en/section/curraffrs/child-porn-consumers-safe-from-prosecution-in-the-czech-republic. In 2007, the Austrian police exposed an international pornography network involving more than 2,360 suspects from 77 countries. Sixty-three Czechs were among those who downloaded child-porn from paid-web sites. While members of the porn network in other states were arrested, the sixty three Czech paedophiles could not be prosecuted since possession of child pornography was not illegal in the Czech Republic at the time.


New Criminal Code 40/2009 section 193

New Criminal Code 40/2009 section 191

Council of Europe Cybercrime Convention Article 9-2

Council of Europe Convention against Sexual Exploitation Article 20-3.


See Criminal Code 40/2009 Section 191(1)

See Criminal Code 40/2009 Section 191(2)

See Criminal Code 40/2009 Section 192(1)

See Criminal Code 40/2009 Section 192(2)

Criminal Code 40/2009 Section 193 generally

OPSC Section 2(b)

OPSC Section 3(1)(b)

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

See New Criminal Code 40/2009 Section 189. Section 189 Pimping criminalizes individuals who "make, obtain, hire, lure or seduce individuals to prostitution but the provision does not refer to the pimping of children nor are children considered in any of the aggravating factors

New Criminal Code 40/2009 Section 202 (1)


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 21; see also New Criminal Code 40/2009 section 190 of the new criminal code


New Criminal Code 40/2009 Section 25

New Criminal Code 40/2009 Section 202a


The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism available at www.thecode.org

The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism available at www.thecode.org


Section 50 of the Code of Criminal Procedure; see also 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 36. To be eligible to be a personal representative under section 50 of the Code of Criminal Procedure a person must be over the age of 18, legally competent, of sound mental capacity and not a witness or participant in the ongoing criminal proceeding at issue.

This is the webpage that has the 2001 document: http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/national_law_cv_cze_en.pdf Also should quote the 2010 Annual Status Report p. 36


ACT no. 209/1997 Coll. (31 July 1997) governing the provision of monetary assistance to crime victims and governing changes and supplementation to some Acts (265/2001 Coll.) at 6(2) available at http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/national_law_cv_cze_en.pdf. Section 6(2) provides that the victim must show at least 100 point of damages to receive the assistance.


Horka Linka website, Available at http://horka-linka.saferinternet.cz/internet-hotline


La Strada Czech Republic also offers non-residential and residential social services to trafficked individuals. In 2010, La Strada offered these services to 96 individuals. See 2010 La Strada Czech Republic Annual 2010 report at page 11-12 available at http://www.strada.cz/index.php/en

More information available at http://lastradainternational.org/?main=lastradaoficce&section=czechrepublic


http://lastradainternational.org/?main=lastradaoffices&section=czechrepublic


Fight against Trafficking in Human Beings: Czech Republic, European Commission website http://ec.europa.eu/anti-trafficking/showNIPsection.action?sectionId=35ecbde7-84fb-482f-849b-7a32728c3aba the whole section up to the education and training bullet is from the EC website page on Czech Republic.


http://ec.europa.eu/anti-trafficking/showNIPsection.action?sectionId=35ecbde7-84fb-482f-849b-7a32728c3aba Please note that this figure contrasts with 2010 status report

Need to find this – 2008-2010 Report?

NEED TO FIND THIS I believe it is in 2008-2010 Report?

Not all NGOs will accept victims who are outside of the Programme. For example, La Strada Czech Republic makes a point of helping victims outside the Programme but many do not do so. Petra Kutalkova, The Narrow Gateway to Human Rights: Identification of Trafficked...
Persons in the Czech Republic, of “Assessment of the Human Rights Impact of Anti-Trafficking Laws and Measures” La Strada Czech Republic, 49 (2010).

Pavel Sturma, Vera Honuskova, and Martin Faix, FRA Thematic Study on Child Trafficking Czech, European Agency for Fundamental Rights, 8Republic, Prague, Czech Republic, July 2008

Pavel Sturma, Vera Honuskova, and Martin Faix, FRA Thematic Study on Child Trafficking Czech, European Agency for Fundamental Rights, 8Republic, Prague, Czech Republic, July 2008

Pavel Sturma, Vera Honuskova, and Martin Faix, FRA Thematic Study on Child Trafficking Czech, European Agency for Fundamental Rights, 8Republic, Prague, Czech Republic, July 2008

Pavel Sturma, Vera Honuskova, and Martin Faix, FRA Thematic Study on Child Trafficking Czech, European Agency for Fundamental Rights, 8Republic, Prague, Czech Republic, July 2008


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 63. The seminar was revamped/remodeled/refashioned for the officers of the court and representatives of the Supreme Court, the Supreme Public Prosecutor’s Office and Regional public Prosecutors office and was seen in this form by another 218 individuals/legal experts. Id.

Pavel Sturma, Vera Honuskova, and Martin Faix, FRA Thematic Study on Child Trafficking Czech, European Agency for Fundamental Rights, 8Republic, Prague, Czech Republic, July 2008

Pavel Sturma, Vera Honuskova, and Martin Faix, FRA Thematic Study on Child Trafficking Czech, European Agency for Fundamental Rights, 8Republic, Prague, Czech Republic, July 2008

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.


Id.


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

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