



CZECHIA

ECPAT

COUNTRY OVERVIEW

*A report on the scale, scope and context of
the sexual exploitation of children*

JANUARY, 2019



International

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Preface

Recent years have seen unprecedented progress towards embedding the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015. ECPAT International's Country Overviews on SEC provide an effective tool for advocacy at all levels as well as for monitoring, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030.

ECPAT Country Overviews are first and foremost, a desk review exercise that gather and present all the existing publicly available information into a comprehensive summary of all forms of SEC in a country. They do not contain any new primary data. They also provide an assessment of achievements and challenges in implementing counteractions - including the participation of children themselves - to eliminate SEC.

ECPAT Country Overviews also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State. Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

During the process, drafts are shared with ECPAT members, relevant local organisations, and experts working on the ground who review the content and supplement the information with other local sources and analysis. ECPAT International greatly relies on the contributions of all those involved in producing these reports and would like to express its profound appreciation for their invaluable inputs.

At a Glance

Czechia is a central European country with a population of 10.7 million of which 1.8 million are children. Although a high-income country ranking 27th on the Human Development Index, poverty driven by socioeconomic inequality and ethnic discrimination continues to persist in Czechia. Children belonging to marginalized groups often live in excluded localities with substandard housing and drop out of school early to escape from discrimination entrenched in the education system. These factors contribute to making children highly vulnerable to sexual exploitation.

In recent years, there has been an increase in the number of reported cases of exploitation of children in prostitution in Czechia, including those of very young children. High rates of Internet and mobile phone use among children in the country have facilitated online child sexual exploitation, by making it easier for perpetrators to establish contact with them. The sharing of self-generated sexual content among children is also a matter of growing concern.

Czechia continues to be a source, transit and destination country for human trafficking, with children comprising more than half of the identified victims of sale and trafficking for sexual purposes. The risk of sexual exploitation of children in travel and tourism is of grave importance, particularly in light of the exponential increase in the number travellers and tourists in the country. An emerging trend of cross-border trafficking for the purpose of fraudulent marriages has also put children in Czechia at risk.

The country has ratified the main legal instruments to combat the sexual exploitation of children (SEC), including the Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United

Nations Convention against Transnational Organized Crime (Palermo Protocol). Czechia is also part of a number of international and regional commitments addressing SEC, such as the Sustainable Development Goals and the WePROTECT Global Alliance to End Child Sexual Exploitation Online. However, amendments to the national legislation are yet to be made for the definitions of all SEC-related offences to align with the ratified instruments and commitments. Further, loopholes in the legal framework need to be fixed in order to protect children above 15 years of age.

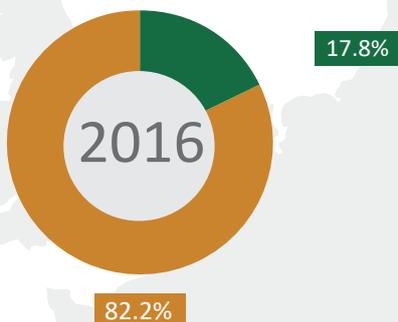
Czechia does not have a national strategy or coordination body specifically addressing SEC. Some aspects of SEC are addressed within broader national strategies by different government bodies, mainly the Ministry of Interior and the Ministry of Labour and Social Affairs. The trafficking of children has been prioritized in the National Strategy to Combat Trafficking in Human Beings 2016-2019. Efforts have been made by the government to implement prevention measures through raising awareness, with much focus on safer Internet use by children.

In terms of children's access to justice, Czechia does not have an Ombudsperson for Children to receive and resolve complaints made by children. Nevertheless, several child-sensitive measures have been put in place, including trainings for law enforcement personnel on how to communicate with child victims in specially designed hearing rooms. Czechia does not have specific recovery and reintegration services for victims of SEC, and could benefit from having clearer avenues for child victims to seek compensation. Although there has been progress in children's participation in matters of governance, efforts must be made to involve child victims and survivors in order to take their needs and interests into consideration while designing policies.

POPULATION

SOURCE: UNICEF State of the World's Children 2017

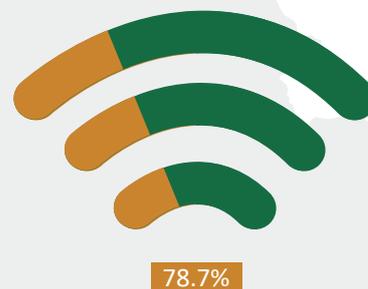
Children under 18 years



INTERNET ACCESS

SOURCE: ITU Statistics 2018: Czech Republic Profile

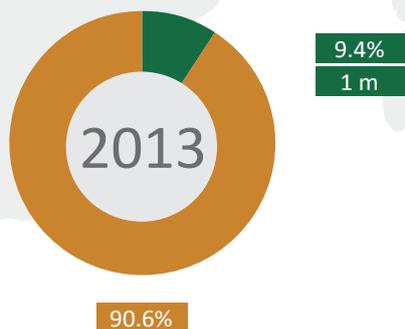
Have internet access



POVERTY RATE

SOURCE: Poverty headcount ratio at national poverty lines: World Bank

Living under the national poverty line



MOBILE PHONE USERS

SOURCE: ITU statistics 2018 : Czech Republic Profile



119 mobile phone subscriptions per 100 inhabitants

CHILDREN'S RIGHTS UNDER THE LAW

| | Boys | Girls |
|-----------------------------|------|-------|
| Age of consent for sex | 15 | 15 |
| Minimum age for marriage | 18* | 18* |
| Legal working age | 15 | 15 |
| Compulsory age of schooling | 15 | 15 |

* Children above 16 years may be married with court approval

Introduction

COUNTRY OVERVIEW AND SPECIFIC VULNERABILITIES LEADING TO THE SEXUAL EXPLOITATION OF CHILDREN

Czechia, also known as the Czech Republic,¹ became an independent country in 1993, after its split from the former Czechoslovakia. The Central European country is landlocked - between Austria, Germany, Poland and Slovakia- and located astride some of the oldest and most significant migration routes in Europe.² A parliamentary representative democracy, Czechia is divided into 14 regions for administrative purposes.³ Despite being hit repeatedly by recessions from 2009 to 2013, Czechia's economy recovered in the next few years to have one of the highest Gross Domestic Product (GDP) growth rates and lowest unemployment levels in the EU in 2017.⁴ The travel and tourism industry has been a major contributor to this growth,⁵ with the annual number of foreign

tourists surpassing 20 million for the first time in 2017, growing by an unprecedented one and a half million that year⁶. Most tourists head to the capital and largest city of Prague,⁷ a popular tourist destination renowned as much for its rich historical art and architecture, as its nightlife and adult entertainment establishments.^{8,9}

The population of 10.7 million includes urban concentrations in the northern and eastern regions, where Prague lies with a population of 1.3 million.¹⁰ Approximately 1.8 million of the 10.7 million population are below the age of 18.¹¹ The country is home to several ethnic groups, the largest being the Czechs who account for 64.3% of the entire population.¹² Among the minorities are the Moravians (5%), the Slovaks (1.4%) and the Silesians (0.1%). These figures from the 2011 national census, however, do not accurately represent the country's ethnic composition, since 26% of the population did not disclose their ethnicity during the data collection process.^{13,14} The majority of these belonged to the Roma ethnic

- 1 "Czechia" was made the official short name of the country in 2016. Ministry of Foreign Affairs. (2016, May 5). *Vláda schválila doplnění jednoslovného názvu Česko v cizích jazycích do databází OSN* [The government has approved the addition of one-word Czech name in foreign languages to UN databases].
- 2 Shelly, L. (2014). *Human smuggling and trafficking in to Europe: a comparative perspective*. Washington, DC: Migration Policy Institute.
- 3 *Constitution of the Czech Republic 1992* (No.1/1993 Coll.) preamble (Czech R.)
- 4 European Commission. (2017, February 22). *Country report Czech Republic 2017. 2017 European semester: Assessment of progress on structural reforms prevention and correction of macroeconomic imbalances, and results of in-depth reviews under Regulation (EU) No 1176/2011*. Brussels, Belgium: European Commission.
- 5 World Travel & Tourism Council (2018, March). *Travel and tourism economic impact 2018: Czech Republic*. London: World Travel & Tourism Council.
- 6 Johnston, R. (2018, February 8). *Tourism to the Czech Republic sets record*. *Prague.TV*.
- 7 Prague City Tourism (2018). *2017 Annual Report*. Prague, Czech Republic: Prague City Tourism.
- 8 *Travel destinations: Prague, Czech Republic*. (n.d.). *The Telegraph*.
- 9 Palasz, E. (2015, June 30). *Prague ranked number one in stag party top 10 list*. *Prague Post*.
- 10 *Czech Republic in figures-2018*. (n.d.). Czech Statistical Office.
- 11 UNICEF (2017, December). *The state of the world's children 2017*. New York: UNICEF.
- 12 *Population by ethnicity by 1921-2011 censuses*. (n.d.) Czech Statistical Office.
- 13 *Population by ethnicity by 1921-2011 censuses*. (n.d.) Czech Statistical Office.
- 14 Richter, J. (2011, December 16). *Religion, ethnicity ignored by many in latest population census*. *Radio Praha*.

group, which although reflects as below 1% in the census report, is estimated to be nearly 300,000 people or 2.8% of the total population.¹⁵

Czech Roma experience structural poverty, high levels of unemployment and illiteracy due to the persistent socio-economic discrimination they face. In its analysis of Czechia's economic situation in 2017, the European Commission noted that although the country successfully reduced its poverty rate, members of the Roma minority were six times more at risk of poverty than the general population.¹⁶ A significant number of Roma families live in socially excluded localities where access to public services is poor and housing conditions substandard.^{17,18} In turn, poor living conditions are used as a prime reason for children being removed from their families by child protection authorities and put into state care, and Roma children are thus disproportionately affected by this practice.¹⁹ Czechia has one of the highest rates of placing children in alternative care facilities in the EU,²⁰ and is the only one to continue institutionalizing children under the age of three.²¹ Over-represented in this age group are Roma children,²² who are in danger of remaining in the system throughout their childhood, as they are less likely to be adopted because of their ethnicity. The rate of reintegration with their families is low as well, since there is inadequate social support to improve the situation of families enough for authorities to return the child.^{23,24} Several studies on the effects of institutional care have demonstrated how parental deprivation from long-term institutionalization can severely

impair cognitive and emotional development in children.²⁵ Furthermore, there is no follow-up support available once they leave the institutions, increasing the likelihood of adolescents experiencing social exclusion, delinquency and exploitation.²⁶

For children living with their parents, social discrimination manifests itself at the school level. Most Roma children are placed in 'practical' schools designed for students with developmental disabilities.²⁷ Children are made to go through psychological assessments before and after enrollment, and Roma children are most often either diagnosed with mild mental disabilities or recommended to enroll in practical schools, deemed incapable of coping with mainstream schools. The relatively few Roma children allowed to continue in mainstream schools are physically segregated into separate buildings and classes. The curriculum in most mainstream schools is in the Czech language causing Roma children, who receive no additional support at schools or from their parents who speak Roma dialects, to underperform and transfer to practical schools.²⁸ This systemic discrimination causes an estimated 72% of Roma children in Czechia to drop out of school early, significantly affecting their labour market opportunities.²⁹ Studies across countries in Europe have indicated how low levels of education, early school drop-outs and high illiteracy rates among Roma children have made them far more vulnerable to trafficking, sexual exploitation and abuse.³⁰

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- 15 Szilvasi, M., et al. (n.d.) Czech Republic: Country profile 2011-2012. European Roma Rights Centre.
 - 16 European Commission. (2017, February 22). Country report Czech Republic 2017. 2017 *European semester: Assessment of progress on structural reforms prevention and correction of macroeconomic imbalances, and results of in-depth reviews under Regulation (EU) No 1176/2011*. Brussels, Belgium: European Commission.
 - 17 European Roma Rights Centre. (2017). Parallel report concerning the Czech Republic to the Human Rights Council for consideration at the 28th session (6-17 November 2017).
 - 18 European Union Agency for Fundamental Rights. (2016). Second European Union minorities and discrimination survey. Luxembourg: European Union Agency for Fundamental Rights.
 - 19 Ryšavý, Z. (2015, November 3). Czech Republic: Proportion of Roma in children's homes increasing. *Romea.cz*.
 - 20 Schmidt, V. and Bailey, J.D. (2014, March). Institutionalization of children in the Czech Republic: a case of path dependency. *Journal of Sociology & Social Welfare, Volume XLI, Number 1*.
 - 21 Komárek, M. (2015, September 24). Czech Republic is the last European country to institutionalize children under three. *Romea.cz*.
 - 22 Ryšavý, Z. (2015, November 3). Czech Republic: Proportion of Roma in children's homes increasing. *Romea.cz*.
 - 23 European Roma Rights Centre. (2011, June). *Life sentence: Romani children in state care in the Czech Republic*. Budapest, Hungary: European Roman Rights Centre.
 - 24 Dizdarevič, S.M., (2014, July). *Roma matrix country report: Czech Republic*. European Union Agency for Fundamental Rights.
 - 25 Williamson, J., Greenberg, A. (2010). *Families, not orphanages*. Better Care Network.
 - 26 Dizdarevič, S.M., (2014, July). *Roma matrix country report: Czech Republic*. European Union Agency for Fundamental Rights.
 - 27 Amnesty International. (2015). Must try harder: ethnic discrimination of Romani children in Czech Schools. London: Amnesty International.
 - 28 *Ibid.*
 - 29 European Commission (2017). *Education and training monitor 2017: Czech Republic*. Luxembourg: European Union.
 - 30 Center for the Study of Democracy. (2015). Child trafficking among vulnerable Roma communities: results of country studies

The Context of the Sexual Exploitation of Children in Czechia

EXPLOITATION OF CHILDREN IN PROSTITUTION³¹

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines 'child prostitution' as "the use of a child in sexual activities for remuneration or any other form of consideration".³²

Prostitution in Czechia operates in a legal vacuum – the sale and purchase of sexual services by adult sex workers over 18 are not criminal, however, pimping, trafficking and running brothels are.³³ Certain municipalities have, however, independently issued ordinances to restrict the practice of prostitution in public spaces.³⁴ Frequent crackdowns by the police in the cities of Prague,

Brno and Píseň have led to a significant decline in street prostitution in the cities, and a move towards its practice indoors in 'erotic clubs' and private apartments.³⁵ While services offered in clubs are more prominent, those privately offered in apartments are less visible. Advertisements can be made online, which seldom requires age verification, providing the circumstances for those under age to engage in sex work.³⁶

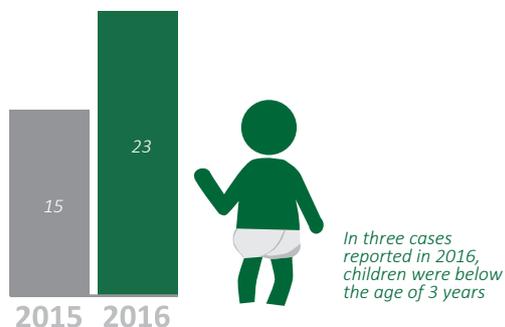
Prostitution is more visible in smaller towns, especially in areas bordering Germany and Austria, where despite the mushrooming of nightclubs, street prostitution continues to exist.³⁷ An example of this is in Předlice, located in Ústí nad Labem in northern Czechia at the border of Germany, a town occupied almost entirely by Roma. The industrial zone and the streets leading to it are infamous for being prime areas of prostitution. Frequented by truck drivers from all over Europe, women and girls reportedly as young as 13, are propositioned and harassed to provide sexual services when seen on the streets.³⁸

in Austria, Bulgaria, Greece, Italy, Hungary, Romania and Slovakia.

- 31 ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse. Bangkok: ECPAT International.
- 32 United Nations General Assembly. (2000, May 25). Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (A/RES/54/263). Art. 2(b).
- 33 *Criminal Code 2009* (40/2009 Coll.) Section 189 (Czech R.)
- 34 Havelkova, B. (2017). Prostitution law and policy in the Czech Republic. In Jahnsen, S., & Wagenaar, H. (Eds.), *Assessing Prostitution Policies in Europe*. New York: Routledge.
- 35 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic*. Prague, Czech Republic: Ministry of Interior.
- 36 Bar-Johnson, M. (2015). Sexual and psychological aspects of the lives of male sex workers in Prague. (PhD. thesis). Charles University in Prague, Czech Republic.
- 37 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic*. Prague, Czech Republic: Ministry of Interior.
- 38 Brož, M. (2017, October 4). Czech Republic: Roma combat drugs and prostitution in collapsing neighbourhood, minors may be involved. *Romeo.cz*.

Police records from recent years show an increase in the reported cases of children exploited in prostitution. A total of 23 cases were reported in 2016, an increase from 15 in 2015.³⁹ Of the 23 cases, 19 were of girls, and 4 of boys. While global research tells us that the reported cases are likely only the tip of the iceberg as the vast majority of SEC goes unreported, these statistics do provide a small insight into the problem. The increase in reported cases could in fact be a result of better public awareness of SEC and reporting mechanisms. Despite the higher detection of cases, between 2010 and 2016 only 12 cases have been investigated and the accused prosecuted.⁴⁰ Globally there has also been an increase in very young victims, perhaps because perpetrators find it easier to exploit children who are too young to comprehend sexual abuse, making it unlikely for them to complain to their parent or caregiver.⁴¹ Alarming in Czechia, 3 cases of children exploited in prostitution reported in 2016 were below the age of 3 years.⁴²

CHILDREN EXPLOITED IN PROSTITUTION: REPORTED CASES 2015-2016



ONLINE CHILD SEXUAL EXPLOITATION (OCSE)

Online child sexual exploitation (OCSE) can include child sexual abuse/exploitation material (CSAM/CSEM),⁴³ live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM/CSEM-related conducts (production, distribution, downloading).⁴⁴ Article 2 (c) of the OPSC 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”.⁴⁵

Internet use in Czechia has undergone rapid expansion in the last few years, increasing by nearly 18 percentage points between 2012 and 2017,⁴⁶ with 78.7% individuals using the Internet in 2017.⁴⁷ This has also contributed to a higher use of mobile devices, especially among children in the country, with an estimated 8 out of 10 children aged 10 to 14 years owning their own smartphones.⁴⁸

This intensive use of the Internet and technology by children however is met with low rates of parental mediation.⁴⁹ Parents in Czechia tend not to restrict their children’s Internet usage, grossly underestimating the risks online while allowing them the freedom to “improve their digital skills” by “learning on their own.”⁵⁰ In a study conducted by the Centre for the Prevention of Risky Virtual Communication on 4878 children aged 8 to 17 years in Czechia, nearly 31% of the children reported encountering sexual content

- 39 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic*. Prague, Czech Republic: Ministry of Interior.
- 40 *Ibid.*
- 41 ECPAT International. (2018). *Trends in online child sexual abuse material*. Bangkok: ECPAT International.
- 42 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic*. Prague, Czech Republic: Ministry of Interior.
- 43 ECPAT prefers the terms ‘child sexual exploitation material’ or ‘child sexual abuse material’, but in a legal context still uses ‘child pornography’ in line with the recently widely adopted Terminology Guidelines, 40.
- 44 ECPAT. (n.d.). *Issues we work on*. Bangkok: ECPAT International.
- 45 OPSC, Article 2(c).
- 46 Eurostat. (n.d.). Digital economy and society statistics – households and individuals.
- 47 International Telecommunication Union. (n.d.). ICT country profile: Czech Republic.
- 48 Nielsen Admosphere (2017, May 15). *I pro děti už jsou chytré technologie standardem, ve skupině 10–14 let má vlastní smartphone 8 z 10 dětí* (Even for children, smart technologies are standard, with 8 out of 10 children in the 10-14 age group). [Press release].
- 49 EU Kids Online. (n.d.). *Country factsheet: Czech Republic*. The London School of Economics and Political Science.
- 50 Smahelova, M. et al. (2017). Mediation of young children’s digital technology use: the parents’ perspective. *Cyberpsychology: Journal of Psychosocial Research on Cyberspace*, 11(3), article 4.

online.⁵¹ More than 40% had received an “erotic or pornographic” photo from another person in which they were “partially or totally naked”, and 21.5% reported receiving videos with similar sexual content. The study also examined parental mediation to find that 60% of the children’s parents did not limit their child’s time on the Internet and 80% did not regulate their activities online.⁵² Research analyzing techniques of communication used by perpetrators in Czechia shows that one of the most common ways to establish contact with children online is through gaming portals and offers for summer jobs on social media networks.⁵³ Another common strategy is to create fictitious profiles of young girls and boys, and initiate an exchange of images and videos with children of the opposite sex, gradually making the exchange more sexually explicit.⁵⁴ Low restrictive parental mediation coupled with the surge in access to the Internet and technology greatly increases children’s vulnerability to encountering child sexual abuse material and being exploited by perpetrators online.

40%

OF CHILDREN AGED BETWEEN 10 AND 17 YEARS RECEIVED SEXUALLY EXPLICIT IMAGES FROM ANOTHER PERSON IN WHICH THEY WERE “PARTIALLY OR TOTALLY NAKED”



Globally, the means of production and distribution of child sexual abuse material have evolved significantly with the vast number of mediums of technology available today.⁵⁵ Sharing of self-generated sexual material is an emerging trend

among youth, which law enforcement authorities have encountered considerable difficulties with, in terms of determining the age and whether the material was produced coercively.⁵⁶ This matter is of particular concern in Czechia, with research revealing a 41.8% increase in sexting among children between 2012 and 2017.⁵⁷ Since criminal liability in the country begins at the age of 15, children of that age and above sharing images and videos of themselves, even with consent are at additional risk of violating the law which criminalizes the production, possession and distribution of sexual content depicting children.⁵⁸

Czechia has also been identified as a source of child sexual abuse material (CSAM), hosting the second largest number of URLs distributing CSAM in the EU.⁵⁹ In 2014, an international network of CSAM producers was traced to be operating out of a small town, Červený Kostelec in the east of the country.⁶⁰ In this high profile case, media reports estimated 65 to 100 children between the ages of 7 and 18 in Czechia were exploited under the guise of shooting advertisements for foreign magazines. The custom made material was sold online and to private clients abroad via a network spanning over 13 countries.⁶¹ Two of the accused, including the main organizer, had been convicted for similar crimes in the past.⁶²

In the years 2015 and 2016, police records show 123 cases of CSAM were detected, yet only 19 cases were investigated and the accused prosecuted.⁶³ Analysis of data from calls received by the Crisis Centre for Children helpline shows that 37% of the 3,598 calls in 2017 made were to report “internet crime including child pornography”,⁶⁴ indicating the magnitude of the problem is much greater than what is reflected in government statistics.

- 51 Kopecky, K., Sztokowski, R. (2017). *Sexting and risky acquaintances made by Czech children in cyberspace*. Centre for the Prevention of Risky Virtual Communication, Palacky University.
- 52 *Ibid.*
- 53 Kopecky, K., et al. (2015, August 4). *Specifics of children communication and online aggressors within the online assaults on children (analysis of selected utterances)*. Paper presented at International Multidisciplinary Scientific Conferences on Social Sciences and Arts, Bulgaria, 2015.
- 54 *Ibid.*
- 55 ECPAT International. (2018). *Trends in online child sexual abuse material*. Bangkok: ECPAT International.
- 56 *Ibid.*
- 57 Kopecky, K., Sztokowski, R. (2017). *Sexting and risky acquaintances made by Czech children in cyberspace*. Centre for the Prevention of Risky Virtual Communication, Palacky University.
- 58 Linka Bezpečí. (2015, February 10). *Dítě - oběť nebo pachatel sextingu?* [Child- victim or sexting offender?]. [Press release].
- 59 European Cybercrime Centre. (2015). *Commercial sexual exploitation of children: a strategic assessment*. European Financial Coalition against Commercial Sexual Exploitation of Children Online.
- 60 Richter, J. (2014, September 3). *Police crack international child porn ring*. *Radio Praha*.
- 61 Eurojust. (2015, May 7). *Child abusers face the courts*. [Press release]
- 62 Czech News Agency. (2016, March 4). *Four-member gang convicted of child pornography*. *Prague Daily Monitor*.
- 63 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic*. Prague, Czech Republic: Ministry of Interior.
- 64 Crisis Centre for Children. (2018). *Výroční zpráva 2017* [Annual Report 2017].

SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), defines ‘trafficking in persons’ as “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, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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 shall include, 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”.⁶⁵

In case of child victims, Article 3 (c) of the Protocol specifies that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 3 (a)”.⁶⁶ In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

For its part, the OPSC deals with the ‘sale of children’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁶⁷

Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, ‘sale of children’ is not identical to ‘trafficking’. The ‘sale of children’ always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, ‘sale of children’ is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the ‘sale of children’ can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.⁶⁸

65 United Nations General Assembly. (2000, November 15). United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). Res. 55/25 of 15. Art. 3 (a).

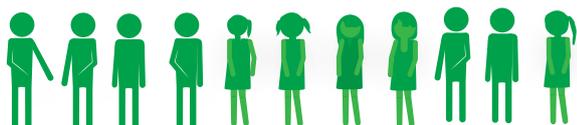
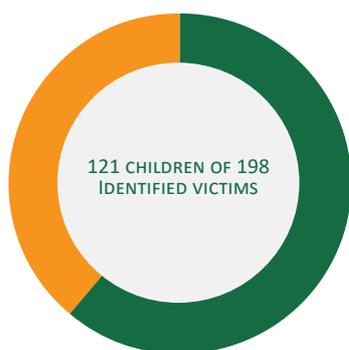
66 *Ibid.*, Article 3 (c).

67 OPSC, Article 2 (b).

68 ECPAT International. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. Bangkok: ECPAT International.

The 2018 Trafficking in Persons report of the U.S. Department of State classifies Czechia as a source, transit and destination country for children and women subjected to trafficking for sexual purposes.⁶⁹ According to police records, the cases of trafficking in children were almost entirely cases of sexual exploitation through prostitution or the production of CSAM, with a small proportion for labour, particularly forced begging and theft.⁷⁰ Between 2012 and 2015, a total of 198 victims of trafficking for sexual exploitation were identified, of which 121 were under 18 years of age.⁷¹

MORE THAN HALF OF THE IDENTIFIED VICTIMS OF TRAFFICKING FOR SEXUAL EXPLOITATION BETWEEN 2012 AND 2015 WERE CHILDREN



As a country of transit given its central geographical location in the continent, children highly at risk of trafficking in Czechia include unaccompanied minors making their way towards western Europe from neighbouring Slovakia, Ukraine and Kazakhstan, a steep growth in those from Afghanistan and Syria observed since 2011.^{72,73} Although all identified unaccompanied minors are required to be placed in the Facility for Children of Foreigners (the government’s care facility for unaccompanied children) those above the age of 15 can be sent to detention centres under special circumstances.⁷⁴ Between 2015 and 2017, most unaccompanied minors were over 15 years of age and predominantly male.⁷⁵

In 2015, out of 132 children placed in the Facility, 106 escaped.⁷⁶ Children fleeing from these facilities are at a heightened risk of being trafficked and sexually exploited, not only because they are unaccompanied but also because perpetrators are often on the lookout for escapees. Law enforcement personnel from the National Centre against Organized Crime (NCOC) in the city of Brno caught 4 such traffickers in 2016, launching criminal prosecutions for crimes of trafficking for “the purpose of sexual exploitation, procuring and handling of child pornography” against them.⁷⁷ The offenders had tracked down girls under the age of 18 who had run away from youth detention centres and trafficked them to Vienna in Austria. Once there, the girls were coerced into prostitution and handing over the money earned from it to the perpetrators. They were also exploited to produce CSAM, which was uploaded online to advertise the sexual services they were forced to provide.⁷⁸

Czechia is also a prominent source and destination of trafficking for sexual purposes, with the majority of the victims (69%) identified as either from Czechia itself or from the Eastern European

69 U.S. Department of State. (2018, June). Trafficking in persons report.

70 Department of Security Policy and Crime Prevention. (2016). *National strategy for combating trafficking in human beings in the Czech Republic for the period 2016-2019*. Prague, Czech Republic: Ministry of the Interior.

71 *Ibid.*

72 Ministry of Interior. (2015). *Study on unaccompanied minors: policies, practices and data (national report)*. European Migration Network.

73 Department of Security Policy and Crime Prevention. (2016). *National strategy for combating trafficking in human beings in the Czech Republic for the period 2016-2019*. Prague, Czech Republic: Ministry of the Interior.

74 European Migration Network. (2018). *Member states’ approaches to unaccompanied minors following status determination: Czech Republic*. European Migration Network.

75 *Ibid.*

76 Department of Security Policy and Crime Prevention. (2016). *National strategy for combating trafficking in human beings in the Czech Republic for the period 2016-2019*. Prague, Czech Republic: Ministry of the Interior.

77 *Ibid.*

78 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic*. Prague, Czech Republic: Ministry of Interior.

countries of Ukraine, Slovakia, Romania and Bulgaria.⁷⁹ According to government reports on trafficking, cases involving both victims and perpetrators of Romanian nationality are high. In another case investigated by the NCOC, 8 suspects were detained for trafficking girls from Romania into Czechia under false pretences of work abroad by an organised group operating in both countries between 2014 and 2016. Once in Prague, the girls were forced into prostitution in night clubs, and to send the money they earned from it to Romania. An estimated 1,639,462 Czech Korunas (2,260 USD) in total was traced to be sent back to Romania by these girls between 2015 and 2016 through different financial companies.⁸⁰

Despite the increased efforts to combat trafficking (elaborated in section 4 on national response), only 3 persons were convicted per year in 2015 and 2016.⁸¹ The government attributed the low rate to underreporting and problems in “gathering evidence as well as finding sufficiently credible witnesses.”⁸²

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM (SECTT)

The sexual exploitation of children in travel and tourism (SECTT) is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.⁸³ The UNWTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.⁸⁴

Data on children exploited in the context of travel and tourism is scarce, as is information on the country’s policies addressing this manifestation of SEC. Since the available government statistics on sexual exploitation of children are not segregated on the basis of region, it is also not possible to draw links between the occurrence of SEC in areas most frequented by tourists.

A significant factor contributing to the mass influx of tourists in Czechia has been the opening up of its borders to other member countries of the EU since 2004. According to the Czech Statistics Office, an estimated 20 million tourists visited the country in 2017.⁸⁵ Although prostitution is legal in Germany and Austria, it is regulated in areas bordering Czechia, propelling clients to the other side of the border. Inhabited by impoverished communities, sexual services are relatively much cheaper in the border towns of Czechia.^{86,87}

**20 MILLION
TOURISTS VISITED
CZECHIA IN 2017**



- 79 UNODC. (2016). Global report on trafficking in persons 2016. Vienna, Austria: United Nations Office on Drugs and Crime.
- 80 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic. Prague, Czech Republic*: Ministry of Interior.
- 81 Government of the Czech Republic. (2018, March 20). *Report submitted by the Czech Republic under article 12(1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.
- 82 *Ibid.*
- 83 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Offenders on the move: global study on sexual exploitation of children in travel and tourism*. Bangkok: ECPAT International.
- 84 United Nations General Assembly. (11-16 September 2017). Consideration, approval or adoption of the UNWTO Framework Convention on Tourism Ethics. UN Doc. A/RES/707(XXII). Art. 5 (3).
- 85 Lazarová, D. (2018). Tourist numbers up again in second quarter. *Radio Praha*.
- 86 Department of Security Policy and Crime Prevention. (2016). *National strategy for combating trafficking in human beings in the Czech Republic for the period 2016-2019*. Prague, Czech Republic: Ministry of the Interior.
- 87 Darley, M. (2009). Prostitution in nightclubs in border areas of the Czech Republic. *Revue française de sociologie*, 50(5), 95-124.

Cities in Czechia draw in tourists from Western Europe, especially Prague which is popular for its nightlife.^{88,89} Also attracting tourists, particularly gay men, are the “boy bars”, which are often owned by Czech pornography companies and are locations for shooting erotic videos.⁹⁰ The existence of a growing market for young male sex workers presents a higher risk for SEC, particularly in light of an increase in the incidence of trafficking of boys into the country. In 2017, teenage boys trafficked into the country were found being exploited to provide sexual services in exchange for money, cited in the government’s 2017 Report on the State of Trafficking in Human Beings.⁹¹ United Nations Office on Drugs and Crime (UNODC), in its Global Report on Trafficking in Persons also finds that between 2010 and 2016, Czechia was one of the two countries in the Central and South Eastern Europe region to report an increase in the number of male victims of trafficking.⁹²

Although there are no concrete measures taken by the government to protect children from threats the upsurge in travel and tourism presents, a few private companies – tour operators and hotels that have operations in Czechia such as ACCOR, ANWB Reizen Beheer BV, Carlson, Hilton; and travel federations such as Adventure Travel Trade Association – have become members of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.⁹³ The Code is a multi-stakeholder initiative to provide awareness, tools and support to companies in the tourism industry to prevent the sexual exploitation of children.⁹⁴

CHILD, EARLY AND FORCED MARRIAGE (CEFM)

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define ‘child marriage’ as “a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent”.⁹⁵ Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.⁹⁶

The minimum legal age for marriage in Czechia is 18,⁹⁷ however, children can be married at the age of 16 with court approval.⁹⁸ Government statistics recording the occurrence of marriages below the age of 17 show 24 cases of girls in 2016.⁹⁹ Though the rates of child marriage in Roma communities is known to be relatively higher than that of the general population in countries they live in,¹⁰⁰ it is difficult to determine the number of cases in Czechia since marital data is not segregated on the basis of ethnicity. Additionally, since child marriages are most often sanctioned by community celebration, they are either registered once the younger spouse reaches the age of 18 or not registered at all.¹⁰¹

Girls and young women belonging to socially excluded communities, mostly Roma, have also

88 Palasz, E. (2015, June 30). Prague ranked number one in stag party top 10 list. Prague Post.

89 Travel destinations: Prague, Czech Republic. (n.d.). *The Telegraph*.

90 Ellison, G., Weitzer, R. (2018). Young men doing business: male bar prostitution in Berlin and Prague. *Sexualities*, 21(8), 1389-1408.

91 Department of Crime Prevention. (2018). *Zpráva o stavu obchodování s lidmi v České republice za rok 2017*. [Report on the state of trafficking in human beings in the Czech Republic in 2017]. Ministry of Interior.

92 United Nations Office on Drugs and Crime. (2016). *Global report on trafficking in persons 2016*. Vienna, Austria: United Nations Office on Drugs and Crime.

93 The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism: Signatories. (n.d.).

94 *Ibid.*

95 Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. Bangkok: ECPAT International.

96 ECPAT International and Plan International. (2015). Thematic report. Unrecognised sexual abuse and exploitation of children in child, early and forced marriage. Bangkok: ECPAT International.

97 *Civil Code 1964* (No.40/1964 Sb.) Section 8.2 (Czech R.).

98 *Act on Family 1963* (No. 94/1963 Sb.) Section 13 (Czech R.).

99 Czech Statistical Office. (n.d.). First marriages by age of the bride: 1950-2016.

100 United Nations Population Fund. (2015). *Child marriage in eastern Europe and central Asia: a regional overview*.

101 *Ibid.*

found themselves to be victims of an emerging trend of fraudulent marriages, with reports on investigations by Europol in 2014 and 2015 revealing an increase in trafficking for the purposes of forced marriages from Czechia, particularly to Great Britain and Ireland.¹⁰² The demand is traced most often to citizens of non-EU member states (primarily nationals of Pakistan and Bangladesh);¹⁰³ the trafficking organized with the assistance of Czech mediators who search for victims meeting specific requirements of age, gender and family circumstance.¹⁰⁴ While in some cases the victims are kidnapped and trafficked, in many cases

they are aware of the sham marriage but not of the exploitation they are likely to face in the country of destination, for instance being forced into prostitution to repay the costs of their transportation to the trafficker or their new husband.¹⁰⁵ Trafficking for the purpose of forced marriages has been termed as a “new form of trafficking” in Czechia’s National Strategy for Combatting Trafficking in Human Beings,¹⁰⁶ and an amendment to the Criminal Code covering the luring of a person to another state to coerce them into marriage is in legislative procedure.¹⁰⁷

102 Europol. (2016). Situation report: trafficking in human beings in the EU. The Hague: Europol.

103 Ministry of Interior. (2016). Report on Internal Security and Public Order in the Czech Republic in 2015. Prague, Czech Republic: Ministry of Interior.

104 Europol. (2016). Situation report: trafficking in human beings in the EU. The Hague: Europol.

105 *Ibid.*

106 Department of Security Policy and Crime Prevention. (2016). National strategy for combating trafficking in human beings in the Czech Republic for the period 2016-2019. Prague, Czech Republic: Ministry of the Interior.

107 Government of the Czech Republic. (2017). Combined fifth and sixth periodic report on compliance with obligations under the convention on the rights of the child. United Nations Committee on the Rights of the Child.

International, Regional and National Commitments and Legislation on Sexual Exploitation of Children

| International Instruments | Date of ratification/accession |
|--|--------------------------------|
| Convention on the Rights of the Child - 1989 | 22 February 1993 |
| Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - 2000 | 26 August 2013 |
| Optional Protocol on a communications procedure - 2011 | 2 December 2015 |
| ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182) | 19 June 2001 |
| UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (Palermo Protocols - supplementing the UN Convention against Transnational Organized Crime) | 17 December 2014 |
| Regional Instruments | Date of ratification/accession |
| Council of Europe Convention on Cybercrime – 2001 | 22 August 2013 |

| Human Rights Bodies | Date of latest submitted report | Comments |
|---|---------------------------------|---|
| Committee on the Rights of the Child (CRC review) | 2018 | <p>Czech Republic will be under review during a future session. At the last review on 21 May 2011, CRC's key concluding observations related to SEC were:</p> <ul style="list-style-type: none"> • “Develop and implement a standardized system of data collection on children who have been sexually exploited and/or abused with a view to allowing the effective cross-comparison, analysis and application of such data by relevant sectors of the State party”; |

| Human Rights Bodies | Date of latest submitted report | Comments |
|---|---------------------------------|--|
| | | <ul style="list-style-type: none"> • “Strengthen the provision of holistic and long-term psychosocial support to child victims of sexual abuse in its updated Plan of Action”; • “Ensure, through adequate legal provisions, procedures, and regulations, that all child victims and and/or witnesses of crimes, including child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, have effective access to justice and are provided with the protection required by the Convention [...]”.¹⁰⁸ |
| Committee on the Rights of the Child (OPSC review) | 2017 | <ul style="list-style-type: none"> • Czech Republic will be under review for the first time regarding its implementation of the OPSC during the 80th session (January - February 2019) |
| Human Rights Council – Working Group on the Universal Periodic Review | 2017 | <p>Examined on 6 November 2017 during the 28th session.</p> <p>Key concluding observations related to SEC:</p> <ul style="list-style-type: none"> • “Significantly step up actions to combat human trafficking in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”; • “Pursue the implementation of the national plans for equality between men and women, for the eradication of domestic and gender-based violence and to combat trafficking in persons, ensuring sufficient financial resources to carry out these plans”; • “Adopt specific legislation that recognizes the crime of commercial sexual exploitation and prostitution of children”; • “Adopt a clear and broad definition of child pornography and child prostitution in accordance with international law. Eliminate the possibility that children between 15 and 18 years of age can legally engage in prostitution”.¹⁰⁹ |

108 United Nations Committee on the Rights of the Child. (2011, August 4). Consideration of reports submitted by state parties under article 44 of the convention. Concluding observations: Czech Republic. (UN Doc. CRC/C/CZE/CO/3-4).

109 Human Rights Council. (2017, December 27). Report of the working group on the *universal* periodic review: Czechia. (UN Doc. A/HRC/37/4).

INTERNATIONAL AND REGIONAL COMMITMENTS

| Commitment | Start Date |
|---|------------|
| Sustainable Development Goals | 2015 |
| WePROTECT Global Alliance to End Child Sexual Exploitation Online | 2014 |
| Regional commitments | |
| Commitment | Start Date |
| The EU Agenda for the Rights of the Child | 2011 |

Since its adoption of the 2030 Agenda for Sustainable Development in 2015, Czechia's government has established a coordinating body – the Government Council for Sustainable Development – and a strategic framework to fulfil its commitments towards achieving the SDGs.¹¹⁰ During the United Nation High-Level Political Forum in July 2017, the government presented its Voluntary National Review (VNR) on progress and results in the implementation of the 2030 Agenda in the country.¹¹¹ Although targets 5.2, 8.7 and 16.2 of the Agenda 2030 specifically call for the elimination of all forms of violence, abuse and exploitation in children, neither the strategic framework nor the VNR explicitly address SEC or any of its manifestations.

As a member of the WePROTECT Global Alliance to End Child Sexual Exploitation, Czechia has also committed to enhancing its efforts to identify and safeguard victims of online sexual exploitation, and to apprehend offenders.^{112,113} Supported by the EU, the government has established the Czech Safer Internet Centre, which implements a comprehensive programme comprising a hotline to report illegal content (stoponline.cz), a helpline to access support services (pomoconline.cz) and a resource portal with training and awareness materials (bezpecneonline.cz).¹¹⁴ The centre is a member of the International Association of Internet Hotlines (INHOPE) and works in conjunction with the International Criminal Police Organization (Interpol), making it possible to

report cases and take action on an international level if needed.

NATIONAL LEGISLATION

Exploitation of children in prostitution

In Czechia, prostitution is neither legal nor illegal, operating in a legal vacuum at the national level. Municipalities on the other hand have increasingly prohibited prostitution in public spaces, targeting however sex workers rather than people buying sexual services.¹¹⁵ The Criminal Code criminalises “whoever induces, arranges, hires, allures, or entices another person to practice prostitution, or whoever profits from prostitution practiced by others”,¹¹⁶ acts which to a certain extent cover those prohibited by the OPSC, allowing however for some ways out. Strikingly, it does not set higher penalties when those acts involve a child and there is no specific offense for engaging into prostitution with children.

The Criminal Code criminalises, under the qualification of sexual abuse, the act of having sex with a minor under 15 years old, even with his/her consent, to one to eight years of imprisonment.¹¹⁷ In addition, forced sexual intercourse and the acts of forcing a person to masturbate, indecent exposure, or other comparable conduct are sentenced by imprisonment, penalties being increased when the victim is a child.¹¹⁸

110 Department of Sustainable Development. (2017). *Strategic framework Czech Republic 2030*. Office of the Government of the Czech Republic.

111 Government Council for Sustainable Development. (2017). *National report on the implementation of the 2030 agenda for sustainable development*. Office of the Government of the Czech Republic.

112 European Commission. (n.d.). We protect global alliance to end child sexual exploitation online.

113 Global Alliance against Child Sexual Abuse. (2014). *Czech Republic Commitments Report*.

114 SaferInternet.cz. (n.d.).

115 Havelkova, B. (2017). Prostitution law and policy in the Czech Republic. In Jahnsen, S., & Wagenaar, H. (Eds.), *Assessing Prostitution Policies in Europe*. New York: Routledge.

116 *Criminal Code 2009* (40/2009 Coll.), Section 189 (Czech R.).

117 *Ibid.*, Section 187.

118 *Ibid.*, Sections 185 and 186.

Nevertheless, consensual sexual intercourse with a minor between 15 and 18 years is not considered as a criminal offence, a loophole that can facilitate situations of sexual exploitation of children. The Criminal Code also sets penalties, under the title “Seduction to Sexual Intercourse”, for “whoever offers, promises, or provides monetary reward, benefits or advantages to a child or to another person for sexual intercourse with a child [...]”, setting higher penalties when the child is under fifteen.¹¹⁹ This definition of seduction is close to the definition of prostitution given under the OPSC, as in this case, the child is offered a form of compensation in exchange of sexual services. Yet, the acts prohibited under the OPSC are not all expressly covered by this provision.

Online child sexual exploitation (OCSE)

Section 192(2) of the Criminal Code prohibits most of the acts prescribed by the OPSC when it comes to child sexual abuse materials (CSAM) with a sentence to imprisonment for six months to three years. Even though it does not criminalize the possession of CSAM for the purpose of producing, distributing, and other acts prescribed by the OPSC, Section 192(1) sentences to imprisonment for up to two years whoever “handles photographic, film, computer, electronic or other pornographic works, displaying or otherwise using a child or a person that appears to be a child”. This is wide enough to encompass the mere possession of CSAM.

A major limitation remains however in the definition of CSAM. The Criminal Code defines, ‘child pornography’.¹²⁰ as pornographic work displaying or otherwise using a child or a person that appears to be a child, but no definition of pornographic work and its content is given. This lack of definition could be used by law enforcements and the judiciary to broaden the scope of these provisions in order to include manifestations of OCSE such as live streaming. Thus, all OCSE-related offences should be specifically criminalized to better protect children from sexual exploitation.

In addition, in Czechia, criminal liability starts at 15 years old, but unlike for exploitation of children in prostitution, there is no derogatory clause to Section 192 ensuring that a child between 15 and

18 when sending/sharing content of themselves cannot be held criminally liable for producing pornographic materials.

Section 193 focusses on the production, sentencing to imprisonment for one year to five years “whoever persuades, arranges, hires, allures, entices, or exploits a child for production of pornographic works and exploits the child’s participation in such pornographic works”. Recently, in order to implement the Directive 2011/93/EU of the European parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, new amendments were made to the Criminal Code, closing to a certain extent the remaining gap concerning online grooming. The new Section 193b (establishment of unauthorised contacts with a child) condemns whoever proposes a meeting to a child below fifteen years of age with the intention to commit a criminal offence of sexual abuse, production and other handling of child sexual abuse material, abuse of a child for the production of child sexual abuse material, enticement to sexual intercourse, or any other sexually motivated criminal offence. According to the Czech government, “this criminal offence also relates to cases of cyber grooming, a situation where the offender communicates with children on the Internet while pretending to be a different person with the aim of sexual abuse or sexual exploitation of children”.¹²¹ It is unfortunate, however, that this provision only protects children under 15 years old rather than extending to all children under 18.

Sale and trafficking of children for sexual purposes

Section 168 of the Criminal Code reflects some of the key elements of trafficking in children enshrined in the Palermo Protocol,¹²² such as the fact that no evidence of coercion – the means – is required when the trafficking involves a child. According to Section 168, trafficking in children is committed by “whoever forces, procures, hires, incites, entices, transports, conceals, detains, adopts or consigns a child to be used by another” for different purposes, including for the purpose of sexual intercourse, sexual abuse and the production of pornographic work. There are a few discrepancies between the acts sanctioned by the

119 *Ibid.*, Section 202.

120 While the legal term used is ‘child pornography’ and is thus used here, ECPAT advocates for moving towards using the term ‘child sexual abuse material’ in line with the recently adopted Terminology Guidelines, as sexualized material that depicts children is indeed a representation of child sexual abuse and should not be described as ‘pornography’.

121 Council of Europe. (2017, April 4). Council of Europe convention on the protection of children against sexual exploitation and sexual abuse- replies to the general overview questionnaire- Czech Republic. (T-ES(2017)GEN-CZ).

122 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Nov. 15, 2000.

Criminal Code and those prohibited by the Palermo Protocol, the latter being broader. As a result, there could be some loopholes in the definition of child trafficking in light of international standards that would allow perpetrators to escape national prosecution.

Anyone committing such offence will be sentenced to imprisonment for two to ten years. Committing such an act with the intention to use another person for prostitution is an aggravating circumstance, which can raise the sentence up to 12 years of imprisonment.¹²³ There is, however, no definition of prostitution.

Sexual exploitation of children in travel and tourism (SECTT)

The Czech legislation does not address the issue of SECTT specifically. Nevertheless, under the Act No. 418/2011 on Criminal Liability of Legal Entities (CLLE), legal entities might be criminally prosecuted for a range of criminal acts. Those include all the other offences related to SEC that have been criminalized by Czechia.¹²⁴ The company can be held liable if the situation is within the scope of the company's activities or in the company's interests.

Child, early and forced marriages (CEFM)

Czechia's Act on Family sets the majority and the free and complete consent of the spouses as fundamental conditions to marriage.¹²⁵ As the Civil Code of Czechia establishes that the "majority shall be acquired by achieving the age of eighteen years",¹²⁶ the minimum legal age for marriage is 18. However, for important reasons, a minor above 16 might exceptionally be authorised by the judge to enter a marriage.¹²⁷ Non-respect of one of these conditions will lead to the invalidity of the marriage, unless, in the case of an early marriage without a judge's approval, the minor reaches his majority or his spouse is pregnant before the verdict on invalidity.¹²⁸

Nevertheless, the Act does not specify what those important reasons might be, and this could lead to disguised child marriages. In addition, neither the Act on Family nor the Criminal Code criminalized early and forced marriages of children. Furthermore, while consent is a fundamental component to the validity of the wedding, a marriage will only be considered as forced when physical violence has been used.¹²⁹ This definition is highly restrictive and fails to encompass all situations of forced marriage.

Extraterritorial jurisdiction and extradition law

In terms of extraterritoriality, the Czech legal system recognizes the principles of personality, protection, universality and subsidiary universality. The first one enables the prosecution in Czechia of any citizen or stateless person residing permanently in the country who has committed abroad acts that might qualify as offences under the Czech legal framework.¹³⁰ Under Section 7(2), which recognizes the principle of protection, Czech courts and tribunals also have jurisdiction over foreign offenders who commit abroad an offence against a Czech national or a person without a nationality, who has been granted permanent residence in the territory of Czechia. For the protection principle to be applicable, it is required that the act to be tried was prohibited by the law of the State where it was committed and by Czech law.¹³¹

Unlike what is recommended by the OPSC, the above jurisdictions are not applicable to criminal offences in cases where the supposed offender or the victim is a foreigner, not stateless, with his/her habitual residence in the territory of Czechia. Finally, Section 8 of the Criminal Code stipulates that Czech authorities have jurisdiction on all other offences committed by foreigners abroad, provided that "the act is criminal also under the law effective in the territory of its commission", and "the offender was apprehended in the territory

123 *Criminal Code 2009* (40/2009 Coll.), Section 168(3) (Czech R.).

124 *Act on Criminal Liability of Legal Persons and Proceedings against them 2011* (No. 418/2011), Section 7 (Czech R.).

125 *Act on Family 1963*, (No. 94/ 1963 Sb.), Sections 3 and 13 (Czech R.).

126 *Civil Code 1964* (No.40/1964 Sb.), Sections 8.2 (Czech R.).

127 *Act on Family 1963*, (No. 94/ 1963 Sb.), Sections 13 (Czech R.).

128 *Ibid.*, Section 13.2.

129 *Ibid.*, Section 17a.

130 *Criminal Code 2009* (40/2009 Coll.), Section 6 (Czech R.).

131 *Ibid.*, Section 7.2.

of the Czech Republic and was not extradited or transferred to another state or to another authority entitled to criminal prosecution". This is the subsidiary universality principle, while the universality principle, which does not require the presence of the offender in Czech territory, is only applicable on the basis of section 7(1) to a limited number of crimes, amongst which there aren't any related to SEC.

When it comes to extradition, the Criminal Code stipulates that no Czech nationals will be extradited.¹³² For the rest, extradition is regulated by the Act on International Judicial Cooperation in Criminal Matters.¹³³ A fundamental condition to extradition is reciprocity. On the basis of the Act, the requirement of double criminality applies in the sense that foreigners can be extradited provided that the offence has an upper limit of imprisonment of at least one year on the basis of Czech criminal law.¹³⁴ SEC-related offences all meet this requirement. In addition, if the person is extradited to execute its sentence, the latter must be of at least of four months of imprisonment.¹³⁵

132 *Ibid.*, Section 10.

133 Act on International Judicial Cooperation in Criminal Matters 2013 (Czech R.).

134 *Ibid.*, Section 90.

135 *Ibid.*, Section 90.2.

National Response to the Sexual Exploitation of Children

NATIONAL RESPONSE TO THE SEXUAL EXPLOITATION OF CHILDREN

Coordination and cooperation

Czechia does not have a national plan of action or coordination body specifically addressing the sexual exploitation of children (SEC) at present. There was previously a National Plan for Combating Commercial Sexual Exploitation of Children, the first one formulated in 2002. However, it was discontinued in 2008.¹³⁶ Since then, SEC and its manifestations have been linked to a wider context of violence against children, the responsibility of which has been delegated to the Ministry of Human Rights.¹³⁷ The National Strategy of Preventing Violence against Children 2008-2018 lists SEC under selected forms of violence to be prevented and defines it as “sexually exploiting children for money and other sort of compensation; having three forms: child prostitution, child pornography and trafficking in children.”¹³⁸

Trafficking in children is addressed within the broader national strategy and coordination mechanisms formed to combat trafficking in human beings (THB). The Ministry of Interior

(MOI), which coordinates all anti-trafficking actions has established the Inter-Ministerial Coordination Group for Combatting Trafficking in Human Beings.¹³⁹ For the inter-ministerial group’s annual report on THB in 2016, a sub group was composed to focus on trafficking in children. The National Strategy to combat THB for 2016 to 2019 was drawn up on the basis of this report, which prioritizes taking action against the trafficking of people under the age of 18. To address the specific needs of children in terms of provision of protection and assistance services, the ministry works in close cooperation with the Ministry of Labour and Social Affairs and the police.¹⁴⁰ Three specific tasks have been formulated that focus directly on the trafficking of children: to update the handbook on trafficking in children recommending procedures to be adopted by public authorities; to create a methodology for repatriation for unaccompanied minors; and to strengthen regional cooperation of police and child protection departments to address the trafficking of children.¹⁴¹

Coordination of the general social and legal protection of children in Czechia is done by the Ministry of Labour and Social Affairs (MoLSA), in accordance with the National Strategy to Protect Children’s Rights 2012-2018. One of the ministries’ functions is to oversee the “System of

136 Together against trafficking in human beings. (n.d.) Czech Republic: implementation of anti-trafficking policy. European Commission.

137 *Ibid.*

138 Vaníčková, E., et al. (2008). National strategy of preventing violence against children in the Czech Republic for the period 2008-2018. Government Office of the Czech Republic.

139 Together against trafficking in human beings. (n.d.). Czech Republic: implementation of anti-trafficking policy. European Commission.

140 Department of Security Policy and Crime Prevention. (2016). *National strategy for combating trafficking in human beings in the Czech Republic for the period 2016-2019*. Prague, Czech Republic: Ministry of the Interior.

141 *Ibid.*

Timely Intervention” created to foster cooperation among the various entities that come into contact with vulnerable children and their families. This includes the police, judicial bodies, healthcare facilities, schools, NGOs and youth organisations among others. The system is meant to connect the different actors by facilitating faster sharing and better management of information.¹⁴² However, there is considerable doubt over its functioning, since Czechia’s report to the CRC committee in 2017 states that a centralized information system for the social and legal protection of children has not been established yet.¹⁴³

The report to the CRC committee also reveals inter-ministerial problems in coordinating child protection services. The National Action Plan to Protect Children’s Rights 2012–2015 containing specific targets and responsibilities for fulfilment, gave rise to differences between the various ministries, particularly around the unification of services for children and their coordination under only one ministry. As a result, the 2016–2020 Action Plan was not adopted, and efforts are being made to resolve these problems in the new strategy for the 2018–2020 period.¹⁴⁴ Thus, although the government is proactive in addressing trafficking in children, it does not have specific policies or coordinating bodies tackling other manifestations of exploitation in children occurring through prostitution and online. In light of the rising number of cases reported in recent years, the government should reinstate the national plan for combating SEC, and appoint a ministerial body to coordinate the accomplishment of its targets.

Prevention measures, awareness-raising and education

Since SEC and its manifestations have been linked to violence against children, measures to address them are included in the National Strategy of Preventing Violence against Children 2008–2018.¹⁴⁵ The strategy lays emphasis on developing primary prevention measures, targeted at the general public to change attitudes through education and awareness, in order to “reduce state expenditures on specialized services such as counselling, criminal proceedings, compensation and the hiring of highly skilled professionals.”¹⁴⁶

As primary prevention, the MOI funded and promoted a series of awareness campaigns on anti-trafficking by NGOs in 2015.¹⁴⁷ These include videos by La Strada and Archdiocese Charity Prague on human trafficking and exploitation, disseminated on Internet sites advertising services and job opportunities to target people potentially at risk.¹⁴⁸ The Crime Prevention Division under the MOI has implemented “preventive residential events” for children and youth, such as camps and trips, targeting those from socially excluded environments.¹⁴⁹

Cybercrime is prioritised by the division, the MOI allocating 3,053,750 Czech Korunas (approx. 134,214 USD) to support over 20 projects for its prevention in the 2016–2018 period. One such project is “Say No!”,¹⁵⁰ a campaign against online child sexual abuse implemented by the National Anti-Organised Crime Centre.¹⁵¹ Other activities to promote online safety among children include the Safer Internet Day organised by the Czech Safer Internet Centre (SIC), a collaboration between

142 Government of the Czech Republic. (2018, March 20). *Report submitted by the Czech Republic under article 12(1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.

143 *Ibid.*

144 Government of the Czech Republic. (2017). *Combined fifth and sixth periodic report on compliance with obligations under the convention on the rights of the child*. United Nations Committee on the Rights of the Child.

145 Vaníčková, E., et al. (2008). *National strategy of preventing violence against children in the Czech Republic for the period 2008–2018*. Government Office of the Czech Republic.

146 *Ibid.*

147 Archdiocese Charity Prague. (2015, December 8). *Poradna Magdala informuje o obchodu s lidmi* [Magdala advices on trafficking in human beings].

148 *Ibid.*

149 Government of the Czech Republic. (2018, November 7). *Replies of Czechia to the list of issues in relation to the report submitted by Czechia under article 12 (1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.

150 Europol. (2017, June 18). *Say no! (Czech) – a campaign against online sexual coercion and extortion of children* [Video file].

151 Government of the Czech Republic. (2018, November 7). *Replies of Czechia to the list of issues in relation to the report submitted by Czechia under article 12 (1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.

the NGO National Safer Internet Centre and the government. Awareness campaigns and activities take place in February each year, involving children in the discussion through debates, and videos targeting children and youth on “threats in the online world” such as cyberstalking and online grooming.^{152,153} “KyberFEST”, a one day event organised by the SIC in November 2015, saw the participation of over 800 children in Prague where workshops on safer Internet use and information on helplines and support services were made available to the children.¹⁵⁴ In 2016, the MOI with the Centre for the Prevention of Risky Virtual Communication organised workshops and interactive sessions for children aged 8 to 12, which also involved the participation of the Czech police.¹⁵⁵ Similar events are organised by the SIC, involving not only the police but professionals working with children such as school teachers and psychologists, to update them on new risks and changing trends in Internet use among children.¹⁵⁶

In regards to prostitution, no prevention activities have been implemented by the government targeting the “too narrowly defined” group of children aged 15 to 18,¹⁵⁷ even though 16 cases were reported in this age group in 2016.¹⁵⁸ The government also reported not having any specific awareness or education programmes on SECTT,¹⁵⁹ though as a popular destination for travellers and tourists, there is clearly a need for children to know how to protect themselves from travelling sex offenders. At present, prevention and awareness activities for both these different manifestations of SEC are carried out within the larger programmes for trafficking and online safety.¹⁶⁰

Child protection, access to justice and right to remedies for child victims of sexual exploitation

National complaint mechanisms

Children in Czechia can initiate civil, judicial review or criminal proceedings in domestic courts to challenge violations of their rights.¹⁶¹ Though children do not require the consent of their parent or guardian to initiate the proceedings, they may be required to have an adult representative bring their case before the court on their behalf. This is dependent on the court’s consideration of the child’s mental maturity – if the court concludes insufficient mental capacity, the child will require a legal representative, which is usually the parent or guardian.¹⁶² If there is a conflict of interest between the children and parents however, the court appoints a public child protection authority as the guardian for the child.¹⁶³

Czechia does not have an ombudsperson for children yet, despite enquiries by the Committee on the Rights of the Child into the establishment of this independent body.¹⁶⁴ Nevertheless, the Public Defender of Rights operates a child-friendly website (deti.ochrance.cz), encouraging children to submit complaints on the web portal or via email on an address for children only.¹⁶⁵ Complaints sent in by children to the Defender are assigned to lawyers for assessment on priority, and are to be answered within a week with what help can be provided by the office. The website has simplified information regarding issues children can file complaints for, information to include in the complaint, and the handling of complaints.

152 SaferInternet.cz. (2016, April 20). *Safer internet day and get online week 2016* [Video file].

153 SaferInternet.cz. (n.d.). *Threats in the online world* [Video file].

154 Better Internet for Kids. (2015, December 16). *KyberFEST for children in the Czech Republic*.

155 E-Bezpečí. (2016, May 5). *Interaktivní workshop E-Bezpečí v Olomouci přilákal téměř stovku dětí* [Interactive e-safety workshop in Olomouc attracted nearly a hundred children]. [Press release].

156 SaferInternet.cz. (2018, October, 19). *Seminář “novinky v oblasti kybernetických rizik”* [Seminar “cyber risk news”].

157 Government of the Czech Republic. (2018, November 7). *Replies of Czechia to the list of issues in relation to the report submitted by Czechia under article 12 (1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.

158 Security Policy and Crime Prevention Department. (2017). *2016 Status report on the state of trafficking in human beings in the Czech Republic*. Prague, Czech Republic: Ministry of Interior.

159 Government of the Czech Republic. (2018, November 7). *Replies of Czechia to the list of issues in relation to the report submitted by Czechia under article 12 (1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.

160 *Ibid.*

161 *Civil Procedure Code 1963* (No. 99/1963 Sb.), (Czech R.).

162 *Civil Code 1964* (No.40/1964 Sb.), Sections 15, 24, 30 as amended (Czech R.).

163 *Act on Social and Legal Child Protection 1999* (No. 359/1999 Coll.) as amended (Czech R.).

164 United Nations Committee on the Rights of the Child. (2018, July 13). *List of issues in relation to the report submitted by the Czech in relation to the report submitted by Czechia under article 12(1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*.

165 Ombudsman Public Defender of Rights. (n.d.). *Ombudsmanka dětem a náctiletým* [Ombudsman for children and teenagers].

There is also a list of cases dealt with by the Defender on the website which includes family and health problems, discrimination and bullying. Cybergrooming and Internet risks are briefly referred to in “other” cases.¹⁶⁶ There is no mention of exploitation of children in prostitution or trafficking, and it is unclear if addressing SEC issues falls within the functions of the Defender.

Annual reports of the Defender show no receipt of complaints related to SEC or activities of the Defender addressing SEC issues.^{167,168} Further, of the 8,191 complaints received in 2017, the report claims 32% fell outside the mandate of the Defender.¹⁶⁹ Despite the child-friendly website, most complaints concerning children are filed by parents, according to the Defender’s assistant, and nor does the office manage to deal with children’s issues in a systematic manner.¹⁷⁰ Concern over financial and technical resources available to the Defender to address SEC has been raised by the Committee on the Rights of the Child as well.¹⁷¹ To this, the government has responded that it is currently analysing “the whole system of independent protection of the rights of the child... [to consider] whether the most appropriate step is to strengthen and improve existing institutions or to establish new institutions.” Czechia remains one of the only EU countries without an ombudsperson for children at present.¹⁷²

Complaints can also be made via hotlines operating in collaboration with law enforcement authorities in the country. The Czech police’s hotline to report illegal Internet content was discontinued in May 2018 in order to develop a more effective online complaint portal, and a memorandum was signed by with STOPonline.cz to work in cooperation until the functioning of the proposed tool is established.¹⁷³ Primarily designed

for reporting CSAM, STOPonline.cz is a member of the INHOPE international association of Internet helplines enabling it to refer cases to the INTERPOL if necessary.¹⁷⁴ The web portal also takes complaints on Internet content luring children into prostitution or trafficking,¹⁷⁵ and is available in the form of a mobile application as well to allow the reporting of CSAM directly from phones and tablets without having to store it and risk violating the law from possession of the material.¹⁷⁶

Child-sensitive justice

The National Strategy of Preventing Violence against Children 2008-2018 lists “secondary humiliation” or “the abuse of children in a system designed to assist them and their families” as a form of violence.¹⁷⁷ Denying a child access to information and the right to be heard, causing a child anxiety from contact with the judicial system (such as in protracted court proceedings in which the child has to provide testimonies), unjustly separating a child from the parents, and providing inadequate aid services to child victims are provided as examples of systemic abuse to be prevented in the strategy.¹⁷⁸

To put this into practice, the Law on Victims of Crime 2013 has instated specific measures to protect children, classified as “particularly vulnerable victims”, from secondary victimization especially during interactions with Czech police authorities. The interrogation of a child must be done by specially trained police officers, in the presence of a social worker or a professional experienced with children, and must be discontinued if it adversely affects the mental state of the child. The child also has the right to prevention of contact with the perpetrator, and the right to conduct the interview in a

166 Ombudsman Public Defender of Rights. (n.d.). *Co můžu dělat, mám-li podezření, že mě někdo zneužívá přes internet?* [What should I do if I suspect somebody is abusing me?]

167 Ombudsman Public Defender of Rights. (2017). *Annual Report 2016*. Brno, Czech Republic: Public Defender of Rights; Ombudsman Public Defender of Rights.

168 Ombudsman Public Defender of Rights. (2018). *Annual Report 2017*. Brno, Czech Republic: Public Defender of Rights.

169 *Ibid.*

170 Czech News Agency. (2017, May 31). Minister: Czech Republic still lacks children’s ombudsman. *Prague Monitor*.

171 United Nations Committee on the Rights of the Child. (2018, July 13). *List of issues in relation to the report submitted by the Czech in relation to the report submitted by Czechia under article 12(1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*.

172 Czech News Agency. (2017, May 31). Minister: Czech Republic still lacks children’s ombudsman. *Prague Monitor*.

173 Police of the Czech Republic. (2018, May 24). *Ukončení provozu HOTLINE* [Terminate HOTLINE]. [Press release].

174 STOPonline.cz (n.d.).

175 STOPonline.cz. (n.d.). *Co hlásit* [What to report].

176 Better Internet for Kids. (2017, November 13). *Czech hotline introduces a new mobile app*.

177 Vaničková, E., et al. (2008). *National strategy of preventing violence against children in the Czech Republic for the period 2008-2018*. Government Office of the Czech Republic.

178 *Ibid.*

manner that makes interrogation in further proceedings unnecessary.¹⁷⁹ In a case in 2017, the Constitutional Court, citing the Convention on the Rights of the Child as superior to national laws granting the accused rights to a fair trial, read and played audiovisual recordings of the testimony of a child victim from her preparatory proceedings at the main hearing.¹⁸⁰

The Victims Act also establishes the obligation to interview children in pre-trial proceedings in facilities specifically adjusted to interview particularly vulnerable victims. All police buildings are to have special hearing rooms designed to make child victims and witnesses feel safe, with colourful furniture, toys, pictures, etc. As of 2017, 68 special hearing rooms have been set up across the country.¹⁸¹ Further, law enforcement authorities must undergo basic vocational training to learn how to communicate with victims, with special courses for those in contact with children. The Office of Criminal Police and Investigation set up a methodology in 2016 to create a nationwide unified standard for police officials working with particularly vulnerable victims. This includes texts on 'advising the child before questioning in a special interview room' and 'the role of a child in criminal proceedings'¹⁸² accompanied by instruction videos in which psychologists explain how to approach children and use interrogation aids effectively.¹⁸³

Other child-sensitive justice measures are prescribed in the Criminal Procedure Code, which protects the identity of child victims by prohibiting the disclosure of photographs, audio visual records or any information from court procedures which may enable the identification of the child. The final judgement stating the name and address of the child victim is also not allowed to be published by

news media.¹⁸⁴ A failure to observe these provisions is deemed as a criminal offence of illicit disposal of personal data, and can be punished with a fine up to a 50,000 Czech Korunas (approx. 2,200 USD).¹⁸⁵ Although all extremely vulnerable victims are entitled to receive professional assistance free of charge,¹⁸⁶ it has been found that in the case of children, the parents' or legal guardian's financial status and income are taken into account to determine if the child qualifies for free legal services.¹⁸⁷

Access to recovery and reintegration

The Programme for Support and Protection of Victims of Trafficking in Human Beings (THB) by the MOI provides medical, legal, psychological and other specialized services, and is one of the most comprehensive programmes in the country since 2003.¹⁸⁸ However, the programme assists only those victims who are EU citizens and above the age of 18.¹⁸⁹ The National Strategy for combating THB, which prioritizes combating trafficking in children, lists streamlining the programme's activities and updating its services in response to the new trends as one of its tasks for the 2016-2019 period. Yet, there are no specific task descriptions or performance indicators addressing how, or if at all, the programme will assist children.¹⁹⁰

The MoLSA is the government body responsible for providing social and legal services for children, including immediate support to victims, such as shelter, food, clothing, medical and psychological aid. However, "vulnerable" and "at-risk children" for whom programmes have been developed are defined as children with mental and physical disabilities, education problems, neglect from parental conflict and poverty. Victims of SEC

179 *Law on Victims of Crime 2013* (45/2013 Coll.), Sections 2, 17 and 20 (Czech R.).

180 Ruling of the Constitutional Court from 07/03/2017, No. I. ÚS 2655/16. as cited in Government of the Czech Republic. (2018, November 7). Replies of Czechia to the list of issues in relation to the report submitted by Czechia under article 12 (1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography. United Nations Committee on the Rights of the Child.

181 Government of the Czech Republic. (2017). *Combined fifth and sixth periodic report on compliance with obligations under the convention on the rights of the child*. United Nations Committee on the Rights of the Child.

182 *Ibid.*

183 Kalibová, K., Houžvová, M. (2014). *Victim support services in the EU: an overview and assessment of victims' rights in practice: Czech Republic*. European Union Agency for Fundamental Rights.

184 *Criminal Procedure Code 1961* (141/ 1961 Coll.), Section 8a (Czech R.)

185 *Ibid.* Section 66

186 *Law on Victims of Crime 2013* (45/2013 Coll.), Part 6 (Czech R.).

187 ECPAT International. (2016). *Barriers to Compensation for Child Victims of Sexual Exploitation*. Bangkok: ECPAT International.

188 European Crime Prevention Network. (n.d.). *Programme for Support and Protection of Victims of Trafficking in Human Beings in the Czech Republic*.

189 Department of Security Policy and Crime Prevention. (2016). *National strategy for combating trafficking in human beings in the Czech Republic for the period 2016-2019*. Prague, Czech Republic: Ministry of the Interior.

190 *Ibid.*

are not included in the definitions, nor have specialized services been developed for child victims exploited through prostitution or online abuse.¹⁹¹

Several NGOs and faith-based organisations, such as Archdiocese Charity Prague and Diaconia Evangelical Church, which provide shelter and counselling services to victims of trafficking and children at-risk receive financial support from the MoLSA.¹⁹² Crisis Centre for Children through its crisis assistance programme works with child victims of sexual assault and abuse, providing a range of psycho-social activities for families of the children as well.¹⁹³ Child victims are also eligible to receive professional assistance free of charge from the Probation and Mediation Service. Their 55 specialized counselling centres set up under the project ‘Why Me?’ offer comprehensive assistance programmes including psychosocial and legal support to “particularly vulnerable victims” under the Victims Act of 2013.¹⁹⁴

Access to compensation

There is no specific provision for compensation to victims of SEC in Czechia, but all victims have the right to compensation of damage caused by any criminal offence. Additionally, children have the right to claim compensation at the civil court for non-material harm even if the perpetrator is not found guilty of committing the offense.¹⁹⁵ Information pertaining to procedures for seeking compensation or financial assistance is provided by the Czech police. However, the information is not child-friendly, presented in a pre-drafted form with complex legal citations and web links to a general list of service providers.¹⁹⁶

Victims can seek compensation from perpetrators in civil courts. Although proceedings should be initiated three years from the date of becoming aware of the damages and identity of the perpetrator, for child victims the statute of limitations starts running only once they turn 18, and goes on for 15 years (till the age of 33). Additionally, the statute of limitations does not begin to run as long as the victim lives with the perpetrator or is under threat by the perpetrator to not report the crime.¹⁹⁷

To seek compensation from the government, child victims must initiate proceedings within two years of the date of becoming aware of the damages and the identity of the perpetrator, but no more than five years from the date the crime was committed regardless of the age of the child when the abuse occurred.¹⁹⁸ Czechia’s report to the CRC states that since the entering into force of the Crimes Victims Act in 2013, 1,177 proceedings on provision of monetary assistance have been initiated, and monetary assistance to the total amount of 29,002,634 Czech Korunas (approximately 1,261,368 USD) has been granted to 336 applicants. Data on the type of criminal offence and on how many of these cases were children could not be found.¹⁹⁹

191 Rights of the Child. (n.d.). *Podpora a rozvoj služeb v oblasti sociálně-právní ochrany dětí* [Support and development of services in the field of social and legal services].

192 Archdiocese Charity Prague (n.d.). Project Magdala.

193 Crisis Centre for Children. (n.d.).

194 Government of the Czech Republic. (2018, November 7). *Replies of Czechia to the list of issues in relation to the report submitted by Czechia under article 12 (1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.

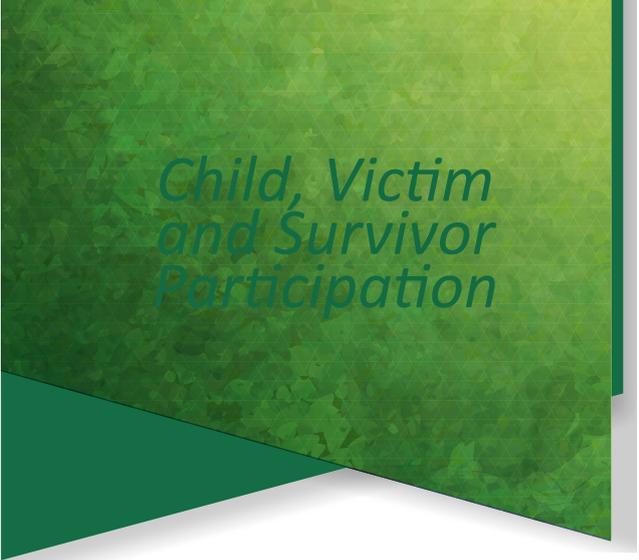
195 Government of the Czech Republic. (2018, March 20). *Report submitted by the Czech Republic under article 12(1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.

196 ECPAT International. (2016). *Barriers to Compensation for Child Victims of Sexual Exploitation*. Bangkok: ECPAT International.

197 *Ibid.*

198 *Law on Victims of Crime 2013* (45/2013 Coll.), Section 30.2 (Czech R.).

199 Government of the Czech Republic. (2018, March 20). *Report submitted by the Czech Republic under article 12(1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography*. United Nations Committee on the Rights of the Child.



Child, Victim and Survivor Participation

Children and youth participation in Czechia is encouraged nationally through strategies and programmes implemented regularly at the regional level, particularly on public issues and matters of governance.

The right of children to participate in making decisions on matters which impact them has been exercised during the drafting of the National Strategy of Preventing Violence against Children. Children in elementary schools were involved in the making of the strategy – they were asked about their experiences of facing violence, their opinion on the draft of the strategy and their suggestions on ways of effective implementation.²⁰⁰

Similarly, while formulating the Youth Strategy for the period 2014 to 2020, young people were invited to participate in the National Conference on Youth. The National Working Group for Structured Dialogue with Youth was established by the EU and led by the Czech Children and Youth Council (henceforth, the council) to enhance the involvement of young people and children in the implementation and evaluation of the strategy.²⁰¹ Dialogues with youth continue to be facilitated through a series of projects and activities at the regional level, implemented by the council and supported by grants from the Ministry of Education, Youth and Sports.

One such project is the “Kecejme do toho – Have your say” in which debates and other activities to discuss hot topics of public interest are organized throughout the school year.²⁰² Results and popular opinions emerging from these discussions are shared by the council with relevant government bodies and policy makers during planning, implementation and evaluation phases of policies to ensure quality participation of the youth in public affairs. The council’s project on inclusion which targets children with specific needs focuses on improving the participation of Roma children, through education and teacher training programmes.

Initiatives for the involvement of child victims and survivors, however, have not been prioritized. Although facilitating the inclusion of “young people with fewer opportunities” is one of the goals in the Youth Strategy 2020, the definition of the term limits it from covering victims of SEC.²⁰³ Approaches to improve opportunities for socially and economically disadvantaged children include a combination of formal and non-formal education measures to eliminate discrimination and ensure full participation and access to information and services. The strategy should therefore also extend to child victims and survivors of SEC, and specific projects to facilitate their inclusion and participation should be initiated to achieve this goal.

200 Vaničková, E., et al. (2008). *National strategy of preventing violence against children in the Czech Republic for the period 2008-2018*. Government Office of the Czech Republic.

201 Ministry of Education, Youth and Sports (2014). *National youth strategy 2014-2020*.

202 *Kecejme do toho* [Have your say]. (n.d.).

203 Ministry of Education, Youth and Sports (2014). *National youth strategy 2014-2020*.

Recommendations for Action

International and regional legislation, commitments and coordination to ending SEC

- Amend the Criminal Code to provide for a definition of exploitation of children through prostitution and to criminalize all the acts prohibited by the OPSC under this definition;
- Extend Article 187 of the Criminal Code on the criminalization of sexual intercourse with children between 15 and 18 years old;
- Amend the Criminal Code to provide for a clear definition of child sexual abuse materials and to criminalize other OCSE-related offences;
- Amend Section 193b of the Criminal Code to protect children between 15 and 18 years old from OCSE offences;
- Amend the definition of child trafficking to align with the Palermo Protocol of which Czech is a signatory;
- Enact legislation defining and criminalizing SECTT, including provisions holding the travel and tourism sector accountable for the protection of children and for prohibiting the promotion of SECTT;
- Remove all legal exceptions that allow child marriage and enact legislation criminalising forced marriage of children;
- Amend the definition of forced marriage in the relevant provisions to include all form of physical and/or emotional and psychological coercion;

- Extend the application of the personality and protection principles for extraterritorial jurisdiction to permanent residents of the Czech Republic, independently of their nationality.

National response to SEC's manifestations

- Reinststate a specific national plan for targeted action against SEC with specific goals, targets, indicators and timetables;
- Institute an inter-ministerial coordinating body to monitor and evaluate implementation of activities combating SEC, identify trends and deficiencies;
- Establish a centralized system for collecting data and sharing information among child protection service providers
- Establish the office of Ombudsperson for Children which operates independently in investigating complaints regarding SEC;
- Design and implement campaigns in areas with higher incidence of trafficking and prostitution specifically targeting vulnerable populations such as Roma communities;
- Given huge tourism numbers for Czechia, establish public prevention campaigns and train law enforcement to identify, investigate and respond to SEC in this context.

Access to justice and right to remedies for child victims of sexual exploitation

- Design and implement activities specifically aimed at victims of SEC, including victim identification, case management, psycho-social services and reintegration;
- Ensure provision of free legal services for victims of SEC independent of parent/guardian's financial status;
- Make access to compensation and information on procedures to seek it more child-friendly.

Child, Victim and Survivor Participation

- Include victims and survivors of SEC under strategic objective 10 "inclusion of children and young people with fewer opportunities" in the Youth Strategy to facilitate their participation.

Research needs and agenda

- Develop annual reports on the situation of SEC and its manifestation in the country including data collected on its different manifestations, disaggregated on the basis on gender, age, ethnicity, region; with statistics on prosecution and conviction of offenders;
- Given the significant size of tourism, including for nightlife and adult entertainment, conduct a research study to investigate potential connections between the industry and SEC.

Acronyms

| | |
|-----------------|---|
| CRC | Convention on the Rights of the Child |
| CEFM | Child Early and Forced Marriage |
| CSAM | Child Sexual Abuse Material |
| EU | European Union |
| GDP | Gross Domestic Product |
| INHOPE | International Association of Internet Hotlines |
| INTERPOL | International Criminal Police Organization |
| MOI | Ministry of Interior |
| MoLSA | Ministry of Labour and Social Affairs |
| NCOC | National Centre against Organized Crime |
| NGO | Non Governmental Organisation |
| OCSE | Online Child Sexual Exploitation |
| OPSC | Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography |
| SEC | Sexual Exploitation of Children |
| SECTT | Sexual Exploitation of Children in Travel and Tourism |
| SIC | (Czech) Safer Internet Centre |
| THB | Trafficking in Human Beings |
| VNR | Voluntary National Report |



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