

Additional submission on

“Sexual Exploitation of Children in Czech Republic”

to the first report submitted under article 12 (1) of the OPSC by the Czech Republic on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography.

Submitted by

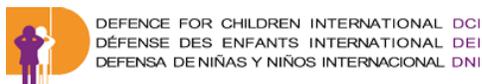
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Defence for Children International (DCI) is a leading child-rights focused and membership-based grassroots Movement, founded in 1979, the first International Year of the Child. DCI promotes and protects children's rights at the local, national, regional and international levels. DCI was one of the drafters of the United Nations Convention on the Rights of the Child (UNCRC), the most widely ratified human rights treaty in history. DCI is widely recognized as a leading NGO on issues related to justice for children.

DCI-Czech Republic was created in Czech Republic in order to promote and defend children's rights. Therefore, several actions are undertaken in the following priority issues: Juvenile Justice, Human rights and child rights education, Monitoring the implementation of the Convention on the Rights of the Child and Child participation.

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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 28 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 107 network members operating in 95 countries.

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Context of this supplementary report

1. This report is meant to supplement the information provided by Czech Republic in its first report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (UN Doc. CRC/C/OPSC/CZE/1, 23 August 2017) submitted in compliance with Article 12 of the Protocol.¹
2. In 2013, the Government of Czech Republic (GoCZ) ratified the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and thus committed explicitly to combat sexual exploitation of children (SEC). In September 2015, through the adoption of the 2030 agenda for Sustainable Development, the GoCZ re-committed explicitly to eliminate all forms of violence against children, including sexual abuse and exploitation.²
3. The purpose of this report is to provide an assessment of achievements and challenges in implementing counteractions to eliminate SEC. Recommendations made in this report are in line with the commitments made by the GoCZ to eliminate all forms of violence against children, including sexual abuse and exploitation.

Methodology and scope

4. This submission is based on the practical experience of and research by Defence for Children International – Czech Section and ECPAT International.
5. The scope of this submission is limited to SEC and its different manifestations, including exploitation of children in prostitution,³ online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),⁴ child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (SECTT)⁵ and child, early and forced marriage (CEFM).

Current status and developments of sexual exploitation of children in Czech Republic

6. The Czech Republic has an estimated population of 10.7 million which is spread throughout the country, with urban concentrations in the northern and eastern regions, where the capital and largest city of Prague lies with a population of 1.3 million.⁶ Out of a population of 10.7 million, 1.8 million are below the age of 18.⁷
7. The country is home to several ethnic groups, the largest being the Czechs who account for 63.7% of the entire population. Among the minorities are the Moravians (4.9%), the Slovaks (1.4%) and the Silesians (0.1%).⁸ This data from the 2011 national census, however, does not accurately represent the country's ethnic composition, since 26% of the population did not disclose their ethnicity.^{9,10} The majority of these belonged to the Roma ethnic group, which is estimated to be 2.8% of the total population although according to the census report it is below 1%.¹¹

8. Despite being hit repeatedly by recessions from 2009 to 2013, the Czech Republic's economy recovered in the next few years to have one of the highest GDP growth rates and lowest unemployment levels in the EU in 2017.¹² It is worth emphasizing already here that the travel and tourism industry has been a major contributor to this growth,¹³ with the number of foreign tourists surpassing 20 million in 2017, growing by an unprecedented one and a half million that year.¹⁴
9. Although the country has successfully reduced its poverty rate, members of the Roma minority are six times more at risk of poverty than non-Roma and they continue to experience structural poverty, high levels of unemployment and illiteracy due to the persistent socio-economic discrimination they face.¹⁵ This systemic discrimination manifests itself against Roma children notably through the placement of these children either in institutions,¹⁶ which can severely impair cognitive and emotional development as a result of long-term parental deprivation,¹⁷ or in 'practical' schools designed for students with development disabilities,¹⁸ which causes an estimated 72% of children from Roma communities to drop out of school early.¹⁹ This systemic discrimination has led to an increased early school leaving rate in Czechia at 6.7% which disproportionately impacts children from Roma communities,²⁰ significantly affecting their labour market opportunities while making them far more vulnerable to trafficking, sexual exploitation and abuse.²¹
10. Under Czech law, **exploitation of children in prostitution** is prohibited. Yet it happens in the country. For example, in Přeblice (located at the border of Germany), where the industrial zone and the streets leading to it are infamous for being prime areas of prostitution and are 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.²² As a result of municipal ordinances restricting its practice in public spaces,²³ in the capital and other major cities prostitution has in recent years moved away from the streets and into on-premises sex work in 'erotic clubs' and private apartments. While the services offered in clubs are more prominent, those privately offered in apartments are less visible. Advertisements online, which seldom require age verification, provide opportunities to those under age to engage in sex work.²⁴ Police records from recent years show an increase in the reported cases of children exploited in prostitution.²³ 23 cases were reported in 2016, an increase from 15 in 2015.²⁵ 19 of the 23 cases were girls, and 4 were boys. Despite the higher detection of cases only 12 were investigated and the accused prosecuted, from 2010 to 2016.²⁶ Alarming, three cases of children exploited in prostitution reported in 2016 were below the age of 3 years.²⁷
11. Internet use in Czech Republic has undergone rapid expansion in the last few years and the Czech Republic recorded one of the highest rates of daily computer use among young people in the EU in 2015 at 88%.²⁸ It is also estimated that 8 out of 10 children aged 10 to 14 years own their own smartphones.²⁹ This intensive use of the Internet and technology by children however is met with low rates of parental mediation,³⁰ who grossly underestimate the risks online.³¹ 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 (CSAM) and being exploited online**. The country has been identified as a source of CSAM, hosting the second largest number of URLs distributing CSAM in the EU.³² 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.³³ Analysis of data from calls received by the Children in Crisis helpline shows, however, that 37% of the 3,598 calls in 2017 made were to report “Internet crime including child pornography”,³⁴ indicating that the magnitude of the problem is much greater than is reflected in government statistics. Research analysing techniques of communication used by perpetrators in Czech Republic shows 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.³⁵ In 2014, an international network of CSAM producers was traced to be operating out of a small town in Czech Republic.³⁶ In this high profile case, media reported 65 to 100 children between the ages of 7 and 18 in Czech Republic 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.³⁷ 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.³⁸ Research has revealed a 41.8% increase in sexting among children between 2012 and 2017 in the Czech Republic.³⁹ While in most European countries the rate of sending or posting sexual messages in children ranges between 1% and 4%, the Czech Republic stands out at 10%.⁴⁰ Law enforcement authorities have encountered difficulties with, in terms of determining the age and whether the material was produced coercively.⁴¹

12. Czech Republic is a source, transit and destination country for children and women subjected to trafficking.⁴² According to police records, **the cases of trafficking of children were almost entirely related to sexual exploitation** through prostitution or the production of CSAM with a small proportion being for labour, particularly forced begging and theft.⁴³ The most at risk were children between the ages of 6 and 15 years.⁴⁴ Amongst victims of trafficking for sexual purposes in Czech Republic, unaccompanied children making their way towards Western Europe from Ukraine, Kazakhstan, Afghanistan and Syria are particularly at risk in Czech Republic,^{45,46} but there are also Czech citizens or nationals from east European countries such as Slovakia, Romania and Bulgaria.⁴⁷ The Czech Republic is also 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 between 2010 and 2016.⁴⁸ This can be linked to the existence of a growing market for young male sex workers, presenting a higher risk for SEC.⁴⁹ Girls and young women belonging to socially excluded communities, mostly Roma, have also found themselves to be victims of an emerging trend of trafficking, for marriage purposes, with Great Britain and Ireland as countries of destination.⁵⁰ The demand is traced most often to citizens of non-EU member states (primarily nationals of Pakistan and Bangladesh)⁵¹ and the trafficking is organized in the UK, with the assistance of Czech mediators.⁵² In many cases the victims are aware of the fraudulent 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.⁵³ Trafficking for the purpose of forced marriages has been termed as a “new form of trafficking” in the National Strategy for Combatting Trafficking in Human Beings,⁵⁴ and an amendment to the Criminal Code covering the luring of a person to another state to coerce them into marriage is currently being discussed.⁵⁵

13. As mentioned earlier, the Czech Republic's economy has benefitted from an increase in the numbers of tourists travelling to the country.⁵⁶ However, data on **children exploited in the context of travel and tourism** is scarce, as are 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 occurrences of SEC in cities most frequented by tourists. There are no concrete measures taken by the government to protect children from potential threats the upsurge in tourism presents. However, a few international private companies with operations in Czech Republic have signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.⁵⁷
14. When it comes to **child early and forced marriage**, while the minimum legal age for marriage in Czech Republic is 18,⁵⁸ children can however be married at the age of 16 with court approval.⁵⁹ Government statistics recording the occurrence of marriages below the age of 17 show 24 cases in girls in 2016.⁶⁰ This number might only reflect a limited number 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.⁶¹

General measures of implementation

Policy and overall strategy

15. The Czech Republic does not have a specific national plan of action addressing 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 2008.⁶²
16. Nevertheless, some strategies and action plans do contain specific references to SEC. Since 2008, SEC and its manifestations have indeed been linked to the wider context of violence against children, the responsibility of which has been delegated to the Ministry of Human Rights.⁶³ 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."⁶⁴
17. In addition, trafficking in children for sexual exploitation 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.⁶⁵ 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 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.⁶⁶ 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.⁶⁷

Coordination and evaluation

18. Although, as mentioned above, 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.
19. The report to the CRC Committee also reveals broader 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 to protect Children's Rights was not adopted, and efforts are being made to resolve these problems in the new strategy for the 2018-2020 period.⁶⁸

Prevention of the sale of children, child prostitution and child pornography (art. 9 (para. 1 and 2) OPSC).

Measures adopted to prevent the commission of offences prohibited by the Optional Protocol

20. As the National Strategy of Preventing Violence against Children 2008-2018 lays emphasis on developing primary prevention measures, targeted at the general public to change attitudes through education and awareness,⁶⁹ the MOI funded and promoted a series of awareness campaigns on anti-trafficking by NGOs in 2015.⁷⁰ 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.⁷¹ For 2016 to 2019, the anti-trafficking strategy has proposed creating a preventative video library of campaigns accessible to the general public, and promoting it in schools and socially excluded localities by organizing screenings.⁷²
21. To promote **online safety** among children, the Czech Safer Internet Centre (SIC) – a collaboration between the NGO National Safer Internet Centre and the government – organises the Safer Internet Day annually, involving for example children in the discussion through debates and workshops on safer Internet use,⁷³ and realizing videos targeting children and youth on “threats in the online world” such as cyberstalking and online grooming.^{74,75} Those awareness campaigns not only involve children but also the police and professionals working with children such as school teachers and psychologists, to update them on new risks and changing trends in internet usage among children.⁷⁶

22. There seem to be **no public awareness or education programmes on SECTT**, even though - considering that the Czech Republic is a hub for tourism - there is clearly a need for children to know how to protect themselves from travelling offenders.

Child, Victim and Survivor Participation

23. Children and youth participation in Czech Republic is encouraged nationally through strategies and programmes implemented regularly at the regional level, particularly on public issues and matters of governance. For example, the right of children to participate in making decisions on matters which impact them has been meaningfully exercised in the drafting of the National Strategy of Preventing Violence against Children and the Youth Strategy for the period 2014 to 2020.⁷⁷ With the “Kecejme do toho – Have your say” project, debates and other activities to discuss hot topics of public interest are organized throughout the school year.⁷⁸ Results and popular opinions emerging from these discussions are shared by the council with relevant government bodies and policy makers.
24. Initiatives for the involvement of 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.⁷⁹ 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.

Prohibition of the sale of children, child prostitution and child pornography (arts. 3, 4 (2) and (3) and 5-7 OPSC)

Existing criminal norms and regulations on SEC

25. *Exploitation of children in prostitution* - In the Czech Republic, prostitution as such is nor legal nor illegal, operating in a legal vacuum at the national level. However, municipalities have increasingly prohibited prostitution in public spaces, targeting however sex workers more than people buying sexual services.⁸⁰ The Criminal Code criminalises “*whoever induces, arranges, hires, allures, or entices another person to practice prostitution, or whoever profits from prostitution practiced by others*”,⁸¹ 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. This is regulated by the Criminal Code specifically under the title “*Seduction to Sexual Intercourse*” which sets penalties for “*whoever offers, promises, or provides monetary reward, benefits or advantages to a child or to another person for sexual intercourse with a child masturbation of a child, their indecent exposure, or other comparable conduct for the purpose of sexual satisfaction [...]*”, setting higher penalties when the child is under its fifteen.⁸² 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 consideration in exchange of sexual services. In addition, 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.⁸³ Furthermore, forced sexual intercourse or other sexual contact and the acts of forcing a person to masturbation, indecent exposure, or other comparable conduct are sentenced by

imprisonment, penalties being increased when the victim is a child.⁸⁴ 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.

26. *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 with a sentence to imprisonment for six months to three years. The Criminal Code does not criminalize the possession of child sexual abuse material for the purpose of producing, distributing, and other acts prescribed by the OPSC. However, 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 even encompass the mere possession of child sexual abuse material. 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*”. A major limitation remains however in the definition of CSAM. The Criminal Code defines child pornography 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 however 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. Nevertheless, all OCSE-related offences should be specifically criminalized for a better protection of children from child sexual exploitation. In addition, in the Czech Republic, 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. 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. New Section 193b (establishment of unauthorised contacts with a child) indeed 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”.⁸⁵ It is unfortunate however that this provision only protects children under 15 years old.

27. *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,⁸⁶ 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 Criminal Code and those prohibited by the Palermo Protocol, the latter being broader. 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.⁸⁷ There is however no definition of prostitution.

28. *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 the Czech Republic.⁸⁸ The company can be held liable if the situation is within the scope of the company's activities or in the company's interests.
29. *Child, early and forced marriages (CEFM)* - The Czech Act on Family sets the majority and the free and complete consent of the spouses as fundamental conditions to the marriage.⁸⁹ As the Civil Code of the Czech Republic establishes that the "majority shall be acquired by achieving the age of eighteen years"⁹⁰, the minimum legal age for marriage is 18. However, for important reasons, a minor above 16 might exceptionally be authorised by the judge to conclude a marriage.⁹¹ 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.⁹² Unfortunately, the Act does not specify what those important reasons might be, and this could lead to disguised child marriages. In addition, nor 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.⁹³ This definition is highly restrictive and fails to encompass all situations of forced marriage.

Extraterritorial jurisdiction and extradition law

30. 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 the Czech Republic of any citizen or stateless person residing permanently in the Czech Republic who has committed abroad acts that might qualify as offences under the Czech legal framework.⁹⁴ 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 the Czech Republic. 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 (double criminality).⁹⁵ Unlike what is recommended by the OPSC, the above jurisdictions are not applicable to cases where the supposed offender or the victim is a foreigner, not stateless, with his/her habitual residence in the territory of Czech Republic. 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 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 on the 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.

31. When it comes to extradition, the Criminal Code stipulates that no Czech nationals will be extradited.⁹⁶ For the rest, extradition is regulated by the Act on International Judicial Cooperation in Criminal Matters.⁹⁷ A fundamental condition to extradition is reciprocity. On the basis of the Act, the requirement of double criminality applies as foreigners can only be extradited provided that the offence has an upper limit of imprisonment of at least one year on the basis of Czech criminal law.⁹⁸ 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.⁹⁹

Protection of the rights of child victims (art .8 and 9 (3) and (4) OPSC)

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

32. While several helplines are operating in the country, only one was operated by the Czech police and could thus function as a **complaint mechanism**, only to report illegal Internet content however. It was discontinued in May 2018 in order to develop a more effective online complaint portal, and began working in cooperation with STOPonline.cz since then.¹⁰⁰ In addition to online material depicting child abuse, STOPonline.cz also takes complaints on Internet content luring children into prostitution or trafficking.¹⁰¹
33. In the absence of an ombudsman, this new portal seems to be the only effective complaint mechanisms specifically aimed at child victims of sexual exploitation. Indeed, while the Public Defender of Rights operates a child-friendly website, encouraging children to submit complaints on the web portal or via email on an address for children only,¹⁰² there is no mention of exploitation of children in prostitution or trafficking in the list of cases dealt with by the Defender. Only cybergrooming and Internet risks are briefly referred to in "other" cases.¹⁰³ It is thus unclear if addressing SEC issues falls within the functions of the Defender. Additionally, annual reports of the Defender show no receipt of complaints related to SEC or activities of the Defender addressing SEC issues.¹⁰⁴
34. States Parties to the CRC must adopt, according to Article 8, **appropriate measures to protect the rights and interests of child victims** of sexual exploitation at all stages of the criminal justice process. The Law on Victims of Crime 2013 has instated specific measures to protect children, classified as "particularly vulnerable victims," from secondary victimization, especially at the hands of the Czech police. 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 interrogation of a child must be done by the specially trained police officers,¹⁰⁵ 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 manner that makes interrogation in further proceedings unnecessary.¹⁰⁶ The 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.

35. Other child-sensitive justice measures are described 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. 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 50,000 Czech Korunas (USD 2,200).¹⁰⁷
36. As of 2017, 68 special hearing rooms have been set up across the country.¹⁰⁸ For police training, a methodology of questioning children in these rooms has been prepared, accompanied by instruction videos in which a psychologist explains how to approach children and use interrogation aids effectively.¹⁰⁹ Although all extremely vulnerable victims are entitled to receive professional assistance free of charge, it has been found that in the case of children,¹¹⁰ the parents or legal guardian's financial status and income are taken into account to determine if the child qualifies for free legal services.¹¹¹
37. It is worth noticing that 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. 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.
38. There is no specific provision for **compensation** to victims of SEC in the Czech Republic, but all victims have the right to seek compensation of damage caused by any criminal offence in criminal or civil courts. In civil courts, for child victims, the statute of limitations starts running only once they turn 18, and goes on for 15 years (till age 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.¹¹² 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.¹¹³ It is also possible to seek monetary assistance from the government on the basis of the 2013 Crimes Victims Act. Unfortunately, information pertaining to procedures for seeking compensation or financial assistance provided by the Czech police is not child-friendly and presented in a pre-drafted form with complex legal citations and web links to a general list of service providers.¹¹⁴

Access to recovery and reintegration

39. The MoLSA is the government body primarily 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 by the MoLSA are defined as children with mental and physical disabilities, education problems, neglect from parental conflict and poverty. Victims of SEC are thus unfortunately not included in the definition.

40. Victims of trafficking might nevertheless benefit from programmes of the MOI as well. The Programme for Support and Protection of Victims of Trafficking in Human Beings by the MOI provides medical, legal, psychological and other specialized services, and is one of the most comprehensive programmes in the country since 2003.¹¹⁵ Unfortunately, the programme assists only those victims who are EU citizens and above the age of 18.¹¹⁶
41. It appears therefore that no governmental specialized services have been developed for child victims exploited through sexual exploitation. Instead, they must count on the support of NGOs, which however have also limited scopes and capacities. The faith-based NGOs Archdiocese Charity Prague, financially supported by the MoLSA, and the Diaconia of the Evangelical Church provide shelter and counselling services to victims of trafficking and children at-risk.¹¹⁷ The NGO La Strada runs a social assistance programme offering similar services for victims of trafficking. Children's Crisis Centre through its crisis assistance programme works with child victims of sexual assault and abuse, providing a range of psycho-social activities for the families of the children as well.¹¹⁸

International Cooperation

42. As a member of the European Union, Czech Republic is a member of Europol, Eurojust, and the European Judicial Network. The latter is a network of national contact points, Czech Republic having 14 of them, for the facilitation of judicial cooperation in criminal matters between the members States of the EU.¹¹⁹ Czech law enforcements, with the support of **Europol**, have conducted several successful law enforcements missions with the aim of dismantling criminal networks, including ones involved in the sexual exploitation of children. One of those missions was for example the international law enforcement action mentioned earlier that dismantled a network of child abuse photographers. It was initiated by Czech authorities and involved six countries. It resulted in several arrests and the seizure of a large amount of child sexual abuse materials.¹²⁰
43. The Czech Republic was also among the participating countries in the **WeProtect Summit** in which the country committed itself to increasing efforts to identify victims of child sexual abuse online, and to ensure that victims receive adequate support and protection. The web portal STOPonline.cz, with who The Czech police has signed a memorandum for the elaboration of a new helpline with the portal STOPonline.cz which is a member of the INHOPE international association of internet helplines enabling it to refer cases to the INTERPOL if necessary.¹²¹

Recommendations to the GoCZ

General measures of implementation

1. Develop and implement a NPA for targeted action against SEC with specific goals, targets, indicators and timetables;
2. Institute an inter-ministerial coordinating body to monitor and evaluate implementation of activities combating SEC, identify trends and deficiencies;
3. Establish the office of Ombudsperson for Children which operates independently and has inter alia the power (or: the mandate) to investigate complaints regarding SEC;
4. Design and implement campaigns in regions with higher incidence of trafficking and prostitution specifically aiming at vulnerable populations such as Roma communities;
5. Publish 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;

Prevention

6. Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in travel and tourism and ratify the Framework Convention on Tourism Ethics of the World Tourism Organization;
7. 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;

Prohibition

8. Amend the Criminal Code to provide for a definition of child prostitution and to criminalize all the acts prohibited by the OPSC under this definition;
9. Amend Article 187 of the Criminal Code on the criminalization of sexual intercourse to protect children between 15 and 18 years old as well;
10. Amend the Criminal Code to provide for a clear definition of child sexual abuse materials and to criminalize other OCSE-related offences;
11. Amend Section 193b to protect children between 15 and 18 years old as well;
12. Amend the definition of child trafficking in order to bring it in line with the Palermo Protocol;
13. Provide clear explanations to the judiciary on the ‘important reasons’ on the basis of which minors above 16 can get married in order to combat disguised child marriage;
14. Criminalize child early and forced marriages and amend the definition of forced marriage in the relevant provisions to include all form of physical and/or emotional and psychological coercion;
15. Extend the application of the personality and protection principles for extraterritorial jurisdiction to permanent residents of the Czech Republic, independently of their nationality;

Protection

16. Design and implement activities specifically aimed at victims of SEC, including victim identification, case management, psycho-social services and reintegration;
17. Make access to compensation and information on procedures to seek it more child-friendly.

¹ Government on Czech Republic. (2018). [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](#)

² Sustainable Development Goal, Targets 5.2,8.7 and 16.2

³ ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016", Bangkok: ECPAT, 29, <http://luxembourgguidelines.org/>.

⁴ ECPAT prefers the term 'child sexual exploitation material' or 'child sexual abuse material' over the often in legal context still used 'child pornography' in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016", 39.

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