

## TEMPLATE POLICY PAGE

Category:	Sexual Crime
Country:	Czech Republic
Year:	/

<b>policy page:</b>	<p><b>A. Trafficking in Human Beings</b></p> <p>The increase in human trafficking in the Czech Republic was observed in the early 1990s when women from the Eastern Europe started to be trafficked from Eastern into Western Europe. During 1990s there was a decrease in the share of the Czech Republic as a source country for human trafficking. The Czech Republic gradually became (thanks to its economic standards and vicinity to Germany and Austria) an attractive target country.</p> <p>Human trafficking for the purpose of sexual exploitation and organizing prostitution involves activities of predominantly Russian-speaking and Bulgarian groups of organized crime which operate in the whole Czech Republic, mainly in northern and western Bohemia, in southern Moravia and in Prague. There is an increase in the number of Vietnamese and Chinese offenders; Czech nationals of Roma origin participate significantly in the domestic trade.</p> <p>The Czech Government approved in 2008 the <i>National Strategy of the Fight against Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic</i> (hereinafter <i>Strategy</i>). The issue of forced prostitution and human trafficking has been also included among the priorities of the Strategy of Crime Prevention for the years 2008 - 2011 (approved by the Government resolution no. 1150/2007).</p> <p>In order to execute the <i>National Strategy</i> an Action Plan of Tasks was drawn up directing its measures in prevention, sanctions and at improving the position of trafficked victims. The Government charged the Ministry of Interior as a “national reporter”, responsible for analytical and conceptual activity) to assess and update the <i>National Strategy</i> after two years.</p> <p>The National Strategy of the Fight against Trafficking in Human Beings for the period of 2008 - 2011 contains all available information about the situation in human trafficking in the Czech Republic and provides a survey of the measures taken in the past two years.</p> <p>For more information see enclosure <b><i>National Strategy of the Fight against Trafficking in Human Beings (for the period of 2008 - 2011)</i></b> in link <i>Prostitution and Trafficking policy page</i></p> <p><b>C. National Strategy of Preventing Violence Against Children in the Czech Republic for the period of 2008 - 2018</b> (with the ActionPlan of realization of <i>National Strategy for 2009-2010</i>)</p> <ul style="list-style-type: none"><li>- The main prevention strategy material in the Czech Republic, witch replace previous National plan on the fight against commercial sexual exploitation of</li></ul>
---------------------	---

children for 2006 – 2008 (thereinafter Plan), concerning every forms of violence against children, not only sexual and commercial sexual abuse of children, but they also government program regarding preventive activities related to other sexual crimes and rehabilitation of victims.

The National Strategy of Preventing Violence Against Children in the Czech Republic (thereinafter Strategy) complies with the recommendations of the World Report on Violence Against Children, and aims to remove the fragmentation of primarily preventive programmes, thus helping to increase their effectiveness. It identifies 7 main tasks, to be fulfilled through the National Action Plan which will define specific objectives. By developing the Strategy, the Czech Government implements the recommendations of the World Report on Violence Against Children, and delegate's coordination on the Minister for Human Rights and National Minorities. It creates a conceptual framework for coordinating the activities of all the ministries and other central state administration bodies aimed at preventing.

The Strategy followed on the Plan which was regularly updated. It includes long-term legislative, organizational, technical and educational tasks and steps of preventive nature, focusing principally on:

- Continuous education and prevention (human rights and sexuality agenda in all types of schools as a tool for prevention of social-pathological behavior);
- Protection of victims and witnesses and re-socialization of victims;
- Treatment of perpetrators;
- Developing a standardized approach of specialists to sexually abused child;
- Special courses for police and judges on sexual violence victims and perpetrators, methods of cross-examination;
- Street work in high-risk localities;
- Leisure activities for children.

The Ministry of Interior coordinates the work of other ministries involved in fight against commercial sexual abuse (Ministry of Health, Ministry of Labor, and Ministry of Education etc.) and main NGOs. To make their work more effective, there are regular round-tables where representatives of public administration, NGOs, Police and academics meet with the aim to inform others about their activities and prospects. On the basis of continuous analysis and round-tables, the schemes are directed for joint coordinated action.

## **Tasks for 2008 – 2018**

### **1. Prevention, research, education**

#### **A. Children**

- Better access and quality of spare-time activities for children;
- Creating a climate of equal partnership in schools and at workplaces, and respectful social communication;
- Education for human rights, multicultural, sexual education in all school levels, information on risk behavior on the Internet.

#### **B. Parents**

- Supporting the development of parental competencies;
- Making out effective methods for wide spreading knowledge on all pathological phenomena endangering children (sexual abuse, child prostitution, risks of using Internet, antisocial behavior etc)

#### **C. Specialists**

- Trainings for police on modern examination of children;
  - Using special hearing rooms for child victims and witnesses (child friendly environment)
- D. Media
- Awareness raising about the importance of sensitive information about the child victims of crime.
- E. Offenders and potential offenders
- Implication of new methods for sexual offenders in prison, risk assessment and their re-socialization.

## **2. Research**

Prepare and realize research concerning:

- Reasons for commercial sexual exploitation of children (child trafficking, pornography and prostitution);
- Typology of victims and offenders;
- Reasons for latency of sexual abuse of children.

## **3. Awareness**

New campaign about sexual exploitation aimed on children between 6 – 16 years; the poster will be placed in all Czech Tesco stores and in cinemas.

## **4. Removal of cause of commercial sexual exploitation of children**

Developing a complex system of care for children leaving child homes and institutional homes.

## **5. Fighting the commercial sexual abuse of children**

- Establishing specialization of judges for crimes committed at and by children and youth;
- Establishing provision of Penal Code to make Mere possession of child pornography punishable.

## **6. Removal of consequences of commercial sexual abuse of children**

- Improve the system of free assistants helping to child victims and witnesses acting in legal process.

## **7. Systematic and organizational measures**

- Establish an ombudsman for child rights as an advisory body for Czech government;
- Establish the specialist for abused and neglected children within local authorities;
- Unify the process for dealing with minors - foreigners without adult company;
- Arranging education seminars for police officers which are using special hearing rooms for child victims and witnesses.

## ***D. Priorities and Procedures for Promoting Gender Equality***

The Czech Government began addressing the issue of violence against women in 1998 by asserting the equality of men and women, when the Minister of Labor and Social Affairs submitted the document called [Priorities and Procedures for Promoting Gender Equality](#) to the Czech Government.

Although this material deals mainly with gender issue and equal opportunities, it consists of domestic violence aspects and also of sexual crime prevention.

## **2. Treatment programmes for possible/real victims and perpetrators of sexual violence**

In addition to the work of Probation and Mediation Services (an agency within Ministry of Justice), the CZ government financially supports NGOs working in the field of primary, secondary and tertiary prevention and assistance to sexual crime victims and perpetrators.

Victims of sexual crime could seek psychological counseling through a number of hotlines and crisis centers in all regions. Government reports that more than 100 government-supported shelters for such crime victims (focused also to domestic violence victims) are located in most major cities and towns but according NGOs still more is needed to meet the demand.

NGOs also provide medical and social assistance to women on a local level.

Important input into the system of crime prevention in the CR is the *Programme of prevention of crime on the local level*, which has successfully developed thanks to the government subsidies to local municipalities. The prevention network draws on mutual exchange of information and on personal relationship of the people involved.

In relation to sexual crime, improvement of human resources' competences, acquisitions and communication skill is also taking place, especially:

- Improvement of methods in detecting and investigating crimes - establishing special interviewing rooms for child victims and witnesses of crime for use of Police of the Czech Republic /20 rooms all over Czech Republic/ ;
- Enforcement of specialization within police forces in child and youth crime (trainings and seminars).

## **3. Involvement of various ministries in sexual crime prevention**

There are various ministries that support primary, secondary or tertiary social prevention of sexual crime through their programmes and from their budgets, e.g.:

### **Ministry of Interior**

- Prevention of violent crimes;
- Primary prevention projects (after-school activities and education);
- Secondary prevention projects (system of early intervention) and follow-up projects for juvenile offenders;
- Projects focusing on prevention of violence against women and children, launching under the EU program Daphne;
- Support of victims of crime – hearing rooms for child victims and witnesses of crime;
- Care for child and youth offenders (government decree No. 1032/1999) - deals with effective working of state authorities when children perpetrate a crime;

- Crime Prevention at Local Level Programme – from 1996, financial support of primary, secondary and tertiary crime prevention projects, including prevention of sexual crimes and victim counseling, support for the enlargement of the shelters' network etc.

#### **Ministry of Education, Youth and Sport**

- Motivating teachers to announce to respective authorities suspicions of child sexual abuse (“Cooperation between schools and Police regarding prevention and investigation crimes committed at/by children and youth” guidelines were issued);
- Psychological consulting rooms - counseling for sexually abused children and youth and treatment for children displaying negative attitudes in sexual behavior;
- Concept of prevention of socially pathological behavior at schools and other institutions of learning up to 2007;
- Support free-time activities for children and young people both members / non-members of sports and other clubs;
- Support NGO activities and their involvement in the regular Programmes of the Ministry;
- Programmes to support cooperation of schools with parents and the public.

#### **Ministry of Health**

- Continue developing the network of emergency hotlines;
- Maintain the recommended procedure for general practitioners should they suspect sexual violence or syndrome of molested and abused child;
- Promote new programmes of social prevention targeted at violence against children and women;
- System of targeted community care to improve prevention of abuse of individuals or groups at risk (children, the elderly, mentally challenged etc.);
- Become involved in programmes to prevent violence against children, the youth and women under the EU “Daphne”.

#### **Ministry of Labor and Social Affairs**

- Enforcement of social-legal protection of child and preventive activities regarding sexually exploited children;
- In the light of general priorities for the given periods, the Ministry shall support NGOs proving prevention of socially pathological behavior.

#### **Ministry of Justice**

- Support the Probation and Mediation Service in its effort for improvement of state and reintegration of sexual offenders.

#### **Czech Prisons**

- Responsible for observance of conditions of detention of sexual offenders and imprisonment set down by the law;
- Continuously deal with convicts and detainees of sexual crime by means of treatment programs to create prerequisites for them to live as law abiding citizens after release;
- Prevention and detection of criminal activities of sexual offenders in detention and imprisonment;
- Accomplish research in the field of penology and use the findings for purposes of detention and imprisonment.

	<p><b>CZ Police</b></p> <ul style="list-style-type: none"> <li>• Crime Prevention Units – development of preventive programmes for general public and schools in its respective localities;</li> <li>• Specialist for juvenile crime and crime on juveniles within Criminal Investigation Service – establishing such specialist help to reach a high level of professionalism among criminal police in order to minimize secondary victimization of child victims.</li> </ul>
<p><b>Relevant legislation:</b></p>	<p>The general policy regarding prevention and dealing with consequences of sexual crime can be found in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <u>Various acts</u> <ul style="list-style-type: none"> <li>- <u>Probation and Mediation Services Act 257/2000 Coll.</u>,</li> <li>- <u>Social Services Act 108/2006 Coll.</u>,</li> <li>- <u>Prison Service and Judicial Guard of the Czech Republic Act 555/1992 Coll. etc.</u></li> </ul> </li> <li><input type="checkbox"/> <u>Government decrees</u> <ul style="list-style-type: none"> <li>- <u>National Conception of Family Politics 1305/2005</u></li> <li>- <u>State politics towards children and youth up to 2007 343/2003</u></li> </ul> </li> <li><input type="checkbox"/> <u>Resort measures issued by:</u> <ul style="list-style-type: none"> <li>- Ministry of Interior (National Strategy of the Fight against Trafficking in Human Beings for the period 2008 - 2011 /see MS Policy page – Prostitution and trafficking for sexual exploitation/)</li> <li>- National Strategy of preventing Violence Against Children in the Czech Republic for the period of 2008 – 2018 (with the Action Plan of realization of Strategy for 2009-2010).</li> <li>- Ministry of Labour and Social Affairs (<u>Conception of Care for Endangered Children and Children living Away from Their Family 1180/2006</u>),</li> <li>- Ministry of Education (<u>Preventive Strategy of Socialpathological Behaviour of Children and Youth for term 2005 – 2008</u>), etc.</li> </ul> </li> </ul> <p>The Criminal Code (Act 40/2009 Coll.) sets penalties for crimes relating to sexual violence covering only the most serious incidents. The legislation contained herein is not always an official translation of the law. Whilst every care has been taken to ensure accuracy, no guarantee is given that the material is free from error or omission. Judicial decisions and amendments may have affected the validity of the laws included.</p> <p>Possessing child pornography is unlawful from 2007. New Criminal Code take effect from 1st January 2010.</p> <p style="text-align: center;"><b><u>Ages for legal purposes</u></b></p> <p><b>Age of simple majority</b> - The legal age of majority is eighteen (18) years.  <b>Age of criminal responsibility</b> – The legal age of criminal responsibility is fifteen (15) years.  <b>Age of consent for sexual activity</b> - The legal age of consent for sexual activity is fifteen (15) years.  <b>Age of consent for marriage</b> - The legal age of consent for marriage is eighteen (18) years.</p>

### **Section III: Sexually motivated crimes against human dignity**

#### **§ 185 Rape**

- (1)** A person who forces another person or makes another person under duress or under the threat of a serious damage to have a sexual intercourse or who may abuse the helplessness of other person to make the person have a sexual intercourse, shall be sentenced to six months to five years of imprisonment.
- (2)** A person who commits the crime stipulated in paragraph (1) shall be sentenced to two to five years of imprisonment, should the hereinabove crime be committed
- a) by ways of having a sexual intercourse or any other intercourse comparable to the sexual intercourse,
  - b) with a child, or
  - c) using a weapon.
- (3)** The sentence of five to twelve years of imprisonment shall apply to a person who,
- a) commits the crime stipulated in paragraph (1) against a minor under the age of fourteen,
  - b) commits the crime stipulated in paragraph (1) against a person in a detention facility, a prison, a protective treatment facility, a delinquent youth institution, or any other facility which limits personal freedoms, or
  - c) causes by his crime a serious bodily damage.
- (4)** The sentence of ten to sixteen years of imprisonment shall apply to a person who causes by his crime stipulated in paragraph (1) the death of the victim.
- (5)** Preparation of the crime is punishable.

#### **§ 186 Sexual Coercion**

- (1)** A person who forces another person or makes another person under duress or under the threat of a serious damage to a sexual self-abuse, denuding, or any other comparable activity, shall be sentenced to six months to four years of imprisonment or to or a ban on activities.
- (2)** The same sentence shall apply to a person who makes another person have a sexual intercourse, or to perform a sexual self-abuse, denuding, or any other comparable activity having abused the person's helplessness, dependency, or trust and influence related to one's own position.
- (3)** The sentence of one to five years of imprisonment shall apply to a person who commits the crime stipulated in paragraph (1) or (2)
- a) against a child, or
  - b) at least with two persons.
- (4)** The sentence of two to eight years of imprisonment shall apply to a person who
- a) commits the crime stipulated in paragraph (1) using a weapon,
  - b) commits the crime stipulated in paragraph (1) or (2) against a person in a detention facility, a prison, a protective treatment facility, a delinquent youth institution, or any other facility which limits personal freedoms, or
  - c) commits such crime as a member of an organized group.

- (5)** The sentence of five to twelve years of imprisonment shall apply to a person who
- a) commits the crime stipulated in paragraph (1) against a minor up to the age of fourteen, or
  - b) causes by his crime a serious bodily damage.

**(6)** The sentence of ten to fifteen years of imprisonment shall apply to a person who, who causes by his crime stipulated in paragraphs (1) or (2) the death of the victim.

**(7)** Preparation of the crime is punishable.

### **§ 187 Sexual abuse**

**(1)** A person who has a sexual intercourse with a minor up to the age of fourteen or who otherwise sexually abuses such minor shall be shall be sentenced to one to eight years of imprisonment.

**(2)** The sentence of two to ten years of imprisonment shall apply to a person who commits the crime stipulated in paragraph (1) against a minor up to the age of fourteen entrusted in his custody and having abused the minor's helplessness, dependency, or trust and influence related to one's own position.

**(3)** The sentence of five to twelve years of imprisonment shall apply to a person who causes by his crime stipulated in paragraph (1) a serious bodily damage.

**(4)** The sentence of ten to sixteen years of imprisonment shall apply to a person who causes by his crime stipulated in paragraph (1) the death of the victim.

**(5)** Preparation of the crime is punishable.

### **§ 188 Incest**

A person who has a sexual intercourse with a close relative or a sibling shall be sentenced to maximum three years of imprisonment.

### **§ 189 Pandering**

**(1)** A person who forces, arranges for, hires, entices or seduces another person to engage in prostitution or who profits from prostitution of another person shall be sentenced to six months to four years of imprisonment or forfeiture of property or other valuables.

**(2)** The sentence of two to eight years of imprisonment shall apply to a person who commits the crime stipulated in paragraph (1) a) with the intention to generate substantial profit for himself or for another person, or b) as a member of an organized group.

**(3)** The sentence of five to twelve years of imprisonment or forfeiture of property shall apply to a person who causes by his crime stipulated in paragraph (1) a serious bodily damage.

**(4)** The sentence of five to fifteen years of imprisonment or forfeiture of property shall apply to a person, who causes by his crime stipulated in paragraph (1) the death of the victim.

### **§ 190 Prostitution compromising morals of minors**

**(1)** A person who engages in prostitution in the vicinity of a school or any other education facility or a place which is designed for children to stay or play, shall be sentenced to maximum two years of imprisonment.

**(2)** A person who organizes, supervises or otherwise facilitates prostitution in the vicinity of a school or any other education facility or a place which is designed for children to stay or play, shall be sentenced to maximum three years of imprisonment, or a ban on activities, or forfeiture of property or other valuables.

**(3)** The sentence of six months to five years of imprisonment shall apply to a person who commits the crime stipulated in paragraph (1) or (2)

- a) at least at two such locations, or
- b) repeatedly.

### **§ 191 Dissemination of pornography**

**(1)** A person, who produces, imports, exports, transits, offers, makes publicly available, facilitates, circulates, sells or otherwise furnishes pornography, be it a photograph, a video recording, or a computer or electronic production which depicts violence or disrespect of a human being or which describes, pictures, or otherwise illustrates zoophilia shall be sentenced to a maximum one year of imprisonment, or a ban on activities, or forfeiture of property or other valuables.

**(2)** A person who

- a) offers, gives, or makes available to a minor, or
- b) displays or otherwise makes available at a place which is accessible for children, pornography, be it a photograph, a video recording, or a computer or electronic production or another production shall be sentenced to maximum two years of imprisonment, or a ban on activities, or forfeiture of property or other valuables.

**(3)** The sentence of six months to three years of imprisonment shall apply to a person who commits the crime stipulated in parag. (1) or (2)

- a) as a member of an organized group,
- b) using the printed matter, film, radio, TV, publicly accessible computer network, or any other similarly efficient communication medium, or
- c) with the intention to generate substantial profit for himself or for another person.

**(4)** The sentence of one to five years of imprisonment shall apply to a person who commits the crime stipulated in paragraph (1) or (2)

- a) as a member of an international organized group, or
- b) with the intention to generate substantial profit for himself or for another person.

### **§ 192 Production and handling of child pornography**

**(1)** The person who possesses a photograph, a video recording, a computer or electronic production, or any other pornography featuring or otherwise abusing a

minor shall be sentenced to maximum two years of imprisonment.

**(2)** A person, who produces, imports, exports, transits, offers, makes publicly available, facilitates, circulates, sells or otherwise furnishes a photograph, a video recording, a computer or electronic production, or any other pornography featuring or otherwise abusing a minor, or profits from such pornographic production, shall be sentenced to six month to three years of imprisonment, or a ban on activities, or forfeiture of property or other valuables.

**(3)** The sentence of two to six years of imprisonment or forfeiture of property shall apply to a person who commits the crime stipulated in paragraph (2)

- a) as a member of an organized group,
- b) using the printed matter, film, radio, TV, publicly accessible computer network, or any other similarly efficient communication medium, or
- c) with the intention to generate substantial profit for himself or for another person.

**(4)** The sentence of three to eight years of imprisonment or forfeiture of property shall apply to a person who commits the crime stipulated in paragraph (2)

- a) as a member of an international organized group, or
- b) with the intention to generate substantial profit for himself or for another person.

#### **§ 193 Abuse of a minor in order to make pornography**

**(1)** A person who forces, arranges for, hires, entices, seduces or abuses a minor in order to make pornography or has profit for the minor's participation in such pornography, shall be sentenced to one to five years of imprisonment.

**(2)** The sentence of two to six years of imprisonment shall apply to a person who commits the crime stipulated in paragraph (1)

- a) as a member of an organized group, or
- b) with the intention to generate substantial profit for himself or for another person.

**(3)** The sentence of three to eight years of imprisonment shall apply to a person who commits the crime stipulated in paragraph (1)

- a) as a member of an international organized group, or
- b) with the intention to generate substantial profit for himself or for another person.

#### **Trends:**

##### **Crime trends**

The Czech law prohibits rape and various sexual crimes, and the government effectively enforced these provisions in practice. Police continues to train a few specialized personnel in handling cases of sexual violence and working with social service agencies. The government provided police and other professionals with training materials to better identify cases of sexual abuse.

Many Czech experts consider rape and other sexual crimes dramatically underreported. Although the number of investigations and convictions declined slightly from 2004, experts noted an upward trend in the number of rape convictions since 2001, which they attributed to improved police training, public awareness campaigns, and greater interactions and cooperation of police with NGO's, all of which have gradually facilitated victim's willingness to report the crime and to testify in court.

## Statistics: Immoral Offence Review 2005 – 2009

	Year	Prosecuted and suspected individuals				
		Total	Men	Women	Foreigners	Habitual offenders
Sexual abuse of person in dependence	2005	69	67	2	1	24
	2006	69	67	2	2	23
	2007	55	54	1	3	21
	2008	59	57	2	0	21
	2009	58	58	0	3	22
Sexual abuse -other	2005	590	564	26	30	122
	2006	494	461	33	16	114
	2007	516	481	35	21	124
	2008	527	494	33	29	98
	2009	520	493	27	12	110
Commercial Form of sexual abuse in dependence	2005	1	1	0	0	0
	2006	1	1	0	0	1
	2007	1	1	0	0	1
	2008	2	2	0	0	0
	2009	2	2	0	0	0
Commercial form of sexual abuse -other	2005	5	5	0	1	0
	2006	2	2	0	0	1
	2007	1	1	0	1	0
	2008	3	3	0	0	1
	2009	2	2	0	0	1
Endangering of morality*	2005	15	14	1	1	3
	2006	34	32	2	2	4
	2007	13	12	1	0	1
	2008	-	-	-	-	-
	2009	-	-	-	-	-
Human trafficking	2005	18	14	4	5	5
	2006	11	9	2	5	3
	2007	20	15	5	7	4
	2008	22	14	8	5	8
	2009	32	27	5	14	12
Pandering	2005	119	81	38	17	29
	2006	98	62	36	18	36
	2007	66	38	28	9	23
	2008	88	58	30	34	22
	2009	35	22	13	2	17

\* from 2008 ranked below other category

### Contacts:

#### National organisations:

#### State organizations:

[Probační a mediační služba ČR](#) (Probation and Mediation Services)

- Mediation in resolving social problems related to crime, reintegration of offenders into the society

[Vězeňská služba](#) (Prison Services)

- Pre-trial detention and imprisonment

**NGOs:**

[Sdružení Linka bezpečí pro děti](#) (Safety Helpline Association)

- Phone helpline for children in need

[Bílý kruh bezpečí](#) (White Circle of Safety)

- Victim Support in the Czech republic

[Nadace Naše Dítě](#) (Our Child Foundation)

- Helping children in a crisis or difficult life situations, nationwide crisis Safety Hotline for children

[proFem o.p.s.](#)

- Consultation Centre for Women Issue Projects

[Dětské krizové centrum](#) (Child Crisis Centre)

- CAN Syndrome, Therapy and Prevention

[La Strada](#)

- Assisting victims of human trafficking, influencing relevant legislation

[Česká katolická charita](#) (Czech Catholic Charity Association)

- Help to victims of violence, trafficking and prostitution

[Rozkoš bez rizika](#) (Bliss without Risk)

- Prevention and healing of sexually transmitted diseases

[Dům Šance](#) (House of Chance)

- Street work for homosexual boy prostitutes in Prague

[Poradna pro občanství, občanská a lidská práva](#) (Counselling Centre for Citizenship, Civil and Human Rights)

- Protection of civil and human rights in prisons and psychiatric institutions

**Completed template to be sent to the EUCPN Secretariat at [eucpn@ibz.eu](mailto:eucpn@ibz.eu).**

\* from 2008 ranked below other category