



Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

CZECH REPUBLIC



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

CBO: Community-based organisation

CIS: Commonwealth of Independent States

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

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

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

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

ENYA: Ecumenical Network for Youth Action

EU: European Union

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

ICTSD: International Centre for Trade and Sustainable Development

ILO: International Labour Organization

ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour

INGO: International non-governmental organization
INHOPE: International Association of Internet Hotlines
IOM: International Organization for Migration
ISPs: Internet Service Providers
IT: Information technology
MoU: Memorandum of Understanding
NGO: Non-governmental organization
NPA: National Plan of Action
OSCE: Organisation on Security and Cooperation in Europe
QCS: Quality of care standards
STIs: Sexually transmitted infections
UN: United Nations
UNDP: United Nations Development Programme
UNESCO: United Nations Educational, Scientific and Cultural Organisation
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations Children's Fund
UNIFEM: United Nations Development Fund for Women
UNOHCHR: United Nations Office of the High Commissioner for Human Rights
WHO: World Health Organization
WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

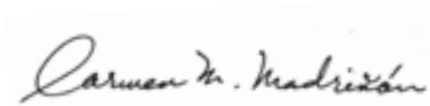
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organisations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of


the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



CZECH REPUBLIC

The prostitution of children in the Czech Republic has reportedly decreased in the last few years, partly due to the strengthening of the social security system and protection measures. The problem is now more evident in Prague, where the situation remains unchanged, particularly in railway stations.¹ On the other hand, the prostitution of boys is increasing, apparently connected to a growing drug problem, as many boys become involved in prostitution or pornography to finance their addiction.² Prostitution of children is particularly problematic in large urban centres, and in the border areas near Germany and Austria³ because of sex tourism, as clients can easily cross the border to exploit children sexually.

However, child sex tourism (CST) now occurs to a much lesser extent than it did a few years ago. The situation began to improve after the Czech Republic became a member of the European Union and law enforcement was considerably strengthened in the border areas. At present, child sex tourism seems to be more related to the prostitution of boys, as older men from Scandinavia, Britain, Germany and Austria are travelling to the Czech Republic with the intention of sexually exploiting boys in particular. In addition, many young boys travel abroad for short periods with, among others, tourists from Austria, Germany and Greece.⁴ Very few Czech citizens are involved in CST abroad.

Child prostitution in the German-Czech border regions

The commercial sexual exploitation of children (CSEC) has increased substantially since 1996 in the German-Czech border regions, fuelled by tourism development. A large percentage of these children come from disadvantaged families or have unemployed parents, and are made to contribute to their family's income. Many of them have previously been raped or sexually abused. The pimps are often family members or acquaintances of the children, or their mothers are prostitutes themselves. Elder children who have been prostituted for quite some time are used as chaperones to initiate the younger ones.⁵

In terms of trafficking in children, over the past decade the Czech Republic has gradually changed from being a sending country to a transit and receiving one - a trend confirmed by the Ministry of the Interior.⁶ A number of Czech children are also trafficked to the border regions for sexual purposes, and sometimes from there to Germany.⁷ Some girls may also cross the border with pimp in taxis, trains or buses for a weekend or longer periods. At the same time, due to increased law enforcement efforts, including police training on the issue, trafficking in children for sexual purposes also seems to have decreased in the last few years. According to local non-governmental organization (NGO) the Ecumenical Network for Youth Action (ENYA - the ECPAT group in the country), women, rather than children, are trafficked into the country for sexual purposes, while the internal trafficking in children usually takes place for purposes other than sexual exploitation.

Many children who are sold into prostitution come from the Roma community, and some large Roma family clans are often involved in trafficking operations;⁸ these include Slovakian Roma children who remain in the Czech Republic and are used in prostitution. Many such children do not benefit from legal protection since they have no citizenship.⁹

On the other hand, the production of child pornography, as well as the hosting of related websites, is growing considerably in the country. According to the NGO KARO, children involved in street prostitution are asked quite often whether they would agree to take part in the production of pornographic materials. Several transnational child pornography rings have been detected in the past years, and local organisations report that every two or three weeks there is news about arrests or prosecutions of individuals engaged in child pornography, or of websites being closed down. While law enforcers have been making considerable efforts to keep up with this increase, the involvement of the information technology (IT) industry – which is essential if this problem is to be tackled properly – has yet to be developed.

Marked increase in the production of child pornography

In 2003 a Leipzig agency trading in pornographic images of young girls was discovered. It offered photographs over the Internet to paedophile members of a worldwide network. The owner confessed to undercover TV reporters via hidden cameras, that he had often taken photos of underage Czech girls (Leipzig being close to the border) and had also taken the girls for filming sessions over the border.¹⁰

The Czech Republic adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

The country's first *National Plan of Action against the Commercial Sexual Exploitation of Children*, covering the period of 2002-2004, created an institutional and conceptual framework for coordinated action on the part of government authorities and ministries. The Plan's strategy also involved systematic cooperation with NGOs.¹¹ With a strong focus on improving legislative tools to eliminate CSEC,¹² the Plan called for the effective prosecution of offenders, faster identification of victims and enhancement of protection and rehabilitation mechanisms.¹³ It also addressed the need to expedite the tracking and closure of child pornographic websites.¹⁴ Progress has been achieved, particularly in the field of new legislative measures. For instance, the *Criminal Code* was amended, criminalising the possession of child pornography and broadening the scope of trafficking as a crime from trafficking in women to trafficking in human beings.¹⁵

The current NPA, covering the period of 2004-2006, seeks to reinforce the measures stipulated in the previous plan. It also focuses on improving cooperation among government authorities, and on initiating new activities in relation to awareness-raising and prevention of CSEC.¹⁶ Furthermore, the new NPA required the Minister of Information Technology to include, in the new *Telecommunications Act* (effective May 2005), a clause extending the period for which Internet service providers (ISPs) must keep data related to telecommunication services, particularly data identifying subscribers. This has greatly facilitated the investigation of cases of distribution of child pornography via the Internet.

In addition, the July 2003 *National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic* called for the development of prevention, information and educational campaigns; the prosecution and punishment of traffickers on a consistent basis; the development of a victim support programme; and improvements in international cooperation. However, this strategy paper fails to mention children directly as victims of trafficking for sexual purposes, and the planned victim support programmes focus on adult women only.¹⁷

COORDINATION AND COOPERATION

Local and National Level

More attention must be given to improving coordination at local and national level. NGOs dealing with CSEC-related issues still tend to work in isolation and only La Strada (Ukraine) works systematically with the police. They have now agreed to take steps to work more closely together, following a joint training organised in 2005 by the ECPAT Europe Law Enforcement Group. At the same time, collaboration with relevant ministries and social departments also needs to be strengthened. Furthermore, the Czech Republic lacks an independent statutory body with a mandate to promote, protect and monitor the implementation of children's rights. Establishing a focal point for combating CSEC is also required.

The online forum¹⁸ set up by ENYA enables individuals and organisations working on children's rights to share their experiences as well as resources and strategies.¹⁹

Regional and International Level

Cooperation at regional and international level has focused strongly on joint law enforcement efforts, particularly near the border areas. This has had a marked impact in reducing child trafficking and child sex tourism. Judicial cooperation and training of judicial personnel would further enhance such successful efforts, as conviction rates remain very low.

In 2002, the German-Czech-Polish 'Tri-national Working Group' was established in Prague to intensify cooperation against child prostitution and trafficking.²⁰ The working group involves the Ministries of Internal Affairs of each country, NGOs and law enforcers, and such collaboration has produced tangible results in terms of law enforcement, as well as prevention.

Bilateral cooperation to combat child trafficking and prostitution has also been established with the Federal Republic of Germany, where border controls are regularly carried out by mixed units of Czech and German (Bavarian/Saxony) border police. This cooperation also appears to be working well.

At the same time, according to a study conducted by the ECPAT Europe Law Enforcement Group,²¹ international police contacts through Interpol Prague are far from satisfactory.

Improved cooperation against child pornography

Cooperation to combat criminal activities related to child pornography has improved in the last few years, and many more convictions are being made. A workshop was organised in 2003 by the Ministry of Interior and the British Embassy, on software designed to assist in identifying child pornography distributors on the Internet.

PREVENTION

There are very few initiatives to prevent CSEC in the country and they are mostly conducted by NGOs. This is an area that requires urgent attention to address the various manifestations of CSEC in the country.

Since 1997, ENYA has been implementing the 'Out of the Shadows - Into the Rainbow' programme to address trafficking, forced prostitution and the sexual abuse of children in Eastern and Central Europe. Each year, one or two interactive training seminars take place with the participation of young women and men. ENYA has also developed specialised peer-to-peer leadership programmes promoting the full inclusion of young people in the fight against CSEC: 120 young people have been trained over the past 3 years, which has helped to reduce the number of young people entering prostitution after leaving state institutional care or prison facilities. In addition, ENYA works with boys involved in homosexual prostitution, after they are taken to detention centres.²² In 2005, ENYA also conducted training for police academy officers, social workers and NGOs under the ECPAT Europe Law Enforcement Group's Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes, in cooperation with its twinning partner, Respect, the ECPAT affiliate in Austria.

La Strada, together with the International Organization for Migration (IOM), runs a public programme to prevent children from being victimised by trafficking. La Strada also operates an information hotline and an SOS hotline for victims (and potential victims), which also target children.²³ In addition, the NGO conducts interactive seminars at schools,

where a booklet of frequently asked questions is provided. Nevertheless, these prevention programmes focus mainly on exploitation and re-trafficking in women in general, with no specific focus on children.

Not enough prevention on child pornography

The number of prevention initiatives tackling child pornography remains inadequate. A few isolated examples include a set of recommendations for the 'Safe Use of the Internet', developed by the Ministry of Education, Youth and Sports and made available on its website. The similar 'Recommendations for parents and children' is available on the website of the Ministry of the Interior. These materials are apparently being used as a reference by schools in the country, which seem to have become more aware of the need to discuss Internet safety with their students.²⁴

PROTECTION

The Czech Republic succeeded the *Convention on the Rights of the Child* in 1993. *ILO Convention No. 182* was ratified in 2001. The Czech Republic signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2002, and the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* and the *Convention on Cybercrime* in 2005; but at the time of writing this report none of these instruments had been ratified. The Czech Republic has not signed the Council of Europe's *Convention on Action against Trafficking in Human Beings*.

Legislation

In the past few years, considerable progress has been achieved in terms of legal reform to counteract CSEC.

Prostitution of Children

The *Optional Protocol* defines child prostitution as “the use of a child in sexual activities for remuneration or any other form of consideration”, and obliges States Parties to include in criminal law, all acts of offering, obtaining, procuring or providing a child for prostitution. Czech law does not provide a clear definition of child prostitution as its provisions cover “sexual intercourse or masturbation, indecent exposure or other similar behaviour” in exchange for remuneration; while the jurisprudence offers a wider interpretation of such provisions, it is not clear that they apply to all sexual activities with a child, as required by the *Optional Protocol*. Furthermore, children between 15 and 18 years of age can legally engage in prostitution, which contravenes the requirements of the UN Conventions and Protocols to protect all children up to the age of 18 from sexual exploitation.

Although there is no legislation prohibiting prostitution, the *Criminal Code* prohibits prostitution-related activities. Based on the fact that the age of sexual consent is 15, children between the ages of 15 and 18 can legally engage in prostitution.²⁵ New legislation under consideration proposes measures to regulate prostitution as a ‘preventive’ measure against street prostitution and trafficking in women and children for sexual purposes;²⁶ it seems however unlikely that such legislation will be approved.

According to Czech jurisprudence, prostitution means the offering of sexual gratification by means of sexual intercourse or other forms of satisfying sexual desires in exchange for profit. Other forms of sexual gratification may include the use of objects or tools.²⁷ The *Criminal Code* criminalises procuring and soliciting prostitution, defined as the engagement, coercion or seduction of a person to prostitute oneself, or gaining profit from the prostitution of another. The age of the victim is considered an aggravating circumstance: when the victim is between 15 and 18 years of age, penalties range from two to eight years’ imprisonment and from five to twelve years’ in cases when the victim is under 15.²⁸

The *Criminal Code* further punishes anyone who offers, gives or promises payment or some other benefit or profit in exchange for sexual intercourse or masturbation, indecent exposure or other similar behaviour. In such cases, a person under 18 years of age is generally not criminally liable even if he/she demands or accepts payment.²⁹ Moreover, the “wilful corruption of young persons” under the age of 18 is considered a criminal offence.³⁰

Trafficking in Children for Sexual Purposes

Under international law, trafficking in children means the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation shall include, at a minimum, prostitution and other forms of sexual exploitation. Without a clear definition of trafficking in children that specifically covers all the acts mentioned above, Czech law falls short of international standards. Czech law must also be strengthened to cover internal trafficking.

The *Criminal Code* was amended in 2002 and the wording of Article 246 formerly dealing with trafficking in women was changed. The offence is now defined as trafficking in persons for sexual exploitation, regardless of the sex or age of victims. The offence was also renamed “trafficking in persons for the purpose of sexual exploitation” and its definition was further expanded to cover the seduction, hire, and transportation of a person in order to use him or her for providing sexual intercourse, to and from a foreign country.³¹ This offence is punishable by one to six years’ imprisonment. The legislation provides for stricter penalties (three to eight years’ imprisonment)³² when the victim is under the age of 18.

However, at present the law does not cover trafficking in persons within the country, and as such does not fully conform to the *Trafficking Protocol*. A distinction is made between trafficking (i.e. always transnational) and in-country selling or purchasing of human beings, which may be prosecuted as procuring or some other criminal offence such as rape, kidnapping or sexual abuse. Apart from the fact that internal traffickers are thus more likely to go unpunished for their crimes, this also results in the absence of police statistics on internal trafficking (as victims of internal trafficking may be “hidden” in other statistics).³³ A welcome recodification of the *Criminal Code* is planned to include internal trafficking as an offence.

Child Pornography

The substantial progress made by the Czech Republic over the past years in enacting stronger laws against child pornography deserves to be recognised. However, Czech law still lacks a clear definition of child pornography. Under international law, 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 is child pornography.³⁴ Czech law

should therefore be revised to include such a definition that fully complies with international law.

The *Criminal Code* often leaves the exact definition of legal terms to case law and jurisprudence, and as such does not explicitly define pornographic material. According to jurisprudence, pornography is any object, which directly or by means of technical devices, affects and stimulates the sexual instinct in a very intense and obtrusive manner.³⁵ While Czech law covers child pornography, it does not provide a specific definition of child pornography. Section 205 of the *Criminal Code* (“Corrupting Morals”) covers pornographic texts, sounds, video records, pictures or other objects endangering morality, as well as pornographic material depicting a child.³⁶ For the purpose of the above definition, the *Criminal Code* defines a “child” as a person under 18 years of age. Before the 2002 amendments to the *Criminal Code*,³⁷ the law referred only to “works depicting sexual intercourse with a child”, but this narrow definition was subsequently broadened to include all forms of pornography depicting a child.

Pre-2002 legislation made it a crime to circulate, distribute and produce child pornography, make it publicly available, import and export it or to take it through the country in transit. The 2002 amendments also criminalise the act of possessing child pornography for any of these purposes, but not the mere possession. The amendments also introduced criminal sanctions for the distribution of pornography by mass media, including the Internet.

A person who offers, gives, lends, or makes pornographic material available for persons under 18 years of age, or displays such material, or makes it available at a place accessible to such persons will be imprisoned or fined. In cases where the offence is committed by a member of an organised group, through the press, films, radio, TV broadcasts, public computer networks or if other equally effective means are used to produce the works, the sentence is six months’ or up to three years’ imprisonment or a fine.³⁸

As mentioned above, the *Criminal Code* currently does not criminalise the possession of child pornography for personal use. The Government’s draft of the re-enacted *Criminal Code* sets punishment for such offences at up to three years’ imprisonment. The draft has already been approved by the Government and considered by the Czech Parliament. The new *Criminal Code* was expected to take effect in 2006.³⁹

The statutory duty of Internet providers to collect data on websites with illegal content and to report such websites to the Czech Police and foreign police authorities at their request is currently regulated by the operative *Telecommunications Act No. 151/2000*. A new act should define this duty in more specific terms.⁴⁰

Extraterritorial Legislation

Under the Czech *Criminal Code*, acts committed abroad by citizens of the Czech Republic or by stateless persons (persons having no citizenship) authorised to reside permanently in the Czech Republic, are subject to punishment under Czech law.⁴¹

Child Protection Units

All crimes committed against children, including commercial sexual exploitation, are dealt with by the Criminal Investigation Bureau of the Police of the Czech Republic, in particular by specialists on juvenile delinquency and crimes committed against youth. These specialists are active at the level of the Police Presidium, regional administrations and the city of Prague, as well as at district directorates. CSEC cases are also investigated by specialists on other crimes committed in concurrence (e.g. drug dealing).⁴² But the Czech Republic has no separate justice system to adjudicate cases involving persons under the age of 18. Also, the law in the area of juvenile justice is rather ambiguous, as it does not clearly distinguish between punitive measures imposed on children in conflict with the law and protection measures applicable to child victims.

Judges preside over cases involving children in Court in a modified form of proceedings as they apply to adults. The *Criminal Procedure Act* was amended in 2001⁴³ to provide for faster and simplified criminal proceedings with a view to avoiding revictimisation. For example, Article 102 states that if interrogation of a witness under the age of 15 discusses circumstances that may negatively influence the mental and moral development of the witness, the examination shall be conducted in a particularly careful manner to avoid the need for re-examination. A teacher, parent or another person with experience in educating the youth shall be invited to the examination to ensure its correct conduct with regard to its subject matter and the level of intellectual development of the witness.⁴⁴ However, in practice, the proceedings do not always involve the assistance of third-party child experts.⁴⁵

In addition, there are no mechanisms for witness or victim protection. Trafficked children in particular are usually too scared to testify and end up not providing evidence against their traffickers and exploiters.

Support Services for Children

The support currently available for commercially sexually exploited children is highly unsatisfactory. Children are usually referred to a diagnostic centre and then to state care, being placed in special homes or shelters which resemble prisons and lack resources, psychotherapists, etc. No special support or rehabilitation programmes for CSEC victims are available in such institutions, and many children manage to run away and become revictimised. Trafficked children do not benefit from a reintegration programme either, and are usually immediately deported. The absence of a proper referral system should also be noted.

Even though NGOs do not provide shelters, ENYA is currently trying to address this gap

and set up a shelter where CSEC victims can receive specialist and tailored support.

Training Law Enforcement Personnel

Following the high number of training sessions undertaken in the last few years, law enforcers have acquired a much deeper understanding of the current CSEC problems and how to tackle them.

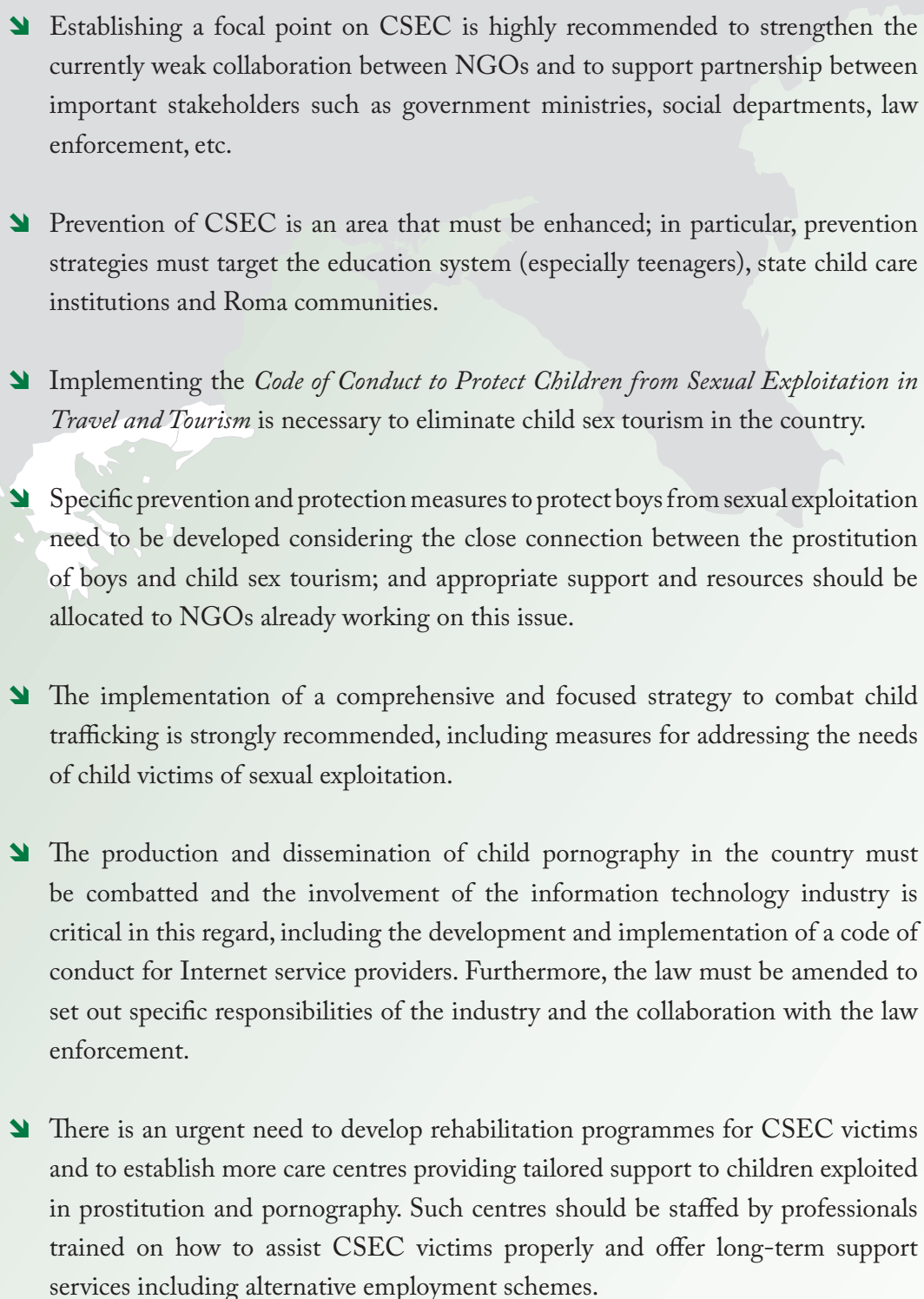
Czech police are taught about CSEC and child pornography during their courses at the Police Academy, especially in the context of juvenile crimes against young people, criminal law, treatment of victims and witnesses (with special regard to persons under 18 years of age) and human rights. The courses are regularly updated to reflect changes in the legislation.

Furthermore, the commercial sexual exploitation of children was included in the curriculum of the Judicial Academy of the Czech Republic.⁴⁶



PRIORITY ACTIONS REQUIRED

- The Czech Republic must ratify the main international instruments relevant to CSEC: the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*, the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* and the *Convention on Cybercrime*. It should also sign and ratify the Council of Europe's *Convention on Action against Trafficking in Human Beings*.
- Czech law should be amended to define child prostitution in light of the standards set forth in the *Optional Protocol*. In addition, children between 15 and 18 years of age should be granted protection against commercial sexual exploitation.
- The legal definition of trafficking in children should incorporate all the acts mentioned in the *Trafficking Protocol*, and also apply to internal trafficking.
- Czech law must also provide a clearer definition of child pornography, consistent with the *Optional Protocol's* definition.
- To ensure better enforcement of the law, mechanisms must be put in place to protect witnesses and victims in CSEC cases. The existing legal provisions on child-friendly procedures must also be applied in practice, notably regarding the participation of third-party child experts.
- At regional level, improving judicial cooperation and training judicial personnel would ensure that the well-established law enforcement cooperation is more effective in ensuring convictions of CSEC offenders.
- An independent statutory body with a mandate to promote, protect and monitor the implementation of children's rights should be established.

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- Establishing a focal point on CSEC is highly recommended to strengthen the currently weak collaboration between NGOs and to support partnership between important stakeholders such as government ministries, social departments, law enforcement, etc.
 - Prevention of CSEC is an area that must be enhanced; in particular, prevention strategies must target the education system (especially teenagers), state child care institutions and Roma communities.
 - Implementing the *Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism* is necessary to eliminate child sex tourism in the country.
 - Specific prevention and protection measures to protect boys from sexual exploitation need to be developed considering the close connection between the prostitution of boys and child sex tourism; and appropriate support and resources should be allocated to NGOs already working on this issue.
 - The implementation of a comprehensive and focused strategy to combat child trafficking is strongly recommended, including measures for addressing the needs of child victims of sexual exploitation.
 - The production and dissemination of child pornography in the country must be combatted and the involvement of the information technology industry is critical in this regard, including the development and implementation of a code of conduct for Internet service providers. Furthermore, the law must be amended to set out specific responsibilities of the industry and the collaboration with the law enforcement.
 - There is an urgent need to develop rehabilitation programmes for CSEC victims and to establish more care centres providing tailored support to children exploited in prostitution and pornography. Such centres should be staffed by professionals trained on how to assist CSEC victims properly and offer long-term support services including alternative employment schemes.

Endnotes

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See Ministry of the Interior. *National Strategy of Combating Trafficking in human beings for the purpose of sexual exploitation in the Czech Republic. Draft Resolution of the Government of the Czech Republic of 3.9.2003, no. 849*. Accessed on 12 June 2006 from: <http://www.mvcr.cz/aktualit/sdeleni/2003/obchoda.doc>.
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