

Country session: Czech Republic OPSC

Date of session: 22nd January 2019

Background information

[OHCHR press release](#)

[Webcast](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	13 June 1996
Updated document	10 January 2012
Annexes	-

OPSC	
No. of report	1 st
Due date	26 September 2015
Submission	23 August 2017

Written replies OPSC	
Due date	12 October 2018
Submission	7 November 2018

Public reports from children's rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> DCI and ECPAT
NHRIs	<ul style="list-style-type: none"> European Union Agency for Fundamental Rights

State delegation

The delegation was headed by Andrea Baršová, Director of the Department of Human Rights and Minority Protection, Office of the Government of the Czech Republic and supported by representatives of the Office of the Government, Ministry of Labour and Social Affairs, Ministry of the Interior, Ministry of Justice, and the Permanent Mission of the Czech Republic to the United Nations Office at Geneva.

Committee's Task Force members

Name & Last Name	Country
Hatem Kotrane	Tunisia
Gehad Madi	Egypt

Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was open, constructive and interactive.

ii. General assessment made by the Committee

The Committee noted that some of the last recommendations have been adopted by the State party and that progress is being made. Much emphasis, during the dialogue, was placed on the terms used in the legislation and the Committee's concern that these do not cover all aspects of the OPSC. The need to fight impunity most notably with regards sex tourism, was also highlighted.

iii. Main issues discussed:

- **General measures of implementation:** The Committee asked the State party if they have a comprehensive strategy and policy which addresses all aspects of the protocol. Concern was also expressed about the lack of specific funding allocations to the implementation of the optional protocol.
- **Data collection:** The Committee asked if there is disaggregated data on the sale and trafficking of children, particularly on the number of cases, on reparations for victims and on follow-up of victims. The State party responded that statistics are gathered through the responsibilities of various authorities. They recognised the need to reflect on ways to improve their data collection to get disaggregated data.
- **Prohibition:** The Committee expressed concern that the country's legislation does not clearly criminalise the sale of children – in all its forms – but focuses rather on trafficking. They also asked if prostitution is legal. The State party responded that the term 'trafficking' which is used in their legislation can also be understood in Czech as 'trade' and covers all such infractions within the country. Furthermore, the term 'entrusting' which is used, covers all sale of children. They explained that prostitution is not prohibited for adults, but is not allowed in areas designed for children or where it could have a negative effect on children (such as around schools). As a follow-up question the Committee asked why the State party would not specify the criminalised activities in their legislation, as defined in the OPSC. The State party affirmed that they are confident the implementation of OPSC in national legislation is sufficient, but will check the appropriateness of translations.
- **Legislation:** The Committee asked for clarification regarding the extraterritorial competence of the courts and the possibility of extradition, when an infraction is committed outside the Czech Republic involving a Czech citizen or Czech resident. They asked if the State party intends to remove the double criminality condition for extradition. The State party responded that prosecution is also transnational – the legislation is broad and does not specify 'national' or 'international'. Thus the Czech authorities also have jurisdiction in cases overseas and can prosecute foreign residents. The State party explained that OPSC can serve as a basis for extradition if no other multi-lateral treaty is in place. On the basis of international cooperation on criminal matters extradition is possible when there is dual criminality and when the imprisonment penalty is of at least one year. They are currently not considering removing the principle of dual criminality.
- **Prevention:** The Committee asked if studies are being carried out to determine the root causes of child sexual exploitation, in order to then take measures to address these root causes. They also asked if the online portal, for which the helpline was discontinued, is already in operation and if they have data on complaints. The State party responded that there are three crisis hotlines run by NGOs and financed by the ministry of interior. They noted that 20'000'000 CZK have been allocated to prevention programmes in schools. They also made reference to an online reporting system.

- **Awareness raising:** The Committee asked the State party what training and awareness raising of the optional protocol is undertaken with professionals working with children, including in education, health care, the judicial system and also the tourist industry. They also asked what awareness raising initiatives particularly target vulnerable groups of children. Are there initiatives to raise awareness of other forms of sale of children – not only in the form of trafficking – and the risks thereof, they asked. The State party responded that part of social workers’ initial training is specifically on OPSC and that their annual training focuses on various topics including some related to trafficking and prostitution. There are also pamphlets on these issues which are used to spread awareness in other fields of work.
- **Victim support:** The Committee asked for clarification with regards the situation for victims, in particular with regards reparations, cooperation with law enforcement, obstacles they face, etc. They asked what the process for recovery and reintegration of child victims is. They expressed concern that the beneficiaries of the recovery and reintegration program are only EU citizens above the age of 18 and asked the State party to clarify how the government is providing support for victims under OPSC. The State party responded that the support programme is available to citizens of all countries, over the age of 18. The State party noted that child victims are considered ‘vulnerable children’ – contrary, they said, to what was stated in a civil society report – and support for children is provided by the police and by local authorities responsible for child protection. They explained the steps taken when a child is referred to social workers, which includes the preparation of an individual plan of support. They are working, they noted, on strengthening the network of services.
- **Sexual exploitation and trafficking in the tourism industry:** The Committee asked the State party if they are raising awareness of the issue of sexual exploitation within the tourism industry. Do they have information about cases which are being prosecuted, including involving Czech nationals aboard? The State party responded that there is currently no awareness raising on trafficking in tourism agencies but that a seminar will be held on the matter this year to raise awareness with travel agencies. They highlighted labour inspections as related to tackling the exploitation of children in tourism.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee did not draw attention to the need for any urgent measures.

Sustainable Development Goals

In its Concluding Observations the Committee did not refer to any of the SDG targets.

Next State report

CRC	
No. of report	5 th to 6 th
Due date	30 June 2018

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.