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# The Prague City Police

**Legislation of prostitution under conditions of Prague and bill for regulation of prostitution**

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## The term of prostitution is very extensive.

- Generally, the prostitution is behaviour of individuals or a group of individuals who use their own body to provide erotic satisfaction to an applicant for the service for consideration or a different advantage.
- A different definition describes prostitution as lending of body for consideration for sexual satisfaction of another person.
- The definitions emerging from court judicature – “the prostitution is a sexual intercourse with other persons for consideration”. The term “intercourse” means any way of satisfaction of sexual desire on body of another person.



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## There are three possible approaches to the prostitution.

1. The prostitution can be banned and punished and **repressive approach** may be used.
2. The second option is **abolition approach** where the prostitution is neither controlled nor punished.
3. The **regulatory approach** legalizes the prostitution and subjects it under the state supervision and control including related measures.



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## Current legislation

- Today, the legislation of the Czech Republic does not regulate the prostitution at complex level and it is characterized by abolition tendencies. Only some issues related to the prostitution are controlled to a certain extent at regulation level. This area is covered by Act No. 241/1992 Coll. as amended on persecution of sexually infectious diseases.
- According to criminal laws, pandering, people trafficking, corrupting the morals of youth, sexual abuse, menacing by sexual disease etc. are punishable. No body of a crime does not apply to the prostitution directly (obscene offering of sexual services on public may be punished as an offence from in an administration proceeding).
- In 1958, Czechoslovakia acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (hereinafter referred to as the “Convention”). The Convention was adopted in Lake Success, New York on 21 March 1950 and became effective on 25 July 1951. The Convention committed the countries to adopt measures for suppression of prostitution and people trafficking. Through adoption of repressive measures, the countries aimed at total elimination of these phenomena being incompatible with human dignity and life of individuals and society as well.



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# Solutions available to towns and municipalities

- For many years, towns and municipalities tackle with the prostitution as socially pathological phenomena associated with many of safety, social and health risks. Whereas this area is not at complex level thoroughly managed in the Czech Republic, there is not a legislation that defines the term of prostitution and involvement in the prostitution.
- The only solution available to the towns and municipalities is enacting of a legal directive of local government according to § 104, subsection 3 of the Constitution for which no explicit legal authorization is required.
- Provisions of § 10, paragraph a) on municipalities stipulates that a municipality may, within independent capacity of the municipality, issue a public notice to ensure local arrangements of public order; it may particularly determine what activities, which could disturb public order or contradict to good morals, safety of security, health and property, may be performed only on certain location and times specified in a generally applicable notice or the municipality may determine that such activities are forbidden on some public spaces in the municipality.



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- However, some municipalities reported troubles in the past, when the local boards of municipalities prohibited offering and providing of sexual services either across the board, i.e. in the whole territory of a municipality or did not clearly specify the places where the activity may be performed.
- The decision practice of the Constitutional Court of the Czech Republic changed in reviewing a proposal of minister of interior for cancellation of generally applicable notice of the city of Ústí nad Labem No. 1/2004 for arrangement of local matters for public order.
- The verdict of the Constitutional Court of the Czech Republic has been used by the Capital City of Prague to restrict the prostitution on public spaces with the use of provisions of § 44, subsection 3, paragraph a) of Act No. 131/2000 Coll. on the Capital City of Prague.



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- Based on this authorization, generally applicable notice No. 20/2007 Coll. of the Capital City of Prague for protection of the public order in relation with offering and providing of sexual services on public places was issued effectively from 1 January 2008 and it replaced originally applicable notice No. 2/1993 Coll. of the Capital City of Prague for protection of the public order in relation with offering and providing of sexual services.
- Based on legal authorizations, the Capital City of Prague attempts to cope also with other forms of offering of erotic performances or services or “chasing” of customers to visit facilities offering these productions and services. Offering of the same on public spaces in the territory of the Capital City of Prague was forbidden by notice No. 11/2005 Coll. of the Capital City of Prague except for the public access road to northwest from Ďáblická street to the dump area.



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# Checks of adherence to the notices by the Prague City Police.

- The Prague City Police was assigned for checking of adherence to said notices and the Prague City Police supervises adherence to generally applicable notices and regulations of the municipality, supervises adherence to rules for civil coexistence, contributes to protection and safety of persons and property, participates in prevention of crime in the Capital City of Prague and reveals misconducts and other offences to be resolved in the competence of the Capital City of Prague within provision of local matters of public order in the area of Prague according to Act No. 553/1991 Coll. on municipality police.



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- Through checks of the public spaces and enforcement of obligations stipulated in the notice for protection of the public order in relation with offering and providing of sexual services on public spaces, the Prague City Police succeeded in 1993 – 2008 to displace street prostitution from public spaces in the centre of the Capital City of Prague.
- Also regarding the notice that forbids offering of erotic performances or erotic services, the thorough checks of the public spaces and enforcement of obligations stipulated in the notice, the Prague City Police succeeded in virtual elimination of the offering of the erotic performances or erotic services in the city centre. Of course, this would not be possible without an effective cooperation with the Czech Police, Prague Municipality Office and relevant authorities of city quarters.



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# Conclusion

- Decreasing number of persons offering and providing of the sexual services on public spaces, however, increases number of persons in latent environment, in so-called privates and night clubs focused on erotic performance. Whereas the prostitution is not controlled by law, it may neither be controlled nor repressed in these facilities. Unfortunately, this is the substrate for an organized crime. The only solution for removal of this unwanted condition is legal control of this sphere.



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