
**Legislation on prostitution
in terms of the City of Prague
and the draft of the law on
prostitution regulation**

Status quo

- Absence of comprehensive legislation in the Czech Republic
- Prostitution as an activity is excluded from the Trade Licensing Act
- For prohibition or restriction in a public place, municipalities use the possibilities offered by the community law on municipalities, the law of the City of Prague and by generally binding regulations in order to expel it from municipalities, or, respectively, to limit it to certain places
- The Penal Code and Infringement Law does not deal with voluntary prostitution, but rather with the criminal activity often closely linked to prostitution



The current legislation in force in Prague I.

- Based on the mandate of Section 44 of the Law of the City of Prague and the Law on regulation of advertising
- General binding Decree No. 20/2007 Coll. of the City of Prague for the protection of public order in connection with the offering and providing of sexual services in public spaces. Offering and providing of sexual services performed in any form in public spaces is an activity that could be contrary to morality, and it is prohibited in public places throughout the territory of Prague



The current legislation in force in Prague II.

- Generally binding Decree No.11/2005 Coll. of the City of Prague on the prohibition of offering erotic performances and services limits various forms of erotic performance or services, referring to a single communication by the Ďáblice landfill
- Regulation 26/2005 Coll. of the City of Prague, that prohibits advertising spreads in public places outside of the service premises



The search for comprehensive solutions I.

- Legislation contributes to the limitation of street prostitution and its advertising in a public place; however, the city does not have the necessary competence to limit the service itself or to influence the location of these facilities
- In Prague, the problem of public houses and similar establishments (in the center there are currently 22, in town about 70), in the border regions the street or road prostitution
- About 10 years of efforts for comprehensive legislation



The search for comprehensive solutions II.

- Government bill of 2005 and the denunciation of the Convention on the suppression and the abolition of human trafficking and exploitation of the prostitution of others from 1951 were not approved
- The Council of the City of Prague in its Program Declaration for the election period 2006 - 2010 committed to submit a bill to regulate prostitution



The meaning and objective of the proposed legislation I.

- To separate legal and illegal voluntarily prostitution and to minimize the number of people who are forced into prostitution by legalization of the activities in order to contribute to the reduction of involuntary prostitution and to protect endangered persons from abuse and trafficking for sexual exploitation;
- To explicitly prohibit the exercise of prostitution by persons under the age of 18, contributing to the protection of persons 15 - 18 years old against prostitution and other forms of crime activity



The meaning and objective of the proposed legislation II.

- To specify the conditions under which it will be possible to carry on prostitution as a business
- To set rules for the conduct of prostitution in public places and buildings and places designated for this purpose
- By regular health examinations of persons engaged in prostitution, to restrict the spread of sexually transmitted and other infectious diseases

The meaning and objective of the proposed legislation III.

- To allow the application of sanctions against persons who act contrary to the proposed legislation
- To eliminate cases of the disruption of public order in connection with the exercise of prostitution and to define the rules for the operation of establishments in which prostitution takes place (public houses) with the increase of the municipalities' impact on decisions of the location of such facilities and the introduction of this activity as a form of business with specific rules

Draft of the law itself

- It is based on the assumption that it is not realistic to effectively ban prostitution as a specific socio-pathological phenomenon by legislation. It is possible only to establish legislatively certain rules so that prostitution does not affect the public as a significant issue of public policy/order, and it will not represent a serious health threat
- The original proposal prepared in 2008 was largely based on the original material of the Ministry of Interior negotiated in 2005
- The current proposal/draft was prepared for the prompts proceedings



Force of the Law

- Defines the basic concepts
- Regulates the conditions of the prostitution operation
- Defines the conditions for operating the establishment, in which prostitution may be conducted
- Specifies control mechanisms for how these conditions are met and penalties imposed for their violation
- Defines the scope of public authorities in the regulation of prostitution



Terms of prostitution operation

- Prostitution may be carried out by a person who has the capacity granted at her/his request, valid for 1 year with a possibility of extension and who is physically apt and eligible to conduct prostitution
- Permission is granted to a person over 18 years old who is apt for the legal act, is upstanding and has an health insurance
- The existence of the license is proved by the identity card, issued by the local authority of municipalities with extended powers in the place where the activity is carried out
- Health and fitness is supported by a physician's medical statement indicating appropriate qualifications; suggested control is once every 3 months



License Holder's Duties

- Engage in prostitution only in establishments, private premises (their own or of their client), in a public place only under the conditions provided by municipalities
- Present the identity card upon request, utilized in accordance with the regulations



Establishment Operations Terms

- May be operated only under a license that is issued on the basis of a favorable opinion from the municipality, where it should be set up (can not be placed within a radius of 150 m from the selected objects)
- Permit is issued at the request of the physical person (PP) or legal persons (LP) for 5 years, under the authorization the operating hours and maxim.space of the facilities may be determined
- Integrity (PP, statutory authority, the person responsible for the management of the facility)
- Use of the construction for the purpose of prostitution is being approved the construction administration



Duties of the operator

- To entrust a person with the management of the facility
- To keep a register of persons engaged in prostitution in the establishment and to ensure that the prostitution is carried out in the facility only by persons who have the license
- To mark the facilities and ensure the appearance not to scandalize the public
- To respect the hours of operation and provided usable space



Authorities' Jurisdiction

- Issue authorization to operate prostitution (authority with extended powers according to the location of the activities), its suspension, and cancellation
- Granting of permission to operate establishments (authority with extended powers, the consent of the Council of the municipality according to the location of the operation), the suspension of operations, cancellation
- Duty to provide information of the issuing, change, and revocation to the tax authorities, the Statistical Office, Social Security Administration, health insurance company
- Keep evidence of holders of authorizations and licenses



Inspection and administrative offenses

- **Police of the Czech Republic, municipal police, and the authority with extended powers** are authorized to inspect to a certain extent
- **Violation of the law is an offense** in those cases where prostitution is carried out without authorization, used at a time or place when and where it is not permitted, the establishment is operated without a permit by a non- entrepreneurial subject
- **Violation of the law is an administrative delinquency** in the pursuit of prostitution without a valid medical fitness certificate, in operation at the time of its suspension, in breach of the obligations stipulated by law in relation to the use of a license, in violation of the obligations laid down for the operation of the establishment, when operating without the authorization of the business entity



Sanctions

- According to the severity and nature of breach of the law
- Operation of prostitution without a license up to 50.000, - CZK
- Operating without a permit up to 2,000 000, - CZK



Adaptation of certain acts in connection with the acceptance of the law on the regulation of prostitution I.

- **Penal Code** (adjustment of the offense of pimping, newly established offense of illegal operation of prostitution)
- **Law on Administrative Fees** (charged for filing an application for authorization and renewal of an application to operate the establishment)



Adaptation of certain acts in connection with the acceptance of the law on the regulation of prostitution II.

- **Law on the Local Charges** (a fee for the operation of establishment for the operation of prostitution)
- **Law on Public Health Insurance** presumption of public contracts awarded to a specialized physician
- **Trade Act** clarification of the activities excluded from the Trade Licensing Act

Effectivity

- **By the date when the CR ceases to be bound by the Convention of the suppression and the abolition of human trafficking and exploitation of prostitution of others and the final protocol**