

Czech Republic

National Child Protection Legislation

National Legislation

- Age of Consent: **15 years old**
[Penal Code](#)
Section 187 – Sexual Abuse
(1) Whoever performs a sexual intercourse with a child under the age of fifteen, or whoever otherwise sexually abuses a child, shall be sentenced to imprisonment for one to eight years.
- Age of Marriage: **16 years old**
[Civil Code](#) (Act No. 89/2012 Coll.)
Section 672 – Legal Obstacles to Marriage
(1) Marriage cannot be concluded by a minor who has not reached the age of majority.
(2) The court may, in exceptional cases, authorize the marriage to a minor who has not reached the age of majority, but has reached sixteen years of age, if there are important reasons for doing so.
[Section 30 – Majority – The age of majority is eighteen.]
- Age of Criminal Responsibility: **15 years old.**
[Penal Code](#)
Section 25 – Age
Anyone who has not reached the fifteenth year of age at the time of committing an offence, shall not be criminally liable.

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- **Extraterritoriality**
[Penal Code](#)
Section 7 Principle of Protection and Principle of Universality
(1) The law of the Czech Republic shall apply to assessment of criminality of Torture and other cruel and inhumane treatment (Section 149), Forgery and alteration of money (Section 233), Uttering forged and altered money (Section 235), Manufacture and possession of forgery equipment (Section 236), Unauthorised production of money (Section 237), Subversion of the Republic (Section 310), Terrorist attack (Section 311), Terror (Section 312), Sabotage (Section 314), Espionage (Section 316), Violence against public authority (Section 323), Violence against a public official (Section 325), Forgery and alteration of public documents (Section 348), Participation in organised criminal group pursuant to Section 361 (2) and (3), Genocide (Section 400), Attack against humanity (Section 401), Apartheid and discrimination against groups of people (Section 402), Preparation of offensive war (Section 406), Use of prohibited means and methods of combat (Section 411), War cruelty (Section 412), Persecution of population (Section 413), Pillage in the area of military operations (Section 414), Abuse of internationally and state recognised symbols (Section 415), Abuse of flag and armistice (Section 416) and Harming a conciliator (Section 417), even when such a criminal offence was committed abroad by a foreign national or a person with no nationality, who has not been granted permanent residence in the territory of the Czech Republic.

(2) The law of the Czech Republic shall also apply to assessment of criminality of an act committed abroad against a Czech national or a person without a nationality, who has been granted permanent residence in the territory of the Czech Republic, if the act is criminal in the place of its commission, or if the place of its commission is not subject to any criminal jurisdiction.

- **Dual Criminality**

- [Penal Code](#)

- Section 8 Subsidiary Principle of Universality**

- (1) The law of the Czech Republic shall also apply to assessment of criminality of an act committed abroad by a foreign national or a person with no nationality, who has not been granted permanent residence in the territory of the Czech Republic, if

- a) the act is criminal also under the law effective in the territory of its commission, and
 - b) the offender was apprehended in the territory of the Czech Republic and was not extradited or transferred to another state or to another authority entitled to criminal prosecution.

- (2) The law of the Czech Republic shall apply to assessment of criminality of an act committed abroad by a foreign national or a person without a nationality to who has not been granted permanent residence in the territory of the Czech Republic, also when the act was committed in favour of a legal entity with a registered office or branch in the territory of the Czech Republic, or in favour of a natural person who is an entrepreneur with an enterprise, branch or place of business in the territory of the Czech Republic.

- (3) However, the offender cannot be imposed a more severe sentence than the sentence prescribed by the law of the state, in the territory of which was the criminal offence committed.

- **Mandatory reporting requirements**

- [Penal Code](#)

- Section 367 Non-prevention of Criminal Offence**

- (1) Whoever gains credible knowledge that another person is preparing to commit or is committing a criminal act of ... Trafficking in human beings (Section 168), ... Rape (Section 185), Sexual abuse (Section 187), Abuse of a child for production of pornography (Section 193), ...

- and does not try to prevent commission or completion of such a criminal offence, shall be sentenced to imprisonment for up to three years; if this Act stipulates a lighter punishment for any of these criminal offences, he/she shall be sentenced to such a lighter punishment.

- Section 368 – Non-reporting of Criminal Offense**

- (1) Whoever gains credible knowledge that another person committed a criminal act of ... Abuse of a child for production of pornography (Section 193), ...

- and fails to immediately report such a criminal act to the public prosecutor or police authority, or if a soldier is concerned, to their superior, shall be sentenced to imprisonment for up to three years; if this Act stipulates a lighter punishment for any of these criminal offences, he/she shall be sentenced to such a lighter punishment.

(2) Whoever commits an act referred to in Sub-section (1) shall not be criminally liable, if he/she could not report the criminal act without exposing him-/herself or a close person to danger of death, bodily harm, other serious detriment or criminal prosecution.

(3) The report duty according to Sub-section (1) does not apply to an attorney or his/her employee, who learns about commission of a criminal act in relation to performance of his/her legal profession or practice. The report duty also does not apply to clergymen of a registered church or religious society authorised to exercise special rights when they learn about a criminal offence in relation to performing a confession, or in connection with practice of similar confessional secrets. The report duty for a criminal offense of Trafficking in human beings according to Section 168 (2) and Illegal confinement (Section 170) does not apply also to persons providing assistance to victims of crimes.

- **Obligations of Educational Institutions**

None Found.

- **Prohibition to hold certain positions**

None Found.

- **Employment Law**

[Czech Labor Code \(2006\)](#)

Division 4 Immediate Termination of an Employment Relationship

Section 55 – Immediate Termination of an Employment Relationship by the Employer (Instant Dismissal)

(1) The employer may immediately terminate an employment relationship only:

(a) if an employee has been sentenced, under a final verdict, for a willful criminal offence to a term of unconditional imprisonment of over one year or if an employee has been sentenced, under a final verdict, for a willful criminal offence committed during performance of his working tasks, or in direct connection therewith, to an unconditional imprisonment of no less than six months;

(b) if an employee has breached some obligation that arises from the statutory provisions and relates to his work performance in an especially gross manner.

(2) The employer may not immediately terminate an employment relationship with a pregnant employee, a female employee who is on maternity leave, or a male or female employee who is on parental leave.

- **Criminal Law - Defamation**

[Penal Code](#)

Section 184 – Defamation

(1) Whoever makes a false statement about another capable of significantly threaten his/her reputation among fellow citizens, especially harm him/her in employment, disrupt his/her family relations or cause another serious detriment, shall be sentenced to imprisonment for up to one year.

(2) An offender shall be sentenced to imprisonment for up to two years or to prohibition of activity, if he/she commits the act referred to in Sub-section (1) by press, film, radio, television, publicly accessible computer network or in another similarly effective manner.

Sexual Offenses Against Children

Penal Code

Section 168 Trafficking in Human Beings

(1) Whoever forces, procures, hires, incites, entices, transports, conceals, detains, or consigns a child to be used by another for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for production of pornographic works,
- b) extraction of tissue, cell, or organs from his/her body,
- c) service in the armed forces,
- d) slavery or servitude, or
- e) forced labour or other forms of exploitation, or who profits on such a conduct,

shall be sentenced to imprisonment for two to ten years.

(2) The same sentence shall be imposed to anyone who forces, procures, hires, incites, entices, transports, hides, detains, or consigns a person other than referred to in Sub-section (1) by using violence, threat of violence or other grievous harm or deceit, or by abusing his/her error, distress, or addiction in order to use him/her for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for the production of pornographic works,
- b) extraction of tissue, cell, or organs from their body,
- c) service in the armed forces,
- d) slavery or servitude, or
- e) forced labour or other forms of exploitation, or who profits on such conduct.

(3) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property if he/she

- a) commits then act referred to in Sub-section (1) or (2) as a member of an organised group,
- b) exposes another person to a risk of grievous bodily harm or death by such an act,
- c) commits such an act with the intention to gain a substantial profit for him-/herself or for another, or
- d) commits such an act with the intention to use another person for prostitution.

(4) An offender shall be sentenced to imprisonment for eight to fifteen years or to confiscation of property if he/she

- a) causes grievous bodily harm by the act referred to in Sub-section (1) or (2),
- b) commits such an act with the intention to gain extensive profit for him-/herself or for another, or
- c) commits such an act in connection to an organised group operating in several states.

(5) An offender shall be sentenced to imprisonment for ten to eighteen years or to confiscation of property, if he/she causes death by the act referred to in Sub-section (1) or (2).

(6) Preparation is criminal.

Section 185 – Rape

(1) Whoever forces another person to have sexual intercourse by violence or by a threat of violence, or a threat of other serious detriment, or whoever exploits the person's vulnerability for such an act, shall be sentenced to imprisonment for six months to five years.

(2) An offender shall be sentenced to imprisonment for two to ten years, if he/she commits the act referred to in Sub-section (1)

- a) by sexual intercourse or other sexual contact performed in a manner comparable with intercourse,
- b) on a child, or
- c) with a weapon.

(3) An offender shall be sentenced to imprisonment for five to twelve years, if he/she

- a) commits the act referred to in Sub-section (1) on a child under the age of fifteen,
- b) commits such an act on a person in detention, serving a prison sentence, in protective treatment, in security detention, in protective or institutional therapy or in another place where personal freedom is restricted, or
- c) causes grievous bodily harm by such an act.

(4) An offender shall be sentenced to imprisonment for ten to eighteen years, if he/she cause death by the act referred to in Sub-section (1).

(5) Preparation is criminal.

Section 186 – Sexual Duress

(1) Whoever forces another person to masturbation, indecent exposure, or other comparable conduct by a threat of violence or a threat of another serious detriment, or whoever exploits the vulnerability of another for such conduct, shall be sentenced to imprisonment for six months to four years or to prohibition of activity.

(2) The same sentence shall be imposed to anyone who makes another person perform sexual intercourse, masturbation, indecent exposure, or other comparable conduct by exploiting his/her addiction or the offender's position and credibility or influence derived therefrom.

(3) An offender shall be sentenced to imprisonment for one year to five years, if he/she commits the act referred to in Sub-section (1) or (2)

- a) on a child, or
- b) with at least two persons.

(4) An offender shall be sentenced to imprisonment for two to eight years, if he/she

- a) commits the act referred to in Sub-section (1) with a weapon,
- b) commits the act referred to in Sub-section (1) or (2) on a person in detention, serving a prison sentence, in a protective treatment, security detention, protective or institutional therapy or in another place where personal freedom is restricted, or
- c) commits such an act as a member of an organised group.

(5) An offender shall be sentenced to imprisonment for five to twelve years, if he/she

- a) commits the act referred to in Sub-section (1) on a child under the age of fifteen, or
- b) caused grievous bodily harm by such an act.

(6) An offender shall be sentenced to imprisonment for ten to sixteen years, if he/she causes death by the act referred to in Sub-section (1) or (2).

(7) Preparation is criminal.

Section 187 – Sexual Abuse

(1) Whoever performs a sexual intercourse with a child under the age of fifteen, or whoever otherwise sexually abuses a child, shall be sentenced to imprisonment for one to eight years.

(2) An offender shall be sentenced to imprisonment for two to ten years, if he/she commits the act referred to in Sub-section (1) on a child under fifteen years of age entrusted to his/her supervision, while abusing their addiction or the offender's position and, their credibility or influence derived therefrom.

(3) An offender shall be sentenced to imprisonment for five to twelve years, if he/she causes grievous bodily harm by the act referred to in Sub-section (1).

(4) An offender shall be sentenced to imprisonment for ten to eighteen years, if he/she causes death by the act referred to in Sub-section (1).

(5) Preparation is criminal.

Section 188 – Intercourse among Relatives

Whoever engages in intercourse with a relative in direct generation line or with a sibling, shall be sentenced to imprisonment for up to three years.

Section 189 – Solicitation

(1) Whoever induces, arranges, hires, allures, or entices another person to practice prostitution, or whoever profits from prostitution practiced by others, shall be sentenced to imprisonment for six months to four years, prohibition of activity, or confiscation of items or other asset values.

(2) An offender shall be sentenced to imprisonment for two to eight years, if he/she commits the act referred to in Sub-section (1)

- a) with the intention to gain substantial profit for him-/herself or for another, or
- b) as a member of an organised group.

(3) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property, if he/she causes grievous bodily harm by the act referred to in Sub-section (1).

(4) An offender shall be sentenced to imprisonment for eight to fifteen years or confiscation of property, if he/she causes death by the act referred to in Sub-section (1).

Section 190 – Prostitution Threatening Moral Development of Children

(1) Whoever practises prostitution near a school, educational or other similar facility or location which is reserved or designated for the residence or visiting of children, shall be sentenced to imprisonment for up to two years.

(2) Whoever organises, guards, or provides prostitution near a school, educational or other similar facility or location which is reserved or designated for the residence or visiting of children by any other means, shall be sentenced to imprisonment for up to three years, to prohibition of activity or to confiscation of a thing or other asset value.

- (3) An offender shall be punished sentenced to imprisonment for six months to five years or to confiscation of property, if he/she commits the act referred to in Sub-section (1) or (2)
- a) in at least two such locations, or
 - b) repeatedly.

Section 191 – Distribution of Pornography

(1) Whoever produces, imports, exports, transits, offers, makes publicly available, arranges, puts into circulation, sells or otherwise procures photographic, film, computer, electronic or other pornographic works displaying violence or disrespect to human beings or that describes or depicts or otherwise displays sexual intercourse with an animal, shall be sentenced to imprisonment for up to one year, to prohibition of activity or to confiscation of a thing or other asset value.

(2) Whoever

- a) offers, makes available, or makes accessible for children, or
 - b) at a place accessible to children, exhibits, or otherwise makes available written, photographic, film, computer, electronic, or other pornographic works,
- shall be sentenced to imprisonment for up to two years, to prohibition of activity or to confiscation of a thing or other asset value.

(3) An offender shall be sentenced to imprisonment for six months to three years, if he/she commits the act referred to in Sub-section (1) or (2)

- a) as a member of an organised group,
- b) by press, film, radio, television, publicly accessible computer network, or in another similarly effective way, or
- c) with the intention to gain substantial profit for him-/herself or for another.

(4) An offender shall be sentenced to imprisonment for one year to five years, if he/she commits the act referred to in Sub-section (1) or (2)

- a) as a member of an organised group operating in more states, or
- b) with the intention to gain extensive profit for him-/herself or for another.

Section 192 – Production and other Disposal with Child Pornography

(1) Whoever handles photographic, film, computer, electronic or other pornographic works, displaying or otherwise using a child or a person that appears to be a child, shall be sentenced to imprisonment for up to two years.

(2) Whoever produces, imports, exports, transports, offers, makes publicly available, provides, puts into circulation, sells or otherwise procures photographic, film, computer, electronic or other pornographic works that display or otherwise use a child or a person that appears to be a child, or whoever exploits such pornographic works, shall be sentenced to imprisonment for six months to three years, to prohibition of activity or to confiscation of a thing or other asset value.

(3) An offender shall be sentenced to imprisonment for two to six years or to confiscation of property, if he/she commits the act referred to in Sub-section (2)

- a) as a member of an organised group,
- b) by press, film, radio, television, publicly accessible computer network, or in other similarly effective way, or
- c) with the intention to gain substantial profit for him-/herself or for another.

(4) An offender shall be sentenced to imprisonment for three to eight years or to confiscation of property, if he/she commits the act referred to in Sub-section (2)

- a) as a member of an organised group operating in more states, or
- b) with the intention to gain extensive profit for him-/herself or for another.

Section 193 – Abuse of a Child for Production of Pornography

(1) Whoever persuades, arranges, hires, allures, entices, or exploits a child for production of pornographic works and exploits the child's participation in such pornographic works, shall be sentenced to imprisonment for one year to five years.

(2) An offender shall be sentenced to imprisonment for two to six years, if he/she commits the act referred to in Sub-section (1)

- a) as a member of an organised group, or
- b) with the intention to gain substantial profit for him-/herself or for another.

(3) An offender shall be sentenced to imprisonment for two three to eight years, if he/she commits the act referred to in Sub-section (1)

- a) as a member of an organised group operating in several States, or
- b) with the intention to gain extensive profit for him-/herself or for another.

Section 202 – Seduction to Sexual Intercourse

(1) Whoever offers, promises, or provides monetary reward, benefits or advantages to a child or to another person for sexual intercourse with a child, masturbation of a child, their indecent exposure, or other comparable conduct for the purpose of sexual satisfaction, shall be sentenced to imprisonment for up to two years or to a pecuniary penalty.

(2) An offender shall be sentenced to imprisonment for six months to five years, if he/she

- a) commits the act referred to in Sub-section (1) on a child under the age of fifteen years,
- b) commits such an act out of a condemnable motive,
- c) continues in commission of such an act for a long period of time, or
- d) commits such an act repeatedly.

Section 203 – Impunity of a Child

A child who requests monetary reward, advantages or benefits for sexual intercourse with them, their masturbation, indecent exposure, or other comparable conduct, shall not be criminally liable for such an act, not even under the provisions on instigator and accessory.