

Legal Regulation of Prostitution in the Czech Republic

Abstract

Prostitution and questions about its legal framework have accompanied humanity since time immemorial. For many centuries periods of prohibition, when prostitution was banned and prosecuted, alternated with periods of regulation, when prostitution was allowed within the legal framework on the territory of the present-day Czech Republic. Since 1992 an abolitionist approach to prostitution has been in place, meaning that prostitution is neither prohibited nor expressly permitted by law. The only regulatory element in the current concept of abolitionism is the power of municipalities to issue generally binding by-laws to ensure local public order. Using by-laws, municipalities are allowed to regulate or even ban prostitution from local public grounds.

Since the establishment of the independent Czech Republic, several proposals have emerged with the objective to "solve" abolitionism, demanding a change in the legal approach either towards repression or, more often, towards the creation of legal framework. However, none of them has yet been adopted. This is partly because there is no general agreement on what is the right "solution" and partly because the adoption of prostitution laws is not in accordance with the Czech Republic's obligations under international law. Nonetheless, it can be assumed that proposals to change the legal approach will continue to emerge. Legal regulation of prostitution can thus be considered a still burning issue, although prostitution itself is an ancient phenomenon. This diploma thesis therefore aims to provide an overview of the legal aspects that currently affect prostitution and further it seeks arguments for and against the adoption of prostitution laws, without moralizing. A partial goal is to examine what form should the framework have.

The first part of the diploma thesis defines main terms and concepts. The second part offers a brief excursion into the history of legal approaches to prostitution and introduces the most important sources of law. The third part provides an overview of the legal aspects that affect prostitution in the current legal system. And the fourth part is devoted to the arguments for and against the adoption of prostitution laws; and its eventual form. For these purposes it first analyses the three most recent legislation proposals and three foreign approaches. Then it critically evaluates both current legal aspects and proposed legislation. The main conclusion is that regulation might be a more appropriate approach than abolitionism provided that the main aim is to strengthen the rights of sex workers. Decriminalization is found to be the most recommended approach, although analysis of the compatibility with the Czech legal system would be necessary.

Key words: prostitution, abolitionism, legal framework for prostitution