

MINISTERSTVO VNITRA
ČESKÉ REPUBLIKY

SECURITY POLICY DEPARTMENT

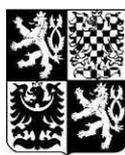
NATIONAL STRATEGY TO COMBAT TRAFFICKING IN HUMAN BEINGS

(2008 – 2011)

PRAGUE 2008



GOVERNMENT OF THE CZECH REPUBLIC



RESOLUTION OF THE GOVERNMENT OF THE CZECH REPUBLIC

No. 67 of 23rd January 2008

concerning the National Strategy to Combat Trafficking in Human Beings
(2008-2011)

The Government

I. **takes note of** the National Strategy to Combat Trafficking in Human Beings (2008-2011) contained in Part III of document No. 69/08;

II. **approves** the Plan of Tasks regarding Implementation of the National Strategy to Combat Trafficking in Human Beings (2008-2011) contained in the Annex hereto; and

III. **assigns**

1. members of the Government to meet tasks laid down in point II above, and
2. the Minister of the Interior to submit to the Government, not later than on 31 December 2011, a Report on Trafficking in Human Beings in the Czech Republic including draft measures to be adopted.

To be executed by: members of the Government

Prime Minister
Ing. Mirek Topolánek

GOVERNMENT OF THE CZECH REPUBLIC

Annex

To Government Resolution
No. 67 of 23 January 2008

**Plan of Tasks regarding Implementation of the National Strategy to Combat Trafficking in Human Beings
(2008-2011)**

	Measure	Responsible party	Deadline
I.	To give formal status to and to institutionalise an Inter-ministerial Coordinating Group (IMCG) to coordinate activities relating to trafficking in human beings (representatives of individual ministries and relevant NGOs and inter-governmental organisations) and to be responsible for the operations of the current national coordination mechanism. To submit to the Government of the Czech Republic the statutes of the IMCG and to regulate its Rules of Procedure by an internal act of the Ministry of the Interior.	MI in cooperation with other ministries	30 June 2008
	To draw up and submit, on an annual basis, a Report for the Minister of the Interior on the state of trafficking in human beings in the Czech Republic, including a description of the situation and measures adopted in the area of prevention and in the framework of the Programme in question. To publish this Report.	MoI in cooperation with other ministries	On an annual basis always as of 3 March
	To develop a central system of data collection on trafficking in human beings.	MoI in cooperation with other ministries	30 June 2008
II.	To analyse the situation and to submit a criminal law definition of forced labour or new constituent elements of offences such as 'serious forms of labour exploitation' and 'serious forms of violations of labour law regulations'. New constituent elements should define the punishment of 'illegal employment' including the different length of sentences according to the gravity of exploitation of a labourer by an employer.	MoI in cooperation with MLSA MoJ	31 July 2008
III.	To consistently use legal means in order to eliminate negative consequences of prostitution. To draw up, on an annual basis, information for the Ministry of the Interior on measures adopted and their outcome.	All ministries	On an annual basis always as of 28 February 2009

National Strategy to Combat Trafficking in Human Beings (2008-2011)

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Introductory Word of Minister of the Interior MUDr. Mgr. Ivan Langer

The fight against trafficking in human beings is among one of the present greatest challenges not only in the Czech Republic but also abroad. Trafficking in human beings is one of the most serious forms of organised crime and, due to the huge profits made by offenders through such activities, it is one of the most profitable forms of crime. As trafficking in human beings takes a range of forms, the measures adopted against it must be equally broad and comprehensive. This is the reason why the Ministry of the Interior alongside other ministries has, since 2003, been producing a National Strategy to Combat Trafficking in Human Beings.

The currently submitted National Strategy to Combat Trafficking in Human Beings (2008 – 2011) is the third in the series. This one, as with both previous strategies, provides for a comprehensive description of the situation pertaining to the area of combating trafficking in human beings in the Czech Republic, and in particular it describes measures taken in the previous two-year period.

‘The National Strategy to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic (2003-2005)’ brought about a number of measures aimed not only at suppression but rather mainly at prevention, and as well the provision of information to potential victims and the improvement of the position of victims of trafficking in women. During 2003-2005 a model of care for such victims was proposed and tested as a pilot project, and was made official in the following years as the ‘Programme on Supporting and Protecting Victims of Trafficking in Human Beings in the Czech Republic’.

‘The National Strategy to Combat Trafficking in Human Beings (2005-2007)’, in compliance with an amended criminal law definition of trafficking in human beings, the Strategy concentrated not only on trafficking in women but also on new criminal conduct made punishable since October 2004. Measures both against trafficking in human beings for the purpose of forced labour¹ and against the ‘client system’ were specified² on the basis of two, until then rather sporadic surveys focused on other forms of trafficking in human beings occurring in the Czech Republic. The client system and related labour exploitation of migrants may be, in marginal cases, qualified as trafficking in human beings for the purpose of forced labour. As these issues are rather complex and diversified the Ministry of the Interior will draw up a special document summarising measures aimed against the client system³.

¹ Forced labour – this summary term is used throughout the text as an ‘abbreviation’, to include some other forms of trafficking in human beings falling under terms such as slavery or serfdom, and other serious forms of labour exploitation.

² The term ‘client system’ denotes illegal forms of intermediating work for foreign nationals. This term was taken from the word ‘client’, used by the Ukrainian community for brokers working in the black economy usually with direct links to organised crime.

³ At the time when this document was under preparation the ‘Plan of Measures to Eliminate Irregular Means of Organising Labour Migration’ was sent to the Ministry of Industry and Trade and the Ministry of Labour and Social Affairs with a request for the respective ministries’ opinion regarding whether they would submit the document in question to the government of the Czech Republic together.

‘The National Strategy to Combat Trafficking in Human Beings (2008-2011)’ is a continual follow-up to steps taken on the basis of the two previous national strategies. In cooperation with individual partners and building on national and international good practice, those areas which will be paid attention to in the upcoming period were identified. Such tasks do not need to be assigned through a Government resolution, but will be determined within following years by a newly established Inter-ministerial Coordination Group. In the vast majority the changes are not extensive or to vastly alter the system, however those assignments in question focus more on the efficiency of work within given legal regulations. The proposed tasks target the judicial network as a whole, the Police of the Czech Republic, and cooperation with other state administration authorities as well as Non-governmental organisations (NGOs). And there is another group of tasks which is considered fundamental in terms of tackling trafficking in human beings. Therefore such tasks must be assigned by a resolution of the Government of the Czech Republic. The tasks concerned define the necessity to adopt legislative amendments, to recognise an effective system of coordination of activities, including those against prostitution, and to define preventive measures against trafficking in human beings.

Activities against trafficking in human beings represent one of the international political priorities which are monitored by important international organisations as well as by individual countries (in particular these being the UN, EU, Council of Europe, OSCE, the USA and so forth). The fight against trafficking in human beings was one of the priorities of the British, Austrian and Finnish Presidencies, which proves the importance assigned to this topic. As it is a long-term priority, the Czech Republic will also deal with the fight against trafficking in human beings during its Presidency in the EU in 2009.

At the same time it may be stated that the measures adopted in the past as well as newly proposed measures fully comply with recommendations of international organisations and with the comprehensive approach of the EU toward the phenomenon of trafficking in human beings, in particular with the EU Action Plan against Trafficking in Human Beings (an EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings - 2005/C 311/01).

A. Description of the Situation and Evaluation of Measures Adopted

1) Description of the Situation Pertaining to the Area of Trafficking in Human Beings

A) General Description

Trafficking in human beings is one of the worst distortions of fundamental rights and freedoms, which not only violates human dignity but seriously threatens the health and life of the victim. However, trafficking in human beings does not mean only violation of the lives of victims, but also of their families. Not infrequently, threats of violence against family members are used as efficient means through which the potential victim is forced to obey. At the same time it is stated that trafficking in human beings is one of the most profitable forms of international organised crime. The profits of offenders are compared with the profits of illegal weapons and drugs smuggling, the two most profitable forms of organised crime in general. As the crime of trafficking in human beings is highly latent, different estimates of the scope of this phenomenon are available both at national and international levels⁴. The differences in estimates are contributed to by different definitions of trafficking in human beings in individual legal frameworks and the fact that such illegal activities are carried out within the black economy. They are, for example, prostitution and employment of foreign nationals. However, all stakeholders agree on one point: it is a worldwide and very serious problem, which is highlighted, *inter alia*, by the fact that trafficking in human beings is a long-term priority of, for example, EUROPOL within its fight against organised crime, and at the same time is a priority of the 'General Programme of Security and Safeguarding Liberties' along with terrorism, dealing in drugs, and so forth.⁵

The crime of trafficking in human beings is committed, in accordance with the internationally recognised definition included in the United National Convention against Transnational Organised Crime and its Protocols, by a person who, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability, forces, hires, transports, transfers, harbours, lures or receives persons (men or women), for sexual intercourse or other forms of sexual harassment or exploitation, slavery or servitude or forced labour, or other forms of exploitation. The recruitment, transportation, transfer, harbouring or receipt of a person under 18 years of age for the purpose of exploitation shall be considered 'trafficking in human beings' even if this does not involve any of the means set forth above. Thus the protection of children is ensured at a higher level. As regards the Czech legal framework, the sentence for trafficking in human beings is from two to fifteen years of imprisonment⁶. Although trafficking in human beings is usually committed across the national border of several countries with the involvement of organised crime, cases where such crime is committed inside one country and without the participation of

⁴ For example the International Labour Organisation (ILO) states that approximately 12.3 million people worldwide are victims of forced labour, bonded labour, forced child labour and sexual servitude; other estimates range from 4 to 27 million victims - The 2007 Trafficking In Persons Report", The US Office to Monitor and Combat Trafficking in Persons, June 2007, p. 8.

⁵ Establishing a framework programme on 'Security and Safeguarding Liberties' for the period 2007-2013, COM (2005) 124 final, 6 April 2005, and Crimorg 38, 2 May 2005.

⁶ Sec. 232a of the Criminal Code

organised groups of offenders were and are reported. Therefore the definition contained in the Criminal Code covers all the aforementioned types of conduct regardless of the numbers of countries or persons involved.

Currently the following **forms of trafficking in human beings** (the division being according to the purpose for which victims are exploited) are talked about:

- for the purpose of sexual exploitation (sexual intercourse as well as other forms of sexual harassment);
- for the purpose of forced labour, slavery or practices similar to slavery, servitude, forced services, labour exploitation;
- for the purpose of removal of organs or tissues;
- for the purpose of forced begging or forced committing of petty criminal offences; and
- for the purpose of forced marriages.

Particularly in the context of war conflicts in the African continent, war children are mentioned. However, this area of trafficking in human beings is not relevant as regards the Czech Republic⁷.

Experience gained on the basis of police investigations shows that the **modus operandi** of organised groups of offenders is being further developed, especially of those who are engaged in sexual exploitation of women. An element of violence or physical enforcement need not always be obvious. On the contrary, sometimes women may keep a considerable part of their earnings. This indirectly indicates that the offenders have learned a lesson and use **more sophisticated forms of coercion**, in particular psychological coercion. Due to this fact, victims are less and less willing to provide any testimony against offenders. The sanctions which are imposed on offenders may also be much less heavy in cases where the offender did not use strong physical violence.

This shift towards less violent methods of coercion is reported Europe-wide and raises a number of disputed and legally complex questions. At the same time, such a shift justifies the need for highly specialised methods of collecting evidence as well as the necessity to divert from relying on the testimony of the victim as the only evidence against the offender. If a victim is for example satisfied with a share of between 25% and 40% of the proceeds he/she, although abused and deceived, need not feel as a victim and thus he/she will not contact the police for help. As a consequence, it is difficult for inspection and law enforcement authorities to differentiate between voluntary and involuntary prostitution. Cases relating to the area of forced labour and other forms of exploitation are even more difficult.

⁷ War children are paid considerable attention abroad. For more information on this emerging activity see for example www.warchildmovie.com.

B) Situation in the Czech Republic

As regards the medium-term horizon, neither the scope nor the forms of trafficking in human beings have changed a lot in the Czech Republic. **Sexual exploitation of women** continues to be relatively the most wide-spread form of trafficking in human beings. At the same time great attention is also devoted to other forms of trafficking in human beings, in particular to trafficking in human beings **for the purpose of forced labour**.

The Police of the Czech Republic (hereinafter referred to as the 'Czech police') report in relation to the crime of trafficking in human beings an **important international element** which is linked to the improvement of criminal methods used, conspiracy, legalisation of proceeds, and so forth. For example, in 2004 remarkable activities of the Vietnamese community in the Czech Republic in the area of organised prostitution were reported. In the framework of the struggle against procuring, some of the activities of model agencies are monitored as these, as a matter of fact, deal with escort services organised both in the Czech Republic and abroad (France, the United Kingdom, the Unified Arab Emirates, and some other countries).

The structure of either offenders or victims has not displayed in the recent years any considerable changes. Currently the Czech Republic is both a **target and transit** country, mainly for trafficked women from the countries of the former Soviet Union; women from Ukraine, Russia, and Moldova prevail. As regards other countries, women are trafficked from Slovakia, Bulgaria, Romania, Vietnam, and former Yugoslavia. Predominantly Russian speaking organised criminal groups operating throughout the Czech Republic, mainly in North, West and South Bohemia (near the border with Germany and Austria, in South Moravia (near the border with Austria) and in Prague are involved. Cases of trafficking in human beings within Chinese and Vietnamese communities were recorded. Citizens of the Czech Republic and of Slovakia of Roma ethnicity considerably participate in domestic trafficking in human beings, although in the vast majority of cases they organise voluntary prostitution. During the last year information was collected that such persons also organise prostitution 'to be exported' to other European states (for example the United Kingdom or Scandinavian countries). Such activities are, in the majority of cases, classified only as procuring since no element of involuntary offer of sexual services was recorded.

As regards **forced labour, another similar form of exploitation**, the Czech Republic has become a **target country** again primarily for persons from the former Soviet Union, mainly from Ukraine, followed by Vietnam, China, and other Asian countries. Some surveys pointed out also nationals of Moldova, Belarus, Kazakhstan, Mongolia, and less frequently from Georgia and Chechnya⁸. In 2007 an increase in the number of victims from Romania was reported which probably relates to Romania's accession to the European Union, which facilitated the mobility of Romanians within the European Union. Whereas victims of sexual exploitation in the Czech Republic are usually only women, victims of forced labour are both women and men, sometimes even more than one member of one family (for example a father and a son).

⁸ For example survey 'Trafficking in Human Beings and Forced or Exploiting Labour in the Czech Republic', Petra Burčíková, La Strada Czech Republic, o. p. s., 2006.

The Czech Republic is also a **transit country or a place for recruitment of persons** who are, after their travel documents have been forged, transported to other EU Member States. Such people are then exploited as cheap labour force.

Victims of forced labour or serious forms of labour exploitation, as indicated by experiences from abroad as well as from the Czech Republic, occur mainly in the **following three sectors**: construction, forestry and agriculture, and in SMEs (production of metal parts, sewing and so forth). Surveys demonstrated that individual sectors may be further described: “In agriculture the work is, as indicated by survey findings, divided into male and female work, mainly according to physical demand. Thus men work mainly in forestry and women are involved in less physically demanding agricultural work (for example they harvest crops). Ukrainian women clearly prevail followed, to a smaller extent, by women from Moldova and Belarus. According to information gathered, women almost exclusively work in service, predominantly represented by women from Ukraine, followed by women from Moldova, Belarus, and Kazakhstan who are, however, when compared to Ukrainian women, in the minority. Men also work in this sector but they work higher up in the hierarchy, for example they manage the cleaning. The third area where foreign nationals, who were interviewed, worked, was the construction sector, where especially men are employed, although some women work as well - they carry out mainly cleaning. As regards nationalities, again Ukrainians prevail among construction workers, followed by labourers from Moldova and Belarus. Respondents did not perceive Slovaks to be foreign nationals; as regards other nationalities respondents also mentioned quite a high number of Poles. Men interviewed were aware of the fact that Ukrainian women work in hospitals, mainly as charladies and in laundries.”

“Such gender division relates mainly to physical demand for relevant work but also to traditional gender stereotypes. The forestry and construction industry are marked as typically ‘male’ sectors. On the other hand the textile industry, agriculture, services, and home-based work are typically ‘female’ sectors. Different work in restaurants and fast-food and stall sales, which are typical for the Vietnamese (and probably also the Chinese) community is carried out both by men and women. As regards individual nationalities, Eastern Europe and Asia are generally mentioned. Namely these labourers come from Ukraine, Vietnam, China, Mongolia, Russia, Armenia, and Georgia⁹.”

In 2006 the issue of the **work of female workers from Northern Korea in Czech factories** was repeatedly discussed in the media. The Czech police, in particular the Unit for Combating Organised Crime (hereinafter referred to as ‘UCOC’) in cooperation with Labour Inspectorates, Labour Offices, the International Organisation for Migration Prague (hereinafter referred to as ‘IOM’), and also in cooperation with other relevant institutions, repeatedly and carefully reviewed suspected violations of legal provisions of the Czech Republic. However, neither public administration bodies, NGOs, international organisations nor the media were able to enter into cooperation with competent Northern Korean institutions which would have helped confute doubts as regards violations of the fundamental rights and freedoms of Korean labourers. Despite the fact that no serious breaches of legal provisions were detected it was decided that the issue of new visas or extending the validity of

⁹ For example survey ‘Trafficking in Human Being and Forced or Exploiting Labour in the Czech Republic’, Petra Burčíková, La Strada Czech Republic, o. p. s., 2006.pp- 20, 21.

long-term residence permits in the Czech Republic for current groups of female workers from Northern Korea would unambiguously contradict the security and foreign policy interests of the Czech Republic.

Links between international organised groups and Czech nationals who occupy various positions in such criminal organisations have been reported for quite a long time. In order to transport labourers to the Czech Republic, in vast majority tourist visas and official transport means are used. A moderate increase in cases where the Czech Republic became a **source country for some West European states** was reported. The same applies to domestic forced street prostitution. This forced street prostitution occurs mainly in regions badly affected economically, displaying difficulties in the labour market, and where there are socially excluded communities, especially those comprising persons of Roma ethnicity. Although it is always important to stress **differences between voluntary and forced prostitution**, it is not possible to totally distinguish an approach towards these two types of prostitution. It is necessary to increase the awareness of the general public about the risks and pathological influences linked to prostitution and at the same time to provide more information to the clients of commercial sexual services regarding trafficking in human beings.

Traditionally Prague¹⁰ and regions near the national border with Germany and Austria¹¹ have displayed the highest occurrence of prostitution, mainly that offered directly on the street. Estimates obtained from non-governmental organisations show that the share of female foreigners engaging in prostitution in Prague oscillates between 35-40%, whilst in West Bohemia allegedly two thirds of female prostitutes come from Eastern Europe¹². It may be also said that the forms and intensity of violence or coercion into carrying out prostitution have stabilised, whereby physical violence is replaced by enforcement of an economic nature, extortion, the exploitation of tough personal situations, and less visible forms of pressure. On the contrary, in situations when an organiser of prostitution (a procurer) is a partner of a prostitute violence tends to increase. According to the experience of NGOs this happens mainly in the Roma community, either of Czech, Bulgarian or Romanian origin, and particularly against more vulnerable persons (people mentally retarded, unmarried mothers, and so on). In some borderland regions girls involved in street prostitution are probably under the absolute control of their procurer (some streets or roads in the Chomutov district, the Teplice district and so forth – prostitutes are forbidden to contact social workers as well as health care staff, they are without mobile phones and they are always ‘protected by a boy friend’). Despite the described situation, recent years have seen a downward trend **in street prostitution**. This is given by a certain ‘cultivation’ of the prostitution scene (if compared to the 1990s), a slight decline in demand thanks to the decrease in differences in the social and economic level between the Czech and German population, but also due to accession to the EU (abolishment of border checks) and perhaps,

¹⁰ Only on Wenceslav Square and on neighbouring streets were there in spring 2007 in total 23 brothels and erotic clubs. This information was provided by the District Office of Prague 1.

¹¹ It may be stated that there is an obvious different approach towards the topic of trafficking in human beings taken by German and Austrian tourists arriving in the Czech Republic. Whilst German nationals perceive trafficking in human beings as a problem to which eyes should not be shut, Austrian nationals feel rather disturbed for example by the distribution of leaflets. Also German tourists are better informed on risks. This phenomenon probably relates to widespread campaigns against trafficking in human beings and attention paid to this issue by the German media before and during the World Football Championship held in Germany in 2006. This information was obtained from an IOM employee who participated in a campaign focused on clients of sexual services.

¹² For example Rozkoš bez rizika (Passion without Any Risk).

at the local level, thanks to success achieved in suppressing street prostitution by municipal ordinances.

With respect to the fact that crimes of trafficking in human beings as well as procuring are highly latent, it is necessary to make use of any opportunity to enter into contact with this pathological environment in order to prevent related risks (harm reduction). It is also necessary to support the work of NGOs dealing with the **prevention of venereal diseases and social work with prostitutes**¹³, as well as other organisations assisting in solving the situation of socially excluded groups of the population. The promotion of projects aimed at preventing sexually transmissible diseases implemented in particular by organisations using street workers, including options to test sexual transmissible diseases on the spot, is very useful as it provides the possibility to enter into regular contact with the environment in question. To increase the promotion of such projects is in the interest of combating serious venereal diseases which have been on the rise in the Czech Republic in recent years. In this context the risk of contagion by HIV/AIDS must be mentioned in relation to a sharp increase in infected persons in Ukraine and Russia.

Information about the prostitution scene gathered through street work may be used for mapping out and analysing general trends of prostitution both in individual regions and at the national level.

As regards trafficking in children, the Czech police have concentrated so far primarily on **exposing the organisation of child prostitution in the Czech Republic**. Again this is a highly latent criminal activity, the offenders being predominantly foreign nationals. The issue of commercial sexual exploitation of children as a very grave phenomenon and with regard to some of its specificities it is described separately in the strategic document: 'National Plan on Combating Commercial Sexual exploitation of Children (2006-2008)'¹⁴.

The area of **trafficking in children for other purposes, in particular for the purpose of coercing them into committing petty criminal activities** has been neglected so far. As a response to the higher occurrence of such cases in 2005 the Ministry of the Interior drew up in cooperation with other experts (the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports, the Police Presidium of the Czech police, the International Organisation for Migration, and so forth) an analytical document aimed at describing Bulgarian organised crime operating in the Czech Republic and relating to trafficking in human beings, prostitution and pickpockets. The document, entitled 'Bulgarian Girls'¹⁵, identified a range of problematic areas, assigned tasks, and proposed measures. The guidelines of the Criminal Police and Investigation Service Office of the Police Presidium was drawn up on the basis of the aforementioned document. The guidelines should help to train police officers to understand obligations arising from the social and legal protection of children as stipulated by Act No. 359/1999 Coll. on Social and Legal Protection of Children, as amended. Training focused mainly on the area of reporting unaccompanied minors and on functions and

¹³ Similar support can be seen in some areas of cross-border cooperation, for example in funding of the Czech – German project entitled 'Jana' and carried out in Domazlice.

¹⁴ <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

¹⁵ <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

assignments of authorities involved in the social and legal protection of children, and on providing information about the option to use a method known as Tanner Whitehouse 20 to determine age through bone testing in the case of any doubts concerning the age of a foreign national child. Thanks to steady attention devoted to this issue by competent authorities no information about pathological conduct against foreign children, as described in the 2005 analysis, was detected from the end of 2005 until mid 2007. **In autumn 2007 sporadic cases were again detected in Prague.** Their modus operandi was very similar to those cases which occurred in 2005. At the same time similar situations are being solved in relation to Slovak, in particular Roma, children **in other locations of the Czech Republic.** Therefore it is necessary, mainly for preventive reasons, to open up discussion in the upcoming period, and to analyse the situation, in close cooperation with experts working in an education facility for unaccompanied foreign minors called Blue School. The training of these workers regarding how to identify victims of trafficking in human beings, regarding work procedures, and regarding how to get feedback on respective victims, will be highly beneficial. Other activities must target officials of Departments of Social and Legal Protection of Children, municipal police constables, and officers who are in a position to identify victims directly in the streets. An effective system of exchange of information on endangered children must be set up and used by those entities mentioned above.

Criminal acts relating to **trafficking in human organs have not been detected since 2004.** These crimes are monitored and investigated also by UCOC, which managed to expose one case in the past. The case concerned only **post mortum unlawful treatment of human organs and tissues** (skin implants) pursuant to Sec 209a of Act No. 140/1961 Coll., the Criminal Code, as amended (hereinafter referred to as the 'CC')¹⁶. Actually it was the first case of this type investigated in the Czech Republic on the basis of which certain persons were accused and charged with this crime. Criminal activities were committed from September 2002 to October 2004 by a group of offenders – employees of the Czech Tissue Bank - who were in contact with an organised group from the Netherlands. When investigating this case the Czech police closely cooperated with Dutch, Slovak, and Estonian police services (information exchange, financial investigation including monitoring of bank accounts, and legal assistance).

¹⁶ This Section was incorporated in the CC by Act No. 285/2002 Coll., on Donation, Collection and Transplantation of Tissues and Organs and on the Amendment to Some Other Acts as amended by Act No. 228/2005 Coll. – the Transplantation Act).

2) Overview of Activities against Trafficking in Human Beings 2005 - 2007

A) Legal Regulation

Measures Adopted at the National Level

Since the amendment of the CC made by Act No. 537/2004 Coll. came into effect on 22 October 2004 and its Section 232a established a brand new definition of trafficking in human beings, **problems in application of the law concerning the partial overlapping of constituent elements of offences of procuring and trafficking in human beings under the provisions of Sections 204 and 232a of the CC** have persisted. Not only the Czech police but also public prosecutors' offices and courts struggle with such problems¹⁷. This problem appears to be critical and therefore it is analysed in more detail in Part B) - Measures Proposed for 2008 - 2011.

One of the key topics in the framework of combating trafficking in human beings is to find a certain balance between human and legal requirements for the protection of and care for victims, and the interest of law enforcement authorities when prosecuting offenders. This was the reason why the Czech Republic adopted special provisions regulating residence rules directly in relation to victims of trafficking in human beings. In June 2006 the **amendment to Act No. 326/1999 Coll., on the Residence of Aliens in the Czech Republic and on the Amendment to Some Other Acts, as amended (hereinafter referred to as the 'Act on the Residence of Aliens')** improved the status of victims of trafficking in human beings. A **new type of residence** was introduced and this may be applied to victims of trafficking in human beings cooperating with law enforcement authorities in criminal proceedings. It is a **long-term residence for the purpose of protection in the Czech Republic** and it is the Asylum and Migration Policy Department of the Ministry of the Interior which decides whether such residence permit shall be granted. Foreign nationals may be provided financial assistance under Sec. 48a of the Act on the Residence of Aliens, dependant on circumstances, up to the amount of the minimum cost of living and for the period of validity of the long-term residence permit for the purpose of protection in the Czech Republic - a relevant foreign national is considered to be a foreign national who was granted permanent residence¹⁸. Since June 2006 this amendment was also reflected in the Programme on Supporting and Protecting Victims of Trafficking in Human Beings (hereinafter referred to as the 'Programme')

With respect to providing care and protection to victims of trafficking in human beings, the question was raised as to how to ensure certain standards for victims' family members. Task No. 19 of

¹⁷ This is demonstrated both by the information acquired in drawing up this document and by other documents, for example the '2005 Report on Activities of Public Prosecutors' Offices' of 28 June 2006. The '2006 Report on Activities of Public Prosecutors' Offices' of 18 June 2007 states: "With respect to offences of trafficking in human beings, legal application problems concerning overlapping relations of constituent elements of such offences under Sections 232a and 204 of the CC, mentioned in previous Reports, persist".

¹⁸ A new legal provision relating to residence is based on Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities. It is very important that any foreign national concerned is, according to this Act, informed of his/her right to apply for a long-term residence permit for the purpose of protection in the Czech Republic and also on the conditions to be satisfied, while a 30-day time limit for reconsidering such application is maintained. During this time limit the foreign national may not be deported or his/her residence may not be otherwise terminated.

the National Strategy to Combat Against Trafficking in Human Beings (2005-2007) (hereinafter referred to as the 'National Strategy 2005-2007') stipulated the analysis of options to protect family members of foreign victims of trafficking in human beings in the Czech Republic and to propose corresponding measures. After having analysed the current provisions of the Act on the Residence of Aliens in order to decide on **residence rules for victims of trafficking in human beings or their family members or persons who are treated as family members**, the Government of the Czech Republic approved by its Resolution No. 343/2007 of 11 April 2007 a draft amendment to the Act on the Residence of Aliens. This governmental draft amendment was adopted by the Chamber of Deputies of Parliament of the Czech Republic on 31 October 2007 and it was being discussed by the Senate of Parliament of the Czech Republic at the time that this document was being drawn up (Senate Bill No. 128). The draft amendment, *inter alia*, extends those provisions regulating long-term residence for the purpose of protection in the Czech Republic. In relation to persons eligible to apply for a residence permit for the purpose of protection in the Czech Republic within the meaning of Sec. 42e (1) of the Act on the Residence of Aliens, **the draft amendment newly regulates a long-term residence permit for the purpose of protection in the Czech Republic of a husband/wife, a minor or a child of age who does not earn for his/her living, or a foreign national who is incompetent to make any legal acts and who has been placed, by the decision of a competent authority, in the custody of a person who is a probable victim of trafficking in human beings** or a person who was smuggled across the national border or was enabled to illegally cross the national border and whose testimony is important for detecting the offender or organised group involved in organising or enabling illegal such crossings of the national border, provided that such person cooperates with law enforcement authorities. The purpose of the residence permit is unification of the family, and a fundamental condition for granting such residence is the presence of those persons in question in the Czech Republic at the moment when those persons eligible under Sec. 42e (1) of the Act on the Residence of Aliens file the relevant application. The draft amendment further regulates conditions for the termination of this type of residence for family members concerned or persons who are treated as family members. Further proposed changes concern accommodation and options for providing financial assistance. In order to prevent abuse of this type of residence, stricter conditions apply if the person in question intends to change the purpose of his/her residence. The text approved by the Chamber of Deputies of Parliament of the Czech Republic includes further partial modification of Sec. 42e (2) of the Act on the Residence of Aliens (i.e. when compared to the original governmental draft amendment). Specifically the possibility to terminate the time limit of one month with which the foreigner was provided in order to reconsider his/her decision as to whether he/she will cooperate with law enforcement authorities, was incorporated. Such an option will be used if the foreign national ceases to satisfy some of the required conditions for being granted a long-term residence permit for the purpose of protection in the Czech Republic or if it is necessary for securing public order or safeguarding the security of the state, or if the foreign national requests cancelling the time limit provided (see the draft amendment to Sec. 42e (2) – amendment point 44).

The last of those pressing problems with which the Czech Republic has coped since the beginning of the 1990s is the **issue of prostitution, its definition and its regulation within the Czech legal framework**. The solution of this issue partially receded into the background when in

spring 2006 the Draft Act on Regulating Prostitution was withdrawn, together with a proposal to remove the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (UN Assembly, New York on 12 December 1949. The Czech Republic acceded to the Convention on 14 March 1958, the New York Convention) from the agenda of the Parliament of the Czech Republic. With regard to the fact that the scope and cultivation of the prostitution scene affect the environment and the scope of the phenomenon of trafficking in human beings for the purpose of sexual exploitation, it is necessary to pay adequate attention to this topic. Therefore, one of the proposed measures included in Part B) – Measures Proposed for 2008 – 2011- is devoted namely to prostitution.

Measures Adopted at the International Level

The Czech Republic signed the **Convention against Transnational Organised Crime (of 12 December 2000, the Palermo Convention) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (10 December 2002), supplementing the Convention in question.** Even though the Czech legal framework satisfies almost all the requirements which the Protocol imposes upon signatory countries, the Czech Republic can, at the moment, ratify neither the Convention nor its Protocols¹⁹. The reason is that the liability of legal entities has not yet been defined by Czech national law. Introduction of criminal liability of legal entities was one of the heavily discussed proposals contained in the original draft recodification of the Criminal Code²⁰. As regards the punishment of offenders who have committed the crime of trafficking in human beings, it is an important requirement because it is very often legal entities which participate in such illegal activities, as trade companies running hotels, bars, night clubs, gambling clubs, agencies dealing with intermediation of work abroad, travel agencies and transport companies, and publishing houses and printing works producing pornographic goods. The liability of individuals fails due to notoriously cumbersome procedures of international legal assistance and other difficulties in supporting investigations with relevant evidence.

Adoption of the Action Plan of the Council of the European Union (**EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings - 2005/C 311/01**) in December 2005 is considered to be a significant activity²¹.

The Plan is to guarantee better coordination of activities between EU Member States and to enhance assistance and protection of victims of trafficking in human beings. Trafficking in human beings is described as “a contemporary form of slavery, a serious crime and gross violation of fundamental human rights which reduces persons to a dependant position through threats, violence and humiliation”. The Plan, *inter alia*, obliges EU Member States to secure a certain minimum standard

¹⁹ It is true that the international community places a great emphasis so that the above-mentioned instruments are ratified by the highest possible number of states as soon as possible. For example the Palermo Convention was included by the European Commission in the indicative list of international agreements to which the Czech Republic should accede in the nearest future in accordance with the Act on the Czech Republic’s Accession to the European Community, i.e. at least by 1 May 2004 with the exception of cases where problems of a technical nature present obstacles to such ratification.

²⁰ At the time of this document being drafted, the Ministry of the Interior and the Ministry of Justice intensively cooperate on finding the optimal way in which to introduce the liability of legal entities in compliance with international obligations.

²¹ <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:311:0001:0012:EN:PDF>

concerning care for victims (for example to grant both to cooperating and non-cooperating victims a short-term residence permit for at least 30 days which victims may use for the stabilisation of their health and mental state and evaluation of their situation, and ensuring the access of victims to information on legal and administrative procedures in the language they understand alongside free legal assistance, and so forth). Other measures comprise for example more intensive cooperation with relevant organisations such as Europol, Eurojust, Frontex or respective NGOs, the establishment of a focal point network, the support of the efforts of all EU Member States in order to sign and ratify the Palermo Convention and its supplementing Protocols, and introduction of the Day against Trafficking in Human Beings within the EU. Such day was celebrated for the first time on 18 October 2007.

The European Commission set up in 2003 **an Expert Group of the European Commission on Trafficking in Human Beings**, the participants of which are foremost experts from governmental offices of EU Member States, research and scientific institutes, law enforcement agencies, and non-governmental organisations. In 2004 the Group completed a comprehensive Report on Trafficking in Human Beings, including 132 recommendations which indicated directions for strengthening the fight against trafficking in human beings within the EU. Recommendations, which always emphasised the necessity to adhere to a human rights approach, were aimed at prevention (not only in EU Member States but also in source countries) as well as the promotion and protection of victims of trafficking in human beings, and also at law enforcement authorities, and they proposed establishing new coordination mechanisms. As a result the Report became one of the most important sources of information for the development of the above-mentioned EU Action Plan.

The Group continued its activities also after the EU Action Plan was adopted, in particular through delivering opinions on different relevant issues (such as an opinion supporting preventive activities adopted before and during the World Football Championship in Germany in 2006). At present the Group is preparing a list of indicators enabling assessment of the effectiveness of measures adopted²².

The ‘**Committee on Action against Trafficking in Human Beings**’ (CAHTEH) of the Council of Europe - cannot be omitted. This Committee drew up the **Council of Europe Convention on Action against Trafficking in Human Beings and published it under No. 197**²³. The Convention was approved at the Council of Europe Summit held on 3 May 2005 and it was open for signature. The condition upon which the Convention may come into force is its signing and ratification by at least ten states, including eight states of the Council of Europe. The Convention has been so far signed by 29 of the 46 member states of the Council of Europe (as of 12 August 2007), and has already been ratified by Albania, Austria, Bulgaria, Croatia, Denmark, Georgia, Moldova, Romania, Slovakia (March 2007), and Cyprus. Thus the requirement of ten states has been satisfied and the Convention will come into force on 1 February 2008.

²² http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc_crime_human_trafficking_en.htm#Experts%20Group%20on%20Trafficking%20in%20Human%20Beings

²³ http://www.coe.int/T/E/human_rights/trafficking/PDF_Conv_197_Trafficking_E.pdf

The Convention covers all forms of trafficking in human beings (trafficking in human beings committed both at international and national levels, by organised criminal groups and/or individuals, and applying to trafficking in women, children and men for all possible purposes of exploitation). Further the Convention specifies goals consisting in measures of a preventive nature, it proposes a framework regulation of protection of and assistance to victims as well as to witnesses and it calls for effective detection and investigation of crimes in question, strict sanctions for offenders and expresses support for international cooperation. The Convention also introduces its own independent mechanism (GRETA) which is to ensure the compliance of regulations adopted by Member States with the Convention. The Czech Republic was repeatedly²⁴ criticised for its position, according to which its accession to the Convention is predominantly hindered by the requirement of the Convention to implement liability of legal entities for some types of criminal conduct defined by the Convention as criminal acts. The Convention requires the introduction of criminal, civil or administrative liability (Article 22 of the Convention Corporate liability – in particular paragraph 1 and paragraph 3). The Ministry of the Interior in cooperation with the Ministry of Justice is currently working on a draft stipulating the form in which liability of legal entities should be introduced in the Czech legal framework. Implementation of such legal provisions would enable ratification of the Council of Europe Convention as well as other international conventions pertaining to this area.

‘The 2006 Trafficking In Persons Report’ of June 2006²⁵ and **‘The 2007 Trafficking In Persons Report’** of June 2007 will be mentioned only marginally. The so-called TIP report is an annually published status report on trafficking in human beings and encompasses measures adopted by individual countries worldwide. The respective Report is drawn up by the US Office to Monitor and Combat Trafficking in Persons²⁶. The Czech Republic, after having been evaluated positively for many years, fell, in 2006, from Group 1 to Group 2. It was criticised especially for low, frequently unconditional, sentences imposed on offenders of trafficking in human beings, and repeated media reports on alleged cases of forced labour occurring in the community of female labourers from North Korea. The 2007 Report was more favourable for the Czech Republic which was again, together with another 28 countries, included in Group 1. At the same time a measure consisting of establishing a new sub-unit which is specifically involved in investigations of trafficking in human beings for the purpose of forced labour and works within UCOC was included in the list of recommendations which are stated as examples of good practice. As in previous years the 2007 report also puts an emphasis on consistent prosecution of offenders engaged in trafficking in human beings so that they are sentenced to imprisonment, and the reports contains recommendations to continue the training of public prosecutors, judges and labour inspectors regarding the issue in question.

²⁴ For example at the seminar entitled ‘Seminar on the problems of trafficking in human beings – measures to protect the rights of victims’, which took place from 19-20 April 2007, which was organised in Berlin by the Council of Europe and the Konrad Adenauer Foundation.

²⁵ <http://www.state.gov/g/tip/rls/tiprpt/2006/>

²⁶ States are divided into three groups according to the measures adopted by individual states in combatting trafficking in human beings, of which measures pertaining to the area of repression, prevention, and care for the victims of trafficking in human beings are important.

B) Coordination of Activities and Measures of Law Enforcement Authorities and Other State Administration Bodies ,Cooperation with Non-governmental Organisations and Inter-governmental Organisations

Ministry of the Interior of the Czech Republic

The Ministry of the Interior is a principal coordinator in the Czech Republic as regards combating trafficking in human beings. In compliance with the ‘National Strategy to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic (2003-2005)’ the Ministry of the Interior, namely its Security Policy Department, was vested with the competence of **national rapporteur**²⁷. The role of national rapporteur lies with analytical and strategic activities and includes both coordination of activities to combat trafficking in human beings, and reporting, including draft measures (the National Strategy, data and information for various monitoring reports of, in particular, international organisations²⁸ and so forth). The Security Policy Department of the Ministry of the Interior is also responsible for coordinating the Programme and Preventive Activities.

As a coordinator, the Ministry of the Interior organises **round tables concerning implementation of the National Strategy**. These are meetings of all stakeholders, meaning representatives of individual ministries which have been assigned tasks by the national Strategy, and representatives of NGOs and other entities involved in the area of trafficking of human beings in the Czech Republic. Such meetings serve to exchange information on how activities assigned by the National Strategy have been met, and on other related activities independent of the National Strategy so that they are not duplicated in the Czech Republic. Activities relating to the Programme fall under the **national coordination mechanism**. Therefore meetings concerning the National Strategy directly follow up meetings of the **Interdisciplinary Working Group on Support and Protection of Victims of Trafficking in Human Beings**, which is presided over by the First Deputy Minister of the Interior. As early as in 2005 the Programme was made official (it was institutionalised), and it is regulated by

²⁷ The approach of the Czech Republic toward trafficking in human beings is really progressive and it may be said that it meets international standards as well as the majority of recommendations, and the Czech Republic carefully monitors best practices. For example Sweden introduced a National rapporteur on the basis of the Hague Declaration as early as in November 1997. (The Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Woman for the Purpose of Sexual Exploitation – Hague, 24-26 April 1997. The Declaration encompasses recommendations to combat trafficking in human beings both at national and international levels). Under this Declaration the ‘National Police Board’ and then the ‘National Criminal Investigation Department’ were authorised to carry out activities of the national rapporteur.

In accordance with the Hague declaration this office collects data on the scope of trafficking in human beings and proposals how to solve this issue, how to prevent trafficking in human beings, and how to combat this phenomenon. It also includes every day work with relevant information, answers questions raised by the media and the general public, draws up reports for national purposes as well as for purposes of international organisations, organises seminars for experts, and so forth.

A similar office was also established for example in the Netherlands (a specially established office independent of public administration) and in Belgium. Sweden underlines the advantage of incorporating the national rapporteur into the system of the police and stresses the necessity to cooperate with police forces and to have a direct access to very sensitive information concerning currently investigated cases.

Other international documents such as the OSCE Action Plan to Combat Trafficking in Human Beings of June 2003 also recommend setting up such office.

²⁸ For example within the EU these are reports and supporting information for the Expert Group against Trafficking in Human Beings, information and comments submitted in the framework of the Action Plan of the Council of the European Union, information for the needs of UN, INTERPOL, EUROPOL, NATO, ILO, and data for the purpose of drawing up the Trafficking in Persons Report, and so on.

relevant internal management Acts as a programme funded from the Ministry of the Interior's budget.²⁹.

Urgent problems as well **information on activities of 'operational natures'** provided on an ongoing basis within the Programme, in particular individual problems concerning care for specific persons are solved at **coordination meetings**, which are held usually once every two months.

Criminal Police and Investigation Service Office

Unit for Combating Organised Crime of the Criminal Police of the Investigation Service Office of the Czech Police (UCOC) and Individual Regional Administrations of the Czech Police

It is obvious that both trafficking in human beings and organised prostitution are complex and quite specific issues which require a pro-active approach of law enforcement authorities, in particular of police forces. This initiative cannot do without operative means of detection, whilst the manner of examination is time consuming. With respect to the fact that a number of victims are female foreigners, investigation itself is both time consuming and the gathering of evidence demanding, especially when interrogation by the police is carried out through legal assistance.

UCOC, as a specialised unit, processes extensive and demanding criminal offences committed by organised groups. UCOC officers mainly meet tasks which relate to detecting signals and collecting findings on trafficking in human beings, their reviewing, processing, exposing offenders and taking other steps within criminal proceedings. UCOC also analyses, on an ongoing basis, possibilities for protecting family members of victims of trafficking in human beings in their countries of origin, and participates in solving particular cases.

International cooperation (Germany, Austria, Denmark, the Netherlands, France, the United Kingdom, Italy, Slovakia, Switzerland, and Poland) was very successful in the past years. During the course of 2005 four extensive investigations of international organised criminal groups operating in the Czech Republic, Slovakia, Germany, and Poland were carried out. In 2006 UCOC in cooperation with foreign police forces conducted or newly opened 33 criminal proceedings and several independent actions against international organised criminal groups, which with links abroad, commit criminal activities relating to the commercial sexual exploitation of women and children, production and dissemination of child pornography including via the internet, and the unlawful use of human organs and tissues.

In 2006 for example **an international organised criminal group operating in the Czech Republic, in Vietnam and partially in Germany was detected and investigated**. This criminal organisation consisted of nationals of Vietnam and the offences they committed were classified as crimes of procuring under the provisions of Sec. 204 of the CC, and trafficking in human beings

²⁹ The Ministry of the Interior prepares, on an annual basis within the Crime Prevention Strategy 2004 - 2007, a specific grant programme aimed at preventing trafficking in human beings and assisting victims.

pursuant to Sec. 232a of the CC. Their activities comprised the recruitment of women from Vietnam under the promise of legal employment in the Czech Republic, their transportation to the Czech Republic, and subsequent exploitation of such women, who were forced into prostitution. In total six offenders were apprehended and all apprehended persons were charged with the crime of trafficking in human beings.

As regards criminal proceedings, the number of detected and solved criminal offences of trafficking in human beings is stable. In 2006, as in 2005, the Czech police detected 16 criminal offences of this type³⁰.

Numbers of criminal offences of trafficking in human beings detected by the Czech police (pursuant to Sec. 232a, formerly Sec. 246 of the CC)

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007 ³¹
Number of offences detected	34	23	13	27	15	10	13	16	16	10
Number of offences solved	34	22	13	25	10	9	12	11	13	9
Number of prosecuted and investigated persons	49	38	21	26	12	19	30	18	11	18

Of the total number of 16 criminal offences detected in 2006, only one case concerned trafficking in human beings for the purpose of labour exploitation (Sec. 232a, (2), (c) of the CC). In 2006, of the total number of 16 criminal offences, one case detected on the basis of operative activities of the Criminal Police and Investigation Service gave a rise to criminal proceedings, six cases were detected by operative activities carried out by UCOC, and the remaining nine cases were investigated on the basis of filed criminal information. Out of thirteen solved cases, eight were solved by the Criminal Police and Investigation Service (CPIS – at the district or regional levels), and five cases were cleared up by a specialised unit of the UCOC. The data displays a trend regarding which UCOC plays an irreplaceable role since this unit proactively detects criminal offences using its own operative means and such an approach should be an inspiration also for CPIS at the level of regions and districts, as this police service detects cases in a reactive manner, i.e. on the basis of criminal information delivered by the general public. The necessity to use a proactive approach must be emphasised especially with respect to the high latency of trafficking in human beings. It is impossible to detect crimes of trafficking in human beings or procuring without well-functioning cooperation between regional units and units with republic-wide competence, including the collection of information from units of public order police³².

³⁰ Due to the high latency of trafficking in human beings such statistical records of detected criminal offences or convicted offenders cannot be considered as data on the basis of which it would be possible to describe the quantitative development of trafficking in human beings taking into account a medium-term horizon. Such data rather supports the fact that the Czech police managed, during the period reviewed, to detect and investigate this type of criminal act.

³¹ Data as of 30 September 2007.

³² The issue of cooperation and communication between units having a republic-wide competence and regional units of the CPIS is solved within Reform of the Police of the Czech Republic, the draft of which was submitted by the Minister of the Interior to the Parliament of the Czech Republic in November 2007. The reform should be completed by 1 January 2009 at

Criminal proceedings conducted in order to prove constituent elements of the crime of trafficking in human beings do not need to be closed by commencing criminal prosecution (Sec. 160 (1) of Act No. 141/1961 Coll., on the Rules of Criminal Procedure, as amended, (hereinafter referred to as the ‘RoCP’). However, a police body is not always able to prove the prescribed constituent elements of the crime of trafficking in human beings and the crime of procuring under the provision of the Sec. 204 of the CC.

Numbers of criminal offences of procuring detected by the Czech police (pursuant to Sec 204 of the Criminal Code)

Year	2000	2001	2002	2003	2004	2005	2006	2007 ³³
Number of offences detected	130	150	116	101	83	123	85	32
Number of prosecuted and investigated persons	163	133	107	103	105	119	98	46

As regards procuring prostitutes, the police engage a reactive approach as in the case of trafficking in human beings and the vast majority of cases are investigated once the victim (most frequently a woman) informs the police of a criminal offence. The CPIS offices, at the regional and district levels, solve between 80% to 90% of cases of procuring (of all solved cases), however, if taking into account operative activities, the police are able to detect only one third of them. Therefore the police should focus their efforts on strengthening the effectiveness of their approach towards the issue of trafficking in human beings and prostitution, and to search for and solve such case more proactively.

The number of victims of trafficking in human beings registered by the Czech police remains stable.

The numbers of victims of trafficking in human beings registered by the Czech police (pursuant to Sec. 232a, formerly sec. 246 of the Criminal Code)³⁴

Year	2003	2004	2005	2006	2007 ³⁵
Individual female victims	2	3	10	7	5
Individual male victims	1	0	0	2	1
Victims – groups	8	10	6	9	4
Number of persons in groups	50	69	27	63	23
Total	53	72	43	72	29

the latest. The reform solves the aforementioned problems comprehensively within the whole Czech police, and not only in relation to certain criminal activities or specific police bodies; namely these problems are solved within its VIII Pillar ‘A new Structure for Plainclothes Police’.

³³ Data as of 30 September 2007.

³⁴ Police statistics record victims as individuals or else register groups of victims (for example if the scope of a case is more extensive); subsequently the number of persons in a group is also stated.

³⁵ Data as of 30 September 2007.

In 2004 and 2005 the number of persons who were conclusively and finally sentenced increased, nonetheless the situation must be evaluated as problematic with regard to the development in 2006 (due to the aforementioned unclear legal interpretation of mutual relations between crimes of trafficking in human beings and procuring) and also with respect to the relatively high number of unconditional sentences. The Czech Republic is, in the international forum, frequently criticised just on the basis of these facts. The reason for this situation is difficult to generalise, nevertheless on the basis of analyses of the above-mentioned sanctions it is clear that many courts do not consider trafficking in human beings as a serious crime aimed against human dignity. Gaps are also seen in the sensitivity of courts' approaches towards victims in general, and specifically towards victims of trafficking in humans. When giving testimony the situation is complicated by trauma as well as by cultural and language barriers.

Numbers of finally and conclusively sentenced persons and of sanctions imposed for trafficking in human beings (pursuant to Sec. 232a, formerly Sec. 246 of the Criminal Code)³⁶

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007 ³⁷
Number of sentenced persons	5	25	16	15	20	5	12	20	2	4
Unconditional sentences	3	17	6	7	5	1	3	8	0	3
Conditional sentences	2	8	10	8	15	4	9	12	2	1

The National Strategy 2005-2007 specified also **task No. 4** ('to increase the number of the staff in the Human Trafficking Department of the Organised Crime Unit of the Criminal Police and Investigation Service Office of the Police of the Czech Republic'). This assignment was met in 2006 when a **new sub-unit was established within UCOC** and which deals exclusively with cases of forced labour. All 10+1 jobs have been staffed. New officers were also provided with a newly developed handbook which is to assist them to become acquainted, as quickly as possible, with this issue.

Further, the National Strategy 2005-2007 encompassed **task No. 1**, which, inter alia, required developing internal acts of the Ministry of the Interior for the operation of the National Coordinating Mechanism in the area of support and protection for the victims of trafficking in human beings in the new internal regulation act of the Police Presidium of the Czech Republic. This assignment was met on **2 May 2006 when Binding Instruction of the Police President No. 61** was issued. This Instruction regulates activities of Czech police members in the area of combating trafficking in human beings and vice crime and ensures single execution of service by police officers in the field of combating and investigating **trafficking in human beings and vice crime**. This Instruction will be amended as a follow up to the new Instrument of the Police President and Guideline of the First

³⁶ Results arising from criminal statistics are not directly comparable with the statistics of the Ministry of Justice. This is because of differences in time. In some cases there are differences of several years between the terminations of individual phases of the criminal prosecution of an actual case. Police statistics record individual cases at their inception, whilst the court statistics record them once they are closed. Moreover, police statistics also record crimes where the offender is unknown.

³⁷ Data for the first half of 2007.

Deputy Minister of the Interior (see below).

With regard to the nature of crimes of trafficking in human beings, with the main aim of offenders being to **maximise their profits, one of the most efficient sanctions is to confiscate such criminal proceeds**. Therefore it is necessary to verify the assets of suspects or to examine whether a crime pursuant to Sec. 252a of the Criminal Code – legalisation of criminal proceeds - has been committed. This is the reason why cooperation between specialised units of the Czech police is required (the Office for Combating Corruption and Financial Crime of the CPIS of the Czech police, and UCOC). If the case is duly documented the damage claim of the victim of trafficking in human beings or procuring may be satisfied. In this context supervision activities of relevant public prosecutor's offices must be carried out.

Alien and Border Police Service of the Czech Police (ABPS)

Groups for Crime Investigation and Documentation are involved, within ABPS, in the issue of trafficking in human beings. These are directly managed by directors of individual Territorial Directorates of ABPS, and receive guidance and are controlled and coordinated by the Group for Crime Investigation and Documentation of the Directorate of ABPS. ABPS is also engaged in implementation of the Programme and **deals, in the framework of the Programme, in particular with regulating the residence of foreign national victims**, their identification, handing them over to NGOs who take care of them, motivating victims to cooperate with law enforcement authorities, providing victims certain services, and ensuring their security.

Binding Instruction of the Police President No. 12 of 27 January 2006 extended tasks for ABPS by examining and investigating criminal offences for which the law stipulated a sentence of imprisonment **of a maximum of three years** for crimes committed in relation to transnational criminal activities, especially offences relating to trafficking in human beings where an element of a criminal organisation is not detected.

In the context of the Czech Republic's accession to the Schengen area, ABPS will strengthen its activities inland, whereby one of their priorities will be to combat illegal employment of foreign nationals and criminal offences relating to migration.

In 2006 FRONTEX Agency³⁸ presented to EU Member States and Schengen area states the AGELAUUS project. It was the **first project** the primary aim of which was to obtain information on **illegal migration in relation to the phenomenon of trafficking in human beings and to map the situation in Member States** pertaining to this issue. A target group was unaccompanied **minor travellers from third countries and persons** who could be involved in trafficking in human beings. Although no relevant cases were reported from Prague – Ruzyne airport during this operation, training sessions on how to identify victims of trafficking in human beings which were held prior to the operation was commenced were very beneficial. Trafficking in human beings has become one of the upcoming topics FRONTEX agency will deal with within joint operations at air borders in the future.

³⁸ The full title of the FRONTEX agency is Agency for Protecting the External Border of the EU. The Agency calls for joint projects, operations at land, maritime, and air borders. The Czech Republic regularly participates in air border operations, especially at Prague-Ruzyne airport.

Other Entities and Organisations

Cooperation of the public sector, mainly of the Czech Police and the Ministry of the Interior, **with non-governmental organisations (La Strada, o.p.s., Magdala project - Charita Česká republika = Charity of the Czech Republic) and with the inter-governmental organisation IOM** continues, in particular thanks to the involvement of such organisations in the Programme. Successful cooperation was also entered into regarding a number of preventive actions and training sessions.

Ministry of Labour and Social Affairs

On the basis of empirical findings and a range of surveys and analyses which demonstrate that the risk of trafficking in human beings for the purpose of forced labour occurs at a higher degree mainly in sectors displaying an increased number of illegally employed foreign nationals, the Ministry of Labour and Social Affairs (MLSA) concentrated its inspection activities on places with the most likely occurrence of illegally employed foreign nationals (construction works, restaurants, textile industry, forestry and agricultural work). During the past year inspections targeting the employment of foreigners were carried out in **cooperation with other control and inspection authorities**, which is a well-tried method, under the responsibility of MLSA (in particular joint inspections of labour offices, customs administration bodies and ABPS were carried out). Cooperation with customs administration was also a subject of bilateral negotiations with MLSA and part of the agenda of the meeting of the Inter-Ministerial Body for Combating the Illegal Employment of Foreign Nationals in the Czech Republic.

C) Education and Training

Education and Training within the Ministry of the Interior

The National Strategy 2005-2007 stipulated **task No. 3** ('to innovate the curriculum of the police education and training programmes - initial, ongoing and specialised - in accordance with the new internal management acts of the Ministry of the Interior'). This assignment was formally met, nevertheless training of the Czech police remains one of the principal priorities for the upcoming period. Even a low-rank police officer must have basic awareness of trafficking in human beings and must know how to proceed when he/she meets potential victims. Police officers are often the first persons who victims meet, and it depends on the approach of the individual police officer as to whether the victim will trust the police as whole and provide valuable information. Experience shows that despite the below mentioned numerous training activities, such fundamental knowledge and sensitive approach, or correct procedure towards prostitutes, is still missing.

In previous years topics relating to the issue of trafficking in human beings were included in education and training programmes of **initial basic training** for members of the Czech police at secondary schools of the Ministry of the Interior. The objective of such training is to provide police officers with basic information on the issue of trafficking in human beings and to strengthen their

ability to recognise victims of trafficking in human beings and sexual exploitation. All secondary police schools of the Ministry of the Interior and Police Training Centres of regional administrations of the Czech police received guidelines describing how to treat victims of the described criminal offence. Police officers also received a pamphlet containing, *inter alia*, twelve basic questions which may help identify victims of trafficking in human beings.

The issue of trafficking in human beings was also implemented into relevant **specialised and innovative courses** which are held at secondary police schools of the Ministry of the Interior, the Police Academy of the Czech Republic and the police training centre of regional administrations of the Czech police. Police officers are trained, within this course, in basic tasks of the Czech police in exposing and combating trafficking in human beings, basic identification features of victims, and informed about cooperating NGOs. Specialised seminars for police officers of ABPS of the Czech police are held during the year also at the Police Academy. Practical specialists – experts from the Ministry of the Interior responsible for the Programme – are involved as trainers alongside members of UCOC and members of NGOs.

Experts from the Minister of the Interior, the Police Presidium of the Czech Republic and professionals from UCOC participated in drawing up the curricula and syllabi of all types of police education and training.

Every year **instructive methodological job-based training of police officers who are specialists involved in the fight against trafficking in human beings and vice crime takes place**, and is **followed up** by instructive methodological job-based training courses **at individual regional administrations of the Czech police** so that all police officers engaged in the issue in question are trained.

The Ministry of the Interior was one of the partners for the 2005 ‘**Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials**’. This module was developed by the International Centre for Migration Policy Development (ICMPD) in the framework of the AGIS project. In October 2005 a pilot training course was held in Holesov using a draft training manual for trainers. Similar pilot courses were also held in partner countries and on the basis of observations a final version of the manual was developed for other specialised training courses relating to trafficking in human beings. At the time when this document was being drawn up the final version for the manual was being developed. It will be distributed to all trainers at secondary police schools. In this context a specific training session is to be considered being held.

A further aim of the project is to develop a European curriculum – **a single European standard of police education in the field of trafficking in human beings**. Currently the development of the single European standard is in the phase of processing individual outcomes of ICMPD projects organised within the EU. The outcomes of the aforementioned project will also be, in the future, implemented in the different forms of police education, which will mean that the single European standard of police education in the field of trafficking in human beings will be ensured.

With respect to the preparation of the above-mentioned AGEL AUS operation of the FRONTEX agency, the need for training on the topic of **trafficking in human beings, in particular minors arriving from third countries**, for staff of the Prague-Ruzyně airport will increase (approximately 200 police officers). On the basis of very positive responses to training in Prague, further cooperation was agreed on and police officers from other international airports where, after the Czech Republic's accession to Schengen cooperation, flights travelling to outside the Schengen area will be operated and where ABSP will continue its work (i.e. Brno, Ostrava, Karlovy Vary, and Pardubice) will be trained.

A training session in which a British expert involved in airport checks (in particular profiling and questioning and so on) will participate is being negotiated with the British embassy. A range of other training events were held within standard international cooperation. For example a well appraised **international seminar 'Trafficking in Human Beings'** was held in September 2005 within **CEPOL**³⁹. This seminar was attended by 30 participants from 19 EU and candidate countries. Between 2005 and 2007 Czech police experts were sent to more than twenty professional seminars focused on combating organised crime (trafficking in human beings, cyber-crime, counterfeiting of Euro notes, and so forth). As regards the year 2008, the Czech Republic committed to organise, within training sessions of CEPOL, a four-day seminar entitled **'Trafficking in Human Beings and Forced Labour and the Sex Industry'**. The seminar will be held in cooperation with Sweden and France, for about 30 participants. Seminars aimed at organised crime organised in collaboration with **FBI agents** (such as money laundering and financial crime, corruption in public administration and some others) are also positively evaluated. A number of technical seminars focused on different topics (for example the exploitation of children for pornographic purposes, the confiscation of criminal proceeds, and so forth) were held within **MEPA**⁴⁰.

Experience was exchanged and good practice shared in the context of a range of other meetings with foreign partners **organised through TAIEX** (Technical Assistance and Information Exchange Unit of the European Commission). These were for example study journeys to Italy or to Denmark and two conferences devoted to case studies relating to the area of forced labour and labour exploitation in Italy.

The National Strategy 2005-2007 in its **task No. 2** stipulated 'to update the Police Manual for Executing Duties Pertaining to the Area of Trafficking in Human Beings and ensure its printed and

³⁹ CEPOL (European Police College) is an EU organisation of 27 EU Member States, Europol and three countries having a special status. The principal objective of CEPOL is to assist with transnational education of police managers through optimal and strengthened cooperation between competent national institutions and organisations and to analyse threats of all forms of organised crime in Europe. In 2007 in total about 80 training courses and sessions were held and the majority of them were aimed at cooperation in combating organised crime and its prevention. www.cepola.europa.eu

⁴⁰ MEPA (Mittleeuropäische Polizeiakademie) is conceived as an international training cycle for police officers. In 2001 Ministers of the Interior of eight Central European countries signed a binding document 'Joint Statement on Cooperation within MEPA'. In addition to the Czech Republic, the following countries are members of MEPA: Germany, Poland, Slovakia, Slovenia, Switzerland, and Austria. A main activity of MEPA is a three-month course devoted to organised crime which is successively held in all eight member states and is accomplished by a case study used for teaching. Further, a four-week special course for integrated border security, special purpose language seminars and specific observations at foreign police units are also organised within MEPA www.mepa.net

electronic distribution within the Police of the Czech Republic'. **The manual 'Trafficking in Human Beings – a Manual for the Police of the Czech Republic'** was drawn up by the Ministry of the Interior and 25,000 booklets were printed under the financial assistance of the British Home Office⁴¹. It was distributed in mid-2006. The Manual includes basic information on trafficking in human beings, how and where to search for victims of trafficking in human beings, how to identify such victims, what sort of assistance to offer to them, and contact information for relevant institutions. It is determined especially for uniformed police who can enter into first contact with a victim. As there was a certain delay in financing the first edition of the Manual, a direct update did not need to be made. Contrary to that some instructions as to how to solve some partial or specific issues were amplified. Therefore several other manuals were developed as teaching aids.

At the end of 2005 a manual entitled **'Trafficking in Human beings – a handbook for Investigators'** was distributed, both as a hard copy and in electronic format, to Czech police officers. It is a translation of a manual drawn up by the 'Interpol Working Group for Trafficking in Women and Children for the Purpose of Sexual Exploitation', which was written in 2002. 168 pages provide detailed instructions for policing however only in the field of sexual exploitation. The Czech version is annexed with internal management acts relating to this issue in the Czech Republic and contact information for NGOs. The Manual was translated and distributed within the Phare 2003 project 'Strengthening the Fight against Trafficking in Human Beings'. The Manual was published on the intranet sites of the Ministry of the Interior with its exclusive use being within organisations subordinate to this Ministry.

Another teaching aid, which is specifically focused on forced labour, is a translation of the manual published by the International Labour Organisation- **'Trafficking for Forced Labour – How to Monitor the Recruitment of Migrant Workers'**. Upon the request of the Ministry of the Interior, the International Labour Organisation provided the Ministry with copyright for translation and an option to print 600 copies of this manual which was subsequently distributed to the Czech Police, the General Directorate of Customs, the Ministry of Labour and Social Affairs, the State Labour Inspection Authority, schools managed by the Ministry of the Interior, and some other organisations.

It is clear from the above list of education and training activities carried out within the Ministry of the Interior that the issue of trafficking of human beings is paid great attention to. Nevertheless, practice shows that there are still many police officers who do not possess basic required knowledge on the issue in question. Therefore it is necessary to focus, in the upcoming period, on the audit of training activities pertaining to this area and to develop recommendations as to how to make teaching more effective and how to re-distribute training and preventive activities. In addition to the delivery of basic knowledge and information on trafficking in human beings, attitudes and a specific approach towards victims of trafficking in human beings must be formed.

Another institution of the Ministry of the Interior whose staff meet, within their responsibilities, victims of trafficking in human beings is the **Refugee Facility Administration of the**

⁴¹ <http://www.mvcr.cz/> security and prevention, trafficking in human beings, documents.

Ministry of the Interior (hereinafter referred to as 'RFA'). At the end of 2005 three training sessions on the issue of trafficking in human beings and ways of identifying victims were held. At the same time employees of RFA were provided information on the existence of and operations carried out under the Programme.

With regard to reorganisation of RFA⁴² and taking into account partial changes in personnel, but mainly due to the fact that clients of RFA may be a high risk group – potential victims of trafficking in human beings - the need to repeat the aforementioned training sessions arose in the year 2007. When drawing up the Programme and identifying key points which must be focused on during training courses, previous experience and in particular recommendations which were developed after the completion of a series of training sessions held in 2005, were made use of. Training courses for RAF staff were divided into groups (employees of reception centres and residence centres were in the first group, while the second group consisted of personnel of detention facilities for foreigners) and were delivered in autumn 2007 by representatives of La Strada o.p.s., Charita Česká republika (Charity- the Czech Republic), and IOM Prague.

Not only officers of the Czech police but also municipal constables may encounter victims of trafficking in human beings. This is why the set of **examination questions determined for verifying the knowledge and professional prerequisites of a constable to carry out his/her duties was extended by adding questions concerning the issue of trafficking in human beings**. As a consequence, the manual 'Trafficking in Human Beings – the Manual for the Police of the Czech Republic' was sent to the Director of the Prague Municipal Police, who is also Chair of the Board of Directors of Municipal Police of Statutory Cities and the Capital City of Prague.

Education and Training within Other Ministries

Great attention was devoted to trafficking in human beings also in other ministries.

The National Strategy 2005-2007 laid down **task No. 6** to the **Ministry of Justice** ('to implement a system of long-term education and training of public prosecutors and judges in the area of trafficking in human beings , with an emphasis put on the need to impose proportionate sanctions and to establish cooperation with non-governmental organisations').

The issue of the fight against trafficking in human beings was included in training courses for judges and public prosecutors, whilst two separate seminars (the first was held in 2005, and the second in 2006) were explicitly aimed at the issue of trafficking in human beings. The seminar which was organised in October 2006 concentrated mainly on forced labour and forms of trafficking other than sexual exploitation. However, this topic stemmed also from other seminars which focused on the issue in question implicitly. These were primarily seminars for new judges and public prosecutors who had been working in the respective area not longer than three years. An emphasis was placed, within the framework of training, on the fight against trafficking in human beings in the Czech Republic, on

⁴² Since 1 January 2006 RFA has also been managing the network of detention facilities for foreigners, therefore clients of the RAF have been, since 2006, not only asylum seekers and recognised refugees, but also detained foreign nationals.

gathering necessary evidence to commence criminal prosecution, on using operative means for collecting information, and on cooperation between public and non-profit making organisations when combating criminal activities concerned.

Nonetheless, due to the above-mentioned persisting problems with practical application of the law (partially overlapped constituent elements of the criminal acts of procuring – Sec. 204 of the Criminal Code and trafficking in human beings, the definition of forced labour and so forth) and ever stronger international criticism of the Czech Republic for the very low numbers of sentenced offenders and low sentences imposed on offenders of the crime of trafficking in human beings⁴³, the current attention paid to the issue in question appears to be insufficient and therefore it is necessary to continue activities assigned by this task in the upcoming period. Strengthening the training of and exchanges of experiences between judges and public prosecutors in cooperation between the Ministry of Justice and the Ministry of the Interior, faculties of law and foreign experts working as judges, public prosecutors and police officers is wholly necessary and unavoidable. In this context the Czech Republic should draw more actively on EU funds.

Seminars must contribute in the future to increasing the possibility of professional cooperation, both between units inside the judicial network and between justice, the police and NGOs take care of victims of trafficking in human beings.

The National Strategy 2005-2007 stipulated **task No. 14** ('to include the topic of trafficking in human beings in educational and training systems of employees of social departments of local authorities and Labour Offices'). **In 2006 the Ministry of the Interior accredited a training programme** (pursuant to Sec. 20 of Act 312/2002 Coll., on Officials of Self-governing Territorial Units and on the Amendment to Some Other Act, as amended - ongoing training for officials of social departments, other staff of regional and local authorities and street-workers; a target group comprised officials of social departments of Regional Authorities and Municipal Offices in municipalities with an extended scope of competences, other municipalities and street-workers of NGOs). In autumn 2006 a joint application of the Ministry of Labour and Social Affairs and the Ministry of the Interior for financial assistance from the Operational Programme – Human Resources Development – for the national project '**Training of Social Service Officials in the Issue of Trafficking in Human Beings**'⁴⁴ was approved. The project was implemented from September to December 2007 with a number of seminars organised (minimally one seminar was held in each region, while in those regions more affected by prostitution two seminars were organised). In total 2,000 relevant booklets and 12,000 leaflets (8,000 in Czech, 2,000 in Russian, and 2,000 in Vietnamese) were published and distributed, and several types of handouts with contacts for relevant assisting organisations were produced.

An assignment concerning the training of officials of Labour Offices was not implemented.

Information on activities of the Ministry of Education, Youth and Sports were included in Part

⁴³ The Report of the Office to Monitor and Combat Trafficking in Persons– TIP Report 2005, 2006 as well as 2007.

⁴⁴ <http://www.mvcr.cz/> security and prevention, trafficking in human beings, documents.

E), called ‘Preventive and Information Activities’, as their topics are very similar.

D) Surveys, Analyses and Reports

With respect to the nature of criminal activities and of trafficking in human beings, information on the scope of this phenomenon and its trends is still relatively limited. One of the most pressing problems is the collection of data, and this problem is caused by several factors (different national definitions and limited options for sharing data with regard to the necessity to protect personal data and other sensitive information). A range of interesting recommendations and observations concerning this as well as other areas are included in the document entitled ‘**The Report of the Experts Group on Trafficking in Human Beings – Parts I and II** (the European Commission - Directorate-General Justice, Freedom and Security, IKSP, 2005)⁴⁵.

In recent years several studies and surveys have been drawn up and these have become a source of essential information for preparing relevant measures. After three years of Programme implementation **two special studies were awarded with the aim to obtain an independent view of how the Programme functions**. The first study, developed by Demografické informační centrum (the Demographic Information Centre), dealt with the success of the Programme⁴⁶, whilst the second study drawn up by Institut pro kriminologii a sociální prevenci (the Institute for Criminal Sciences and Social Prevention) analysed motivation factors influencing the decision of a victim whether to enter into the Programme⁴⁷. A detailed description of victims (statistics and data on countries of origin, gender, age, nationality, highest education attainment, family background, the number of children, the first institution contacted by the victim, the course and length of the victim’s participation in the Programme, the further destiny of the victim, and so forth) was provided and also helped specify priorities and objectives for better functioning of the Programme in the next period. For more information on the conclusions of both surveys see Part F) - ‘Support and Protection of Victims’.

In the course of 2006 the **results of a pilot survey on trafficking inhuman beings for the purposes other than sexual exploitation** carried out in 2005⁴⁸ were used, on an ongoing basis. The National Strategy 2005-2007 specified **task No. 20** (‘to utilise the results of surveys concerning the environment of labour exploitation of migrants and trafficking in human beings in order to propose measures for eliminating activities of organised crime operating in the sphere of illegal employment’). Both surveys were used as information sources not only for entering into cooperation with the Ministry of Labour and Social Affairs, Labour Offices and Labour inspectorates, but also for informing the general public about this phenomenon. The conclusions of these surveys contributed also to the adoption of further measures. One of these is a **pilot project carried out by the agency intermediating work for nationals of Ukraine in the Czech Republic** (for more information see also Part E) - Preventive and Information Activities).

⁴⁵ http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf

⁴⁶ <http://www.mvcr.cz/> security and prevention, trafficking in human beings, documents.

⁴⁷ http://www.mvcr.cz security and prevention, trafficking in human beings, documents.

⁴⁸ http://www.mvcr.cz security and prevention, trafficking in human beings, documents.

The National Strategy 2005-2007 stipulated **task No. 12** ('to carry out ongoing sociological surveys on the environment of trafficking in human beings in the Czech Republic') for which the amount of CZK 800,000 was requested. Due to insufficient financial resources this extensive survey could not be implemented and as result only three partial small-scale surveys were carried out. However, these were sources of essential information necessary to draw up relevant measures. The need for an extensive sociological survey still persists, and therefore financial resources for its implementation in the upcoming period must be found.

In order to receive support for adopting specific measures for the fight against trafficking in human beings across the political spectrum, the Ministry of the Interior awarded in 2006 Ivan Gabal Analysis and Consulting⁴⁹ was awarded a public contract to draw up a strategic document '**To Combat Trafficking in Human Beings in the Czech Republic and Options on How to Optimise State Security Policy**'.

At the end of 2006 an analysis was carried out by IOM, upon the request of the Ministry of the Interior, entitled '**Analysis of an Offer for Intermediating Work for Foreign Nationals Published by Brokers in Russian Written Journals in the Czech Republic**'. Its objective was to provide an insight into how Russian written media is made use of with regard to the aim of offering intermediation of work or offering to legalise residence. This analysis also demonstrated wide-ranging, frequently illegal or corrupt, offers such as obtaining visas, establishing business undertakings, or speeding up some procedures. During 2007 some results of this analysis were used by relevant authorities (such as the criminal police, ABPS, UCOC, the MLSA, and so on).

Another area which will be paid attention to in the upcoming period is prostitution. In the past years the majority of research analyses devoted their attention to the, until then, omitted issue of forced labour, partially also to the detriment of surveys relating to trafficking in human beings for the purpose of sexual exploitation. With respect to missing topical information which would have enabled mapping of the environment of the prostitution scene in the Czech Republic, the Ministry of Labour and Social Affairs in 2007 called for proposals for the project entitled '**Mapping the Prostitution Scene in the Czech Republic**'. This call for proposals reflected the need to obtain a quantitative and qualitative view of prostitution in the Czech Republic as well as the need to understand mechanisms which might affect this environment in the future. Part of the survey should also be focused on mutual relations and the interdependency of phenomena of trafficking in human beings, prostitution, procuring, and other vice crime or any other pathologic social conduct. The fact that within the first call no bids were submitted underpins the difficulty of tackling the prostitution scene.

E) Preventive and Information Activities

Measures adopted during the previous period built mainly on tasks laid down in the National Strategy 2005-2007. This regards in particular **task No. 7** ('to initiate preventative and information campaigns in relation to trafficking in human beings focused on people at risk and the general

⁴⁹ <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

public’), **task No. 8** (‘to continue preventive influencing of people at risk through leaflets to be distributed to relevant state administration institutions and local authorities such as Labour Offices, social departments of local authorities, secondary schools, apprentice centres, ABPS, embassies of foreign countries in the Czech Republic and so forth’), and **task No. 9** (‘to carry out a pilot project information campaign pertaining to trafficking in human beings and focused on the demand in the market’). The former preparation and implementation of preventive events pertaining to the area of trafficking in human beings in previous individual periods missed having a single approach. Therefore a framework strategy aimed at all relevant ministries and all possible target groups was developed. This framework strategy, along with the task to regularly evaluate and update the strategy, is elaborated in full detail in part B) Draft Measures for 2008 - 2011.

Another relatively wide-ranging task of preventive nature arising from the National Strategy 2005-2007 was assignment **No. 7** (‘to initiate preventative and information campaigns in relation to trafficking in human beings focused on people at risk and the general public’). A number of **preventive and information campaigns** were carried out in previous periods. One such campaign was held in 2006. It responded to the **World Football Championship in Germany** and focused on the increased risk of occurrence of trafficking in human beings within the Championship. Fans could find on the websites of the Ministry of the Interior⁵⁰, in addition to rules on how to behave during the Championship itself, information on how to recognise victims of trafficking and how to react proactively. During some preventive and information campaigns **different types of leaflets** determined for victims as well as potential victims of trafficking in human beings were produced and published in compliance with **task No. 13** (‘to ensure, on an ongoing basis, sufficient distribution of information materials for victims in the offices of the Police of the Czech Republic and in Labour Offices’).

Another **campaign was carried out in cooperation between the Ministry of the Interior, the Ministry of Education, Youth and Sports, and the Ministry of Labour and Social Affairs**. It consisted of the production and distribution of the leaflets ‘**Working Abroad**’⁵¹ and ‘**Lost Property Office**’⁵² and it was implemented at the end of the academic year 2005-2006. Target groups were both students of secondary schools and higher educational institutions, as well as unemployed people from the Czech Republic. It was the reason why leaflets were distributed at schools and Labour and Social Security Offices, meaning those places where persons attempting to earn money as quickly as possible may be expected and as a result to accept any security risks. The aim of such leaflets was to point out the different risks of working abroad. Leaflets were distributed with attached cards containing contact details for Czech embassies and consulates abroad. In the case of the leaflet entitled ‘Working Abroad’, a sentence, translated into the most common foreign languages, for how to express a call for help in an emergency was included. Furthermore a reprint of orange leaflets (folded leaflets)⁵³ aimed at female foreign national victims was prepared. This leaflet was interesting mainly because of its unusual format and multilingual text. These and similar leaflets must be printed in the future a well. At

⁵⁰ www.mvcr.cz/zpravy/2006/obchod.html

⁵¹ <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

⁵² <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

⁵³ <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

the same time the distribution of leaflets to victims to be delivered to all relevant Czech police offices and Labour Offices must be ensured.

Other **leaflets** were produced within the trilateral Czech-German-Polish Working Group (two projects for municipalities of Cheb and Karlovy Vary). These leaflets warned against sexual tourism. The Ministry of Health distributed a leaflet 'Assistance to Victims of Trafficking in Human Beings' to health care facilities. Publication of this leaflet was financially subsidised by the Ministry of the Interior.

Regional round tables should also be included among important preventive educational events. An obligation to hold such round tables was assigned through **task No. 5** of the National Strategy 2005-2007 ('to organise round tables with participation of parties involved in the Programme for Supporting and Protecting of the Victims of Trafficking in Human Beings in the regions of the Czech Republic according to the current need'). The principal objective of such events was to develop networking, meaning to gather round one table the most important entities engaged in the issue of trafficking in human beings in the relevant region (or those which could be involved in the issues in question in the future) and to identify areas of possible cooperation in the region. In the previous period round tables were held in Liberec (15 September 2005), Litomerice (12 January 2006), Ostrava (12 April 2006), Ceske Budejovice (14 September 2006), Znojmo (26 October 2006), and in Olomouc (18 January 2007). Round tables are organised in cooperation with regional and local authorities and their structure is very similar. In the course of debates participants are informed about the context of the fight against trafficking in human beings and the Programme, including its individual actors, is introduced. At the same time representatives of UCOC provide information on the frequency and nature of the occurrence of trafficking in human beings in the respective region. Selected films are projected during the course of the round table (for example Inhuman Traffic, Sex Slaves, Lilya-4-Ever). The organisation of such events proved to be beneficial, and therefore this format of meetings will be used in the upcoming period as well.

Another beneficial activity was represented by **a survey carried out by IOM concerning the reasons why clients of commercial sexual services seek prostitutes**⁵⁴. The birth of this activity was inspired by the fact that clients personally meet victims of trafficking in human beings the most frequently, however, although they are not aware of this, they may to a large degree contribute to the identification of victims. A pilot campaign focusing on the clients concerned immediately followed up the survey. The campaign was carried out from April to August 2006 in two borderland areas of the Czech Republic, namely in the Pilsen Region and the South Moravian Region, and it concentrated on describing indications of trafficking in human beings and involuntary prostitution. Simultaneously, the campaign offered to clients of commercial sexual services the option to, in a safe and anonymous manner, report crimes of trafficking in human beings and how to become better informed on this issue. The IOM submitted in November 2006 a final report concerning the campaign⁵⁵. The campaign called for a positive response among the target group, professionals as well as media, and consequently it

⁵⁴ <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

⁵⁵ <http://www.mvcr.cz> security and prevention, trafficking in human beings, documents.

contributed to the perception of both the general public and the target group of trafficking in human beings. Whilst the purpose of this preventive and informative campaign was fulfilled, only several telephone calls and e-mail messages were recorded. This means that the campaign did not succeed to motivate, to a larger degree, its target group to report on suspicions that a crime of trafficking in human beings was being committed. A number of conclusions and recommendations may be derived from this campaign which could be used for other, similarly focused, preventive activities. One of the key recommendations was to repeat the campaign, to extend its length, and to organise it as a republic-wide campaign.

It was decided, on the basis of positive evaluation of the campaign, to **continue the campaign focused on clients at the republic level**, again under the coordination of IOM Prague and in cooperation with the NGOs La Strada Czech Republic and Arcidiecézní charita Praha (Archdiocese Charity Prague) – Magdala Project. The campaign was commenced in August 2007 and will be completed in January 2008. Partner organisations established, for the purpose of this campaign, a platform called **‘Don’t Be Afraid to Say It on Her Behalf’**. Operators of partner NGOs respond to telephone calls received on advertised numbers, and websites (www.rekni-to.cz, www.sage-es.cz a www.say-it.cz) including more detailed information on trafficking in human beings also offer the possibility to send an e-mail message or to be involved in a discussion forum. Material for the campaign – posters, picture postcards, advertisement in leaflets for tourists and so on – is presented in Czech, German and English so that they cover potential clients of prostitution arriving in the Czech Republic from abroad. Visuals are presented in means of transports in Prague, at border crossing points with Germany and Austria, as well as in bars and clubs in Prague, Brno, Ostrava, Pilsen, Teplice, Karlovy Vary, and Ceske Budejovice. It appears to be desirable to address the side of demand for prostitution, and this manner should become a standard preventive means used in the Czech Republic.

Preventive and informative activities on risks relating to vice crime (procuring and trafficking in human beings) and related risk behaviour (prostitution) and also on risks connected with seeking jobs abroad focused on students of secondary schools, post-secondary vocational schools, and higher education institutions (universities) are very important.

Apart from distribution of the aforementioned leaflets (consultancy before a journey abroad, principles for a secure stay abroad and contacts in the case of a emergency) the Ministry of Education, Youth and Sports in cooperation with the Ministry of the Interior used the offer of IOM Prague and addresses, through regional authorities, secondary schools with the offer of a **pilot implementation of ten discussions with students of selected secondary schools**. Such discussions were held within lessons at the end of the second term of the academic year 2006-2007, when students try to find work or temporary work abroad. Schools showed great interest in the discussions (the demand was, in terms of financial support for this pilot project, three times higher than the offer). In comparison with the original objective to organise seminars in the most risk areas (especially in areas displaying higher unemployment rates) it was finally decided to hold such discussions in different regions at different types of schools. Discussions focused not only on providing information on labour migration and

general information on trafficking in human beings, but also on overall mapping of knowledge of secondary school students on the issue in question. At the end of the project a report which mapped the knowledge and attitudes of students in this area and contained a range of useful recommendations was submitted⁵⁶.

All current activities of the Ministry of Education, Youth and Sports, predominantly pilot projects, were aimed at school facilities for corrective and protective education and secondary schools. At the same time it may be stated that a number of activities on the basis of which experiences were gathered and documents drawn up (for example seminars held at secondary schools within the Magala project organised in South Moravia, guidelines drawn up by La Strada and approved as part of the framework educational programme, and the above-mentioned project of IOM Prague which, however, despite great interest, could not be carried out at the national level) have been implemented.

At present it must be said that the awareness of the general public about the issue of trafficking in human beings is, when compared to other European states, very low and these criminal offences are not, as a matter of fact, perceived as a problem in the Czech Republic. The level of awareness of the general public then extends to all other areas – the amount of financial resources invested in policing, NGOs and all other entities is reflected in the manner and results of court deliberations regarding individual cases and so forth. First of all it is necessary to draw attention to media presentation of the issue of trafficking in human beings as well as to results of investigations of individual cases. Almost ten years has passed since a very extensive preventive campaign of IOM was implemented in cooperation with La Strada, the Ministry of the Interior, the Ministry of Labour and Social Affairs, and the Ministry of Education, Youth and Sports. It was held in 1999 and 2000 and focused on a target group of girls who had decided to work abroad. Since 2000 no similarly extensive campaign has been organised even though, due to a generation alteration, girls who could not receive information from the previous campaign, are at the risk age. At the same time the Czech Republic has developed from being a predominantly source country, to being a target country. A **new massive republic-wide campaign** should correspond to such changes.

The last large area is **prevention in source countries**. The National Strategy 2005-2007 included **task No. 11** ('to initiate the active involvement of the Czech Republic in international projects aimed at preventing trafficking in human beings in source countries'). Due to limited funds, the Czech Republic was involved only in several preventive projects carried out in source countries. The project of the UN Office for Drugs and Crime in Moldova and cooperation with Slovakia in developing the Slovak programme for victims of trafficking in human beings were among very successful activities.

A related assignment is **task No. 10** ('to incorporate in the projects of International Development Aid aimed at migration also the issue of trafficking in human beings'). The following projects which comprised, inter alia, the issue of trafficking in human beings may be mentioned: Assistance in Stabilising Potential Migrants and Preventing Irregular Migration of Minors in Moldova

⁵⁶ www.mvcr.cz, security and prevention, trafficking in human beings, documents.

implemented by IOM (a series of seminars), Stabilising Potential Illegal Migrants through Support of Job Creation in Moldova implemented by the Czech Catholic Charity (a seminar for local coordinators of the Charity), and Promotion of Development of Border Migration Management in Georgia and Moldova implemented IOM (a block of lectures). With regard to **establishing competition with the so-called client system and to prevent labour exploitation of migrants**, two projects, implemented by the Charity of the Czech Republic, are important: Preventing Illegal Migration from Ukraine to the Czech Republic and Preventing Exploitation of Labour Forces in the European Labour Market with a Special Focus on the Czech Republic. In the framework of projects held in Ukraine, the Charity of the Czech Republic operates, *inter alia*, three information centres which provide free assistance in obtaining all required documents for legal residence and work in the Czech Republic and they offer help with journey and accommodation. The aim of the project is to eliminate illegal and exploitative practices of criminal networks of facilitators and brokers of illegal work.

F) Support and Protection of Victims

The system of supporting and protecting victims of trafficking in human beings, which is also to motivate victims to cooperate with law enforcement authorities, **was established in 2003** when a 'Model on Supporting and Protecting Victims of Trafficking in Human beings for the Purpose of Sexual Exploitation' (hereinafter referred to as the 'Model') was proposed. The Model, funded by UN ODG, was tested from March 2003 to December 2004.

In April 2004 the pilot Model was renamed the **Programme Supporting and Preventing Victims of Trafficking in Human Beings in the Czech Republic**. At the same time its financing was guaranteed from the budget chapter General Cash Management determined for the Crime Prevention Strategy 2004 – 2007 and from an annual grant programme 'Prevention of Trafficking in Human Beings and Assistance to its Victims'.

During the year 2005 the Programme was made **official and formalised**⁵⁷ and the **National Coordinating Mechanism** was established. In July 2005 for the first time agreements on cooperation on supporting and protecting victims of trafficking in human beings were entered into between the Ministry of the Interior and NGOs. Such agreements were in the following years repeatedly concluded always for a period of one year. By establishing the Programme the Czech Republic followed the examples of other European countries (such as Italy, Belgium, and the Netherlands) which consider help to victims to be an effective tool for the fight against trafficking in human beings. Since 2005 the Programme has covered all forms of trafficking in human beings.

⁵⁷ In 2005 relevant internal management acts were approved. However, these were, as a result of legislative changes and other application needs, replaced in 2007 by new regulations. Namely it is Instruction of the Minister of the Interior No. 64/2007 of 26 October 2007 which establishes, within the framework of the National Coordinating Mechanism to Support and Protect Victims of Trafficking in Human Beings, an Inter-disciplinary Working Group. Its Annexes consist of the Statutes and the Rules of Procedures. Guidelines of the First Deputy Minister of the Interior was issued to support the functioning of the Programme on Supporting and Protecting Victims of Trafficking in Human Beings and to support its formal side (of 26 October 2007). Both documents were published under No. 99/2007 in the Official Journal of the Ministry of the Interior, Parts I and II.

Fundamental principles under which the Programme operates are available in Annex 2.

G) Programme Evaluations and Draft New Measures

The National Strategy 2005-2007 stipulated task No. 15 ('to evaluate, on an annual basis, the Programme on Supporting and Protecting Victims of Trafficking in Human Beings and to propose respective modifications'), **task No. 16** ('to carry out a study on motivating and demotivating factors on the basis of which victims of trafficking in human beings will decide whether to join the Programme on Supporting and Protecting Victims of Trafficking in Human Beings'), and finally **task No. 18** ('to analyse the system of financial coverage of the Programme on Supporting and Protecting Victims of Trafficking in Human Beings and to propose relevant measures'). In order to acquire data and information necessary to meet the above-mentioned tasks, two studies on the Programme carried out in 2006 were used (see Part C) - Surveys, Analyses and Reports). The below stated information draws on data included in the Report which was, on the basis of these two studies, submitted to the Ministry of the Interior.

Year	2003	2004	2005	2006	2007 (until 25 October)	TOTAL
Nationality						
Czech Republic	-	2	3	4	4	13
Ukraine	-	1	6	3	2	12
Vietnam	1	-	3	3	1	8
Bulgaria	-	2	4	-	-	6
Slovakia	-	3	-	1	1	5
Russia	1	1	-	-	3	5
Romania	-	-	-	3	-	3
Moldova	3	-	-	-	-	3
Macedonia	-	-	-	-	2	2
Kyrgyzstan	-	1	-	-	1	2
Lithuania	-	1	1	-	-	2
TOTAL	5	11	17	14	14	61

As only a limited number of victims have gone through the Programme it is impossible on the basis of collected data to evaluate how the long-term objectives of the Programme have been met. Despite this fact we can draw some general conclusions, especially thanks to the above-mentioned analyses of the Programme.

- Trafficked persons identified by the police are less motivated to cooperate and more frequently violate rules of the Programme, and due to such violations they are often excluded;
- the length of inclusion in the Programme is increased in the case of mothers with children;
- out of 61 persons included in the Programme 38 were identified by the police;
- victims who were identified by NGOs were considerably less successful as regards their inclusion into the Programme;

- almost half of the trafficked persons included in the Programme until 2005 were under the age of 25, while half were between 25 and 30 years. Since 2006 the age of persons included in the Programme has been getting higher – in 2007 five out of twelve persons were over 30 years of age;⁵⁸
- Ukrainian women included in the Programme were usually younger than 25, Bulgarian women were around 25 years old, while Czech and Slovak women were about 30 years old;
- participation in the Programme was in 24 cases terminated by repatriation to the country of origin (of these there were two Czech women repatriated from Spain, two from the United Kingdom, and two from France);
- eight persons (one woman and seven men) were identified as victims of trafficking in human beings for the purpose of forced labour;
- the longer the period a person spent in the Programme, the higher was her/his contribution in terms of information provided;
- entry of trafficked persons into the Programme is not distributed evenly during the whole year but it is usually concentrated during certain periods when larger police interventions are implemented;
- the interest of foreign partners in functioning of the Programme may be indicated as a positive evaluation (the UN Office for Drugs and Crime, OSCE, Slovakia, Ukraine, Moldova, and so on).

Complete **social re-integration of foreign national victims** was successful as regards several people from Ukraine and Vietnam, however only fragmentary or no information exists regarding persons who returned to their countries of origin. It is also difficult to assess to what extent individuals contributed to exposing, prosecuting, and proving the crime and punishing offenders.

On the basis of lessons learnt from the previous two studies **a number of recommendations on how to make Programme more effective and more attractive to victims** and how to improve support for and protection of victims of trafficking in human beings and enhance the efficiency of preventing trafficking in human beings were developed. A key moment for helping victims is their early identification.

Legal standards pertaining to the area of human rights recommend providing assistance to each identified victim of trafficking in human beings regardless of his/her willingness or unwillingness to cooperate with law enforcement bodies. The Czech Republic is able to satisfy this requirement with regard to newly adopted Act No. 108/2006 Coll. on Social Services, as amended, since under this Act registered organisations may provide to victims of trafficking in human beings necessary social services.⁵⁹ The range of eligible persons, however, did not include victims residing in the Czech Republic illegally who must first have their residence status regulated within the Programme.

⁵⁸ The average age of persons included in the Programme is higher especially due to the fact that victims of forced labour are included.

⁵⁹ The range of eligible persons who may be provided social services and financial assistance is regulated by Sec. 4 of Act No. 108/2006 Coll., on Social Services, as amended.

The National Strategy 2005-2007 laid down **task No. 17** ('to increase the capacity of the Programme on Supporting and Protecting Victims of Trafficking in Human Beings'). This task, aimed at extending the Programme, was proposed mainly on the basis of the two aforementioned studies which demonstrated that the Programme could be extended, to a certain degree, in terms of its capacity (for example by establishing crisis plans for the case of a high number of victims) as well as in terms of extension of services offered within the assistance to victims, by means of the wider involvement of NGOs which would participate in providing services.

With the view to taking into account humanitarian aspects, in particular as regards the serious violation by trafficking of fundamental rights and freedoms of its victims, principles of the Programme were adjusted accordingly. According to original rules victims had a 30-day reflection period⁶⁰ so as to decide whether they want to cooperate with law enforcement authorities.

New internal acts effective of 6 November 2007 **prolonged the reflection period from 30 to 60 days**. Such extension has been proposed in compliance with the recommendation of, for example, the study 'Stolen smiles – the physical and psychological health consequences of women and adolescents trafficked in Europe'⁶¹, The London School of Hygiene and Tropical Medicine, 2006. It may be also assumed that if victims are provided with a longer period for recovery and their situation will be stabilised for a longer period time they will be more inclined to cooperate with law enforcement authorities⁶².

After the Guidelines of the First Deputy Minister of the Interior came into force (see above) the Programme started to newly function so that it was possible in **cases requiring special consideration to ensure care and assistance to victims in situations where the victim is not able to provide information important with respect to the needs of criminal proceedings** (for example low intellect, a high degree of psychological damage and so on) but at the same time **other important circumstances may occur reasoning the need** for inclusion in the Programme (for example the demonstrated will of the victim to cooperate with law enforcement authorities together with confirmation of an NGO or the Czech police that the person concerned is an alleged victim who also

⁶⁰ A reflection period serves for victims to leave the criminal environment, to be able to stabilise physically and mentally and to decide how to continue their lives. During this period of time victims are provided with crisis intervention.

⁶¹ The study included 207 female victims from 14 countries (in the vast majority non-EU countries). Women were interviewed about their life experience, violence or their health condition. The study, *inter alia*, monitors age, the length of sexual exploitation, both physical and psychological consequences and distortion of victims when they are freed from the pathological environment. The number of visible symptoms dependant upon time are summarised on pages 2 and 3. Page 11 of 'Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe', The London School of Hygiene and Tropical Medicine, 2006 contains charts describing the development of occurrence of the number of symptoms of psychological and physical health within three monitored periods (0-14 days, 28-56 days, and over 90 days since victims had been included in assistance programmes or special care programmes for victims of trafficking in human beings). The improvement after 90 days of inclusion in the programme is obvious from the diagram (during the first period 57% of women identified twelve and more symptoms which caused pain, moderate pain or unpleasant health condition, whilst after 90 days these symptoms were felt only by 6% of women monitored. Similar experience showing that the reflection period of 30 or 45 day is not sufficient stems also from an Italian model – presentation of Mr. G. Battaglio, Major, held on 2 August 2006 in Prague, Spiritka.

⁶² The experience of Ms. M. G. Giamarinnaro, Criminal Court of Justice judge in Rome, relates to the functioning of a similar programme in Italy. Care for victims is not conditional there upon their cooperation with law enforcement agencies, the police only verify the degree of probability of information that the certain person is a victim of trafficking in human beings. Despite this fact, the majority of victims are able, after a certain period of time, to provide the police with relevant information. Seminar 'Trafficking in Human Beings in Italy' held in Prague on 2 August 2006.

showed an effort to leave the criminal environment). As regards a human rights legal view, it is desirable that a humanitarian view prevails.

It will be necessary to follow up the above-described changes, as in the previous period (**task No. 1** of the National Strategy 2005-2007 – ‘to incorporate internal management acts of the Ministry of the Interior for operation of the National Coordinating Mechanism in the area of support and protection of victims of trafficking in human beings into a new internal management act of the Police Presidium of the Czech Republic’) by amending internal management acts of the Police Presidium of the Czech Republic. It will be in particular Binding Instruction of the Police Presidium No. 61/2006 regulating activities of police officers of the Czech police in the area of the fight against trafficking in human beings and vice crime.

In the context of some new parameters of the Programme, another related issue comes into the fore – currently there is **very limited possibility for the Ministry of the Interior to maintain records of victims of trafficking in human beings included in the MV Programme**. The need to keep records relates to the necessity to evaluate the Programme, the need to monitor to what degree the objectives of the Programme are met as well as to requirements for funding care and assistance provided to individuals. The current unsatisfactory situation whereby there is no legal framework within which the Ministry of the Interior would be empowered to keep such records of victims is solved by the Ministry through requiring written consent from all victims included in the Programme. At present this means that such a person, after he/she is warned of the possible consequences, expresses, through his/her signature, his/her consent to use his/her data for the purpose of the Programme’s objectives. Warning the victim and obtaining qualified consent of the victim is often, with regard to the circumstances of individual cases, a very complex process (poor health and psychological condition, low intellect, language barrier and some other obstacles). **Therefore it is necessary, in the upcoming period, to analyse ways of defining legal provisions so that the Ministry of the Interior will be able to maintain and use records of victims of trafficking in human beings.**

A further persisting problem seems to be the **identification of persons trafficked for the purpose of forced labour**. Even though a number of documents and other supporting tools⁶³, which are to facilitate their identification, are available the border between economic exploitation and forced labour is not always obvious. The situation is also complicated by the fact that persons finding themselves in conditions of forced labour are frequently agreeable to their given status since their situation is for them, in many cases, more favourable than the reality in their country of origin. When identifying the difference, uncertainty relates, without any doubt, to the lack of a clear definition of forced labour both at the national and international level.

The option to **legalise residence** in the Czech Republic is one of the most motivating factors in the decision of foreign national victims as regards whether to join the Programme. A welcomed change to the residence of victims of trafficking of human beings was brought about by the

⁶³ For example ILO Convention No.29 on Forced or Compulsory Labour.

aforementioned amendment to the Act on the Residence of Aliens (long-term residence for the purpose of protection in the Czech Republic). A victim who resides in the Czech Republic under a long-term residence permit for the purpose of the protection in the Czech Republic and whose cooperation with law enforcement bodies in criminal proceedings contributed to proving a criminal offence of trafficking in human beings, or to proving a criminal offence of organised and illegal crossing of the national border, may be issued **a permanent residence permit for other reasons to be taken into special consideration** (Sec 66 (1) (b) in conjunction with Sec. 69 (2) (c) of the Act on the Residence of Aliens). Voluntary returns of persons to their countries of origin are organised by IOM Prague. Follow up care for victims in their country of origin is an effective form of prevention against their repeated exploitation. During the recent period an increased **number of Czech female nationals trafficked abroad for the purpose of sexual exploitation**⁶⁴ have been returned to the Czech Republic through IOM Prague. They are lured to the environment of prostitution by offenders who usually sell them in countries of Western Europe. These women are frequently identified by the police in the country concerned, or else they approach an embassy or consulate of the Czech Republic themselves, or they seek the assistance of a specialised organisation. However, only some of them enter, after their return, the Programme since currently the Programme is predominantly attractive to foreign nationals who may be offered legalised residence in the Czech Republic. Some persons **stay outside the Programme** although they cooperate with law enforcement authorities and thus the Ministry of the Interior does not have any information about them. Therefore it is necessary in the upcoming period to develop **a centralised system of data collection on all victims of trafficking in human beings and to analyse, on an ongoing basis and using the data collected, the needs of such persons and to extend an offer of services rendered** in the framework of the Programme. As was described above, at the time of this document's being drawn up **a change in the concept of the whole Programme was emerging**. At its very beginning the ambition of the Programme was to ensure and finance care for all victims of trafficking in human beings, however, on the basis of a political decision, the scope of the Programme was limited only to victims cooperating with law enforcement authorities.

Nevertheless, since then options of funding care provided to victims (provision of social care to victims of trafficking in human beings under the Act on Social Services or through financing by means of EU funds) has extended and NGOs can meet the objectives of the Programme without their clients being included in the Programme which is, as a consequence, narrowed down to legalisation of residence and voluntary returns. Preventive activities and implementation of some measures linked to the Programme and care for victims of trafficking human beings are not, however, limited only to the current target group of the Programme (meaning female foreign nationals residing in the Czech Republic illegally or Czech nationals trafficked abroad) but cover a whole range of people endangered by trafficking in human beings or already trafficked.

Therefore, today a fundamental task is not only to seek new advantages or offers which would 'attract' victims of trafficking in human beings to enter into the Programme but also to ensure the

⁶⁴ In 2006 in total six women were returned to the Czech Republic - two from France, two from Spain, and two from the United Kingdom.

consistency of the Programme with the current system of social care in the Czech Republic and enabling effective utilisation of information on trafficked persons resulting from the Programme to effectively evaluate the situation and the fight against trafficking in human beings.

There is also another group of victims of trafficking in human beings who either did not satisfy conditions for being included in the Programme or who were not interested in joining the Programme. Despite this, information on such persons is important, in particular, for evaluating the effectiveness of adopted measures and drafting new measures. The Ministry of the Interior has, so far, used especially data available in databases of public administration bodies – for example collecting and providing information on the number and structure of victims of trafficking in human beings took usually into account only data on victims included in the Programme. However, NGOs provide care also for **other victims of trafficking in human beings who were not, regardless of the reason, included in the Programme** (for example they were not interested in joining the Programme, were not willing to cooperate with law enforcement authorities in criminal proceedings, or they wanted to cooperate but however could not provide any specific information important for criminal proceedings, or they were not trustworthy enough, and so on). In order to monitor current trends the Ministry of the Interior will gather and analyse statistical data on such persons and will establish a structure and system for collecting such data, including the method of collection and a time limit for publication.

In the following period it will be necessary to seek **new options regarding how to extend the current capacity of the Programme**. Possibilities to extend both current capacities of NGOs within the Programme (accommodation as well as personnel capacities) and the number of NGOs involved in the Programme must be found. Due to the increased involvement of NGOs it is possible to enrich the Programme by a more diversified offer of services, for example more effective inclusion of victims of trafficking in human beings into society, their involvement in the labour market, and gradual independence of victims, in compliance with one of the principal aims of the Programme, which is the reintegration of victims of trafficking in human beings into society. The reintegration process is not simple because many victims have for example neither required qualifications requirements nor necessary working habits. The issue of employment is important since victims being taken care of by NGOs often do not know what to do in their spare time. Access to the labour market for foreign national victims is, in terms of legislation, completely guaranteed (Sec. 97 (f) of Act No. 435/2004 Coll., on Employment, as amended and Sec. 48a (3) of the Act on the Residence of Aliens). It is mainly **cooperation with various NGOs and non-profit making associations which appears to be important when looking for a job**.

If more NGOs are involved and the quality of service provided is to be maintained it shall be necessary to **develop minimum standards for providing relevant services**. It will be possible to consider, in the future, establishment of the **system of accreditation of NGOs taking care of victims of trafficking in human beings**. In this regard, it is, however, important to consider the relation of respective accreditation to, in particular, Act No. 108/2006 Coll., on Social Services and definitions of social service providers encompassed in the Act. With respect to of the fact that the Act concerned has

been in force only for a short period of time respective establishment of accreditation will be the subject of discussion in the future.

Another specific area relating mainly to victims included in the Programme is their status within court proceedings, in particular criminal court proceedings.

Frequent intimidation of witnesses by the persons charged is perceived as a serious problem. According to NGOs the police should, to a larger extent, protect witnesses as **undisclosed witnesses** pursuant to Sect. 55 (2) of the RoCP, also in such cases where there is a single witness and it is particularly difficult to conceal his/her identity since the offender or his/her defending counsel may easily guess at it. According to Binding Instruction of the Police President No. 138 of 11 December 2001 regulating the concealment of identity and faces of witnesses, the police shall adopt measures to conceal the witness if the circumstances suggest that the health of the person in question is endangered or he/she is otherwise at risk, or if there is a danger that their fundamental rights will be violated and that protection cannot be guaranteed by any other reliable manner. Under this Instruction each police body is obliged to accept a request for concealment of identity or a face. If the police do not find that the witness is eligible to be concealed, although the person is requesting so, the police will record facts stated by the person and findings which have led to the decision taken by the police and will submit the case to a relevant public prosecutor who will examine whether the procedure taken by the police was appropriate. Also Article 23 of the Instruction of the Supreme Public Prosecutor's Office of 19 December 2003 concerns the protection of witnesses. The Article, *inter alia*, defines the obligations of a police body with respect to concealment of a person providing explanation or testimony. The range of such options is very wide and it is necessary for the police to use them, to the largest possible extent, in the case of victims of trafficking in human beings. Experience of the Czech police demonstrates that the eligibility of a person to be concealed is denied mainly during the main trial by courts since they insist on applying a principle which excludes the option of anonymous testimony in cases where evidence is determinative for the sentencing of the offender. This principle is based, *inter alia*, on case-law of the European Court for Human Rights in compliance with Article 6 (3) of the Convention for the Protection of Human Rights and Fundamental Freedoms. As a result it is obvious that **training activities of law enforcement bodies aimed to work with victims must pay special attention to this issue.**

Until now victims only minimally took advantage of the option to claim **damages within criminal or civil proceedings.**⁶⁵ Victims are, according to Sec. 43 (3) of the RoCP, entitled to propose to the court that the defendant pay damages for any crime committed against them. However, the victim is obliged to claim such damages within the main proceedings prior to the course of evidence and the proposal must clearly show the grounds for and amount of claimed damages. Victims of trafficking in human beings have problems specifying the amount of property damages caused to the injured by the respective offence. Nevertheless, the greatest problem seems to be the fact that any victim who exercises his/her rights as an injured party and who is at the same time an undisclosed

⁶⁵ If a court in accordance with the reasons stipulated in Sec. 229 of RoCP does not adjudicate to the injured partial or whole damages the court will refer the case to civil law proceedings.

witness under Sec. 55 (2) of the RoCP, in such a case where the victim is referred by the court to civil proceedings then he/she is obliged to reveal his/her identity.

Another possibility for solving the financially difficult situation of victims of trafficking in human beings is to file an **application for financial assistance** at the Ministry of Justice. In accordance with Act No. 209/1997 Coll. on Financial Assistance to Victims of Criminal Offences and on the Amendment to Some Other Acts, as amended, such financial assistance may be provided to a victim whose health was damaged as a consequence of a criminal act. Cash is provided only to a Czech national or a stateless person who is, in the Czech Republic, in possession of long-term or permanent residence permit under the conditions and scope stipulated by an international agreement by which the Czech Republic is legally bound. However, no victims have yet made use of such option.

Another task is to develop a '**crisis plan**' for identification of cases of large numbers of trafficked victims or if social workers of partner NGOs and clients included in the Programme are endangered. The need to develop such a plan arose especially after the definition of trafficking in human beings was extended to cases of forced labour. A crisis may occur for example during a police intervention when several tens of victims are freed at the same time from exploitative conditions. Experience from abroad shows that the development of such a crisis plan is absolutely necessary in terms of rapid response to a given situation⁶⁶. The current capacity of NGOs involved in the Programme does not enable the provision of accommodation and follow up care for such high numbers of people, male and female together. At the same time it is impossible, due to financial constraints, to create financial reserves for those organisations. The crisis plan should regulate options to accommodate high numbers of trafficked persons as well as competences and responsibilities of individual entities involved in the implementation of the crisis plan concerned.

⁶⁶ For example operation 'Terra Promessa' during which Italian carabinieri directly freed more than 100 victims of forced labour of Polish origin. All victims were provided help within assistance programmes of the Polish embassy or Italian NGOs. See presentation on: <http://www.mvcr.cz> security and prevention, trafficking in human beings, related activities.

3) Evaluation – ‘Schedule of Tasks to Be Implemented within the National Strategy of the Fight against Trafficking in Human Beings (2005 - 2007)’

	Measure	Resp. party	Deadline	Status
1.	To develop internal acts of the Ministry of the Interior for the operation of the national coordinating mechanism in the area of support and protection of the victims of trafficking in human beings in the new internal regulation act of the Police Presidium of the Czech Republic.	MoI	30 Oct 2005	Met (p. 18)
2.	To update the ‘Police Manual for Executing Duties Pertaining to the Area of Trafficking in Human Beings’ and ensure its printed and electronic distribution within the Police of the Czech Republic.	MoI	30 April 2007	Met (p. 22)
3.	To innovate the curriculum of the police education and training programmes - initial, ongoing and specialised - in accordance with the new internal management acts of the Ministry of the Interior.	MoI	31 Dec 2005	Met. (p. 20)
4.	To increase the number of staff in the Human Trafficking Department of the Organised Crime Unit of the Criminal Police and Investigation Service Office of the Police of the Czech Republic.	MoI	30 Nov 2005	Met (p. 18)
5.	To organise round tables with the participation of parties involved in the Programme for Supporting and Protecting of the Victims of Trafficking in Human Beings in the regions of the Czech Republic according to the current need.	MoI	On an ongoing basis as of: 30 June 2006	Met on an ongoing basis (p. 28)
6.	To implement a system of long-term education and training of public prosecutors and judges in the area of trafficking in human beings, with an emphasis put on the need to impose proportionate sanctions and to establish cooperation with non-governmental organisations).	MoJ	31 Dec 2006	Being met (p. 23)
7.	To initiate preventive and information campaigns in relation to trafficking in human beings focused on people at risk and the general public.	MoI	On an ongoing basis as of 31. 5. 2006	Met on an ongoing basis (p. 26)
8.	To continue preventive influencing of people at risk by means of producing leaflets to be distributed to relevant state administration institutions and local authorities such as Labour Offices, social departments of local authorities, secondary schools, apprentice centres, ABPS, embassies of foreign countries in the Czech Republic, and so forth.	MLSA MEYS MoI	On an ongoing basis: 31 Dec 2005	Met on an ongoing basis (p. 27)
9.	To carry out a pilot project of an information campaign pertaining to trafficking in human beings and focused on the demand in the market.	MoI	31. 12. 2005	Met (p. 26)
10.	To incorporate in the projects of International Development Aid aimed at the migration also the element of trafficking in human beings.	MoFA, MoI	On an ongoing basis: 30 June 2006	Met on an ongoing basis (p. 30)
11.	To initiate active involvement of the Czech Republic in international projects aimed at preventing trafficking in human beings in the source countries.	MoI	On an ongoing basis as of 30. 6. 2006	Partially met (p. 30)
12.	To carry out ongoing sociological surveys on the environment of trafficking in human beings in the Czech Republic.	MLSA, MoI	28 Feb 2007	Partially met (p. 26)
13.	To ensure, on an ongoing basis, sufficient distribution of information materials for victims in the offices of the Police of the Czech Republic and Labour Offices.	MPSV, MV	On an ongoing basis as of 30 June 2006	Met on an ongoing basis. (p. 27)
14.	To include the topic of trafficking in human beings in educational and training systems of employees of social departments of local authorities and Labour Offices.	MLSA, MoI	31. 3. 2006	Partially met (p. 24)
15.	To evaluate, on an annual basis, the Programme on Supporting and Protecting Victims of Trafficking in Human Beings and to propose respective modifications.	MoI	On an ongoing basis as of 31 Jan 2006	Met (p. 31)

16.	To carry out a study on motivating and demotivating factors significant to the decision-making of victims of trafficking in human beings regarding whether to join the Programme on Supporting and Protecting Victims of Trafficking in Human Beings.	MoI	30 June 2006	Met (p. 31)
17.	To increase the capacity of the Programme on Supporting and Protecting Victims of Trafficking in Human Beings.	MoI	On an ongoing basis as of 30 June 2006	Met on an ongoing basis (p. 33)
18.	To analyse the system of financial coverage of the Programme on Supporting and Protecting Victims of Trafficking in Human Beings and to propose relevant measures.	MoI	30 May 2006	Met (p. 31)
19.	To analyse options on protecting family members of victims of trafficking in human beings who are foreign nationals in the Czech Republic and to propose corresponding measures.	MoI	28 Feb 2006	Met (p. 11)
20.	To utilise the results of surveys concerning the environment of labour exploitation of migrants and trafficking in human beings in order to propose measures to eliminate the activities of organised crime operating in the sphere of illegal employment.	MLSA, MoI	31 Dec 2006	Met (p. 25)

B. Measures Proposed for 2008-2011

1) New Draft Measures

Draft Measures Pertaining to Four Areas.

A) Coordination of Activities and Collection of Data Relating to Trafficking in Human Beings

The issue of coordination of activities relating to trafficking in human beings is crucial for a further three areas of newly drafted measures.

The system of coordination described below was established in the past. From 2003 the National Strategy was evaluated and updated regularly at two-year intervals. During the two-year period the Ministry of the Interior organised **round tables** (usually twice a year) participated in by representatives of individual ministries and relevant NGOs, with the aim for them to be able to exchange information on **meeting individual tasks and other activities linked to trafficking in human beings**.

In addition to such round tables **the Interdisciplinary Working Group to Support and Protect Victims** was established and regularly met. Its composition is almost identical to the staffing of round tables (establishment and functions of the Working Group are regulated by Instruction of the Minister of the Interior No. 64/2007 of 26 October 2007). The objective of the Interdisciplinary Working Group is, in compliance with its Statute which is annexed to the aforementioned Instruction, to meet tasks relating to the support and protection of victims of trafficking in human beings arising from the Action Plan developed to implement the National Strategy to Combat Trafficking in Human Beings and current needs resulting from the analysis of the situation. The Interdisciplinary Working Group is an advisory body to the Minister of the Interior and meets twice a year. The Working Group creates conditions for effective functioning of the institutional framework for supporting and protecting victims of trafficking in human beings. It also deals with all aspects of support of protection of victims of trafficking in human beings and similar related issues, and it analyses obtained findings and experience and drafts corresponding measures.

Activities in the area of prevention and protection of victims are an integral part of a wide-ranging framework for combating trafficking in human beings. At the same time a range of assignments concerning the prevention of trafficking in human beings resulted from the tasks assigned by the National Strategy. Therefore there were and still exist cases **where the agenda of round tables organised to implement the National Strategy and activities of the Interdisciplinary Working Group overlap**.

It may, however, be stated that on the basis of previous national strategies as well as recommendations arising in the course of both above-mentioned working groups, a range of fundamental measures have been adopted.

The current situation requires continuing in a comprehensive approach with the participation of current actors but there is also a clear-cut need to be more flexible and to immediately respond to problems which may occur. It may be also said that in the majority of cases individual steps or measures do not require a decision to be taken by the Government of the Czech Republic.

Due to the aforementioned reasons it is proposed **to set up one Inter-ministerial Coordinating Group (hereinafter referred to as the ‘Coordinating Group’)** whose members will be appointed by individual ministers. Further, the Coordinating Group will consist of representatives of NGOs engaged in activities in the framework of the Programme (in fact members of the current group for implementing the National Strategy will meet).

The Coordinating Group will be made up of two current platforms - round tables organised to implement the National Strategy and the Interdisciplinary Working Group for Supporting and Protecting Victims of Trafficking in Human Beings - and it will **unify the agenda** of assigning and evaluating tasks arising from the Strategy to Combat Trafficking in Human Beings and the agenda relating to the prevention of trafficking in human beings and the Programme⁶⁷, while **the National Coordinating Mechanism** will be maintained within the scope specified by the Instruction of the Minister of the Interior No. 64/2007. **The statute of the Coordinating Group will be submitted to the Government of the Czech Republic for its approval, whereby activities will be regulated by Rules of Procedure published in the form of an internal management act of the Ministry of the Interior.** The Coordinating Group will be chaired by the First Deputy Minister of the Interior and its activities will be ensured by a National Rapporteur in cooperation with other members of the Coordinating Group. The principal task of the Coordinating Group will be the mutual exchange of information among its members on the situation of trafficking in human beings and the development of recommendations for adopting appropriate measures, and it will also carry out tasks relating to functions of the National Coordinating Mechanism. At the same time the Coordinating Group will draw up **an annual Status Report on Trafficking in Human Beings in the Czech Republic** (see below) on adopting measures, including the description of the situation and measures pertaining to prevention and the Programme. The Report will be submitted to the Minister of the Interior for his/her approval not later than on 30 April of the following year. Contrary to national strategies the Report should always evaluate the situation in the past calendar year. The approved Report should be disclosed as a public report. By drawing up the Annual Report requirements stemming from international documents⁶⁸ will be satisfied. At the same time the Annual Report of the Coordinating Group will serve as a basis for proposed measures. **The Minister of the Interior will submit to the Government of the Czech Republic a Summary Status Report on Trafficking in Human Beings by 31 December 2011, including proposals for adopting new measures.** In case an **urgent need** arises, nothing will prevent the Minister of the Interior from submitting a new measure any time during the period specified above.

⁶⁷ Informal coordinating meetings relating to the Programme will be maintained due to their irreplaceable role when solving specific cases and problems.

⁶⁸ The Council of Europe Convention against Trafficking in Human Beings, The Hague Ministerial Declaration of 1997, the Brussels Declaration of 2002, the OSCE Action Plan to Combat Trafficking in Human Beings, and so forth.

It is also necessary to solve cases where **members of the Group do not agree on the necessity to adopt a certain draft measure**. In such cases where there is no consensus in the Group as regards the scope and nature of the measure the draft measure will be submitted to the Minister of the Interior, who will then decide whether to reject it or whether to commence **negotiations at inter-ministerial level**. Setting a new process of formulating, submitting, and approving individual tasks will prevent assignments from being met only formally.

Further, the situation whereby the National Strategy assigns a range of partial tasks to individual ministries for a relatively long, two-year, period will be avoided. A two-year period in connection with the fact that tasks are assigned through the annexed Government Resolution does not sufficiently guarantee that the needs for respective changes are adequately responded to. With respect to the dynamics of the development of the issue in question and the considerable influence of good international practice it seems to be necessary to set in place more operative links. Establishment of the Coordinating Group is also supported by the fact that in the past measures which were not of a substantial or inter-ministerial nature were proposed, and thus it was possible to adopt them at the level of one ministry or in cooperation between two ministries. Enhancement in operability is supported also by the fact that trafficking in human beings is one of the priority issues proposed for the Czech EU Presidency in the first half of 2009 and therefore it is important to intensify current links between cooperating entities.

As it is necessary to unify coordinating platforms for solving issues of trafficking in human beings the **need to unify and formalise data collection** on trafficking in human beings arose as well. During the year 2004 a **National Rapporteur** was established that has been, in compliance with international recommendations, responsible for analysing, on an ongoing basis, the situation of trafficking in human beings and to draft measures which are then submitted to the Government of the Czech Republic. The Security Policy Department was authorised to execute the office of the National Rapporteur, in other words the department was responsible for drawing up and submitting the National Strategy to Combat Trafficking in Human Beings (encompassing both analytical and strategic parts) to the Government of the Czech Republic at two-year intervals. The situation was also described at one-year intervals within the Reports on Public Order and Internal Security in the Czech Republic, although its scope was substantially shorter. As the current manner and scope of the data analysis appears to be insufficient and from 2004 data has not been structured, it is necessary to better implement the **information analysis** of trafficking in human beings. The lack of comparable information is considered, within trafficking in human beings, to be a pan-European problem and one of the priorities to tackle. The need to formalise the information analysis is specified in international documents, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and the EU Action Plan.

Alongside the aforementioned change in coordination and implementation of measures, the **analytical function of the National Rapporteur will be extended and formalised**. Together with the Annual Report for the Minister of the Interior on evaluating and proposing measures, a summary analytical study on trends in trafficking in human beings within the given period will be submitted.

The objective of strengthening the analytical function is both more consistent utilisation of data sources on detected cases and victims of trafficking in human beings, and an effort to actively describe a latent substance of offences in question which is, due to the nature of trafficking in human beings, prevailing and as a matter of fact more important for the description of the situation and trends. The purpose of analytical activities will be not only to submit analytical reports within prescribed time limits but also to monitor the situation, on an ongoing basis, which will enable immediate reaction to the given trends both within the Inter-ministerial Working Group and in the framework of other platforms. Such platforms can be in 2007 the newly established Analytical Centre for National Border Protection and Migration Management or the Inter-ministerial Body for Combating Illegal Employment of Foreign Nationals.

As regards cases of trafficking in human beings which are detected by the Czech police, statistical police records are at a very good level, however it will be important to thoroughly monitor the development of individual cases within further phases of criminal proceedings, which will be enabled mainly after judicial records begin to be maintained in an electronic manner. The potential for improving can be seen in consistent reporting of the numbers of victims as statistical reports of the Czech police, the Ministry of the Interior (victims included in the Programme), and reports drawn up by NGOs, which are also used, but are not fully compatible with police reports. A common structure for acquiring data on victims including socio-demographic characteristics of victims and selected information on the form and manner of trafficking will be established within the Programme and will be consistently used by the Ministry of the Interior and NGOs. NGOs provide services also to victims who do not join the Programme, thus NGOs can provide the National Rapporteur with selected anonymous data which enables including such victims into the joint analysis. This will contain the total number of victims detected in the Czech Republic either by state institutions or by NGOs.

In addition to ‘traditional’ sources of information, meaning criminal statistical records and reports on the numbers of victims, the upcoming period will also use other information sources of those institutions which may, during the course of their activities, encounter cases of trafficking in human beings (Labour Offices, embassies and consulates, data of IOM international missions, NGOs not participating in the Programme, and so forth). Such data could have a limited information value, is not unified and is comparable only with difficulties, but nevertheless it can help to describe the latent part of trafficking in human beings.

With regard to the high latency of trafficking in human beings where it is difficult to describe the situation only with help of statistics on detected cases, the priority in the upcoming period will be cooperation with academic, non-governmental and other institutions involved in researching trafficking in human beings, which has been so far one of the most valuable sources of information. In comparison with the previous period, it will be important to award grants in order to fund surveys more flexibly so that the function of the National Rapporteur in terms of immediate response to an actual problematic trend, where a rapid survey may represent the only information available for state

administration, is met⁶⁹.

I.	To formalise the Inter-ministerial Coordinating Group in order to coordinate activities within the issue of trafficking in human beings (representatives of individual ministries and relevant NGO and intergovernmental organisations) whose responsibility will be to guarantee the functioning of the current National Coordinating Mechanism. To submit to the Government of the Czech Republic to approve the statute of the Coordinating Group and to regulate its Rules of Procedure through the internal management act of the Minister of the Interior.	MoI in cooperation with other ministries	30 June 2008
	To draw up and annually update the Report for the Minister of the Interior on the Situation of Trafficking in Human Beings in the Czech Republic, including the description of the situation and measures pertaining to the prevention and the Programme. To disclose this Report.	MoI in cooperation with other ministries	Annually as of 30 March
	To establish the system of collection of data on trafficking in human beings.	MoI in cooperation with other ministries	30 June 2008

B) Draft Amendments to Acts and Related Legal Provisions

A difficult situation relating to the partial **overlapping of constituent elements of the criminal offences of procuring under the provisions of Sec. 204 and trafficking in human beings under Sec. 232a of the Criminal Code** was mentioned above. The problem came into existence after a new definition of a constituent element of the crime of trafficking of human beings was included in the CC TZ by Act. No. 537/2004 Coll. which came into effect in October 2004. It is a problem which considerably annoys law enforcement authorities – the police and public prosecutors.⁷⁰

With respect to the differing severity of both criminal offences, problems arise, for example if taking into account utilisation of operative means (in particular the provision of the Sec. 88 of RoCP – eavesdropping and records of telecommunication operations, Sec. 158e - use of provocateurs) or when determining a relevant supervising public prosecutor or determining which of the aforementioned criminal offences will be taken into account. Such problems occurred repeatedly in the past period.

⁶⁹ For example indications on possible exploitation of labour migrants from Mongolia in the municipality of Blansko and its surroundings which the Ministry of the Interior was notified of in mid-2007.

⁷⁰ It results, *inter alia*, from the 2005 Report on Activities of Public Prosecutors. The 2006 Report on Activities of Public Prosecutors states, *inter alia*, the following: “With respect to offences of trafficking in human beings application problems concerning overlapping relations of constituent elements of such offences under Sections 232a and 204 of the CC, mentioned in previous Reports, persist”.

Although characteristic features of both offences overlap, the crime of trafficking in human beings is considered under Sec.232a (1) (a) or (2) (a) or (3) (d) of the CC to be a special provision in comparison with procuring under Sec. 204 (1) of the CC and thus it is impossible to consider both crimes simultaneously. When applied, these features cause large classification problems⁷¹. A draft solution has been drawn up both in the new re-codification of the Criminal Code – Sec. 140 on trafficking in human beings and Sec. 160 on procuring. This should come into effect in January 2009. If this deadline for a recodified Criminal Code is postponed then a partial amendment to the current Criminal Code in order to remove the partial overlapping of Sections 232a and 204 must be submitted. Until such amendment is adopted and comes into effect it will be necessary especially for supervising public prosecutors and training sessions to pay sufficient attention to this problem. The unifying opinion of the Supreme Court can be also considered (pursuant to Sec. 14 (3) and Sec. 21 of Act No. 6/2002 Coll., on Courts and Judges, as amended).

Another problem which also relates to the new definition of trafficking in human beings under Sec. 232a of the CC, is a missing **binding interpretation or missing interpreting guidelines of the term ‘forced labour and other forms of exploitation’**. Many European states which implemented the UN Convention on Transnational Organised Crime and Its Supplementing Protocols cope with the same problems.

Therefore some states, such as Italy, decided to incorporate a legislative definition – a certain amount of minimum wage, under which work is considered to be exploitation, and recognition of the criminal law definition of forced labour or other similar forms of serious labour exploitation (exploitation of the work of another person under the use of coercion, a position of vulnerability or otherwise disadvantaged position of an exploited person). It was also stipulated that when investigating and prosecuting the aforementioned conduct the similar provisions of procedural criminal law may be used as for cases of trafficking in human beings for the purpose of sexual exploitation. Sentences imposed are similar as well. The relevant provisions protect against serious labour exploitation of nationals of Italy, EU nationals as well as third-country nationals. Another

⁷¹ The Regional Public Prosecutor’s Office (hereinafter referred to as ‘RPPO’) in Hradec Kralove in relation to the described issue states that after Sec. 232a of the CC was implemented through the amendment to Act No. 537/2004 Coll. effective of 22 October 2004 the tendency of the police was to assess the conduct so far investigated as procuring under Sec. 204 of the CC pursuant to the stricter provisions of Sec. 232a of the CC.

For example if offenders hired women under 18 years to provide sexual services for consideration in a night club or a rented flat the police assessed such conduct as being a crime of trafficking in human beings under Sec. 232a (1) (a) and (3) (d) of the CC.

It is obvious that constituent elements of the criminal offence of procuring under 204 (1) and (3) (c) of the CC and the criminal offence of trafficking in human beings under Sec. 232a (1) (a) and (3) (d) of the CC regulate similar conduct of offenders and interpretation of these provisions in new explanatory guidelines to the Criminal Code do not provide a sufficient basis for which provision to apply, although in the case of the crime of procuring under 204 (1) and (3) (c) of the CC district public prosecutors carry out relevant supervision while crimes pursuant to Sec. 232a (1) (a) and (3) (d) of the CC are supervised by regional public prosecutors.

When solving a particular case (at RPPO in Hradec Karlove recorded under No. KZN 783/2005) the fact that Sec. 232a of the CC (trafficking in human beings) regulates the conduct of an offender who forces, hires, lures, transports, hides, restricts the freedom or provides a person under 18 years of age to be used for sexual intercourse or other forms of sexual harassment of exploitation shall commit an intentional criminal offence of using a person for prostitution was taken into account. Interpretation of this provision drew the conclusion that an offender must treat a person in a certain manner (i.e. he/she must have trafficked her/him) so that such person is used by somebody else for sexual intercourse or prostitution. On the other hand a procurer within the meaning of Sec 204 of the CC directly arranges, forces or lures to prostitution other persons and benefits from prostitution carried out by somebody else.

relating and follow up provision is the sanction to be imposed on an employer who seriously breaches labour law regulations or provisions of labour safety regulating work shifts and breaks during work (for example the Italian Penal Code defines new constituent elements of a crime of ‘serious breaches of labour law regulations’⁷²). The objective of such provisions is to guarantee the maximum protection of labourers, in particular those with low qualifications or those working manually, and at the same time such provisions represent an obstacle to distortion of competition since for example an employer who does not provide to workers protective clothes and equipment can offer cheaper work than an employer who invests quite large financial amounts in such prescribed protective clothes or equipment.

The last area relates to the implementation of some provisions concerning illegal labour migration. The Chamber of Deputies of the Parliament of the Czech Republic approved, at the time when this document was being drawn up, new provisions of the Criminal Code which cover illegal migration. This is in particular **Sec. 171d of the CC on assisting illegal residence in the Czech Republic**. The draft provision is also encompassed in a new draft Criminal Code (Sec. 317), however due to harmonisation of the Czech legal framework with EU law (in particular with Directive 2002/90/EC of 28 February 2002 and Council Framework Decision 2002/946/JHA of the same date), a partial amendment was submitted.

It is not clear from the explanatory report concerning the provision in question whether it will be possible under this provision to punish persons who ‘employ’ a foreign national illegally residing in the Czech Republic and who, as a matter of fact, provide him/her with financial resources for facilitating his/her residence in the Czech Republic. It holds true that this provision does not apply to foreign nationals who reside in the Czech Republic legally but they are employed contrary to the relevant legal regulations. This reference to the provisions of Sec. 171d of the CC and the relating explanatory report is important in particular with regard to the fact that the original provisions of the new Criminal Code proposed as **Sec. 318 of the CC - illegal employment of foreign nationals** - were left out. Both above-mentioned provisions should have enabled prosecution of the offenders who are members of organised criminal groups through which foreign nationals arrive in the Czech Republic illegally or legally, but then they are illegally employed again through such organised criminal structures. Because of their illegal status such foreigners can end up in the situation where they can be abused and exploited. This concerns both sexual, labour and other forms of illegal exploitation. On the other hand some business undertakings can arrive at, thanks to organised groups, a more advantageous position within the market. The state is also damaged by tax evasions and unpaid health and social insurance

There is no reason to draw differences between illegal employment of foreign nationals (third-country nationals) and Czech or EU nationals. However, it seems to be beneficial to take into account higher sentences for illegal employment if such employment results from a disadvantaged position, for example in the case of illegally residing foreigners, as the reason why they are exploited is just the

⁷² The Ministry of the Interior in cooperation with TAIEX organised a conference the topic of which was ‘Trafficking in Human Beings for the Purpose of Forced Labour and the Client System in Italy’, Prague, April 2007.

unequal relationship between a labourer and an employer.

Due to the fact that any cases classified as criminal offences of trafficking in human beings for the purpose of forced labour have not yet been finally and conclusively decided on it is impossible for the purpose of the definition of the term of forced labour or other forms of exploitation to adopt the opinion of the Supreme Court. The need to elaborate a better definition of forced labour, to stipulate sanctions for serious forms of labour exploitation, and serious forms of violations of labour law regulations and illegal employment, was applied when comments from other ministries were requested as regards the new draft Criminal Code.

II.	<p>To analyse the situation and to submit a minimum legal definition of forced labour or new constituent elements of criminal offences of ‘serious forms of labour exploitation’ and ‘serious forms of violations of labour law regulations’. The definition of new constituent elements should be to stipulate sanctions for ‘illegal employment’ including a higher sentence according to the severity of exploitation of a labourer by his/her employer.</p>	<p>MoI in cooperation with MLSA and MoJ</p>	<p>31 July 2008</p>
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C) Approach towards a Solution to Prostitution

Solving the issue of prostitution remains one of the priorities of the Ministry of the Interior. It was in 2006 when the **draft act on regulation of prostitution** was submitted to the Chamber of Deputies (Bill No. 1073 of the Chamber of Deputies – election period 2002 – 2006) together with the proposed ‘withdrawal from the Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others (UN, New York, 2 December 1949; the Czechoslovak Republic accessed to the Convention on 14 March 1958, sometimes called the New York Convention⁷³). The Chamber of Deputies rejected in spring 2006 withdrawal from the Convention in question and therefore the Chamber did not deal with the Draft Act itself as it contradicted the Convention. The question of how the Czech Republic is bound by the Convention was discussed and the Constitutional Court of the Czech Republic devoted attention to this issue in its decision of 8 March 2007 (Pl. US 69/07)⁷⁴. A number of representatives of municipalities which suffer from street prostitution called for adoption of the act on regulation of prostitution. In some cases there is in

⁷³ It binds contracting states to adopt measures aimed at eliminating prostitution and trafficking in human beings. Contracting states’ objective is to completely eliminate this phenomenon, which is not compliant with the dignity of human beings and endangers both individuals and society, in particular by adopting restrictive measures.

⁷⁴ Pursuant to Article 10 of the Constitution promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal framework; should an international agreement make a provision contrary to a law, the international agreement shall be applied. Although this international agreement was not published in the Collection of International Agreements and thus it is not an international agreement under Article 10 of the Constitution which constitutes a part of the legal framework, it cannot be omitted when interpreting simple law with regard to Article 1 (3) of the Constitution and simple law which admits several interpretations needs to be interpreted in a manner which is in compliance with international legal obligations of the Czech Republic. As was stated above, Sec. 10 of Act No128/2000 Coll. on Municipalities, as amended, does not cover the issue of whether a municipality may forbid prostitution in all its public places. An interpretation under which a municipality may forbid prostitution not only at some but at all public places is more compatible with obligations of the Czech Republic resulting from the New York Convention. The restriction of prostitution only in certain public places in a municipality is essentially a regulation which the New York Convention aims to prevent.

municipalities, to a certain extent, insufficient knowledge of the issue since a range of provisions which may be used for combating prostitution, not only street prostitution but also so-called club prostitution already exists. Current legal instruments, however, are not sufficiently used and their effectiveness is considered by different actors to be disputable. It is clear that this is a long lasting unsolved problem which may be demonstrated by documents such as the ‘Analysis of Problems Relating to Prostitution and the Definition of Conditions of Systematic Solution of this Issue’ approved by Government Resolution No. 331 of 14 April 1999, and the ‘Draft Measures to Solve a Problem concerning Prostitution’ approved by Government Resolution No. 1145 of 15 November 2000.

From 1922 the issue of prostitution has been solved under Act No. 241/1922 Coll. on Combating Venereal Diseases as amended by Act No. 158/1949 Coll. and Act No. 88/1950 Coll. As a consequence of later amendments only some parts remained from this Act which originally comprehensively covered the whole issue of prostitution. Currently the Act encompasses only those provisions prohibiting the establishment and maintenance of brothels (with reference to punishability under the provisions on procuring) and defines an obligation of the state administration to establish facilities, if needed, which will provide ‘professional prostitutes’ with a temporary shelter and an opportunity to change their lives. Thus the Czech legal framework lost any provisions regulating offences directly relating to prostitution.⁷⁵

As regards forms of prostitution **offered publicly**, in recent years a number of municipalities have adopted municipal ordinances⁷⁶ which prohibit prostitution (in some cases even searching for or the use of prostitution) whilst such conduct is made punishable as a **minor offence**. The lawfulness of such municipal ordinances forbidding prostitution offered at the public places of a municipality and covering the whole municipality was supported by the aforementioned ruling of the Constitutional Court of the Czech Republic.

In autumn 2006 the Ministry of the Interior requested the Ministry of Justice to draw up a partial amendment to the Criminal Code, namely to Sec. 202 of CC on hooliganism, so that under this provision offering, searching for, providing or using prostitution in public places could be made punishable. The decision of the Ministry of Justice was to dismiss such request, because according to their opinion such conduct is also punishable today under the provisions of Sec. 202 of CC.

⁷⁵ For example the provisions of Sec. 17 of Act No. 128/1922 Coll. which describe sanctions prescribed for committing a minor offence – violation of the Act itself or implementing measures - ‘if they are not punishable by courts they shall be punished by political bodies – in Slovakia and in Sub-Carpathian Ukraine by administrative police authorities - (Sec. 23) by the amount from CZK 50 to CZK 10,000 or by imprisonment from one to thirty days’.

⁷⁶ It is currently the most used instrument – Sec.10 (a) of Act No. 128/2000 Coll. on Municipalities, as amended. On the basis of this Section a municipality can regulate prostitution by means of generally binding ordinances in order to safeguard local public order, so that local public order is not disturbed, the morale of children and youth are not endangered, and moral feelings of the general public are not offended. The provisions of such ordinances can cover not only persons providing sexual services but also, for example, a client. Persons can commit some other minor offences for example against public order (disturbing peace and quiet at night, public nuisance) or a minor offence against civil co-existence (rude conduct, harming the reputation of another person). Minor offences against safe and smooth traffic are not excluded either. The aforementioned minor offences are solved by both the Czech police and relevant municipal police.

Also some other **unlawful conduct** directly relating to prostitution can be sanctioned under criminal law. These are both criminal offences committed against persons providing prostitution (Sec. 232a of the CC – trafficking in human beings and Sec. 204 of the CC - procuring), and criminal offences committed by these persons (Sec.247 of the CC - theft). The Criminal Code covers also conduct which may endanger the healthy development of children (for example Sec.217a - soliciting to sexual intercourse, Sec. 217 - endangering the moral education of youth, Sec. 216a - trafficking in children). Despite a relatively large number of criminal offences which may relate to prostitution the number of solved criminal acts is quite low. It relates to high latency and difficulties in proving vice crime in general.

A relatively separate chapter is **‘club prostitution’**. As regards law, such clubs do not exist, however their existence is obvious. Nevertheless, it is impossible to inspect something which does not exist. But due to the fact that owners hide under the ‘heading’ of a restaurant or a rented apartment, a number of legal regulations can be applied against them (construction regulations, sanitary regulations, fire protection regulations and so on). Supervisory authorities possess wide inspection authorities including the right to enter all rooms of a facility (including hotel rooms). In order to increase the effectiveness of inspections in night clubs their actions should be coordinated. Employees of inspection authorities can establish working groups and carry out joint checks of relevant premises. However such measures can be under no circumstances used for prostitution provided in private flats.

Other options of inspection **activities are offered by the Ministry of Finance**. All taxable entities have the same procedural rights and obligations, *inter alia*, thus it holds true that all income is subject to taxes. For a tax collector it is relatively unimportant whether the activity for which taxes are paid is an activity in compliance with legal regulation or whether it is an activity not regulated by law – such as, currently, prostitution. However, the problem is to prove the amount of income resulting from prostitution. In accordance with Act No. 337/1992 Coll. on Tax and Fee Administration, as amended, a tax collector is entitled to tax a real activity but not the activity by which prostitution is concealed (for example restaurants, hotels or artistic activities). Checks are not systematic enough, income from prostitution cannot be proven, and even less so its amount.

The last option to carry out checks is to check payment of mandatory contributions under Act No. 589/1992 Coll. on Social Security and State Employment Policy Contributions, as amended. Both employees and self-employed persons, meaning also persons providing prostitution, are obliged to pay contributions to social security and state employment policy. As prostitutes are usually recorded at Labour Offices and receive unemployment and social benefits they do not pay any contributions. To this end it is necessary to make control mechanisms stricter and to intensify checks.

The new draft Criminal Code encompasses the provisions of **Sec. 161 on prostitution endangering the moral development of children**. Under these provisions it will be possible to punish persons who provide, organise, guard or otherwise enable prostitution near schools, educational or similar facilities or places which are reserved or determined for the stay of or visits by children. The above-mentioned conduct can be penalised by a sentence of imprisonment, prohibition of activities, and confiscation of assets. In the case that an offender commits such a criminal offence at

two such places he/she may be punished by a sentence of imprisonment of up to five years or the confiscation of assets.

The draft provisions will enable punishing not only prostitution offered publicly but also the owners of club prostitution. Punishment for such conduct will be so strict and will have such a dissuasive effect that prostitution in specific localities will be no longer profitable. On the other hand there is a danger of **secondary victimisation of persons who are convicted for a criminal offence explicitly entitled ‘prostitution’**. Secondary victimisation may lie with the fact that prostitutes will not be able to leave the environment of prostitution due to their officially (by court) confirmed status of being a prostitute. As regards support to be provided to persons who want to leave the prostitution scene it seems to be more beneficial to include the provisions of draft Sec. 161 (1) of the CC under the current structure of Sec. 202 of the CC on hooliganism.

On the basis of the aforementioned overview it is obvious that legal regulations provide state administration as well as self-governing bodies even today with wide-ranging powers and competences of state as well as self-governing bodies to combat prostitution. However, clear specification of the competences and responsibilities of individual actors seems to be crucial. It is necessary to distinguish two lines of combating prostitution.

The first one is a **criminal law line** for which law enforcement authorities are responsible. In this context it is absolutely necessary for law enforcement authorities to actively search for and investigate in particular criminal offences under Sec. 232a of the CC – trafficking in human beings, Sec. 204 of the CC - procuring, Sec. 202 of the CC – hooliganism, and Sec. 217 of the CC – endangering morals of youth, and also after the new Criminal Code comes into effect, under Sec. 161 – prostitution endangering the moral development of children. The objective of the Ministry of the Interior or the Czech police is to concentrate financial and human resources to combat vice crime in regions or districts displaying a higher level of demand and supply of sexual services.

The second line is a **line of administrative minor offences**. Therefore the Government of the Czech Republic has assigned all relevant ministries with an obligation to pay attention to prostitution and to provide sufficient personnel and financial capacity in this regard since current tools have not been sufficiently made use of. It is a problem which has not been solved for a long time and it requires a comprehensive approach and the joint action of all institutions involved. The Government of the Czech Republic, due to the fact that prostitution will not be regulated by separate law, owes certain help especially to municipalities. To that effect the aforementioned recodified Criminal Code should help, to a certain degree, municipalities.

III.	To consistently use all legal instruments to eliminate adverse consequences of prostitution. To draw up, on an annual basis, for the Ministry of the Interior information on measures adopted and their outcomes.	All ministries	Annually as of 28 Feb 2009
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D) To Define a Framework Strategy to Prevent Trafficking in Human Beings

Primary and secondary prevention of trafficking in human beings in the Czech Republic includes a whole range of activities, from research and programmes aimed at combating poverty and social exclusion of groups at risk, operations of telephone lines and training programmes for different target groups, to information campaigns and round tables held in regions. **State institutions (in particular the Ministry of the Interior, the Ministry of Labour and Social Affairs, and the Ministry of Health) participate along with NGOs and inter-governmental organisations in preventive activities.**

Measures adopted in the previous period built especially on tasks specified in the National Strategy 2005-2007, in particular in its **task No. 7** ('to initiate preventive and information campaigns in relation to trafficking in human beings focused on people at risk and the general public'), **task No. 8** ('to continue preventive influencing of people at risk by means leaflets to be distributed to relevant state administration institutions and local authorities such as Labour Offices, social departments of local authorities, secondary schools, apprentice centres, ABPS, embassies of foreign countries in the Czech Republic and so forth') and **task No. 9** ('to carry out a pilot project of an information campaign pertaining to trafficking in human beings and focused on the demand in the market').

It must be said, however, that preparation and implementation of preventive activities aimed against trafficking in human beings did not have, during previous periods, one single concept.

All activities were carried out almost exclusively on the basis of partial tasks encompassed in previous National Strategies. As a result it was not possible to assess expected benefits especially in relation to further planned activities. Therefore, a single **framework strategy to prevent trafficking in human beings** (see **Annex 1**) was developed for the upcoming period. Prevention of trafficking in human beings will be implemented within the scope provided for in the framework strategy. At the same time the benefits of partial activities as well as of all adopted preventative measures arising from this strategy will be evaluated annually. Thus it will be possible, to a certain degree, not only to prevent overlapping of but also to ensure that such activities will have a common aim outlined in the framework strategy. The framework strategy will be **in future updated always in cooperation with permanent members of the Coordinating Group aimed against trafficking in human beings and submitted to the Minister of the Interior for his/her approval together with an annual evaluating status report** on trafficking in human beings in the Czech Republic, including specification of prevention priorities for the upcoming year.

2) Financial Measures

In addition to **measures included in the Plan of Tasks** annexed to the National Strategy which do not require funds beyond the budget of entities involved, the submitted National strategy identifies also **problematic areas and resulting tasks for the upcoming period**. Such tasks,

however, will not be assigned by a Government Resolution but – in compliance with a newly introduced mechanism for coordinating policies (see part A) above – will be assigned by the Inter-Ministerial Coordinating Group. In addition to imposing tasks the Coordinating Group will approve their financial coverage and manner of funding, if appropriate. An important aspect of activities of the Coordinating Group will be to prevent situations typical of recent years, where problems with implementing some tasks occurred since funds for their implementation were not found (for example task No. 12 – ‘to carry out ongoing sociological surveys on the environment of trafficking in human beings in the Czech Republic’ or ‘to initiate active involvement of the Czech Republic in international projects aimed at preventing trafficking in human beings in the source countries’ – task No. 11).

In order to successfully implement effective measures against trafficking in human beings as a whole it is therefore necessary to earmark specific financial amounts. At the same time it must be borne in mind that resources needed to implement some measures can be found in various funds, projects and grants at the EU level. The EU’s Financial Perspective for 2007-2013 again enables the drawing of financial resources from EU funds and the situation is facilitated by the fact that trafficking in human beings has been one of the EU priorities for a long period of time. The AGIS financial instrument used in the past was in 2007 replaced by new programmes. As regards funding of measures aimed against trafficking in human beings, two specific programmes can be considered: ‘Criminal Justice’ and ‘Prevention of and Fight against Crime’. One of the tasks of the members of the Coordinating Group will be to actively submit draft projects and to inform other stakeholders of the activities being carried out.

Some measures which must be implemented and whose purposes do not comply with EU fund objectives will be covered from the state budget of the Czech Republic, namely from the General Cash Management Chapter (items’ Social and Crime Prevention Programme’ and ‘International Development Aid’), and also from internal budgets of parties responsible for individual tasks. It might be necessary to change priorities in the budget chapters of some ministries to cover identified needs to combat trafficking in human beings.

3) Conclusion

After evaluating tasks arising from the ‘Plan of Tasks to Implement the National Strategy to Combat Trafficking in Human Beings (2005-2007)’ it is obvious that the Czech Republic pays great attention to the issues of trafficking in human beings. Such attention is not devoted only to trafficking in human beings for the purpose of sexual exploitation but also to other, relatively new, forms of trafficking in human beings, such as trafficking in human beings for the purpose of forced labour. At the same time, fully in compliance with international recommendations and with good practice, considerable attention is paid to care and assistance provided to victims of trafficking in human beings.

Despite all efforts, trafficking in human beings remains a problem which must be solved continuously and consistently in cooperation with all relevant actors. However, related phenomena, such as prostitution, also require attention and the adoption of adequate measures. In the past the

Czech Republic has adopted a range of important measures and good practice was used mainly in cooperation with the non-governmental sector. That such measures were successful can be supported by the fact that the experiences of the Czech Republic in adopting and applying some measures have been used by other countries (for example Slovakia, Moldova, Georgia, and Ukraine showed their interest to use experiences arising from the Programme in the Czech Republic). Thus it is not required to repeatedly assign the same tasks or to continue the current practice in the form of Government Resolutions. To this end the Strategy has set a new system of coordination through the Working Group consisting of representatives of individual ministries and relevant NGOs.

In spite of the above-mentioned success some areas in relation to which the Czech Republic has been repeatedly criticised (low, sometimes only conditional sentences, the low number of sentenced persons, and missing ratification of some key documents) must be mentioned.

Training on the issue of trafficking in human beings, both of police members and members of judicial bodies as well as other relevant persons such as employees of embassies and consulates, social offices, soldiers and police officers in peace military missions, employees of Labour Offices, doctors, teachers, and so forth, has remained a priority. Other issues to be tackled are how to prevent trafficking in human beings both in the Czech Republic and in principal source countries from where victims arrive in the Czech Republic. Preventive activities must be focused on groups at risks (deprived regions, socially excluded groups of people, illegal migrants, and so on) as well as on the general public. If the general public is made to be more sensitive towards this issue the position of victims of trafficking in human beings will not be made light of and pressure on courts and on state administration in general will be strengthened. Mass media should be involved in this process as much as possible.

A relatively new subject for preventive influence is the demand side, meaning clients. A pilot project focused on clients of sexual services was carried out in the Czech Republic in 2006. Apart from repeating and extending such campaign throughout the whole Czech Republic it will be necessary in the future to focus such a campaign on 'customers' of exploited forced labour.

The Programme, which takes into account both a humanitarian view of care for and protection of victims and which significantly assists law enforcement authorities in obtaining information and evidence against offenders, forms an important part of a comprehensive approach. In the upcoming period it is, therefore, important to develop and promote services provided under the Programme and to extend the network of NGOs participating in the Programme.

International cooperation represents the last large area. Trafficking in human beings is most frequently committed by international organised groups across more than one country and thus international cooperation is a fundamental prerequisite for successful prosecution and sentencing of offenders. Preventive and informative activities carried out in source countries are a unique opportunity for different forms of international cooperation. Last but not least, activities of international communities and organisations targeting the unification of definitions, data collection and analyses, care for victims, and mapping best practices used for investigating and prosecuting of

offenders, must be mentioned.

Annex 1

Framework Strategy to Prevent Trafficking in Human Beings

A prerequisite for developing a strategy to prevent trafficking in human beings is to have available a multidisciplinary and practical knowledge of the phenomenon of trafficking in human beings and its causes as well as verified good practices for combating trafficking in human beings.

Primary responsibility for prevention is borne by the state at the international, national and local levels. Cooperation and coordination between different sectors of the society – governmental and local authorities, international organisations, NGOs, citizens, and so on, appears to be necessary.

The strategy should take into account the need for personal safety which affects the prosperity of the individual⁷⁷.

Prevention Objectives:

- To decrease the risk of criminal offences of trafficking in human beings and procuring and their possible adverse impact on individuals and society as a whole:
 - to adopt measures aimed at removing circumstances causing individuals to incline towards trafficking in human beings (i.e. to eliminate discrimination, marginalisation, and social exclusion);
 - to increase the preparedness of institutions, organisations, groups or individuals to solve the problems of trafficking in human beings;
 - to prevent repeated trafficking – to ensure sufficient protection of the rights of trafficked persons, their inclusion in society and for that purpose to ensure sufficient financial resources for taking care of victims;
 - to use effective transnational, border and inland checks to be able to early-on identify victims and potential victims of trafficking in human beings;
 - to increase awareness of risks of trafficking in human beings in sectors other than the 'sex industry'.

The priority for the upcoming period should be prevention focused on:

1. education of children and youth and on schools as the closest environment of an individual;
2. training of relevant occupational groups;
3. cooperation and preventive influence aimed at source countries;
4. local authorities which must paid attention to children requiring such increased attention when spending their spare time.

⁷⁷ It must be mentioned how complicated it is to define factors which largely affect the occurrence of trafficking in human beings (the criminal risk changes quite often, individuals assess their situation subjectively, and so forth). As a result it is also difficult to evaluate the effectiveness of adopted preventive measures.

Target groups of prevention

A. Entities of Prevention

1. International Cooperation of the Czech Republic:

- cooperation with partners of the police, state administration bodies, as well as NGOs in both source and target countries;
- support to international networks against trafficking in human beings with the view of disseminating information and exchanging good practice.

2. Czech Republic - National Level:

Occupational Groups:

- **Teachers**

Aim: pupils of basic and secondary schools are provided information on human rights, bottlenecks of work abroad, and on prostitution:

- inclusion of the issue of trafficking in human beings in the curricula of the last grades of basic school, apprenticeship centres and secondary schools (in case a larger interest arises, for example, to use specialised lectures).

Aim: specialised secondary schools and universities dealing with social issues inform their students on the issue of trafficking in human beings and possible interventions against it:

- inclusion of the issue of trafficking in human beings in respective curricula;
- participation of experts in lectures;
- satisfying requests of NGOS to accept students for a practice period.

- **Physicians, psychologists**

Aim: physicians, psychologists and related professions have at their disposal theoretical knowledge and up-to date findings concerning the phenomenon of trafficking in human beings and can contribute to identification of victims:

- to early diagnose the phenomenon of trafficking in human beings and to provide due care to victims of trafficking in human beings; to disseminate information on assistance programmes and services for trafficked persons (leaflets, other types of publications, and so on)

- **Employees of consular offices and diplomats**

Aim: employees of consular offices and diplomats use their knowledge on trafficking in human beings when they come into contact with potential victims:

- inclusion of the issue of trafficking in human beings and options to combat it in the curricula of an academy for future diplomats;
- to provide information on trafficking in human beings at consular meetings of the Ministry of Foreign Affairs.

Aim: national embassies spread important information on national legislation and migration risks (legal regulations concerning labour, migration, and family) among potential migrants in countries of origin:

- distribution of available printed information leaflets to representatives of consulates who are in a position to deliver these to potential victims;
- drawing up an 'address book' of liaisons at consulates of problematic countries where up-to-date information relating to the fight against trafficking in human beings in the Czech Republic can be sent.

- **Social workers of NGOs and state administration authorities**

Aim: social workers of NGOs and state administration authorities are able to identify potential as well as real victims, they are aware of a basic reference system how to help victims in the Czech Republic, and they know who to contact in an emergency:

- to organise training courses and seminars on the nature and forms of trafficking in human beings, possibilities of identification, rights of trafficked persons and existing assistance programmes both in the Czech Republic and abroad (regional round tables, training of social workers on the issue in question);
- to distribute relevant printed materials through managers of crime prevention at the regional level.

- **Law enforcement authorities**

- Non-specialised police

Aim: better identification of victims and collection of basic information, better assistance to specialised bodies, cooperation with NGOs:

- the issue of trafficking in human beings, identification of victims, special investigating methods, and so forth are part of initial and ongoing training of police officers;
- to organise seminars in regions (for example round tables).

- Specialised police

Aim: development of capabilities and investigating skills, knowledge of the Programme to Support and Protect Victims of Trafficking in Human Beings, strengthening cooperation with foreign partners:

- the issue of trafficking in human beings is part of initial and ongoing training;
- to provide information, on an ongoing basis, on the current status of the Programme through police management, meetings of the Inter-Ministerial Working Group and so on.

- Judges and public prosecutors

Aim: good knowledge of judges and public prosecutors of the phenomenon of trafficking in human beings will improve the imposing of sanctions and will contribute to discouraging potential offenders and the better protection of human rights and dignity of victims:

- inclusion in or revision of the curricula of higher education institutions of the Academy of Justice;
- ongoing training through specialised seminars;
- acceptance of a sensitive approach towards victims of trafficking in human beings.

- **Members of military and police peace corps**

Aim: members of the military and police peace corps are provided with information on the phenomenon of trafficking in human beings and know how to proceed when detecting it:

- within training of these corps to organise a seminar on the phenomenon of trafficking in human beings as a significant violation of human rights, however when doing so to take into account regional specificities and international law; to provide information on programmes aimed against trafficking in human beings and possibilities to restrict demand for trafficked persons.

3. Regional Level:

Aim: functioning system of prevention of trafficking in human beings able to rapidly respond to the occurrence of trafficking in human beings; provision of a comprehensive range of services for groups of children and youth at risk and meetings of experts with victims of trafficking in human beings:

- to extend information campaigns down to the level of smaller towns and villages where people specifically at risk may live (support of regional projects focused on the fight against trafficking in human beings);
- to identify regional organisations able to concentrate on identifying victims of trafficking in human beings in their region (in particular in highly affected borderland areas and areas suffering from social exclusion).

B. Subjects of Prevention

1. Children and Youth:

Aim: children grow up in a stable family environment which provides them sufficient background without being forced to take recourse to the sex industry:

- to decrease the number of children left by their families and to use forms of care other than institutional forms of care.

Aim: parents are sufficiently informed on safe migration and risks of trafficking in human beings:

→ to organise lectures at schools (parental meetings), information leaflets.

Aim: children and youth, especially vulnerable groups without sufficient access to education, children from streets, abandoned children and children from orphanages houses do not become victims of trafficking in human beings:

→ activities of low threshold clubs, films, support of regional projects within Partnership.

Aim: border checks focus on unaccompanied minors or persons who are not family members and who are not in possession of valid documents, in such cases special protective and investigative measures are applied. Immigration, border and other police bodies refer such children to special social care authorities:

→ to include the issue of trafficking in human beings, identification of potential and real victims of trafficking in human beings and interviews with children in initial training of ABPS.

Aim: youth going to work abroad are informed on dangers of trafficking in human beings and know who to contact in an emergency:

→ to analyse the knowledge of young people in this area, to draw up basic recommendations and security information for journeys abroad;

→ to address, with an offer to cooperate in dissemination of relevant information, the most important agencies dealing with the intermediation of work for youth (for example the Student Agency).

2. Victims of Trafficking in Human Beings:

Aim: victims of trafficking in human beings do not return to their original environment and are not trafficked again:

→ active protection of rights of victims, support of their fundamental needs and facilitation of their return into society (re-qualification), safe protection of witnesses, legal assistance in claiming damages.

3. General Public:

Aim: to increase awareness about the phenomenon of trafficking in human beings and to strengthen attitudes opposed to such phenomenon:

→ to promote zero tolerance towards all forms of trafficking in human beings;

→ to provide information on differences between prostitution/trafficking; trafficking/smuggling/illegal migration; and disadvantaged labour conditions/forced labour/exploitation;

→ to provide information on risks and impacts of trafficking, methods used by offenders, and on protection focused especially on vulnerable groups (through mass media).

4. Media / journalists:

- Aim: media objectively inform on forms of trafficking in human beings, they do not use stereotypes, but take into account privacy and safety of trafficked persons:
- seminar for journalists on the nature of trafficking in human beings in the Czech Republic, on how to inform on the issue in question (to include this issue in the training of journalists, to teach them how to inform on the commercial sexual exploitation of children).
- Aim: media provide information on the decreasing demand for activities carried out by persons trafficked for the purpose of sexual exploitation and forced labour and promote zero tolerance towards trafficking in human beings:
- cooperation with journalists who will systematically and in an ethical manner inform the general public on existing and tolerated forms of trafficking in human beings (mainly printed media and radio broadcasting).

5. Clients of Prostitution:

- Aim: clients of prostitution do not use services provided by persons forced to prostitution:
- to provide information to the general public through public campaigns which will emphasise the exploitative nature of the sex industry.
- Aim: clients of prostitution deliver information about potential victims of trafficking in human beings; implementation of a telephone line with a single national number through which clients can anonymously inform of their suspicion of trafficking in human beings:
- to continue producing websites providing information on trafficking in human beings where suspected trafficking in human beings can be reported.

6. Employers Providing work in those Areas Inclining towards Force Labour:

- Aim: reduction of the offer of forced labour and services; employers are aware of the violation of fundamental human rights in the case that they create exploitative conditions for their employees and are informed of serious breaches of law:
- to increase awareness of the occurrence and nature of forced labour among employers through special institutions (trade unions and so on);
 - to strongly support zero tolerance towards forced labour among employers if they register such conduct in their environment.

7. Employees Taking Up Jobs under Exploitative Conditions:

- Aim: demand for forced labour and service is reduced:
- to establish and promote a focal point for foreign labourers where they can obtain information on their rights;
 - to closely cooperate with organisations involved in the integration of foreign nationals (Advisory Centre for Refugees, Organisation for the Protection of

Refugees and some others), so that they notify their clients of the risks inherent to trafficking in human beings.

8. Potential Migrants in Their Countries of Origin:

Aim: potential migrants can obtain basic information on safe migration and work opportunities in the target country, on relevant laws and rights of migrants in destination countries:

- cooperation with local NGOs which can deliver information by means of leaflets and other printed materials;
- to find out possibilities to use/link the issue of trafficking in human beings to existing grant programmes of the Asylum and Migration Policy Department and IOM in order to reduce migration from those countries where people are inclined to migrate to the Czech Republic.

C. Instruments of Prevention

- i. A combination of methods and activities from the prevention of trafficking in human beings, identification of victims, prosecution of offenders, assistance and protection to victims who return to their country of origin, or social integration of trafficked persons.

Instrument: economic and social policies focusing on the roots of trafficking in human beings:

- to adopt measures aimed at the elimination of ‘invisibility of exploitation’: monitoring, administrative inspections of the labour market (including prostitution).

Instrument: educational and information activities (campaigns) focusing on precisely defined target groups, interactive activities:

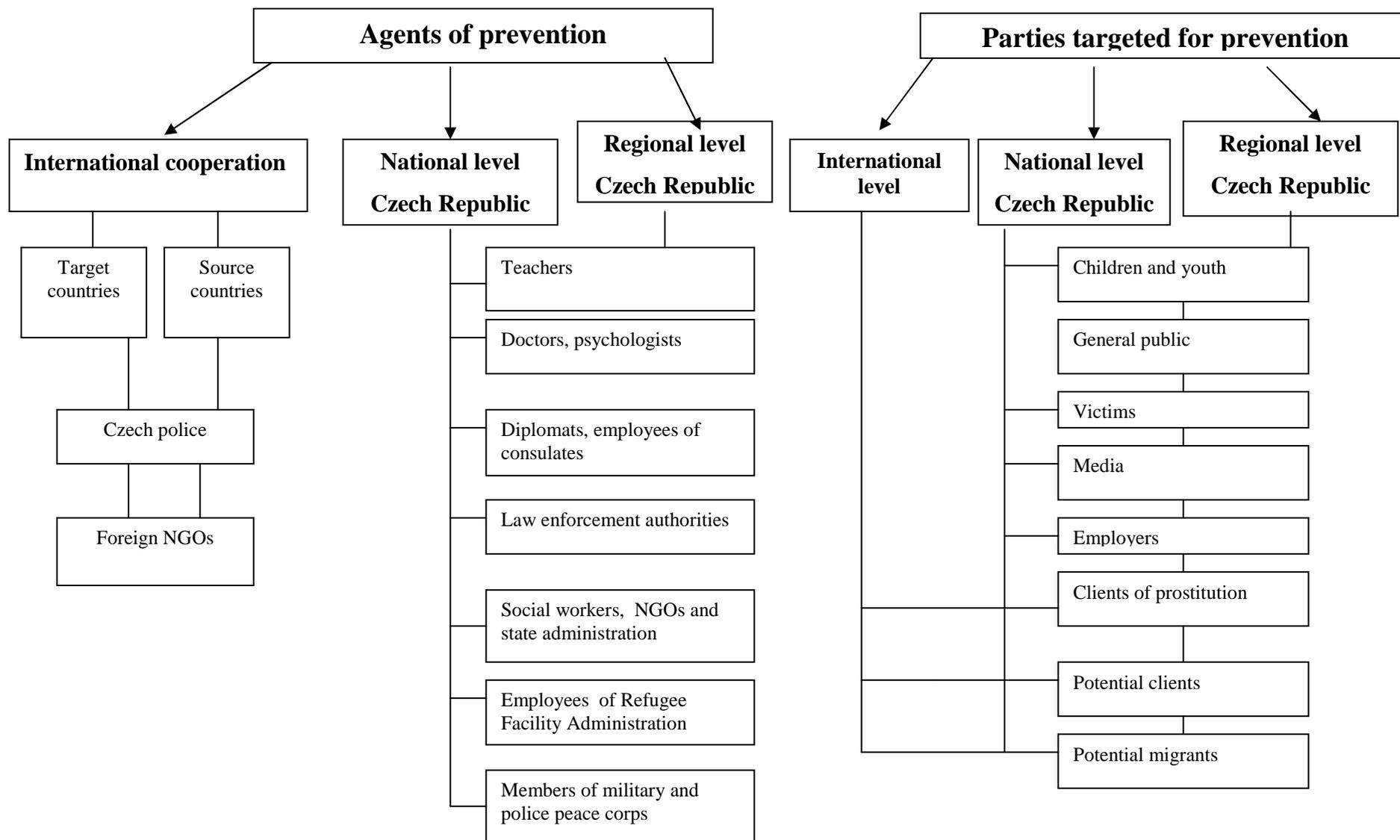
Instrument: education and training:

- to strengthen mutual cooperation of the network of actors and their understanding of trafficking in human beings as a criminal offence and a violation of human rights (governmental authorities, judges, public prosecutors, police investigators, border police, employees of immigration offices, journalists, psychologists, doctors, schools and university teachers, NGOs, social workers, consular employees and civil servants).

Instrument: data collection:

- resulting from surveys (roots of trafficking in human beings, factors of demand and supply, mechanisms used by offenders);
- nation-wide collection of data relating to women, men and children as victims of trafficking in human beings (the nature and scope of trafficking in human beings).

Target Groups of Preventive Actions



Annex 2

Basic Principles of the Functioning of the Programme to Support and Protect Victims of Trafficking in Human Beings

Trafficking in human beings is a profound criminal phenomenon which represents serious violation of the fundamental rights of its victims. Efforts to eliminate this phenomenon must be addressed comprehensively by means of preventive and repressive measures, and systematic support provided to the victims of such criminal offences. From the human point of view, support to and protection of victims is a priority which must be dealt with immediately.

Effective assistance is conditional upon the coordination of activities of all entities which may contribute to solving the complex situation of victims. It is the state which is primarily responsible for solving the problem – predominantly it is necessary to establish an effective system of assistance to victims of trafficking in human beings for the purpose of sexual exploitation and forced labour, and to ensure funding of the system. At the same time the state should coordinate, monitor, and on an ongoing basis evaluate activities and propose steps leading to improvement of the situation.

This responsibility is multiplied where a state is a signatory country of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the UN Convention against Transnational Organised Crime, and other international legal or political documents.

The Czech Republic established (under Government Resolution No. 849 of 3 September 2003 by which the first National Strategy to Combat Trafficking in Human Beings was adopted) a functioning system of cooperation between entities involved in caring for victims of trafficking in human beings, and it created basic conditions for protecting and helping with the recovery of victims. Cooperation of the state (in particular of the Ministry of the Interior, but also the Ministry of Labour and Social Affairs, the Ministry of Education, Youth and Sports, the Ministry of Foreign Affairs, the Ministry of Health, and the Czech police) with NGOs and inter-governmental organisations establishes the National Coordinating Mechanism.

Police officers working for specialised police bodies are trained to be competent, during police intervention, to identify victims and to offer them services provided by NGOs. Selected NGOs then offer to victims crisis intervention, asylum accommodation, necessary health care, social recovery, re-qualification, advisory services, and so on. The same procedure is utilised if a non-governmental organisation contacts a victim or the victim's relatives itself (only in exceptional cases is a victim contacted by a client or a health care facility). The situation is often solved by voluntary return to the victim's country of origin through the IOM.

The number of victims who are taken care of by NGOs has so far been quite low. For example victims who do not trust the police due to bad experience with the police in their country of origin (corruption, cooperation with smugglers and traffickers) frequently refuse help and rather return to the sex industry where they know how to live and which provides them with a kind of certainty.

Taking into account the investigation of cases of trafficking in human beings and the prosecution of offenders, it is desirable to persuade victims to cooperate because the testimony of a victim can significantly contribute to proving the guilt of and punishing offenders. However this can be achieved only if a victim is offered a tempting alternative because of which a victim will be willing to leave the exploitative but for him/her a known world of the sex industry, and to begin to trust police officers and NGO staff. Victims must be provided with safe accommodation, their fundamental needs must be guaranteed, and in particular they must find a new live perspective. Such services are provided mainly by NGOs under financial support of the state.

Primarily **crisis intervention** linked to a reflection period during which a victim must decide whether he/she wants to cooperate with the police must be mentioned. The reflection period originally lasted for one month. Such a time limit appeared, on the basis of international research as well as Czech experience, to be insufficient. Therefore from **November 2007 the reflection period was extended to two months**. As a result of this, victims who show interest in cooperating with law enforcement authorities and who assist them with investigations, may be provided with longer help.

Inclusion in the Programme to Support and Protect Victims of Trafficking in Human Beings is based on a voluntary principle and on the assumption that the victim cuts off all contact with the criminal environment. Information provided by a victim to law enforcement bodies within criminal proceedings should be at least reasonably relevant. Exceptions in this case are victims of trafficking in human beings who are mentally retarded or who suffer from psychological problems, and such persons can be allowed to join the Programme without any requirement for cooperation with law enforcement authorities.

The objective of the Programme to Support and Protect Victims of Trafficking in Human Beings is to provide victims of trafficking in human beings with support and to protect their dignity and human rights and to motivate them to testify. To do so the system (the National Coordinating Mechanism) must be enhanced so that each institution involved in providing assistance to victims knows its place and is aware of activities to be carried out in the given moment and whom to contact. All institutions should act in the best interest of victims – which, of course, does not exclude any organisation requesting victims to adhere to specified rules. The Programme is established in such a way as to minimise its respective abuse by victims and offenders of trafficking in human beings.

Programme Objectives

- To provide victims of trafficking in human beings with support and to safeguard the protection of their dignity and human rights;
- to motivate victims to provide testimony and to assist law enforcement authorities in criminal proceedings in exposing, prosecuting, proving crime and punishing offenders of criminal offences concerning trafficking in human beings;

- to implement a programme of voluntary return – to intermediate the return of Czech victims of trafficking in human beings to the Czech Republic who may decide, after they are back in the Czech Republic, to join the Programme.

Programme Target Group

- All female and male nationals of the Czech Republic as well as female and male foreign nationals who reasonably document that they have become victims of trafficking in human beings either in the Czech Republic or abroad.

Programme Entities

- National Coordinator – First Deputy Minister of the Interior,
- Crime Prevention Department – Secretariat of the National Coordinator;
- Police of the Czech Republic
- Non-governmental organisations (La Strada Czech Republic, Charity of the Czech Republic);
- International Organisation for Migration, Prague

Conditions for Inclusion in the Programme

- Voluntary and obviously expressed interest, signature of initial statement containing consent with the processing of personal data;
- cutting off of contact with the criminal environment;
- consent to be accommodated in an asylum flat of a NGO for a minimum of two-months' crisis intervention.

Services to Be Provided to Identified Victims

- Immediate liberation from the criminal environment;
- two-month crisis intervention;
- regulation of residence in the Czech Republic for foreign nationals (see below);
- asylum accommodation;
- health care;
- financial assistance;
- additional social care;
- psychological and social advisory services;
- psychotherapeutical services
- legal advisory services;
- interpreting;
- assistance with voluntary return to the country of origin and follow up social assistance;
- long-term social integration,
- support in seeking jobs;
- re-qualifying training courses;
- an option to be included in the programme for witness protection.

Regulation of Residence for Foreign Nationals in the Czech Republic

- In the case of a victim – either female or male foreign national residing illegally in the Czech Republic - entry into the Programme is followed by an application for an exit order up to 60 days which corresponds to the period of crisis intervention during which a victim must make a decision whether he/she wants to cooperate with law enforcement authorities;
- during the last ten days of the residence permitted on the basis of the exit permit, steps towards leaving the country are taken in the event the victim decides not to cooperate with law enforcement authorities;
- foreign national victims who decides not to cooperate is offered voluntary return to their respective country of origin; if the victim rejects voluntary return, after his/her exit order expires they are deported; voluntary return is possible at any time under a relevant application;
- if a victim shows interest in cooperating with law enforcement bodies then an application for a visa for over 90 days for the purpose of tolerated residence in the Czech Republic is filed – under Sec. 33 (1b) of Act No. 326/1999 Coll. on the Residence of Aliens in the Czech Republic;
- provided that the victim suffers from serious health problems, being for example mentally retarded or suffering from psychological problems, such a person may join the Programme and be part of it without cooperating with law enforcement authorities – in such cases an application for a visa of over 90 days for the purpose of tolerated state in the Czech Republic is lodged under Sec. 33 (1a) of the Act on the Residence of Aliens;
- a victim who was initially contacted by an NGO and who decides to cooperate with law enforcement authorities or who at least agrees on contact with them is issued with a permit for long-term residence for the purpose of the protection in the Czech Republic (under Sec. 42 (e) of the Act on the Residence of Aliens);
- in the case that a victim is initially contacted by the police, the procedure to be used is similar and the victim is instructed under 42 (e) of the Act on the Residence of Aliens;
- after criminal proceedings are ended the foreign national victim is offered voluntary return to the country of origin;
- in cases of special consideration and at the request of the victim the Alien Police may grant the foreign national victim a permanent residence permit for humanitarian reasons – pursuant to Sec. 66 (a) of the Act on the Residence of Aliens.

Termination of Participation in the Programme

- Any time at the request of a victim;
- any time a foreign national decides to return to his/her country of origin;
- on the basis of the final and conclusive conviction of offenders, the termination of criminal proceedings, or if further participation of the victim in criminal proceedings is not necessary.

Exclusion from the Programme

- If it is proved that a person has not been a victim of trafficking in human beings;
- if the victim contacts persons from the criminal environment;

- if the victim voluntarily returns to the environment in which they were sexually exploited or were involved in forced labour;
- if the victim commits an intentional criminal offence;
- if the victim breaches rules of asylum accommodation, deliberately leaves the flat or otherwise breaches a contract with an NGO on the provision of social services;
- if the victim refuses further cooperation with law enforcement authorities in criminal proceedings;
- if the victim states false data.

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