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ČESKÉ REPUBLIKY

2018 STATUS REPORT ON TRAFFICKING IN HUMAN BEINGS IN THE CZECH REPUBLIC

Crime Prevention Department

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INTRODUCTION

The Status Report on Trafficking in Human Beings in the Czech Republic is an informative document presented by the Ministry of the Interior of the Czech Republic (Mol) pursuant to Government Resolution No. 67 of 23 January 2008 on the National Strategy to Combat Trafficking in Human Beings 2008–2011. The present document is **the eleventh consecutive status report on trafficking in human beings in the Czech Republic (CR)**.

The objective these reports is to provide detailed information about trafficking in human beings in the CR **from 1 January to 31 December of the given year**. In this context, the reports also mention selected activities from abroad that have links to the CR.

The 2018 Status Report on Trafficking in Human Beings in the CR (Report) focuses on trafficking in human beings (THB) as defined by Sec. 168 of Act No. 40/2009 Coll., the CC, as amended (CC). As in previous years, the Report also focuses on accompanying phenomena closely related to THB.

The Report is drafted by the Crime Prevention Department of the Mol, mainly on the basis of information provided by members of the Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings (IMCG), as well as other national and international partners combating THB. This information helps the drafters of this Report to continuously monitor the state of THB, and particularly to carry out their role of National Rapporteur or an equivalent mechanism¹ in the field of THB. The drafters of this report are grateful to all partners for their cooperation.

Notes on the text:

Gender equality: In this Report, the term “foreign national” designates both male and female foreigners, unless specified. The same applies to the terms “migrant”, “employee”, “citizen” or “national”, “worker” etc. and to terms designating nationality. The Report specifies gender in those cases where this was done by members of the IMCG when submitting documents for this Report.

Proofreading: The present text has not been proofread.

¹ https://ec.europa.eu/anti-trafficking/national-rapporteurs_en

1. OVERVIEW OF THE SITUATION AND TRENDS

The **CR** continues to be considered primarily a **target and transit country**, while also remaining a **source country**.

The prevalent form of THB in the CR is **THB for the purpose of prostitution and labour or other forms of exploitation (forced marriages) and for the purpose of drawing gain from such activities**.

In recent years, a trend has emerged where **men and women from socially and educationally disadvantaged environments are purposefully sought out in the CR and lured abroad**, particularly to the UK.

Men are forced to perform **physically demanding labour** (e.g. in car washes, fruit and vegetable sorting plants, poultry farms, restaurants, construction sites and various manufacturing businesses). The perpetrators **take all or most of these men's earned wages**, often using payment cards that they arrange for the victims along with bank accounts in local banking establishments. **In some cases, they burden the victims with loans** taken out for the respective accounts.

Women are forced into prostitution or into marriages with non-EU citizens. These marriages are referred to as "advantageous marriages". Given that the greatest "demand" for Czech women comes from nationals of Bangladesh, Pakistan, and Afghanistan, this THB trend is closely linked to the movement and residence of third-country nationals in EU countries. **In 2018**, these activities were organised mostly in the UK, with Czech citizens taking part.

Despite the fact that **there is no illegal trafficking in human tissues and organs²** in the CR, according to statistics that the Ministry of Health attributes primarily to strict regulatory measures and highly dissuasive legal sanctions, **one possible case of such illegal activity was recorded in 2018**. In December 2018, the Coordination Centre for Transplantations was requested by a company engaged in trade between the CR and Turkey to support and promote their new activities – mediation of liver and kidney transplantations for Czech patients at selected clinics in Turkey. The company, which trades in various goods between the CR and Turkey (cars, glass, consumer goods, etc.) was looking to offer all-inclusive "packages" for patients, providing a full range of services from transportation, examination, transplantation, hospitalisation, interpretation, accommodation, accompaniment, etc. The company was informed by the CR that such activity is illegal and undesirable, after which it immediately took down the offer from its website and pledged to end the activity in question. **Several audits have failed to confirm that the company was continuing in the activity in question**. The case was discussed at a nation-wide meeting of transplantation coordinators organised by the Coordination Centre for Transplantations.

² In the CR, this offence falls under the following sections of the CC: Sec. 164 – Unauthorised Removal of Tissue and Organs, Sec. 165 – Unauthorised Handling of Tissue and Organs, Sec. 166 – Removal of Tissues and/or Organs and Transplantation for a Fee, Sec. 167 – Unauthorised Handling of Human Embryos and Human Genomes

Probable victims identified in the CR in 2018 came from the following source countries: Philippines, Romania, Sierra Leone, Slovakia, and Ukraine. La Strada also provided services to probable victims from **Nigeria, Nepal, and Pakistan**. Nevertheless, it must not be overlooked that **Czech nationals were also trafficked within the CR. The CR continues to be a source country particularly for the UK and Ireland.**

In cases of suspected THB for the purpose of labour or other forms of exploitation, so-called “employment agencies” played an important role, including activities by legal persons authorised by the MLSA to broker employment. **In 2018, most people seeking employment were from the Balkans, particularly Romania and Bulgaria, but also from the Philippines and Nepal.**

Another trend is that of employing Moldovan nationals on the basis of forged Romanian documents, thus granting them easier access to the EU labour market, and employing Ukrainian nationals holding Polish visas.

In 2018, **police statistics identified 11 victims** of THB. A total of **17 probable victims** of THB were entered into the **Programme for the Support and Protection of Victims of THB of the Ministry of the Interior** (Programme) by both a cooperating NGO and the police.

In 2017, the Police President’s Decree No. 201/2017 of 27 July 2017, on activities in the area of THB, was issued, which kick-started cooperation with liaison officers for minorities following a similar pattern to that of cooperation with officers of the Alien Police. Liaison officers for minorities were included in the police framework for combating THB because many of the detected and investigated cases continue to involve the Roma community and socially disadvantaged environments.

The share of foreigners committing THB remains practically unchanged. In cases where the offenders were foreign nationals, they were often well-established in the CR and conducted their illegal activities in cooperation with Czech nationals. As a rule, the nationality, or country of origin, of the offenders was the same as that of the victims of THB. **In 2018, the so-called VITA case was investigated by the Regional Office of the National Centre against Organised Crime (NCOZ) in České Budějovice, where three foreigners (from Romania, Georgia, and Ukraine) were prosecuted.**

According to statistics collected by the Ministry of Justice (MoJ), 16 persons were convicted in 2018, of which 3 received suspended sentences and 13 unsuspended sentences. From a long-term perspective, the data shows that the ratio of suspended vs unsuspended sentences is shifting – **courts now more frequently issue unsuspended imprisonment sentences.**

2. CRIMINAL STATISTICS

2.1 Number of Detected Offences

As compared to 2017, the number of recorded THB offences dropped in 2018. (Just as the number of THB offences had dropped in 2017 as compared to 2016.)

13 cases of THB were recorded by the Police of the Czech Republic (PCR) in the CR in 2018 (16 in 2017); 9 of those cases were solved (11 cases were solved in 2017, and 5 more cases from the previous year were solved additionally).

2.2. Offenders in Criminal Proceedings

The share of foreign perpetrators of THB continues to be lower than that of Czechs. Out of **15 persons prosecuted and investigated** in 2018, **13 were Czechs and 2 were foreigners**; **11 were men and 4 were women**; **4 were repeat offenders**; **8 were between 18 and 30 years old** and **7 were older than 30 years**. None of the perpetrators were younger than 18 years.

According to data collected by the MoJ, **19 THB offences were recorded in 2018** under Sec. 168 of the CC, as amended (there were 9 in 2017), and **16 persons were convicted** – 3 were issued suspended imprisonment sentences and 13 were issued unsuspended imprisonment sentences (1 – 5 years for 3 persons, 5 – 15 years for 10 persons). None of the sentences were repealed.

In addition, MoJ statistics show that **9 victims were women**. MoJ statistics report no victims younger than 18 years³ in 2018 (see the Tables section, tables 2a, 2b and 2c).

2.3 Selected Case Studies

For a better understanding of the current modus operandi, a brief description of selected cases follows.

National Centre against Organised Crime of the Criminal Police and Investigation Service, Regional Office in Brno – investigation of the MAGDA case

In 2018, two officers from the 2nd unit of the National Centre against Organised Crime of the Criminal Police and Investigation Service, Regional Office in Brno, filed a motion for indictment with the prosecutor of the Regional Public Prosecutor's Office in Brno, under the code name MAGDA. Four persons were charged with THB under Sec. 168 para. 1(a), para. 3(d) of the CC, in conjunction with endangering a child's upbringing under Sec. 201 para. 1(a), (b), and (c), para 3(a), unauthorised production and other handling of narcotic and psychotropic substances and poisons under Sec. 283 para. 1 and para 2(d), and pimping under Sec. 189 para. (1) of the CC. The first instance Regional Court in Brno issued unsuspended imprisonment sentences ranging between 5.5 and 9 years. Throughout 2016, the perpetrators had been seeking out young girls as well as women above 18 years and then had coerced them, transported them, or arranged for them to engage in prostitution in a night club, exploiting their drug addiction. Consequently, they demanded that the girls and women pay pre-determined sums from their earnings providing sexual services at the night club.

³ Sec. 126 of the Criminal Code – „A child is a person under the age of 18, unless the Criminal Code states otherwise.“

National Centre against Organised Crime of the Criminal Police and Investigation Service, 2nd unit of the THB and Illegal Migration Department – investigation of the BRIDGE case

In October 2017, the National Centre against Organised Crime of the Criminal Police and Investigation Service initiated criminal proceedings for a particularly serious crime of THB committed by an organised criminal group (and also for particularly serious crimes of rape, blackmail, dangerous extortion, and the offence of duplicate marriage). During the investigation, the Czech police cooperated with the Modern Slavery Coordination Unit from the Greater Manchester Police in the UK.

In January 2018, a Joint Investigation Team was set up via EUROJUST, and continues to operate until this day. In April 2018 the National Centre against Organised Crime initiated criminal proceedings against 4 perpetrators. Three of them were taken into custody by the competent court. The fourth is being investigated in the UK.

The alleged perpetrators, as an organised criminal group, sought out persons from socially and materially disadvantaged environments, mostly in the CR, on the pretext of brokering small earnings in the UK. They then transported these persons to the UK, where they took away their documents and, exploiting their distress and dependency, keeping them in inhumane living conditions (without food, without contact with the outside world, with several people sleeping on the floor in one room), forced them into labour, prostitution, or forced marriages with non-EU nationals.

At least 25 trafficked persons/victims were documented and interviewed, from whose labour the offenders earned more than CZK 10 million between 2012 and 2017 (large scale gains). Some of the victims suffer lifelong psychological consequences (post-traumatic stress disorder) as a result of these activities.

2.4 Victims of THB

2.4.1 Victims in Criminal Proceedings

According to police statistics, there were 11 victims of THB in 2018 (there were 14 in 2017). Of these, 4 were younger than 15 years and 7 were between 15 and 17 years.

As regards the number of victims detected in individual regions, police statistics show that there were 5 victims in Prague (women), 1 victim in the Ústecký region (woman), 3 victims in the Středočeský region (women), 1 victim in the Jihomoravský region (woman), and 1 victim in the Zlínský region (woman).

2.4.2 Probable victims of THB and the Programme for the Support and Protection of Victims of THB

In 2018, 17 probable victims of THB entered the Programme, which is intended for probable victims of THB older than 18 years, i.e. for EU nationals trafficked in the CR, for third-country nationals trafficked in the CR, or for Czech nationals trafficked in the CR or abroad. In 2018, the victims were nationals of the Philippines (9), the CR (6), Romania (1), and Sierra Leone (1).

The Programme statistics show that the most common forms of THB in the CR were those for the purpose of labour and sexual exploitation.

A total of 245 probable victims of THB have entered the Programme since 2003.

The Programme provided victims with housing, psychosocial assistance, healthcare, requalification courses, interpretation services, legal assistance and the services of a lawyer. Emphasis was put on assistance in seeking employment.

All victims who entered the Programme agreed with providing information to the relevant departments of the PCR for the purpose of investigating their cases.

In 2018, **4 persons chose to enter the Programme for Voluntary Returns to the Country of Origin.** Voluntary returns were facilitated to Romania, Sierra Leone, the Philippines, and the CR (from Italy). Since 2003, a total of 105 voluntary returns were facilitated, of which 24 to the CR.

2.5 Care for Victims of THB

Apart from the Programme, the CR has an entire system of social services provided to victims of THB. It is regulated by Act No. 108/2006 Coll., on Social Services, as amended (Social Services Act). This act regulates the conditions for the provision of assistance and support to natural persons in adverse social situations by means of social services, the conditions for receiving care benefits, the conditions for issuing licences to social service providers⁴, and so forth.

In accordance with the Social Services Act, an organisation may only provide social services once it has registered with the relevant Regional Administration. The list of registered social service providers is publicly accessible via the Social Service Providers Register online at <http://iregistr.mpsv.cz/socreg/> (in Czech only). **A total of 76 social service providers are currently registered in the abovementioned register whose main target group are victims of THB.**

Through a grant supporting the provision of social services, the MLSA has been continuously supporting organisations providing social services predominantly to “victims of THB”. **In 2018, these organisations received a total of CZK 9 574 051 in grants from the MLSA.**

Furthermore, it is important to note that social services may be provided by entities other than NGOs. Although the majority of organisations providing social services to victims of THB are ecclesiastical and religious organisations and community-based organisations, some are public service organisations established by regional municipal authorities, as well as others.

⁴ Social services include social counselling, social care services, and social prevention services. Social services are provided as residential, outpatient, or outreach services.

3. RELATED CRIMES AND PHENOMENA

3.1 Prostitution

The following section describes the situation in various regions across the CR (data from the PCR).

Prostitution in Prague and its surroundings **has not undergone major changes in 2018**. Typically, sexual services were provided in erotic nightclubs, in private homes or as part of escort services. The number of private homes serving the purposes of prostitution is difficult to establish. **Street prostitution has been continuously on the decline** and occurs on a small scale in specific areas, with the prostitutes in question being most at risk due to poor health, insufficient hygiene, and drug addictions. **The number of erotic nightclubs decreased as compared to 2017**. On the other hand, sexual services provided in exchange for money in private homes have remained the same or slightly increased in number.

There continued to be around 60 brothels in Prague. On the outside, these establishments operated as cabarets, nightclubs, or massage parlours. **The detection and investigation of criminal activity in this environment was very difficult**, mostly due to the attitude of those involved – the victims, the suspects, the clients seeking prostitutes, who were not motivated to provide credible testimonies. **Most of the women providing sexual services in brothels were Czech nationals**. Other forms of prostitution in Prague included so-called **hotel prostitution** (selected luxury hotels in the city centre).

Findings confirmed that, due to the large number of persons providing sexual services, **most prostitution was voluntary**. Many persons actively offering themselves as “occasional” prostitutes were responding to the demand of the sex business, advertised in printed media or on the internet and **on mobile apps**, which significantly accelerated communication between clients and prostitutes (escorts). In other words, the entry of mobile apps into the sex business could be described as the entry of virtual pimps into the sex business. Mobile “sex apps” have thus expanded the scope for considerations on where criminal proceedings for pimping should begin.

Past investigations have made it clear that a wide array of persons – in terms of social status, age, and educational level – were involved in prostitution. In the previous year, inspections detected prostitutes to have been mostly **women of Czech, Slovak, Ukrainian, and Romanian citizenship**.

Young boys and men constituted a specific group of prostitutes, offering homosexual sexual services on the internet or in Prague’s gay clubs. The practice of homosexual prostitution is very often associated with serious health risks, which stem from the willingness of male prostitutes to provide unprotected sex for an additional fee.

The situation was similar in **other regions** across the CR.

In the **Jihočeský region**, street prostitution was still prevalent in the border area near Dolní Dvořiště, České Velenice and Strážný, although it was on the decline. **The decline of street prostitution** was caused by several factors, such as the activity of law

enforcement authorities or municipalities (hiring security agencies), but also the fact that **prostitutes were moving into private homes**. This trend continued from 2017.

As regards nightclubs, the situation remained the same in 2018 as in 2017. In Dolní Dvořiště, several nightclubs changed owners. Women providing sexual services in nightclubs were most often nationals of **Romania and Ukraine**.

The number of nightclubs in the **Plzeňský and Karlovarský regions** was gradually decreasing, with only the well-established ones remaining. The women working there did so voluntarily, and **inspections** carried out in 2018 **showed that their documents** (residence permits) **were for the most part in order**. In order to evade charges of pimping, **the nightclub owners or managers hid their share in the earnings from sexual services, claiming for instance to have charged for the rooms or for drinks for the women once they were in the rooms with a client. However, since the police had been able to prove some cases of such latent pimping in the past**, owners and managers have begun to try for even more latent methods – incorporating charges for sexual services into room prices or other rental fees. **In 2018, local inspections did not identify any women that could have been victims of THB**. In some areas in the Plzeňský region (border areas, Domažlicko, Babylon area) there was still some occurrence of street prostitution.

In the **Ústecký region**, the most common type of prostitution was that of **the Roma**, provided **near the border with Germany**. Investigations have confirmed that in all cases, sexual services were provided voluntarily.

In the **Liberecký region**, **street prostitution was very rare**. The level of prostitution in night clubs had not changed. The same establishments remained in operation, and there was no information about new ones offering escort services. **Prostitution in night clubs** was most frequent **around Jablonec nad Nisou and Liberec**. A considerable amount of services was offered **via the internet**.

In the **Hradec Králové and Pardubice regions**, the situation in 2018 remained the same as in previous years. Prostitution was mostly offered in private homes and by persons from **socially disadvantaged environments**, although **quite a few were female university students**.

In the **Jihomoravský and Vysočina regions**, the situation has not changed significantly since 2017. Prostitutes continued to migrate between night clubs, which was caused by the economic situation, or by relationship issues between prostitutes in various night clubs, which was not uncommon. **A profitable period** for the sex business in Brno and its surroundings was that of major **fairs or international cultural and sports events**.

The situation in Znojmo was somewhat different from that of Brno. This was due to the proximity of the Austrian border, where most night club guests were Austrian residents who visited the night clubs mainly on weekends and on Austrian public holidays. At the beginning of 2018, the police carried out inspections in night clubs to check for illegal activity, which led to the initiation of criminal proceedings on suspicion of pimping under Sec. 189 of the CC.

Also in the **Olomoucký** region, the provision of sexual services was concentrated in private homes and offered on the internet and on social media.

As regards the **Moravskoslezský region**, cross-border sex tourism, which was common in the past, e.g. in Karvinská and around the border crossing for truck traffic with Poland near Cottbus, was no longer a serious issue. In Karviná, there was a generally binding decree on the Prohibition of providing sexual services in public spaces”.

An important role in preventing the risks associated with the sex business and improving the status of sexual workers is played by the organisation Rozkoš bez rizika (“Bliss without Risk”, R-R). According to information provided by this organisation, the number of **sexual services offered in private homes is on the rise, while that offered in night clubs is rapidly declining**. The sex business is stagnant, driven primarily by **demand, which is not increasing in the physical world, but rather online**. The age of prostitutes continues to rise, with the average age now at 30 years. Prague, Brno, and Ostrava are the dominant centres, with **street prostitution most frequent in Jihočeský and Ústecký regions**.

Last year, the organisation focused on mapping, monitoring, and investigating the prostitution scene and on developing a more individual approach in each case. It warned against **many cases of physical violence**. In 2018, the capacities for internet counselling were expanded due to increased demand – 140 inquiries in 2018.

In 2018, R-R worked with 3 517 clients (885 new ones) and contacted and started working with approx. 70 private homes offering prostitution. Most of the women were Czech nationals (82%), the rest were from Ukraine, Romania, and Slovakia. Most women were contacted in night clubs, followed by those contacted in private homes.

Data for 2018 shows that 13% of the women were mothers of three or more children. The share of mothers has not changed (remaining at 56%), however only a third consider themselves single mothers. **The number of drug users continued to decline rapidly**. Most women were aged between 26 – 35 years, followed by those aged between 36 – 45 years. Around 16% were aged between 18 – 25 years.

The women were usually driven to prostitution for economic reasons –distress or need. Many of them stated that it was only a temporary solution to their situation. Many of them were indebted, under duress, and could not afford rent or food.

3.2 The Offence of Street Pimping

Police statistics indicate **34 cases of street pimping in 2018** under Sec. 189 of the CC. In 2018, 24 cases were solved, with 33 persons investigated and prosecuted (see table 1d in the Tables section).

The MoJ reports that, **in 2018**, there was an **increase in the number of detected cases of pimping as well as in the number of persons convicted for this offence**, under Sec. 189 of the CC (formerly Sec. 204 of the OCC) as compared to 2017. Specifically, there were **59 offences and 48 convicted persons**. The trend as regards sentences remained unchanged in 2018, with **suspended sentences** (42) exceeding the number of

unsuspended ones (3). None of the victims of pimping offences detected in 2018 were children.

3.3 Unauthorised Employment of Foreigners

In 2018, there was a significant **increase** in the number of cases of unauthorised employment of foreigners as compared to previous years. There were **21 cases, of which 7 cases solved and 10 persons were prosecuted**. It is important, in connection with this offence, to mention that its application in practice is very limited, particularly due to its being conditioned by the illegal residence of the foreigners in the CR or their not being in possession of a work permit if so required by law, and is thus only applicable to third-country nationals.

The State Labour Inspectorate (SLI) is an important player in combating unauthorised employment of foreigners, along with its Regional Labour Inspectorates (RLIs). RLIs are responsible for carrying out inspections of compliance with the provisions of Act No. 435/2004 Coll., on Employment, as amended, including those that regulate the working conditions of foreign nationals in the CR, and of compliance with the provisions of Act No. 262/2006 Coll., the Labour Code, as amended, and other legal regulations governing labour and wage conditions. They also carry out inspections with regards to health and safety in the workplace. In practice, the most serious violations of labour laws are usually those that are more closely linked to other criminal activities, such as THB and misdemeanours linked to the provision of illegal work.

In 2018, the SLI carried out 8 339 inspections focused on detecting unauthorised employment, detecting 4 583 illegal workers.

There was a significant increase in the number of detected illegal foreign workers in 2018 as compared to 2017. The possible cause of this increase could have been the economic situation, which called for a large workforce in the context of record low unemployment. Employers often found it difficult to meet their workforce needs, and thus sought employees among foreigners. Employing foreigners, however, entails a number of obligations both for the foreigners and for their employers. **Inspectors came across efforts to circumvent these obligations, e.g. by abusing the rules pertaining to the posting of workers in EU Member States by an employer headquartered in another EU Member State.** They also increasingly encountered **counterfeit identity documents** presented by third country nationals, on the basis of which they, as citizens of an EU Member State, should have been granted free access to the Czech labour market.

In 2018, as in 2017, the **most frequent foreigners thus detected** were nationals of **Ukraine** (2 873 persons), **Vietnam** (285 persons), and **Moldova** (197 persons). Among **nationals of EU Member States**, most of those illegally employed were from **Slovakia** (84 persons), **Romania** (49 persons), **Bulgaria** (47 persons), and **Hungary** (40 persons).

As of 11 June 2017, a **visa-free travel regime with Ukraine** has been in place, however it only applies to those Ukrainian nationals who **are in possession of a biometric passport**. Although the regime only applies **to non-profit residential stays**, there is a growing number of cases where foreigners holding a biometric passport arrive in the CR

and carry out for-profit work **under the assumption** that they have free access to the Czech labour market.

Labour inspectorates also encountered **abuse of the rules governing employment agencies**. This concerned cases of so-called **disguised procurement of employment**, where instead of regularly employing natural persons for the purpose of their temporary assignment to a user, business contracts were established. The aim was not only to circumvent the conditions imposed on employment procurement, but also to obscure the dependent work of third-country nationals.

Apart from continuous inspection activities, **4 extraordinary inspections** in the area of unauthorised employment of foreigners were announced **in 2018**. The first one was **an inspection focused on labour exploitation**, which was carried out in cooperation with **the PCR**. **The other three** were carried out in cooperation with the **Alien Police Service**. Of these, **the first one** focused on **unauthorised employment in construction and engineering**, **the second one** focused on **unauthorised employment in construction**, and **the third one** focused on **unauthorised employment in warehouses and logistics centres**.

In 2018, **illegal employees** were most often detected **in construction** (219 entities), **manufacturing** (159 entities), **wholesale and retail; repair and maintenance of motor vehicles** (148 entities), **accommodation, catering, and hospitality** (112 entities), and **professional, scientific, and technical activities** (105 entities).

In terms of size, unauthorised employment was most often committed by small companies (under 50 employees) or companies with 50 – 249 employees. These trends have not changed significantly in the long term.

In 2018, pursuant to inspections, the SLI issued **496 fines** amounting to **CZK 151 351 500** for the violation of legal regulations in the area of unauthorised employment of foreigners. Of these, **two fines amounting to CZK 22 000** were issued to **natural persons** for the offence of illegal work.

The SLI inspections in 2018 also focused on employment agencies. The long-term trend is such that the **number of inspections that do not detect any violations of law** remain within **the range of 40 – 45%**, whilst the **number of inspections that do detect violations of law** remain within **the range of 55 – 60%**. The results of inspections carried out in 2018 were influenced by the fact that their subject matter had fully reflected the legislative changes pertaining to employment agencies that has been in effect since 2017. The basic focus of these inspections remained the same as in previous years, i.e. compliance with comparable work and wage conditions of agency and core employees of companies and fulfilment of formal duties of employment agencies vis-à-vis the General Directorate of the Labour Office.

As of 2017, **the main priorities** of labour inspectorates also include inspections of **disguised procurement of employment**. The concept of disguised procurement of employment, and the related offence, was introduced into legislation by an amendment to the Employment Act, which came into effect on 29 July 2017. Disguised procurement is now defined in Sec. 5 para. (g) of the Employment Act as the activity of a legal or natural

person consisting of hiring labour from another legal or natural person without complying with the conditions for procurement of employment in the form of employing natural persons for the purpose of their work for a user, meaning a legal or natural person that assigns them work and supervises its performance.

In 2018, **268 inspections were carried out that directly focused on disguised procurement of employment** that concerned **248 employers**. Disguised procurement of employment, as defined in Sec. 5 para. (g) of the Employment Act, **was found in the case of 116 inspected entities**.

4. TRAFFICKING IN PERSONS UNDER 18 YEARS OF AGE

Criminal statistics show that **11 identified possible victims of THB** in 2018 were **under 18 years of age** (4 were under 15 years and 7 were between 15 – 17 years).

Apart from law enforcement authorities, the Authority for Social and Legal Protection of Children (ASLPC), which protects the rights and defends the interests of vulnerable children, plays an important role.

The most intensive work is carried out directly with child victims of THB by municipal ASLPCs within municipalities with extended competencies, which have the largest scope of competencies under the Act on ASLPCs. The ASLPC provides its services 24 hours a day (via stand-by duty outside of working hours).

The MLSA monitors important statistical data about the activities of the ASLPC on an annual basis and reports them in its **Annual Report on Social and Legal Protection of Children**, which reflects the situation in the preceding year. (The Report is available in Czech at <http://www.mpsv.cz/cs/7260>).

As regards child trafficking, the Report monitors the following data for each reference year:

- The number of children found or proven to have been abused for the purpose of child pornography production;
- The number of children found or proven to have been abused for the purpose of prostitution;
- The number of cases concerning children where the ASLPC filed a criminal complaint with the PCR or the Public Prosecutor's Office on suspicion of crime against life, health, freedom, human dignity, moral development, or a child's property (within this general crime, crimes falling under Sec. 169 – placing a child into the care of another for the purpose of adoption or another similar purpose, Sec. 193 – abusing a child for the purpose of pornography production, and Sec. 193 para. (a) – participation in pornography production of the CC are also monitored).

Other types of commercial child abuse are not monitored separately within the Annual Report of the ASLPC.

The Report only includes cases that were reported to and taken up by the ASLPC. The number of detected cases of children abused **for the purpose of pornography**

production increased significantly in 2018 as compared to 2017. However this may be due to the fact that detection has become more efficient.

The growing number of cases suggests that the issue, including protecting children in cyberspace, merits further attention. On the other hand, the incidence of **child prostitution** is significantly **decreasing**.

In terms of age, the most vulnerable group was that of children **aged between 6 and 15 years**. **Girls were more often abused** than boys.

5. SUPPORT FROM ASSISTING ORGANISATIONS

5.1 La Strada Czech Republic

In 2018, La Strada recorded an **increase** in the number of clients from **third countries** as compared to the number of clients from EU Member States. They were **most often nationals of the Philippines, Vietnam, and Kyrgyzstan**. **Forced labour** was by far the most dominant form of exploitation, outnumbering prostitution. There was one case of a forced marriage. **Two cases** concerned a **personal servant of a foreign diplomat residing in the CR**. Most of La Strada's Czech clients in 2018 were trafficked in the UK.

In 2018, La Strada provided outpatient or residential social services (i.e. comprehensive social services and contact consultations) **to 60 clients**. This marked a slight decrease as compared to the previous year, when the organisation worked with 63 clients. Out of the 60 clients served by La Strada in 2018, **37 received comprehensive social services** (14 clients – 7 women and 7 men – continued receiving services from previous years, and 23 clients – 17 women and 6 men – were new clients of the organisation). **Contact consultations were provided to 23 clients**.

As regards the nationality of La Strada's clients, 18 female and 5 male foreigners received the organisation's comprehensive social services. Another 14 clients – 8 men and 6 women – were Czech nationals. **Czech nationals thus remained the most numerous group among La Strada's clients**. As regards foreigners, as in the previous year, the most numerous were nationals of **Philippines** (13 women). Comprehensive social services were also provided to nationals of Nigeria (3), Slovakia (1), Ukraine (1), Romania (1), Vietnam (1), Nepal (1), Pakistan (1), and Sierra Leone (1).

As regards **Czech nationals**, they were most often exploited in **the UK (10)**, in Italy (1), Finland (1), and Ireland (1).

Out of 24 women, 14 were trafficked for the purpose of **forced labour** (in massage parlours, nail studios, and casinos, as housekeepers and nannies in households), 9 for the purpose of **forced prostitution** and 1 for the purpose of **forced marriage**.

Particularly in the case of newly recruited clients in 2018, **forced labour prevailed over forced prostitution**, which seems to be a trend continuing from previous years.

Male clients were mostly subjected to forced labour and labour exploitation (in restaurants – kitchen assistants, car washes, waste sorting plants, food production plants), one case concerned the **personal servant of a diplomat**. One client was subjected to a combination of **labour exploitation and forced marriage**.

Czech clients are usually recruited by La Strada through acquaintances. **Foreign clients** are usually recruited as clients through **employment agencies**. What plays an important role in these cases is the fact that, in some countries, cooperation with employment agencies is a necessary condition for their citizens to be able to travel abroad for work. When looking for women to be trafficked, recruiters traditionally look for women that need to financially support their families.

As regards the use of **coercive means**, fear from **Czech law enforcement authorities** and from **illegal residency**, as well as **threats**, **restriction of personal freedom**, and **withdrawal of documents** were used against women. In several cases, the perpetrators coerced women into signing a contract that prohibited them from terminating their employment sooner than in two years, under the threat of a fine amounting to CZK tens of thousands. The perpetrators also exerted pressure on women **in the form of fictitious debts** for their travel to the CR, which they used as justification to withdraw their wages. Last but not least, they exerted **psychological pressure to exploit the distress of the women**, who were using their wages to support families in their countries of origin. The most commonly used means of coercion towards men were **restrictions of personal freedom, physical violence, withdrawal of documents, denial of medical care and, in three cases, forced use of drugs**. Furthermore, in at least one case the perpetrators threatened and intimidated the victim's family. They also significantly abused **the victim's dependency caused by the language barrier**.

Out of the clients who received comprehensive social services in 2018, most started cooperating with the organisation **following a reference by the police** (16 persons). Ten persons were **referred by cooperating Czech and foreign NGOs** (OPU, InBáze, Jako doma, Hestia, Caritas Bakhita House, Medaille Trust and the IOM). **Some contacts were initiated by the clients themselves** (6 persons), who had obtained information about the organisation and its emergency helpline in the field or in their social environment. Two women were referred **by their countries' embassies**, another two women were **referred by the Czech MFA and Mol** and one man was referred by his lawyer.

A total of **31 clients receiving comprehensive social services chose to cooperate with the police**; 29 clients cooperated with the PCR, and of those 9 also cooperated with the UK police. A further 2 clients cooperated only with the UK police.

In 2018, La Strada's **field team** carried out searches in **warehouses and logistics centres** (large warehouses near main roads), **food production plants and waste sorting plants, automobile factories, seasonal agricultural and gardening centres, among street beggars and petty criminals, in massage parlours and at selected hostels**. Field trips were taken to the state border, where homeless people with a mental or physical handicap are sometimes accommodated in secluded houses while being exploited for labour.

In the food industry, changes were recorded as regards the nationality of persons employed in production as well as in the form of their employment. Instead of established workers from agencies (Ukraine, Moldova, Romania, Bulgaria), workers were brought in from South Asia to work directly for the companies. In reality, however, **they were kept outside the collective of regular employees by way of a coordinator and their work**

and wage conditions were different from that of other regular employees. The main coercive means used to make these workers accept the substandard conditions were **isolation, the inseparability of an employee card and the particular company, and significant debts in their countries of origin** (some of the employees contacted by La Strada paid up to EUR 10 000 in order to obtain a job in the CR).

The group of persons employed in households can be divided into two relatively specific subgroups: **domestic workers** (migrants mostly from Southeast Asia) **taking care of the household in which they live** (work in and around the house, childcare etc.) and **homeless people** (mostly older men from Czechia, Slovakia, Poland...) **accommodated in privately-owned buildings** and exploited **in the area of private building construction** (e.g. on construction sites, in forests preparing firewood for sale etc.). **Recruitment** of Czech, Slovak, and other nationals for the purpose of their labour exploitation in private building construction **takes place in the CR**, mostly in the vicinity of **organisations providing social services to the homeless and the shelterless**. In some cases, recruiters were identified directly within these services, which they infiltrated on the pretext of needing the services and consequently recruited their fellow clients for various jobs in the CR and abroad (typically in the UK).

Most of those employed in **warehouses, logistics and gardening centres** are Ukrainian nationals living in the CR **on the basis of short-term visas valid for 90 days**. According to information from persons who were contacted, short-term stays are most likely beneficial for the recruitment agencies, as these derive their profits partly from the recurring cycle of obtaining and providing documents and employment for a fee.

As regards further support provided by the organisation, **on the occasion of the European Anti-Trafficking Day, on 18 October, La Strada launched a chatroom**. The purpose of the chatroom, hosted on the same platform as the helpline, **is primarily to reach younger clients, who consider telephone contact to be too personal**. At the same time, the chatroom serves as a channel for real-time communication that only requires an internet connection and no SIM card. During the short time the chatroom has been in operation, 6 clients have contacted the organisation through it. It was typical that these were cases of more acute crisis than other those communicated through other channels.

In 2018, a **project called “Providing Legal information to Victims of THB”**, financed by a grant from the MoJ, continued to be implemented. The legal information provided concerned, inter alia, the option to take part in criminal proceedings against the perpetrators (as witness, victim, particularly vulnerable victim) and the option to seek damage reparation from the perpetrators. The project focuses on helping and supporting victims of crime that would lead to their gradual return to normal life and on attaining repression vis-à-vis the perpetrators of THB. The project enables thorough work with clients – both victims of THB and persons exploited for labour. It provides enough time to explain to clients the role of the police, the public prosecutor, confidants and guardians and to familiarise them with the course of criminal proceedings. **This has helped, in a number of cases, to dispel distrust of law enforcement authorities and other persons involved in criminal proceedings.**

La Strada often encounters clients who were trafficked abroad. With the help of partner organisations, it provides clients with information about the rights of victims in criminal proceedings in countries where their cases are being investigated. **In international cases, they provide assistance in communicating with those police units that deal with THB abroad.** In those cases where the police maintains individual contacts with the victims, they take part, with the client's permission, in the transmission of information about the course of the investigation. Furthermore, they assist clients with proposals for compensation for damages caused by THB abroad, typically in the UK. This primarily concerns requests with the CICA (Criminal Injuries Compensation Authority), where communication and cooperation is necessary between the client's legal representatives in the UK and in the CR.

5.2 The Caritas of the Archdiocese of Prague

In 2018, the Caritas of the Archdiocese of Prague identified **3 probable THB victims** within its **Magdala project**. However, these victims did not wish to be included in the programme or to cooperate with law enforcement authorities. **Cooperation continued with 2 probable THB victims from the previous year**, who were provided with comprehensive services. Two female clients who received the organisation's services each had 3 children. Among the project's clients, women from Czechia, Slovakia, and Ukraine were the most numerous. Their average age was 31 years.

In 2018, **the organisation worked on a long-term basis with clients diagnosed with psychological or other disorders**, as well as with **women** who were subjected to and dealing with **prostitution or domestic violence**.

The Magdala project focused mainly on returning these people to normal life.

The Migration Advisory Centre did not register any trafficked persons in 2018.

In 2018, the Magdala Advisory Centre completed its **database of THB victims** and focused on working with the data contained as part of the **Pan-European Victim Case Management System project** (PE VCMS) with the British organisation Unseen. The database unifies key words that are required by the European Commission every year and that do not have the same meaning in different countries and institutions and also improves the quality of work with victims and evaluates the activities of providers of services.

5.3 Diaconia of the Evangelical Church of Czech Brethren

Since 2011, the Diaconia of the Evangelical Church of Czech Brethren has been providing shelter housing for men, women, and couples that have been trafficked and exploited on the labour market. In 2018, **sheltered housing was provided to 36 persons**, 11 women and 25 men, whose average age was 42 years. Most were from **Bulgaria (30)**, followed by Romania (4), Slovakia (1) and Czechia (1). The clients' most common issues were unpaid wages (14), fraud (8), distress due to labour exploitation (5), unpaid sick leave due to the recruitment agency's neglect (2), withdrawal of documents (3), criminal acts (1), **threat of THB (2) and THB (1)**.

Throughout the year, Diaconia staff carried out field trips in all regions of the CR. They focused on mapping vulnerable areas and places with a high occurrence of foreign workers where various forms of exploitation could occur, such as dorms and other accommodation facilities and logistics centres. They also communicated with former clients who had valuable information about places where there was a risk of exploitation. In 2018, shelter house workers carried out 59⁵ field trips in the following regions: Praha (13), Středočeský (29), Pardubický (2), Královéhradecký (1), Liberecký (1), Ústecký (8), Karlovarský (2), Plzeňský (2), Vysočina (3), Jihomoravský (7), Jihočeský (2). Approximately 500 people were contacted in the field and more than 5 000 information leaflets were distributed in dorms and institutions across the CR.

In 2018, emergency outreach services were rendered to 138 clients across the CR. There were 85 clients in Prague, 18 in Brno and 35 in Plzeň; 56 were women and 82 were men. Most were nationals of Bulgaria (121), followed by Romania (6), Czechia (3), Slovakia (2), Ukraine (3), Russia (1), Macedonia (1), and Iran (1); **14 were in danger of being trafficked.**

Diaconia staff try to tackle trafficked persons' problems through a comprehensive approach, which involves assistance in the exercise of rights – securing documents, procuring legal assistance, and accompanying them to court.

As regards trends observed during regular field trips, those receiving services were mostly nationals of Romania and Bulgaria **working without employment contracts solely on the basis of verbal agreements, or under contracts that have been designed specifically to protect the interests of the employment agencies** in case of a conflict between the employer and the employee. The workers (foreigners) were presented contracts in Czech and therefore could not familiarise themselves with the text. Most workers thus relied on verbal arrangements that had been agreed upon their recruitment, which consequently led to conflicts between the parties and complicated the enforcement of claims. Very often, **employment agencies abused foreign workers' ignorance of Czech labour laws.** In the course of their employment, foreign workers **were subjected to various wage reductions** (accommodation, fines, non-compliance with standards that kept changing etc.) **or were denied wages.** Instead, they were called upon to pay the debts resulting from these reductions. **Recruitment** very often takes place in countries of origin **through verbal communication**, but also through adverts carried by transport companies, which also provide contacts for “employers”. Common issues include not paying wages for the last month; when the employment contract ends on the last day of the month, the employer insists that the employees pick up their wages on the designated day or that the wages will be sent them to their country of origin (which usually does not happen). Alternatively, the employer may exploit a situation where the employees leave for their country of origin to “fine” them at the last minute for alleged offences against discipline – assuming that the employees will be unable to defend themselves once they would have left. However, there are employers (including employment agencies) that declare that they can ensure all settlements on the day the contract ends.

⁵ Trips to several regions are undertaken within one field.

The withdrawal of documents is a recurring problem (e.g. if an employee terminates the contract earlier, they have to “pay their way out” in order to obtain their documents, etc.), there are also cases of threats of physical violence where employees try to enforce their rights or when they transfer to another employer and “take” other employees with them.

6. FINANCIAL RESOURCES

6.1 Funding by the Ministry of the Interior

The Mol finances the Programme for the Support and Protection of Victims of THB. **In 2018**, activities within this Programme, including those aimed at prevention, received **CZK 1 425 834**.

6.2 Funding by the Ministry of Labour and Social Affairs

In 2018, the MLSA awarded grants to organisations rendering services primarily to victims of THB amounting to CZK 8 573 103. An overview is available in table 6a in the Tables section.

It should be noted that the MLSA subsidises a number of other organisations that indicate victims of THB as one of their target groups. See table 6b for in the Tables section for an overview of the number of services rendered.

Child victims of THB can be included in the category of tortured, abused, and neglected children, and the providers of registered services play an important role in helping this target group. Every year, the MLSA issues subsidies for providers of social services without regard to their legal status. The sum of the subsidies depends on the state budget, and in recent years has oscillated around CZK 8 billion. These subsidies are issued under Sec. 101 para. (a) and Sec. 104 of Act No. 108/2006 Coll., on Social Services, as amended.

Furthermore, the MLSA is responsible for the Rodina (“Family”) grant programme, which may be used to finance services for victims of abuse, including minor victims of commercial exploitation. The purpose of this programme is to provide family services with a preventative and supportive character. These services should, inter alia, strengthen parenting skills, improve family relationships, and support families in caring for children and raising them. The grant has two domains, one dedicated to preventative activities to support families and one dedicated to supporting work with children and families in the area of social-legal protection, which is the most important component in the protection of commercially exploited children, as viewed by the ASLPC. The main purpose of the programme is to improve direct work with vulnerable children and families. Its activities aim to work directly with children when solving child and family issues. **The subsidies distributed within this programme in 2018 amounted to CZK 96 488 057**.

The MLSA finances social services, services for families and seniors regardless of nationality by issuing subsidies from the state budget as well as from European Social Funds. Services are also intended for persons that are vulnerable on the labour market or

at risk of social marginalisation and for the reintegration of persons that have already been marginalised.

7. PREVENTION AND TRAINING

The following chapters offer information about educational activities, research, awareness raising activities, campaigns, and coordination activities both at the national and international levels.

7.1 Training

In 2018, training activities related to THB continued to be organised in cooperation with government institutions and NGOs in the CR, but also with international partners. The aim was to provide information about the activities of the MoI pertaining to THB, discuss the functioning and improvement of the Programme, possibilities for support and relocation of victims of THB and current trends in the field. One of the key discussions concerned the possibilities and methods for identifying potential victims of THB by relevant professional groups, i.e. those that may encounter such victims in the course of their work.

Police Training

There was a training event for various police THB specialists, which brought together officers from the NCOZ (including from regional offices) and from regional police directorates, representatives of Alien Police departments and minority liaison officers. The aim of the meeting was to exchange information about THB in various regions, to share best practices and to exchange information about the EMPACT THB 2018 Action Days focusing on labour exploitation.

Specialists from the NCOZ also attended an annual lecture about THB that was part of a **specialised course organised by the National Drug Squad of the Criminal Police and Investigation Service of the PCR.**

There was another training event for THB specialists in 2018, which **brought together officers from the NCOZ (including from regional offices) and from regional police directorates, representatives of Alien Police departments, minority liaison officers, officers from the Department of the Criminal Police and Investigation Service and the Department for International Police Cooperation, public prosecutors and representatives of the MoI (Security Policy Department, Asylum and Migration Policy Department, Crime Prevention Department) and two Regional Labour Inspectorates, from the Jihočeský and Vysočina regions.** The aim of this training event was to exchange information about THB in various regions, to share best practices and exchange information about the MoI Programme for the Support and Protection of Victims of THB.

Four **expert workshops were organised within the Europol EMPACT THB project,** addressing current events relating to THB. One of the expert meetings was dedicated to **financial investigations and asset seizure in connection with THB.** The meeting focused on exchanging information between THB experts, financial investigation specialists and supervising public prosecutors for the purpose of making financial

investigations more efficient as an instrument in the fight against THB and in breaking the criminal structures through obtaining proof and seizing more proceeds from crime.

The THB methodologist at the NCOZ plays an important role in educating police officers about THB. In 2018, this officer gave lectures on **case reports of various forms of THB, on identification of victims** (including the specifics of hiring and recruiting later victims, particularly vulnerable individuals), **on policies adopted in the CR and on possibilities to help victims – at training events for liaison officers for minorities, for the SLI, and members of working groups of the Public Order Police Service.**

Judicial Training

Judicial training in the area of THB has a more than decade-long tradition, and is implemented mainly through regular activities of the Judicial Academy, which organises educational events for judges and public prosecutors. Training judicial and legal trainees by the Judicial Academy is not obligatory. Pursuant to Decree No. 303/2002 Coll., on the Selection, Adoption, and Training of Judicial and Legal Trainees, trainees are obliged to develop their professional knowledge and skills, however this does not imply their duty to undergo specific training at the Judicial Academy as part of their traineeship. The decision of a judicial trainee to attend any of the seminars organised by the Judicial Academy (and thus the topic) lies entirely with the chair of the court.

In 2018, the Judicial Academy brought up the issue of THB during the seminar “Trafficking in human beings with a focus on labour and other forms of exploitation”, which included foreign lecturers (from the UK). It focused on current issues in the area of THB as viewed by the NCOZ, the current situation in Europe as viewed by EUROJUST, Joint Investigation Teams in the area of THB, the Mol Programme for the Support and Protection of Victims of THB, the National Rapporteur Mechanism and care for victims in the UK, case reports with an emphasis on proof (selected cases investigated in the CR and the UK), and less frequent forms of THB (forced begging, forced marriages, forced criminality or fraud, such as that involving social welfare).

The other two seminars organised by the Judicial Academy discussed the interrogation of particularly vulnerable victims, focusing on the CAN and CSA syndromes, as well as the psychological traumatising of victims, and issues pertaining to the perpetrators, to detecting and investigating crimes involving particularly vulnerable victims, work with such victims (approach, civil vs. criminal proceedings as viewed by judges).

Public prosecutors regularly took part in strategic seminars and meetings organised by EUROJUST and focused on THB and illegal migration.

Other Training Activities

THB is an integral part of **training given to consular officers**. Lectures on this topic are given by the Mol. Consular training takes place at several levels. Basic consular training, so-called pre-departure training, takes the form of a three-week course. In 2018, as in previous years, lectures were given by both Mol and IOM representatives and focused on familiarising consular workers with the forms and manifestations of THB, the possibilities of helping victims and the support networks available to them. Consular workers were also

informed about the ways in which embassies can cooperate with relevant organisations that tackle THB and may provide victims with follow-up assistance if necessary.

In 2018, **the Mol organised 3 seminars on THB in cooperation with Regional Offices in the Ústecký, Plzeňský, and Moravskoslezský regions and with the PCR, La Strada and the IOM.** The purpose of the seminars, which were primarily intended for **field social workers, regional workers involved in crime prevention and PCR specialists**, was to: raise awareness about THB, show its most frequent forms, highlight situations that precede THB, show possibilities of identifying victims of THB and introduce basic tools of institutional help, specifically the Mol Programme for the Support and Protection of Victims of THB.

A representative of the Mol also talked about THB and the possibilities of helping THB victims at a meeting of multidisciplinary teams working with crime victims, which took place in Liberec and in Ústí nad Labem.

La Strada organised a seminar, accredited by the MLSA, for workers of the Refugee Facilities Administration of the Mol.

7.2 Prevention

Every year, extensive prevention and information activities pertaining to THB are carried out with the financial support of the Mol. These activities include counselling of potential victims of THB and providing emergency assistance.

In 2018, **workers of the Archdiocese Caritas gave 13 lectures to students at primary and secondary schools as well as to regular clients within a programme called “Give a Chance to Street Children”.** They also talked about THB to potential victims – homeless women.

As part of its preventative activities, in 2018 the Diaconia created new leaflets for clients in the field and for organisations and labour law cards covering all the important topics.

In 2018, **La Strada focused primarily on young people entering the labour market. As part of primary prevention in middle and high schools in Prague, 23 seminars were organised for a total of 426 students in 9 schools. A preventative and educational video clip** was created in Czech and English specifically for the purpose of primary prevention, **aiming to raise awareness** among young people **about the forms of THB.** Furthermore, **a short comic strip was created illustrating the risks of working abroad as an au pair, based on the example of doing housework as an au pair.** Preventative lectures followed up on a project called “Preventing THB among Young People”, which was supported by the Prague City Hall.

Preventative activities by the PCR, particularly the NCOZ, were carried out by means of joint inspections and their coordination in selected environments as well as via lectures given at schools, etc.

The EMPACT THB Action Days organised by EUROPOL focused on both labour and sexual exploitation. The Action Days were organised simultaneously in all EU Member States, with inspections of places where THB can occur taking place. Inspections focused

on labour exploitation took place in warehouses, manufacturing plants, agricultural plants and others. Those focused on sexual exploitation explored night clubs, bars, and other establishments where prostitution could be expected. Both types of inspections helped gain knowledge that was instrumental for preventing, detecting, and documenting the crime of THB under Sec. 168 of the CC and pimping under Sec. 189 of the CC, as well as for detecting the perpetrators and preventing these crimes. Apart from the NCOZ, Labour Inspectorates, regional police THB specialists, and Alien Police departments also participated.

Preventative training events were organised by the PCR on several levels. **Police preventivists gave lectures at primary and middle schools, attended expert seminars open to the general public, and took part in inspections of risky environments** – night clubs, areas with street prostitution, socially excluded areas, dorms etc. Inspections were carried out in cooperation with specialists from the regional branches of the Unit of General Inspections of the Criminal Police and Investigation Service, specialists from the Alien Police Departments, and liaison officers for minorities from the Public Order Police. Furthermore, the PCR used street cameras in conjunction with increased patrols by the PCR and by the municipal police in risky areas and at pre-selected locations. **Internet advertising portals, dating sites, and adverts in the press were also monitored** with a focus on the offer of paid sexual services.

The Facility for Foreign Children, as regards prevention of child trafficking and abuse, focuses on the language abilities of its clients and thus organises regular Czech language courses, which are complemented by discussions of related topics. Individual and group work with long-term clients focuses on the prevention of risks stemming from the integration process. This is aided by many socialisation programmes. Furthermore, the Facility provides therapy services tailored to the individual needs of its clients.

In the context of risk prevention, various seminars and workshops are organised in cooperation with other organisations about life in Europe. Clients are provided with legal and social counselling.

State authorities falling under the MLSA contribute to preventing THB in the CR and abroad through raising general awareness about the rights and obligations, risks, and possibilities of dealing with unfavourable life situations linked to employment in the CR (for foreign workers as well). This is done via websites such as the Integrated Portal of the MLSA, the website of the Labour Office, EURES (European Employment Services), the SLI, the website www.cizinci.cz etc.

Throughout 2018, MLSA employees provided consultations over the telephone and took an active part in various events – seminars and conferences – where they shared current information relating to illegal employment of foreigners in the CR with the professional and general public.

In cooperation with the MoI, the MLSA updated preventative information leaflets, such as those providing information to employers looking to employ foreigners in the CR.

Because there has been an increase in the number of THB victims from the Philippines, the Czech Economic and Cultural Office in Taiwan and the Czech

Embassy in the Philippines have established cooperation with La Strada in order to prevent further trafficking. This cooperation began with an exchange of general information and obtention of information materials (cards with basic data and a helpline number – in English) which were then distributed along with a short explanation to all applicants for long-term visas during interviews, so that potential victims would be informed about whom they could contact.

8. LEGISLATIVE CHANGES AND COURT DECISIONS REGARDING THB

For the sake of greater clarity, this section distinguishes between national and international legislation.⁶

8.1 National Legislation

With the adoption of Act No. 287/2018 Coll., which amended Act No. 40/2009 Coll., the CC, as amended, and some other acts, and which came into effect on 1 February 2019, the reasons for setting a limitation period were amended to exclude the period during which a victim of a crime of **serious bodily harm, unauthorised abortion without consent of the pregnant women, kidnapping, extortion and oppression** is under 18 years of age, and in the extent required by the Istanbul Convention (i.e. genital mutilation, sterilisation, unauthorised abortion without the consent of the pregnant woman, kidnapping for the purpose of forced marriage, extortion or oppression for the purpose of forced marriage or for the purpose of subjecting another to a procedure leading to serious bodily harm resulting from genital mutilation). The Istanbul Convention also requires the criminalisation of the (deliberate) coercion of another to marry and the luring of another, on the territory of a Contracting Party or another state which is not that of their residence, for the purpose of coercing them into marriage. Under the existing legislation, coercion into marriage is punishable under the generally formulated crime of extortion (Sec. 175 of the CC); if the crime bears traits of THB, it is also punishable under Sec. 168 of the CC. Luring another into a foreign state for the purpose of coercing them into marriage (as required by Art. 37 (2) of the Convention) is only partly punishable under the current national legislation – as kidnapping under Sec. 172 of the CC, in cases where the person is kidnapped from or into the CR. This is why this crime was extended to include cases where the victim has been lured from or into a state other than the CR for the purpose of coercion into marriage.

In the second half of 2018, work began on a legislative proposal to amend Act No. 262/2006 Coll., the Labour Code, as amended, and Act No. 435/2004 Coll., on Employment, as amended, in connection with the transposition of Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services. The aim of the legislative proposal is to harmonise Czech law with the EU law and to optimise

⁶ The information in this section is current as of 15 February 2019.

administrative measures introduced in the CR in connection with the posting of workers in the framework of the provision of services in such a way so as to reflect the requirements for efficient control of compliance with the relevant legislation.

8.2 International Legislation

On 1 March 2018, the Council of Europe Convention against Trafficking in Human Organs entered into force in the CR. It was published under No. 11/2018 Coll. and focuses on criminal law pertaining to trafficking in human organs, the protection of victims of trafficking in human organs, and support of cooperation at the national and international level. In particular, the Convention calls for the introduction of criminal sanctions against a whole range of activities related to trafficking in human organs. It thus provides, inter alia, for member states to punish the deliberate removal of human organs from the body of a living or deceased donor if this has been done without the free, informed and specific consent of the living or deceased donor or if in the case of a deceased donor it is not authorised by national law; in addition, if in exchange for the removal of an organ the living donor or a third party received or were offered financial gain or a comparable benefit and if in exchange for the removal of an organ from the body of a deceased donor a third party received or was offered financial gain or a comparable benefit.

For the CR, the UK is the most important target country as regards THB. For this reason, in 2018 **the CR supported the British Prime Minister's Call to Action to End Forced Labour, Modern Slavery and Human Trafficking.**

On 2 May 2018, the Minister of the Interior attended a ministerial conference of the Rabat Process in Marrakech, where the **Marrakesh Political Declaration and the Marrakesh Action Plan for 2020 were adopted.** One of the domains of the Marrakesh Action Plan is **Prevention and Combat against Irregular Migration, Migrant Smuggling and Trafficking in Human Beings in Europe.** Within this domain, two specific objectives are set: Objective 7 – Build capacities for border management and combating migrant smuggling and THB, and Objective 8 – Improve the protection of those who have been smuggled and of victims of THB.

8.3 Court Decisions

According to statistics of the MoJ, there were **19 cases of THB** in 2018. A total of **16 persons were lawfully sentenced** under Sec. 168 of the CC. In terms of regional distribution, most cases fell within the territorial jurisdiction of 6 regional courts – **in Hradec Králové, Brno, Ústí nad Labem, Plzeň, České Budějovice and the Municipal Court in Prague.**

Below are two examples of cases, which include selected passages justifying the type and length of the sentence. Both cases concern THB for the purpose of sexual exploitation (Sec. 168 para. (2) (a) of the CC). The second most common type of THB occurring in the CR is for the purpose of labour exploitation (Sec. 168 para. (1) and para. (2) (d), (e) of the CC).

8.3.1 Case No. 1 – 4T7/2017 (Regional Court in Plzeň)

Victim: Woman, Czech national

Offender: Man, Czech national, repeatedly sentenced for various crimes, repeatedly serving a prison sentence

Coercive Means: Physical violence

Modus Operandi: The offender, intending to obtain funds from his then-mate (the victim), demanded that she engage in prostitution. When the victim refused, he physically attacked her, hitting her with his fist and open palm on the head, on the face, arms and legs. The victim, fearful of further assaults, agreed to prostitution, and the offender stated the conditions. The offender accompanied the victim, at various times one to four times a week, to different places, where the victim stopped cars in at least 24 cases and offered their crews sexual services. She provided sexual services to an unspecified number of clients for money, which she then handed over to the offender. In most cases, after returning home, the offender shouted at the victim and physically attacked her by hitting her with his fist or open palm – both for her having engaged in sexual intercourse with the clients and for refusing to continue engaging in prostitution. The victim, fearful of further assaults, agreed to continue, but the offender banned her from leaving her home. By doing so, the perpetrator caused the victim a mental illness – post traumatic stress disorder manifested, inter alia, as reduced self-esteem, anxiety and depression, sleep disturbance, restlessness, tearfulness, fears of the future and fears of possible retaliation from the offender and his family. The offender thus used physical violence to induce another to engage in sexual intercourse, moreover committing this act with the intention of using another for prostitution and by committing bodily harm, thus committing THB under Sec. 168 para. (2) (a), para. (3) (d) and para. (4) (a) of the CC.

Duration of Exploitation: An unspecified time period at least from the beginning of April 2016 until May 2016 and in August 2016.

Sentence: 8 years imprisonment and compensation for non-material damage amounting to CZK 50 000, to be paid in cash to the victim.

Selected Passages from the Justification: The offender was facing a sentence ranging from 8 to 15 years. The court did not acknowledge any mitigating circumstances; on the contrary, his crime was aggravated by the fact that he had been tried many times in the past for intentional crimes and had served prison sentences. The offender, with his brute actions, violated the public interest of protecting individual freedom and cohabitation. In this situation, the Court considers an 8-year imprisonment sentence to be fully proportionate to both the offender and the circumstances of the case. The offender was placed in a high security prison to serve his sentence.

As regards the fine, the Court ordered the offender, under Sec. 228 para. (1) of the Criminal Procedure Code, to pay the victim CZK 50 000 in cash as compensation for non-material damage, considered adequate compensation for having caused the victim PTSD. It is necessary to state that the victim has suffered serious infringement of her rights. It was necessary to take into consideration the financial situation of the offender.

The decision of the Regional Court was upheld by the Court of Appeal – the High Court in Prague, both as regards the length of the sentence and the amount to be compensated for non-material damage. In the opinion of the High Court, all legal conditions were met for acknowledging non-material damage in pecuniary terms. It was fully established that the victim suffers from PTSD, the severity of this serious health disorder was proven and updated sufficiently by both expert examinations and the questioning of an expert by the Court of Appeal. The offender has seriously interfered in the individual rights of the victim and compromised her dignity. The Court of Appeal took all this into account, considered the length and severity of the offender's criminally punishable conduct as well as his financial situation, and decided in agreement with the Court of First Instance, that CZK 50 000 is a reasonable amount for compensating non-material damage.

8.3.2 Case No. 2 – 9T9/2016 - 1518 (Regional Court in České Budějovice)

Victim: Woman, Czech national

Offenders: One woman and three men, three Czech nationals, one Slovak national

Coercive Means: Deceit – the promise of work in the UK in the form of caring for the sick mother of one of the offenders. In the UK, there was psychological and physical violence, death threats, impossibility of free movement – supervised by the offenders, no financial means.

Modus Operandi: At an unspecified time in spring 2010, in Tábor, one of the offenders approached the victim, promising to take her to the UK where she would take care of his ailing mother in return for payment. The victim agreed to this offer and in August 2010 they travelled together by bus from Prague to London, where the other offenders were waiting at the station. The next day, the victim was told that she would be engaging in prostitution, which she refused. Therefore, the offenders repeatedly beat her, threatened to kill her, abused her psychologically and physically, and thus forced her through violence to engage in prostitution.

Every day, the victim serviced 15 – 25 clients, which paid GBP 20, thus earning at least GBP 300 per day. She had to hand all the money to the offenders, who used it to cover their living costs and to purchase drugs. From the end of August 2010 until the end of December 2010, the victim engaged in prostitution as described above for at least 75 days, earning at least GBP 22 500 for the offenders, i.e. at least CZK 648 675. The victim was watched the entire time, she had no personal documents on her, could not move freely, and did not have any financial means for herself. At the beginning of January 2011, she was given a foreign travel document and taken to Ireland, where she was handed over to another person in exchange for a previously agreed sum – EUR 2 500.

Duration of Exploitation: From August 2010 until December 2010

Sentence: For the particularly serious crime of THB under Sec. 168 (2) (a), (3) (a), (b), (c), (d) of the CC, the female offender was sentenced under Sec. 168 para. (3) of the CC to 7.5 years of imprisonment. One of the male offenders was sentenced under Sec. 168 para. (3) of the CC to 9 years of imprisonment and to expulsion from the CR for an indefinite period (this was revoked by the Court of Appeal). The second male offender was sentenced

under Sec. 168 para. (3) of the CC to 5.5 years of imprisonment (extended to 6.5 years by the Court of Appeal). The third male offender was sentenced under Sec. 168 para. (3) of the CC to 5 years imprisonment (reduced to 3 years by the Court of Appeal with a conditional suspension for probationary period of 5 years).

Selected Passages from the Justification: In this criminal case, five offenders were initially indicted by the public prosecutor of the Regional Public Prosecutor's Office in České Budějovice. However, at the time of the court hearing one of the offenders was in an unknown location, most likely in the UK, and a European Arrest Warrant was issued. Therefore, his case was excluded from the hearing in question for separate consideration.

In terms of assessing the length of the criminal prosecution (the criminal activity dates back to 2010 and 2011) it is important to stress that the procedural situation in this matter, in particular the delivery of decisions on the initiation of criminal proceedings, was complicated. The delivery was effected through legal assistance from the British authorities. One of the offenders was serving a prison sentence in the UK at the time, where he was transferred on the basis of a European Arrest Warrant issued by the Regional Court in Michalovce, Slovakia, for theft. He was not handed over for criminal proceedings in the CR until May 2016.

When making factual and consequently legal conclusions, the Court relied mainly on the testimony of the victim, who was sufficiently convincing for the court to make a decision.

In view of the court, the offenders are, when it comes to achieving their goals, persons who will not hesitate to use violence, and are capable of manipulating others in a way so as to satisfy their needs. The female offender, although she was herself a mother, had no problem humiliating the victim, take part in exploiting her like a slave to meet the needs of a large number of men predominantly of Pakistani origin, and experienced no difficulties in selling the victim only to obtain financial means once her main source of income had been, based on their own actions, imprisoned. There is an obvious absence of empathy for the feelings of others and on the contrary a great desire to primarily satisfy one's own needs.

No punishment pertaining to the offenders' property was imposed for reasons of the obvious impossibility to obtain it, although the conditions for such a punishment would have been met, since the crime was committed with the purpose of obtaining financial gain.

Regarding the length of individual sentences, the offenders cannot be blamed for the fact that police and judicial cooperation between the CR and the UK was burdened by the relatively slow reaction of the UK authorities, which responded to Czech requests for legal assistance after long delays.

All the offenders, as well as the public prosecutor of the Regional Public Prosecutor's Office in České Budějovice, appealed against the decision of the Regional Court in České Budějovice. The public prosecutor directed the appeal to the verdict on the guilt and punishment to the detriment of all defendants.

The Court of Appeal abolished the expulsion sentence issued to one of the offenders, since he committed the offence outside the CR, was issued a considerable unsuspended sentence, and the condition of his health was serious, albeit stabilised.

In the case of another offender, on the other hand, the Court of Appeal considered the sentence issued by the Court of First Instance to be disproportionately mild, because the offender was involved in the crime in a fundamental way, was the right hand of the main offender and played an irreplaceable role. Therefore, even with regard to the fact that the offender was also found guilty by the Regional Court in Liberec for unauthorised obtention, counterfeiting, and alteration of a means of payment, he was issued an imprisonment sentence of 6 years and 6 months in a guarded prison.

For the third offender, given the nature and gravity of the assistance he provided, the court considered that an imprisonment sentence lasting between 5 and 12 years was disproportionately strict and that reparation could be achieved after a shorter sentence. The Court of Appeal pointed out that this offender was only an ancillary in committing the crime, that he was only active twice for a short period of time and suffered from a slight mental retardation. Therefore, his sentence was reduced to 3 years imprisonment, suspended for a probationary period of five years.

9. PARTNERSHIPS

9.1 Partnerships in the CR

This chapter gives examples of cooperation at the strategic and operative levels.

In 2018, as every year, the IMCG convened to discuss the activities of its members and developments on the international field. Tasks stemming from the National Strategy for Combating Trafficking in Human Beings 2016 – 2019 were evaluated. The forthcoming Prevention Campaign of the European Crime Prevention Network was discussed, as well as priorities for the forthcoming Strategy to Combat Trafficking in Human Beings 2020 – 2023.

It should be stated that cooperation continues among various stakeholders even outside the mechanisms of the IMCG and the Inter-Ministerial Authority for Combating Illegal Employment of Foreigners.

In the course of carrying out its duties, the SLI cooperated with other state inspectorates, such as the Alien Police Service, Customs Offices, the Department for Asylum and Migration of the MoI and the General Financial Inspectorate. Closer cooperation was established with the Czech Social Security Administration, particularly in the area of determining compliance with legal obligations in relation to employment of foreigners.

9.2 International Cooperation

Cross-border cooperation continued in 2018 both at the governmental and NGO level.

The Czech Republic is involved in various networks dealing with THB. In 2018, representatives of the MoI attended meetings of the informal group of National Rapporteurs and equivalent mechanisms on THB, which convenes twice a year in Brussels under the auspices of the European Commission. Public prosecutors regularly attend strategic meetings on THB and illegal migration organised by EUROJUST. **Experts**

from the NCOZ attended several expert and strategic meetings within the Europol EMPACT THB project.

Local NGOs are in contact with NGOs in other countries. Magdala is involved in COATNET (Christian Organisation against Human Trafficking) – an international network of organisations working towards lowering the number of trafficked persons. Magdala is also in touch with the RENATE network, particularly as regards helping with the repatriation and providing consequent assistance to women trafficked abroad and taking advantage of training activities. La Strada is in touch with member organisations of La Strada International (in the Netherlands, Belorussia, Bulgaria, Macedonia, Moldova, Poland, and Ukraine). Furthermore, cooperation continued in 2018 with Antislavery International (UK), Ban Ying (Germany), ICMPD (Austria), Lefö (Austria) in the area of projects, lobbying and advocacy. There were some exchanges of clients with these organisations as well as with Caritas Bakhita House, Hestia, and Medaille Trust.

10. PRIORITIES

10.1 Evaluation of the priorities set for 2018

For 2018, more intensive work in fighting against child trafficking was set as a priority.

In cooperation with other partners within the IMCG (the PCR and the MLSA), the Mol updated a document called Child Trafficking – Recommendations for Public Administration Authorities. However, the process revealed that the document needs to be entirely reworked. Therefore, a more thorough analysis will be carried out in 2019, mapping the possibilities for helping child victims of THB in the CR.

10.2 Priorities for 2019

Due to the fact that, in 2019, new priorities will be identified as part of the forthcoming Strategy to Combat Trafficking in Human Beings 2020 – 2023, no specific priorities have been set for the current year.

TABLES

1. STATISTICS OF THE POLICE OF THE CZECH REPUBLIC

1a – DETECTED, INVESTIGATED, AND PROSECUTED THB CRIMES IN THE CR BETWEEN 2010 AND 2018 (UNDER SEC. 168 OF THE CC)										
		2010	2011	2012	2013	2014	2015	2016	2017	2018
Total crimes detected		24	19	24	18	20	18	22	16	13
Of which:	Cleared	13	11	18	11	14	7	15	11	9
	Additionally cleared	4	6	4	5	5	2	2	5	0
Crimes committed										
	Under the influence (drugs or alcohol)	1	0	0	0	0	2	0	0	0
	Of which alcohol	0	0	0	0	0	2	0	0	0
	By repeat offenders	11	10	3	11	8	3	7	8	8
	By minors (under 15)	0	0	1	0	0	1	0	0	0
	By minors (15 – 18)	2	0	6	0	4	1	7	1	0
Total investigated and prosecuted persons		35	29	22	25	16	12	23	24	15
Of whom:	Repeat offenders	12	9	5	10	6	2	9	9	4
	Minors (under 15)	0	0	0	0	0	1	0	0	0
	Minors (15 – 18)	1	0	1	0	3	1	3	3	0
	18 - 30 years	9	7	13	10	4	1	9	9	8
	30 years and older	25	22	8	15	8	9	11	12	7
	Men	27	20	15	20	8	6	17	21	11
	Women	8	9	7	5	8	6	6	3	4

	Czechs	21	22	19	23	13	8	22	18	13
	Foreigners	14	7	3	2	3	4	1	16	2
Committed in an organised criminal group										
Of which:	Detected	10	5	6	3	2	3	0	4	1
	Cleared	3	5	4	4	0	2	0	2	1
	Persons investigated	14	27	8	18	0	5	0	9	9
	Men	11	18	6	14	0	3	0	9	7
	Women	3	9	2	4	0	2	0	0	2
	Czechs	4	15	7	16	0	1	0	3	7
	Foreigners	10	12	1	2	0	4	0	6	2
	Aged							0		
	Under 15 years	0	0	0	0	0	0	0	0	0
	15 – 18 years	0	0	0	0	0	0	0	0	0
	18 – 30 years	4	6	2	9	0	0	0	6	6
	Above 30	10	21	6	9	0	0	0	3	3

1b – VICTIMS OF THB (UNDER SEC. 168 OF THE CC) IN THE CR BETWEEN 2011 AND 2018				
Year/Age	Men	Women	No. of persons	Total
			In groups	
2011	0	11	40	51
under 15		5		
15-17		4		
18-30		2		
2012	3	11	38	52
under 15	2	6		
15-17	1	4		
18-30		1		
2013	1	5	51	57
under 15		2		
15-17	1	2		
31-40		1		
2014	3	9	55	67
under 15		2		
15-17		4		
18-30		1		
31-40	1	1		
61 and above	2			
unknown		1		
2015	7	4	39	50
under 15	1	1		
15-17	4	1		

18-30	2	1		
31-40	0	1		
2016	1	37		38
under 15	1	2		
15-17	0	6		
18-30	0	28		
31-40	0	1		
2017	4	10	0	14
under 15	0	2	0	2
15-17	0	8	0	8
18-30	2	0	0	2
31-40	2	0	0	2
2018	0	11	0	11
under 15	0	4	0	4
15-17	0	7	0	7
18-30	0	0	0	0
31-40	0	0	0	0

1c – VICTIMS OF THB (UNDER SEC. 168 OF THE CC) IN 2018 BY REGION

	Men	Women	Total
Praha	0	5	5
Ústecký	0	1	1
Středočeský	0	3	3
Zlínský	0	1	1
Jihomoravský	0	1	1
Total	0	11	11

**1d – PIMPING (UNDER SEC. 204 OF THE OLD CRIMINAL CODE,
SEC. 189 OF THE CC)**

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Detected	123	85	46	52	37	33	44	42	52	57	50	36	60	34
Cleared	119	79	39	43	28	26	32	36	46	49	50	33	52	24
Investigated and prosecuted persons	119	98	66	88	35	28	61	46	44	72	63	35	42	33

**1e – UNAUTHORISED EMPLOYMENT OF FOREIGNERS BETWEEN 2010 AND 2018
(SEC 342 OF THE CC)**

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Detected	3	4	3	2	3	3	6	10	21
Cleared	0	0	2	3	2	2	2	1	7
Investigated and prosecuted persons	0	0	2	12	3	2	2	10	10

2. STATISTICS OF THE MINISTRY OF JUSTICE

2a – NUMBER OF PERSONS CONVICTED AND SENTENCES ISSUED FOR THB (SEC. 168 OF THE CC AND SEC. 232 OF THE OCC)

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Persons convicted	20	2	4	3	1	10	19	11	19	6	19	8	9	16
Unsuspended sentences	8	0	3	3	0	9	18	10	17	4	12	6	6	13
Suspended sentences	12	2	1	0	1	1	1	1	2	1	7	2	3	3

2b – NUMBER OF PERSONS CONVICTED FOR SELECTED OFFENCES IN 2018

Year 2018		Sec. 164	Sec. 165	Sec. 166	Sec. 167	Sec. 168	Sec. 189	Sec. 190	Sec. 342
Total no. of offences		0	0	0	0	19	58	0	2
Total no. of convicted persons		0	0	0	0	16	47	0	2
Victim	Child	0	0	0	0	0	0	0	0
	Woman	0	0	0	0	9	9	0	0
Sentence	Suspended	0	0	0	0	3	42	0	1
	Unsuspended	0	0	0	0	13	3	0	0
	< 1 year	0	0	0	0	0	0	0	0
	1 - 5 years	0	0	0	0	3	1	0	0
	5 - 15 years	0	0	0	0	10	2	0	0
Absolved sentence		0	0	0	0	0	1	0	0

Act No. 40/2009 Coll., CC, as amended

Sec. 164 CC – Unauthorised Removal of Tissue

Sec. 165 CC – Illegal Handling of Tissue and Organs

Sec. 166 CC – Removal of Tissue and/or Organs and Transplantation for a Fee

Sec. 167 CC – Illegal Handling of Human Embryos and Human Genomes

Sec. 168 CC – Trafficking in Human Beings

Sec. 189 CC – Pimping

Sec. 190 CC – Prostitution Endangering the Moral Upbringing of Children

Sec. 342 CC – Unauthorised Employment of Foreigners

2c – PERSONS CONVICTED UNDER ACT NO. 140/1961 COLL., CC

Year 2018		Sec. 204	Sec. 209a	Sec. 216a	Sec. 232a	
Total no. of offences		1	0	0	0	
Total no. of convicted persons		1	0	0	0	
Victim	Child	0	0	0	0	
	Woman	0	0	0	0	
Sentence	Suspended		1	0	0	0
	Unsuspended		0	0	0	0
	v tom:	< 1 year	0	0	0	0
		1 - 5 years	0	0	0	0
		5 - 15 years	0	0	0	0
Absolved sentence		0	0	0	0	

3. TRAFFICKING IN MINORS UNDER 18 YEARS OF AGE (STATISTICS OF THE PCR, THE MOJ, AND THE MLSA)

**3a – VICTIMS OF THB UNDER 18 – BY AGE
(PCR STATISTICS)**

0-15 years	15-18 years	Total no. of victims under 18 years of age
4	7	11

3b - NUMBER OF DETECTED CASES OF MINORS TRAFFICKED FOR THE PURPOSE OF CHILD PORNOGRAPHY PRODUCTION AND CHILD PROSTITUTION IN 2018 AND 2017 (STATISTICS OF THE MLSA)

	2018				2017			
Child's age	Child pornography		Child prostitution		Child pornography		Child prostitution	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
< 1 year	0	0	0	0	0	0	0	0
1 - 3 years	0	2	0	0	0	0	0	0
3 - 6 years	2	1	0	0	0	1	0	0
6 - 15 years	16	86	0	2	6	74	2	5
15 - 18 years	9	35	0	0	2	36	0	2
Total	27	124	0	2	8	111	2	7

3c – OCCURENCES OF ABUSE IN CASES OF MINORS TRAFFICKED FOR THE PURPOSE OF CHILD PORNOGRAPHY PRODUCTION AND CHILD PROSTITUTION IN 2018 AND 2017 (STATISTICS OF THE MLSA)

	2018				2017			
Occurrences of abuse in individual cases	Child pornography		Child prostitution		Child pornography		Child prostitution	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
One-time abuse	18	66	0	0	5	82	0	3
Repeated abuse	5	35	0	2	2	22	2	4
Unknown	4	23	0	0	0	7	0	0

3d – NUMBER OF DETECTED CASES OF CHILDREN IN 2013 – 2018 (STATISTICS OF THE MLSA)		
Year	Child pornography	Child prostitution
2018	151	2
2017	119	9
2016	66	23
2015	57	15
2014	87	17
2013	33	17

3e – SUSPECTED CASES OF CHILD TRAFFICKING IN THE CR IN 2018 (STATISTICS OF THE FACILITY FOR FOREIGN CHILDREN)	
Total	34
Of which boys	30
Of which girls	4
Of which under 15 years	10
Of which above 15 years	24
Of which asylum seekers	12
Country of origin	
Afghanistan	9
Iraq	5
Vietnam	3
Albania	2
Angola	2

Sudan	2
Sweden	2
Azerbaijan	1
France	1
Croatia	1
Yemen	1
Congo	1
Nepal	1
Nigeria	1
Switzerland	1
Ukraine	1
Reason for termination of stay at facility	
Escape	12
Transfer into family care	5
Transfer to another facility	3
Transfer to the Refugee Facilities Administration	2
Remain at the facility	12
Average length of stay	48,3 days

4. STATISTICS OF THE MOI

4a – PROGRAMME- NUMBERS AND COUNTRIES OF ORIGIN

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	TOTAL
Country of origin																	
CR		2	3	4	5	4	3	3	2		2	1	2	2	9	6	48
Slovakia		3		1	1	1	1				6	1	1	2	1		18
Moldova	3								1						5		9
Ukraine		1	6	3	3	7	8		1				1	2	5		37
Bulgaria		2	4		1				1			2		1			11
Vietnam	1		3	3	2			1	1		1				1		13
Romania				3		6					14	39		7		1	70
Macedonia					2												2
Russia	1	1			3	1											6
Kyrgyzstan		1			1	1											3
Latvia		1	1														2
Uzbekistan						1											1
Brazil						3											3
Thailand							1										1
Honduras								2									2
Nigeria								1	2						1		4
Sri Lanka									1								1
Philippines										1					2	9	12
Sierra Leone																1	1
Unknown									1								1
Total	5	11	17	14	18	24	13	7	10	1	23	43	4	14	24	17	245

4b – PROGRAMME OF VOLUNTARY RETURNS – VICTIMS OF THB RETURNED FROM THE CR OR TO THE CR IN 2018 (IOM PRAHA STATISTICS)

Country of origin	Men	Women	Total
Romania	1	0	1
Sierra Leone	0	1	1
CR (from Italy)	0	1	1
Philippines	0	1	1

**5. STATISTICS PERTAINING TO UNAUTHORISED EMPLOYMENT OF FOREIGNERS
(STATISTICS OF THE MLSA)**

5a – NUMBER OF INSPECTIONS AND ILLEGAL WORKERS DETECTED					
Year	No. of inspections	No. of illegal workers detected			
		Czechs	EU nationals	Foreigners	Total
2012	35 557	2 675	430	1 471	4 576
2013	36 101	1 394	295	1 481	3 170
2014	15 911	1 238	184	650	2 072
2015	9 583	1 913	294	858	3 065
2016	9 308	760	193	1 337	2 290
2017	9 707	767	234	1 917	2 918
2018	8 339	763	225	3 595	4 583

**5b – NUMBER AND AMOUNT OF FINES ISSUED FOR NON-COMPLIANCE
WITH THE ACT ON EMPLOYMENT IN 2018⁷**

Legal basis of fine	No. of issued fines	Amount imposed
Sec.139 (1) (c) - misdemeanour, illegal work by a natural person under Sec. 5 (e)	2	22 000
Sec.139 (1) (d) - misdemeanour, enabling illegal work under Sec. 5 (e) (1) or (2)	2	37 000
Sec. 140 (1) (c) - misdemeanour, enabling illegal work under Sec. 5 (e) (1) or (2)	481	147 126 500
Sec. 140 (1) (e) - misdemeanour, enabling illegal work under Sec. 5 (e) (3) (foreigner without a residence permit)	40	4 166 000

⁷ These are all fines that have been issued between 1 January and 31 December 2018, i.e. partly for misdemeanours committed in the previous year. The number of fines cannot be aggregated, as one fine may include several misdemeanours.

6. GRANTS PROVIDED TO NGOS BY THE MLSA

6a – GRANTS PROVIDED BY THE MLSA TO ORGANISATIONS RENDERING SERVICES TO THB VICTIMS	
Diaconia – Centre for National Programmes and Services	2 463 000
Shelter houses	1 629 000
Emergency assistance	834 000
Diaconia – Centre in Západoú Čechy	1 236 103
Field programmes	1 236 103
LA STRADA Czech Republic	4 875 000
Shelter houses	1 604 000
Emergency assistance	1 612 000
Professional social counselling	1 050 000
Emergency assistance via telephone	609 000
Total	8 574 103

6b – NUMBER OF SOCIAL SERVICES THAT INDICATED VICTIMS OF THB AS THEIR TARGET GROUP AND THAT RENDERED SERVICES TO MINORS IN 2018⁸

TYPE OF SOCIAL SERVICE	NO. OF SERVICES	OF WHICH SERVICES THAT WERE RENDERED TO PERSONS UNDER 18 YEARS OF AGE
Shelter houses	16	13
Emergency assistance	5	4
Low-threshold facilities for children and minors	0	0
Professional social counselling	37	10
Social activation services for families with children	3	1
Social rehabilitation	2	2
Emergency assistance via telephone	8	5
Field programmes	6	6
Total	77	41

⁸ The MLSA maintains a register of social service providers. It shows the number of social services rendered to date, not the numbers of all social services rendered during a reference period. The information provided is valid as of 25 February 2019.

LIST OF ACRONYMS AND ABBREVIATIONS

ASLPC	Authority for Social and Legal Protection of Children
CC	Criminal Code
CR	Czech Republic
Diaconia	Diaconia of the Evangelical Church of the Czech Brethren
EMPACT THB	European Multidisciplinary Platform against Criminal Threats Trafficking in Human Beings
EU	European Union
EURES	European Employment Services
EUROJUST	European Union's Judicial Cooperation Unit
IOM	International Organisation for Migration
IMCG	Inter-Ministerial Coordination Group for Combating THB
MLSA	Ministry of Labour and Social Affairs
MoI	Ministry of the Interior
MoJ	Ministry of Justice
NCOZ	National Centre against Organised Crime
NGO	Non-governmental organisation
OCC	Old Criminal Code
OSCE	Organisation for Security and Cooperation in Europe
PCR	Police of the Czech Republic
Programme	Programme for the Support and Protection of Victims of Trafficking in Human Beings of the Ministry of the Interior
SLI	State Labour Inspectorate
THB	Trafficking in Human Beings

LEGAL REGULATIONS

Act on the Residency of Foreign Nationals	Act No. 326/1999 Coll., on the Residency of Foreign Nationals and on the Amendment of Some Other Acts, as amended
EU Directive on THB	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 002/629/JHA
Old Criminal Code	Act No. 140/1961 Coll., Criminal Code, as amended
Criminal Procedure Code	Act No. 141/1961 Coll., the Criminal Procedure Code, as amended
Criminal Code	Act No. 40/2009 Coll., Criminal Code, as amended
Social Services Act	Act No. 108/2006 Coll., on Social Services, as amended
Act on Employment	Act No. 435/2004 Coll., on Employment, as amended
Labour Code	Act No. 262/2006 Coll., Labour Code, as amended
ASLPC Act	Act No. 359/1999 Coll., on Social and Legal Protection of Children

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Ministry of the Interior of the Czech Republic

Crime Prevention Department

Nad Štolou 3, 170 34 Praha 7

Prague 2019