



IOM International Organization for Migration
IOM Mezinárodní organizace pro migraci

**“Pilot Research of the Environment
of Trafficking in Human Beings
on the Territory of the Czech Republic”
(December 2004 – February 2005)**

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The Course of the Project

A contract about the realization of the **“Pilot Research of the Environment of Trafficking in Human Beings on the Territory of the Czech Republic”** was signed on the 30th November, 2004, between the Security Policy Department of the Ministry of Interior of the CR and IOM Prague. According to the submitted project intention and upon the agreement of the concerned parties, the course of the project started in December, 2004, and lasted until February 28th, 2005.

A questionnaire was created in accordance with the project intention during December and sent out during January 2005 to the employees of the Refugees Facilities Administration of the Ministry of Interior of the CR, of the Alien and Border Police, Unit Combatting Organized Crime and the following non-governmental non-profit organizations: La Strada, Caritas, Refugee Counselling Centre, Organization for Aid to Refugees, Counselling Centre for Citizenship, Citizen and Human Rights and the Society of Citizens Assisting Migrants.

These questionnaires were distributed amidst the above-mentioned respondents in December, 2004, and January, 2005. Concurrently, the migrants in the detention facilities of the Alien Police (Bálková, Přílepy), in the IOM Prague office and in other places (Salvation Army hostels) were contacted. Controlled semi-structured interviews were conducted with these migrants.

In January, 2005, the NGO La Strada had been subcontracted to provide their cases of trafficked persons from the previous two years.

The Roma migrants from the Slovakian town of Trebišov were contacted during January and February in cooperation with La Strada. These migrants were staying in hostels in Pilsen and their complaints about the debt conditions brought upon them by loan-sharks in their country of origin were a subject of investigation. Their testimonies were also verified with the help of the Slovak branch of the NGO Člověk v tísni (People in Need).

In February, the questionnaire research was evaluated. Also, a controlled interview was conducted within informal cooperation with the NGO Caritas with a victim of a forced marriage. The definite report with the recommendations to the submitter was also elaborated in February.

During the entire course of the project, a collaboration with the representatives of foreign communities at the territory of the CR was on the way.

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I. The Meaning of Organized Crime in the Labour Migration Environment of the Czech Republic

The purpose of this chapter is to find (on theoretical level) the answer to the question where the currently prevailing manner of organizing labour migration from the former Soviet Union known as the *client system* came from and how it settled in the Czech Republic (CR). The method used consists in application of some theoretical concepts of organized crime in the countries of former USSR on the situation and historical dynamics of organizing labour migration from these countries in CR.

The sources of data from the environment of organized crime in the European part of former USSR include mainly foreign and Czech technical literature in the fields of political sciences, social and cultural anthropology and criminology (including history). Much about the labour migration environment and the related illegal and quasi-legal practices in CR remains to be discovered. This is why in addition to available results of field research the author of this chapter used technical news articles and long-term ethnographic monitoring of the target group as complementary source. The above described data sources and objectives determine the limited representativeness of this material which conveys the approaches of social and cultural anthropology to the topic.

1. History and Basic Principles of Organized Crime from the Countries of Former Soviet Union

The roots and principles of organized crime in the former Soviet Union are most frequently approached both from the point of view of function (government institutions against informal networks) and from the cultural and historical point of view. This chapter does not aim at precisising the definition of organized crime nor at analysing the structures of the groups. This chapter focuses on internal logic of organized crime and the consequences on illegal or semi-legal labour market of immigrants from the European part of former USSR in the territory of CR.¹

1.1 State v. Organized Crime: Functional Perspective

The approach based on functional analysis provides a framework for understanding the principle of establishing organized crime, which generally speaking consists in emergence of alternative sources of control over exclusive monopolies (i.e. organized violence and tax collection) to the control by state. If the state is in crisis or does not fulfil its functions, it gives room to crime growth within the agenda pertaining to state institutions.² Functional analyses of organized crime are usually based on weakening of the role of the state and consequent

¹ Forms of organized crime originating from Caucasia are in many respects different from the “criminal mainstream” of former USSR particularly in terms of the patterns of internal ideology of gangs and their social structure (family ties). It may be expected that this will also be the case of organized crime from the territory of post-Soviet republics in Central Asia. These marginal or more variant models of organized crime will be left aside due to their low importance for social environment of labour migration in CR.

² Many influential definitions rely on the relationship between organized crime and the state, see for example the definitions in the bulletin “Organizovaný zločin v České republice III” (IKSP 2004).

transformation of common crime into organized crime. Svetozar Pejovich projects the above dialectic relationship between the state and organized crime into generalising construction of “*interactive model*” used as an analytical tool for examination of reality of institutional change in Russia.³ Pejovich, similarly to many other authors (e.g. Volkov, Handelmann, Freye), criticises the transient period of transformation in the countries of Eastern Europe which according to him “*set off on the wrong foot towards state command economy rather than democracy and market economy*” (Pejovich 1997).⁴

Formation and ruling practices in the so called *arbitrary state* generate the need for alternative sources of rule and law. Pejovich’s thesis on hypertrophy of Russian organized crime is based on the fact that arbitrary state environment is the principal cause of its inefficiency.⁵ *Arbitrary state* creates policy that does not correspond to informal (local) understanding of rule and law, and because such policy is difficult to enforce, the *transaction costs*⁶ grow. *Arbitrary state* involves informal economy which represents spontaneous reaction to its inefficiency and within which informal networks create offers to reduce *transaction costs* and thus support economy within the community (Ibid.). Non-state enforcers of rule are in contrast less arbitrary and more efficient, their incentives (own profit) are directly related to revenues of economic actors under their control and therefore it pays to support activities that maximise their profit (Ibid.). This resulted in “*institutional change privatisation*” in Eastern Europe (Pejovich 1997). *Private enforcers of rule* became functional and effective alternative to institutional changes in arbitrary state.⁷ Informal networks emerge and informal rules are applied in reaction to inefficiency of arbitrary state. Effectiveness of the informal according to Pejovich “... *is centred around enforcement of contracts they are responsible for*”. As long as the state is unable to enforce economic interactions of the population, it gives room (profit) to private enforcers of rule (Mafia).

The resulting principle of “institutional change privatization” by organized crime in Eastern Europe is coherent on the level of abstract thinking of political sciences. Its application on the reality of social dynamics of changes in this region is beyond the order of empirical data research. *Institutional theory* (or *theory of rational choice*) is of major importance for examination of organized crime process changes in the European countries of former USSR. Nevertheless the historical sensitivity of this approach is balanced by its narrow limitation to institutions. Day-to-day life, identity and ways of social behaviour of common people are the domain of social anthropology/ethnology. The following section is an attempt to carry out synthesis of historical and functional approach on the one hand and cultural and structural approach on the other hand. Then the principle and logic of organized crime will be examined on the basis of its characteristic technique of protection/reket [translator’s note:

³ *Interactive model* is defined as interaction between formal and informal rules governed by their own impulses and the amount of executing costs (Pejovich 1997).

⁴ Pejovich was perhaps too generous in excluding Slovenia, the then Czechoslovakia and partially Hungary from this negative evaluation.

⁵ Frequent changes in rules of the game increase the value of long-term contracts over short-term agreements. Personal power of ruling elite to change the rules of the game increases the risk and uncertainty which has consequences on investment decisions and deters long-term investment (Ibid.). *Arbitrary State* limits access to wealth in the community and causes restrictions of private ownership, labour market and bureaucratic restriction of capital flow (Pejovich 1997).

⁶ *Transaction costs* include costs of identifying an economic opportunity, negotiating with partners, attesting contracts and agreements or collecting debt. In the context of standard (non-arbitrary) state it means keeping and protecting institutions such as the judiciary, police, registration authorities etc.

⁷ Pejovich strictly differentiates elites of arbitrary state from mafias: the ruling group in an arbitrary state seeks to maximise its political power whereas informal networks strive to achieve maximum profit by reducing transaction costs.

‘reket’ is derived from English ‘racketeering’]. This will take us to the culture of organized crime environment which forms the ruling discourse of informal order functioning outside of the state.

1.2 Origin and Development of Criminal Underworld in USSR

Andrej Konstantinov (the most experienced journalist focusing on organized crime in Russia) responded to the question about the difference between Russian mafias and other foreign mafias approximately in the following way: The distinctive features of Russian organized crime comprise strong historical tradition dating back to 17th century, ideological nature and intelligence and wit (Humphrey 1999). This statement refers to the historical and cultural background of organized crime in former Soviet Union that is taken into account on the following lines. As already mentioned above the functional models describe the fundamental principles of organized crime valid in many places all over the world. However they do not provide sufficiently coherent discussion on social dynamics of organized crime, the type of people it attracts, the changes of their way of thinking etc. In order to understand the phenomenon that may be called the criminal subculture of the post-Soviet world it is necessary to give at least a very brief historical overview describing some crucial concepts of the discourse of criminal world and its evolution within the framework of law and state in USSR.

The origins of criminal subculture in the European countries of former USSR date back to the turn of 17th and 18th century. Handelman mentions egalitarian guilds of beggars and communities of bandits that used to keep a common treasury – the *obshchak*. Handelman dates the establishment of the leadership institution - *vor v zakone* (a thief under the law) – to the second half of 19th century (Handelman 1995, p. 31).⁸ Social cataclysm of civil war between 1917 and 1920 together with the existence of totalitarian state (to the year 1953) resulted in several changes in the lives of members of underworld. The “revolutionary practices” of the first years of Bolshevik movement show romantic inspiration by bandits and popular liberators. Expropriation and forcible quartering of Red Army was presented as “rebellious practices”, or taking of the property of the rich for the benefit of the poor. The alliance between the revolutionaries and the rabble perished after the completion of the hot phase of the revolution. In the twenties there was discussion within the party whether the Soviet state needs law, which was perceived as bourgeois instrument for maintaining social inequality; the then alternative to legal order were the popular tribunals and their practices in line with the revolutionary conscience.⁹ In spite of that Lenin was probably aware of the need of law in order for the state to function. Soviet laws and the concept of the state deviated in many respects from the Western tradition. The role of the state was reduced to the tool for implementation of totalitarian doctrine under the veil of class struggle, planned economy or national policy (for more detail see Černík 2005c). Similarly the Soviet laws also served as tools for management of the society rather than rules of law.

At the time when the Bolshevik leaders were discussing the value and class aspects of law while putting the revolutionary brutality into practice in the beginning of the twenties, the criminals were systemizing common conventions and the manner of enforcing the rule which was referred to as *zakon* (‘law’ in Russian). This “Law” was applied in the ‘world of thieves’ (*vorovskiy mir*) and reflected in illegal networks as a code consisting of conventions

⁸ The period when the crisis of czarist empire was accelerated by the defeat in Crimea War.

⁹ Lawyers were “the privileged target” of class struggle. They were perceived as personification of the oppressive social system (Arendt 1996).

and taboos resembling customary law of traditional communities.¹⁰ The “law” of bandits was turning into an absolutely hateful attitude to the state, for a member of underworld it was unthinkable to have a relationship to the society other than the one under the *zakon* [translator’s note: the ‘law’] of thieves. If it turned out that somebody compromised himself with the state or other organized body of the government (military service, membership in Komsomol or an accidental contact with high representatives of the government), he was branded as *suka* (bitch) and sank to the very bottom of the criminal community. The code of criminal rules included professional honour of the thieves, maintaining the reputation of the trade and living by the *poniatie zakona* (understanding of the law).

It is indisputable that the *zakon* of thieves interactively evolved together with the development of arbitrary (Soviet) state. “The law” was a body of informal rules or a ruling ideological myth rather than anything else. This myth was active in cultural world existing outside of surrounding context of Soviet life dominated by the state. The end of World War II marked a turning point in the relationship between the criminal environment and Soviet state and society. Veterans who fought under the Soviet flag and had criminal past were not willing to accept the inferior status of *suka* in prisoner camps where the *suchnaia voina* (bitch war) broke out (see for example Nožina 2003). This resulted in an important shift of criminal world towards the Soviet establishment, in other words a link was established between the underworld of thieves and the nomenklatura. Many bosses left the “law” of thieves to free their hands for accumulating personal property, nevertheless they had to respect the *obshchak*, but they were accumulating property aside. Tough regime of war communism and revolutionary terror ended with the death of J.V. Stalin and the party officials slowly started to become aware of the opportunities for personal enrichment.¹¹ These changes reflected in the development of black economy involving both the “Soviet bandits” and the “criminal managers” of the nomenklatura (party officials and managers of factories) (see for example Nožina 2003, p. 52).

1.3 Interconnection of Organized Crime and State Administration – Protection/Reket and the Concept of *Krysha*

The worlds of crime and official power became functionally interconnected in the period of stagnation which resulted in a number of innovations in criminal practices. The concepts of *krysha* [translator’s note: literally ‘roof’ in Russian] and *reket* are still valid components of criminal environment originating from the former Soviet Union however they also form part of the lives of labour immigrants in CR. Opinions of authors vary on the point whether *reket* was practised in Soviet Russia only after *perestroika* started (Volkov 1999), or whether *reket* originated in the early Soviet illegal practices (Vaksberg 1991), or whether *reket* emerged on the criminal scene as late as after the break-up of the Soviet Union. Nevertheless they generally agree that the development of this predatory technique is determined by the so called period of stagnation and development of black economy “under the leadership” of Leonid Brezhnev in the nineteen seventies. What is actually *reket*? Simply put it is an economic and political practice consisting in collecting regular fees in exchange for protection provided by a person or a group called *krysha*. The essence of *reket* technique is the payment for political protection of economic resources (Humphrey 1999).

¹⁰ Illegal networks is not an apposite term for the organization of this society, they were rather individual groups, fraternities (*bratva*) with the distinctive features of egalitarian ethos and strong leadership principle.

¹¹ Ironically enough, Stalin was probably a member of *vorovsky mir*, as he practised “the trade of thieves” in Georgia robbing trains together with his crony Sergo Ordzhonikidze after he left seminary and before he started his political activities.

1.4 *Krysha*: Multifunctional Roofing of Interests

Krysha was created by the nomenklatura at the same period serving as a veil for private transactions. Within the Communist party apparat or state administration it was possible to buy for example a speed-up in career growth (or delay the career growth of someone else), trouble-free sale of “black” overproduction of a dyestuff factory or admission of children to a prestigious university. The illegality consisted in the fact that the payment was made in personal property outside of state distribution. *Krysha* provided to the protection technique/*reket* the system context in the surrounding society.¹² Renegates of both sides of the imaginary border of legality acted as the bridge over the gap between public life and criminal underworld.¹³ The principle of *krysha* is usually (based on authors listed in the bibliography) perceived uniformly as an integration element interconnecting criminal zone with legal business. Again there is discussion about the circumstances under which it is possible to speak about functional involvement of this principle in illegal economic activities. Volkov infers from the analysis of economic functions of Russian organized crime that the concept of *krysha* gained criminal meaning as soon as the technique of protection/*reket* was acquired by policemen, KGB officers and officials of the Ministry of Interior of the Russian federation at the beginning of nineteen nineties. their legal entry on the market with protection/*reket* was enabled by Private Detective and Protection Activities Act, 1992. The concept of *krysha* gained value thanks to their previously illegal running of this business (Volkov 1999, p. 748).

Concepts such as *komitetovskaia krysha* (KGB) or *mentovskaia krysha* (Ministry of Interior) or *banditskaia krysha* became part of the business vocabulary as early as 1991. Security agencies infiltration in criminal activities was at the beginning justified by the intention to control the structure internally, however operative objectives soon overlapped with financial interests together with the boom of private companies (Volkov 1999, p. 748). Privatisation of the state security forces revealed the functional crisis of the state (Ibid). The origin of the concept indicates its use in the environment of Soviet intelligence agency at the time of Cold War (Nožina 2003). Nožina describes the principle of *krysha* in similar terms: “Old formal barriers between vorovsky mir and party bureaucratic hierarchy were disappearing under the pressure of new interest alliances ... *Krysha* – “the roof” – criminal patronage – became one of the most frequent terms of the post-Soviet organized crime jargon.” (Nožina 2003, p. 71). *Krysha* is defined in the text also as a result of interconnection of criminal world and party nomenklatura. What is actually *krysha*? *Krysha* is typically considered by scientists as a slang term for criminal patronage (for example Nožina 2003). Caroline Humphrey defines *krysha* as a generally applicable “concept construing mental layering of homological social and political categories” (Humphrey 1999). In other words it is a mode of social behaviour enabling ad hoc construction of social and political structures of similar type and with similar properties in various contexts.¹⁴

¹² Under Brazhnev, gangsters collected small *rekets* for prostitution and illegal betting or blackmailed important actors of black economy.

¹³ According to Handelman the *avtoritety* [translator’s note: authorities] of the groups that rejected *zakon* (“bitches”) played an important role in this. The authorities of these groups were usually managers of factories, bureaucrats etc. (Handelman 1994, 31-32).

¹⁴ The author of this chapter witnessed the necessity of “roofing” within the framework of field research in the countries of former Soviet Union in order to get access to regional archives.

1.5 Protection/Reket: Enforcing Criminal “Legality” in Day-to-Day Life

According to Volkov the technique of protection/reket originated from the blackmailing practices in Soviet black economy. The transition from blackmailing to protection/reket took place in the years 1987/88 simultaneously with cooperative movement and the boom of petty trading. The emerging new middle class of petty traders and cooperators became the target for blackmailers from the environment of Soviet black economy (where they were already providing “protection” to the so called *cekhovik*, the entities within black economy) (Volkov 1999, 742).

Protection/*reket* is a more specific term compared to *krysha*, because it is a technique related to everyday life. Nevertheless the practices of providing protection/*reket* are formally just as variable and dynamic as the entire social world of organized crime.¹⁵ Variant manners of protection/*reket* are analysed by Freye on the examples of traders in Russia and Poland. Timothy Freye uses in analysing the functions of protection/reket two mutually polar models: “*Stationary Bandit*” and “*Roving Bandit*”. The first model represents continuous and predictable collection of regular fees from economic actor usually in monthly instalments. Stationary Bandit acting in this manner has interest in the health of “protected” firms. Roving Bandit’s activities are only short-term, he does not take into consideration the future nor the health of economic entities to which he provides “protection”. His objective is on the contrary to maximize the proceeds from protection/*reket*. The group or individual “protector” gradually takes the company over and after economically exhausting the company Roving Bandit searches for new opportunities elsewhere (Freye 2002).¹⁶ The technique of protection/*reket* in *Stationary Bandit* model borders on legal provision of personal and property protection whereas the practices of *Roving Bandit* border on blackmailing.

Adam Volkov generally defines the practices of protection/*reket* as *enforced partnership* (*silovoe partnerstvo*) in the order of *violent entrepreneurship* (Volkov 1999). He offers narrower definitions for different variants of enforced partnership distinguishing three variants of protection/*reket* depending on legality and institutional background: state and illegal (units of state police and security agencies acting as private entrepreneurs); non-state (private) and legal (private companies providing protection) and private illegal (organized criminal or bandit groups).

Caroline Humphrey differentiates bandits in post-soviet environment depending on status. The so called *atmorozniki* (the defrosted) or *bezpredelenyje* (without limits) are street gangs of young people who do not hesitate to use force and their activities are primarily isolated acts such as robberies (Humphrey 1999). Humphrey puts above these “cruel amateurs” the so called *profi*, who use more sophisticated plundering techniques such as *protection/reket*, blackmailing and corruption. “Professional” criminals are far from being invariant, in addition to the above differentiations the literature also mentions the division into *vory* and *sportsmeny/bandity*. For example the backbone of Petersburg underworld of the nineties was formed by graduates of sports institutes in wrestling, weightlifting and judo. Their favourite meeting points are bodybuilding gyms, they ostentatiously avoid alcohol and drugs, have healthy life style. Moscow underworld on the other hand was in the nineties characterised by the tradition of *vorovskiy mir* (Konstantinov 1996).

¹⁵ The development and the dynamics is determined by the surrounding institutional set-up, lifespan of individual groups, etc.

¹⁶ Freye examines the reality of petty traders (potential users of protection - reket) in three Russian towns and in Warsaw (Freye 2002).

In exchange for regular payments the “protected” economic entity receives a variable set of services. The basic and often the only service consists in a telephone number for the gang serving as an emergency line. The gang is usually able to provide mediation services between “their” entities, efficiently collect debt and secure transactions.¹⁷ A gang providing protection/*reket* should also be able to mediate services from the upper floors of organized crime, such as ensuring corrupt behaviour of state officials etc. A standard service included in protection/*reket* is the presence of the protector of the site – *byk* (a member of the gang). *Reketiring* assumes social organization – a vertical structure of various levels of management etc. The boss’s authority is based on control of the overall process of collecting money for protection/*reket*. The requirement of internal confidence establishes strictly defined limits and entry requirements on various levels.

Interesting are the results of research of Russian organized crime in USA, where individual bands are organized into horizontal structures for the purpose of larger criminal actions. Specialists are hired for specific criminal acts. Authors of this study use in relation with organized crime structures attributes such as flexible, good teamworking, project oriented etc. The final conclusion is that mafia is not an appropriate term for Russian criminal structures in USA (Finckenauer 2001).¹⁸

Predatory logic of *reket* includes both intensive and extensive methods – meaning both extension of *reket* to include further sources and increasing of income from the existing sources. Many gangs also consider themselves as reavers of the external world, which is why the metropolises of former USSR are very often dominated by provincial groups (Humphrey 1999). Expansive nature of protection/*reket* practices is accompanied by centripetal effect when individual groups collide because of perceiving “improperly” protected property as an economic opportunity. Not an unusual phenomenon is war of gangs which starts very easily,¹⁹ there are clashes and mutual killing off between gangs. These clashes may be prevented by rational planning of expansion or by negotiation. The *Zakon* [translator’s note: law] of thieves and its *Poniatie* [translator’s note: understanding] is currently perceived as the authority regulating the relationships between gangs (declaring war, ban on denunciation to police, compensation for thefts between gangs).

Street *reket* was and still is to a large extent the most stable source of income of organized crime groups in the European part of the former Soviet Union. This is why protection/*reket* must provide continuous income to economic actors that are under its control. If the financial flow is jeopardized, the social and political functions of *krysha* are often activated (in case of *stationary bandits*). The technique of protection/*reket* and its practices are basically the most primitive form of police work, enforcing informal rules and the related concepts such as *krysha* (Humphrey 1999). In this case the positions in the examined social space are such that the bandit owns the businessman (not vice versa) and takes his money away on the basis of enforced services to ensure certain culturally specific type of legality. The principle of *protection/reket* consists in economic interconnection between criminal world and the world of common economic behaviour. It is an enforced application of criminal “order” on the environment of day-to-day life of economic entities. Mafias market themselves as representatives of orderliness presented by healthy lifestyle, tight social structure of the

¹⁷ Based on the available indicia Czech Republic used these services via mediation platform of *krysha* to collect Russian debt.

¹⁸ This development confirms Volkov’s thesis on entrepreneurial nature of Russian mafia.

¹⁹ Movies from criminal environment of former USSR use this motive very frequently. Often they present as the reason for war of gangs a defamation of a gang or keeping incriminating documents.

groups and discipline (Humphrey 1999). The *zakon* of thieves is socially objectified by reket on the one hand and by the life style, ethics and culture of bandits on the other hand.

2. Development and Functioning of *Client System* in the Czech Republic

Labour migration of Ukrainians and citizens of other countries of the European part of the Commonwealth of Independent States to the territory of CR went through a relatively short however rather turbulent development. On the level of ideal model it is possible to identify three phases with the following working names: the so called *unrestrained period* from the beginning of nineties to 1996; the *transformation period* to the year 2000 and the current phase may be called the *stabilization period*. The changes in migration flows and the related administrative and political changes are importantly reflected in the manners of organizing labour migration from the mentioned region. The following lines will examine the distinctive feature of interactivity.

2.1 The Unrestrained Period

The first half of the nineteen nineties is often inappropriately denominated as liberal. This period was affected by chaos that accompanied the changes in political and economic environment. The influx of workers from Ukraine therefore was not sufficiently anticipated and managed neither from the part of state institutions nor from the position of informal rules. People unaware of local conditions, generally inexperienced and with illusions about their work were coming to Czechoslovakia and later to the Czech Republic. The prevailing manner of organization was relatively risky offering of one's own work to potential employers on "open air" labour markets such as the Prague fairground in Holešovice. Unrestrainedness of this period provoked both the reaction in the effort to regulate the influx of labour migrants from the part of CR and the efforts to economically exploit labour migration. Up to the year 1996 Czech Republic was a preferred destination of labour migration from Ukraine and the manners of organizing economic behaviour on Czech territory were spontaneous. Zdeněk Uherek uses reconstruction of one manner as an example of this period: "*individual family members and neighbours shared the information on the relevant companies, sometimes they even "relayed" the jobs. One family member worked in the job for three months or longer and then passed the job to another one. Creating informal networks around the sources of jobs was the first step towards institutionalizing migration flows.*" (Uherek 2005). Informal networks were taking care of organization almost without transaction costs until the migrant labour market was affected by restrictive measures imposed by state administration (i.e. in 1996). At the end of the first half of nineties the entities informally organizing labour migration – future *clients* – started to consolidate (see for example Kontra 1995)²⁰. Robbing of workers returning home with their savings started to grow.

2.2 The Transformation Period

The turning point (in terms of the manners of organizing influx of cheap labour from Ukraine) was foreshadowed by deteriorating macroeconomic conditions of Czech economy, measures restricting access of foreigners to labour market and ironically mutual employment agreement between Ukraine and the Czech Republic. This manner of regulation by quotas was apparently a repetition of problematic solution of labour migration which was also implemented by many countries of West Europe (Germany), the annual quotas remained

²⁰ "*The work is arranged by mediation companies whose signboards usually bear completely different official activities.*" (Kontra 1995)

unused (see for example Drbohlav 1999; Respekt). The number of Ukrainians on Czech labour market was substantially reduced after imposing of regulatory measures on granting labour permits to Ukrainians in 1996 (reduction by more than 25 thousand as of 31 December 2002; Horáková 2001). *“The overall restrictiveness of our migration policy is growing as well as the importance of some indirect barriers, for example complexity of organizing employment of Ukrainian workers or difficulties the Ukrainians face when they need to change their passport in their homeland. As a result of this from 1997 to the beginning of 1999 the number of legally registered labour migrants grew by only 3000. ...it may be assumed that the influx in illegal labour migration did not go down.”* (Drbohlav 1999, Respekt)²¹. On the other hand the number of Ukrainians resident in the Czech Republic on the grounds of business and family reunification was growing steadily.

Administrative measures substantially limited the access of employers as well as foreigners to legal employment of foreigners, which resulted in major increase of transaction costs (including delay in filling the vacancy) of both parties. The turn of decades hypothetically marks the entry of organized crime on the migrant cheap labour market in CR involving various legal and semi-legal forms of organizing labour migration.²² Uherek examines this process through the concept of institutional theory and monitors how various institutions influence the labour migration flow. *„... labour offer started to exceed the demand in the second half of the nineties and getting a job was not so easy any more. The risk of persecution from the part of Czech state grew. Especially for large companies employing labour migrants it started to be more advantageous to hire companies instead of individuals. The mediating company was liable for the workers rather than the company for which the work in the Czech Republic was performed. It was necessary to adapt the labour to this form of institutionalized labour migration. This was carried out by exerting pressure to adjust to the conditions. At this time stories emerge describing how mafias hold up buses with labourers and collect from them various fees, sometimes even the earnings for the whole three months of work.”* (Uherek 2005).

Mid nineties is a crucial period for forming the manners of organizing labour migration which are the object of examination of this work. In this period the set of informal rules (manners) of organizing labour migration from the countries of former Soviet Union known as *“client system”* started to consolidate. This was though preceded by a period when migrating labourers were more and more often robbed and blackmailed by gangsters both on the territory of CR and the states of the Commonwealth of Independent States. *“For many years the Ukrainian labourers were robbed by mafia of their countrymen before returning home at the bus station in Prague Florenc.”* (Švehla 2003). *“Brutal robbing was not unusual.”* (Livinský, Kočík 2003b). The groups of bandits started their predatory involvement in labour migration even earlier, but everything had the *“unrestrained”* form. Functional interconnection of bandits and *clients* may be discussed, however it does not seem to be the case of coordinated units of a wider network. *“The number of Ukrainians working in the country illegally went down however not to the extent the authorities expected. The procedure of employing Ukrainians became so complex that many Ukrainians ceased to believe that it is possible to get a job legally. Mediation companies closely cooperating with “clients” in the*

²¹ According to Drbohlav *“the turning point”* was in 1997, his reasoning is based on macroeconomic data and statistics of immigration to CR.

²² Nožina sets the start of Ukrainian mafia on the territory of CR to 1996 (Nožina 2004). The outputs from expert survey carried out by a group of authors of IKSP [Institute of Criminology and Social Prevention] indicate on the other hand that organized crime became intensely engaged in illegal migration in 1998. (IKSP 2004).

Czech Republic started to emerge in Ukraine.” (Livinský, Kočík 2003a). After 1996 the “morphogenesis” of *client system* takes place: The market with cheap labour from abroad started to be importantly influenced by implementation of state migration policy and by bandit groups. Labour migration transaction costs grew due to new administrative requirements for employees as well as employers and due to robbing of returning workers. Employers in the monitored period were affected by the deteriorating economic conditions which is why they started to respond to offer of hiring flexible labour through a mediator.

Clients, till then acting less formally (for example as representatives of groups of workers) started to transform their informal position into “institutions”, they formed legal entities of various types. The organizational mode known as *client system* gradually started to dominate the market with cheap labour from the former USSR in CR.

2.3 The Period of Stabilization

The concept currently known as *client system* went through major consolidation in the first years of 21st century. “*The monitored phenomenon may be at this time evaluated as dominant mode of organizing temporary labour migration in CR with relatively consistent practices of the entities*” (Černík 2005b). An alternative access to legal labour market consisted up to the year 2003 in an application for asylum procedure which gave the applicant the possibility to legally reside and work on the territory of CR.²³ Establishment of the examined manner of organizing foreign cheap labour market may be viewed as completion of certain development which is interactive with the process of finalising institutional changes by the state administration for which there was no precedent.²⁴ Up to this point it is possible to view the monitored phenomenon as part of the institutionalization process. “*The third phase of institutionalization consisted in introduction of visa duty between the Czech Republic and Ukraine on 18th of June 2000. Another obstacle is this time imposed by Czech state which can also remove it in exchange for payment. This step on the one hand regulates the migration flow on the other hand it completes the institutionalization of mediating work. From the mid nineties the recruitment of labour is increasingly carried out in Ukraine and after introduction of visa duty this trend becomes even more pronounced.*” (Uherek 2005) Consolidation of the set of informal rules and manners of organizing the community of temporary labour migrants from former USSR was completed simultaneously with the development of institutional change.²⁵ The status of affairs was almost palpable in the situation around Czech embassy in Kiev which was every day crowded with several hundred visa applicants who sometimes had to wait even several weeks.²⁶ The statement of a woman

²³ Asylum seekers from the countries of former USSR nevertheless kept working under the *client system* rules and did not use the possibility to work legally because it was related to several administrative difficulties (for example when applying for extended validity of ID the applicant as well as the employer repeatedly had to pay considerable charges).

²⁴ The precedent of regularizing mechanisms for international migration was to certain extent replaced with transfer of experience and practices from those countries where international migration is a frequent rather than rare phenomenon and with the system of creating consistent immigration policies within European Union.

²⁵ This set (grouping) of rules is not identical with the so called *client system*.

²⁶ “*Legal work visa for six months in the Czech Republic costs 550 dollars – this is almost double the official price. It is necessary to add the cost of issuing powers of attorney authenticated by a notary public (10-20 dollars), copies (5-10 dollars), certificates confirming that the person does not have criminal record from both countries (15-30 dollars), certificates from labour offices and even a confirmation of passports (50-250 dollars). Majority of Ukrainians cannot afford such expenditures or does not believe that it is possible to get work legally and prefer to take the risk of illegal work.*” (Livinský, Kočík, 2003a). The basic structure of income of the mediation company consists of one-off charges (see above) and continuous deductions from the worker’s pay (see below).

in Ukrainian magazine *Porohy* reveals that the employees of mediation companies were given preference in processing visa applications (Porohy 2001, No.1). Such a situation logically becomes a “marketplace” for migration services.

In this “culminating period” of *client system* (approximately from 1994 to 2004) it is possible to define the positions that represent the basis of this manner of organizing economic behaviour within the framework of interconnected contexts of labour market, organized crime and state institutions in CR (hereinafter referred to as labour migration environment).

2.4 Historical and Cultural Aspect of the *Client System*

The roots of the *client system* may be found in the manners of organizing economic behaviour in rural environment of Transcarpathian Ukraine. Majority of authors agree with the assumption that the current mode of organizing labour migration in CR originated from this very region (Bedzyr 2001; Uherek 2005; Livinský, Kočík 2003a).

Specific forms of organizing work of migrants that could be classified as “proto-client system” in West Ukraine may be found in long tradition of labour migration in this region. “Unqualified construction labour represents a very frequent job. The labourers from Transcarpathian region had this role in construction of railway network in Slovakia in the period between the wars, building of border fortification in Bohemia before World War II and were employed in this manner also within the Soviet economy in the period of 1945-1991.” (Uherek and a collective of authors 2005, p. 105). Vasil Bezdyr points out the traditional form of temporary migration of groups of workers from West Ukraine to the territory of Russia in nineteen eighties and nineties and refers to reproduction of these forms in the reality of international migration in the second half of the nineties (Bezdyr 2001). This tradition includes also leaving for “shabash”: “... working on “shabash” was the pattern of short-term labour migration in the environment of Soviet socialism. Semi-national business companies, kolkhozes [translator’s note: collective farms] and cooperatives or individuals hired mobile groups of labourers – “shabashniky” – for short-term construction work (renovation, small structures). These migrant workers were on the edge of black economy, the group (brigade) was headed by ‘brigadyr’ who would procure work, pay the wages to other labourers and if needed also ensured formal legal personality of the group (for example as a unit of a cooperative).” (Černík 2005a, p. 72).

The tradition of “shabash” became in the eighties part of cooperative movement within the unsuccessful project of soviet economy reconstruction. When examining social and economic background of labour migration in the Transcarpathian region the research team of the Academy of Sciences of the Czech Republic recorded statements about numerous tourist trips (on the basis of groups of workers) to Prague and to other towns in the then Czechoslovak Socialist Republic (CSSR). The members of the cooperatives used the occasion to sell their goods (souvenirs) and to use the proceeds of the sale for buying goods in short supply on Soviet market in CSSR.²⁷ Uherek points out that “the awareness of potential mediation network represents an important condition for labour migration and in case of Czech space there was awareness of the fact that there will be people to turn to when creating the migration bridge.” (Uherek and a collective of authors 2005, p. 105).

²⁷ Migrating petty traders are still an important factor of international migration in the borderland of Ukraine and Poland (see for example Okólsky 2001).

An attempt for synthesis is the examination of the principle of control of (the client's) collective of workers based on Soviet manner of organizing everyday economy of groups, more precisely put it is a view of client system as an application of certain principle of power which governs economic behaviour of the group. In this respect some statements made in an interview for media have representative value in terms of meaning:

"I have never seen the employment contract, I don't know how much money the client was receiving for me, ... And I wasn't interested in knowing, it was none of my business. I didn't ask him and I didn't think about it. I was glad that I had the work and a person taking care of me." (Švehla, 2004). The responding worker from Ukraine does not show any interest in finding out what is behind the political functions of the *client*, it is sufficient for him to have the feeling of secure pay and safety provided by his master. Another Ukrainian has a similar attitude to the *client*: "The *client* was very important for me. He used to come and see me twice a month, when I didn't have money at the beginning he would lend me money for shoes. He had approximately fifteen people and in addition to mediating work he made money by driving us in his car back home to Ukraine. It was safe. On a train or bus there was the danger of getting robbed by mafia." (Švehla, 2004).²⁸ Membership in *client's* group may have major importance up to the time of arriving home which indicates the spatial flexibility of *client system*.

2.5 Mediators on Ukrainian Cheap Labour Market in Southern Europe

The mediators working in Ukraine shifted to a high extent towards organizing temporary labour migration to Southern European countries. The introduction of visa duty between CR and Ukraine among other things accelerated migration of workers to Southern Europe mainly to Portugal, Spain and Italy. An unexpectedly high number of Ukrainian citizens was successful for example in Portugal. According to the data of the Organization for Economic Cooperation and Development there was the total of 42,600 people (OECD 2003). Approximately 110 thousand of Ukrainians (out of which 90 thousand women) successfully participated in the regularizing campaign in Italy out of the total of 700 thousand submitted applications (Krivulchenko 2003). The thoughts of the contribution of mediators to the results of regularizing campaigns in Portugal and other countries at this point cannot be supported by research results.

Krivulchenko mentions the possibility of illegal work in Italy organized under the name of "*paison*", which is a mode of organization close to the *client system*. Ukrainians mostly working in agriculture accept a system of partial payments of wages, often incomplete and paid with several months delay, that are never repaid in full (Krivulchenko 2003). Women go to work in the countries of Southern Europe, women migrants work predominantly in households taking care of children and the elderly people (Bezdyr 2001; Krivulchenko 2003). According to Krivulchenko there are various mediation agencies providing a number of migration services ranging from getting the visa (recently quite a complex procedure), through transport (usually via Slovak travel agencies) to finding the job (Krivulchenko 2003). Mediation of work for Ukrainians in Italy is according to Krivulchenko relatively varied including "open air market" similar to the fairground in Prague, informal networks (relatives, acquaintances) and work via "*paison*" – which is though a very marginal

²⁸ The transport of workers back to the country of origin was and still is accompanied by major risk of robbing from the part of "roving bandits" (*otmoroznikov or bezpredelnych*). Transport in a van probably forms part of the *client system*, or the protection/*reket* in Czech-Ukrainian form. The *client* travels safely because he has the safety for himself and his people guaranteed.

manner of organizing work, there is probably no such consistent practice in Italy as the *client system* in the CR. (Ibid).

2.6 Actors of the Client System

2.6.1 The Client

There are substantial qualitative differences among clients comparable to the distinction of bandits to *roving* and *stationary*, as the criminal gangs in Russia are classified by Freye. The *client* has sufficient possibilities (resulting from his position of the master of the group) for predatory activities focused on the workers and for strengthening their dependence on him by keeping them in illegal position. “*If the client is more competent he will get work permit for you immediately. If not, you will have to work for three months on tourist visa, without permit. ...*” (Pekař 2003). The *client* must be a good organizer, his job is to monitor simultaneously several processes, check the workers, receive payments and provide for the necessary administrative work. “*His political position (the client’s - note of the author) relies on the ability to organize the life of the collective, ...*” (Černík 2005b).

Katherine Verdery classified the transient status of post-socialist economies in Eastern Europe as shift from socialism to feudalism²⁹ (Verdery 1996). In this respect the voluntary serf is the labour migrant and the *client* is a small feudalist, “*...who protects his subjects against external influence, supervises internal rules of the community and ensures earnings for all members, hence the support of their families. The client’s value added to the unqualified work of the collective is the knowledge of the rules and laws of external world linking the individuals to the external world while at the same time isolating them*” (Černík 2005b). The master of the collective keeps his position due to the ability to process the administrative requirements of residence and employment in CR. The relationship between the *client* and the worker is based on responsibility on the one hand and confidence on the other hand and takes a specific form in the “tax” deducted by the *client* of the worker’s wages (usually 30% to 50%). Socially tight working collective with strong authoritarian principle is in addition to economic relationship also strengthened by the fact that the members of the group are in foreign environment away from their families. The question remains open as to whether the organizational mode of labour migration is self-generating, whether some migrant workers have the ambition to get a permanent job with Czech employer or whether their ambition is to start up their own small collective of workers.

2.6.2 The Employers

Employers have a key role in organizing cheap labour under informal rules which is why their transaction costs when they accept *client system* are reduced most significantly. An incomplete list of such reduced cost items for unqualified labour includes failure to pay social security levies and health insurance for the workers, absence of relatively demanding administration related to getting a permit to employ a foreigner. Furthermore the Czech employer does not have to comply with the duties imposed by the Labour Code on the *client*, who usually does not comply with them either because he follows his own (informal rules). The employers readily accepted the manner of employing foreigners examined in this work,

²⁹ Verdery is very critical of the concept of *transition*, she considers it as ethnocentric and ignorant of autonomous processes that Eastern and Central Europe is going through that reach far beyond the experience of Western European democracies (Verdery 1996). A pertinent example of autonomous development may be the quasi-feudal order of the *client system* type.

because they gained the possibility of having labour willing to work 12 hours a day as required. Finally the employers release themselves from the liability for Ukrainian workers because the demand for cheap labour started to be supplied on contractual basis with the companies of the *clients*.

Ukrainian (Byelorussian, Russian and Moldovan) women work for *clients* (both men and women) especially as cleaners in large companies, for example in hypermarkets. Czech employers enable functioning of the *client system* because they are reluctant to employ foreigners illegally themselves and because they do not give preference to individual form of employment. Via the *client system* the employers enter the world governed by informal rules generated in the environment of black economy of former USSR with all the techniques and the relevant criminal practices. Including violent methods of collecting debt, enforced partnership and corruption. In other words they substantially contribute to constitution of ethnically specific underworld in the Czech Republic.

2.6.3 The Organized Crime

The entry of groups of organized crime on the territory of the Czech Republic is congruently identified as the beginning of the nineteen nineties (IKSP 2004; Nožina 2003, 83). The first “prospectors” provided protection/*reket* to the so called “čepičáři” [translator’s note: literally ‘hat sellers’], the people selling Soviet souvenirs on the Kings’ Route in Prague (Ibid.). Nožina as well as the collective of authors from IKSP [the Institute of Criminology and Social Prevention] mentions prostitution, smuggling of migrants, money laundering and control over street gambling as other important activities of organized crime. Unfortunately none of the two mentioned sources itemizes the activities such as illegal migration or blackmailing.³⁰

Protection/*reket* (racketeering in English) represents one of the most stable sources of income of organized crime groups from former USSR and many authors agree on the opinion that this predatory technique is a substantial element of illegal activities of these groups from the former Soviet Union (Volkov 1999; Freye 2002; Humphrey 1999). The team of researchers from the Academy of Sciences of the Czech Republic received in the Transcarpathian region for example the following answers to the questions on the topic of organized crime: “*mafia is more active in Poland or the Czech Republic than in Transcarpathian Ukraine, where people know each other and there is no space for organized crime. In the Czech Republic on the contrary the police according to the opinions of respondents believe that the things Ukrainians do to each other are their business and this is why mafia is thriving in these conditions.*” (Uherek 2005).³¹ The *client system* established order in the “zone of injustice”, the question who established the *client system* remains to be

³⁰ The results of longitudinal expert survey by IKSP show that as late as 1997 organizing illegal migration ranked 16th or 17th of all forms of organized crime activities. A growing occurrence of these activities was recorded in 1998 to 2001. In the year 2002 the expert respondents ranked organizing of illegal migration as the 4th most frequent form of organized crime (blackmailing and collecting fees for protection ranked 8th) (IKSP 2004).

³¹ This attitude represents to a high extent a society-wide consensus. Tough living conditions of workers from Ukraine are perceived by Czech public as result of predatory practices of the clients in spite of the fact that the profit of their cheap labour is used by autochthonous population (not just the employers). “Media in CR reproduce the fabling attitudes of Czech public to hard working and destitute workers from the East. Demonizing clients is therefore a manner of social distance from the subclass of temporary workers from abroad. The fabling attitudes to Ukrainians are based on the conflict between sympathy and exploitation. According to this logic the poor living conditions are caused by the Ukrainians themselves. In neo-Marxist terminology similar examples of ethnic stereotyping are referred to as rationalizing social differences in this case against a subclass of ethnically defined proletariat.” (Černík 2005b).

answered. We can only agree with the statement of Vasil Bezdyr, that “*life and work in CR without a mediator is risky*” (Bezdyr 2001). Bezdyr was most probably thinking of the risk of being robbed by roving bandits which is to a high extent eliminated by protection/*reket*. Membership in *client’s* collective gives the workers a position in the order of underworld which protects them against attacks of “roving gangs” as well as the better organized criminal bands.³²

For common Ukrainians who work in CR, everybody who directly uses cheap or temporary labour from Ukraine is a *client*. The assumption that the term *client* first started to be used in Ukraine is proved by the above quoted survey of the Academy of Sciences of the Czech Republic as well as by journalists specializing in this topic (for example Livinský, Kočík 2003b). Seemingly daring thesis that the *client system* was to a high extent formed as an “extension” of the protection/*reket* technique finds the first argument supporting it. “*Client*” is a concept used by organized crime groups to denote the consumers of their service – protection/*reket* (Volkov, Konstantinov, Freye, Humphrey, Nožina). Inaccessibility of individual migrating workers for protection/*reket* determined the tactic of expansion to the social space of labour migration. The ‘*brigadiers*’ and other informal leaders of collectives of workers voluntarily or under pressure started to accept the role *clients* of protection/*reket*, the transaction mediators for regular payments from *reket* of economic sources (work) of labour migration. The *client* must regularly pay for protection/*reket* if he does not want to expose himself to serious risk from the part of organized crime groups, but in spite of this his business remains very profitable. “*Mr. F also deducted such a sum from the wages of his customers. For the collected money he provided the job (legalizing it by invoicing all the work on the basis of his trade licence) and paid out one thousand crowns per each employee including himself to Daghestani mafia. One thousand crowns is practically a fixed amount requested by any blackmailing group.*” (Červinka 2005). Fixed payments for protection/*reket* indicate two specific features of Ukrainian variant of protection/*reket* in CR. (1) Clients are under control of gangs thanks to the numerous collective of workers, (2) The gangs became coordinated which was necessary to introduce fixed payments.³³

Robbing migrating workers on the territory of CR as well as outside of it created the condition for the logic of protection/*reket* in the environment of labour migration to CR. The workers were robbed by bandits of other type than those providing/enforcing protection/*reket* for whom Caroline Humphrey uses Russian terms *otmorozenyje* (the defrosted) or *bezpredelenyje* (without limits, the rampant) and Freye refers to them as *roving bandits* (Humphrey 1999; Ferye 2003). Predatory raids and robbing of workers from Ukraine and other countries were the activities of bands without higher levels of management, it was primitive and spontaneous robbing in line with the then “unrestrained” context of labour migration in CR.³⁴ An example of the activities of such bands was the famed robbing of Ukrainians in Florenc bus station.³⁵ The package of services related to protection/*reket* involves also other services, in addition to negotiating it may also include protection against the state institutions of CR and if required corruption of public officials.

³² Ukrainian labourers are frequent target of random checks by organized crime groups that have the field of unqualified labour migration in the region under control. In such a case the contacted worker should prove his membership to the *client’s* collective (name, telephone number).

³³ With such consistency of payments it may be expected that the gangs pay a similarly fixed charge to the organized crime group on a higher level.

³⁴ If these groups survive and remain active in criminal world they usually get under control of higher organized crime groups, or they may develop up to the level of autonomous hierarchic groups of organized crime. An example of such “success story” was documented by Konstantinov in Petersburg (Konstantinov 1996).

³⁵“Long-running robbing in the Florenc bus station is allegedly attributed to a Chechen gang.” (Červinka 2005).

2.7 Czech Republic – Institutional Practice and Legislation

“It is evident that Czech government set completely incorrect administrative rules to struggle against illegal labour market and up to now failed to even create a system that would ensure humane conditions for Ukrainian labourers. As a result of that Ukrainians are very distrustful. Due to this situation the Ukrainian labourers find themselves subjugated by in their opinion the only trustworthy people – the “clients” who have direct relationship with organized crime.” (Nožina 2003). This categoric however to a high extent justified evaluation by leading Czech expert in the field of organized crime must be viewed in a wider context: Czech migration legislation started to behave like instrumental law, an instrument of politics, due to dynamic substance of the social phenomenon of migration and due to changing requirements of Czech politics. This is to the monitored group of migrants a well known concept of law from their domestic environment and therefore it did not remain without functional reaction in the order of application of informal rules (as Pejovich states), the inexhaustible repository of which is found in criminal subculture and its practical innovations within black economy of Soviet Union. The patterns of labour migration and the strength of migration flows were determined by the demand for cheap labour of foreigners and their motivation to leave the source country. Labour migration and its quantity became the reality during the so called unrestrained period in spite of restrictive measures taken in the following “transformation period”. The consequent increase of transaction costs indirectly resulted in a reaction in the environment of organized crime.

Whether it was possible to prevent this development remains an open question, however consistent fight against *roving bandits* (or “the rampant”) would have been an argument against introduction of protection/*reket* in the labour migration environment. This means that the appropriate time for introduction of preventive security policy in the labour migration environment was the first half of nineteen nineties. Now that the *client system* is relatively stable manner of organizing labour migration in CR, it is necessary to think about manners of removing its interconnection to organized crime (see final notes).

2.8 Conclusion

The creation and formation of the so called *client system* is accompanied by a number of distinctive functions and cultural feature of organized crime in the area of former Soviet Union. The below mentioned conclusions result from application of some theoretical concepts for appreciation of the principle of organized crime from the countries of former USSR on the mode of organizing temporary labour migration in CR.

The relationship between social transformation and organized crime dispersion to common economic life was demonstrated by Svetozar Pejovich on the model of interactions between formal and informal rules. The organizational mode of labour migration called the *client system* is to certain extent a product of these interactions. Successful establishment of organized crime in labour migration environment consists in several parallel and mutually interconnected factors such as economic conditions in CR and in Ukraine, tradition of labour migration, etc. In the first half of the nineties the transformation effort focused on changes of economic and political system in the country and perhaps sufficient attention was not paid to individual processes of social change. Labour migration was slowly becoming the domain for enforcing informal rules of organization. There are more such “transformation omissions” in

CR however the interconnection of labour migration with organized crime may serve as an example of far reaching consequences of the “lapses” of transformation.

Autonomous organized crime has not developed in the Czech Republic to the same extent as in the countries of former Soviet Union due to different historical experience. Autochthonous population reacts differently to behaviour of state institutions and is in long term influenced by its own tradition of first order, which was continuously developing since the establishment of the first Czechoslovak republic. Nevertheless the very incorporation of labour migration in the sphere of interest of organized crime in CR casts doubt upon the thesis on exclusive import of organized crime to the territory of the country. Criminal organization of labour migration developed by interactions with local conditions which is proved by existence of the *client system*. In the concepts of *interactive model* a situation developed in the Czech Republic when after the “unrestrained” period of free access of foreigners to labour market the state institutions of CR started to adopt *ad hoc* measures to limit migration flows that may be evaluated as *exogenous changes*. These steps resulted in growth of transaction costs of all actors of labour migration and “informal entities”, future *clients*, roving bandits (often future racketeers) as well as management components of organized crime started to get involved in the process. It is possible to speculate on where the initiative to “privatize” labour migration by organized crime came from, however the above mentioned leads to the conclusion that the so called *client system* was formed by interactions in CR. The original informal rules are “Soviet import” but the form of their practical application has been to a high extent influenced by Czech environment and Czech actors.

Vadim Volkov uses the concept of *violent entrepreneurship* which assumes law and order, for theoretical appreciation of organized crime in Eastern European countries of former USSR. Violent entrepreneurship runs within the purposes of criminal order that developed on the background of historical twists and turns on the territory of Russian Empire.³⁶ Criminal “law” as well as interconnection of public life with criminal underworld is enforced by means of provision/enforcement of services of protection/*reket* for which Volkov uses the term enforced *partnership*.

Volkov’s concept of violent entrepreneurship relies on the thesis of power vacuum in the environment of private business (i.e. lack of legal guarantees and ways to collect debt or political powers that would enforce them). The expansion to the “unprotected environment” of private business was just a question of time and skill of private enforcers of rule by means of protection/*reket* technique. Establishment of organized crime in the Czech Republic was the same case.

Expansion is a substantial component of organized crime of Soviet origin and labour migration in CR turned out to be an appropriate field for enforcement of the current concept of criminal “law” and order within the purposes of violent entrepreneurship. In this respect the *client system* is a kind of social agreement between its actors (with the exception of the migrants themselves!). There is a consistent practice of collecting fixed charges for protection/*reket* per worker and almost a fixed rate per hour of work and deductions from the wages. Volkov concludes that the concepts of violent entrepreneurship and private enforcement of rule are acquired by former as well as existing representatives of security agencies of the state.

³⁶ After the fall of communist regimes in Eastern Europe their criminal and arbitrary nature became evident. Hypertrophy of organized crime in the region of the Commonwealth of Independent States was a consequence of fusion of legitimate efforts to achieve individual prosperity with criminal behaviour.

Organized crime from the countries of former USSR has at its disposal social concepts (e.g. *krysha*) that are applicable also in the environment of security agencies of state administration. Volkov's concept of organized crime assumes an evolution line starting from criminal practices in black economy of USSR that evolve into violent entrepreneurship and private enforcement of rule followed by interconnection with security agencies of the state and the evolution culminates in quasi-regular entrepreneurship of agencies providing protection of persons and property. Not just according to Volkov the organized crime based on its principles tends to disrupt political integrity of states. It is not possible to evaluate within the scope of this work the degree to which the threat of organized crime is realistic (or realized) in the environment labour migration, but there is a number of indications that this development process is becoming reality also in CR.

The cultural and historical aspect of organized crime in the Soviet Union and in its successor republics is documented by Caroline Humphrey as development of ruling ideological myth of criminal underworld that adapts to specific conditions in the environment of socialist culture. Similarly to Volkov Humphrey places emphasis on the protection/*reket* technique, same as Volkov she considers it a bridge between legitimate economic behaviour and criminal activities. From the point of view of social anthropology Humphrey concentrates more on the actors. Gangs of debt collectors living by the ruling ideological myth *poniatie* present themselves as a guarantee of legality, discipline and order and act accordingly – as respectable citizens they represent the unwritten law. Social life of bandits is becoming the ethical attitude and way of life – a culture. The existence of criminal subculture in labour migration environment as well as enforcement of ruling ideological myth may only be suspected.³⁷ The *client system* is to a high extent a cultural artefact resulting from Soviet and pre-Soviet traditions (not criminal), at least in terms of the principle of controlling collectives of workers. This is why organized crime simply relates to the internal structure of these groups. Social danger of the *client system* does not consist in economic practices of work mediators nor in the semi-feudal structure of the collectives of workers but in its interconnection to the world of crime through the technique of protection/*reket*. The security risk is the fact that labour migrants on the territory of the Czech Republic are often forced to live (to have status) in a social space where the cultural asset consists in knowledge of criminal ethics and criminal experience.

2.9 Final Notes on the Security Issue of Organized Crime in Labour Migration Environment

- Temporary migration of unqualified workers must not be a crime. It is a legitimate economic behaviour that may be “illegalized” and so shifted to the sphere of interest of organized crime together with activities such as trafficking in weapons or production of narcotic substances or trafficking in human beings.
- Long-term influence of the rules and the “order” of criminal underworld in the labour migration environment may result in establishment of a wider social basis of organized crime in CR. This effect may lead to reproduction of these rules.

³⁷ Criminal subculture of Soviet origin will be easier to detect in prison environment.

- Organized crime will develop targeted effort to disrupt the integrity of some institutions of CR that are in contact with foreigners by means of corruption. A counter-measure (in dialectic view) may consist in strengthening of foreigners' confidence in Czech institutions.
- Some actors linked to organized crime structures in labour migration tend to legal entrepreneurship in this field. In this respect it is pertinent to think about ways of isolating these actors from organized crime. Participation of associations of employers and trade unions will be of benefit here.
- Consider the level of sanctions and forms of prevention of illegal employment of foreigners.
- The differentiation of short-term (seasonal) labour migration and long term migration from the point of view of implementation of migration policy of the Czech Republic remains unclear.

Czech Republic is facing a number of challenges related to labour migration. From the security point of view it is of key importance that the criminal aspect is removed from this environment by targeted and sensitive policy. Future development may facilitate this process because the so called *client system* (manner of organizing work) is losing efficiency. Ironically it is the amount of transaction costs of the *client system* that reduces the competitiveness of labour of migrants from the former Soviet Union. Ukrainians as well as other potential workers focus on the countries of Southern Europe because due to the costs of mediation of work and protection/*reket* on Czech market they have to compete with unqualified labour from “new” EU countries (Lithuania and Slovakia). Last but not least the living standard is growing in Ukraine.

3. Bibliography

- Bedzyr, Vasil: “Migration from Ukraine to Central and Eastern Europe”, In: C. Wallace – D. Stola (eds.): *Patterns of migration in central Europe*. Palgrave, New York 2001, p. 277-293.
- Cejp, Martin a kol.: *Organizovaný zločin v České republice III*, Institut pro kriminologii a sociální prevenci (IKSP), Praha 2004.
- Černík, Jan: *Klientský systém jako quasi-feudalismus v Česku*. 2005, [online], <<http://www.migraceonline.cz>>.
- Černík, Jan: Migrační potenciál SSSR, Ukrajina, Moldavsko, Bělorusko, problematika ekonomické migrace. In: *Migrace do České republiky, sociální integrace a lokální společnosti v zemích původu*. Uherek, Zdeněk – Weinerová, Renata (eds.), Etnologický ústav AV ČR, Praha 2004.
- Červinka, Ondřej: Ukrajinská pracovní migrace v České republice: případová studie. In: *Migrace do České republiky, sociální integrace a lokální společnosti v zemích původu*. Uherek, Zdeněk – Weinerová, Renata (eds.), Etnologický ústav AV ČR, Praha 2004.
- Čynč, Vasil: Hroši robljat' hroši (rozpovid' pro te, jak ukrajinci zdobuvajut' če'ski vizy). *Porohy (Časopys dlja ukrajinciv u Čes'kij respublici)*, 2001, No. 1, p. 13.
- Drbohlav, Dušan: Nezlomná touha o „levných cizincích“, *Respekt*, Rubrika: Cizinci, 19.7.1999.

- Finckenauer, O. James – Waring, Elin: *Challenging the Russian Mafia Mystique*. National Institute of Justice Journal, April 2001.
- Freye, Timothy: Private Protection in Russia and Poland, *American Journal of Political Science*, Vol. 46, No. 3, July 2002, p. 572-584.
- Horáková, M. – Polívka, M. – Čerňanská, D. – Rudolf, V.: *Nelegální zaměstnávání cizinců jako překážka v jejich žádoucí integraci na trhu práce. Část 2*. Praha, Výzkumný ústav práce a sociálních věcí 2001.
- Humphrey, Caroline: Russian Protection Rackets and the Appropriation of Law and Order. In: *States and Illegal Practices*. Ed. J. Heyman. Berg, Oxford 1999.
- Humphrey, Caroline: *The unmaking of Societ Life: Everyday Economies after Socialism*. Cornell University Press, New York 2002.
- Kontra, Martin: Příliš horliví kopáči, *Respekt*, Rubrika: Z domova, 9.10.1995.
- Krivulchenko, Oleksij: *Ukrajinci-zarobitčany v Itálii: Umovi praci ta socialne stanovišče*. Centr miru, konvencij ta zovnišnoj politiky Ukrajiny 2003. 2003, [online], <<http://www.ji-magazine.lviv.ua/kordon/migration/2003/kryvulch.htm>>.
- Livínský, Oleksa – Kočík, René: *Ukrajinská Odysea*. 2003b, [online], <<http://www.infoservis.net/art.php?id=1069232781>>.
- Livínský, Oleksa – Kočík, René: Výnosné povolání: obchodníci s prací. In: *Za prací do ČR, příloha Lidových novin*. 2003a, [online], <<http://www.infoservis.net/art.php?id=1069232801>>.
- Nožina, Miroslav: *Mezinárodní organizovaný zločin v České republice*. Themis, Praha 2003. *Trends in International Migration*. OECD, SOPEMI, 2002.
- Pejovich, Svetozar: The Transition Process in an Arbitrary State: The Case for Mafia, *International Business Review* 1:1, 1997.
- Pekař, Ž. R.: *Život gastarbeitera v Česku*. 2003, [online], <<http://www.infoservis.net>>.
- Scheinost, Miroslav: *Trestná činnost cizích státních příslušníků v ČR: etnický faktor v organizované kriminalitě*. Institut pro kriminologii a sociální prevenci, Praha 1996.
- Švehla, Marek.: Strašidelní zachránci z Ukrajiny. *Respekt*, 2004, Vol. 15, No. 13.
- Uherek, Zdeněk – Valášková, Nad'a – Plochová Kateřina – Mušinka, Mikuláš: Pracovní migrace ze Zakarpatské Ukrajiny do ČR. In: *Migrace do České republiky, sociální integrace a lokální společnosti v zemích původu*. Uherek, Zdeněk – Weinerová, Renata (eds.), Etnologický ústav AV ČR, Praha 2004.
- Verdery, Katherine: *What was Socialism and what comes next?* Princenton University Press, Princeton 1996
- Volkov, Vadim: Violent Entrepreneurship in Post-Communist Russia, *Europe-Asia Studies*, Vol. 51, No.5, Jul. 1999, p. 741-754.

II. Analysis of Questionnaire Survey

1. Survey Description

IOM – International Organization for Migration within the framework of the “Pilot Research of the Environment of Trafficking in Human Beings on the Territory of the Czech Republic” contacted the employees of **Refugees Facilities Administration of the Ministry of Interior of the Czech Republic** (hereinafter Refugees Facilities Administration), officers of **Alien and Border Police Service of the Police of the Czech Republic** (hereinafter Alien and Border Police), **Unit Combating Organized Crime** and employees of some non-governmental non-profit organizations: **La Strada**, **Caritas**, **Organization for Aid to Refugees**, **Counselling Centre for Refugees**, **Counselling Centre for Citizenship**, **Civil and Human Rights** (hereinafter Counselling Centre for Citizenship) and **Society of Citizens Assisting Migrant**. These respondents were asked to fill in a short questionnaire (see appendix). They were asked to provide anonymously based on their personal experience an opinion on their perception of forms of trafficking in human beings (THB) other than the field of sexual exploitation.

In order to facilitate the understanding of this field the respondents received together with the questionnaire form also the wording of s. 232a of the Act No. 537/2004 Coll., “Trafficking in Human Beings”.³⁸

2. Method of Survey

A total of 674 respondents took part in the questionnaire survey: 68 employees of **Refugees Facilities Administration** (mostly employees of the department working with applicants – social workers, accommodation providers and medical staff – Reception Centre in Vyšní Lhoty, Residence Centres in Bělá-Jezová, Bruntál, Červený Újezd, Havířov, Kašava, Kostelec nad Orlicí, Seč, Stráž pod Ralskem, Zbýšov), 593 officers of **Alien and Border Police** (mostly working in the field of control and issuance of residence permits as police inspectors, in asylum facilities and on border crossings), 7 officers of the **Unit Combating Organized Crime** (dealing with organized illegal migration) and 7 members of the staff of the above listed nongovernmental organizations: 4 social workers (**Caritas**, **Organization for Aid to Refugees**, **Counselling Centre for Refugees** and **La Strada**) and 2 lawyers (**Counselling Centre for Citizenship**, **Society of Citizens Assisting Migrants**). This lack of balance had to be taken into account when preparing the questionnaires: a combination a combination of qualitative-interpreting and quantitative method was chosen. The questionnaire used the model of open questions which gives the respondents the possibility to provide more detailed comments on individual topics.

The analysis included only such respondents who according to their own statement personally encountered the issue of trafficking in human beings for other purposes than sexual exploitation. As for nongovernmental and non-profit organizations such persons were asked to fill in the questionnaires that are most frequently in touch with potential victims of THB,

³⁸ The act altering the Criminal Code, Act No. 140/1961 Coll. as amended, entered into effect on 22nd October 2004.

and due to this and with respect to lower return rate of questionnaires we took into account all responses in this group.

The analysis takes into account the following responses:

- 19 employees of **Refugees Facilities Administration** (i.e. 28% of total number of filled-in questionnaires from employees of Refugees Facilities Administration)
- 88 officers of **Alien and Border Police** (15%), 2 officers of the **Unit Combatting Organized Crime** (29%)
- 6 employees of **non-governmental and non-profit organizations** (100%)

3. Survey Results

3.1 The Meaning of the Term “trafficking in human beings”

Before raising the question whether the respondents (personally) encountered cases of trafficking in human beings other than those for the purposes of sexual exploitation, and before they were offered for comparison the wording of criminal code amendment (question no. 3), they were first asked to describe their own understanding of the term “trafficking in human beings” (question no. 2). The purpose of the question was to find out what their perception of this term is and possibly how they use it in practice.

It is possible to generally infer of all the responses that according to the respondents the border between trafficking in human beings and other criminal offences is not clear. Particularly clear is its direct relationship to smuggling of migrants and illegal employment – many respondents irrespective of their job, consider only these phenomena as trafficking in human beings, others list them in other definitions of THB.

The answers of respondents from **Refugees Facilities Administration** include in addition to smuggling of migrants (or “illegal border crossing for a consideration”) also illegal employment (“illegal mediation of work”, “working without permit” or “illegal participation on cheap labour”). Most frequently though the responses reflected some parts of s. 232a, particularly subsection 1(a), 1(c), 2(a) and 2(c), i.e. the provisions dealing with trafficking for the purpose of sexual intercourse, sexual abuse, forced labour or other forms of exploitation. Less frequently mentioned was trafficking or other criminal offences related to children (“sexual exploitation” or “abuse of children”, “child labour”, “kidnapping and sale of children”) and sexual abuse of adults (“sexual abuse of women”, “sexual exploitation”, “organized prostitution”).

More emphasis on other forms of trafficking than trafficking for the purpose of sexual exploitation may be explained by the fact that the questionnaire had this focus and in the introduction the respondents were requested to focus mainly on this area. The prevailing responses include various forms of forced labour and exploitation, emphasis is often placed on the contrast between the fact that the victim does not get paid and the offender enriches himself to the detriment of the victim: compare the answers “when a person is employed and is not getting paid”, “work with part of the wages being deducted” and “forced labour, using and exploiting persons merely for the purpose of one’s own profit, where legal and ethical rules of the society and individual freedoms are not respected”. The responses rarely contain also other than labour forms of exploitation, e.g. trafficking with bodily organs, compelling to

commit criminal offences (“compelling persons to carry out work contrary to law”) or “compelling persons to marriage, recruitment for army”.

Among the explicitly emphasised aspects of this trafficking in human beings we recorded the features of misrepresentation and inducement: “when a person is induced to leave for another country for the purpose he/she agrees with (e.g. a job) and then is deceived (e.g. must carry out other work he/she does not agree with)”, abuse of the fact that the injured persons were acting under duress (they are “economically forced” to work, or are forced to accept unfavourable conditions in order to “sustain their families”) and the use of threat of violence, compare to “illegal employment of asylum seekers with the purpose of abusing these persons – also sometimes related to blackmailing” and “forced labour under the threat of physical violence”.

The respondents from **Alien and Border Police and the Unit Combatting Organized Crime** use in evaluation of the meaning of the term “trafficking in human beings” more complex wording covering more circumstances and forms of this phenomenon, compare to the following wording: “trafficking for the purpose of gaining cheap labour or sexual exploitation; recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat, use of force or other forms of coercion, of abduction, of fraud, of deception or of the abuse of power”; “enslaving a person for one’s own enrichment – prostitution, forced labour, smuggling of migrants”; “recruitment, transport, transfer of persons under threat of or directly for possible battery, deceit, kidnapping, payment, for the purpose of sexual abuse, labour, slavery, serfdom or removal of bodily organs”; “I consider as victims of trafficking in human beings such persons that were transported to the territory of CR under various pretences and under the promise of better life in CR (...). Personal freedom of these persons is then restricted by another person for whom they are forced to work illegally and live on minimum wages in inhuman conditions. These persons are often abused for commission of criminal offences. They represent cheap labour.”

This group also more often uses generally definitions of trafficking in human beings that evaluate this crime or put it in the context of other criminal offences: “any activity in which a human being is treated as goods”, “trafficking in human beings means some kind of sponging of one person on another”, “exploitation of people for profit, employment in the entire capitalist system, trafficking of citizens of developing countries”, “acting directed against human dignity”, “one of the forms of organized crime, unlawful, outrageous behaviour from the point of view of society directed against human dignity and freedom”. In many cases the respondents evaluate the term as “(too) broad” and hard to define. In isolated cases they challenge the fact that trafficking in human beings is a crime, compare the following comments of a policeman challenging the possibility of coercion of the victim and implying the responsibility of the victim: “In my opinion it is an abstract term, if I have some personality qualities, nobody may manipulate me against my will. If somebody dulled my mind with a delusion and I become dependent, it is a consequence of such hesitation. One must pay for mistakes.”

Respondents often see a connection between trafficking in human beings and illegal migration as well as with “the so called social tourism”, with smuggling of migrants both to CR (“illegal migration of persons from poor countries to a destination country for incredible financial amounts”) and out of CR (“profit from asylum seekers, cash for escaping abroad”). Illegal employment is often mentioned as part of the definitions (“illegal employment of foreigners and mediation of work for foreigners via clients”).

Children are explicitly mentioned as victims less often either generally (“illegal trafficking in children”) or in the context of trafficking for the purpose of sexual abuse (“child prostitution and pornography under duress”) or in connection with adoption (“illegal adoptions”, “illegal trafficking in children for adoption”).

The most usual answers fall within the definition expressed in s. 232a (2): various forms of sexual exploitation (e.g. “hiring, concealing, detaining persons for sexual intercourse”, “white-slave traffic (prostitution)”). There are also definitions using the term “slavery” (“sale to slavery”, “slavery, serfdom”, “modern slavery”). In one case there was a description of a combination of two purposes of trafficking: “deceiving people with a promise to provide a job and then abusing them for prostitution”.

The broadest group of responses includes the definitions probably falling under subsection (2) (c): forced labour and other forms of exploitation (often on general level in this or similar form: “enrichment by means of exploiting other persons”, “trafficking in labourers”). The prevailing among other forms of exploitation than forced labour is trafficking in bodily organs (“sale of organs”, “trafficking in bodily organs”, “transplantation for a consideration”, there is one reference to “exploitation for the purpose of commission of criminal offences” and the following definition “male gladiators (a fight to the death)”.

Respondents from **Alien and Border Police** more often specify the circumstances under which forced labour is performed, often pointing out particularly inadequate remuneration and “inhuman conditions”: “forced labour for minimum remuneration”, “trafficking in human beings includes foreigners forced to work under inhuman conditions and receiving inadequate wages for the work”, “import of foreigners for menial work (without social security, minimum wages)”, “paying out large sums to mediators of work”, “trafficking in cheap labour”, “mediating an illegal job and confiscating the earnings”, “forced labour for the purpose of repayment of debt”.

The circumstances listed in s. 232a are specified by the respondents in the following manner: the features of threat of violence appear in responses talking about “collecting protection money from foreigners working in CR” or “collecting protection money from foreigners with or without residence permit”, another respondent’s opinion is that “these persons live in constant fear of losing their life”. Taking papers away may also be considered as a form of duress (“the employer takes the papers away and uses the people for work without remuneration”). Often mentioned is the aspect of misrepresentation (“arranging for work in CR with the promise of decent pay”) or duress (“organized abuse of helplessness, poverty of people living on the fringe of society”, “any kind of abuse of difficult situation of foreigners for one’s own benefit”, “exploiting foreigners for enrichment, abusing their poverty, wars in their homelands”, “abuse of dependence or duress of a specific person that is subordinated to the s called entrepreneur-client”, “using duress (sponging on labour of other people)”.

Some respondents mention the connection with organized crime: “citizens of economically weak states are abused by individuals or organized groups of persons”, “it is committed predominantly by organized crime”, “mediation of work in mafia style (so called cooperatives)”.

Staff of **non-governmental and non-profit organizations** who took part in the questionnaire survey responded generally in a similar manner as other groups, however they show more

theoretical awareness of the issue (respondents from the **Organization for Aid to Refugees** and **La Strada** use the definition of the so called Palermo Protocol including “forced prostitution, forced labour, forced marriage, sale of organs, in a broader sense also exploitation, slavery and servitude.” (La Strada). A respondent working for **Caritas** denotes trafficking in human beings as “a form of modern slavery” and in addition to the already mentioned forms she also includes “recruitment for paramilitary units”, “forced marriage” and “forced beggary” and “smuggling of migrants”. Another mentioned type is “usury” (Counselling Centre for Refugees), probably the necessity to make money by forced labour to repay debt, and other mentioned circumstances of trafficking is “forced labour under inhuman and humiliating conditions” (Society of Citizens Assisting Migrants).

Slightly different and more detailed interpretation by a lawyer of **Counselling Centre for Citizenship** is worth quoting: “Trafficking in human beings means in my opinion benefiting from the work or other activity of another person that is de facto unfree. All the 3 features: (1) the benefit of the offender, (2) labour or other activity of the victim and (3) unfreedom of the victim must be present, however their form may vary. Benefit may be gained also by the so called “*client*”, work or other activity may consist in sexual prostitution, labour, commission of criminal offences, giving birth to children, donation of organs, making oneself available for medical or other experiments or even in the feeling of happiness (in case of children sold for the purpose of adoption). Unfreedom may consist in absolute imprisonment, or in threat of violence, but also in so poor economic, social or mental conditions of life of the victim that human freedom is virtually impossible. This definition is certainly broader than the s. 232a of the Criminal Code.”

3.2 Criminal Offences Related to Trafficking in Human Beings

The respondents were asked to try and consider other criminal offences related to trafficking in human beings and possibly to describe the relation (question no. 4).

The most frequent answers are summarized below:

Criminal offences against order in public affairs

- unlawful crossing of the border: 9 respondents
- smuggling of migrants: 24 respondents
- forgery and fraudulent alteration of an official document: 17 respondents

Tax offences

- failure to pay tax, social security insurance and health insurance (illegal employment): 32 respondents

Offences against property

- fraud: 7 respondents
- theft: 27 respondents

Generally dangerous offences

- prohibited acquisition and possession of firearms: 4 respondents
- illicit manufacturing and possession of narcotics, drugs and poisons: 13 respondents

Serious offences against social cohesion

- procuring and soliciting prostitution: 4 respondents

- illicit handling of tissue and organs: 3 respondents

Offences against family and youth

- trafficking in children (for the purpose of adoption): 4 respondents
- abduction: 5 respondents

Offences against life and limb

- murder: 9 respondents
- bodily harm: 7 respondents

Offences against freedom and dignity

- blackmailing: 40 respondents
- false imprisonment and/or deprivation of personal liberty: 25 respondents
- abduction to a foreign country: 1 respondent
- robbery: 27 respondents

When considering these offences the respondents mostly differentiate between those committed by victims of trafficking and those committed in this context by the traffickers and by organized groups. Generally it is possible to say that offences committed by victims of trafficking in human beings are considered less serious, the victims act under duress and coercion (they are “easy to manipulate”) (compare the below opinions), offenders who commit trafficking in human beings are on the other hand often related to organized crime and more serious offences:

- “desperate situation of the dependent person (being without papers, money) may force the person to commit offences (forgery and fraudulent alteration of documents, thefts, robberies,...)” (Alien and Border Police)
- “blackmailing from the part of those who commit trafficking in human beings, thefts, robberies from the part of victims (as a result of lack of money)” (Alien and Border Police)
- “people are forced by blackmailing to commit for example offences against property. (...) they are driven into hopeless situations being in CR without identity papers and means and this is why they commit minor offences against property and participate in forging and fraudulent alteration of travelling documents.” (Alien and Border Police)
- On the part of the trafficked person – unlawful crossing of the border, illegal status on the territory of CR, illegal work (related to inducement and coercion by the trafficking person). On the part of the trafficking person – forgery of documents and visa, illegal smuggling of migrants, false imprisonment, restricting the freedom of movement, physical and mental violence, illegal employment of persons, ...” (La Strada)

3.3 Description of Cases of Trafficking in Human Beings

In question no. 5 the respondents were asked to specify the countries where the victims they personally met came from, how they usually got to CR, how were they offered work. They were also requested to try and specify to what type of trafficking were these persons exposed, what type of work under what conditions were they performing, whether they were exposed to coercion and deceived.

3.3.1 Countries of Origin of the Victims

The most frequently mentioned countries of origin of the victims are summarized in the following table (by frequency of response):

Country of origin	No. of responses
Ukraine	62
former USSR	54
Moldavia	28
China	21
Vietnam	16
Belorussia	15
India	10
Romania	9
former Yugoslavia	8
Russia	8
Slovakia	7
Sri Lanka	7
Afghanistan	5
Bulgaria	5
Kazakhstan	5

Country of origin	No. of responses
Armenia	3
Iraq	3
Iran	3
Mongolia	3
Albania	2
Kirghizia	2
Lithuania	2
Pakistan	2
Turkey	2
Bangladesh	1
Georgia	1
Congo	1
Nigeria	1
Poland	1
Uzbekistan	1

In addition to specific countries the respondents also denoted the area of origin of trafficked persons as “postcommunist countries”, former Eastern block”, “poor countries”, “developing countries”, “crises regions of the world (wars, poor countries)”, “Africa”, “(East) Asia” and “the Balkans”.

Several times they also mentioned that “the territory of CR is usually territorially divided” by the region of origin.

3.3.2 Manners of Transit of the Victims to CR

According to the experience of the respondents the ratio of trafficked persons crossing the border legally and those crossing the border illegally is approximately the same: they either arrive to CR with tourist visa (up to 90 days) – 57 respondents, with visa for the purpose of work or business – 16 respondents, or in many cases they cross the border unlawfully – 49 respondents, on their own or with the help of persons smuggling migrants or an organized group – 27 respondents.

Crossing the border with valid tourist or work visa which expires and the foreigners remain in CR illegally was mentioned as a frequent model. Respondents from **Refugees Facilities Administration** more often mention application for asylum as the manner of legalizing the stay. On the other hand the respondents from **Alien and Border Police** and **the Unit Combating Organized Crime** provide more detailed description of manners of legal arrival as well as unlawful crossing of the border.

Short-term tourist visa prevail among the legal manners of arriving to CR, but work visa and visa for the purpose of business are also often mentioned: “the injured arrive having tourist visa and after expiry of the visa they stay illegally”, “tourist visa – a pretended purpose of the trip, false vouchers”, “fraudulent manner of getting residence permit or visa”, “invitation, vouchers, work/tourist visa”, “work visa obtained via the clients”, “by means of unlimited liability companies [translator’s note: this is an approximate equivalent of the term ‘v.o.s.’ used in Czech original], cooperative societies, limited liability companies [translator’s note: an approximate equivalent of the term ‘s.r.o.’ used in Czech original] registered on the territory of CR”. The respondents very often point out the fraudulent nature of getting the visa and invitation and frequently mention the mediators – agencies, travel agencies and clients who often use this to impose the debt obligation on their “customers”: “legally – visa exceeding 90 days for the purpose of business – employment in a cooperative society (which requires proof of financial resources for the stay, they don’t have it and become obliged to the creditors)”, “via agencies in exchange of huge sums of money”, “on the basis of tourist visa as individual tourists or within an organized trip”, “on the basis of tourist visa or work visa (obtained via the client)”, “misuse of travel agencies”. Due to the involved fraud these manners are often described as “semi-legal” or “illegal”.

Unlawful crossing of the border in the strict sense of the word is described by the respondents in the following manner: either a forged or fraudulently altered travelling document is used or the border is crossed unlawfully usually with the assistance of a person smuggling migrants: “forged, fraudulently altered passport or unlawful crossing of the border in a truck, taxi – together with Czech citizens, accompanied by persons with special immunities and privileges – customs officers, police), violent crossing of the border”, “unlawful crossing of the green border”, “smuggling in lorries, organized gangs of smugglers”, “unlawful crossing of the border (green border, trucks)”, “hidden in trucks”, “organized smuggling of migrants”.

The manners of arriving to CR according to the respondents vary depending on the visa duty: “At the beginning they usually arrived semi-legally using various means of mass transport on the basis of an invitation by people they obviously didn’t know. After the visa duty was imposed the cases of unlawful crossing of the border became more frequent.”; they differ also by the country of origin – generally it is possible to say that tourist visa are used more often by citizen of the states of former USSR (“Ukraine, Moldavia – on the basis of tourist visa and then illegal residence”), as opposed to people from Asia who arrive more often hidden in trucks, by means of migrant smugglers (“from Asia via Russian Federation to CR in a container”).

In addition to these characteristics the staff of **non-governmental and non-profit organizations** also mention the model which more clearly indicates that already on the territory of the country of origin the injured persons are promised that in exchange for a larger sum of money they will stay and work in CR legally and that the person offering the work is somehow related to the person mediating the work: “on the basis of tourist visa with a promise that documents will be arranged in CR” (Caritas), “on the basis of an offer of work from an acquaintance” (La Strada), “somebody promised them a job and arranged for visa” (Counselling Centre for Refugees), “usually they agreed on transfer abroad in the country of origin via an acquaintance (by means of mass transport, in a lorry etc.), where another person was to take care of them – was supposed to arrange for a job and legalization of the residence.” (Society of Citizens Assisting Migrants)

3.3.3 Manners of Recruiting Victims

In response to the question on how these persons were offered a job the total of 82 respondents, i.e. majority, wrote that it was arranged via an agency, client or otherwise described mediator, 8 respondents mentioned advertisements in press in the country of origin or on Internet as the manner of recruitment, 12 respondents were of the opinion that the migrants arrived on their own without being offered a job in advance and 10 respondents mentioned acquaintances or relatives already staying in CR as the source of the offer.

Majority of respondents further specify their responses: the work of agencies and mediators is described as follows: “there is one contact person in the country of origin and another contact person is in the Czech Republic”, “via an agency in the country of origin offering high wages and good living conditions”, “work offered by a firm legally registered in CR”, “work is mostly arranged by clients who have various agencies on the territory of the country of origin”, “they were mostly recruited by their countrymen who already have a background here (Ukrainians, Vietnamese ...) from the time when they studied here or served in the army”, “the work is mediated by their acquaintances or the client himself, some of them start looking for a job after arriving to CR”, “by means of contacts (address, telephone number) obtained in the homeland”, “hired by companies or cooperative societies that were founded for this purpose by the so called client legally resident on the territory of CR”, there are also references to hiring or forcing to work “by the gang smuggling migrants”.

Even if the foreigners arrive to CR on their own they are often informed on how to contact the client or they are contacted by the client: “In most cases they come on their own, but they are informed in advance that in certain region they should contact a specific person who will take care of them.”, “they arrive on their own, here they speak to their countrymen who provide them with contact information for a person that arranges work, labour permit and extension of residence permit”, “They were recruited by agencies in CR that had already “prepared the ground” in the country of origin, but often they were recruited after arriving to CR” (Caritas), “they were offered work in CR always after visa expiry” (Organization for Aid to Refugees), “They arrived to Czech Republic mostly on their own (based on an informal offer) and somebody was waiting for them on the territory of CR or they had a telephone number to the country of origin and they contacted the “mediator” after arriving to CR.” (La Strada). They may receive contact information for the clients “from acquaintances, friends, who worked on the territory of CR and have contact information for other clients.”

3.3.4 Types of Trafficking in Human Beings

The respondents were asked to describe the type of trafficking in human beings the victims they personally met were exposed to. Many respondents did not provide an answer and said that they could not answer. Those who did answer mostly mentioned exploitation (labour or other) – 50 respondents, forced labour – 28 respondents, but also migrant smuggling – 12 respondents, fraud – 10 respondents and blackmailing or coercion – 6 respondents.

In isolated cases the term “slavery” was used: “modern slavery, i.e. for accommodation and food, in case of the Vietnamese citizens”. The respondents from **Refugees Facilities Administration** and **Alien and Border Police** also speak about “cheap labour” or “work for (too) low wages” or “failure to comply with required working

conditions” which is related to the fact that illegal employment is perceived by some respondents either as a type of trafficking in human beings (inadequately remunerated, dangerous or hard labour), or at least as an environment in which the conditions for trafficking in human beings may easily develop. The characteristics of blackmailing or coercion are mentioned in more cases: “the foreigners had to work to cover the cost of the journey”, “for certain time personal freedom of these people was restricted and they were forced to perform various types of work and they had to surrender major part of their pay”, “employment on the basis of violence, trick or abuse of the distress of the foreigner”, “mental pressure, depriving the persons of their identity papers, threat”.

In addition to exploitation of labour the victims are often forced to drug distribution and other offences or to marriage (La Strada), there are cases of trafficking in children, collecting protection money.

3.3.5 Types of Work

The following table shows an overview of the types of work performed by the victims based on the respondents’ experience:

Type of work	No. of responses
construction work	62
blue collar worker or common labourer	48
work in agriculture and forestry	32
excavation work	16
cleaning, washing dishes	15
offences	8
sewing	5
selling on a market	2
begging	2

Other more general answers include: “unqualified”, “manual” labour, “inferior professions”, some respondents on the other hand are more specific about the work performed: “strawberry picking”, “blue collar workers in multinational companies (with involvement of foreign management)”, “cleaning wells”, “ancillary staff in restaurants”, “forestry work in sawmills”, “women – work in a bar”, “cleaners in supermarkets, hotels, restaurants”, “attendants in restaurants”, “food industry – bakeries”, “work in cooling chambers – chicken packaging”, “manufacturing of dog-kennels”.

Some respondents structured the type of work performed by the victim by the country of origin: “salespersons in marketplaces for minimum wage (Vietnam, Mongolia, Armenia); excavation work (Ukraine)”, “the Vietnamese – sale, minor modifications of the stands, watching the stands at night, manufacturing activities.”

3.3.6 Working Conditions

The most frequently mentioned working conditions are summarized in the following table:

Working conditions and circumstances	No. of responses
insufficient or no wages	66
very hard strenuous work	44
too long working hours	43
incompliance with labour safety, poor sanitary conditions	30
surrendering part of wages to the client or mafia	30
poor accommodation	21
surrendering part of wages to the client for accommodation	10
poor or insufficient boarding	7
repayment of debt to the smuggler	4

In some responses the working conditions are described more generally, compare e.g.: “maximum performance at minimum costs of the employer”, “work in inhuman demeaning conditions” (very frequent description), “appalling”, “poor” conditions, “tough conditions the people are forced to accept because of their positions”, work “in all weathers and without sanitary facilities”, “not in compliance with Czech standard from the point of view of the Labour Code”, “reasonable conditions only in large companies”.

Only one respondent was more specific about the amount of wages: “usual amount per hour – CZK 20-30 (at best)” (Caritas). The wages were generally considered very low, in some cases were not paid at all, or in very small instalments, compare: “minimum wages, sometimes not paid”, “failure to pay wages or payment of a very small part as the so called advance” (Society of Citizens Assisting Migrants), “inadequate pay”, “minimal wages or work just for food and accommodation”, “they worked only on the basis of orally agreed working conditions, which made it impossible to subsequently collect the wages for the performed work”, “the client does not pay for working after hours, work at night, no extra payment for work on the weekend”.

The working hours range between 10 and 16 hours a day (one respondent mentioned up to 20 hours a day), 6-7 days a week: “long working hours, work seven days a week”, “at least 12 working hours”, “long working hours – 10-15 hours”, “at least 10 hours a day, 7 days a week”, “up to 16 hours a day, 7 days a week”, “incompliance with breaks for food and for having a rest”, “work for the whole day”, “working after hours”, “unlimited working hours”, “they work up to 16 hours a day without breaks, they work up to 300 hours a month” etc.

Concerning safety protection at work the respondents most often mentioned that the victims worked in non-standard working and sanitary conditions from the point of view of the Labour Code”, they performed “dangerous work (work at height, forestry)” or “danger work without means of protection”, they worked “without means of protection, protective clothing”, “under inadequate sanitary conditions”, “with a high risk of accident at work”. In this context many respondents point out that the victims worked without contract and without health insurance, “in case of accident the client was not liable” (Counselling Centre for Refugees).

A part of the wages was paid to mafia or to the client for mediation, accommodation or for smuggling them across the border – the victims were often working to repay debt: “the

financial remuneration is redistributed by the client within the so called cooperatives – contract of work done irrespective of how and who performs the task”, “they had to work to repay procurement of visa and they were receiving minimum amount for work that often does not even cover the cost of food”, “high amounts of earned money paid out to mediators, employers”.

3.3.7 Pressure Exerted on the Victims

The respondents were asked whether in their opinion pressure was exerted on the injured in the cases they described above. The total of 87 respondents thought so, 12 respondents (7 respondents from Refugees Facilities Administration and 5 from Alien and Border Police) denied it. It is necessary to point out that the responses of Refugees Facilities Administration staff to this question were very different to all the other groups: out of the total of 15 employees of Refugees Facilities Administration who answered this question only 8 (approximately a half) thought that there was some kind of external pressure whereas in the other groups vast majority thought so (80 out of 85 respondents). The respondents who did not encounter any indications of pressure being exerted on their clients were generally of the opinion that “these foreigners agree with the working conditions because they make more money than in their homeland”.

It is possible to say that these foreigners are generally exposed to pressure both from the part of the clients and other mediators of work and also from the part of other foreigners (racketeers, blackmailers) and smugglers: “organized groups of persons from the same country of origin as the victims”, “threats by mafia”, “mediators of work”, “agency or clients”, “pressure from the part of smugglers”, “pressure from mafia (blackmailing, corporal punishment)”, “Ukrainian client system”.

If these foreigners are not satisfied with the working conditions or do not work as the client or employer wishes they are threatened by reduction of wages or by not getting paid at all, by getting dismissed or (relatively often) by reporting them to alien police: “if the person refused to do the work he/she was reminded of their illegal stay on the territory of CR informed that they will not get paid”, “mental pressure – threats (visa expiry, lower wages)”, “threat of reporting to the alien police and consequent termination of stay (illegal) or of not extending the residence permit (the victims do not know the conditions for obtaining and extending residence permit in CR)”, “pressure from the part of employer by saying that he/she would hand them over to police”, “the foreigners are told that if they are not capable of doing their work or they do not want to do it under such conditions, there are other foreigners waiting for a job and willing to do it”.

Direct pressure (by use of force, threat of force or abuse of distress or dependence) has most frequently the form described in the following responses: “violence, failure to provide food, wages”, “control of movements”, “collecting tithe of the wages, blackmailing, thefts, robberies”, “clients take the travelling documents away from them” (very frequent response), “threat of violence”, “threat of physical violence from the part of the supervisor”, “threat of physical violence on family members”, “threat of killing”, “by the employer – “owner” (physical violence, threats, withholding drug dose)”, “bullying from the part of the employer, blackmailing/physical attack from the part of the client”, “they are exposed to serious mental pressure in foreign country without legal status, knowledge of the language, exploited by the mediators”, “physical violence mainly on women, beating, threatening by firearm, restriction of freedom of movement”.

Typical model of dependence of foreign employee on the client is described in more detail by one of the officers of the Alien and Border Police in the following quotation: “The so called clients of foreign labourers take the passports away from “their” workers saying that they will return them after they have worked certain number of hours, this is a way of making sure that they will not leave to work for another client. They justify it by arranging for Czech visa. It also happens sometimes that clients employ people who arrived to CR on the basis of tourist visa and at the point when they are supposed to pay them they report them anonymously to alien police. They rely on banishment and do not have to pay them. With respect to the number of people wanting to get work and their fear of telling anything about this to Czech Police the clients have no problems finding new labour. If foreign labourers express objections to the client he either himself or with assistance of his “superiors” rectifies it by blackmailing and physical violence. Another group are the so called “racketeers” who collect a percentage from the earnings of clients and labourers or often take the money away from them before they leave for their homeland predominantly during holidays when the workers go to visit their families.” (Alien and Border Police)

3.3.8 Deception of Victims

Vast majority of respondents are of the opinion that the foreigners whose cases they are describing in the questionnaire were deceived (101 respondents, negative answer was given only by only 4 respondents). In these cases the clients, the mediators, smugglers as well as other persons use a trick or abuse mistake and lack of knowledge of the foreigners most frequently by forcing them to pay for the trip, for arranging travelling documents and mediation of work, and to work under very unfavourable conditions, on the basis a promise of good wages and working conditions and legal employment. The people often have to work off (in advance) arranging for the promised legalized stay or crossing over the border to another Western country, etc. and then the promise is not fulfilled.

The following comments detail the most frequent manners of deception that according to the respondents happen in relation to trafficking in human beings, and unfulfilled promises: “unfulfilled promise – wages and working conditions”, “transportation to Western Europe (where they would easily obtain residence permit and accommodation)”, “safe crossing of the border”, “great wages, freedom of movement”, “the mediator collects money, takes the identity papers away and disappears, the employer does not pay the wages and then reports them to police which is followed by banishment of the victims”, “the promise of arranging for labour permit and residence permit was not fulfilled, the wages for the performed work were not in accordance with the promise”, “they were offered work and legalization of stay in CR, then they did not get work or they were not paid for the work and the documents were forged”, “they were deceived: different accommodation, bad labour permit, paying of a part of charge to the mediator”, “employment in other branches than they were promised”, “the client cannot arrange for labour permit for the foreigner on the territory of CR – the foreigner is not aware of that”, “They were offered work together with legalization of their stay in CR, however at the end they did not get paid for work and their stay was illegal, or they arranged for forged border stamps and later forged visa which was used to make them believe that their stay is legal.”.

If the respondents doubt that there was deception involved (in all cases), the opinion is similar to the following quotation: “I would say that about a half of the deceived people,

however the other half brought it on themselves because these people were too trustful and did not get the basic information before the trip.”

3.4 General Estimate of the Scope of Trafficking in Human Beings

In addition to the description of their own experience with the cases of trafficking in human beings, the respondents were asked to think about the phenomenon of trafficking in human beings in general: they were asked to try and estimate the scope of this issue (question no. 6), draw a general conclusion on the groups that are most affected (question no. 7), and describe what in their opinion is the most difficult in solving these cases (question no. 9) and what other offences they consider comparable from the point of view of the degree of danger they present for the society (question no. 10). Further they were asked whether they see a relationship between trafficking in human beings for other purposes than sexual exploitation and illegal migration (question no. 8) and trafficking in human beings for the *very* purpose of sexual exploitation (question no. 11). In the last question (no. 12) they were given space for other comments on this topic that did not fit in any other question.

3.4.1 Scope of Trafficking in Human Beings

Broadly formulated question about the range of trafficking in human beings problem lead both to answers assessing the territorial and quantitative scale as well as to judgements of relevance and character of trafficking in human beings. There prevails an opinion that it concerns a hidden and more serious problem than it seems to be (“tip of the iceberg”, “it is very difficult to estimate something what is hidden and not medialised”), which grows in connection with the increasing migration.

In relation with the estimate of range of THB problem, respondents stated for instance the following: “on the Czech territory, it is quite widespread”, “very frequent phenomenon”, “wide range, many groups – even official – and companies are involved”, “global problem” (a very frequent answer), “decrease in the case of the former USSR citizens – they try to find a job on their own, increase in the case of Slovak citizens – a larger number of mediation agencies”, “wider than the statistics state”, “a considerable problem especially during the seasonal work period”, “I think that about 60% of foreigners in the community of people from the former USSR are affected”, “70 to 80% in the group of Ukrainian workers coming with short-term tourist visas, up to 5% in the group of Vietnamese citizens.”

Concerning the judgements of relevance and causes of THB, often the following statements appear: “THB is hidden and hardly identifiable”, “a problem difficult to resolve”, “THB problem stops being a marginal part of criminal activities in the Czech Republic, especially due to the increasing number of refugees from crisis regions and due to the gradual elimination of borders in Europe. And also because of the fact that the criminal activities perpetrated in relation of THB are more serious due to the different mentality of people involved in this trafficking”, “This problem is not small, I guess that the difficulties connected with acquiring of legal residence and work permit in our country contributes to it”, “the complicated political and economical situations in their home countries contribute to it”.

The commentary of a Caritas worker is relatively representative and also more detailed: “The THB issue can not be mistaken for illegal migration, even if in some particular cases, the illegal migration appears. This phenomenon is very large; we can not say that it

affects only a particular age group or sex. Most often, it can be included into the forced prostitution domain, though more and more often it proves that it concerns the forced labour as well. Since there was no assistance program, which would propose support and assistance to the victims, they could not be so easily identified and discovered. Since the victims are afraid of speaking, the fear plays an important role. Another fact is that the problem of forced labour does not occur in media, as if this phenomenon was marginalised. Already the fact that someone is paid for the work CZK 20 per hour, without any entitlement to the recreation, is from our point of view exploitation.” (Caritas)

3.4.2 Groups of Victims Most Often Affected

In the characteristics of the most affected groups, countries of origin quoted in answers to the question 5, persons of productive age (even if some referrals to trafficking in children occur) unambiguously prevail. Majority of respondents (61%) stated that trafficked persons are equally men and women; a smallish part estimates that men (26%) or women (13%)³⁹ become victims more often. The legal form of migration prevails and their status on the Czech territory is the most often legal, or illegal after the expiration of tourist visa. The most often, they are exposed to different kinds of exploitation. Due to the heterogeneity and detailed character of answers, as well as to the large scope of the notion of THB, it is not possible to say that this description should correspond to a “prototype” of a victim of THB. The larger part of answers rather surpasses this imagined characteristics and it is not possible in that case to generalise, even roughly, the answers.

3.4.3 Difficulties and Obstacles in Solving THB Cases

Respondents were asked to comment on what they consider to be the most difficult in solving THB cases. Their most frequent answers are summarised in the following table:

Difficulties and obstacles in solving THB cases	No. of responses
testifying	50
fear of victims to report a crime, to cooperate	38
disclosing of perpetrators or organised group	24
lack of interest of appropriate authorities, state bureaucracy	9
low penalties	8
wrong asylum policy	6
illegality of victim	6
insufficient cooperation with perpetrators’ countries of origin	3

In the answers to this question, it is possible to distinguish between attitudes of **Alien and Border Police, Unit Combating Organized Crime and Refugees Facilities Administration** respondents, which look at THB more from the perspective of disclosing and testifying a crime. That is why they show a tendency to mention the “unwillingness” of victims to testify,

³⁹ It is necessary to stress again the fact that the questionnaire was focused only on other forms of THB than for sexual exploitation purposes. In the contrary case, the proportion of answers would be necessarily different.

the bad legislation, including asylum policy and border protection, and so on. Employees of NGOs, on the other hand, adopt a position taking more into account the victims' distress.

Respondents of **Alien and Border Police, Unit Combating Organized Crime and Refugees Facilities Administration** find the following obstacles in the field of testifying: „often, there is a lack of witnesses, criminal troupes are well organised”, „national communities are self-contained, people involved in the trafficking have a different mentality“, „organisers should be sorely prosecuted – generally only the prosecution of the least important members is successfully completed, the tops remain intact. The key problems are in countries of origin – if the conditions are not improved there, the combat with this issue will be a combat with windmills.” The fear and illegality of victims is considered an obstacle to testifying by the majority of respondents: “fear from organised crime”, “victims fear for their lives and lives of their family, staying at the place of their permanent residence abroad”, “fear to testify against Mafia”, “fear of victims to testify – for the most part, they do not even know their *client*”, “in the majority of cases it concerns a well organised group of persons, the victims often fear to convey information about their employers, they fear of the physical violence, they are all the time under pressure, if they convey something to the police, the police will capture them and find out their illegal residence.”

Another quoted domain concerns deficiency of state organs and legislation (in this case, rather a more repressive attitude is adopted, even in relation to the victims): “lack of interpreters”, “imperfect legal regulations”, “wrong asylum policy – a person expelled because of illegal work can apply for asylum and go on with that work – being an applicant for asylum, no legal recourse threatens him”, “benevolent asylum policy of the Czech Republic, weak record-keeping of migrants, unsatisfactory system of border protection”, “an applicant should be in the refugee center and not on jaunt (they have no money and take every job)”, “weak powers of the police”, “clumsiness of the Czech administrative procedure while dealing with this issue”, “incapacity of state bodies”, “low penalties”, “fine penalties are minimal in comparison with the real profits”, “insufficient legal norms, protracted decision-making of the state institutions, insufficient cooperation with countries of migrants' origin”, “weak inspection of labour-law relations”.

Responses of NGOs' workers – in the capacity of experts assisting victims of trafficking and migrants in general – more often refer to the problem of victims' protection and, from the viewpoint of testifying, they point out the difficulties with identification of victims:

- “There is a problem with legalization of residence until the time the victim is strong enough to return to the country of origin.” (Organization for Aid to Refugees)
- “To identify the victim, to induce the victim to testify, to make him/her feel like a victim, not to fear to speak. To convince the police and other state bodies that they should perceive these problems as existing, that they should not cast doubt on testimonies of victims and witnesses. We lack a consistent and functional program and a system of protection for injured persons/victims.” (Caritas)
- “It is difficult to disclose these cases, since victims are afraid to speak about the problem, because they would fail to maintain their job, and they fear a vengeance from those who trafficked them (there is an insufficient protection of a witness of offences). Identification of victims is complicated for instance among asylum applicants – most of them stay outside of centers, with a so-called pass. Even the subjects from the country of destination benefit from trafficking; there is a possible connection between

the bodies responsible for solution of the case and perpetrators.” (Society of Citizens Assisting Migrants)

- “Identification of trafficked persons remains problematic; especially on state institutions’ part (trafficked persons often came from ranks of illegal migrants, asylum applicants and other similar groups).” (La Strada)
- “The illegal status of victims is always a big problem. That is why it is necessary to reward victims for the cooperation with the police with legalization of residence.” (Counselling Centre for Citizenship)

Workers of NGOs further point out some imperfection in legislation and necessity to introduce into practice the amendment of the Criminal Code: “First of all, courts of justice have to put into life the new regulation by an interpretation practice. What the “slavery” means and so on.” (Counselling Centre for Citizenship), “there is a law in some countries, according to which employers are responsible for employees working in their enterprise. It is not the same here; supposedly, the strong entrepreneurs’ lobby is against it. By this way, it is easy for them – clients assume responsibility under the guise of a job agency. And when the situation gets tough, they vanish.” (Counselling Centre for Refugees)

3.4.4 Comparison of Trafficking in Human Beings with Other Offences

In the following question, respondents were asked to judge which forms of criminal offences they consider similarly dangerous to the society as THB. Their responses mentioned both general formulations as well as references to individual articles of the penal code. Generally, respondents regard THB as an offence of “higher degree of danger for the society”, or they class it on the level of “offences threatening life, health, human dignity, freedom”, in some cases, THB is described as “one of the most serious forms of criminal activities”. Other the most frequently quoted forms are “offences against freedom and dignity” (10 respondents), “forcible offences” (10 respondents) and “crimes against humanity (4 respondents).

Particular answers are summarized in the following overview (offences with the highest frequency are “blackmailing”, “false imprisonment and/or deprivation of personal liberty” and “illicit manufacturing and possession of narcotics, drugs and poisons” :

Criminal offences against order in public affairs

- accepting bribes: 1 respondent
- criminal conspiracy: 8 respondents
- unlawful crossing of the border: 3 respondents
- forgery and fraudulent alteration of an official document: 1 respondents

Generally dangerous offences

- prohibited acquisition and possession of firearms: 8 respondents
- illicit manufacturing and possession of narcotics, drugs and poisons: 13 respondents

Serious offences against social cohesion

- defamation of nation, ethnic group, race and persuasion: 1 respondent
- procuring and soliciting prostitution: 5 respondents
- illicit handling of tissue and organs: 4 respondents

Offences against family and youth

- maltreatment of person in charge: 2 respondents
- trafficking in children (for the purpose of adoption): 1 respondent
- abduction: 3 respondents

Offences against life and limb

- murder: 5 respondents
- bodily harm: 3 respondents

Offences against freedom and dignity

- blackmailing: 21 respondents
- false imprisonment and/or deprivation of personal liberty: 12 respondents
- robbery: 4 respondents
- oppression: 1 respondent
- rape, sexual abuse: 5 respondents

Offences against property

- fraud: 5 respondents
- theft: 1 respondent
- legalization of profits from criminal activities: 1 respondent
- usury: 1 respondent
- breaking obligation at property committed to trust: 2 respondents

In association with this question, it is worth quoting a reflection of a Counselling Centre for Citizenship’s lawyer, concerning the relationship between THB and organized crime on one hand and other types of criminality on the other hand: “Comparing a degree of danger for the society is very precarious. The level of penalties could be a clue in the law. Trafficking in human beings falls into the sphere of so-called organized crime, which represents a kind of shadow structure to our modern society and signifies the return to more primitive organizational forms of society, without their legitimacy of those days. In this sense, organized crime threatens the society in its entirety. On the other hand, majority of so-called normal people is in their common lives more confronted with other forms of criminal activities, which are only sometimes consequences of organized crime (pickpockets in centres of towns).” (Counselling Centre for Citizenship)

3.4.5 Relationship between THB and Illegal Migration

Respondents further had to give their opinion on a possible relationship between trafficking in human beings and illegal migration, eventually whether the cases being solved as illegal migration could have attributes of THB. All those who answered this question responded “yes” (106 respondents). This result needs to be interpreted with regard to some explanatory commentaries – the “yes” ranges from complete identification of both notions (however, such an example does not occur among the answers) to their overlap, cf. for example: “This relation is very close, many cases of illegal trafficking have attributes of THB, but it is very difficult to prove, since the victims themselves are not aware of these facts and refuse to speak about it.” (Alien and Border Police). Or there are some cases in which respondents include smuggling into THB: “it represents a very close relation, smuggling is a kind of THB” (Alien and Border Police), “in case of smuggling” (Alien and Border Police), “it concerns primarily Asian and Middle East citizens.” (Alien and Border Police).

Other respondents attribute certain dependence to these phenomena, though they clearly distinguish between them: “maybe [there is a relation] but illegal migration is initiated mostly by the migrants themselves” (Alien and Border Police), “I believe the relationship exists, but it is not possible to mix up these two phenomena, in our view, one is not conditioned by the other. An illegal migrant can be a victim of THB, but it is not a necessary condition. However, he/she is more vulnerable, that is why “agencies” and potential employers focus on these persons or induce legal migrants into “illegality”. (Caritas) and, similarly, “Persons crossing the border illegally, are more vulnerable in the sense of abuse, extortion, threatening, coercion, which to some extent predetermines their position on the Czech territory in the field of trafficking.” (La Strada)

3.4.6 Relationship between THB for Other Purpose and THB for the Very Purpose of Sexual Exploitation

Similarly formulated question investigated whether respondents can see a connection between cases of trafficking in human beings for other purposes than for sexual exploitation and those for the *very* purpose of sexual exploitation. 74 respondents replied “yes” to this question, 14 of them “no”. Basically, it is possible – in accordance with explanatory commentaries – to divide affirmative answers into those which see a connection in the same principle of trafficking, as defined identically for the both types by s. 232a (larger part of explanatory commentaries), and into those which speak about combined cases of THB – cf. the following: “originally, a woman worker in building industry can be persuaded/coerced to prostitution”, “they choose rather prostitution than forced labour”, “often the victims are the same”, “women are lured by a labour (sewers, cleaners) and thereafter, organized crime gets them under control”, “a working woman is offered a higher wage when she becomes a prostitute, or she is forced to prostitution”, “a woman is proposed a job, but then she is coerced to prostitution” or “in come cases, both types of trafficking occurred at the same time” (La Strada).

3.5 Assessments and Recommendations of Respondents

In the last question, respondents could comment freely on the issue of trafficking in human beings. Especially members of Alien and Border Police made use of this opportunity, namely usually for: 1) criticism of state bodies, legislation and society; 2) forecasts and 3) recommendations.

Ad 1)

- “Trafficking in human beings is a shame of our state, that it tolerates it on its territory” (Refugees Facilities Administration)
- “I think great deal could have been done when the border of the CR opened. I blame a bad policy and its executors for it. There is an absolute non-coordination between legislators and executive power.” (Unit Combating Organized Crime)
- “Trafficking in human beings is not much in the awareness of the society.” (Refugees Facilities Administration)
- “It is an unsolvable problem, as long as current laws are in force” (Alien and Border Police)
- “excessively benevolent attitude of judiciary; bureaucracy” (Alien and Border Police)
- “There is a little call for solution of this problem, since it concerns a cheap labour force.” (Alien and Border Police)

- “Any policeman will do anything, until his superordinates support him in his activities; as long as for every trifle hundreds of official records are written; until he sees it with his own eyes that this work makes sense (courts of justice and so on). If only it works as in the country of our neighbours at BGS”. (Alien and Border Police)

Ad 2)

- „In the future, the sphere of activity of trafficking in human beings will enlarge (there will be more persons and more social structures involved in) (Refugees Facilities Administration)
- “It is a society-wide dangerous phenomenon (devaluation of labour and of its evaluation); danger of non-controlled penetration of other cultures based on other principles, which are far away from the humanism of our society” (Alien and Border Police)
- „It can not be completely prevented, bad social condition will always push people to let abuse of them, and it is more acceptable for them to live in the CR as a victim of exploitation than to live in poverty in their home country.” (Alien and Border Police)
- “It is a problem which will probably be always in our society and which will never be eliminated.” (Alien and Border Police)
- “Our courts are – in the case of these problems – not enough flexible and the penalties for these offences are low.” (Alien and Border Police)

Ad 3)

- “State organizations (first of all the police) should have a special unit for combating this crime; organized crime is audacious due to the financial provision and weakness of our law; suspects have more rights than the injured party or bodies acting in criminal prosecution” (Alien and Border Police)
- “to ensure a better awareness of public of this problems and to familiarize the public with statistics in this domain” (Alien and Border Police)
- “sustainable checking of places where persons staying illegally in the CR are employed and accommodated” (Alien and Border Police)
- “One of the possibilities how to decrease these criminal activities should be to grant visas for employment purpose, instead of that for participation in legal entity, which can be easily misused. In this context, the number of asylum applicants increases, since when the administrative expulsion of one of them come about, he applies immediately for asylum in order to avoid departure from the CR, and stays without sufficient financial resources on the Czech territory, even for several years, and in that process, he commits divers offences or contributes to it.” (Alien and Border Police)
- “I think that to reduce the problem of THB it would be useful to make easier to acquire work and residence permits. So that it would not be complicated for an average citizen, so that he would not need a mediator and the corruption would not occur. The police should concentrate more on this problem and bring it to a conclusion. Laws and judiciary work should improve and become stricter.” (Alien and Border Police)
- “It is necessary to facilitate conditions of acquiring work permit, in our country, the legal system is too much complicated; it is better to have more legally living foreigners than illegally. (Alien and Border Police)

- “There is a lack of officers in Alien Police sections, the cooperation and communication of sections and departments of Alien Police should be improved.” (Alien and Border Police)
- “To increase the emphasis on prevention and cooperation with NGOs, whose aim is to assist in this domain (it would reduce fear and unwillingness to communicate among affected persons).” (Alien and Border Police)

III. Cases of persons trafficked within the Ukrainian *client system* – La Strada

La Strada Praha has in the recent period (2003-2005) been requested for help by persons who share a similar formula in their „stories“ adverting to an organized method of enforcement to activities which breach their human dignity and rights and represent a serious violation of the legal and social system of the Czech Republic.

In cases other than employment in the sexual industry (i.e. people being forced or enticed into prostitution), it involved almost exclusively persons from the former USSR states who were forced to labour within the so called Ukrainian *client system* (see more in the study of Jan Černík in this IOM Report).

We consider the fact that the Ukrainian client system is widely tolerated and respected in the Czech Republic to be quite alarming. The service buyers (and they also include even large semi-governmental enterprises such as Military Hospital in Prague etc.) settle for by being supplied by Czech-Ukrainian firms which are legitimately active and registered, without paying attention to the statute of the workers of such firms, the conditions of which resemble of serfdom. It concerns both male and female foreigners staying in the Czech Republic, either with a proper work visa (arranged by the *client*) or with a tourist visa (often also arranged by the *client*), being asylum seekers or staying illegally (with lapsed visas, administrative expatriation etc.).

The cases presented below result in a conclusion that – in the case of women/foreigners:

- 1.) The enforced labour activities were cumulated (domestic work, sexual services);
- 2.) It also included other than Ukrainian nationalities of the former USSR;
- 3.) In the case of the seamstresses, it was inter-connected with Polish entrepreneurs-businessmen.

Cases 1, 2 and 3 (13, 14, 12/2003 LS)

Country of origin: Ukraine
Sex: women
Age: born: O.K. 1979, N.I. 1983 (sisters), S.B. (1980)

Interview details

Place: Prague, the La Strada facility.
Time: 21st till 22nd of May, 2003
In language: Czech-Russian-Ukrainian

Methods of enforcement:

The trinity was - according to their testimony – threatened by the workshop owner that – in a case of disobedience, they would be sold into a night club. Ms O.K. had her passport taken off her under the pretence of „permit arrangement” – and she never had it returned. When they verbally expressed their objections, they were not given food and they were banned from written contact with their homes. According to their statement, they were held in the house, together with another two Czech women, by force.

Legalization of residence:

According to the information available, there was no attempt to legalize their residence. After an escape from the workshop (after 9 months of work) Ms O.S. had no documents. The Ukrainian Embassy has issued them with substitute travel documents which they used for their return to the country of origin. They illegally crossed the Czech-Polish border in 2002. They arrived into the town of Jelenia Gora (Silesia). From there, their „employer” (the contact to whom they got from Ukraine) took them in a car. Upon instructions, they crossed the border on their own.

Situation of the persons interviewed before their arrival into the Czech Republic:

Ms O.K. is divorced, she has a 6-year old son, she is skilled in the agricultural field. Throughout the interview, she acted as a leading and a communicative personality. N.I. is a sister of Ms O.K. She started in the workshop two months later, she is single, childless. The two of them are returning to their parents.

S.B., single, childless, lives away from her family, her parents are divorced. She had been unemployed in Ukraine. Her mental state is poor. She has no place to go back to.

Evaluation of their stay at the territory of the Czech Republic:

The trinity felt like they have been abused. They complained about the conduct of the local police (Mimoň?) who – according to them – knew the entrepreneur–workshop owner Astaloš Marek from Mimoň and they indirectly accused the police of corruption („they visited each other“). From Mimoň, they were transferred by the police (they could not identify by which forces) to the Alien Police office in Prague. They also expressed their discontent with the conduct of the Alien Police in Prague who refused to arrange help when they had to wait for the documentation (“they did not want to call the assisting organization, because it was too late“) and thus, they were forced to spend two nights on the street. The three of them were issued with an administrative expatriation and a 1-year ban from entering the Czech Republic.

These clients reportedly worked for over 12 hours a day, non-stop, also on Saturdays and Sundays. They were paid 1,000 CZK/month. The Department of Crime Prevention of the Czech Ministry of Interior was informed about the case.

La Strada was contacted at the S.O.S. line by an employee of a transport company Info-Bus, who has – by proxy of the Ukrainian Embassy – transported the clients to the country of their origin.

Case 4, (28/2003 LS)

Country of origin: Ukraine
Sex: woman
Age: N.H., born 1976

Interview details

Place: Prague, the La Strada facility.
Time: from 6th November till 16th December, 2003
In language: Czech-Russian-Ukrainian

Methods of enforcement:

Ms N.H. escaped from her *client*, as she was dissatisfied with the conditions of work and accommodation. But her *client* threatened her and manipulated with her documents for a period of time (he threatened to cancel the work visa VC65 and accommodation address). He held the documents in pledge and thus, forced Ms N.H. to (work) activities against her will.

Legalization of residence:

Ms N.H. found herself a job and ended collaboration with La Strada. She was assisted by the means of legal advice and information about how to go about arranging the visa without the help of the *client*. Presumably, Ms N.H. had preferred the illegal way of work and residence.

Situation of the person interviewed before her arrival into the Czech Republic:

Ms N.H. is married, she has a husband and two children in the Ukraine whom she supports by working abroad. Her family lives in Western Ukraine, in the Lvov area. She travelled to work in the Czech Republic repeatedly. Both the visa and work permit were arranged in the Ukraine by the *client*. She arrived, together with other women, by bus.

Evaluation of her stay at the territory of the Czech Republic:

N.H. worked under the *client system* in the Globus hypermarket and in sugar refineries in Moravia and in Pardubice, lately again in Brno. She handed a significant part of her income to the *client*. The *client* even held back the payments that she was entitled to by the *client system*. N.H. contacted La Strada via her friend Z. who approached La Strada for assistance when solving similar problems.

Case 5, (9/2004 LS)

Country of origin: Ukraine
Sex: woman
Age: born 1983, A.K.

Interview details

Place: Prague, the La Strada facility,
Time: 30th of August till 8th of October, 2004
Under circumstances: contact to the SOS-line (Russian spoken)
In language: with an assistance of interpreter, in Ukrainian

Methods of enforcement:

Salary retention, minimum advance wages.

Legalization of residence:

The lady interviewed worked in the meat processing factory in Libuš as a unqualified labourer in meat packing. She was not getting any salary, the *client* paid her 500 CZK fortnightly only as an advance on wages. She worked 6 days a week, in two consecutive shifts – which means she worked from 6 a.m. till 12 p.m. every day except Sundays. She lived in a flat in Černý Most. Because the *client* did not pay her, she refused to continue working in the meat processing factory. The *client* discontinued all contacts and A.K. has no knowledge about his presence. When she contacted La Strada, A.K. lived in a 4-bedroomed flat, together with another 9 people. A man of Czech nationality rents this flat out and asks for 2,500 CZK/month. A.K. owed him two monthly rents, i.e. 5,000 CZK. A.K. was doing odd jobs, nevertheless, at the time when she contacted La Strada she had no funds. A.K. is expecting a child with a partner of Czech origin. A.K. had a 16-day visa; she has a passport and an identity card. At the time when she closed the agreement with La Strada, she was staying at the Czech territory illegally (18.8.2004).

Situation of the person interviewed before her arrival into the Czech Republic:

A.K. is in the middle of a divorce procedure with the father of their 6-year old daughter. She married at 14-years of age, when she got pregnant. She has primary education. She arrived into the Czech Republic in December 2003, via the *client* to whom she paid 300 \$ for issuing her with a visa and a promise that he would find her a job and accommodation.

Evaluation of her stay at the territory of the Czech Republic:

A.K. was taken care of by the organization from the 18th of August, 2004 until the 8th of November, 8.11.2004. She had been staying at the Czech territory illegally for 6 months. She entered the Czech Republic of her own accord, with the tourist visa. She worked in the CR within the *client system*. She did not have her passport taken away and she could move about freely. She did not get any remuneration; she was only paid advanced wages twice of 500 CZK. A.K. was forced to fall in debt. She was pregnant when she contacted La Strada. Her partner's (the father of the child) attitude was at first negative; he abandoned her, but three months later they got back together and he assumed responsibility over both the client and the unborn child (he admitted paternity and they are living in a common household).

A.K. was nominated by La Strada into the Czech Ministry of Interior programme, but was not included. She decided to seek asylum in the Czech Republic with the assistance of the Refugee Aid Organization. With respect for her mental state and her pregnancy, an agreement was reached that the application will be entered in Červený Újezd and not in the receiving

office in Vyšní Lhoty. The health examinations needed for the application entry were ensured. The case was closed due to a lack of interest in further collaboration on the side of A.K. on the 30th of November, 2004.

Case 6

Country of origin: Kyrgyzstan
Sex: woman
Age: A.B., born 1972

Interview details

Time: 3rd of November, 2004
Under circumstances: in La Strada facilities, contact via Refugee Aid Organization
In language: with assistance of an interpreter, in Russian and Ukrainian

Methods of enforcement:

Passport withdrawal, violence threats, freedom of movement restriction, lock-up in a guarded house.

Legalization of residence:

The SOS-line was contacted by a Refugee Aid Organization worker who reported a request for assistance from a woman from Kyrgyzstan. They found out that she arrived in the Czech Republic in August, 2004, with a tourist visa (type C), valid from 11th August till 15th September, 2004 – for 14 days. She was therefore already staying in the CR illegally when she first contacted the Organization.

A.B. was contacted in the country of her origin by a woman (her patient) who offered to arrange her visas and work in the CR. All took over 1.5 months. The middlewoman arranged a tourist visa and a train ticket from Kiev where she arrived by bus. She was informed that – on arrival in Prague - someone would expect her at the train station. This did not happen, she waited for 12 hours, she wanted to phone home but could not operate the Czech phone. It was only after the following train from Kiev arrived that she met a man and a woman who spoke Russian. She asked them for help. They asked whether she had money to return home; she didn't, so they offered to employ her for the time of the visa validity, thus providing her a possibility to earn money for her travel home. They drove her in a car, the ride took about 3 hours to a house where she was supposed to work. There were another four female workers from the Ukraine. Gradually, other women were brought in to guard her and the other four Ukrainian women. They were forced to labour, they were sewing rubber belts and bands, and they worked 14 hours a day. A.B. got to know J. closer, a Ukrainian who was a big support to her and with whom she escaped from the house. They used the time when there weren't many women in the house and there was one man only guarding the building. He allowed them to run away provided they would not contact the police, whereas the other women held by force inside the house demanded that they do report it to the police. A.B. and J. waited until two in the morning and then left the building. They left all their belongings behind. They arrived in Prague by bus, J. arranged that they did not have to pay for the ride. They got off before arriving to Prague and they parted because J. did not want to testify to the police. A.B. then took a ride on the underground, met foreigners who offered her accommodation in their hostel (Chechnyans). They provided her with basic needs and contacted the Refugees Aid Organization.

Situation of the person interviewed before the arrival into the Czech Republic:

A.B. is 32, she trained for massage and healing; she is divorced, she has three children aged 8, 6 and 2. Her mother is currently looking after them.

Evaluation of her stay at the territory of the Czech Republic:

Ms A.B. worked as a seamstress for 2 months, 14 hours a day, before she managed to escape. She was included into the programme of the Ministry of Interior of the CR and she collaborated with the Police of CR. She opted for voluntary return to the country of origin.

Case 7, (LS 3/2004)

Country of origin: Kyrgyzstan
Sex: woman
Age: M.S., born 1981

Interview details

Place: La Strada facilities
Time: 14th December, 2004, till 6th of January, 2005
Under circumstances: contact via SOS-line obtained from the LS leaflet in Vyšní Lhoty
In language: with assistance of an interpreter, in Russian and Ukrainian

Methods of enforcement:

Passport withdrawal, violence threats.

Legalization of residence:

M.A. claimed for asylum at the territory of the CR on the 17th July, 2004. 20 days later, she requested the application to be withdrawn, the rationale behind it being that other asylum seekers told her that she had no chance of obtaining the asylum in the CR, being of a Kyrgyzstan nationality.

Documentation:

passport (page with exit visa from CR torn out, elapsed Polish visa)

Police of CR, Area Headquarters of the Alien and Border Police, Frýdek-Místek office – notification about administrative expatriation from the territory of the CR

Police of CR, Area Headquarters of the Alien and Border Police, Frýdek-Místek office – entry visa to the territory of the CR from 17th of July till 26th of July, 2004 (in accordance with the Asylum Act)

At the time of contact, staying on the territory of the CR illegally

She has no verdict about the suspension of the asylum procedure (stop asylum)

She has no documentation about the marriage with her partner (the marriage ceremony concluded in the mosque in Černý Most on 22nd September, 2004)

Situation of the person interviewed before the arrival into the Czech Republic:

M.A. comes from a rich family from the capital city of Bishkek, she lived with her mother and two siblings. She had to leave her country of origin, as she witnessed a murder of her uncle (by mafia). She is single, childless, she was living with her family in the country of her origin. She completed studies at College of Economics.

Description of trafficking:

Travel: by plane to Moscow, by train to Poland – dispatch note, exit visa, by a minibus with a Czech driver over the green border. She was aware of crossing the border illegally, but she

was told that she would get all necessary visas after she has claimed for asylum. A Ukrainian woman in Vyšní Lhoty mediated a contact to the *client* who was supposed to arrange a manual work for her. She withdrew the asylum application and traveled off to Prague to see the *client who* took her on to work at a building site (underground stations Můstek, Dejvice). The *client* only paid for her accommodation and irregularly provided her with pocket money for food. He took her passport. When he has not paid her, M.A. wanted to leave – the *client* threatened that she could not leave, otherwise he would report her to the police, not return her passport and move her to a workshop outside of Prague where the working conditions were even worse. She asked for assistance at a moment when she has not been paid of a month of work and a debt of 6,000 CZK arose in the hostel – and she had nowhere to live and nothing to eat. She did not want and could not return home for fear of the mafia in Kyrgyzstan.

Evaluation of her stay at the territory of the Czech Republic:

After an agreement was reached with the organization's chairwoman was reached and a statement has been provided by the Unit Combatting Organized Crime, M. A. was admitted into the care of the organization, due to above all health and social grounds. M.A. was provided with a clandestine accommodation, social and legal consultation and healthcare. A gynaecological exam was of priority importance for M.A., as the foetus development has not been checked once in the 5 months of her pregnancy. When resolving her residence on the territory of the Czech Republic, major allowance was made for the fact that M.A. cannot – for security reasons – return to the country of origin. 3 alternative solutions were drawn out (see above) in collaboration with a lawyer of the Refugee Counselling Centre and La Strada offered a possibility to join the programme of the Ministry of Interior. M.A. agreed to the conditions of the programme entry, including compliance with the Police. Cooperation with the police officers from the Criminal Police and Investigation Unit who interviewed M.A. eventually proved to be very problematic. The policemen did not find the facts of the case to meet the crime of trafficking or any other criminal offence and they stubbornly insisted on reporting the client to the Alien Police. After an unsuccessful attempt to enter the Ministry of Interior programme, M.A. eventually decided to resolve her situation by travelling off to Austria/Italy.

Case 8

Country of origin: Ukraine
Sex: woman
Age: N.P., born 1982

Interview details

Place: La Strada facility,
Date: 20th December, 2004
Under circumstances: contact the SOS-line (Russian spoken)
In language: with an assistance of interpreter, in Ukrainian

Story of the person interviewed:

Version A. – presented at a police interview of N.P. by two female officers of the Unit Combatting Organized Crime on the 3rd January, 2005

After 14 days of stay in the CR (on a tourist visa) N.P. contacted – upon a recommendation of an unknown person – a strange man who could find her work. The strange man led her – by the means of instructions provided by telephone – to an obscure place where she entered a dark-screened strange car with three strangers sitting in it (Ukrainian and Czech). They took her to a strange place in fields where – in a small cottage (may be a garden lodge) they stripped her naked and repeatedly beat her and raped her. After 14 days, she was taken to another house, where a strange woman dressed her up and did her make up. In the following (two or three?) months she was on a daily basis taken to the “line“ and sold for prostitution. In an unguarded moment, she escaped (with her passport) from the men over the fields to a nearby town where she asked a strange man (Slovak speaking) for help. The man put her in a taxi which took her to his house. There, she did the cleaning and cooking for him and his wife. They locked her up. She earned about 3 thousand CZK there. After 3 months, she escaped when shopping and paid for a taxi that took her to Prague. There, she found a hostel where she is now staying with other Ukrainian women, sometimes she gets an odd job cleaning and she spends the rest of the time in the hostel. According to the verbal statement of the police officers, they will not recommend admitting of N.P. into the programme (model).

Version B. – assessment of the information available at the attempted controlled interview on 11th January, 2005. The interview was conducted by a social worker B.D. with the assistance of interpreter L.M.; inquiries were prepared by R.K.

N.P. arrived to the Czech Republic from Ukraine in order to make earnings. Already on the way, she was given a telephone number by the bus driver at which she would get work. In a Prague flat in Štítného street where she spent around 14 days since the arrival to the CR she just waited for someone to come forward at the given contact number. When the contact had been established, she voluntarily entered a car that took her to a the Czech borderland to work. She remembers the names of the pimps. At the given place, she is beaten up, raped and forced to prostitution for 2-3 months. Her escape is easy, she gets changed from the “prostitute outfit“, she has her passport, escapes over the fields to town and asks for help a strange Slovak speaking man who sends her by taxi to his house in Cheb where she serves for another two or three months for little money. She is confined in check, locked up and guarded. It looks as if there was some kind of connection between the Slovak speaking man

and her former dealers-pimps; a possibility is there that – after several months of forced prostitution – they sold her for domestic work.

She escapes from the (enforced?) domestic work – she leaves for Prague in a taxi for 1,000 CZK and finds a flat (not the earlier indicated Koh-i-noor hostel) which is obviously an established address amongst the Ukrainian immigrants in Prague and she finds a protection there (roof – *krysha*), as well as accommodation and work, be it inside (washing, cleaning, cooking) or outside of the flat. A man backs her from *krysha* – namely from the lower rank of the Ukrainian mafia – according to L.M. “they are the ones who don’t want to sweat, they make their living on providing protection.” It isn’t known what kind of quid pro quo she offers to the man from *krysha* – she probably provides him with a care of his needs, starting with clothing. The man from *krysha* and his flatmates are not – according to N.M. – connected with the group who originally traded her.

Current state of affairs:

N.P. was interned by the Alien Police in the morning of 12th January (on her way to work?). She was released 48 hours later with the warrant for counteracting the execution of a decision of a state body and a sentence to expatriation for 4 years. She decided to claim asylum (20th Jan, 2005). La Strada has terminated the administration of the case of N.P. and still provides her with occasional consultation services. On the 27th January, we are sending the opinion of the LS organization on the application for asylum.

Evaluation of her stay at the territory of the Czech Republic:

The client contacted LS at the SOS-mobile line (she got the contact from an acquaintance who knew the interpreter L.M.). She visited the organization on an ambulatory basis, she was interested in financial assistance, as well as in the legalization of the residence; she refused all other services including the accommodation in AB. The communication with the client was rather complicated as she was quite reclusive, anxious, diffident and unreliable (frequent late arrivals). Such behaviour could have been caused by the trauma experienced.

The client agreed to compliance with the Police and with the admission to the Ministry of Interior programme. As she did not provide the Police with concrete and relevant information, she was not admitted into the programme. Despite the fact that the social worker has repeatedly offered her assistance when formulating the story and a simulation of the police interview, the client refused it, as well as any further cooperation with the Police. After a consultation with the social worker and a lawyer from the Refugee Aid Organization, the client decided to enter the asylum procedure. The LS organization wrote an opinion to accompany the asylum application and ensured the client with contacts to NGOs assisting refugees (Refugee Counselling Centre, The Organization for Aid to Refugees), as well as organization assisting in the country of origin (La Strada Ukraine). We ended the case on the 2nd of February, 2005. There is nothing more that La Strada could do for the client.

IV. Pilsen, 3rd March, 2005, stories of the debtors from Trebišov

Story 1

About ten years ago, a middle-aged married couple left Prague to join their daughter in Trebišov after they lost their lodging. Both spouses have and always have had Slovak citizenship. They first had to borrow money from the Trebišov loan-sharks, namely from Kalman Demeter (abr. further in the text as KD), at the moment when they arrived in Trebišov because they had no work and had to wait for a month for the benefits after they registered with the local authorities. The loan was 2,000 SK with interest rate of 100% per month. Apart from cash, they would also borrow from KD in a form of food (his son owns a shop in the Trebišov camp) – the price of which was high enough and yet further burdened by interest. They would hang around the ghetto for 4 years, staying in with their relatives, until, eventually, they had been assigned with a lodge. They had no other choice than borrow money again to furnish it. When KD took the lodge off them to move his sister in (who was also in debt to him), they left Trebišov. At the time of their departure, they owed 50,000 SK to KD and another 70,000 SK to the father of Demeter's daughter-in-law, Juraj Zajac. For the several following years, they lived the lives of nomads ("they went about the Romas" in both Czech and Slovak Republics), they mostly sojourned at the wife's mother's in Revúca. When they left Trebišov, they quitted collecting the benefits (they can only be paid in the permanent domicile – which they did not dare returning to because of KD), but in fact, their situation did not deteriorate dramatically, as already in Trebišov, for years, they were practically without any funds. They would always have to hand over the entire benefits to the loan-sharks right at the post-office (or in the camp) on the pay-day (the debts were actually collected by the relatives of KD or by other paid links, like for example the current Order Brigades, not by KD himself). Our married couple has been collecting metal and going around the waste containers. At the time of our visit, they had been in Pilsen for 3 days, they were staying in the North hostel in Jateční street. The entire hostel is rented out by Jaroslav Šándor (further referred to as JŠ), reportedly for 60,000 CZK/month. Our couple is allegedly sustained by him, the husband is waiting whether JŠ would have some work for him.

Story 2

Mr R. Lives in one of the most destitute lodges of the Trebišov ghetto with his wife and 5 children, it is now the second time he came to Pilsen to JŠ to work. First time he came before Christmas, now he has been staying for 3 weeks (currently jobless). He fears going home, but, at the same time, he worries about the wife and children that he left behind.

Robert's family borrowed 500 SK four years ago from the loan-shark Mária Balogová (related to KD: the Balogs, the Demeters and the Zajacs are inter-married and in fact, all the Trebišov loan-sharks are generated from one family alliance) and she started buying food on credit in her shop (Balog's Food-Store). Over the entire time since the initial loan, i.e. for 4 years, the family is paying up 4,000 CZK/month, and so, in the matter of fact, it is a kind of standing order where the actual debt is now virtual.

The wife hands over the entire children's benefits and maternity allowance. The husband, when in Trebišov goes about the waste containers day-long. When he comes home from Pilsen, he claims he brought no wages back home and he has an agreement with JŠ –in

case the loan-sharks phone up and ask – to confirm that either there was no work or that the employees drunk their wages away. Otherwise the wages would end up in the pockets of the loan-sharks. This often happens and it is also the reason why JŠ contacted us. The evidence of R. Is unclear; first, he claims that – after arriving home before Christmas – the entire earnings were taken away by the loan-sharks, but, an hour later, he claims to have used the above mentioned trickery (no work) and thus, protected his money, but next time, it might not work out, as the loan-sharks will suspect that he is actually earning when they see him return to Pilsen (or otherwise he would not go back). Allegedly, they do phone him up (but this would only be possible via JŠ, as Mr R. Does not own a telephone) to tell him not to come back without money.

Incidentally, R. has also been changing his testimony at the Trebišov police: a policeman from the economical division (an acquaintance of JŠ, known as Minister) photographed Mária Balogová when collecting the interests from R. She spent a day in the police custody and R. firstly testified against her but afterwards, when being threatened by interrogating policemen, he changed his testimony by saying that his first evidence was made up. Mária was released (a bribe of 60,000 SK is rumoured), R. was suspended for false evidence.

R. is accommodated at JŠ's in Pilsen, in the North hostel; JŠ allegedly supports him.

Story 3

Man owed 5,000 SK to the loan-shark, he conveyed his lodge to him for 7,000 SK and left for Pilsen. He has been staying in the North hostel for 2 months, currently he is without funds. He relies on getting work from JŠ. He does not want to return home, nothing draws him there.

Further testimonials about the loan-sharks from Trebišov

- the usury in Trebišov has been flourishing for 12 years
- even the postman is involved
- KD is engaged in usury since 1992, when he got repaid social benefits for a child he was looking after from some relative (vague)
- the poor go to collect metal that they sorely have to dig out and then hand it over for little money to the loan-sharks who then sell it for recycling
- KD buys off all kinds of lottery tickets from the Roma as a documentation for the possible governmental investigation of where he got his money from
- Juraj Zajac (loan-shark, store owner) assumed a lease of 3 cars for his loan-shark relatives, he has been paying a monthly payment of 48,000 SK
- Červeňák (currently in the Roma Parliament in Slovakia) has once expelled KD from the ROI for being a loan-shark (today, KD collaborates with Guľáš from the Roma Board in Slovakia, which is a syndicate competitive to the Roma Parliament)
- brother of JŠ had to leave Trebišov as the loan-sharks burnt his house down
- the debtors are prepared to testify provided that safety – and preferably confidentiality and address change – is ensured
- we have our doubts about the interest-free assistance of JŠ to the workers without funds

V. Evaluation of the cases acquired

1. Methodical approach to examination of the environment of the trafficking in human beings at the territory of the Czech Republic

Controlled interviews with the target group (defined below) of migrants was a prime source of data for the analysis of the environment of illegal employment of foreigners on the territory of the Czech Republic. These targeted interviews were conducted:

- a) in IOM Prague offices with migrants who applied voluntarily for an assisted repatriation to their home country;
- b) at the Prague-Ruzyně airport with migrants, who were provided with assisted voluntary repatriation to their home country;
- c) with illegal migrants in the detention facilities of the Alien and Border Police – Bálková and Přílepy u Prahy;
- d) by a project partner La Strada – these are included in the separate part of the research – chapter IV.
- e) at personal appointments based upon contacts acquired by the project investigator when collaborating with non-profit organizations which provide aid and legal assistance to the migrants in the CR, or in general, help to people without funds and shelter

These controlled interviews were aimed especially at following themes:

- 1) Strategy of residence legalization at the territory of the CR
- 2) Trafficking in human beings within the intentions of the so called Palermo declaration
 - Familiarity of the person concerned with the issues of the trafficking in humans,
 - Whether the person concerned was in contact with trafficking in humans
 - Whether the person concerned was a subject of trafficking in humans
- 3) Illegal forms of labour migration
- 4) Conditions of stay on the territory of the CR
- 5) Obstacles of departure of the so called “stranded“ migrants
 - Description of objective obstacles of departure,
 - Relation of concrete obstacles to the fact that the person concerned is a subject of trafficking in human beings,
 - Or how the specific obstacles of departure contribute to the criminalization of the person concerned.

Total 20 cases gathered by IOM Prague and 12 cases gathered by the project partner La Strada are available as a result of these controlled interviews. The cases collected by IOM Prague are a subject of analysis in this part of the report (chapter V.). Analysis of these cases is especially aimed at the problem of the generic rules of functioning of the labour exploitation of foreigners on the CR territory and, consecutively, spotting the major trends of development in the area of the above labour exploitation.

Target group of migrants by the country of origin:

Target group of migrants			Contact possibility of the target group of migrants
Citizens of former USSR countries	Moldova	2 (LS – 0)	IOM office, detention facilities and personal appointments
	Ukraine	6 (LS – 6)	
	Russia	2 (LS – 0)	
	Belarus	1 (LS – 0)	
	Lithuania	1 (LS – 0)	
	Kazakhstan	1 (LS – 0)	
	Kyrgyzstan	0 (LS – 2)	
	Georgia	1 (LS – 0)	
Balkan countries citizens	Bulgaria	1 (LS – 0)	Prague-Ruzyně Airport
Asia countries citizens	Mongolia	2 (LS – 0)	Prague-Ruzyně Airport
	China	1 (LS – 0)	Detention facility
African countries citizens	Angola	1 (LS – 0)	
Citizens of Slovak Republic		0 (LS – 3)	
Citizens of Czech Republic		1 (LS – 1)	Caritas

2. General description of the environment of the trafficking in human beings on the territory of the CR for purposes other than sexual exploitation

Description of the cases collected by us give – from the most general description aspect of the trafficking in humans environment at the CR territory – evidence that the Czech Republic is:

- 1) A transit country through which illegal migrants travel – be it on their own or under the supervision of a migrant-smuggling network – further into the Schengen countries of EU. At the same time, even the migrants who arrive into the CR on their own⁴⁰ and only use CR as a transit country get in touch with the migrant-smugglers who then organize their transport into the Schengen zone of EU – or, in the least, give them instructions about how to move on.⁴¹ Already during this transit, the smugglers with migrants perform a conduct which meets the facts of the case of the criminal offence of false imprisonment and the criminal offence of trafficking in human beings⁴², i.e. exploitation of victims of trafficking by enforcing funds from them while in distress, as well as total dependence on the group of smugglers.⁴³

⁴⁰ Transiting migrants from China – if travelling in CR alone – are put into the train in Moscow by the smugglers and instructed to travel to the end station of the train – Praha-Hlavní nádraží – and to wait inside the carriage to be picked up. From that moment on, they, again, are in the hands of the smuggling network which transport them further into the Schengen zone of EU.

⁴¹ This fact is supported by interviews we held for this research in the detention facilities of the Alien and Border Police of CR with citizens of Georgia who were returned to CR from Austria. They all used the CR as their transit country on their way to Austria. Around 50% of these repatriated migrants arrived into the CR without any documentation inside the truck cargo space (and many of them – mostly refugees from Abkhazia or Adjara – are allegedly not holders of any identity cards or travel documents). They were dropped off in the CR with an instruction to continue westwards on their own (it can be assumed that at least a part of them is forced to use the offer of the smugglers).

⁴² Such conduct of smugglers we identified especially in connection with the transiting victims of trafficking in humans originating from China.

⁴³ The dependence on the group of smugglers can be – most generally – demonstrated in the incompetence of the victims to communicate in Czech or in other languages spoken in Europe (this especially concerns the trafficking victims from Asian countries) and inability to orientate themselves in the current location. As for the abuse of

- 2) A target country where the actual labour exploitation of migrants is conducted within the system of illegal employment, the general function schemes of which are almost independent on the ethnic origin of its executors-organizers and subjects using the labour force of the migrants mediated by these organizers, as well as it is independent on the ethnic origin of the victims.⁴⁴ The above mentioned schemes can be used as model schemes for the so called *client system*.

This research – with consideration of the conclusions made in the theoretical part, as well as considering the facts from the cases collected – caught the system of illegal employment and abuse of foreign labour at a stage of consolidation and stabilization of its function schemes and rules both at the territory of the CR and in the source locations where the trafficking victim recruitment is conducted – in our specific case, the victims of labour abuse, or slave labour.

Victims of labour abuse from the European part of the former USSR and from Bulgaria are recruited in the countries of origin by a network of agencies and offices offering the services of mediation of work abroad and ensuring the visas. They advertise their offers in the official media in the source countries, especially in press, and also via internet. These agencies only arrange tourist visas, or visas with maximum validity of 90 days, and a contact to representatives. These agencies in the source countries – using their close contacts with subjects, individuals or organizations active in the CR in the illegal employment business - hand over the recruited victims into the *client network* of illegal employment in the CR.

Labour migrants who arrive from the European countries of the former USSR independently on the networks of mediation agencies active in the source countries bring with them in the least contacts to the basic footholds of the Russian-speaking community where they receive further information about the nodal points of the intermediary network, offering various services:

- 1) Illegal employment,
- 2) Securing work permits
- 3) Securing trade license
- 4) Assistance with founding and registration of firms.

The appendix 3 shows certain nodal points of this network, which we came across during our research.

The above presented offer of services is actually identical with those offered by the network of recruiting agencies in the source countries.

With regard to identical service and more-or-less identical rates charged for them in both source countries and at the CR territory (generally speaking, with consideration of the absence of competitive behaviour inside the *client system* both in CR and in the source countries), we

distress, we recorded facts which barred the transiting migrants from China and Georgia from homecoming to the country of origin.

⁴⁴ The only exception – which is, though, with regard to the range of labour migration into the CR and to the consecutive illegal employment, indispensable – is the system of illegal employment of migrants from China within the Chinese community in the CR. It can be expected than in the illegal employment of migrants from Vietnam, the scheme identified in the Chinese model would be used.

can assume some kind of market breakup of the exploitation of illegal labour migration. This market breakup and its stability, as well as intense and system-required necessary interconnection of the market players between the source countries and the CR, imply the existence of higher levels of organization of labour abuse of migrants into the CR which:

- 1) Their classified rank amongst the law-evading organized activities in the CR is higher
- 2) They turn into account the functioning of the system of labour abuse of foreigners and it is not in their interest the competitive subjects to clash – the subjects who are the bearers of the *client system* and represent the lower layers of the organized semi-criminal and criminal activities in the CR
- 3) They ensure the stability of the system of labour abuse of foreigners

As for the labour migrants from Mongolia, who are forced to slave labour in the CR, we can – based on the data acquired – state that their labour exploitation is a lot more intensive than that of the foreigners from the European parts of the former USSR. This exploitation is conducted by organized groups, participated in by Chinese-Vietnamese groups. At the same time, there is no alternation in the echelon of abusers.

Otherwise, their placement into the labour locations, according to the described cases – is performed by the schemes and rules of the *clients system* and expressions occur in the testimonies of the Mongolians exploited (like “brigadier“) which are typical for the pure form of the *client system* in Russian-speaking environment. As in the European part of the former USSR or Bulgaria, also in Mongolia there is a network which is active in recruiting victims of future labour exploitation already in the source country.

3. Methods of legalization of residence of foreigners, used by the organized groups of traffickers in human beings at the territory of the CR

An unambiguous conclusion arises from the testimonies of the labour-abused foreigners gathered throughout this research: that a large majority of them⁴⁵ aimed at making their intended long-term residence in the CR legal and also for their intended labour activity to have a legal basis.

3.1. Legalization of residence of foreigners by means of residence visa for the purposes of enterprise

Based on the data gathered, we have identified the arranging of a trade license for the future victims of labour exploitation to be an efficient way of legalization the residence of foreigners

⁴⁵ The cases show that it is mainly labour migrants originating in the Commonwealth of Independent States, Bulgaria and Mongolia and that the awareness about the entire procedure of getting a legal residence visa and the work permit respectively, from the relevant authorities in the CR declines in due proportion to the distance of the source country from the East borders of the CR. Within the defined group of source countries, this awareness is lowest with the migrants from Mongolia. Then again, the migrants from source countries like Ukraine, Belarus or the Russian Federation have the highest awareness. The migrants from China are a bit beyond the range – as they often have no idea where they are and – due to a total lack of information about their current status and potential possibilities to achieve a different status – these Chinese migrants are under complete control of the organizers of the trafficking in humans who exploit them at the territory of the CR.

at the territory of the CR used by the *client system*. This method of residence legalization has been used since the 90s by the organizers of the trafficking with humans themselves at the territory of the CR for the legalization of their own residence. When the visa duty with the countries of the former USSR was introduced in 2000, this form of residence legalization was becoming more and more popular amongst the organizers of the trafficking with human beings to legalize the residence of the labour-exploited foreigners and to bonding them even tighter to the bodies exploiting them.

These labour migrants are recruited in the source countries by agencies which are connected to the organizers of the labour exploitation at the very territory of the CR. The migrants in the source country wait for the syndicate of the recruitment agency and the future "employer" to arrange the trade license and the long-term residence permit for the CR territory for the enterprise purposes. Then they leave for the CR, where they are placed as members of a specific legal body of the "general commercial partnership" type which is founded and controlled by the organizer of the labour exploitation.

In business activities within the framework of the general commercial partnership - according to law Nr. 513/1991 of the Statutes, as amended (Commercial Law), there is no restriction on the amount of the member's investment contribution - as all partners are bound by liability severally with their entire personal property. There is one technical obstacle to the functioning of the residence legalization throughout the enterprise status of the foreigner (his/her partnership in the general commercial partnership) - the requirement to write a new partnership contract and the acceptance of it by all partners – as per §§ 78 and 83 of the law Nr. 513/1991 of the Statutes, as amended.

The necessity to conform with the above requirements of the Commercial Law significantly affects the behaviour of all legal subjects functioning in this way to an extent that it can be traced in the documents which are publicly available, such as extract from the register of companies.

- 1) There is a large number – even hundreds - of partners in the extract
- 2) Registration into the Trade register is done in "batches" - i.e. the new partnership contracts with entire groups size of tens of new partners are presented to be registered - and they act as partners registered on the same date on the extract
- 3) These partners are - in the records of the Alien Police - registered in identical addresses of residence, controlled by the *client structure*. It usually represents a hostel, often owned by the very *client structure*.

As these persons, legalized in such way and consecutively exploited at the CR territory, do not come into contact with the Czech authorities directly but via the recruitment agencies and the future exploiters, they provide them with legal letters of attorney for arrangement of all requirements needed to get the trade license and residence permits for the purpose of enterprise.

As for overcoming the difficulties as per 2), keeping of the letter of attorney to the future exploiters can be considered which would authorize them to act on behalf of the future partner at the relevant court appointed to administer the register of companies⁷. The signatures on the documents in question⁸ (this including the signature of the attorney) must be duly attested by the registry office or by a notary, while the letter of attorney issued by the

mandator to the attorney (mandatory) – and this letter in itself must be officially attested¹⁰. It is not out of accord with the legislation to leave the letter of attorney with an existing partner of the general commercial partnership.

These are the benefits of such way of legalizing the residence of consecutively exploited foreigners – with regard to the interests of the *client system* and specifically by the people who control such legal entities active in the CR:

- 1) Quasi-legal way of reducing the transaction costs – regarding the absence of liability to cover the social security and health insurance to the exploited foreigners,
- 2) Quasi-legal way of offering the labour of exploited foreigners,⁴⁶
- 3) Dispersion of the variety of tools used to controls the exploited (elaborated below)
- 4) Possibility to control the exploited foreigner by means of qualitative complication of a possible substantiation of the criminal offence of trafficking in human beings according to the § 232a of the Criminal Act,⁴⁷
- 5) Qualitative increase of complication with regard to the obligation to present evidence in the case of a possible civil lawsuit concerning the enrichment without reason of the legal entity representing the tool of the labour exploitation. The true state of the exploitation reflected in the experience of the victim can be radically varied from the facts of the case arising from the documents held by the exploiter (*client*).⁴⁸

The major tool to control the workers entrapped in the above-mentioned net is the legal institute of the obligatory registration of the address of residence in the CR, according to the alien residence law. Other methods of enforcement are associated with this which are common in the *client system* of illegal employment, such as retention of wages (dominating the controlled person by the means of financial distress and turning him/her into a complete subservience on the *client*, whose costs significantly drop), retention of travel documentation, verbal attacks and threats of physical assault.

It seems – also based upon testimonies of the author's contact who has functioned inside the *client system* environment for a long time – that the hereabove scheme of residence legalization is quite a prospective model for the future. Its usage will probably expand even further, because when applying the above-mentioned method of legalizing residence and the consecutive quasi-legalization of labour of the exploited foreigners – the system built in such way can react to the demand for a cheap labour force⁴⁹ more flexibly than the system of employing the exploited foreigners which is based upon the work permits provided to them (as described below), in firms which are dominated and serve as the official location for demanding foreign labour and, at the same time, as a tool for obtaining a work permit. At the

⁴⁶ The mechanism described seemingly resembles of the so called „schwarz system“. However, this is complicated by the partnership of the foreigners exploited in the legal entity which is the tool of exploitation. The partnership itself only entitles the partner to a share of profit according to his investment contribution or according to the partnership contract. It doesn't in itself establish any form of a legal employment relation, or more precisely any title to a reward for the work performed for the legal entity (unless the partner is a company agent at the same time – however, this isn't the case of the exploited foreigners). When the partner of the legal entity works for such entity on a long-term and systematic basis, it is actually an employment, not an enterprise.

⁴⁷ The *client* can – by the means of enforced signatures on the documents, see case 4 - obtain documents which would corroborate a nature of the relationship between the *client* and the exploited foreigner different to the reality.

⁴⁸ Compare with footnote 50,

⁴⁹ And this flexibility is more dependent on the capability of the recruitment agencies in the source countries. The procedure of getting the residence visa for the purpose of enterprise is much faster than the process of getting the work permit, or more precisely, the residence visa for the purpose of employment in the CR (which takes about 4 months from the date of entering the first application).

same time, this method of residence legalization of the exploited foreigners and the consecutive quasi-legalization of their work is a lot less dependent on the need of a corruption conduct in relation with the representatives of official institutions exposed in this process of legalization.

3.2. Legalization of residence of foreigners by means of firms operating as an instrument for providing work permits

Before an analysis had been done of such method of legalizing residence of foreigners at the territory of the CR and their subsequent labour exploitation, it has to be said that this method was not traced in the presented cases⁵⁰ conducted by us but they proceed from a credible source⁵¹, who has been well acquainted with the inside of the trade of the so called *client system* for many years.

The cases 4-6 and the data from the above-mentioned source imply that when legalizing the residence through work permit and a residence visa for the purpose of employment in the CR, analogical tools are used for recruiting future victims as they are used when legalizing residence as per chapter 3.1. It is also obvious that it is not unusual that the recruitment, subsequent residence legalization and the labour exploitation are done by the same conglomerate recruitment agency-exploiter (*client*)⁵². The recruited victim issues the letters of attorney to both the recruitment agency and to the future exploiter (*client*) and only leaves for the CR after getting the above-mentioned residence visa.

This method of legalization of foreigners' residence forces the procurer of the legal status of the foreigner to be labour-exploited to come into connection with the official authorities of the CR:

- 1) With the local employment office, appropriate according to the registered residence of the firm,
- 2) With the appropriate local office of Alien and Border Police of the CR,
- 3) With the consular section of the CR in the source country.

According to the above-mentioned source, it is a commonly used practice that the foreigners legalized in the CR in such way have to “work“ the procured work permit and residence visa. It can, however, be expected that the work permit and residence visa was procured against payment, i.e. the foreigner had paid for it beforehand.⁵³

The major benefits of this method of residence legalization can be identified as follows:

- 1) Legal way of offering labour of foreigners,

⁵⁰ However, in the IOM cases 4-6, an information is captured about the realistic way of functioning of this residence legalization method and the subsequent exploitation of foreigners. Data are also implicitly implied in the above mentioned cases about the functioning of such method of residence legalization.

⁵¹ We have verified the credibility of the source by a concordance of the testimony of this source with our own findings about different form of legalization of residence for labour-exploited foreigners at the territory of the CR, as presented in chapter 3.1.

⁵² This fact seems to ex ante contradict the assumption that the two methods of legalizing the residence of labour-exploited foreigners can be independent of each other. It also contradicts the theory of their separate usage conditioned by the ethnic background of the conglomerate recruiting agency-exploiter (*client*). With regard to a limited number of samples captured in the cases, this assumption cannot be ruled out completely.

⁵³ The cases 4-6 state the amount of 300 \$.

- 2) Possible reduction of transaction costs through not paying the health and social insurance of the exploited foreigners – or, when paying it, the reimbursement of these costs from the wages of these foreigners,
- 3) Dispersion of the variety of tools used to control the exploited foreigners
- 4) Possibility to control the exploited foreigner by means of qualitative complication of a possible substantiation of the criminal offence of trafficking in human beings according to the § 232a of the Criminal Act⁵⁴,
- 5) Qualitative increase of complications with regard to the obligation to present evidence in the case of a possible civil lawsuit concerning the enrichment without reason of the legal entity representing the tool of the labour exploitation. The true state of the exploitation reflected in the experience of the victim can be radically varied from the facts of the case arising from the documents held by the exploiter (*client*).⁵⁵

This way of residence legalization and the consecutive labour exploitation binds the victim to the exploiter-*client* much stronger than the method described in chapter 3.1. The linkage of the legal residence of the exploited foreigner to the duration of the employment⁵⁶ is the major tool of controlling the exploited foreigner, used together with other methods of domination of the victim.

Just like in the case of legalizing the residence through enterprise status and the consecutive partnership in a legal entity of the general commercial partnership type, this method of residence legalization and exploitation should have - from the point of view the promoters of the so called *client system* – quite good prospects and will be also expanded in the future.

3.3. Other facts resulting from the analysis of the methods of legalizing the residence of foreigners and their subsequent labour exploitation

Based upon the analysis of the above-mentioned methods of residence legalization and the consecutive exploitation of foreigners, it can be stated that these are – in their quality – novel ways of exploiting foreigners, produced by the so called *client system* which has been able to adapt to the new conditions after an introduction of the visas in relationship with the source countries of the labour migrants into the CR.

Both ways of legalization of residence and subsequent exploitation of foreigners break through the commonly accepted schemes of perception of labour exploitation of foreigners or more specifically of trafficking in human beings within the illegal migration. Quite on the contrary, the legal way of residence of the foreigners exploited chains them to their exploiters (*clients*) very strongly and makes them dependent on them in a level higher than that in which the illegal migrants from the countries of the Commonwealth of Independent States and of the South-Eastern Europe are dependent on their exploiters. This level can be compared only to a level of dependence of exploited foreigners from Asian countries, which is, however, conditioned by the lack of knowledge of the language and environment.

With regard to the fact that introduction of these methods of residence legalization requires an investment of startup costs to buy/establish the firm and there are also costs emerging from

⁵⁴ The exploiter can – through the forced signature of documents, see case 4 – obtain documentation which would prove a nature of the mutual relationship between the *client* and exploited foreigner different than the reality was.

⁵⁵ Compare with footnote 50,

⁵⁶ This bondage is implied by the currently valid law about residence of foreigners.

operating and administration of such legal entity, the above described methods of residence legalization and subsequent exploitation of foreigners are introduced by *clients*, who have already accumulated available capital and, at the same time, they have the access to the *know-how* of dealing with the authorities when providing legalization and of the labour and commercial law valid at the territory of the CR. Conforming with the latter condition implies the participation of natives⁵⁷ in this form of the *client system* which has – through the above described quasi-legal methods implemented by the mentioned natives – got itself onto the grounds of a seemingly common enterprise.

Apart from the benefits already described consisting in functioning of the above mentioned legal entities as instruments of labour exploitation, there are other options opened by these methods of exploitation and domination of foreigners with legal residence status at the territory of the CR. Above all, it is the fact that the foreigners dominated in such way could be – and, according to our data, they in fact are – abused by their exploiters for legalizing the assets proceeding from the exploitation and to formally camouflaging them, as well as to tax evasion and to money laundering. The legalization through the enterprise status of the exploited foreigners is especially suited for the latter methods of exploitation.

4. Consequences of the findings – conclusion

Based on our findings made during our attempt to capture the dynamics of the milieu of labour exploitation of foreigners at the territory of the CR, represented foremost by the so called *client system* (or its bearers), it can be stated that it has a relatively high level of adaptability, achieved especially through a relatively sophisticated method of labour exploitation and other abuse of foreigners.

This ability to adapt shows drive for profit maximization⁵⁸, as well as cooperation with natives who implement the *know-how* into the structures of the *client system*, made up of the legal framework for enterprise, labour, legal residence of foreigners, tax legislation etc.

That way, the so called *client system* steps out from the grey zone of illegal migration and de facto becomes an integral part of the legal, or better quasi-legal enterprise and employment of foreigners. This substantial benefit is, however, redeemed by the fact that the above described sophisticated ways of exploiting foreigners become more visible, whether by the necessary contact with trade license issuing bureaus, employment offices and especially with the Alien and Border Police, or by the publicly accessible registers. The behaviour of the client system bearers when dealing with the official authorities of the CR shows anomalies, which are in detail described in chapters 3.1. a 3.2. and as such are easily identifiable.

The new forms of prey on the labour of foreigners on the territory of the CR become – through not being dependant on the milieu of the illegal migration and its organization – more independent on the traditional ethnic foundation of the classical forms of *client system*.

⁵⁷ This assumption is raised, based upon the analysis of the methods of legalization (3.1 and 3.2) and upon the information from our above-mentioned source which has been hanging around the *client system* milieu for a number of years.

⁵⁸ When the investment costs are higher (see 3.3), possibilities open up for other ways of preying on the abused foreigners, not necessarily based on labour-related exploitation only. This results revenues that – after subtraction of the investment costs – produce such a level of profit that is unreachable in the classical model of the *client system*.

However, it can also be stated that the new possibilities of abuse other than labour-related of foreigners within the new, sophisticated forms of the client system open up new possibilities of their association with more explicit structures of organized crime which had been established in the field of the legal enterprise activities in the CR.

This possibility of a qualitatively new association of the elite and emerging forms of the client system with the structures of organized crime⁵⁹ boosts the danger of these sophisticated forms of organization of exploitation and abuse of foreigners on the territory of the CR.

⁵⁹ In the classical model of the *client system*, it is mostly only represented by payments of *rekeet* to the higher hierarchical level which is probably an element of the explicit structures of the organized crime.

VI. Conclusion

Based on the information gathered about the operation of the system of labour-related abuse of foreigners in the CR and the experience earned while collecting these data, we must state that, to certain extent, we managed to penetrate the basic operation schemes of labour-related abuse of foreigners from the European parts of the former USSR, Bulgaria and Mongolia on the territory of CR.

However, we are unable to generalize the operation schemes for the labour exploitation of migrants from some Asian countries (China and Vietnam) in the CR. This would impose more demanding time involvement with the project because in the detention facilities the victims of the explicit trafficking for labour exploitation are lost amongst the large number of victims of organized people-smuggling groups.

It can be said that efficient monitoring of the Asian communities (Chinese and Vietnamese) and of strategies occurring inside these communities on both legal and illegal allocation of labour force is generally more time demanding for the research intention and it actually exceeds the time scope of this project. This pilot project has, however, opened the possibilities which could – if used – allow us to deepen our insight into the environment of trafficking in human beings on the territory of the Czech Republic. Above all, these are the following possibilities:

Moderation of cooperation within the framework of non-profit organizations assisting to migrants and to people without shelter, with a view to a long-term monitoring of strategies of conduct of the client system structures and other organizational structures which participate in the trafficking in human beings at the territory of the CR. This monitoring can be secured by a long-term and uniform concept of collecting information from the victims of the above mentioned structures of traffickers in humans at the territory of CR, as well as from the NGOs, including the foreign community organizations. These were so far escaping the attention of any research in this or any other area, while the potential of these foreign communities is very obvious. Due to this research and other IOM Prague activities, excellent contacts in all these communities had been established.

Assurance of long-term monitoring of behavioural strategies of foreigners seeking employment in the CR and of their allocation in the legal labour market of the CR within various communities with the use of the above mentioned contact networks gained during this pilot research.

Other activities aiming at a prevention of trafficking in human beings in general, including the labour exploitation, could be conducted via a coordinated and uniformly drawn heavy information campaign inside the very communities. A significant potential of such activities lies in the network of NGOs and foreign community organizations.

Lastly, it should be mentioned that, based on an intensive effort of building the network of contacts inside the above NGOs, including the foreign community organizations, by the processor of this pilot project, the processor is gathering new contacts of victims of trafficking

in humans with the purpose of labour exploitation – which could not be included into this research any more.

Recommendations to the submitter:

1. With regard to the time limitation of the executed project and to the relevance of the present outputs, the processor considers the continuation of the research of the conditions of trafficking in human beings conducted at the territory of the Czech republic (even if in a minimalized format) advisable.

2. The processor regards as just to start including the male victims of trafficking in humans into the Programme of protection of trafficking in humans victims of the Ministry of Interior of the CR (further referred to as programme only) and to make the course of participation of IOM Prague and La Strada Česká republika, o.p.s. in the programme implementation more transparent and formalized than before (especially with respect to the male trafficked persons), namely by securing direct communication and cooperation with the National coordinator for including the victims of human trafficking into the Programme and also with the National reporter for the area of human trafficking. The emerging reference system of the programme should clearly establish the primary emergency care (around 30 days); after this period had expired, the National coordinator would decide about the inclusion into the programme. Also, the trafficking victims would be provided with social services (primarily with accommodation) during this period, regardless of their capability of collaborating with the authorities of the criminal proceedings. .

3. IOM Prague proposes that they would create and implement a system of an on-going education of the officers of the Police of the CR focused on the various forms of the trafficking in human beings at the territory of the CR.

4. Processor also emphasizes the importance of creating and regularly (every year) updating information available concerning the issues of the trafficking in human beings for the purposes of governmental, non-governmental and international institutions and organizations engaged in these issues.

APPENDIX I.

CASES ACQUIRED BY IOM PRAGUE

CASE 1

Country of origin:	Mongolia	Ulanbator
Sex:	woman	
Age:	30-40 years	
Child:	daughter	14 years

Interview details: Praha Ruzyně airport
the person interview was included in the programme of voluntary
homecomings of IOM Prague
the interview was conducted in Czech, the daughter interpreted into Mongolian

The person interviewed with her daughter arrived to the CR in April 2001. From the moment of their arrival into the CR until their detention by the Alien and Border Police of the CR she has been working illegally in the CR. The location of the work was in Rumburk, where she was also - together with her daughter - staying in a hostel. She was employed as seamstress. Her job was to sew fittings of car steering wheels of Mercedes-Benz vehicles.. Her working hours were up to 20 hours a day. The earnings from this work were 4,000 CZK a month, from which 2,500 CZK were taken off as the costs for the accommodation in the hostel. The end amount of available monthly funds for herself and her daughter was therefore 1,500 CZK. The interviewed judged her work as hard and demanding. Another 100 foreigners - Mongolian women worked with her in the same working conditions in the firm in Rumburk: they were just as affected by a labour blackmail.

The accommodation in the hostel consisted of 1 room where the person interviewed was staying together with her daughter. From the money she had available she was buying food for herself and her daughter; she took the food to work with her, just like the other women did who worked in the Rumburk firm.

She would also resolve her distressing financial situation by pledging her valuables in the Rumburk pawn shop, like her personal jewellery she brought from Mongolia.

The possibility of working in the CR was recommended to her by a colleague of hers who was a shop assistant in the same department store. This colleague also gave her an address in Prague that she should apply to for a letter of invitation. The woman did indeed receive the invitation letter which was used as a document needed to obtain residence visa for the territory of the CR. She claimed to have come into dealings with the Czech Embassy in Ulanbator on her own and to have paid all required administration fees. Allegedly, she paid no fees to her colleague who informed her about the possibility of working in the CR.

Methods of enforcement: After she has arrived to the CR, the interviewee closed some kind of "contract" with her "employer" - the content of which she knew nothing about and the copy of which she never owned. This contract was used to threaten her in case of conflict with her "employer". The other seamstresses (around another 100 Mongolian citizens) were threatened in the same way.

Beside this method of pressure and restriction of funds available to the "employees" (they could leave nowhere as they had no money to travel) there was no other additional supervision from the side of their "employer".

Legalization of residence: The woman and her daughter arrived into the CR legally, with valid travel documents and a valid visa to stay on the territory of the CR. They used a train connection for transportation, travelling via Russia, Ukraine and Poland. For at least a year since her arrival, she was staying at the territory of the CR legally, thanks to the long-term

residence visa. She received this visa based upon fictitious invitation and fictitious guarantees of accommodation supplied by the people at the address in Prague whom she approached from Mongolia.

She appealed to these persons - supposedly a married couple - at least one more time by telephone to request a renewal of the guarantees in order to maintain her legal status in the CR. Nevertheless, the couple told her that they could not supply her with the guarantees needed for the authorities of the CR, as they moved from the CR to Switzerland. .

The interviewee then decided to resolve the threat of staying on the territory of the CR illegally by applying for asylum. Throughout the application procedure she and her daughter were staying in the Rumburk hostel and worked as a seamstress in the Rumburk firm. She and her daughter conducted the entry procedure for the asylum process in Bělá. Allegedly, her application for asylum was rejected in June, 2004.

Her travel documents were not withheld.

In the entire time of their stay in the CR, the daughter attended primary school where she was doing very well and she learnt Czech very well.

The situation of the person interviewed before her arrival to the CR:

In Mongolia, the interviewed lived with her daughter and her close family in a rented flat in Ulanbator where she also worked as a shop assistant in a department store. She could not - with respect to her low income of a shop assistant - see any prospects of improving their financial situation if staying in Mongolia, neither could she see any future there for her daughter. She has therefore decided to use the mentioned offer to work in the CR she knew about from her colleague from work. Only her parents remained in Mongolia after her departure. When asked about her husband, she avoided answer which could mean:

- a) that her husband is also working abroad illegally
- b) or this subject was sensitive and she did not want to answer via her daughter who acted as an interpreter of the interview.

Motives for staying on the territory of the CR: The woman and her daughter kept staying on the territory of the CR despite the hard working and living conditions, because - in her words - the woman wanted her daughter to study in the Czech Republic. The woman interviewed had a strong feeling of being abused. The work was very hard for her, but she had no idea what to do; she could not come up with a solution.

Evaluation of her stay on the territory of the CR: The woman interviewed felt cheated and she also felt sorry that - even despite her hard effort and remaining in inhumane conditions - she did not manage to provide a prospect for her daughter to live a better life than she would have back at home, in Mongolia. She claimed the stay in the detention facility to be worse than the conditions of her former employment and accommodation in the CR.

The daughter showed an intention to attend the Czech high school in Ulanbator and after that, return to the CR legally and study at a university here.

It was the first time the interviewed woman told her story. She said that nobody asked her about these facts before. She suggested improving the awareness level of the potential victims about the threats of trafficking in humans and about possible defence as a preventative measure against inducement of the victims of human trafficking. She herself felt a lack of such information.

If the woman interviewed knew about the possibility of voluntary returns, she would have - in her words - used it long time ago. She could not see the benefit of contacting the Embassy of her country.

CASE 2

Country of origin: Bulgaria Plovdiv
Sex: man
Age: 51 years
Child: no

Interview details: Praha Ruzyně airport
the person interview was included in the programme of voluntary repatriations of IOM Prague
the interview was conducted in Russian

The man arrived to the CR as a tourist in the middle of June, 2004. It was his second trip to the CR. He first arrived to the CR in the 90s: it was then only a transit country for him. His aim was to travel to Germany and work there illegally - but he was not let into Germany and he returned back to Bulgaria.

From the moment of his arrival until the moment when he was detained by the Alien and Border Police of the CR (second half of November, 2004), he worked on the CR territory illegally. He worked mainly in the Olomouc region, namely the outskirts of Olomouc. His job involved mostly building and montage works, with one exception when he worked as an apple-picker.

His construction works were located in places like residence houses in Bouzov or Chloušovice. When the man interviewed lost his legal tourist status in the CR, his "employers" - as a matter of fact, the labour intermediaries - discontinued paying his wages (which satisfied him so far) and only paid him so called advance wages of 200 CZK per week. The intermediaries promised that they would pay him up the rest of his wages later - but this never happened. Another 6 Bulgarian citizens who worked with him for the same intermediaries were affected in the same way. This state of affairs, when the man interviewed was only getting minimum reward, lasted for about 1.5 months, until he had been confined by the Alien Police of CR.

Allegedly, the detention took place at the construction site of the old hospital in Prostějov, when working, and on the day when the interviewee was - after a number of repeated reminders to his work intermediaries - supposed to be paid. On that day, even though it was not a usual procedure, he was working with a "gang" of Czechs. As a result of this, he did not notice the visit of the officers of the Alien and Border Police of the CR. The remaining 6 Bulgarians who were working in one group on the same construction site, left the site when the Police arrived. The interviewee was unable to tell whether they had been notified about the visit of the Alien and Border Police beforehand but he suspected that they had been.

In his words, the interviewee opted for this illegal type of work in the CR when he saw an advertisement published in a Bulgarian newspaper "Marica". Then, he contacted the work intermediaries who advertised in the above paper and for a fee of 150 Euro he got some telephone contact numbers from them that he was supposed to utilize after arrival to the CR. The people who would pick him up were supposed to take care of him. He was supposed to arrive to the Czech town of Brno.

After his arrival to Brno, he called the numbers he received in Bulgaria in order to contact the work intermediaries. According to him, they are representatives of a firm registered in the CR, two of them being Bulgarian and one Slovak.

Bulgarians: Selim 603 956 032
Radoslav 775 057 067

These two Bulgarians have legalized their residence in the CR by

marriage to Czech women.

Slovak: Pavel is supposedly the owner of the intermediary firm in question.

The interviewee was then taken in a car from Brno to Olomouc where they accommodated him in a hostel and, on the following day, he started working for the above intermediaries. He had always been supplied work from the same intermediaries.

Legalization of residence: The interviewee arrived to the CR legally, as a tourist in the middle of June, 2004. He traveled on the bus from Sofia to the target destination in the CR which was Brno. When his tourist status had expired, he made no attempts to legalize his residence. Neither was there any effort from the side of his intermediaries to legalize the residence of the interviewee at the territory of the CR.

Even before his departure from Bulgaria, he was trying to find legal ways of working in the CR. He knew roughly what the documents required for obtaining of residence visa for over 90 days were. He contacted some intermediary firm in Bulgaria who promised to arrange the work permit and the visa necessary for 60 Euro. Eventually, they informed him that they cannot arrange the promised work permit, even despite the fact that the interviewee demonstrated all cooperation requested from him. He even got himself a Criminal Records extract proving his integrity which is also brought to the CR with him - this supports an assumption that the interviewee was hoping of getting the work permit in some way.

His travel documents were not withheld.

Methods of enforcement: Apparently, there was no obvious enforcement used on the interviewee. It was only the self-awareness of his desolate financial situation that was exercised on him.

The situation of the person interviewed before his arrival to the CR: The interviewee has a family, a wife and a son who is about 26. He has secondary education at a technical high school and in Bulgaria, he has always worked in industry until the moment when he was discharged as his company closed down. In the second half of the 90s, the interviewee was trying to conduct business in office supplies. He borrowed money so he could open a store but he could not handle the payments. As a result of this, he lost both his firm and his family house which was used to cover part of the debt from his enterprise. His family now lives in Plovdiv in a rented flat. Only their son stayed (26 yrs) at home. Both the interviewee and his wife resolved their desperate financial situation by working abroad illegally. The interviewee departed to work illegally in the CR and his wife works illegally in Greece.

Motives for staying on the territory of the CR: The interviewee arrived to the CR when he was in debt in Bulgaria. In the beginning, he was - in his own words - making decent money, his salary was 45 CZK/hour. From this, he could save money which he was sending back home to Bulgaria, mainly to pay off the debt. When his intermediaries discontinued paying him, he stayed in his job, because he was hoping that his situation would improve and later on, his wages would be paid. He cannot see any future in working in Bulgaria. He had no other options to survive and find a different job in the CR. He was also aware of his problematic state after losing his tourist status.

Evaluation of his stay on the territory of the CR: The man feels cheated, also by the authorities of the CR, as he must leave the money he earned behind - all this time, he had

been hoping that the money for his work would be paid up. He personally felt degraded by his placement in the detention facility, as he never breached the law in his life - which he was proving by the above mentioned Bulgarian Criminal Record extract during the interview. In his opinion, there is currently no future for him in Bulgaria.

It was the first time the interviewee told his story. He had all the contacts and comments written down in his notebook.

The profit his employers made on not paying his wages for 45 days was - after subtraction of the "advance wages" - around 15,413 CZK. Despite this, the interviewee was not happy to go back home and he used the opportunity of a voluntary return as a better way of resolving his problematic situation after his confinement by the Alien and Border Police of the CR.

CASE 3

Country of origin: Russia
Sex: man
Age: 25 years
Child: child

Interview details: IOM office in Prague
the person interviewed was seeking assistance with his return home

The interviewee comes from the Krasnoyarsk area. There he was recruited by LD Navigator, a firm whose advertisement he saw in Krasnoyarsk. This company guaranteed they would arrange a work permit and a residence visa for the CR. The total price for the work permit in the CR and the residence visa for half a year was 1,000 \$.

The company LD Navigator only supplied him with a tourist visa of the C type (entitling the holder to 90 days of stay). The visa was arranged through a bureau called „Immigratsionnoh Servisnyi Center“ (Service Centre for Immigration). According to the interviewee, this bureau (ISC) is not a holder of the state license for arranging work abroad. The interviewee arrived to Prague on the 20th August, 2004, as a tourist. Wife of the LD Navigator's manager was awaiting him at the station (the interviewee gave the name of this person - Tatiana, phone Nr. 608336 194, and of her husband, who introduced himself as the manager of LD Navigator - Stanislav Dalskyi). She herself approached him. Then they took him - by the means of public transport - to the hostel Na Skalce.

On the following day, they instructed him where to go working. Apparently, the work was arranged by some Ukrainian called „Pavel“ (tel. 608 520 979, or 776 199 814) and the interviewee was supposed to get salary of 40 CZK/hour.

The job was to work at a construction site and therefore quite physically demanding. When the interviewee showed signs of a kidney disorder, he discontinued the hard physical work on the 30th of August, 2004. On his leave, he got paid for the hours of work performed.

Because of his health problems, the interviewee started looking for a more suitable work and a *client* was recommended to him called „Roman“ (phone Nr. 777 919 726) whom he met at the previous job. This new *client* had arranged work for him for a company called CORAINTERIER. At the new job, he laid floors. This was less demanding and better paid at the same time - 60 CZK/hour. Because it was well paid, the interviewee worked 12 hours a day, 7 days a week.

The problems with the *client* first occurred when the interviewee was earning a salary of over 20,000 CZK/month and, concurrently, the validity of his tourist visa run out. The *client* "Roman" approached the situation by holding back the interviewee's wages. As he was sending almost all of the money earned to his mother in Krasnoyarsk, he - despite his very low expenditures - found himself in a very distressing financial situation.

The situation climaxed at the end of December, 2004, when he was forced to leave a flat he was renting with another four workers.

On the same day he had to leave his accommodation, he visited the Alien Police and reported his case of labour abuse (with regard to the fact that his tourist visa had lapsed, he had been issued with an eviction warrant and barred from residence for 3 years). Consecutively, he sought the IOM Prague with a request for assistance with his return home. Before the end of 2004, the man interviewed returned to Russia.

Legalization of residence:

The interviewee arrived to the CR with a tourist visa. When the validity of the visa expired,

neither himself nor his *client* made any attempts to further legalize his residence at the territory of the CR.

Methods of enforcement:

No direct pressure was exercised on the man interviewed, be it threatening or physical attacks. Nevertheless, the *client* was trying to feed the interviewee's hopes that he would repay him the wages owed when he had money. He was setting up dates for paydays, and repeatedly kept postponing them. He therefore fueled the hope in the interviewee that he would get his money in a relatively short time.

The situation of the person interviewed before his arrival to the CR:

The man interviewed and his mother were living in a relative financial emergency. The interviewee's mother is a widow and she was receiving some kind of pension. The interviewee himself was trying to work but his earnings did not correspond with his expectations and the financial needs of the family. He therefore answered to the ad of LD Navigator to intermediate work in the CR.

Motives for staying on the territory of the CR:

The interviewee intended to support his mother in Krasnoyarsk from the money earned - which he was managing in the beginning. When the *client* started to hold back his wages, the above intention brought the interviewee into a state of financial emergency which did not allow him to provide for his basic needs (food and shelter).

Evaluation of his stay at the territory of the CR:

The interviewee felt cheated and he was demonstrating willingness to assist when resolving his case at the Alien Police. He was very disappointed and - in his words - determined to inform about the methods of the *client system* in the CR and of the Russian intermediary firms associated with this system.

CASE 4

Country of origin:	Ukraine	Mikholayev
Sex:	man	
Age:	28 years	
Child:	no	

Interview details: IOM office in Prague
the person interviewed came to resolve the cancellation of his residence visa
the interview was conducted in Russian

The interviewed man comes from Mikholayev - near Odessa. There he was recruited by VAMDAR, a firm offering through ads in daily press a possibility to obtain a work permit in the CR or to conduct enterprise in the CR to the citizens of Ukraine, especially from the Odessa region. Ivan Boris Georgievič is the managing director of the firm. When recruiting labour force in Ukraine, the Odessa firm VAMDAR closely cooperates with a firm ONERA CZ, v.o.s. (general commercial partnership), identification number: 255 58 579, founded in 1999 and currently registered at address: Holešov, Větrák Nr.1395, district Kroměříž, Post Code 769 01 (earlier Kroměříž, Denkova 3197, 767 01).

The rate of VAMDAR for arranging the employee status in the CR, i.e. of an employee of ONERA CZ, v.o.s., is 300 \$. The rate for the status of an entrepreneur - a partner in the ONERA CZ, v.o.s. partnership is 450\$. The interviewee opted for the status of an "entrepreneur" and paid the requested 450 \$ to the Odessa corporation VAMDAR - for which Ivan Boris Georgevič in person promised to ensure the full documentation in a way that any future conduct of the interviewee in the CR would be performed on a legal basis.

Then he handed - via VAMDAR corporation - the letters of attorney in the name of Natalia Gregorova, born Soboleva, address: Holešov, Větrák č.p.1395, district Kroměříž, post code 769 01, partner and a manager of the corporation ONERA CZ, v.o.s., who was authorized to deal with the authorities of the CR in the matter of settling the trade licence and arranging the documentation necessary for issue of residence visas for the purpose of enterprise, and also to deal on behalf of the interviewee in the matter of alteration of the partnership contract of ONERA CZ, v.o.s., and of the consecutive registration of the interviewee as the new partner of the partnership.

After he had received a visa entitling him to a long-term residence in the CR for the purpose of enterprise, he departed for the CR in June 2004, namely to Holešov at Kroměříž district. He announced himself with the mentioned Natalia Gregorova, born Soboleva, a partner and manager of the corporation ONERA CZ, v.o.s., and her husband Vladimir Gregor, the procurist of the same corporation, who arranged an accommodation in the hostel in Kroměříž, where the interviewee had been staying for the entire time of working under the entity of ONERA CZ, v.o.s.

Immediately after his arrival to Holešov, he handed another 200 \$ to the mentioned Natalia Gregorova who assured him that his health insurance will be covered.

The interviewee, partner of ONERA CZ, v.o.s., and a trade licence holder, started to work in June 2004 under the entity of the firm. What it really meant was that Natalia Gregorova as his *client* started to offer his labour to other Czech firms. Part of the "partners" of ONERA CZ, v.o.s., were placed for work to the bakery in Kroměříž, another part worked in the meat processing factory in Kroměříž, another group to Vlčná to a jewellery production, allegedly owned by Syrians, and the rest to various locations of Zlín region. It is highly likely that the presented scheme of allocation of the partners of ONERA CZ, v.o.s., is still running under an

unmodified formula.

The interviewee was placed - together with another 20 "partners" of ONERA CZ, v.o.s., in a bakery, apparently located in Kroměříž. All "partners" worked in the bakery for 12-14 hours a day, 7 days a week, without allowance for personal time. Natalia Gregorova promised them wages of 45 CZK/hour (according to the interviewee, the Czech employees of the bakery, doing the same work were paid 80 CZK/hour). The promised salary was, nevertheless, held back by Natalia Gregorova - and she only paid them out "advance wages" for food which was around 1,500 - 2,000 CZK a month.

All "partners" had to open savings accounts. Opening of the accounts was also handled by Natalia Gregorova. Over the entire time the interviewee was working under the entity of ONERA CZ, v.o.s., he was - as well as the other "partners" reassured by Natalia Gregorova that she is paying their health insurance - which turned out to be an untrue statement on several occasions. In a case of an accident causing an injury to health of any of the "partners", they were forbidden to call for or visit a doctor. On the contrary, they were supposed to call Natalia Gregorova who was to decide about the next steps.

The "next steps" were illustrated by the interviewee by two examples that he personally witnessed. In first case it was a fracture of a leg and in the second, an injury of fingers caused by bread pressing machine. In both cases, the "partners" were instructed not to call for a doctor and wait until the end of working hours and transport the injured to their hostel. Consecutively, both injured were sent back to Ukraine to seek medical help and treatment there.

Nevertheless, Natalia Gregorova collected 2,000 CZK/head/month from the "partners" for the health insurance (around 1,000 CZK/month) and "for the bank" - to cover the bank charges for account handling of each of the partners (around 1,000 CZK/month). In reality, she paid no health insurance and the monthly banking charges in the CR are around 50-100 CZK/month.

The interviewee discontinued working under the entity of ONERA CZ, v.o.s. at the beginning of December, 2004, and - together with other partners - he founded their own firm which was registered at the relevant court in January, 2005.

Legalization of residence:

The interviewee's legal residence in the CR was secured through his residence visa for the purpose of enterprise. The address presented for the purposes of the residence permit was the hostel in Kroměříž; this was arranged via the husband of Natalia Gregorova Vladimir Gregor. According to the interviewee, Vladimir Gregor has his own flat in the hostel but does not use it. In a way, this suggest an ownership of this hostel by Vladimir Gregor, but no facts were presented to prove such ownership beyond doubt.

Methods of enforcement:

The interviewee shared at the interview that he himself, as well as his "partners" of ONERA CZ, v.o.s., with whom he worked in the bakery, repeatedly complained about the work conditions and holding back of their wages. Natalie Gregorova has, according to the interviewee, reacted to such objections by threats using the former contacts of her husband Vladimir Gregor from the times when he worked with the Police of CR. These threats involved the cancellation of residence visas and consecutive departure, in fact a deportation from the CR. She has also - according to the interviewee, threatened them with physical assault.

In the case of the interviewee, Natalie Gregorová materialized the above threats in December, 2004, after she has found out that the interviewee had founded his own firm in

order to enterprise independently in the CR. She lured him to an appointment to "resolve" the status quo. When the interviewee arrived to the appointment, men surrounded him who acted as Natalia Gregorova's "bodyguards" and forced him - while using verbal attacks and milder methods of violence - to sign documents that the interviewee could not identify, as they were written in Czech which he doesn't understand fully and he was not allowed to read them either.

When he signed the mentioned documents, he was dismissed. He then concluded that all his association with ONERA CZ, v.o.s., and her manageress Natalia Gregorova, were definitively over.

It was only in February, 2005, when he visited the Alien Police in order to register his new residence address that he found out that his residence visa is not valid any longer due to the cancellation of his accommodation in the hostel in Kroměříž and expiration of due time in which the interviewee was supposed to register at a new address. This due period expired, as the interviewee had not been made aware of this single-sided act of cancellation of his former residence in Kroměříž.

Situation of the person interviewed before his arrival to the CR:

Back at home in Micholayev, the prospects of the interviewee to get employment of successful enterprise were small. That's why he opted for enterprise abroad. At the same time, he was trying to keep his conduct in the CR legal and meet all requirements demanded from the enterprise of foreigners by the Czech legislation ruling this area.

Motives of staying on the territory of the CR:

The interviewee kept staying at the territory of the CR in a hope of improving his situation and in a belief that he would get the money owed back. The more knowledgeable he was getting about the conduct of his "employer", the more his hope subsided in seeing his owed wages again. That is why he started considering an alternative way of solving his situation outside of the corporation ONERA CZ, v.o.s. He came to an agreement with other "partners" of ONERA CZ, v.o.s., who were employed in the same bakery as the interviewee and who were similarly affected by the conduct of the mentioned firm, and Natalia Gregorova respectively, and they jointly decided to register their own firm and conduct business activities. In the 7 month of his stay in the CR, the interviewee learnt a decent Czech and he found his way around the requirements demanded from foreign enterprise by the Czech legislation.

The new firm was founded in December, 2004, and it was registered by the registration court in January, 2005. The interviewee, as well as his partners, associates this new company with a hope of a new and more dignified way of life in the CR.

Evaluation of his stay on the territory of the CR:

The interviewee feels cheated by the corporation ONERA CZ, v.o.s., resp. by her manager Natalia Gregorova, born Soboleva, and by the Odessa-based corporation VAMDAR. At the time of our interview, he was considering taking a legal action against Natalia Gregorova and her husband Vladimir Gregor who have not paid him - as well as the other "partners" - his wages, they misappropriated their money by deceitful eliciting of money in order to pay the health insurance and bank fees for account handling. They have also threatened them, forced them - also with the use of violence - to sign documents that were successively used against their interest and - by using combination of arranging their work and accommodation - kept them in docility.

CASE 5

Country of origin:	Ukraine	Cherson
Sex:	woman	
Age:	44 years	
Child:	no	

Interview details: IOM office in Prague
the person interviewed came to resolve the cancellation of her residence visa
the interview was conducted in Russian

The interviewee comes from Cherson near Odessa. There she was recruited by VAMDAR, a firm offering through ads in daily press a possibility to obtain a work permit in the CR or to conduct enterprise in the CR to the citizens of Ukraine, especially from the Odessa region. Ivan Boris Georgievič is the managing director of the firm. When recruiting labour force in Ukraine, the Odessa firm VAMDAR closely cooperates with a firm ONERA CZ, v.o.s. (general commercial partnership), identification number: 255 58 579, founded in 1999 and currently registered at address: Holešov, Větrák Nr.1395, district Kroměříž, Post Code 769 01 (earlier Kroměříž, Denkova 3197, 767 01).

The rate of VAMDAR for arranging the employee status in the CR, i.e. of an employee of ONERA CZ, v.o.s., is 300 \$. The rate for the status of an entrepreneur - a partner in the ONERA CZ, v.o.s. partnership is 450\$. The interviewee opted for the status of an "entrepreneur" and paid the requested 450 \$ to the Odessa corporation VAMDAR - for which Ivan Boris Georgevič in person promised to ensure the full documentation in a way that any future conduct of the interviewee in the CR would be performed on a legal basis.

Then the interviewee handed - via VAMDAR corporation - the letters of attorney in the name of Natalia Gregorova, born Soboleva, address: Holešov, Větrák č.p.1395, district Kroměříž, post code 769 01, partner and a manager of the corporation ONERA CZ, v.o.s., who was authorized to deal with the authorities of the CR in the matter of settling the trade licence and arranging the documentation necessary for issue of residence visas for the purpose of enterprise, and also to deal on behalf of the interviewee in the matter of alteration of the partnership contract of ONERA CZ, v.o.s., and of the consecutive registration of the interviewee as the new partner of the partnership.

After she had received a visa entitling her to a long-term residence in the CR for the purpose of enterprise, she departed for the CR in June 2004, namely to Holešov at Kroměříž district. She announced herself with the mentioned Natalia Gregorova, born Soboleva, a partner and manager of the corporation ONERA CZ, v.o.s., and her husband Vladimir Gregor, the procurist of the same corporation, who arranged an accommodation in the hostel in Kroměříž, where the interviewee had been staying for the entire time of working under the entity of ONERA CZ, v.o.s.

Immediately after her arrival to Holešov, she handed another 200 \$ to the mentioned Natalia Gregorova who assured her that her health insurance will be covered.

The interviewee, partner of ONERA CZ, v.o.s., and a trade license holder, started to work in June 2004 under the entity of the firm. What it really meant was that Natalia Gregorova as her *client* started to offer her labour to other Czech firms (compare with Case 4).

The interviewee was placed - together with another 20 "partners" of ONERA CZ, v.o.s., in a bakery, apparently located in Kroměříž. All "partners" worked in the bakery for 12-14 hours a day, 7 days a week, without allowance for personal time. Natalia Gregorova promised them

wages of 45 CZK/hour (according to the interviewee, the Czech employees of the bakery, doing the same work were paid 80 CZK/hour). However, the promised salary was held back by Natalia Gregorova - and she only paid them out "advance wages" for food which was around 1,500 - 2,000 CZK a month.

All "partners" had to open savings accounts. Opening of the accounts was also handled by Natalia Gregorova. Over the entire time the interviewee was working under the entity of ONERA CZ, v.o.s., she was - as well as the other "partners" reassured by Natalia Gregorova that she is paying their health insurance - which turned out to be an untrue statement on several occasions. In a case of an accident causing an injury to health of any of the "partners", they were forbidden to call for or visit a doctor. On the contrary, they were supposed to call Natalia Gregorova who was to decide about the next steps.

The "next steps" were illustrated by the interviewee by two examples that she personally witnessed. In first case it was a fracture of a leg and in the second, an injury of fingers caused by bread pressing machine. In both cases, the "partners" were instructed not to call for a doctor and wait until the end of working hours and transport the injured to their hostel. Consecutively, both injured were sent back to Ukraine to seek medical help and treatment there.

However, Natalia Gregorova collected 2,000 CZK/head/month from the "partners" for the health insurance (around 1,000 CZK/month) and "for the bank" - to cover the bank charges for account handling of each of the partners (around 1,000 CZK/month). In reality, she paid no health insurance and the monthly banking charges in the CR are around 50-100 CZK/month.

The interviewee discontinued working under the entity of ONERA CZ, v.o.s. at the beginning of December, 2004, and - together with other partners - she founded their own firm which was registered by the relevant court in January, 2005.

Legalization of residence:

The interviewee's legal residence in the CR was secured through her residence visa for the purpose of enterprise. The address presented for the purposes of the residence permit was the hostel in Kroměříž; this was arranged via the husband of Natalia Gregorova Vladimir Gregor. According to the interviewee, Vladimir Gregor has his own flat in the hostel but does not use it. In a way, this suggest an ownership of this hostel by Vladimir Gregor, but no facts were presented to prove such ownership beyond doubt.

Methods of enforcement:

The interviewee shared at the interview that she herself, as well as his "partners" of ONERA CZ, v.o.s., with whom he worked in the bakery, repeatedly complained about the work conditions and holding back of their wages. Natalie Gregorova has, according to the interviewee, reacted to such objections by threats using the former contacts of her husband Vladimir Gregor from the times when he worked with the Police of CR. These threats involved the cancellation of residence visas and consecutive departure, in fact a deportation from the CR. She has also - according to the interviewee, threatened them with physical assault.

In February, 2005, when she visited the Alien Police in order to register her new residence address, she found out that the residence visa of her acquaintance (see Case 4) - with whom she founded the new firm in December 2004 - is not valid any longer due to the cancellation of his accommodation in the hostel in Kroměříž and expiration of due time in which the interviewee was supposed to register at a new address. This due period expired, as

the man had not been made aware of this single-sided act of cancellation of his former residence in Kroměříž.

The interviewed woman got scared and abandoned her intention to register the new address with the Alien Police.

Situation of the person interviewed before her arrival to the CR:

Back at home in Kherson, the prospects of the interviewee to get employment or successful enterprise were small. That's why she opted for enterprise abroad. At the same time, she was trying to keep her conduct in the CR legal and meet all requirements demanded from the enterprise of foreigners by the Czech legislation ruling this area.

Motives of staying at the territory of the CR:

The interviewee kept staying at the territory of the CR in a hope of improving her situation and in a belief that she would get the money owed back. The more knowledgeable she was getting about the conduct of her "employer", the more her hope subsided in seeing her owed wages again. That is why she started considering an alternative way of solving her situation outside of the corporation ONERA CZ, v.o.s. She came to an agreement with other "partners" of ONERA CZ, v.o.s., who were employed in the same bakery as the interviewee and who were similarly affected by the conduct of the mentioned firm, and Natalia Gregorova respectively, and they jointly decided to register their own firm and conduct business activities.

The new firm was founded in December, 2004, and it was registered by the registration court in January, 2005. The interviewee, as well as her partners, associates this new company with a hope of a new and more dignified way of life in the CR.

Evaluation of her stay on the territory of the CR:

The interviewee feels cheated by the corporation ONERA CZ, v.o.s., or, to be more precise by her manager Natalia Gregorova, born Soboleva, and by the Odessa-based corporation VAMDAR. At the time of our interview, she was considering taking a legal action against Natalia Gregorova and her husband Vladimir Gregor who have not paid her - as well as the other "partners" - her wages, they misappropriated their money by deceitful eliciting of money in order to pay the health insurance and bank fees for account handling. They have also threatened them, forced them - also with the use of violence - to sign documents that were successively used against their interest and - by using combination of arranging their work and accommodation - kept them in docility.

CASE 6

Country of origin:	Ukraine	Cherkhassy
Sex:	woman	
Age:	48 years	
Child:	no	

Interview details: IOM office in Prague
the person interviewed came to resolve the cancellation of her residence visa
the interview was conducted in Russian

The woman interviewed comes from Cherkhassy near Odessa. There she was recruited by VAMDAR, a firm offering through ads in daily press a possibility to obtain a work permit in the CR or to conduct enterprise in the CR to the citizens of Ukraine, especially from the Odessa region. Ivan Boris Georgievič is the managing director of the firm. When recruiting labour force in Ukraine, the Odessa firm VAMDAR closely cooperates with a firm ONERA CZ, v.o.s. (general commercial partnership), identification number: 255 58 579, founded in 1999 and currently registered at address: Holešov, Větrák Nr.1395, district Kroměříž, Post Code 769 01 (earlier Kroměříž, Denkova 3197, 767 01).

The rate of VAMDAR for arranging the employee status in the CR, i.e. of an employee of ONERA CZ, v.o.s., is 300 \$. The rate for the status of an entrepreneur - a partner in the ONERA CZ, v.o.s. partnership is 450\$. The interviewee opted for the status of an "entrepreneur" and paid the requested 450 \$ to the Odessa corporation VAMDAR - for which Ivan Boris Georgevič in person promised to ensure the full documentation in a way that any future conduct of the interviewee in the CR would be performed on a legal basis.

Then the interviewee handed - via VAMDAR corporation - the letters of attorney in the name of Natalia Gregorova, born Soboleva, address: Holešov, Větrák č.p.1395, district Kroměříž, post code 769 01, partner and a manager of the corporation ONERA CZ, v.o.s., who was authorized to deal with the authorities of the CR in the matter of settling the trade licence and arranging the documentation necessary for issue of residence visas for the purpose of enterprise, and also to deal on behalf of the interviewee in the matter of alteration of the partnership contract of ONERA CZ, v.o.s., and of the consecutive registration of the interviewee as the new partner of the partnership.

After she had received a visa entitling her to a long-term residence in the CR for the purpose of enterprise, she departed for the CR in June 2004, namely to Holešov at Kroměříž district. She announced herself with the mentioned Natalia Gregorova, born Soboleva, a partner and manager of the corporation ONERA CZ, v.o.s., and her husband Vladimir Gregor, the procurist of the same corporation, who arranged an accommodation in the hostel in Kroměříž, where the interviewee had been staying for the entire time of working under the entity of ONERA CZ, v.o.s.

Immediately after her arrival to Holešov, she handed another 200 \$ to the mentioned Natalia Gregorova who assured her that her health insurance will be covered.

The interviewee, partner of ONERA CZ, v.o.s., and a trade license holder, started to work in June 2004 under the entity of the firm. What it really meant was that Natalia Gregorova as her *client* started to offer her labour to other Czech firms (compare with Case 4 and 5).

The interviewee was placed - together with another 20 "partners" of ONERA CZ, v.o.s., in a bakery, apparently located in Kroměříž. All "partners" worked in the bakery for 12-14 hours a day, 7 days a week, without allowance for personal time. Natalia Gregorova promised them wages of 45 CZK/hour (according to the interviewee, the Czech employees of the bakery,

doing the same work were paid 80 CZK/hour). However, the promised salary was held back by Natalia Gregorova - and she only paid them out "advance wages" for food which was around 1,500 - 2,000 CZK a month.

All "partners" had to open savings accounts. Opening of the accounts was also handled by Natalia Gregorova. Over the entire time the interviewee was working under the entity of ONERA CZ, v.o.s., she was - as well as the other "partners" reassured by Natalia Gregorova that she is paying their health insurance - which turned out to be an untrue statement on several occasions. In a case of an accident causing an injury to health of any of the "partners", they were forbidden to call for or visit a doctor. On the contrary, they were supposed to call Natalia Gregorova who was to decide about the next steps.

The "next steps" were illustrated by the interviewee by two examples that she personally witnessed and in one case, she herself was injured. In the first case it was a fracture of a leg and in the second, a case of injury of her fingers caused by bread pressing machine. In both cases, the "partners" were instructed not to call for a doctor and wait until the end of working hours and transport the injured to their hostel. Consecutively, both injured were sent back to Ukraine to seek medical help and treatment there. Under this scheme, the woman interviewed departed home where she treated her injury. After that, she returned back to the CR because she did not want to be deprived of the money owed to her by ONERA CZ, v.o.s and, more specifically, by Natalia Gregorova.

However, Natalia Gregorova collected 2,000 CZK/head/month from the "partners" for the health insurance (around 1,000 CZK/month) and "for the bank" - to cover the bank charges for account handling of each of the partners (around 1,000 CZK/month). In reality, she paid no health insurance and the monthly banking charges in the CR are around 50-100 CZK/month.

The interviewee discontinued working under the entity of ONERA CZ, v.o.s. at the beginning of December, 2004, and - together with other partners - she founded their own firm which was registered by the relevant court in January, 2005.

Legalization of residence:

The interviewee's legal residence in the CR was secured through her residence visa for the purpose of enterprise. The address presented for the purposes of the residence permit was the hostel in Kroměříž; this was arranged via the husband of Natalia Gregorova Vladimir Gregor. According to the interviewee, Vladimir Gregor has his own flat in the hostel but does not use it. In a way, this suggest an ownership of this hostel by Vladimir Gregor, but no facts were presented to prove such ownership beyond doubt.

Methods of enforcement:

The interviewee shared at the interview that she herself, as well as her "partners" of ONERA CZ, v.o.s., with whom he worked in the bakery, repeatedly complained about the work conditions and holding back of their wages. Natalie Gregorova has, according to the interviewee, reacted to such objections by threats using the former contacts of her husband Vladimir Gregor from the times when he worked with the Police of CR. These threats involved the cancellation of residence visas and consecutive departure, in fact a deportation from the CR. She has also - according to the interviewee - threatened them with physical assault.

In February, 2005, when she visited the Alien Police in order to register her new residence address, she found out that the residence visa of her acquaintance (see Case 4) - with whom she founded the new firm in December 2004 - is not valid any longer due to the cancellation of his accommodation in the hostel in Kroměříž and expiration of due time in

which the interviewee was supposed to register at a new address. This due period expired, as the man had not been made aware of this single-sided act of cancellation of his former residence in Kroměříž.

The interviewed woman got scared and abandoned her intention to register the new address with the Alien Police.

Situation of the person interviewed before her arrival to the CR:

Back at home in Cherkhassy, the prospects of the interviewee to get employment or successful enterprise were small. That's why she opted for enterprise abroad. At the same time, she was trying to keep her conduct in the CR legal and meet all requirements demanded from the enterprise of foreigners by the Czech legislation ruling this area.

Motives of staying on the territory of the CR:

The interviewee kept staying on the territory of the CR in a hope of improving her situation and in a belief that she would get the money owed back. The more knowledgeable she was getting about the conduct of her "employer", the more her hope subsided in seeing her owed wages again. That is why she started considering an alternative way of solving her situation outside of the corporation ONERA CZ, v.o.s. She came to an agreement with other "partners" of ONERA CZ, v.o.s., who were employed in the same bakery as the interviewee and who were similarly affected by the conduct of the mentioned firm, and Natalia Gregorova respectively, and they jointly decided to register their own firm and conduct business activities.

The new firm was founded in December, 2004, and it was registered by the registration court in January, 2005. The interviewee, as well as her partners, associates this new company with a hope of a new and more dignified way of life in the CR.

Evaluation of her stay on the territory of the CR:

The interviewee feels cheated by the corporation ONERA CZ, v.o.s., or, to be more precise by her manager Natalia Gregorova, born Soboleva, and by the Odessa-based corporation VAMDAR. At the time of our interview, she was considering taking a legal action against Natalia Gregorova and her husband Vladimir Gregor (the procurist of ONERA CZ, v.o.s.) who have not paid her - as well as the other "partners" - her wages, they misappropriated their money by deceitful eliciting of money in order to pay the health insurance and bank fees for account handling. They have also threatened them, forced them - also with the use of violence - to sign documents that were successively used against their interest and - by using combination of arranging their work and accommodation - kept them in docility.

CASE 7

Country of origin: Ukraine
Sex: man
Age: 58 years
Child: no

Interview details: detention facility of Alien and Border Police of CR
the interview was conducted in Russian

The man interviewed had been staying in the CR on a long-term basis and allegedly had a trade license in the CR since 1996 and had regularly been extending his yearly residence visa for the purpose of enterprise. His daughter married in the CR and received a permanent residence permit. The interviewee himself has worked as a carpenter on a long-term basis in an unspecified Prague carpentry firm, executing qualified jobs. At that time, he was more than happy with his earnings. When the carpentry firm ended business activities, in an attempt to find himself a new job, the interviewee got himself into a vassalage of the *client system* of employment.

He met his first *client*, a Lithuanian, in a market place in Prague 5, Smíchov. The mentioned Lithuanian had already had a gang of labourers who all originated from Lithuania. According to the interviewee, it was a criminal gang which was established in one of Lithuanian prisons before settling in the CR. They were mostly young drug users, who also made living on distribution of drugs.

The mentioned Lithuanian *client* promised to get the interviewee a job and from the beginning of 2003, he began to place him to construction sites, just like the other members of his gang.

At that time, the interviewee's yearly residence visa was running out. Under the pretence of the visa extension, the above-mentioned Lithuanian *client* elicited the travel passport and the trade license from the interviewee which he subsequently withheld. In such way, the interviewee had lost the legal status of his residence at the territory of the CR. From the moment of the confiscation of his travel passport and trade license, the interviewee was left without any travel or identity documentation.

Under such circumstances, the interviewee has worked for the Lithuanian *client* for 8 months. During this time, he was only getting so called advance wages of 500 CZK/week. He worked 12-16 hours a day (depending on the needs of the service buyer or the *client*), 7 days a week. One of the locations in which the interviewee worked in 2003 was for example Husinecká street in Prague 3.

The interviewee could only leave the Lithuanian *client* at the moment when he got a contact from his acquaintance to another *client* - a Ukrainian who agreed to get him employment. The work conditions with the new client weren't any better.

Eventually, the man interviewed decided to accept work at his son-in-law's near Poděbrady. In his words, it was a "country" labour, such as hops drying, labour at the field, grass mowing etc... He was getting 100 CZK/day for this work which - in his words - "was just enough for food". He was staying with his daughter and his son-in-law.

He ended up in the detention facility of the Alien and Border Police after he had failed to prove his identity during a check.

Legalization of residence:

The interviewee tried to stay in the CR on a legal basis and he was managing to do so

between 1996 and 2003. After his Lithuanian *client* seized his documents and trade license, the interviewee had not been able to maintain the legal status of his residence at the territory of the CR.

Methods of enforcement:

The retention of his travel passport and a trade license were the primary method of duress exercised on the man interviewed from the side of the *client* structures that the interviewee got himself under in order to remain in the CR and provide himself with decent support – which, at the end of the day, meant that the interviewee lost the legal status of his residence at the territory of the CR. The illegal status of his residence, together with total depletion of funds and impossibility of replacing them despite trying hard, chained him to the *client system* of employment once and for all. Viewed through the subjective vision of the interviewee, it the *client system* gave him the only chance of surviving in the CR and of a future prospects to earn. This corresponds with his strategy of behaviour; he only abandoned one *client* for the other at the very moment, when he had agreed with the other one to get an employment from him.

Situation of the person interviewed before his arrival to the CR:

The interviewed man has a university education, he is an electrical engineer. At home in Ukraine, he had worked in professions corresponding with his education until the end of the 80s. He lost his job through the time of disintegration of the economy of the former USSR and became unemployed. In the following period of economical chaos in Ukraine at the beginning of the 90s, the interviewee had no prospects of another employment providing him with even just an essential income necessary. He has therefore decided to get himself work abroad, on a legal basis. He selected the CR for his target country.

Motives of staying on the territory of the CR:

The interviewee was doing well in the CR from 1996 till 2003 and he was content with his work. From the moment when he started working under the *client system* of employment, his experience and the perception of his situation are simply negative. He did not want to go back to Ukraine; first, he had no money to travel and second, there is – in his words – no possibility of getting a job. Also, his daughter is married in the CR who he was staying with until the moment of his detention by the Alien and Border Police of the CR.

Evaluation of his stay at the territory of the CR:

The interviewee realizes he had been abused for a serfdom labour but however, he could not see other options for himself outside of the *client system*.

CASE 8

Country of origin: Mongolia Ulanbator
Sex: man
Age: 28 years
Child: no

Interview details: Praha Ruzyně airport
the person interview was included in the programme of voluntary Repatriations of IOM Prague
the interview was conducted in Czech, the interviewee could partly command Czech.

The interviewee arrived in the CR in March, 2003, with a residence visa for 90 days. This visa was subsequently extended by 1 month. The purpose of his travel was aspiration to work. Such possibility was – according to the initial statement of the interviewee – offered to him by his friend in Ulanbator. The interviewee accepted this offer as he found it to be a good way out of his burdensome situation in Ulanbator where he had been unemployed for a long time. After repeated questioning and non-committal answers, the interviewee indicated that the travel was organized and paid for by the same group of people who have organized his employment in the CR (it is more than likely that the same group of people had arranged the residence visa in the CR and the extension for him, with regard to the inability of the interviewee to communicate in any language other than Mongolian in the first year of his stay in the CR), even though the interviewee declared that he arranged everything by himself. Repeatedly, the interviewee confirmed that it was the Vietnamese community members that he came across when dealing with this group of organizers. As for the travel costs of the journey from Ulanbator to Prague, it can be assumed that the same organized group covered these who arranged the residence visa for him and then employed for the entire time of his stay in the CR.

After his arrival on a train from Moscow, the interviewee was picked up at the Prague train station and transported to the town of Česká Kamenice where he started to work with a group of about 10 Mongolians. His job was to upholster chairs. He was paid around 3,000 CZK a month for it. From this, the interviewee paid his accommodation in a hostel in Česká Kamenice, at the street of Dukelských hrdinů, costing approx. 2,000 CZK a month. In his words, he was left with 1,000 CZK as his means of support for food and clothes.

He worked in Česká Kamenice for around 4 months, 12-16 hours a day, 7 days a week. It can be assumed that he was „working“ his debt for settling of the documents and the travel from Mongolia to the CR.

When the validity of his visas had expired, it was recommended to him by the organized group who provided his employment to seek for asylum – and that's what the interviewee did. During the entire asylum procedure, he was in touch with his employers who kept employing him. He has not worked in Česká Kamenice any longer but he moved about construction sites where he was also spending the nights in order to save on accommodation costs. He was content with his earnings at the construction sites, even though he worked 10-12 hours a day, 7 days a week.

Legalization of residence:

The interviewed man arrived in the CR via Poland on a train from Moscow. He was picked up from his target destination in Prague. At the time of his arrival, the interviewee had a visa for

90 days of stay. This visa was, in his words, subsequently extended by the organized group of employers by one month.

After the validity of the visas had expired, the interviewee entered – upon advice of the organized group of employers – the asylum application procedure.

Methods of enforcement:

Over the entire stay of the interviewee in the CR, he had been dominated by an organized group, from which he could only identify the persons with whom he came into direct contact. In the interviewee's words, they were Vietnamese. The above mentioned group has not withheld his documents but gave him some kind of contract to sign. In a case of dissatisfaction with the working conditions, the employers referred to the interviewee's liability arising from that contract.

The inability of the interviewee to communicate in any language other than Mongolian created another substantial handicap which kept him in a docility of the previously mentioned group of employers. The above mentioned group has also executed supremacy over the interviewee and other Mongolian citizens employed in Česká Kamenice, because they used interpreters into/from Mongolian.

Situation of the person interviewed before his arrival to the CR:

Before his departure from Mongolia, the interviewee had been unemployed in a long run. Prior to losing his job, he worked in a shoemaking plant where he was making shoes. The financial state of his family was allegedly rather bad.

Motives of staying on the territory of the CR:

The primary motive of his stay at the territory of the CR was an attempt to earn money that he wouldn't be able to earn in Mongolia.

Evaluation of his stay on the territory of the CR:

The interviewee evaluated his stay at the territory of the CR as a relatively successful one. After the first four months of labour exploitation and after passing the entrance procedure of the asylum procedure, the interviewee got employed at construction sites where his earnings reached a level that made him satisfied. These revenues allowed him to buy small items of consumer goods (acceptable clothes and shoes, small electronics utilities like a CD player etc....) which satisfied him to an extent that he would not think of himself as of a victim of a labour abuse or slave labour.

It can be assumed that the intensive labour exploitation was – from the side of the organized group of “employers“ deliberately planned only for the period of time for which the interviewee's visas to stay at the territory of the CR were still valid. At the moment when the interviewed man entered the asylum procedure, this form of exploitation of his labour became risky for the above mentioned group, as the interviewee got into a closer contact with environment that the group wasn't in control of. This is also reflected in the fact that – over the entire time of his intensive labour exploitation in Česká Kamenice – the interviewee had been reassured about the temporary status of his “position“.

According to the testimony of the interviewee, the similar scheme of labour exploitation was also used on the other Mongolian citizens (about 10) that the interviewee met in Česká Kamenice.

CASE 9

Country of origin: Russia
Sex: woman
Age: around 40 years
Child: yes

Interview details: café in Prague
the person interview is in the process of the asylum proceedings
the interview was conducted Russian

The woman interviewed arrived to the CR with her husband in 2000, with the goal to found a company and to conduct business activity. The couple left their children at home before their situation in the CR improved.

They brought with them contacts to firms in Prague which arrange dealings with the authorities of the CR for the Russian-speaking clients from the USSR, among other things founding of companies and settling of trade licenses. Together with these contacts, the couple brought 1,500 \$, requested by the above mentioned firms for these services in 2000.

Subsequently, visa requirement was introduced for the citizens of the Russian Federation and the interviewees decided to resolve the situation through brokerage firms.

The couple have already made their minds about entrusting their passports and 1,500 \$ to the Ukrainian firm AQUAMARIN, with registered office in Václavské náměstí 17. On the grounds of the friends' warning ("They will not arrange anything and will not return your documents and money") the interviewee decided to convince her husband not to use the services of this firm.

In the meantime, the interviewee and her husband settled in a hostel in Prague. According to the interviewee, *clients* visited the hostel every day with job offers. The husband decided to accept a job offer with one Armenian *client* who was offering higher remuneration and who created an impression of being a reputable man. As it eventually turned out, the inverse was true.

The Armenian *client* recommended to the couple to move out of the hostel into a flat that he would provide them for free. The interviewee stated that the "flat" was actually a floorless basement room with another two families of the same *client* already living there.

The Armenian client has not paid the interviewee's husband any salary, only so called advance wages of around 1,000 CZK fortnightly. Both partners, but especially the interviewee were – due to a lack of funds – selling their personal property and valuables. The retention of wages and the financial emergency resulted in a conflict with the *client* and withdrawal from the *client's* basement. The owed wages were, however, never repaid.

In this state of things, the couple met a citizen of CR who offered them accommodation and food without charge until they could find themselves a better work and more dignified living conditions. The couple stayed with this Czech for some time but did not want to abuse his hospitality and decided to return to the hostel.

At that time, the husband got a job with other *clients*. His labour conditions were a little bit better than before, with the Armenian *client*. The wife needed more and more specialized medical care. She was choosing between two alternatives:

- 1) paying for settling of the residence visas
- 2) enter the asylum proceedings

At the end, she used them both. First, upon recommendation, she paid 400 \$ to a law firm offering these services (she did not know the name of the firm as she dealt with them through a middleman). She lost her money and got no visa.

When the first variant of the solution turned unfeasible and the need of medical attention became acute, the interviewee decided to enter the asylum proceedings.

A year after the beginning of the asylum procedure, when both the partners were living in private and their children also arrived, the interviewee started working again. She managed to get a job in her profession and another paralel employment with an Armenian entrepreneur where she decorated marionettes. The firm which employed her in profession corresponding with her qualification, discontinued activities after two months, owing her the entire monthly wages.

The interviewee then continued work for the Armenian entrepreneur only. The work hours were not limited (usually 10-12 hours a day). The interviewee worked 7 days a week. Her children were coming to help her (the interviewee decorated the marionettes and the children were assembling them and preparing the moulds for the various parts of the marionettes). She was paid 6,000 CZK a month for her work and the work of her children. The interviewee worked for this firm for 2 years; she also worked through sickness.

However, the earnings from the decoration of marionettes covered less than half of the housing costs of the entire family which were around 14,000 CZK. That's why the interviewee was forced to get another job by working for a cleaning firm.

The interviewee had to leave the supplementary job, because the cleaning work was physically demanding, even though it was paid well.

When she left the Armenian marionette entrepreneur after two years, the interviewee was jobless for about 5 months. After 5 months without work, she started working for a businessman from Serbia. The job description was the same as before. But she negotiated better salary with the Serbian entrepreneur – he promised her 14,500 CZK a month – and that he would arrange a work permit for her. The amount – 14,500 CZK – would have covered the family's monthly housing costs.

However, the actual working conditions differed from the agreement considerably. The interviewee had to engage her children again. The working hours were 14 hrs a day and she was only paid 12,000 CZK a month for the work of both herself and her children, on the grounds that the Serbian entrepreneur „could not pay her any more“. On the other hand, the interviewee brought her know-how into the enterprise which she earned when working for the Armenian businessman.

The Serbian entrepreneur then started the practice of holding her salary back which gradually escalated. After less than a year, in which the working conditions gradually deteriorated, the interviewee left the Serbian entrepreneur who owes her a monthly wages to this day.

Currently she is unemployed and the family survives from the wages of the interviewee's husband who has been employed through the *client system* over the entire time of his residence in the CR.

Legalization of residence:

From their arrival into the CR, both the interviewee and her husband tried to achieve a legal residence status, as they have chosen – according to the interviewee – CR as a country in which they would like to carry on living and bringing up their children. However, after the introduction of the visa requirement with the Russian Federation which caught them on the territory of the CR, they were forced to approach subjects offering illegal access to visas and to trade licenses or work permits. When they got into touch with these subject, they lost 400 \$

directly, in a very bad financial situation; indirectly, the offer to arrange the work permit was one of the pressure instruments which motivated the interviewee to persist under the conditions of labour abuse.

Eventually, she and her husband opted for the entrance into the asylum proceedings.

Methods of enforcement:

There were several ways in the story of the interviewee and her husband of how they were forced by the people who abused them to stay in conditions of labour exploitation. These were verbal pressure instruments – threats, especially by the Armenian client – and indirect methods of enforcement based on the abusing person bonding the victims by providing them with “accommodation“ (Armenian *client*), retention of wages (Armenian *client* and the Serbian entrepreneur) or by using the formal obstacles imposed on the foreigners when entering the Czech labour market; the individual foreigners are aware of the high demand for labour in the grey zone of the illegal migration and that is why they try to remain in their jobs, regardless of how bad the working conditions were.

Situation of the person interviewed before her arrival to the CR:

In Russia, the family had a relatively stable subsistence. The interviewee has a university education. However, her profession provided her with no hope to improve the situation of her family. Subsequently, the conflict in Chechnya raised the woman’s fear for the future of her children as the military service in the Russian army is awaiting them.

Motives of staying on the territory of the CR:

The interviewee and her husband stay in the CR in order to provide better prospects for their children than the ones the life in the Russian Federation would bring. Their goal is therefore achieving the legal possibility to enterprise in the CR and to obtain a trade license for this purpose in the CR.

Evaluation of her stay on the territory of the CR:

The interviewee feels cheated by the conduct of people who employ foreigners in order to misuse their unjust position at the labour market in the CR. However, the interviewee associates her future and the future of the family with life in the CR.

CASE 10

Country of origin:	Moldova	Kishinev
Sex:	man	
Age:	around 30 years	
Child:	yes	
Interview details:	letter of the damaged man and the internal investigation of the IOM Prague office The man is staying in Kishinev Letter in Russian and following communication with data sources in Russian and English	

The partners (married couple) were notified by their acquaintance in November, 2004 about the fact that a Ukrainian web page advertises a job agency Job Europa which offers employment abroad. As the financial situation of the family was bad (both of them are employed), the man was seriously considering travelling with his wife abroad in order to get work. He has therefore reacted to the ad of the agency Job Europa and wrote an e-mail to the address shown at the web pages of this agency. He received an immediate answer. The agency Job Europa promised the man a one-year work contract to work as a driver in Italy. He was also recommended to visit the web pages of the agency Job Europa. Everything looked believable, the agency claimed to be a respectable company which had been operating in the labour brokerage market for 5 years and offers work in careers such as driver, unqualified labourer, nurse and working at farms. The agency presented – and to this day, still presents – their registered office at the address of Václavské náměstí 17 in Prague.

The agency Job Europa responded to the couple that they would not need anything other than 2 photographs, travel passport and a copy of their IC. The couple found it strange and they called a mobile telephone number shown at the web page of the company Job Europa. A man spoke to them who introduced himself as Zdeněk Kučera. This man spoke good Russian but with a strong accent. He reassured the couple that they needed nothing else, as the company Job Europa has good contacts everywhere and their own ways of getting the Schengen visas.

When attempting to refute their doubts, the couple got an answer that Job Europa is not intending to persuade anybody, as there is a lot of people trying to get the Schengen visas.

The couple have eventually decided to carry on with their contact with the firm Job Europa and they borrowed 800 \$ to pay for the visa for both partners – they did not dispose of such amount of money. They also decided to send in the man's passport to Prague to the address of the agency Job Europa by an express courier service DHL. The reaction of agency Job Europa to this intention was their urge to send the passport via the driver of long-distance bus from Kishinev to Prague.

Subsequently, the agency Job Europa sent via e-mail a scanned passport page with an inserted Schengen visa – but not a work visa but a tourist one, which was in addition for 10 days only. The couple phoned Prague again, to the person with the cover name of Zdeněk Kučera. This time, he was dealing with them a bit more harshly, yet he told them that he would arrange issuing of the yearly visa as per the initial agreement. Three days later, the couple got a scanned page from the passport with an inserted yearly work visa. Concurrently, they were asked to pay.

The couple sent in total 800 \$ via the money transfer service of the Anelik corporation (this is the main competitor of Western Union, a money transfer provider, in the states of the former USSR) to the Credit Cooperative PDW, residing in Lipová 1444/20, Prague 2.

According to the Job Europa's instruction, the couple authorized Robert Levandovskij to collect the money.

The agency Job Europa never sent the passport back which the couple sent to Prague. The couple lost the passport, 800 \$ and another 100 \$ on expenditures for banking charges, phones to Prague and access to internet in order to communicate with Job Europa.

Legalization of Residence:

The couple intended to get regular and valid Schengen work visas. They were by no means intending to work abroad illegally.

Methods of enforcement:

The group of people masquerading themselves behind the fictitious agency Job Europe is smartly abusing the poor social situation of the people from the former USSR for the purpose of getting profit to the detriment of the victims. The amounts of money elicited represent over half a year's income of a family in the former countries of the USSR.

CASE 11

Country of origin: Georgia
Sex: man
Age: around 35 years
Child: no

Interview details: detention facility of Alien and Border Police of CR
the interview was conducted in Russian

The interviewee comes from Abkhazia where he was a member of the Georgian community. During the open conflict between Georgia and Abkhazia, his father fought on the Georgian side and he supported the former Georgian president Shevardnadze. Consecutively, the interviewee became a refugee in Georgia. In his words, he owns no Georgian travel passport neither any other Georgian identity document.

According to the interviewee's reactions, a personal conflict evidently preceeded his escape from Georgia, the scope of which cannot be identified – as the interviewee avoided questions regarding this theme and kept repeating that he cannot return to Georgia. With respect to the fact that this issue provoked strong negative emotions of the interviewee, further questioning regarding this topic was refrained.

He arrived to the CR in a cargo space of a lorry in August, 2003. He was discharged here and subsequently applied for asylum. After a very short time, he departed to Austria where his brother lives whom he has not seen since the age of 14. His brother had been granted asylum in Austria. The lorry transport of the interviewee was negotiated by him in the Georgian port of Batumi. Supposedly, he only found out about the possibility of moving further to Austria after arriving to the territory of the CR.

He presented no further details about his travel to Austria. In Austria, he was – according to him - making a living by supplying tips for car thefts. After internation by the Austrian police the interviewee had been repatriated back to the CR.

Legalization of residence:

The interviewee applied for asylum in the CR, probably in order to legalize his residence at the territory of CR for a transition period, before finding out more about the further advance to Austria.

Methods of enforcement:

The interviewee stated no forms of enforcement imposed on him at the territory of the CR. Nevertheless, he did not want to discuss his stay at the territory of the CR as he suspected that his repatriation to the CR is associated with his status of an asylum seeker and with his short residence at the territory of the CR.

Situation of the person interviewed before his arrival to the CR:

In Georgia, the interviewee was a refugee from Abkhazia. He did not talk about his financial background or his career in Georgia.

Motives of staying on the territory of the CR:

The interviewee is not willing to stay at the territory of th CR. He doesn't quite understand why he was repatriated to the CR by the Austrian authorities. Austria remains his target destination.

Evaluation of his stay on territory of the CR:

The interviewee made no point at all about this issue.

CASE 12

Country of origin: Lithuania Shiluttie
Sex: man
Age: 49 years

Interview details: IOM Prague
The interviewee used the office to arrange means for return home by telephone
The interview was conducted in Russian

The interviewee arrived to the CR three months ago (November, 2004). During his stay in the CR, he has been working most of the time, with a written contract. His employment was located in Prague. He had been employed at construction sites, doing common labour as a hod-man, cutting wood, carrying heavy loads. His labour time was usually 12 hours a day (in summer allegedly up to 15 hours). The earnings from this activity were the advance wages that he was getting irregularly, in a form of 1,000 CZK payments every week or fortnightly. From these funds, he was also paying 1,500 CZK a month to the client for an accommodation in a 1-bedroom flat in Břevnov, where he lived with another 5 foreign labourers (Kazakh man, Kazakh woman, 2 Lithuanian men and an Ukrainian man). Due to the long working hours and the cold, he valued the work as very strenuous. He had to get the food himself. He was hardly managing to get along with the money he had, he allegedly often starved.

The possibility to work in the CR was offered to the interviewee by a middleman in Lithuania for a fee of approx. 1,2000 CZK. At home, he was unemployed most of the time, making little money by doing odd jobs – that's how he earned for his travel to the CR. He travelled to the CR on a bus, he arrived with other Lithuanians who – just like himself – came to work here. The middleman introduced them to a Ukrainian *client* at the station, who also accommodated them. According to the interviewee, the *client* was getting half of his salary. Apparently, he got a written contract with the labour hours stated in it of 40 hours a week and a salary of 55 CZK/hour. He received a verbal promise that his salary would be only paid after three months. However, already in the first two months, the *client* allegedly has not had enough work for the interviewee and had therefore given him a contact to another *client*. After certain period of time, the Czech foreman dismissed him (as well as other foreigners, e.g. Bulgarians) for lack of knowledge of Czech. Their wages had not been paid up. After that, he took the advantage of a Caritas accommodation – where his travel passport and the work contract were stolen. The interviewee visited the IOM Prague office at the moment, when – after three months of work – he was out of job and resources and he was forced to request his family in Lithuania to send him money to return home.

Methods of enforcement:

The interviewee was bound to stay with the *client* with respect to the verbal agreement that the promised wages would be paid to him after three months. At the same time, the system of advance wages allowed him to survive and to pay the *client* for the accommodation.

Legalization of residence:

Being an EU citizen, the interviewee arrived to the CR legally, with a valid travel passport. He travelled on a bus, together with other Lithuanian labourers arranged by the same

Lithuanian firm. His passport was stolen at the end of his three-month residence in a Caritas facility.

Situation of the person interviewed before his arrival to the CR:

In Lithuania, the interviewee lived in poverty, he was mostly unemployed over the last couple of years, occasionally, he earned some extra money by working in labourer jobs. With regard to his age (49 yrs), low qualification and the high unemployment rate in his county, he wanted to resolve his situation by a short-term employment in the CR.

Evaluation of his stay on the territory of the CR:

The interviewee felt swindled, his contract with the *client* (both written and verbal) by no means corresponded with the actual work conditions – the hours, environment and salary. However, in his own words, he was aware of the possibility that they would only be paid after 3 months and he came to terms with it. What he did not expect, though, was that after three months he would get nothing and even end up losing his job. Earlier in Lithuania, he met no one to share such a bad story; however, his friends were arguing him out of such work abroad.

He blames the Ukrainian mafia and the Czech government for his poor situation. The latter is allowing this situation to occur by not controlling the employment relationships between the employers and foreign employees.

In the opinion of the interviewee, the ignorance of the interviewee is also to blame – as he was first sold by the Lithuanian middleman to the Ukrainian *client* and then to another one without questioning this – he is only exasperated by the fact that he did not receive the promised salary.

CASE 13

Country of origin: Moldova Beltz
Sex: man
Age: 26 years

Interview details: IOM Prague
The interviewee accompanied another migrant to the office,
they are both staying in a Caritas facility
The interview was conducted in Russian

The interviewee arrived to the CR in November, 2003. During his stay on the territory of the CR, he has worked at various construction sites under several Ukrainian *clients*. He performed unqualified, usually heavy work. Especially with his last client, the labour was unbearably hard and long, 12-15 hours a day. For that reason – as well as the fact that the *client* was robbing him off a large part of his earnings (up to a half), he abandoned him with the intention of not working through *clients* again, but just for himself. Since then, he has not been able to find any work. The earnings varied, from 40 to 65 CZK per hour, in his last, strenuous job he was earning 65 CZK per hour. He was happy with the salary but the conditions were inappropriate. He worked with an employment contract. When he was looking for work himself, he has been repeatedly rejected due to the fact that he had not had a permanent residence permit in the CR (experience with a street-cleaning firm – at that time, he has already had a visa for over 90 days).

He is now taking the advantage of accommodation in the Caritas facility and looks for employment.

Methods of enforcement:

The interviewee has not had a feeling of any enforcement exercised on him.

Legalization of residence:

The interviewee arrived to the CR with a visa for half a year, for which he had allegedly paid 450 USD to an agency which settled this for him in Bucharest. When this visa had expired in April, 2004, he has reportedly paid 10,000 CZK to the Police in Mladá Boleslav and the visa had been extended until April, 2005. The interviewee wanted to work legally in the CR.

Situation of the person interviewed before his arrival to the CR:

Back in Moldova, the interviewee was out of resources, he has therefore left to work for the CR.

Evaluation of his stay on the territory of the CR:

The interviewee is of an opinion that the *client system* (“mafia“) is omnipresent, as far as the labour market for foreigners in the CR is concerned. He finds it almost infeasible to escape from that system on one’s own and to work for yourself. He blames this defect on the Czech authorities. According to him, many foreigners that he knows (like the Caritas clients) have come across such exploitation. Nevertheless, the interviewee doesn’t feel like a victim. He seems quite capable of taking care of himself and he will probably not have any problems when extending his legal status in April, 2005. He is aware of the hazards of the *client system*,

the activities of which he experienced before and he is trying to avoid getting involved with it in his future. For the time being, he cannot find employment, though.

CASE 14

Country of origin: Belarus
Sex: man
Age: 39 years

Interview details: Conducted by IOM Prague employees in the Salvation Army facility in Tusarova 60, Prague 7
The interview was conducted in Russian

The interviewee arrived to the CR about two years ago. He travelled with a travel agency which settled his tourist visa for a week; this cost him 90 USD including the travel (he finds this very cheap in comparison with the price of similar services in other countries). After arriving to the CR, he started to work under a Russian *client* (from Rostov), he stayed with him for four months, until December, 2003. He worked at various construction sites in Prague. The *client* promised him 45 CZK/hour and a free accommodation. Indeed, he did not have to pay for his accommodation, but he was only receiving regular advance wages of 500 CZK per week. Allegedly, the *client* had a habit of promising his employees, that – if they wanted to return home – he would pay for their ticket and pay the entire owed wages at the station. In reality, he only bought them the ticket, and, as for the station, he only used it to wave them off (these are the very words of the interviewee). Also, the *client* threatened his employees with physical assault. When the interviewee wanted to go home for Christmas, his *client* found out about it, came into a flat – where the interviewee was staying with other foreigners – with 5 bodyguards and had the flat tenants thrown out into the snow.

The interviewee has been in an insoluble situation for over a year. Already in December, 2003, he approached the IOM office to arrange his documents and travel home but he had no money to buy himself ticket with. Since then, he sought no help and tries to earn his money to return home but cannot succeed at it. He has a wife and daughter in Belarus who are, however, practically out of resources and cannot send him the money. He is now a Salvation Army client.

Methods of enforcement:

The interviewee was staying with his *client*, as he believed that – on top of the advance wages – he would also receive the rest of the wages. Later on, he understood from the experience of the other employees, that he would not get the remaining wages on his way home as promised. When he wanted to leave at Christmas, he was thrown out of the flat by force, where he was accommodated together with others – and he got nothing at all.

Legalization of residence:

The interviewee arrived to the CR legally, as a tourist via a “travel agency“, which transports Belarus citizens to work in the CR. A week after his arrival, his residence in the CR was already illegal. Now he is in an insolvable situation – the Alien Police allegedly does not want to issue him with a document unless he showed them a ticket home. However, as mentioned before, he has no money for a ticket.

Situation of the person interviewed before his arrival to the CR:

The interviewee has a family in Belarus, a wife and a daughter. He wanted to resolve the poor financial situation of the family by working in the CR.

Evaluation of his stay on the territory of the CR:

The interviewee has got a resigned attitude, he is currently unable to earn money for his journey home, but he doesn't believe in a help from the government or non-governmental organizations. He doesn't expect anything from the CR, he just wants to return home – which isn't possible at the minute. He only spoke with appreciation of the Salvation Army services.

CASE 15

Country of origin: Ukraine Sumy
Sex: man
Age: 32 years

Interview details: Conducted by IOM Prague employees in the Salvation Army facility in
Tusarova 60, Prague 7
The interview was conducted in Czech

The interviewee has been staying in the CR for 2.5 years. Back at home, he had paid 300 \$ to a brother of a *client* who is legally staying in the CR. From this amount, 100 \$ was used to arrange the tourist visa and to pay for the travel to the CR. The remaining 200 \$ was – according to the *client*'s brother promise – supposed to be a commission for mediation of employment with a Czech employer, where the interviewee was meant to work for himself, without the intermediation of a *client*. Averse to his expectations, he had to work under a *client* for half a year (the brother of his fellow-countryman from Sumy) and share a part of his salary with him. He lived in an apartment in Řepy, arranged for him by the client. 12 people were staying in a 3-bedroomed flat, each of them paying him 2,500 CZK a month. The interviewee rates this lodging as terrible. The client kept detaining him by a promise of exchanging the tourist visa for a visa with the purpose of employment. When the *client* failed to do so, the interviewee has escaped from the *client*.

Then he found himself another *client*, a Ukrainian from Lvov (Ivan), whom he met by accident when working for the first *client*. The second *client* promised him a better salary and nicer accommodation. He paid him advance payments of 1,000 CZK a week, even more at holidays. Another Ukrainian man has at that time also promised him to arrange him visas for the purpose of enterprise, he copied his passport and told the interviewee that he now owes him 10,000 CZK. Three days later, the interviewee supposedly lost his passport and was therefore trying to put a stop on the visa proceedings – which was, according to the Ukrainian intermediary, impossible. Some time later, he got copies of these documents. From the opinions of his acquaintances, who were more experienced in these matters, he understood that these documents were, however, false. Despite this, he had to repay them to the intermediary. At that time, the interviewee was living in a flat in Břevnov, with three other Ukrainians, paying 2,500 CZK a month again. During an Alien Police check, it was found out that the interviewee had been staying without a passport. The Police issued him with a 3 year deportation.

The interviewee then applied for asylum and was off and on staying in the asylum facility in Bruntál, his *client* allowed him to use the flat until he paid off the debt for the (false) visa. At that time, he started working for Czech firms in Prague without the mediation of the *client* (“moonlighting“), the work was better and was paid much better. Some time later, he went to Bruntál to extend his visa and when he came back to Prague, he could not return to the flat as the *client* had sold it in the meantime. In such way, he lost both his accommodation and job.

He was therefore forced to move over to another *client* (a third one) in Prague; he was from Ukraine again, he paid less and irregularly (200 – 300 every couple of days). He did not get on with this *client*; when he missed a day of work, the *client* beat him up and fined him by 5,000 CZK.

After that, the interviewee found work in Karlovy Vary, with a fourth *client* which he was referring to as a friend. He was paying him sufficient salary, the work was also satisfactory. Nevertheless, this *client* “had to disappear“ due to a legal residence check and the interviewee had to leave Karlovy Vary.

The interviewee was then working in Prague for three months for another (fifth) *client* from Belarus, working with plaster boards. He was only paid 100 CZK a day. He worked for a Czech company and his Czech employer promised to allow him working there for a better salary, without mediation of the *client*. The *client* has, however, found out about it and threatened the interviewee. If he wanted to move over to a Czech employer, he had to pay the *client* 30,000 CZK as a brokerage commission and to pay additional 5,000 CZK a month for “protection“ to the mafia (protection money).

The interviewee’s application for asylum has been recently rejected and he is now filing a revocation. He wants to stay in the CR, there is no prospects for him in Ukraine. He is staying in the facility of the Salvation Army.

Methods of enforcement:

The interviewee was enforced by several of the *clients*, as well as by other countrymen to whom he had to repay debts. One of the *clients* beat him up.

Legalization of residence:

The interviewee arrived to the CR legally, with a valid travel passport and a tourist visa. He believed that the purpose of stay could be changed to an employment of an enterprise visa – which is what the first two *clients* promised him to arrange. He left for the CR with a belief that he would work there legally, as promised when he had paid the commission. After he had lost his documents, he was staying in the CR illegally and only applied for asylum. Now he will file a revocation, because his asylum application was rejected.

Situation of the person interviewed before his arrival to the CR:

In Ukraine (in Sumy), the interviewee was jobbing at construction sites, there wasn’t much work around. When his friend had recommended him the services of the first *client*, he set out to do the same work to the CR.

Evaluation of his stay on the territory of the CR:

The interviewee’s concept of the possibilities to work legally in the CR were biased, he also thought that he would initially only pay for mediation of work and then work for a Czech company by himself – as per the promise of the brother of the first *client*. In this aspect, he felt cheated. Even though he later realized (after the deceit from the side of the two *clients*), that no one would arrange a valid visa for him against payment and that it is almost impossible to work outside the *client network*, he often had no choice. Especially in situations when he had neither work nor accommodation, he would accept work under very inconvenient conditions. However, he has a couple of positive experiences (with the *client* in Karlovy Vary and Czech firms) and he wants to stay in the CR.

CASE 16

Country of origin: Ukraine Lvov
Sex: man
Age: 50 years

Interview details: Conducted by IOM Prague employees in the Salvation Army facility in Tusarova 60, Prague 7
The interview was conducted in Russian

The interviewee arrived to the CR more than 3.5 years ago. He arranged a visa for himself in Ukraine – he had an invitation from a man he knew in the CR. In the first three months after his arrival, he worked under conditions that he rated as very good – he was paid 70 CZK per hour and getting four meals a day. Then he lost this employment and had to move over to a Ukrainian *client*. He claimed to have worked for a decent salary for a company Mados – constructing bridges and road works. After a residence check, he had nevertheless been deported and got an eviction warrant. He subsequently moved over to another *client* and applied for asylum. The asylum proceedings took one year and one day. The work with the third *client* was goodish but he was only paid the advance wages. When working on a reconstruction of the Spanish Embass by Hradčanská metro station, he injured himself: some machinery crushed his knee. The *client* threatened him and forbade him to mention that he was injured at work. Instead, he advised him to say that he fell out of a tram. When the interviewee was staying in a hospital, he received his asylum application rejection. His knee was temporarily treated but the doctors told him that – if he were to walk again properly – he needs a patellaplasty. However, he has no resources to pay for it now. He was wounded two years ago, since then, he has been staying on the territory of the CR illegally. Supposedly, he also had all the saved money stolen in the hospital. Because of his injury, he cannot work and make money to return home. He is a client of the Salvation Army.

Methods of encorcement:

The interviewee was forced by his client to deny the labour-related nature of his injury.

Legalization of residence:

The interviewee arrived to the CR legally, with a valid travel document upon an invitation of an acquaintance. When it came out during a residence check that his residence at the territory of the CR is illegal and he had been deported, he applied for asylum. Since his asylum application had been rejected, he has been staying in the CR illegally again, but he is now out of resources and – with respect to his injury, he cannot find work.

Evaluation of his stay at the territory of the CR:

The interviewee was quite satisfied with both his work and wages. He is disappointed that no one has been made accountable for his labour-related injury. He is now resigned, he wants to make money either to return home or to have an operation done, but with a lame in the knee, he cannot find any work. He associated a lot of hope with the patellaplasty.

CASE 17

Country of origin: Kazakhstan
Sex: man
Age: around 28 years

Interview details: Conducted by IOM Prague employees in the Salvation Army facility in Tusarova 60, Prague 7
The interview was conducted in Russian

The interviewee arrived to the CR about 2 years ago. He arranged himself a 1-year work visa in Kazakhstan for 3,000 Euro, he worked legally, with a contract, in a meat processing plant in Pilsen. His visa expired a year later and he lost his job. He applied for asylum and started to work illegally at construction sites as a welder (which he was qualified for). He worked around 12 hours a day. He conducted this directly for the Czech firms, with no mediators. He was only paid advance wages of 1,000 CZK a week, even though, according to the agreement, he was supposed to be paid 80 CZK an hour. Within 3 months, he was out of resources. He was only paid about half of what he was entitled to and what he was counting on.

In Prague, the interviewee lived in a flat that he himself found advertised, with another 3 foreigners. For a 2-roomed flat, they were paying 10,000 CZK in total – that he doesn't consider to be extraordinary in any way.

Subsequently to his asylum application rejection, the interviewee had been issued with an eviction warrant; this warrant has, however, expired on the day of the interview with the IOM employees. The interviewee's intention (he is currently taking advantage of the Salvation Army services) was to buy himself a flight ticket with the money he saved and fly home. This procedure was not recommended to him and he was called upon to approach the IOM office with this matter.

Methods of enforcement:

The interviewee felt no pressure from the side of his employers nor other people but he feels cheated – he was only receiving about half of the salary promised.

Legalization of residence:

The interviewed man arrived to the CR legally, with a valid travel document and a visa for the purpose of employment which he arranged in Kazakhstan against a fee of 3,000 Euro. When this visa expired, he has legalized his residence by entering the asylum proceedings.

Situation of the person interviewed before his arrival to the CR:

The interviewee has trained as welder in Kazakhstan, before his departure to the CR he had been unemployed.

Evaluation of his stay on the territory of the CR:

The interviewee believes that the salary he was getting in his job – when already in the asylum procedure – was disproportionately small, in spite of the agreement. He also rated the work as too long and hard. He is not disappointed by any of the other experiences.

CASE 18

Country of origin: Angola
Sex: man
Age: 38 years

Interview details: Conducted by IOM Prague employees in the Salvation Army facility in Tusarova 60, Prague 7
The interview was conducted in Czech

The interviewee has been a client of the Salvation Army for a week now. He has lived in the CR for 17 years. He is currently without any documents as he lost them all. He is waiting to have his passport issued by a Consulate in Berlin. He wants to stay in the CR because he has a partner here and children from a divorced marriage

In Angola he was trained as a machine mechanic, in the CR he first worked for Sigma Olomouc, then he changed a couple of jobs. He last worked (from 2000 till 2001) for the firm Brádek in Brno – this was already at the time when he had no documents. His employer was aware of this; they agreed that the interviewee would work as a maintenance man and a watchman and earn some extra cash by working as a car mechanic on the weekends (he had some previous experience in that). He was happy to get some extra cash in, as he has children in the CR from his divorced marriage that he must support with alimony. All he was getting for his work was accommodation, he was paid no money. His employer promised him payments with food as he could not pay him salary as he was lacking documents. The interviewee did not accord with this and he kept staying with the employer because he was hoping that, eventually, the employer would pay him. Supposedly, he signed a contract with the interviewee for three months (“for temporary work”) that was being extended.

Then the interviewee attempted to get to Slovakia in order to secure new documents in the Angolian Embassy there. This attempt did not work out and he therefore applied for asylum in May, 2001. Until 2004, he had stayed in the residence centre in Kostelec nad Orlicí. After his asylum application had been rejected, he is dependent on his partner, who is a foreigner, too.

During the asylum proceedings, he spent 10 months in prison for failing to pay the alimony. When summoned to the court to explain his reasons for not paying, the interviewee described his case of employer from Brno, but, according to the court, this firm has already gone under and it was impossible to find the employer.

Methods of enforcement:

The interviewee testifies that his employer had to pay him and that made him stay even though he was not getting any wages. The employer had apparently threatened him with reporting him to the Alien Police. The interviewee also described the system of how the employer preyed on the employees: allegedly, shortly before the pay-day, the employer would pick up tools and materials from the storeroom, and subtract their “loss” from the salaries of the employees (the interviewee, being a watchman, has witnessed such conduct of his employer). According to the interviewee, the employer was befriended with some policemen who would in such case draw up a fabricated report. The employees would therefore choose to walk off with no wages rather than dealing with the police.

Legalization of residence:

The interviewee arrived to the CR legally 17 years ago and he also worked here legally while he has still had his documents. Then he sought to get his documents through an Embassy in Slovakia, now he is trying to achieve this via the Embassy in Berlin. In the meantime, he had the asylum seeker status in 2001-2004.

Evaluation of his stay on the territory of the CR:

As for the employer in Brno experience, the interviewee feels cheated and robbed, the employer took the advantage of the interviewee's status of a foreigner without any documentation; because of him, the interviewee was unable to pay the alimony and was therefore sentenced to imprisonment. He does not lay the blame for the situation on himself.

CASE 19

Country of origin: China
Sex: woman
Age: 25 years
Child: no

Interview details: detention facility of the Alien and Border Police of the CR
The interview was conducted in Chinese

The interviewee arrived to the CR on a plane. The documents and visas were supposedly arranged by her partner – husband who is located in a different detention facility. Her answer to repeated questions about the way of getting the passports, visas and flight tickets was, that it was settled by someone that she doesn't know.

From the moment of their arrival until the moment of their detention by the police, they were fully controlled by an organized group composed of Chinese and Vietnamese.

The couple had their documents withheld and the two of them were kept by the above-mentioned group in one place, probably a basement or another lockable part of a house. They were never allowed to leave their prison; they were kept there alone. The interviewee was unable to locate the place of their imprisonment in any way.

Apart from retaining their documents, the jailers demanded money from the interviewee and her partner claiming these were the charges for the transport.

After half a year of imprisonment, during a transport to the border of CR (probably with Germany or Austria), the two of them were detained by the police while the smugglers managed to escape.

Legalization of residence:

Despite the fact that the woman stated the CR as her target destination, she was – together with her friend - detained when the smugglers tried to get them over the border to Germany or Austria. Due to their imprisonment, the interviewee neither her partner could undertake any steps towards the legalization of their residence at the territory of the CR. It is likely that the organized Chinese-Vietnamese gang, who imprisoned the two of them and held back their passports, has not undertaken them either.

After her detention by the police, the interviewee decided to resolve her situation in the CR by applying for asylum.

Methods of enforcement:

The interviewee and her partner were exposed to enforcement by having been deprived of their personal freedom, by having their travel documents withheld and also by threats of violence.

Situation of the person interviewed before her arrival to the CR:

Both the interviewee and her boyfriend come from the Chinese countryside. Their motive to leave China was a criminal prosecution of the boyfriend back in China. When departing China, they did not even have a clear idea of where they were going and what they were supposed to do there.

Motives for staying on the territory of the CR:

Neither the interviewee – according to her - nor her boyfriend can return to China, one of the reasons being the hazard of the criminal prosecution of the interviewee's partner. The interviewee is therefore determined to resolve the situation by applying for asylum.

CASE 20

Country of origin: Czech Republic⁶⁰
Sex: woman

Interview details: Caritas – social worker of the Caritas

1) What environment did the victim come from?

The client comes from a family with non-functional mother (the parents divorced when the client was 6 years old, the children were consigned to the father). There were 8 children in the family, her father was a ladies' man, he had four wives. The children worked a lot at their family farm in North Moravia, the father often beat them (he claimed that every missed slap was a waste). However, the children were doing well at school and the client was admitted to a secondary textile school, while also involving herself with Latin dancing.

Her step-sister engaged her into the prostitution when the client was less than 17 years old. First, she started to work in a restaurant and a bar of the chief pimp and a boss of the gang, then they began to prostitute her. They had a luxury apartment, he had two women (wife and mistress, both living in the same apartment), 6 children, several cars, especially Mercedeses and BMWs. The client was looking after the household – she had to work as au-pair, a servant, a maid of all work. She was living in the children's room where she had an allocated camp-bed.

2) Was the victim abused by an individual, several persons or a wider group?

The boss/chief pimp that she was staying with was the main organizer, the small "executive" jobs were done by the "hops", a team appointed for such matters. The idea was his brother-in-law's.

3) What country does the person(-s) come from who abused the victim for the involuntary marriage?

The persons who forced the victim to marry were Czech Roma; the person she married was Russian.

4) What are the activities conducted by the abusing persons at the territory of the CR?

Running a restaurant and a bistro is the official activity. Unofficially, it is drug dealing and pimping.

5) How was the victim contacted by the people who abused her to the involuntary marriage?

⁶⁰ The following interview was – upon IOM International Organization for Migration's request – conducted by a social worker of Caritas. It was held by a victim of trafficking in human beings – a Czech woman who was forced to prostitution and subsequently to a marriage with a citizen of Russia. The IOM researches opted for this way of interview conduction, because the Caritas worker has already had established – after several conversations – a more intimate relationship with the victim – and another, very personal interview with IOM employees could needlessly traumatize her. The interview questions were proposed by the IOM.

She was commanded to and told that she had no choice. She was their only option, available at the time. When she objected, she was told that he could not ask his wife or mistress to do it. She was also threatened with severe punishment in case of disobedience.

6) According to the victim, what was the building ground for choosing her for a potential subject of abuse by a forced marriage?

As stated above, she was the best available person “at hand“. She was also blackmailed through children that she feared for – and she therefore complied. She had a negative experience from the past, when – based upon their intervention – she had 4 children taken away from her.

7) What methods of enforcement did the abusing persons or a group of persons against the victim?

Threats of physical assault, mental bullying, using the children for a blackmail instrument.

8) Was the pressure from the side of the abusing persons constant or did it show some dynamics (escalate or ease) over the entire time the victim spent under their command or under their influence?

Constant, she was told that things would get bad if she did not toe the line.

9) Was the victim promised anything from the side of the abusing persons or a group of persons – and if so, what was it?

She was promised 5,000 CZK to dress and feed her small daughter. However, she never got the money and they only bought nappies and commented that is should be sufficient.

10) What was the main reason – goal – of the abuse of the victim for the involuntary marriage?

Acquirement of permanent residence permit for a Russian man she was marrying.

11) Did the abusing persons or group of persons act in concurrence with the official authorities of the CR to achieve their goals – and if so, which ones?

Alien Police Karlovy Vary

The notary who prepared the pre-matrimonial contract Registry office in Toužim where they were wedded. They phoned the registrar and planned the whole act by the phone. When they arrived to the wedding hall the chief pimp called the registrar who subsequently arrived. They were waving at each other from a distance. Allegedly, it was not the first time that she did it, as the chief pimp admitted.

12) What are the implications on future life of the victim resulting from being abused for a forced marriage? What obstacles and issues does this bring to her near future and in a long run?

The first issue are the payments of the social benefits that she now isn't entitled to – only to a small part. Another problems seems to be the paternity of the child – when born, the “husband” is automatically stated as a father. Paternity denial and all connected issues is a rather complex procedure. If she did not report the change in her marital status, she could ask for considerate legal trouble. The cut-off edge of the IC is a kind of marking about a change

in marital status and it is therefore very difficult to conceal such a fact. All the relevant authorities must be notified about the change in status and it is a long and bureaucratic procedure. In the case of our client, an application could be filed to proclaim the nullity of the marriage, but – with regard to the “speed“ of our court proceedings – the entire matter has been lasted 2 years so far. Living in a lie brings a number of risks and troubles, not only for the client-victim, but also for the social workers of the organization looking after the client and for the entire organization.

CASE 21⁶¹

Country of origin: Czech Republic
Sex: woman
Age: P.J., born 1981

Interview details:

Place: La Strada facility, 16th January, 2005
Under circumstances: contact through a German organization Contra (Kiel, Schleswick-Holstein, Germany), picking up of the client from a bus station Florenc (bus service Hamburg – Prague)

P.J. (further referred to as client only) is married; she has two children, an older boy (6 yrs) and a girl (4 yrs). She comes from a village near Kladno in the CR. The boy is a child “of the past“, the daughter is a child of her present husband who is allegedly an alcoholic and a gambler. She is in the process of divorcing him. At the time of her absence, the children are taken care of by their grandmother – the mother of the client. The client trained as cook. She has, nevertheless, never been employed in the field, not even in any other field. In Germany, she communicated with the aid of a dictionary. The client reported to have stayed (probably with her previous partner) in Brno, at Pekařská street. She attended the pub Na schůdkách. She obviously got to know her friend Kateřina in the Brno area. The environment in Brno the client dwelled in (pub, street) is a kind of social dive. For several years, the client has had problems with the cotyles on her hands (fingers). While being raped in Germany, she had thus been injured and she had to seek medical help. Otherwise, she finds her health condition satisfactory. In Prague, she only knows Motol and Bohnice – i.e. hospitals.

Description of the trafficking:

The client departed on the 4th October, 2004, with her friend K.T. (born K. From Jedovnice in Brno district) to the town of Kiel in the state of Schleswick-Holsten in Germany. She traveled out with the purpose of looking after the children and household in the Lebanese-Arabic family T. That her friend Kateřina is married to. The client’s passport had been (in accelerated proceedings) settled by the town council of Kladno, Kateřina assisted and covered the financial costs. After having crossed the Czech-German border, still in the vehicle, the client was told by Kateřina that the true purpose of her departure to Germany is an arranged wedding with one of the Tayl family members. The newly married couple was supposed to live in the CR and gradually move to Germany. In Kiel, the client was locked up in the flat of the family T. and repeatedly raped for one month by the male members of the clan. She had been guarded and locked up in the flat and never gone out. Kateřina was bringing her food. She did not accept the proposal to marry – and it would have been problematic anyway, as the client is already married; this fact was, however, never brought up or, to be more specific, no one has ever considered it (Kateřina must have been aware of the client’s marital status). From the testimony of the client, the marriage to the son of Kateřina’s husband was supposed to be taking place in Lebanon. After a month of imprisonment, the client managed to escape and approach the German Police which started off the investigation of the case. The public prosecutor in Germany is supposed to start the legal proceedings against the offenders. The police secured the client’s passport in the flat of the family T. where it had been withheld. The

⁶¹ Case provided by La Strada organization.

client was accommodated in a “Frauenhaus“ in the period from November till January and she was assisted by the Contra organization.

According to the client, another Czech woman had already been “processed“ by the T. family (evidently, with the assistance of Kateřina) – this woman is now, however, satisfied with her status. The client brought a legal action against Kateřina. The client is supposed to witness in the oncoming trial with the offenders in Germany, with the assistance from organization Contra.

The Unit Combattin Organized Crime was contacted on the 19th January to see if they were interested in speaking to the client. Recommended to file a legal action with the Criminal Police.

Upon the client’s request, a complaint was filed on the 25th January, with the Police of the CR, precinct office of Prague III, Criminal Police Jandova 1. The client requested to give evidence as a covert witness which was enabled. The detective is only using the old version of the penal law and has no idea about an amendment.

The Criminal Police of Prague III which took the client’s case over, contacts La Strada on the 26th January.

Criminal Police of the CR III, amendment of testimony, 1st February.

The Police prohibited the social worker of La Strada to participate at the amendment of the client’s testimony. According to the client, it only concerned completion of address and some other data. According to the policeman who interviewed the client, the case will be handed over to the Kladno Police who should come forward within 14 days. He classifies the case as deporting abroad and trafficking in humans as per §246 - again, he has never heard of the law amendment.

CASES 22-29

See Chapter III. “Cases of persons trafficked within the Ukrainian *client system* – La Strada”

CASES 30-32

See Chapter IV, “Pilsen, 3rd March, 2005, stories of the debtors from Trebišov”

APPENDIX II

Review of Assisted Voluntary Returns (IOM Prague, 2000-2004)

Review of assisted voluntary returns (IOM Prague, 2000-2004)						
Part 1						
Country of origin	2000	2001	2002	2003	2004	Total 2000-2004
Albania			1		1	2
Algeria			7		5	12
Armenia		35	57	4	7	103
Belgium			1			1
Belarus		22	44	13	51	130
Bosnia-Herzegovina		1	3	1		5
Brazil			1			1
Bulgaria		7	23	11	8	49
Burkina Faso		1	1			2
China		16	31	57	33	137
Ethiopia			1			1
Philippines					3	3
France				1		1
Ghana				1		1
Georgia		38	44	10	8	100
India				2		2
Iran			1			1
Jordan			2		4	6
Yugoslavia	16	15	14			45
Kambodia	1					1
Canada		3				3
Kazakhstan			1	2	3	6
Columbia			1			1
Democratic Republic of Kongo				1		1
Kyrgyzstan					6	6
Cuba			1			1
Lebanon			1	2		3
Lithuania		11	21	22	9	63
Latvia			3	1		4
Madagascar		1				1
Macedonia	2	13	14	4	1	34
Morocco				1	1	2
Mauritius			5	1		6
Moldova	9	395	302	93	40	839
Mongolia		11	13	6	7	37
Namibia			1			1
Nepal	2					2
Nigeria				1		1
Netherlands				1		1
Peru		1		1	3	5
Romania		18	27	6	5	56
Russia		29	39	21	73	162
Senegal			14	1		15

**Review of assisted voluntary returns (IOM Prague, 2000-2004)
Part II**

Country of origin	2000	2001	2002	2003	2004	Total 2000-2004
Slovakia		12	39	1	2	54
Serbia and Montenegro				4	7	11
Sri Lanka					2	2
Syria			2	5		7
Thailand					1	1
Tunisia			1	1		2
Turkey			6	5	2	13
Togo					1	1
Ukraine		2	3	10	27	42
USA				1		1
Uzbekistan			4	1		5
Vietnam		4	11	5	5	25
TOTAL	30	635	740	297	315	2017

APPENDIX III

JOB EUROPA

The married couple of A. P. and I. P. come from the Moldovan city of Kishinev. In November, 2004, they became victims of a professional fraud conduct from the side of professional group of swindlers, concealed behind the fictitious firm Job Europa.

Our findings, based on the handed materials, investigation within the Internet web and upon our further investigations:

The corporation Job Europa – as an employment brokerage agency – offers at their web pages, which – since December, 2004 – changed their address at least once, the mediation of employment, arrangement of work visas to the EU countries of the Schengen area (Germany, Italy, Austria, France, the Netherlands and Belgium), to the Great Britain, to the CR and to the USA (with a transit via CR). The corporation Job Europa claims to have a 95% success rate when arranging the above visas.

Present address of web pages Job Europa:	ttp://www.job_europa.chat.ru
Formerly used:	http://www.jobeuropa.chat.ru
Present e-mail correspondence address:	job.europa@seznam.cz
Formerly used:	job.europa@mail.ru
Present telephone Nr.:	776 299 854
Formerly used:	775 042 809, fax: 251 081 226

Job Europa indicates the following postal and delivery address: **Václavské náměstí 17, Praha 1, 110 00.**

At the fictitious Job Europa address (Václavské náměstí 17), there are several other operating subjects offering procurement of visas in Russian-speaking advertising media.

Bratex, Sergen, ABC group, Aquamarin

There is also a modelling agency named **Lars** active at the address.

And an organization **ECPU – European Center for Refugee Help**, unknown in the sector of providing services to refugees in the NPO area in the CR.

From our findings, the corporation Job Europa is not located at the address given, neither it is registered in the CR as a legal entity of a an individual entrepreneur. **The probability is therefore very high that it is only a fictitious subject which only exists in the virtual space of the Internet web.**

The persons presenting themselves as managers of corporation Job Europa at the internet pages of this corporation are probably using a fictitious identity, too. These are: Zdeněk Kučera, Viktor Klaus and Tereza Orlovská. According to the damaged party – the couple from Kishinev – who communicated with the above mentioned Viktor Klaus by phone, they rate the Russian of this person as very good, however, with an unspecified accent.

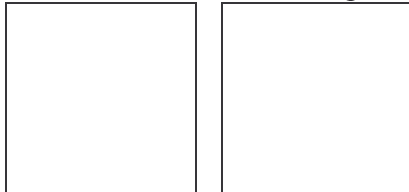
The above mentioned persons do not feature as partners or statutory bodies of any legal entity registered in the CR.

According to our findings, the person presenting himself as Zdeněk Kučera looks very much alike the director of ANELIK corporation for Armenia – see the enclosed photos from the web pages of ANELIK corporation.

Photo 1 – aka Zdeněk Kučera (left) in the company of ANELIK owner Armen Kazaryan



Photos 2 and 3 – the same person in his office and outside the office in Yerevan



The firm Job Europa doesn't evidently use the postal services of any country for the delivery of documents from the zone of the Commonwealth of Independent States to the CR, it also avoids usage of courier services, such as DHL. In the case of the damaged couple from Moldova, the bus service drivers from Kishinev to Prague were used.

Job Europe uses the services of ANELIK to transfer money for the above mentioned visas. ANELIK is a Western Union's competitor at the territory of the Commonwealth of Independent States. The money are – via ANELIK – sent to ÚVĚRNÍ DRUŽSTVO (Credit Co-operative) PDW, at address: LIPOVÁ 1444/20, Prague 2. Robert Levandovskij is stated as a person authorized to collect the money.

There is a number of companies residing at the address of the Credit Co-operative – which is registered at the CR and also co-owns the real estate of Lipová 1444/20 Prague 2 – one of them being the ANELIK corporation, which is not registered in the CR.

Other companies at the address Lipová 1444/20 are for example Messet Enterprise, a user of a wireless digital communication system INTEGRAL 5 with a capacity of 50 (according to the supplier of the system who implemented this system for the Messet Enterprise corporation).

The supplier of the communication system INTEGRAL 5 is the TENOVIS corporation, residing at address Pod Višňovkou 1661/35, Prague 4 – Krč.

From our findings, the locality Lipová 1444/20 shows signs of securing with surveillance instruments and it is likely that the above mentioned system Integral 5 is used for such security space protection.

The real estate Lipová 1444/20 is owned by the Credit Co-operative PDW and Messet Enterprise. These corporations mortgaged the real estate to the firm ANELIK. The conditions of the lien cannot currently be disclosed, as the proceedings are running to enter the mortgage lien to the Land Registry.

APPENDIX IV

Questionnaire for research amidst the employees of the Refugees Facilities Administration, Alien and Border Police, Unit Combating Organized Crime and non-governmental non-profit organizations

Dear Sir, Dear Madam,

We are taking the liberty of requesting your kind cooperation with the **“Pilot research of the trafficking in human beings environment at the territory of the CR”** of IOM, the International Organization for Migration. This research is focused on methods of trafficking in humans *other* than the sexual exploitation (i.e. forced labour, slave labour, serfdom and other ways of exploitation). With respect to the fact that your experience with the target groups of the research is extensive, we would like to get to know your opinion on the trafficking with human beings.

We would therefore like to ask you for as detailed as possible – and anonymous – completion of this questionnaire. Any additional comments to the theme would be very valuable, too.

- 1. **How long for, in what area and in what position have you been working with the target groups of the research (i.e. asylum seekers, persons leaving the asylum facilities, applicants for assisted homecoming and stranded migrants)?**

- 2. **What is your understanding of the term “trafficking in human beings“ – what is, in your opinion, included in it?**

- 3. **Have you previously encountered cases of trafficking in human beings with a purpose other than sexual exploitation, as per the current definition of the amendment of the criminal code? (*Gloss: Law Nr. 537/2004 of the Statutes, see Appendix at page 6*)**

4. In your opinion, how are the cases of trafficking in human beings (*forms other than the sexual exploitation*) associated with committal of other criminal activities? Please state which ones.

5. How would you describe these cases? (*Gloss: please focus on methods of trafficking in humans other than sexual exploitation*)

- Which countries the victims originated from?

- In what ways did these people get to the CR?

- How has work been offered to them: Did they usually come on their own or were they recruited by some agency?

- **What kind of trafficking in human beings were they exposed to?**

- **What work did they perform?**

- **Under what kind of conditions did they work?**

- **Was there any pressure exercised on them? By whom and what kind?**

- **Do you believe they had been deluded? How?**

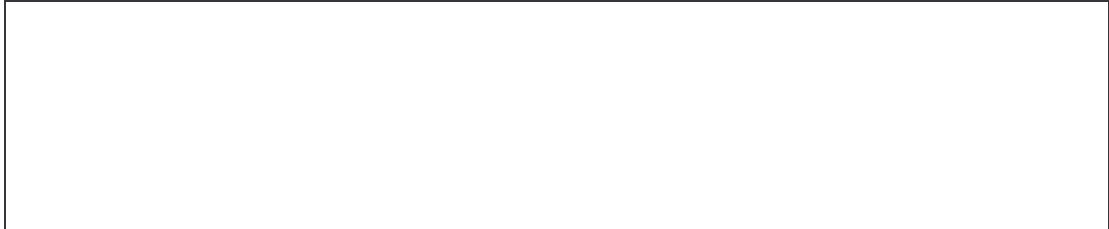
6. Could you please give your general estimation of the size of the trafficking in human beings issue?

7. Which groups of people are most affected by the trafficking in human beings (country of origin, sex, age group, status in the CR, the way of migrating into the CR, type of trafficking etc.)?

8. Do you believe that there is an association between the cases of the illegal migration and the trafficking in human beings? Can the cases treated as illegal migration cases bear attributes of such trafficking in human beings?

9. What do you find the most problematic issue when solving the cases of trafficking in human beings (both by the previous and current legal regulation)?

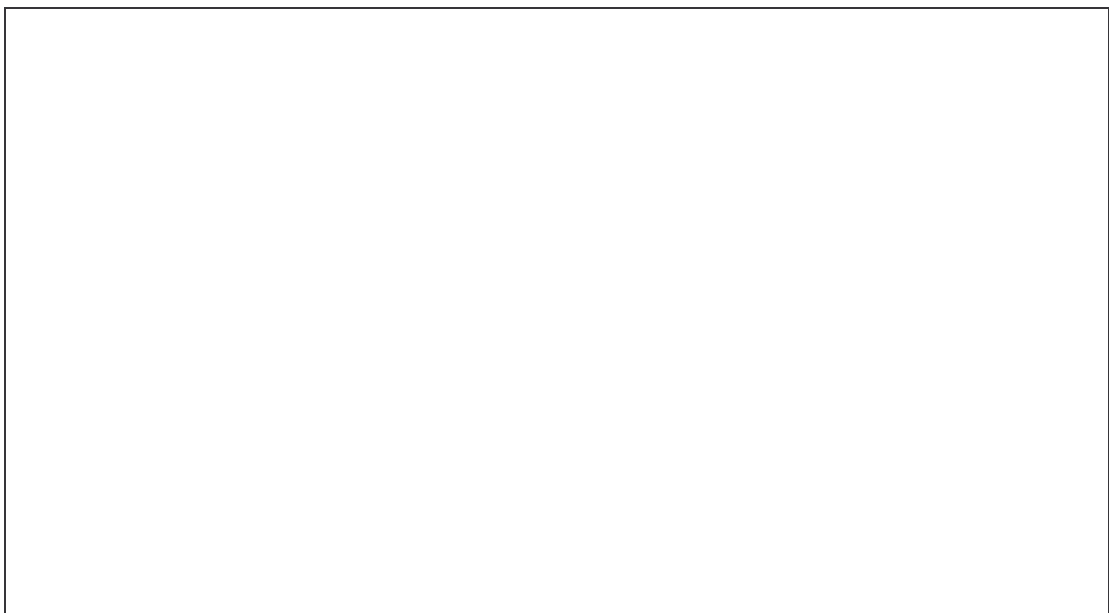
10. Which criminal offences do you believe to have the same social hazard as trafficking in human beings?



11. Do you believe that trafficking in human beings for purposes other than sexual exploitation is actually associated with the trafficking in human beings for the purposes of sexual exploitation? If so, then how?



12. Can you please make other comments to the issue of trafficking in human beings?



Appendix: The amendment of the Criminal Code (Law Nr. 537/2004 of the Statutes)

„§ 232a

Trafficking in human beings

- 1) He/she who will force, hire, entice, transport, hide, holds back or disgorge a person younger than 18 years of age for the purposes of
 - a) sexual intercourse or other ways of sexual molestation or abuse,
 - b) slavery or serfdom or
 - c) forced labour or other ways of exploitation will be punished by deprivation of liberty for 2 to 10 years.

- 2) He/she who will – with the use of violence, threat of violence, by fraud or abuse of other person's mistake, distress or dependence – force, hire, entice, transport, hide, holds back or disgorge the other person for the purposes of
 - a) sexual intercourse or other ways of sexual molestation or abuse,
 - b) slavery or serfdom or
 - c) forced labour or other ways of exploitation will be punished in the same way.

- 3) Criminal offender will be punished by deprivation of liberty for 5 to 12 years,
 - a) if he committed the offence as per article 1 or 2 as a member of organized group,
 - b) if, by committing such offence, he/she exposes the other person to a danger of serious bodily harm or death,
 - c) if he/she committed such an offence with the intention of significant personal gain or
 - d) he/she committed such an offence with the intention of using the other person for prostitution.

- 4) Criminal offender will be punished by deprivation of liberty for 8 to 15 years,
 - a) if, by committing offence as per article 1 and 2, he/she caused a serious bodily harm, death or another severely serious consequence,
 - b) if he/she committed such an offence with the intention of personal gain of a large extent or
 - c) if he/she committed such an offence in association with an organized group operating in more countries.