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INTRODUCTION

This Report is the second Status Report on Trafficking in Human Beings in the Czech Republic. The first Report was submitted to the Minister of the Interior of the Czech Republic in March 2009 and reflected the situation from 1 January 2008 to 31 December 2008.¹ Drafting and submission of the annual Status Report on Trafficking in Human Beings occurred upon the basis of a task assigned in the Annex to Czech Government Resolution No. 67 of 23 January 2008 concerning the National Strategy to Combat Trafficking in Human Beings (2008-2011).

The Report structure is a follow up to the 2008 Report, so that it is possible to identify basic trends and significant changes which occurred during the year 2009. The Report was compiled primarily from contributions of permanent members of the Inter-ministerial Coordination Group for Combating Trafficking in Human Beings (hereinafter referred to as the 'IMCG') and on the basis of ongoing monitoring of the situation carried out by the Ministry of the Interior of the Czech Republic (hereinafter referred to as the 'MoI'). Information provided by law enforcement authorities concerning investigated cases and criminal statistical data are the fundamental pillars of the Report. Further areas of obtained data refer to victims of trafficking in human beings, and to the care devoted to such victims. Information has been customarily gathered from two main sources: from the Programme of Support and Protection of Victims of Trafficking in Human Beings of the Ministry of the Interior of the Czech Republic (hereinafter referred to as the 'Programme') and partner non-profit, non-governmental organisations (hereinafter referred to as the 'NGOs'), as well as from an inter-governmental organisation, namely the International Organisation for Migration (hereinafter referred to as the 'IOM'). With regard to the difficulties concerning the applicable definition of trafficking in human beings and its problematic relation to other constituent elements of certain criminal offences, the Report newly encompasses a section devoted to relevant cases dealt with by Public Prosecutor's Offices as well as by courts.

The most extensive part of the Report is devoted to trafficking in human beings (hereinafter referred to as 'THB') – persons older than 18 years of age – both for the purpose of sexual and labour exploitation² since these are the two most frequently occurring forms in the Czech Republic. However, the Report also deals with other forms, namely trafficking in children and THB for the purpose of removal of tissues and organs. The Report clearly demonstrates that THB is not an isolated phenomenon. Taking into account the ever growing number of cases of, in particular, labour exploitation of foreign nationals, the Czech Republic as well as foreign countries are trying to find a tender border to be able to distinguish between the phenomenon known as THB which is in compliance with Act No. 40/2009 Coll., the Criminal Code as amended by Act No. 306/2009 Coll. (hereinafter referred to as the 'Criminal Code') - an especially grave crime, and other forms of criminal activity (for example following Sections of the Criminal Code: Sec. 177 - oppression, Sec. 175 - extortion, Sec. 171 - restriction of personal freedom, Sec. 189 - procuring and so forth) but also between violation of other legal regulations [Act. No. 262/2006 Coll., the Labour Code, as amended (hereinafter referred to as the 'Labour Code') and Act No. 435/2004 Coll. on Employment,

¹ 2008 Status Report on Trafficking in Human Beings in the Czech Republic; the Ministry of the Interior of the Czech Republic, Security Policy Department, Prague, 2009. Available also in English version on the web sites of the MoI on: www.mvcr.cz.

² THB for the purpose of labour exploitation is defined in this document as a criminal activity which can be classified as a criminal offence pursuant to the provisions of Sec. 232a, (1) or (2) (b) and (c) of Act No. 140/1961 Coll., Criminal Code, as amended, (hereinafter referred to as the 'old Criminal Code'). Therefore, it is THB for the purpose of "slavery, servitude and forced labour, or other forms of exploitation". Even though it is possible to include among "other forms of exploitation" also for example forced begging or abuse of people for criminal activities a rather frequent form abroad is for example pickpocketing) according to official data available as of 31 December 2009 this form of exploitation was not detected in the Czech Republic.

Pursuant to Act 40/2009 Coll. the Criminal Code, as amended these activities will be included in the provisions of Sec. 168, (1) or (2), (d) and e).

as amended (hereinafter referred to as the 'Employment Act') and between that which is known according to certain subjective views as "breach of morals" and which as such, in contrast with the other mentioned categories of transgression, can not be penalised by governmental, local or regional authorities.

The Report is not only to provide a comprehensive overview of the current situation pertaining to THB to respective experts, but also to draw attention and to increase sensitivity towards manifestations of THB among other relevant actors and institutions (media, the Parliament of the Czech Republic and other political representation, entrepreneurs, trade unions and so on), in emulation of the situation that can be seen in other EU Member States.

The aim of the Report is therefore not only to describe the situation but also to identify weaknesses in the policy for combating THB including specification of areas to which attention should be paid in 2010.

1 FUNDAMENTAL STRATEGIC DOCUMENTS, COOPERATION AND COORDINATION AT A NATIONAL LEVEL

1.1 Fundamental Strategic Documents

The fundamental strategic document was, in the Czech Republic in 2009, the National Strategy for Combating Trafficking in Human Beings (2008-2011) (hereinafter referred to as the ‘National Strategy’) approved by Government Resolution No. 67 of 23 January 2008. The document, as with the two previous National Strategies³, is a follow-up to a range of other strategic documents - in particular the steps proposed within the ‘Strategy for Combating Organised Crime’- and is in compliance with other strategic materials. The national Strategy is available online on the MoI web pages at www.mvcr.cz. Under the drop-down menu ‘O nás go to Bezpečnost a prevence/Kriminalita/Obchod s lidmi’ (About Us/Security and Prevention/Crime/Trafficking in Human Beings) a number of other related documents can be found

1.2 Inter-ministerial Coordination Group for Combating Trafficking in Human Beings

As THB is a cross-cutting topic, measures being adopted to combat THB require a multidisciplinary approach. For this reason the current practice was formalised after the adoption of Government Resolution No. 1006 of 20 August 2008, and the Inter-ministerial Coordination Group (IMCG) was subsequently established.

Individual activities carried out at the national level are coordinated through permanent members of the IMCG, with the secretary of the IMCG (a director of the Security Policy Department of the MoI – hereinafter referred to as the ‘SPD MoI’) overarching ongoing exchanges of information amongst individual members. It may be said that in 2009 a practice of active involvement of NGOs as well as of the intergovernmental organisation into activities of the IMCG proved to be beneficial. A fundamental mission of such organisations is mainly to provide assistance to victims of THB.⁴ Thanks to their everyday street work the NGOs participating in activities of the IMCG provide a much-welcomed reflection of the impacts that individual measures have on the development of THB in the Czech Republic. At the same time such information is a significant source of data which cannot be directly compared, for example, with statistical data of the Ministry of Justice of the Czech Republic (hereinafter referred to as the ‘MJ’) and of the MoI; however, it is a very precious piece of a jigsaw showing a comprehensive picture of the situation in the Czech Republic.

The 2008 Report describes in full detail competencies of individual permanent members of the IMCG in their fight against THB. Such a presentation was very important in particular with regard to the fact that the Report is not used only in the Czech Republic but its English version is regularly distributed to partners abroad. In 2009 neither the structure of IMCG members nor their competencies and tasks displayed any changes, therefore we refer in this respect to information encompassed in the 2008 Report.

³ ‘The National Strategy to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic (2003-2005)’ and ‘The National Strategy to Combat Trafficking in Human Beings (2005-2007).’

⁴ The discussion among experts about, inter alia, terminology to be used, continued in the Czech Republic in 2009. With regard to a continuing discussion we consider it very important to mention two different approaches. The MoI prefers to use the collocation “a victim of THB” which is deemed to have been generally known since 2003, especially in the context of the Programme. On the other hand some NGOs prefer the denotation “a client” for persons who are provided services by NGOs or a term “a trafficked person”. The Report will predominantly use the term “a victim of THB”; the other aforementioned terms will be used throughout the Report mainly in cases where supportive information provided by NGOs was used in drawing up the Report.

2 SITUATION DESCRIPTION

The aim of this Report is not to deal with generally known facts, such as theories elaborated in technical literature describing push and pull factors, but to assess the particular situation concerning THB or combating THB in the Czech Republic. With respect to the Schengen area, of which the Czech Republic is an integral part, it is nevertheless necessary to briefly mention the situation in other EU Member States if it is assumed that it can affect the development of the situation in the Czech Republic.

In general, it can be unambiguously stated that the main trends of 2008 continued in 2009. At the same time it can be reasonably expected that long-term trends will remain unchanged also in 2010.

Perhaps the most considerable trend affecting the situation in the Czech Republic since the end of 2004 has been a gradual growth in the percentage of other forms of THB; i.e. forms other than sexual exploitation. There is specifically an unequivocal trend demonstrating an increase in the number of cases of THB that are classified within the Czech legal framework as THB for the purpose of “slavery, servitude and forced labour, or other forms of exploitation”. The same trend is seen both in other EU Member States and in other countries around the world. However, when the development after October 2004 is compared with the current trends, a considerable growth in the number of cases concerning the extension of forms of THB included in Sec. 168 of the Criminal Code, (namely “THB for the purpose of removal of tissues, cells or an organ” or “THB for the purpose of recruitment for military service”) cannot be expected. At this point in time, no permanent member of the IMCG has at his/her disposal information which would indicate any occurrence of the latter forms of THB in the Czech Republic.

Another marked trend, mentioned for example by EUROPOL,⁵ shows increasingly close links between THB, trafficking in drugs and organising illegal migration. As stated by EUROPOL this especially holds true with regard to large and medium-sized groups of organised crime involved in the above-mentioned criminal activities. These concern not only the same routes for committing criminal activities but also usage of proceeds generated through one type of a criminal activity (for example THB) in order to finance other criminal offences (for example purchase of drugs). Although this trend is seen mainly within extensive groups of organised crime it is in some cases apparent also in cases that directly or indirectly concern the Czech Republic.

An increase in the number of groups that consist of offenders of different nationalities or coming from various ethnic groups appears to be a related trend. Although cases where nationals of a certain country are trafficked by offenders of the same nationality or ethnic origin still prevail, some groups gradually absorb persons from other groups or merge with other groups.

The last main change which has gradually emerged and which was described in more details in the previous 2008 Report is a change in modus operandi. Specifically, it means gradual cessation of brutal violence used as a method of forcing a victim of THB to obey. Different forms of intimidation, unfamiliarity with environment and language but mainly abuse of dire personal circumstances or the fabrication of a certain degree of dependency (nonexistent debts, laying the blame for misconduct which has not occurred, reasoning by way of an employment contract written in a foreign language, seizure of personal documents, not paying wages and so forth) have been used in recent years much more extensively. The above forms were followed by different types of psychological violence, particularly in the form of threats concerning subsistence of a family, psychological torture and degradation. All this exacerbates difficulties connected both with identification of victims of these criminal offences and with proving such crimes, and has contributed to a high latency level of THB.

⁵ EUROPOL: *EU Organized Threat Assessment 2009 (OCTA 2009)*, The Hague, 2009.

EUROPOL: *Trafficking in Human Beings in the European Union: A EUROPOL Perspective*, The Hague, June 2009.

Despite all these facts, in 2009 cases where a wide range of physical violence was used – from slapping through kicking and hitting with different objects, holding victims in flats without any water and food to rapes – were reported.

It is apparent on the basis of investigated cases that it is predominantly quite small organised groups that commit such criminal activities in the Czech Republic. In spite of that the Czech Republic has been ready since 2008 for dealing with more extensive cases, as a “crisis plan” had been drawn up. Thanks to the existence of this crisis plan the Police of the Czech Republic (hereinafter referred to as the ‘Czech police’) in cooperation with the MoI and NGOs can ensure emergency intervention for a larger number of victims identified within one case. The plan was tested in 2008; however, it has not been used for any intervention so far. At the same time EUROPOL⁶ informs that in many EU Member States criminal groups involved in THB meet the criteria which identify organised crime. Although it is possible to find certain indications of a hierarchic structure of groups, criminal networks engaged in THB are most often organised in small groups, which operate both independently and in cooperation with other groups of organised crime. As a rule, groups work with other structures for the purpose of obtaining services that they cannot ensure for themselves (for example high quality forged or falsified documents). It is typical that roles are divided within the group. The role of a “recruiter” is vested in persons of the same nationality or ethnic origin as is that of recruited victims. This leads not only to maximising and following legalisation of proceeds (money laundering) but it also makes it difficult to detect this type of criminal activity. Simultaneous with this is the ability of a group to adapt to any changes of the environment (changes of the characteristic features of the market, legislative measures and so forth).

On the other hand it is not easy to unambiguously specify the profile of a typical victim of THB. Although it is true that in many cases victims of THB correspond to a generally accepted profile (a foreign national⁷ who is lost in an unknown environment, has high debts – often fictitious - for intermediating the journey and acquiring necessary documentation, is without a residence and work permit, who does not know the language and has lower education, and so forth)⁸. However, even university graduates speaking one or more foreign languages can become victims of THB if they decide to travel cheaply or use options provided by modern technologies to enter into contact and to find a “well-paid job” abroad. All such persons have some common features as firstly they are cheated and later they are exposed to serious forms of psychological or physical coercion and can be forced by offenders to submit to either labour or sexual exploitation. Some victims believe a mere verbal promise which might be “too good to be true”. Other victims carefully study a written contract encompassing detailed salary and working conditions. Although it holds true that women or children (both boys and girls) more often become victims of THB, the number of cases where men are identified as victims of THB and labour exploitation displays an upward trend. This fact likely relates to the growing attention devoted to the area of labour exploitation and such a trend is seen not only in the Czech Republic but it is reported across the whole EU.

The list of main source and destination countries can be sometimes misleading. For example in 2009 an official of the Czech diplomatic mission in the country which used to be for the Czech Republic exclusively a source country, identified as a victim of THB a woman who was a citizen of the Czech Republic. Thanks to information on THB provided to the official concerned prior to his departure to the respective Czech embassy, he was able to actively offer assistance to the trafficked woman and to arrange her assisted return to the Czech Republic

⁶ The same document as above.

⁷ The term “a foreign national” is understood in the Report as both male and female foreigner unless the concrete case provide otherwise. The same applies to use of terms such as migrant, employee, citizen/national, worker and other. Moreover, the text strictly distinguishes the cases in which permanent members of the IMCG have provided supportive documents for drawing up this Report.

⁸ EUROPOL, for example, in June 2009 drafted a well-arranged table called “At Risk Group” designed to provide information to practitioners. *Trafficking in Human Beings in the European Union: A EUROPOL perspective, June 2009, The Hague. Available on the EUROPOL web sites.*

2.1 Sexual Exploitation

Conduct in the area of THB for the purpose of sexual exploitation did not change in the course of 2009 when this year is compared with 2008. The main source countries for the Czech Republic continue to remain countries displaying a lower standard of living (such as the Russian Federation, Slovakia, and Ukraine). The Czech Republic on the other hand was a source country for Austria, Germany and Switzerland. Victims of THB or persons offering their sexual services on a voluntary basis were transported by different available means of transport (such as trains, buses, or cars). With respect to information of investigated cases abroad members of the IMCG paid large attention also to communities from Nigeria, Vietnam, Mongolia, Romania, and Bulgaria.

Offenders recruited from among the Roma ethnic group were involved in several cases of the crimes monitored. Their conduct consisted in THB for the purpose of sexual exploitation where young Romas selected and addressed young girls and promised to find them a job in bars located in the border area or even abroad, luring them to travel there. Then, under the threat of violence or even by using violence such girls were forced to work as prostitutes and offenders made profit from their “work”. Offenders focused mainly on persons coming from socially excluded communities, juveniles, persons brought up in orphanages or persons who were ordered into institutional education. In 2009 cases where such criminal offences had been committed by Romas who originated from Slovakia and who held permanent residence permits in the Czech Republic were reported. These perpetrators had their families in Slovakia from where they lured girls from socially weak families, predominantly of Roma origin, to the Czech Republic, under the pretence of helping them find them jobs of waitresses or chambermaids. However, after the girls were transported to the Czech Republic they were forced, either by use of violence or exploiting their dependency on narcotic and psychotropic substances, to work as street prostitutes in order to earn money for offenders. After a certain period of time girls were “exported” to erotic nightclubs abroad (Austria or Switzerland). Eight Czech nationals were sentenced, by the court in Strasbourg, to a term of imprisonment from one to eight years. Czechs were to commit criminal offences from the mid of 2006 to the mid of 2008. The cases were investigated by police officers from France, the Czech Republic, and Germany.

In 2009 the embassy of the Czech Republic in Serbia assisted to a Czech (female) national who had become a victim of THB. The case was detected by an official working in the embassy in Belgrade at the moment when the said Czech citizen came to the embassy accompanied by a Serbian national and wanted to apply for issuance of an emergency travel document. Officials working for the embassy informed the Czech police about the case and cooperated with both the Czech and Serbian INTERPOL national central bureaux, and in particular with the Serbian police unit for combating THB. After the arrest and detention of the Serbian national by local police, the Czech citizen was brought to the IOM in Belgrade, where she was provided with the necessary professional care. Upon her own request she was included in the “Programme of Voluntary Returns” and came back to the Czech Republic with the assistance provided IOM Belgrade as well as by IOM Prague.

To summarise criminal offences of procuring and THB, it may be said that such criminal activities are mostly concentrated (and have probably been so for a long period of time) in specific regions (primarily in borderlands of the Czech Republic). In 2009 these were mainly the North Bohemian Region, West Bohemian Region or South Bohemian Region, and, of course, Prague has also a significant position from this point of view. Nevertheless, although it is a large conglomeration (displaying the densest concentration of inhabitants as well as of entertainment industry and facilities providing “erotic services”) it does not hold a dominant position. In terms of national composition of offenders or, to be precise, with regard to offenders’ nationalities, in addition to Czech nationals, who unambiguously dominate this area, there are offenders coming from countries of the former Soviet Union (the Russian Federation and some other former Soviet Union republics). The community of offenders coming from Slovakia occupies an insignificant position.

2.1.1 Prostitution Scene in the Czech Republic

The situation in THB for the purpose of sexual exploitation (forced prostitution) affects also the development of the prostitution scenario in the area of voluntary prostitution. As regards the area of voluntary prostitution female prostitutes clearly prevail over male prostitutes. With respect to forced prostitution no circumstantial evidence on male prostitution was gathered. No male victim of THB for the purpose of sexual exploitation was included in the Programme from 2003 to 2009. As a result, the following information concerning the prostitution scenario describes, by and large, only the situation pertaining to female prostitution in the Czech Republic in 2009.

Information on the situation regarding prostitution in the Czech Republic can be obtained from several sources. Apart from findings gathered by the Czech police including the municipal police (in particular the police of the capital city of Prague), this is mainly information collected by several specialised NGOs. To get a more comprehensive picture the Ministry of Labour and Social Affairs of the Czech Republic (hereinafter referred to as the 'MLSA') repeatedly published calls for proposals to solve a research project for needs of the state – "Mapping the Prostitution Scene in the Czech Republic". However, the tender was discontinued on the decision adopted by the contracting authority on 8 January 2009. The MLSA is currently not considering publication of the tender for mapping the prostitution scenario in the Czech Republic again.

In the context of the economic crisis the Czech Republic is no longer an attractive country for foreign prostitutes, who arrived massively here at the beginning of 1990s to earn money. Women from the Czech Republic are more alert if they leave the country to work abroad; they often rent a joint flat where they work as prostitutes. A moderate revival of the sex industry in the second half of 2009, and mainly towards the end of 2009, was caused by a general drop in prices of services offered not only in erotic clubs and nightclubs themselves but also in the vast majority of hotels which are (particularly in the capital city) traditional and principal hosts of most sex tourists.

Street prostitution has been gradually pushed away to the outskirts of towns and villages while the number of locations where such prostitution is offered and operated has decreased. Although street prostitution was damped down during the year 2009 it cannot be absolutely wiped out despite checks and security actions carried out by the municipal police including certain security actions and checks implemented in co-operation with selected units of the Czech police. Prices for street prostitution fluctuate between EUR 10 – 15. Clients are interested in this type of prostitution mainly because of its high level of anonymity, promptness, and reasonable prices.

With regard to erotic nightclubs it may be stated that especially in border areas their number moderately decreased in 2009. Only several clubs flourish and these are supposedly supported by strong capital. On the other hand, sexual services provided for pecuniary consideration in private flats have remained at the same level or have displayed a slight upward trend. This situation creates suitable conditions for criminal structures and operations of organised crime not only in the area of involuntary prostitution but also in the field of THB and sexual abuse of minors.

The reasons for such a trend are obvious mainly in the context of the global economic crisis. Prices for services provided in private flats were in 2009 considerably lower than in erotic nightclubs, which was the consequence of factors such as direct operational costs and actual number of clients. The economic crisis was seen in the capital city of Prague, *inter alia*, in a more intensive activity of so-called "barkers" - persons who, via leaflets and flyers in particular, invite clients to nightclubs and similar facilities. Such facilities strive to attract clients by means of various bonuses: for example, by reducing prices of drinks and services, extending service and so forth. In addition to Prague, facilities running prostitution are mostly in the borderland neighbouring with Austria and Germany and in large cities visited by tourists. Clients are primarily foreigners from neighbouring countries. The main reason for consuming such service here is affordability. Moreover, these clients appreciate the permanently beneficial anonymous environment and comfort provided by such facilities. Women who

provide services in such clubs come mainly from Ukraine, Belarus, Romania, Bulgaria, the Czech Republic, and Slovakia. Women from Nigeria were also identified on rare occasions.

Gathered findings also confirm information that, as a result of reduced demand and higher competition among persons providing sexual services, owners of clubs do not force women to work as prostitutes and thus the regime and conditions for providing such services, including financial remuneration, are subject to “bilateral” agreements. On the basis of surveys carried out it is obvious that especially Czech girls go to clubs only if they are informed that a client is present. These women take prostitution as a source of occasional and quite irregular earnings. The group of such women is not homogenous and cannot be simply characterized as belonging to a certain social group. In some cases these women can be students, married women, single mothers and so on. In 2009 predominantly Czech and Slovak female nationals were detected as prostitutes during checks. Further checks reveal that in this business the women originate g mainly from the former Soviet Union.

Checks of facilities located in the centre of Prague and offering sexual programmes and erotic services, carried out in 2009 by a cooperation of several state authorities, detected Nigerian nationals working in the industry but only very rarely. When their numbers are compared to those concerning women from other source countries for the Czech Republic, Nigerian nationals do not represent a significant group in the Czech Republic. Nonetheless, the MoI and the Czech police, thanks to their cooperation and information exchanges with partners in other EU Member States, perceive nationals of Nigeria as a potentially risky group and at the same time a very vulnerable group in terms of THB for the purpose of sexual exploitation. Consequently, the situation regarding Nigerian citizens is continually monitored by the Czech police despite the fact that no particular findings were gathered, in relation to the criminal offences in question, which would confirm suspicion that such crimes are committed by or against Nigerian nationals. No services were provided within the Programme between 2003 and 2009 to victims of THB – Nigerian nationals. In spite of the above facts the situation concerning this community will be monitored with increased attention in 2010.

The 2010 Report, which will be submitted to the Minister of the Interior not later than on 31 March 2011 will encompass, for the first time since the establishment of the Czech Republic, statistical data on the number and detected and solved criminal offences pursuant to the provisions of Sec. 190 of the Criminal Code – prostitution endangering the morals of children. These will be likely several criminal offences; this estimation is based, *inter alia*, on the fact that up until now, meaning until 31 January 2010, the Czech police has not recorded any criminal offences of this type.

Some IMCG members state that public official working for state administration are missing effective tolls for combating negative phenomena accompanying prostitution (tax evasion, links to organised crime, the spread of communicative diseases and so forth) and, of course, prostitution itself (the Act on Prostitution Regulation). In the opinion of some NGOs such regulation could help to improve working conditions of persons providing sexual services. Act No241/1922 Coll. appears to be ineffective if its practical application is taken into account.

2.2 Labour Exploitation

As regards THB for the purpose of labour exploitation the Czech Republic has remained a destination country for persons coming from the former Soviet Union, but also from Romania, Bulgaria, Vietnam, India, China, Mongolia and other Asian countries. Concerns of 2008 regarding the possible growth in the number of cases of labour exploitation due to the global economic crisis were not confirmed in 2009; neither the number of cases reported in police statistical records nor the number of victims included in the Programme increased. Nevertheless, some of the surveys and exploratory checks carried out among migrants, especially by NGOs⁹, but also by the ANACEN¹⁰,

⁹ *La Strada Czech Republic (hereinafter referred to as ‘La Strada’) tried to explore, inter alia, the environment of Vietnamese and Mongolian communities in 2009. The objective of such “probes,” which were carried out as street work, was to map out specific mechanisms of exploitation of both male and female migrants. Vietnamese migrants residing and/or*

show there is quite large group of migrants in the Czech Republic who find themselves in very risky situations with respect to THB. The Ministry of Foreign Affairs (hereinafter referred to as the 'MFA') informed that the Czech embassies and consulates had recorded, mainly in Ukraine, Vietnam, China, Moldova, Mongolia, Uzbekistan, and Kazakhstan, a persistently large interest in working in the Czech Republic under any conditions (owing to difficult economic situation in the listed countries) . It may be assumed that this trend will remain unchanged also over the course of 2010.

It is important to mention a clear trend of divergence from the use of physical violence as a tool of pressure. Whilst seven or eight years ago it was more or less a common rule that trafficked persons' bodies showed obvious signs of violence, in recent years such cases have been rather exceptional. Lies, misinterpretation and promises in combination with an objective lack of jobs, debts in the country of origin and economic hardship are, in such situations, the most effective and simultaneously the simplest manner of forcing foreigners to continue working. With regard to the fact that gradual changes in coercion tactics within the criminal offences concerned is an obvious and long-term trend, it is necessary to adapt applicable measures to such practices and to start to consider classification of the aforementioned conduct as THB. Many supporting documents delivered for the drafting of this Report repeatedly emphasised difficulties connected with criminal law definition of THB, in particular with terms such as "...forced labour and other forms of exploitation" (unclear content and missing general consensus on practical content of such terms). In autumn 2008 the first and last ruling concerning charges with, *inter alia*, the criminal offence of THB pursuant to the provisions of Sec. 232a, (2), (c) and (4),(c) of Act No. 140/1961 Coll., the Criminal Code, as amended (the old Criminal Code), was issued. All three charged persons were acquitted of the above-mentioned crime. At this point in time any experience confirmed by a final and conclusive judgement in relation to interpretation of terms such as "slavery, servitude, forced labour and other forms of exploitation" is still missing. As it is an essential weakness of the whole system focused on combating THB in the Czech Republic, La Strada along with the MoI and the Judicial Academy have developed a project the aim of which is, apart from other things, to raise awareness of this area by means of judgements

working in the Czech Republic find themselves, according to La Strada in a difficult situation and very often in impasse caused by the economic crisis and by the network of complex legal regulations. They were mostly recruited by agencies registered in Vietnam. There, according to the local legislative regulation by way of fees paid and y money deposited they committed themselves to work for at least three years. Contracts concluded in Vietnam differ from contracts they enter into later in the Czech Republic. They were forced to sign contracts here without having them translated. They signed such contracts in the situation when they were threatened with losing their labour visas if they refused which means they would be without any financial subsistence and legal residence status. The economic crisis then cased that there was not enough work for newcomers. Those who had already been residing here could lose their work more easily and to retain their work they had to submit to unfavourable conditions. In such a situation Vietnamese migrants are willing to work only for accommodation and food. Surveys also demonstrated that it is not worth thinking about the return of the majority of Vietnamese migrants back to their country of origin due to their unpaid debts. Difficulties in struggling for livelihood affect not only Vietnamese nationals residing in the Czech Republic and but they have impact on their families living in Vietnam who must, in some cases, to support their relatives here. This situation is most often abused, according to surveys carried out in 2009, mainly by brokers as well as by official agencies, but also by interpreters or business owners.

Mongolian female and male migrants appear to be victims of labour exploitation as well. Mongolians mostly arrive in the Czech Republic on the basis of information campaigns or information provided by their friends. Work is intermediated both in Mongolia and later in the Czech Republic by natural persons, and this information was confirmed by the majority of detected cases. As with migrants from Vietnam, Mongolian nationals must also deposit about EUR 300 (sometimes up to EUR 2,000) before their departure from their mother country. They usually travel to the Czech Republic by train and they most often find jobs in sewing workshops, pack-houses or as construction workers (the latter are mainly male migrants). Whilst undertaking its task, La Strada recorded cases which displayed considerable elements of exploitation. Threats, seizures of medical insurance cards, non-issuance of employee cards – containing records of all employments – and of payroll records as well as mobbing by employers were recorded by La Strada. Different rules and work standards were specified for Czech workers and Mongolian workers (discrimination) or an unlawful system of high financial sanctions (up to the amount of several thousand CZK) for different types of discipline misconduct at work was set. However, due to a language barrier, isolation, fear of losing their employment during the crisis and unfamiliarity with their rights migrants did not contact any governmental institution or assisting organisation. There were also cases where Mongolians were employed through a Mongolian worker at a Ukrainian agency and they were deducted money from their salary for both the broker and the agency without having been notified beforehand.

¹⁰ The Analysis Centre of the Ministry of the Interior of the Czech Republic for the Protection of the Czech Republic's National Border and Migration.

adopted in the Czech Republic as well in other EU Member States. For more information see Chapter 5.2.2.

In 2009 the Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Czech police (hereinafter referred to as the ‘UCOC’) investigated a range of the above-describe cases and some offenders were prosecuted because there are serious grounds for believing that they have committed a criminal offence pursuant to the provisions of Sec. 232a (2) (c), (3), (4) (c) of the old Criminal Code. Offenders were always organised in a group operating usually in several countries. Furthermore, information about links of criminal groups to state authorities when legalising residence in the Czech Republic and providing work permits was examined. The UCOC also investigated companies that intermediate the work of foreign nationals in the Czech Republic.

The MFA, through the embassy of the Czech Republic in London (hereinafter referred to as the ‘London embassy’) registers every year several cases of Czech nationals who have become victims of unfair procedures of different intermediating firms and job agencies in the United Kingdom. These people, in the majority of cases, originally left to get work on the basis of advertisements in the press or on the internet, where working opportunities were described in a way which does not correspond to factual conditions in the British labour market. The system functions in the same way as in relation to labour migrants coming to the Czech Republic from abroad: under contracts signed with an agency Czech nationals are forced to pay to the agency various fees and rent, for mostly unsatisfactory, accommodation. Then agencies intermediate their clients only occasional and irregular employment. After the victims use all their financial resources they usually contact the London embassy and request its assistance. The London embassy assists such victims by transferring money from the Czech Republic and, if applicable, the embassy issues emergency travel documents for their return to the Czech Republic. Specialists of the Czech police also carry out necessary investigations, if applicable.

To file complaints against job agencies the London embassy recommends that victims contact local police or the relevant British governmental authority “Gangmasters Licensing Authority” which was established under the Gangmasters (Licensing) Act 2004 and supervises fair treatment of employees working in agriculture, gardening, fisheries and related industries (processing and packing). Further this body provides licences to job agencies (regardless of whether their seats are registered in the United Kingdom or in the Czech Republic) on the basis of which they are permitted to hire workers for the aforementioned sectors.

The MFA published alerts on its web sites including information on activities of such agencies and recommends having sufficient financial resources for a return to the Czech Republic.

Another experience in 2009, this one entirely new, was the discovery of a new element in THB for the purpose of labour exploitation when Czech nationals were exploited directly in the territory of the Czech Republic. Thus the modus operandi of some cases investigated in the past abroad was confirmed. It means that EU citizens coming from new Member States (i.e. the states which joined the EU in 2004) are exploited as forced labourers in the EU. For more information see Chapter 2.6 and the police action known as “Klacek” (Stick).

In 2009 the State Labour Inspection Office also focused on the area of labour exploitation. For more information see Chapter 2.8.2.1.

2.3 Trafficking in Children

Since 2004 and 2005, when the Czech Republic recorded the first suspicious cases of trafficking in children, in particular for the purpose of exploitation for begging and pickpocketing, similar indications have not been reported.¹¹ Despite this fact the MoI and the Czech police along with

¹¹ Experiences of this period were also described and summarised in the report drawn up by the Security Policy Department of the MoI and called “An Analysis Describing Bulgarian Organised Crime in the Czech Republic concerning Trafficking in

the MLSA devoted increased attention to this area in 2009.¹² In doing so the MoI strove for timely identification of allegedly trafficked children. All measures were initiated mainly on the basis of information on the situation abroad. For example neighbouring Austria has reported in several past years cases where Austrian police authorities, together with child-care authorities, dealt with cases which were solved as criminal offences involving suspicion of THB/trafficking in children. In such cases children were abused by being forced to beg both by their family members and other persons who were not relatives.¹³ Similar cases were also reported from, for example, the United Kingdom and Italy.

At the end of 2009 and the beginning of 2010 the Municipal Police Directorate in Brno adopted, on the basis of a television reportage, measures aimed at monitoring and tackling the situation of alleged begging by Romanian nationals in Brno. Those persons were allegedly also using little children for begging in order to increase their revenue. After having monitored the situation the Czech police detected only two cases that corresponded with the cases described in the said reportage. Both uncovered cases were thoroughly investigated, including cooperation with the body for social and legal protection of children (hereinafter referred to as the 'BSaLPC') and medical checks of the children concerned. In neither case the police were able to prove exploitation of children, however despite this fact, the Czech police will continue monitoring the situation concerning Romanian citizens and in doing so the police will closely cooperate with the BSaLPC.

Taking into account previous years, in 2009 the MLSA, including the BSaLPC, paid increased attention also to cases of unaccompanied Romanian and Bulgarian children although the Department for Family and Parental Benefits of the MLSA recorded in 2009 a considerable decline in the number of unaccompanied children – foreign nationals from third countries who were taken care of by the BSaLPC. This group of children is usually marked by experts, in terms of child trafficking and other forms of exploitation, as one of the most endangered groups. In 2009 a single case of a Bulgarian girl was reported. The girl concerned was apprehended during the road check (the car was halted by the Czech police due to violating a speed limit). The girl was travelling together with her mother and some other family members. However, it was later ascertained that the girl had escaped from a juvenile correctional facility in Spain. After a very difficult situation had ensued involving the verification of a number of inconsistent pieces of information the girl was placed, upon the court decision, in a school facility. Available information was delivered to the relevant Bulgarian party.

Furthermore, the MLSA provided very detailed information on the case of alleged child trafficking for the purpose of this Report. As it is stated by the MLSA it was the one single event in the Czech Republic which, to a certain degree, verified an ability of the BSaLPC to act promptly.

In 2008 and 2009 the MLSA dealt with the information provided by the London International Social Service concerning a 12-year-old girl, a national of the Czech Republic, who travelled during school holidays with an assistance service of the Czech Airlines to London. A designated assistant took care of the girl during the flight and was required to surrender her to a person identified as a friend of the family. However, at the airport the girl asserted that she did not know that man. The Immigration Police held the girl at the airport and contacted girl's father who subsequently arrived in London and stayed with the girl at the home of his English friends. The MLSA was informed of this situation as there were concerns that it could have been a case of THB. The MLSA along with the relevant BSaLPC and the Czech police dealt with this case very intensively. It may be said that the parents cooperated very poorly with the BSaLPC (apart from other things the family moved, coming under the competence of a different BSaLPC). Moreover, it was detected that girl's father ran a modelling agency and the girl was involved in advertising (in accordance with the Act on Employment). In 2008, after investigating

Human Beings, Prostitution and Pickpocketing” (available on the MoI website: http://aplikace.mvcr.cz/archiv2008/rs_atlantic/data/files/bulhar-divky.pdf).

¹² The MoI is currently completing, in cooperation with other partners, a document mapping out procedures of public administration authorities pertaining to cases of trafficking persons under 18 years of age.

¹³ Detailed information on the situation in Austria is available, inter alia, in a special report “Child Trafficking in Austria, Report by the Working Group on Child Trafficking, Prevention of Trafficking in Children and Protection of Victims of Child Trafficking, Federal Ministry of Economy, Family and Youth, February 2009 (available in English and German on www.mvcr.cz/clanek/austria.aspx).

this case the Czech police issued a decision to suspend the case of alleged criminality pursuant to Sec. 212 of the old Criminal Code – the criminal offence being abandonment of a child and the provisions of Sec. 216a of the old Criminal Code - child trafficking. The relevant BSaLPC continued to work with the family of a child within its powers. The case was closed by the British party in the mid of 2009.

In the context of the issue relating to the criminal offence under the provisions of Sec. 216a of the old Criminal Code – child trafficking (Sec. 169 of the Criminal Code – entrusting a child under the power of another person), the Department for Family and Parental Benefits of the MLSA recorded growth in 2009 in the number of cases when the BSaLPC as well as the general public contacted the MLSA needing to find the identity of a child. These were the cases when children were left in the care of persons other than parents. Most frequently these were children coming from Ukraine, Vietnam, and Georgia who, as a rule, were not in possession of any ID documents. In such cases it is difficult to recognise the situation in which the children find themselves, specifically whether a child was abandoned by parents in the Czech Republic pursuant to the provisions of Sec. 212 of the old Criminal Code - abandonment of a child (Sec. 195 of the Criminal Code - abandonment of a child or a person in foster care) or whether a criminal offence pursuant to the provisions of Sec. 216a of the old Criminal Code – child trafficking (Sec. 169 of the Criminal Code – entrusting a child under the power of another person) has been committed or whether to apply the provisions of Sec. 232a of the old Criminal Code –trafficking in human beings (Sec. 168 of the Criminal Code) or the provisions of Sec. 233 abduction abroad (Sec. 172 of the Criminal code – abduction abroad). In 2009 the MLSA recorded approximately eight similar cases, to which the BSaLPC was compelled to pay increased attention.

At the same time in 2009 the Department for Family and Parental Benefits of the MLSA in cooperation with the Office for International Legal Protection of Children (located in Brno) continued monitoring cases of adoption of children from abroad. In certain cases, monitored adoptive parents – citizens of the Czech Republic - adopted a foreign child who was a national of a country that is not a signatory state of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (communication of the MFA No. 43/2000 Collection of International Agreements). In this context the MLSA reported two cases where adoptive parents had at their disposal copies only of birth certificates of the children, therefore the BSaLPC endeavoured to achieve verification of all information on the process of intermediation of adoption and other available information on respective children. In such cases authorities usually proceed in compliance with Sec. 62 of Act No. 97/1963 Coll. on international private law and procedural law, as amended, according to the Convention on Abolishing the Requirement of Legalisation of Foreign Public Documents (communication of the MFA No. 45/1999 Coll.), or according to the Convention concerning the Powers of Authorities and the Law Applicable in respect to Recognition, Execution and Cooperation in the Matters of Parental Responsibility and the Protection of Infants (communication of the MFA No. 141/2001 Collection of International Agreements).

In relation to illegal adoptions it should be also stated that the Government Council for Human Rights, at its meeting held on 1 October 2009, approved data to be submitted to the Council for the Rights of a Child concerning issues of illegal adoptions. Experts unanimously agreed that there are cases of illegal adoptions of children in the Czech Republic, which is considered to be one of the forms of child trafficking. The aforementioned information identifies three causes for illegal adoptions although some others might be seen in practice. They are mainly cases where the role of “a broker” is taken over by an entity other than one authorised to do so in accordance with law, followed by violation of reporting obligation by a medical facility when facilitating the transfer of an infant to home care, and abuse of what is known as ‘second presumption of paternity’. The presenting party strives, through the Government Resolution, to ensure that non-legislative measures are adopted that should raise awareness of illegal adoptions and would increase professional accountability of experts working with children and assisting families in crisis. Further, the data requires a maximum raising of awareness of both laypersons and professionals on options on how to cope with difficult life situations in which expectant parents and single mothers of minor children may find themselves. It also requires the increase, with support of further education of experts assisting parents and children in emergency

life situations, demands on their professionalism and ethical approach. This data also requests consideration of an amendment to the Criminal Code in order to extend the definition and the number of forms of THB.

As it is demonstrated by statistical data encompassed in Chapter 2.5 children are trafficked in the Czech Republic very rarely. However, this Report mentions any cases that might display suspicious elements of the crime concerned. Thus examples of good practice involving necessary steps undertaken by relevant authorities are described. In the final phase no suspicion concerning child trafficking was confirmed. Simultaneously, the described examples demonstrate the most frequent, however only very exceptional, situations where such suspicion can arise.

Finally, it is pertinent to mention the project “Raising Awareness of Unaccompanied Minors about Their Rights by Means of an Information Campaign and Their Inclusion into the Campaign’s Preparation”. In October 2009 a survey organised between unaccompanied minors was carried out in the Facility for Children – Foreign Nationals located in Hřimezdice (the Příbram District). The survey uncovered indications of exploitation of children coming from Slovakian Roma communities by their own families. Unaccompanied minors, regardless of their country of origin are, according to conclusions of the survey, especially vulnerable to being abused by adults if they travel in any country without the supervision of a statutory representative. For more information see Chapter 3. 6. 4.

2.4 Trafficking in Human Organs

This section was included also in the 2008 Report for the purpose of initiating ongoing monitoring of the situation. This monitoring can be understood as preparation for a time when the definition of the criminal offence of THB included in Sec. 168 of Criminal Code will come into force. This definition has newly covered (from the 1 January 2010, when it came into effect) also THB for the purpose of removal of tissue, a cell or an organ.

At the end of 2009 Czech media broadcasted information provided by the Serbian public prosecutor Vukčević or the information disseminated by Serbian media on the case of alleged Czech victims of THB for the purpose of organ harvesting in Kosovo and northern Albania. The Czech consulate in Pristina contacted the relevant Kosovo authorities. According to their information, however, those authorities had no knowledge that would indicate that this case could be confirmed.

The European Commission pays great attention to this issue and therefore adopted in December 2008 a draft Directive of the European Parliament and the Council on the standard of quality and safety of human organs intended for transplantation which is supplemented by the Action Plan on Organ Donation and Transplantation: Strengthened Cooperation between Member States [document code: 2008/0238 (COD) SAN 306 CODEC 1691]. The assumed timeframe for adoption of the Directive is the beginning of 2010. In the context of adoption of this Directive the Ministry of Health is preparing the “National Action Plan on Organ Donation and Transplantation between 2009 and 2015”. The Action Plan has been included in the Plan of Non-legislative Documents of the Government necessary for Government work during its term of office, and should be submitted to the Government in May 2010.

The aforementioned documents tackle, *inter alia*, the issue of undesirable phenomena pertaining to the area of transplant surgery that are either expressly in contradiction with law (for example trafficking in organs) or are legal but are not in compliance with ethics (transplant tourism, including a patient being placed on waiting lists simultaneously in several countries and so forth). Creation of unambiguous rules will allow detection and elimination of such undesirable phenomena.

In spite of the abovementioned information from Kosovo, it may be stated that situation has not substantially changed compared to 2008, and apparently continues to be satisfactory. None of the IMCG members, in particular the Czech police, the Ministry of Health, the Supreme Public

Prosecutor's Office, the Ministry of Justice, nor the MoI did claimed any knowledge that human beings are trafficked in the Czech Republic for the purpose of harvesting their organs or tissues.

2.5 Criminal Statistics

The scope of a phenomenon of THB in the Czech Republic is not easy to quantify precisely due to many mutually related reasons. One of the main reasons is high latency of such criminal offences – THB remains, in many cases, hidden at first sight and law enforcement authorities manage only to uncover or clear up another type of a criminal activity which is in many cases a less serious crime.¹⁴ In evaluating success rates of adopted measures and setting new priorities it is not possible, under any circumstances, to rely exclusively on quantitative data but it is always important to take into account also qualitative research and information collected among people. If, for example, a case involving more offenders than was previously typical for the Czech Republic is detected and investigated (until now usually three offenders were involved within an organised group) it is probable that the number of prosecuted and sentenced persons will increase. The same applies to the number of victims to be included in the Programme; their number would grow considerably. This is why certain fluctuations in statistical records do not always mean an essential change in the situation in the Czech Republic.

For better orientation the following part is divided into three sections according to the source that provided statistical data, sequenced according to the course of criminal proceedings.

2.5.1 Data Provided by the Czech Police

The Report brings about an analysis of relevant criminal activities detected in the Czech Republic in 2009 and in many cases also an analysis of basic indicators of criminal offences committed within the last ten years. Statistical data included in the Report is based on the SCRS¹⁵ of the Czech police, which specifies individual types of crimes according to tactical and statistical classification.

The data obtained from the SCRS in 2009 show that although there was a considerable decline in the number of detected criminal offences of THB pursuant to the provisions of Sec. 232a of the old Criminal Code (from 29 crimes detected in 2008 to only ten uncovered in 2009) the number of solved criminal offences remained, when compared with 2008, almost the same. In 2009 in total eleven criminal offences of THB were solved.¹⁶ With regard to complexity of cases and difficulties concerning investigations, in particular of transnational crime, it is not entirely surprising that of the total number of eleven crimes of THB solved in 2009, eight were detected in 2008 (this situation is called additionally solved cases). It means that in total three criminal offences of THB that had been initially detected in 2009 were cleared up in the course of the same year.

¹⁴ These can be specifically, for example. criminal offences pursuant to the provisions of Sec. 171a of the old Criminal Code – organising and allowing illegal border crossing (Sec. 340 of Criminal Code), Sec. 118 of the old Criminal Code – unauthorised business undertaking (Sec. 251 of Criminal Code), Sec. 250 of the old Criminal Code - fraud (Sec. 209 of Criminal Code), Sections 242, and 243 – sexual exploitation (in particular Sec. 187 of Criminal Code), Sec. 231 of old Criminal Code – restriction of personal freedom (Sec. 171 of Criminal Code), Sec. 232 of the old Criminal Code – deprivation of personal freedom (Sec. 140 of Criminal Code), Sec. 235 of the old Criminal Code - extortion (Sec. 175 of Criminal Code), Sections 221 and 222 of the old Criminal Code – bodily injury (for example Sections. 145 and 146 of Criminal Code – grievous bodily harm), Sec. 204 of the old Criminal Code - procuring (Sec. 189 of Criminal Code), Sec. 217 of the old Criminal Code – endangering moral development of youths (Sec. 201 of Criminal Code), Sec. 217a of the old Criminal Code – enticement for the purpose of sexual intercourse (Sec. 202 of Criminal Code), and so forth.

¹⁵ The Statistical Crime Recording System of the Czech police. Any crime is recorded on the basis of information provided by other persons or authorities or the police, on the basis of detected and verified facts indicating that a criminal offence has been committed. The condition for their inclusion in criminal records is to specify their criminal law classification. Basic units of the SCRS are as follows: a) an act which represents one criminal offence; b) an offender of a criminal offence who can be also a person who is not later criminally prosecuted (for example because they are not legally liable due to their age).

¹⁶ A solved criminal offence is an offence with respect to which criminal prosecution was initiated pursuant to Sec. 160 of Act No. 141/1961 Coll. the Code of Criminal Procedure, as amended (hereinafter referred to as the 'Code of Criminal Procedure') or an offender was accused of a crime within summary pre-trial proceedings pursuant to Sec. 179b of the Code of Criminal Procedure or the case was suspended pursuant to Sec. 159a (2) and (3) of the Code of Criminal Procedure.

The data on the number of persons investigated and prosecuted¹⁷ for the criminal offence of THB under Sec. 232a of the old Criminal Code is also interesting. Although, when compared with 2008, the number of solved criminal offences displayed a moderate downward trend (-2), the total number of persons investigated and prosecuted increased considerably in 2009 from 22 persons prosecuted and investigated in 2008 to in total 32 persons prosecuted and investigated in 2009; of them 12 persons were repeat offenders. In total 16 persons were nationals of the Czech Republic and 16 persons were foreign nationals.

Of six cases where the investigation was closed; in two cases criminal proceedings were suspended under the provisions of Sec. 159a (4) of the Code of Criminal Procedure and in one case criminal proceedings were suspended under the provisions of Sec. 159a (1) of the Code of Criminal Procedure. Prosecution was commenced for three criminal offences.

When analysing in full detail ten detected cases of the criminal offence of THB pursuant to the provisions Sec. 232a of the old Criminal Code it may be said that in total seven criminal offences were committed for the purpose of sexual exploitation while three criminal offences were committed for the purpose of forced labour and other forms of exploitation [once pursuant to the provisions of Sec. 232a (1) (c) of the old Criminal Code, twice pursuant to the provisions of Sec. 232a, (2) (c) of the old Criminal Code]. The ration between the number of criminal offences of THB for the purpose of sexual exploitation and for labour exploitation in comparison with 2008 remains approximately the same – roughly 2/3 of criminal offences of THB pursuant to the provisions of Sec. 232a of the old Criminal Code could be attributed in 2009 to sexual exploitation; the remaining 1/3 can be attributed to labour exploitation. In 2009 the moderate upward trend in the number of criminal offences of THB for the purpose of labour exploitation that was apparent between 2005 and 2008, did not continue both in the Czech Republic and abroad.

Of ten detected crimes of THB, two were committed by an organised group, which was operating in more countries.

It is also interesting to monitor who initiated criminal proceedings. Most frequently these were citizens (in total four complaints lodged) then the UCOC (three cases). One case was initiated by certain bodies involved in the investigation of general crime. Two cases can be included in the category “Others”. The UCOC has the highest share in clear-up rate (in total eight solved cases) followed by bodies involved in investigation of general crime (in total two solved cases).

<i>Numbers of crimes of THB detected and solved by the Czech police (under Sec. 232a, previously under Sec. 246 of the Criminal Code)</i>										
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Detected	13	27	15	10	13	16	16	11	29	10
Solved	13	25	10	9	12	11	13	11	11	3
Total number of solved crimes including additionally solved crimes	13	25	10	12	12	11	13	11	13	11
Investigated and prosecuted persons	21	26	12	19	30	18	11	20	22	32

¹⁷ The term prosecuted and investigated persons include persons against whom criminal prosecution has been commenced or who were accused of having committed a criminal offence within the summary criminal proceedings, as well as persons whose criminal prosecution is inadmissible (for example persons under 15 years of age; offenders who had died before they were accused; persons excluded from the power of law enforcement authorities; persons whose prosecution is conditional upon the injured party; persons who were for the same act sentenced or whose prosecution for the same act was finally and conclusively discontinued or terminated by a final decision and the case was submitted to another body) or it does not have any purpose (for example the sanction was of insignificant when compared to the sanction which had been already imposed or can be expected to be imposed).

As regards age composition of persons prosecuted and investigated in relation to the crime of trafficking in human beings, it may be said that in 2009 the largest group was composed of persons between 30 and 39 years (in total 19 persons), followed by persons between 21 and 29 years of age (in total seven persons) whilst the rest of persons can be divided as follows: three persons between 40 and 49 years of age, 1 person in the age category 50-59 years of age, and 2 persons over 60 years of age. None of the prosecuted or investigated persons was younger than 18 years. These figures partly correspond with the statistics describing crime in terms of age of offenders¹⁸. According to the data for 2009, offenders between 21 and 29 years account for 29.6 % of all offenders followed by a group of offenders between 30 and 39 years of age (a share of 27.9 %).

Of the total number of 32 investigated and prosecuted persons, five were female offenders (i.e. 15.6%) and 27 (i.e. 84.4 %) were male offenders. The percentage of women investigated and prosecuted for the crime of THB markedly exceeded the percentage of women participating in total crime. For example in 2009, prosecuted and investigate men accounted for 87.1 %, whilst women represented only 12.9%. The higher share of female offenders, when compared to both male and female offenders participating in total crime, occurred not only in 2009 but was seen also in previous years. This difference is regularly mentioned also in foreign documents. In this context it is important to mention the study mapping out the situation in Israel.¹⁹ According to this study, female victims of THB sometimes become co-offenders themselves.

As it was stated in the 2008 Report, criminal proceedings conducted to prove constituent elements of the crime of THB do not always have to be completed with the commencement of criminal prosecution under Section 160 (1) of the Code of Criminal Procedure. With regard to the difficulties connected with proving such crime, for example the abuse of dire or distressed circumstances or the use of violence, police bodies do not always manage to prove the constituent elements of such crimes and the case can be sometimes re-classified as a different crime; very often this crime is procurement, under Section 204 of the old Criminal Code. That is why statistical information concerning procurement is included.

The trend identified between 2007 and 2008 (when the number of detected criminal offences, as well as of investigated and prosecuted persons for the criminal offence of procurement defined in Section 204 of the old Criminal Code dropped), continued also in 2009. In 2009 in total 37 criminal offences were classified pursuant to Sec. 204 of the old Criminal Code. Altogether 35 persons were investigated and prosecuted for such types of criminal offences. The obvious decline was probably caused, as in the previous two years, by a long-term decline in street prostitution as well as prostitution in night clubs, in particular in border areas. This situation can be also explained by the partial transfer of street prostitution to flats or clubs as a consequence of measures adopted by local authorities, and by a higher degree of involvement of modern technologies, mainly the internet. Under such conditions it is more difficult for the Czech police as well as for NGOs to monitor the prostitution scene. This is logically reflected in statistical records of vice crime where a criminal offence of procurement is included.

Numbers of crimes of procurement detected by the Czech police (under Sec. 204 of the Criminal Code)										
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Detected	130	150	116	101	83	123	85	46	52	37
Investigated and prosecuted persons	163	133	107	103	105	119	98	66	88	35

This Report will for the first time focus on the statistical data concerning constituent elements of the criminal offence of child trafficking pursuant to the provisions of Sec. 216a of the old Criminal Code (Sec. 169 of the Criminal Code – entrusting a child under the power of another person). This

¹⁸ The term “offender” is used in police statistical records for persons prosecuted or investigated.

¹⁹ Levenkron, N.: „Another Delivery from Tashkent” Profile of the Israeli Trafficker, Top-Print Press, 2007.

constituent element of a crime does not fall under the minimum standard of a “classical” definition of THB as it is understood, for example, by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention on Transnational Organised Crime [Art. 3 (a)]²⁰ or the Council Framework Decision on the Fight against Trafficking in Human Beings [2002/629/JHA, Art. 1(1) (d)].²¹ Nevertheless some documents contain remarks on child trafficking for the purpose of adoption or similar purpose in the context of THB, and therefore this information is included at the end of this sub-chapter.

As it is demonstrated in the statistical data of the Czech police in 2009, only one criminal offence classified as child trafficking pursuant to the provisions of Sec. 216a of the old Criminal Code was detected. This case was still being investigated as of 31 December 2009. To complete the overall picture and to prove that it is a long-term criminal activity that occurs only rarely, however, in the Czech Republic, the following table is included.

Numbers of crimes of child trafficking detected by the Czech police (under Sec. 216a of the old Criminal Code)										
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Detected	1	0	1	1	5	0	2	0	0	1
Solved	0	0	1	1	4	0	1	0	0	0

With respect to the criminal offence pursuant to Sec. 209a –illicit trafficking in cells, tissues and organs it may be said, on the basis of the table below, that this type of crime is also very rare. Cases that were detected in 2009 were not so serious as to be solved by specialists of the UCOC. Only one person was prosecuted and charged with this kind of crime in 2009.

Numbers of crimes of trafficking in cells, tissues and organs detected by the Czech police (under Sec. 209a of the old Criminal Code)										
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Detected	0	0	0	1	6	10	10	14	14	8
Solved	0	0	0	1	4	6	4	9	4	4

Further statistical data concerning the provisions of Sec. 232a of the old Criminal Code (Sec. 168 of the Criminal Code) can be retrieved from data processed by the MJ, which is responsible for statistics maintained by public prosecutors’ offices and courts of justice. As in 2008 we want to note that the below stated data does not indicate anything about, for example, whether the Czech police and public prosecutor’s offices gathered in 2009 a sufficient amount of good evidence on the basis of which offenders could be sentenced by final and conclusive judgements. Data of the MoI reflects a certain time period and is not directly comparable with the statistical data maintained by the MJ. This is because of differences in time. In some cases there are differences of several years between the

²⁰ „Trafficking in human beings means to hire, transport, transfer, harbour, lure or receive persons for sexual intercourse or other forms of sexual harassment or exploitation, slavery or servitude or forced labour, or other forms of exploitation by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability or by means of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs“.

²¹ “...for the purpose of exploitation of that person's labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography.”

terminations of individual phases of the criminal prosecution of an actual case. Police statistics record individual cases at their inception, whilst the court statistics record them once they are closed. In the future it should be possible to monitor the development of individual cases in all phases of criminal proceedings due to e-justice and direct links between judicial and police systems.

2.5.2 Data Provided by the Supreme Prosecutor’s Office (SPO)

As regards the criminal offence of THB pursuant to Sec. 232a of the old Criminal Code, the year 2009 displayed substantial growth in the number of charged persons by more than half of the number of 17 persons charged in 2008 to the total number of 26 charged persons in 2009 (the year-by-year increase was 52.9%). This number confirms a generally perceived upward trend while accepting also a generally shared opinion that this type of crime is very latent and taking into account problems related to legal qualification, in particular in relation to a “competing” criminal offence of procurement pursuant to Sec. 204 of the old Criminal Code. With respect to THB a high rate of charged persons is reported (in 2009 it accounted for 97.8%).

Numbers of persons charged with a criminal offence of THB (pursuant to Sec. 232a, formerly Sec. 246 of the old Criminal Code)										
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Charged persons	31	33	14	24	0	0	14	20	17	26

With regard to concentration of these criminal activities in individual regions, 2009 statistical data demonstrates that frequency of occurrence of this criminal offence more or less mirrors the frequency of occurrence of the crime of procurement, which is perhaps due to the similar content of constituent elements of these crimes. The most charged persons were reported again from the North Bohemian Region (9) followed by the South Bohemian Region (7) and Prague (6). As regards the structure of offenders Czech nationals unambiguously prevail (out of 29 in total recorded offenders there were 21 Czech nationals). Czechs are followed by Ukrainians (4), nationals of Kyrgyzstan (2) and there was one offender from Italy and one offender of Romanian origin.

A significant proportion of latency is generally assumed. Occurrence of this type of criminal offence was also affected by a rather inappropriate definition of constituent elements of crime as it was similar to a crime of procurement; moreover an unsettled application is being pointed out as there were problems with interpretation of formal signs (in particular of wording “otherwise exploited”). Findings regarding elements of crimes in specific cases remain a problem. Putting it simply these problems result in lack of evidence mainly in the initial phases of pre-trial proceedings. Now the form of sexual exploitation prevails while other forms occur only exceptionally although reports describing activities of subordinate public prosecutors’ offices point out that those forms occur more often in particular in the form of labour exploitation.

On the other hand the criminal offence of procurement pursuant to Sec. 204 of the old Criminal Code displayed, in 2009, a drop in the number of charged persons by roughly one quarter (a year-by-year decline by 25.2%). When the longer time spread is considered it is apparent that this criminal offence displays an obvious downward trend, in particular from 1995 (a record number of 200 persons were charged), with certain fluctuations (the year 2005 displayed a certain growth). However, it still remains the most frequent criminal offence in this area. Its share in total crime though, is very negligible (0.18%). According to the number of charged persons the most frequent occurrence of this crime was seen in 2009 in the North Bohemia Region (24), followed by the South Bohemian Region (22), the West Bohemian Region and Prague (each of the both latter regions reported 13 charged persons).

Numbers of persons charged with a criminal offence of procuring (pursuant to Sec. 204 of the old Criminal Code)										
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Persons charged	152	151	111	181	118	205	136	72	119	89

When taking in account the nationality of offenders, 76 offenders out of 94 recorded persons²² were Czech nationals. Six offenders were nationals of Ukraine, five were Slovaks, two came from the Russian Federation and one person respectively was from each of the following: Kyrgyzstan, Germany, Belarus, Bosnia and Herzegovina, and Armenia.

As regards the criminal offence of illegal trade in cells, tissues and organs under Sec. 209a of the old Criminal Code, one prosecuted and charged person was reported from the North Moravian Region.

With respect to the criminal offence of child trafficking no crime was recorded in 2009.

2.5.3 Data Provided by the Ministry of Justice (MJ)

Criminal statistical records are supplemented by statistical data of the MJ, which encompass also statistical data provided by courts.

In 2009 one person was sentenced by a final and conclusive judgement under the provisions of Sec. 232a of the old Criminal Code. The overview in the table below clearly shows that the number of persons sentenced by a final and conclusive judgement fell from three persons to one person when compared with the previous year. However, when these numbers are compared with funds allocated for combating trafficking in human beings in the Czech Republic the results are absolutely unsatisfactory. And again, a problem with practical application of criminal law definition of trafficking in human beings, actually mentioned many times, was indirectly confirmed.

The table below compares the data collected within several years.

Numbers of persons sentenced by a final and conclusive judgement and sanctions imposed for trafficking in human beings (under Sec. 232a, formerly Sec. 246 of the Criminal Code)										
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Sentenced persons	16	15	20	5	12	20	2	4	3	1
Unconditional sentence	6	7	5	1	3	8	0	3	3	0
Conditional sentence	10	8	15	4	9	12	2	1	0	1

Other information which is available and which relates to trafficking in human beings is the data on the aforementioned criminal offence of procurement pursuant to Sec. 204 of the old Criminal Code. As such, it is data on the number of persons charged with and sentenced for the crime of procurement pursuant to Sec. 204 of the old Criminal Code. In 2009 in total 82 persons were sentenced by a final and conclusive judgement for 84 criminal offences of procurement pursuant to Sec. 204 of the old Criminal Code. In total 60 persons received conditional sentences and 19 persons received unconditional sentence of imprisonment. The most sentences of imprisonment imposed were between one and five years (in total 16 times), followed by sentences of imprisonment from five to 15 years (in total two sentences) and a sentence up to one year was imposed only once. Finally three persons were discharged without any punishment. When these numbers are compared with those of 2006 – 2008, the number of sentenced persons slightly increased. Less satisfactory is the fact that this situation was reflected mainly in the number of conditional sentences whilst the number of unconditional sentences increased only negligibly when compared with 2008.

²² It is based on the data concerning all recorded person, not only persons prosecuted or charged.

As it was mentioned above, the MJ newly processes sets of statistical data concerning victims of certain criminal offences. In 2009 the MJ recorded in total 66 victims of the above criminal offences; of them 53 were women and 13 were children.

<i>Numbers of persons sentenced by a final and conclusive judgement and sanctions imposed for procurement (under Sec. 204 of the old Criminal Code)</i>				
Year	2006	2007	2008	2009
Sentenced persons	68	74	60	82
Unconditional sentence	12	20	14	19
Conditional sentence	49	48	44	60

If only one person is sentenced by a final and conclusive judgment for having committed a criminal offence pursuant to Sec. 232a of the old Criminal Code, i.e. for trafficking in human beings, then this number, when compared with the numbers of persons annually prosecuted and charged with this crime, is totally unsatisfactory. And then the fact that in 2009 nobody was sentenced for a crime of child trafficking under Sec. 216a of the old Criminal Code sentenced for this criminal offence is not surprising if we take into account the numbers of prosecuted and charged person in previous years. It may be said that such crimes are committed in the Czech Republic only very rarely.

The same applies to the crimes pursuant to Sec. 209a of the old Criminal Code where only one person was sentenced for one crime to an unconditional sentence of imprisonment between 1 and 5 years. No victim was registered. We remind that this criminal offence cannot be included amongst the aforementioned internationally recognised definitions of THB since to commit this crime it means that cells, tissue or organs must be removed from the corpse or trafficked in contradiction with legal regulations. The figure is included here only because there are usually questions about this issue in relation to THB.

2.6 Examples of Successful Police Operations

In order to illustrate and complete the picture of criminal activities concerning THB in the Czech Republic, below are examples of successful police operations implemented in 2009. These were criminal offences that were investigated in 2009 both by specialists of the UCOC and the specialists working for regional directorates of the Czech police (specifically by the Regional Directorate of the Police in the Moravian Silesian Region).²³

In 2009 the most cases were solved mainly by police forces of the UCOC, which focused on uncovering, documenting, examining and investigating especially serious crimes of THB for the purpose of using other persons for sexual harassment, exploitation or prostitution, and THB for the purpose of forced labour or other forms of exploitation committed in an organised form. The aforementioned issues closely relate to illegal trafficking in tissues and organs, child trafficking, spreading pornography and abuse of children in pornography production.

Deliberately no cases describing “classical” THB for the purpose of sexual exploitation were ... selected. At the same time the chosen examples show that this type of crime is committed in the Czech Republic, contrary to abroad, by predominantly small organised groups (of about three persons). In the majority of cases these were crimes committed in territories of more countries, both

²³ It is predominantly information from press releases published by the UCOC and the Czech Police – the Regional Directorate of the Police of the Moravian-Silesian Region in the course of 2009. It can be found on the following web sites:
<http://www.policie.cz/clanek/archiv-tiskovych-zprav-2009-vyhodny-byznys-skoncil.aspx>
<http://www.policie.cz/clanek/chlebodarci-nebo-otrokari.aspx>
<http://www.policie.cz/clanek/obvineni-z-obchodovani-s-lidmi.aspx>

solely in EU Member States or in Member States and in third countries simultaneously. As in previous years, also in 2009 close links between the Czech Republic and Slovakia were confirmed. The police action “Spargel” (Asparagus) clearly demonstrated that organised groups concentrate on and exploit also persons other than those of the same nationality or ethnic group

The police action “Klacek” (Stick) clearly showed that a trafficked person is not necessarily in all cases a foreign national who, due to the language barrier and unfamiliarity with the environment, does not know who to contact and where to seek assistance. THB can have a lot of faces and by describing this specific case we are trying to demonstrate how lucrative and dangerous these criminal activities can be.

“Advantageous Business Is Over

Prague, 24 April 2009 – when running the operation under the cover name “KLACEK” detectives of the Unit for Combating Organised Crime detained three suspects who were suspected of having committed a criminal offence of THB.

Detectives of the UCOC are currently dealing with another case of forced labour. The case, on which detectives had been working since November 2008, was investigated in mid-April of this year in the area of Ceske Budejovice and Cesky Krumlov. Three Slovak nationals who were to allegedly be a link within the chain of the organised group operating in both the Czech Republic and Slovakia were apprehended.

Well-proven Scenario

The detained men (born in 1976, 1979, and 1984) were to hire homeless persons and foreign nationals in social distress, under the pretext of ensuring high earnings, to work as odd jobbers at construction sites. Such hired workers were then allegedly transported to the working site. According to detectives the man born in 1979 was an alleged organiser.

Each of the accused was assigned clearly specified tasks – recruiting workers, transport, lodging, supervision of their work, payment of “travel expenses” and so on. They were to carry out these activities at least from 2008 and workers were delivered to construction sites in Ceske Budejovice and nearby environs.

Promises Are Like Pie Crust

The trio of the accused recruited their “sheep” in particular at railway and bus stations in large cities in the Czech Republic as well as in Slovakia. After receiving attractive promises and a bottle of alcohol for the journey a hard reality emerged. As investigations showed, workers were forced to work under threats of violence and actual violence in unbearable conditions, in twelve-hour shifts from Monday till Sunday for only CZK 150 per day.

If workers did not perform as they were supposed to or if they disagreed with something, they were threatened with violence. In several cases physical assaults were allegedly carried out and in one case the injured had to be attended to by a surgeon after such a “reproof”.

When investigating the case detectives of the UCOC, together with their colleagues from the Alien Police, questioned more than twenty persons who had worked for the trio of accused persons. However, detectives believe that the total number of those who were recruited in the described manner is in fact much higher.

The Company Issued Invoices

Business activities of the accused were “covered” by another company. Therefore it was possible to issue invoices for demolition as well as excavation work. In the opinion of detectives, in 2008 the trio of the accused could have enhanced their standard of living by about 20 million. It is highly probable that the owner of the company, a foreign national, did not participate in these criminal activities. All circumstances concerning operations of the company will be subject to further investigations.

During the police intervention the police officers searched houses as well as other premises. They seized accounting records of the company and other objects important for criminal prosecution. Apart from other things, these were Mercedes ML and Skoda Octavia cars.

The Trio Remanded to the Custody

The trio of detained persons was charged with the criminal offence of THB for the purpose of other forms of exploitation and forced labour under the provisions of Sec. 232a (2) (c), (3) (a) and (4) (b) of the Criminal Code. All the accused are currently in pre-trial custody and if they are proven to be guilty they can be handed a

sentence of imprisonment for between eight and fifteen years. The case is supervised by the Regional Public Prosecutor's Office in Ceske Budejovice.

“Breadwinners or Slave Traders?”

Prague, 27 February 2009 – Detectives of the Unit for Combating Organised Crime accused a trio of men of having committed a criminal offence of THB. In cooperation with the Rapid Response Team the trio of Ukrainians was apprehended on 16 February 2009 early in the morning.

Those who might think that the image of a slave working in the field belongs to the far past is mistaken. Something similar could be seen in the past year, every day from 4:30 a.m. till late evening in the District of Melnik. Conditions of foreign workers, according to the accusation, brought to mind, textbooks of history. So, what do detectives of the UCOC suspect?

At the very beginning there were promises: transport to the Czech Republic, lodging, food and for work in agriculture, the salary of about CZK 17, 000. At least from April of the last year scores of persons were lured by this vision. They came mainly from Romania and Bulgaria. These were persons of all age categories who, due to their low education attainment or even illiteracy suffered from financial problems in their mother countries. In order to be able to leave their countries of origin they fell even further into debt. Offered worked meant for them and their families a chance for a better life. However, immediately after their arrival in the Czech Republic their dreams vanished.

After arrival in the Czech Republic the recruited workers were transported to one otherwise uninhabited village in the District of Melnik where they were accommodated. However, it was the definitive end of all promises and gradually their dreamed-of-paradise changed to hell on earth. The workers had their passports seized and a key rattled as the door was locked. Every morning the door was unlocked and workers were transported to an asparagus field about one kilometre away from the place where they stayed. There the workers, under the permanent supervision of their “well-wishers” were working for 14 to 16 hours a day. After the work they were again transported to their lodging-house where they were locked and guarded. They received very poor food just once a day. Their meals often consisted of boiled potatoes or, in better cases, some beans. Further food they were supposed to buy with their earnings; however, it was difficult to do that. From time to time they were taken, in an organised manner, to a shop under strict supervision of their employers but due to the fact that the worker had never seen the promised salary and they were remunerated by a few one-hundred crown notes a month, it was impossible to think about buying something better to eat.

To disagree with anything did not pay off. Workers were threatened with physical violence. When someone tried to escape or left employment early, that person was physically assaulted. Others were told that they would get the same “reward” if they refused to obey. Nonetheless some workers managed to enforce a change of their work - but if they expected a change in the conditions they were mistaken again. Only the place of accommodation changed, and instead of working in agriculture in the District of Melnik they worked in the food industry in the District of Litomerice.

While foreign workers were freed thanks to the police action “SPARGEL” (Asparagus) and their rights, which had been ridden roughshod over by offenders, were returned to them, the trio of detained men between 24 to 36 years of age are currently facing, if guilt is proven, a penalty of up to 12 years of imprisonment. Detectives of the UCOC had been working on the case since May of the last year and they closely cooperated through a liaison of the Czech police in Romania with police officers from the brigade for combating organised crime. Romanian colleagues at the end of last September apprehended the trio of suspected THB criminals in the territory of Romania as they allegedly participated, as accomplices, in criminal activities conducted by Ukrainians charged with the same crime in the Czech Republic.

Within police intervention in respect to this case several house searches and searches of other premises were conducted. The police seized not only computers, mobile phones and cash but also gas pistols and a number of written documents including a list of persons working for the accused. Funds for invoiced work deposited in several bank accounts were confiscated.

All three accused persons resided in the Czech Republic legally. On 18 February 2009 they were remanded in custody upon the decision issued by the District Court in Usti nad Labem. The case is supervised by the Regional Public Prosecutor's Office Usti nad Labem”

An investigator of this case interrogated 60 witnesses. In July 2009 he submitted to the public prosecutor a proposal for indictment. At the time when this Report was being drafted (March 2010) the main trial was in progress in Usti nad Labem.

“Charged with Trafficking in Human Beings

They Forced a Juvenile Girl to Have Sex with Men.

More or less the whole 2nd unit of the General Crime Department of the Criminal Police and Investigation Office of the Regional Directorate was involved in solving this case. In total twenty police officers were engaged. Of course in certain situations they had to cooperate with other police officers, for example with the Rapid Response Team. Thanks for cooperation and support must be expressed to the Regional Public Prosecutor’s Office in Ostrava and to the District Court in Karvina.

Examination and investigation of this case cannot be considered a simple assignment. Police officers questioned a number of people, spent long hours working directly in the field and collected information relevant for solving the case. Owing to the nature on the case it is undoubtedly a sensitive matter and moreover, the investigation continues. That is why some information cannot be disclosed.

In the last ten years it has been probably the first case of this nature investigated by North Moravian police officers within their scope of competence.

Police Officers Received a Complaint and They Immediately Commenced Investigations

At the very beginning there was a complaint filed in the mid of October providing information that somebody had forced several women to have sex with unknown men. Police officers, immediately after they had received this information, initiated an extensive examination with the aim to detect whether the information in question was true. At this moment it is possible to disclose the following information.

Two men from the District of Karvina (31 and 23 years old respectively) decided to earn money illegally. From mid-October 2009 they contacted several women. One of them, a juvenile girl, they incarcerated in a flat. The men did not allow her to leave the premises (they locked and watched the flat) and forced her for the period of about ten days following, to have intercourse with their “clients”. According to already documented facts there were not more than ten clients.

Men acquired those interested in sex with the girl by means of ads. Upon agreement clients arrived in the flat where they made a selection from the list of sexual services. However, only the suspects lined their own pockets. Police officer accused the men with a criminal offence of THB (Sec. 232a (1) (a) and (3) (d) of the Criminal Code) committed, which they committed as accomplices.

The older of the two suspects is also accused with a crime of procurement (Sec. 204 (1) of the Criminal Code. This man met a 29-year-old woman from Karvina in spring of this year and arranged for her to work as a prostitute. The woman gave him all her earnings. In addition, the accused made it possible for another woman to work as a prostitute as well (she was 28 years old).

Men were Captured by the SWAT Team

Police officers were working on this case very intensively. After approximately of 14 days from the delivered information (the night of 11th to 12th November) they captured the suspects. Intervention was conducted in cooperation with police officers from the SWAT team of the Regional Directorate. Some information indicated that the suspects could be armed. The men were clearly astonished, as they did not expect that it would be the police knocking on their door.

House searches and searches of other premises were carried out within investigations. Police officers seized a number of different objects.”

KRONOS and KOKY²⁴

²⁴ Information concerning these cases was provided by the OCOC.

In January 2009 a criminal file entitled “**KRONOS**” was worked on intensively and during the relevant intervention offenders of Roma origin (three men – Czech nationals) were apprehended. They made use of girls who had escaped from facilities of institutional care and “contracted” them to work as prostitutes. Only the men, however, were rewarded. The girls worked as prostitutes in Germany. They were juveniles and in one case the victim was younger than 15 years. The girls were provided with falsified ID documents for the purpose of concealing their real age. Offenders were accused of the criminal offence of forging and falsifying public instruments, which they had committed in the role of accessories. In addition they were accused of the criminal offences of endangering the moral education of youth and THB. In the course of criminal proceedings the Czech police closely cooperated with German police bodies and requested their legal assistance. Currently a trial is ordered at the Regional Court in Usti nad Labem.

In November 2009 a police intervention with regard to the criminal file entitled “**KOKY**” was carried out. During this intervention four perpetrators of Roma origin were apprehended (three men and one woman – Czech nationals) who under the promise of finding jobs, lured young girls to work abroad where they were forced to work as prostitutes. In the course of criminal proceedings Czech police entered into cooperation with those Dutch and German police authorities that participated in documenting criminal activities committed in their respective territories. They also participated in interrogation of witnesses and other activities undertaken within legal assistance. All of the lured women were Czech citizens and came from socially excluded environments. In one case a girl younger than 18 years of age was forced to work as a prostitute.

2.7 Financial Investigations of the Czech Police

The area of financial investigations undertaken within criminal proceedings relating to THB and illegal migration displays the same signs as in 2008. Finding criminal proceeds is facing to two fundamental issues concerning actions and behaviour of offenders. The vast majority of suspects – offenders of such criminal activities – operate in cash transactions, in other words they do not use bank wire transfers. Offenders use proceeds resulting from crime for their own needs and thus they increase their standards of living. So, they do not legalise illegally obtained funds through business activities or by means of classical money-laundering. Higher than usual amount of cash are therefore usually detected during house searches rather than through use of specific instruments provided for in relevant provisions of the Code of Criminal Procedure.

In 2009 on the basis of criminal proceedings conducted for criminal offences of THB and procurement the UCOC seized assets amounted to CZK 2,383.505.

2.8 Further Inspection Action Carried Out by Public Administration Bodies and Ongoing Monitoring of the Situation

Cases of THB, in particular the ones displaying elements organisation and those detected in border areas, are, as a rule, investigated within the nation-wide competence of the UCOC. However, in individual cases these can be investigated by Regional Directorates of the Czech police. However, the Czech Republic concentrates not only on investigating and punishing traffickers and relating criminal activities, but public administration authorities carry out a number of further inspections with the aim to eliminate situations which might be risky in terms of THB. At the same time, regular inspections increase possibilities to identify potential victims of THB. In this regard not only actions and checks carried out by individual public administration bodies are of great importance but especially targeted actions conducted in mutual cooperation are considered to be significant. Thus it is possible, with cooperation, to apply the powers of various individual actors, immediately and simultaneously.

2.8.1 Alien Police Service of the Czech Police

Even after the Czech Republic’s accession to the Schengen area, actions carried out by the Alien Police Service of the Czech Police (hereinafter referred to as the “APS”) have remained a very important instrument for identification of respective victims of THB. Prior to every measure of security action the police officers are properly instructed and reminded of all fundamental aspects of

THB in order to specifically target uncovering such criminal activities within the preparation and realization of the action. Officers working for Documentation Groups of individual Territorial Directorates of the SPS prepare or are at least involved in preparation and implementation of the vast majority of large scale security or inspection actions. Such officers are vested in all details of the issue of THB and are understood to be, in the course of the relevant action, liaisons for further procedure if THB is detected. These specialists have contacts to police officers working for the Criminal Police and Investigation Service (hereinafter referred to as the 'CPIS'), the only competent officers at the place of the respective action. During the year 2009 a range of measures were adopted and a number of actions carried out, both in Prague and in individual regions. Such actions targeted predominantly the following localities: market places and flea markets, night clubs and creep joints and gambling houses, selected lodging-houses, five international airports in the Czech Republic (Praha – Ruzyně, Ostrava – Mosnov, Brno, Pardubice, and Karlovy Vary), the centre of Prague including the Wenceslas Square and neighbouring quarters, and so on.

The APS was in 2009 also involved in an international operation called "Hammer 2008", during which extensive inspections of international airports in the Schengen area were conducted.

A number of further control actions were conducted in cooperation with customs officers of the Customs Administration of the Czech Republic, the CPIS, the UCOC or in collaboration with the State Labour Inspection Office (hereinafter referred to as the 'SLIO')

2.8.2 Inspection and Further Activities Carried out by the MLSA

Another important instrument utilised for signalling situations that have the potential to arouse suspicion of THB is represented by authorities that fall within the scope of competence of the MLSA. Performance of inspections and advisory services focused on labour law and on how it is adhered to is currently divided between territorial labour inspectorate subordinate to the SLIO, and labour offices. The following part of this sub-chapter is devoted to activities of the Inter-Ministerial Group for Combating Illegal Employment of Foreign Nationals (hereinafter referred to as the 'IMBCILFN').

2.8.2.1 Inspections of the SLIO and Territorial Labour Inspectorates

In 2009 bodies of labour inspectorates received 148 complaints on behalf of EU citizens and nationals of third countries requesting the initiation of inspections focused on violations of labour law regulations by employers who employed foreigners in the Czech Republic. Such complaints pointed out mainly deficiencies pertaining to remuneration, reimbursements, establishment and termination of employment. Statistical data recording the numbers of such complaints, divided in terms of nationalities of claimants, show that most were lodged by nationals of Slovakia (74) and of Ukraine (24). These were followed by 22 complaints from citizens of Poland. More or less isolated complaints were sent by nationals of Belarus (4) and the USA (4,) followed by nationals of Bulgaria (3) and Russia (3). Citizens of Moldova and Mongolia respectively filed only one complaint in 2009. In total twelve foreign nationals form the group where the nationality is unknown.

Complaints requesting inspections highlighted mainly violations of labour law regulations by employers in the area of establishment and termination of employment, agreements to complete work (68), remuneration (109) and reimbursements (32). Of 148 complaints filed by foreigners (i.e. approximately 2.6% of the total complaints lodged 2009) 116 were examined in 2009. There were 41 justified or partially justified complaints, 44 complaints were unproven or unfounded. Examination of 31 complaints delivered in 2009 has not yet been closed. It was decided that 21 complaints would not be reviewed and four complaints were included in the work plan for 2010. Three complaints were processed only in writing, three were transferred to labour offices and one complaint has not been decided upon yet.

According to the information provided by the MLSA it can be said that employers breach labour law regulations within the same scope both with respect to Czech nationals and foreigners.

In the context of suspicion for THB insufficient inspections of job agencies have been mentioned during several past years. Therefore in 2009 territorial labour inspectorates continued in conducting targeted inspections of job agencies whose employees are predominantly foreign nationals. Inspections concentrated, in particular, on remuneration of employees and equal treatment, on working hours and occupation health and safety (OHS). Territorial labour inspectorates carried out 85 inspections in job agencies and at the same time they checked 72 users where agency employees worked. Preliminary results show that 58 job agencies (i.e. 68%) breached labour law regulations. The following Sections were violated most frequently: Sections 308 and 309 of the Labour Code relating exclusively to employment provided by job agencies. In total 18 job agencies (31%) violated the provisions of Sec. 308 of the Labour Code (requisites of agreements to complete work) whilst 33 (56.8%) job agencies violate the provisions of Sec. 309 of the Labour Code (on temporary secondment and its performance). Job agencies allocate their employees to users primarily on the basis of a written instruction, which is not drawn up in compliance with law, or employees are assigned work without any written instruction. During inspections it was also revealed that agreements concluded with users do not contain prescribed requisites or no agreements are concluded. Moreover, inspections uncovered that job agencies pay after due pay days, they do not provide extra charges for work at night, on Saturday or Sunday, salary or time off in lieu for work on national holiday days (46 violations). In the area of establishment and termination of employment, and agreements on performance of work which are not typical job contracts, inspections revealed that job agencies did not inform their employees on the content of employment (36 violations), job agencies did not issue confirmations on employment or they did not state all prescribed data (13 violations). As regards occupation health and safety 53 violations were detected; for example employees were not instructed in the field of legal and other regulations concerning occupational health and safety, they were not provided with protective clothes and/or other tools. With respect to working hours inspections found 28 violations relating especially to records of hours employees worked, overtime work and night work. Apart from violations of the provisions of Sections 308 and 309 of the Labour Code no other serious violations of labour law regulations were uncovered when job agencies were compared with other employers. What is really interesting is the fact that if a job agency violated labour law regulations then these applied both to Czech and foreign nationals. Job agencies were imposed in total 16 fines in 2009, amounting to CZK 1,790,000.

Inspections focusing on job agencies will continue also in 2010. In cooperation with the MLSA the SLIO endeavours to find ways to ensure that only those job agencies that do not violate labour law regulations can operate in the labour market. It is the way to prevent situations that can, in extreme cases, result in THB. In this regard stricter conditions for operations of job agencies along with new competences vested in the MOI in this area and which have been effective from 1 January 2009 appears to be very important.

Despite the aforementioned violations of labour law regulations it may be stated that inspections carried out by territorial labour inspectorates in 2009 showed that no cases indicating any commission of criminal offences of THB. The SLIO only in one case had a suspicion, on the basis of a delivered complaint, that the criminal offence of THB might have been committed. The situation was as follows.

A company with a registered seat in Romania recruited employees for a Czech company. They were employed on the basis of agreements to complete work in forests in the Czech Republic (Lesy Ceska Republika). As Romanian nationals had contacted the company that had initially found work for them, complaining that they did not have any place to live, they did not have any money and the Czech company was forcing them to work until they were transported from the forest, this Romanian company requested the help of the SLIO. The SLIO was provided with a list of alleged workers without any detailed identification and the agreement concluded with the Czech company on recruiting workers. However, although requested to do so, the company did not provide any particular documents on the basis of which workers could be identified in the employment of a concrete Czech employer. In cooperation with labour offices and the MLSA the SLIO managed to find some names in the database of registered foreign employees. However, they were not working for the company that was expected to

employ them. Therefore the SLIO contacted the UCOC and provided police officers with all available data and information that they had managed to obtain. According to the last information provided by the UCOC the case would probably not be one of THB. Further investigations are being made in Romania at the company which sent workers to the Czech Republic.

2.8.2.2 Inspections Carried Out by Labour Offices

The MLSA was required by the Czech Government Resolution No. 171 of 9 February 2009 concerning the security situation of the Czech Republic in the context of dismissing foreign workers as a consequence of the economic crisis, to impose immediate and consistent sanctions on employers who violate provisions of the Act on Employment and to impose the highest possible fines permitted by law for such sanctions. This assignment was met through inspections carried out by labour offices while minor offences and administrative infractions in the field of employment are provided for in Sections 139 and 140 of the Act on Employment.

Inspection units of labour offices carried out in total 11,149 inspections in 2009. Of this total number, labour offices conducted 1,898 checks of employers who employed also foreign labourers (which accounts for 17.02% of the total number of inspections). Labour offices checked in the period reviewed in total 19,089 foreign labourers. On the basis of checks carried out by customs offices, in 2009 labour offices initiated 514 administrative proceedings altogether. As it was detected, 3,170 persons were working illegally and employers had not met their reporting obligation towards labour offices in the case of 4,916 persons; it means that employers did not inform labour offices of employment of foreigners who do not need a work permit. In 2009 labour offices imposed fines on employers totalling CZK 46,700,200 for violating regulations concerning employment of foreign nationals. The total amount of fines collected during the first half of 2009 exceeded the amount of fines collected in the previous year. In 2008 labour offices imposed on employers 834 fines totalling CZK 29,418,700. Labour offices also imposed 189 fines amounting to CZK 705,200 on employees.

Special attention was paid to checks of job agencies. While during the period from 1 January until 30 November 2008 labour offices conducted 498 checks of job agencies and imposed 110 fines amounting to CZK 5,886,400, during the period from 1 January to 31 October 2009 in total 586 checks were carried out and labour offices imposed 127 fines in the amount of CZK 20,094,000.

Of the total number of 73,666 employment permits valid as of 31 December 2009 27,349 permits (37%) were permits issued for co-ops and 3,586 (4.9%) for partners in business companies. Sec. 89 of the Act on employment stipulates that “a foreign national may only be recruited and employed with a valid work permit, and a valid permit to reside in the Czech Republic; for these purposes employment is deemed to include the performance of tasks arising from the scope of activity of a corporate body procured by a partner, statutory body or a member of a statutory or other body of a corporate body for that corporate body or the member of a cooperative or the member of a statutory or other body of a cooperative for the cooperative”.²⁵ Inspections carried out during the period reviewed revealed that 379 persons failed to comply with this obligation.

When the years 2008 and 2009 are compared, in the first half of 2009 the number of inspections aimed at employment of foreigner workers increased by 121 checks. When these figures are compared with those of the first half of 2008 the number of checked persons as well as breaches of the Labour Code considerably grew. The same applies to the number of fines levied by the labour offices. Nevertheless, in the second half of 2009 labour offices carried out less checks which means that in 2009 they performed by 35 checks less and checked by 5,114 foreign workers less than in the past year.

²⁵ A foreign national who is in the Czech Republic a member of any co-op and performs work for a co-op arising from the underlying activities of the co-op does not have to enter in labour law contract in cases where the work does not have to be performed within classical employment. Thus it can be a labour relation regulating by Act No. 513/1991 Coll., the Commercial Code and thus it is not falling under the competence of the MLSA. For the purpose of monitoring in the labour market also these people are required to be in possession of a work permit.

The below table offers an overview of the most frequently occurring illegally employed foreign labourers or foreign workers who are not documented. The overview obviously demonstrates that front places have been occupied since 2007 (with the exception of Poland and China), as a rule, persons of the same nationality as victims of THB included in the Programme. This data could in the future help with targeted searches for endangered groups or persons or at-risk persons.

Overview of a sequence according to nationalities of illegally employed foreign labourers or foreign labourers who are not properly documented (foreign nationals and EU//EEA/EFTC citizens)							
Situation as of 31 Dec 2009		Situation as of 31 Dec 2008		30 June 2008		31 Dec 2007	
1.	Slovakia 2 998	Slovakia 2 056		Ukraine 809		Slovakia 1 418	
2.	Ukraine 1 517	Ukraine 1 302		Slovakia 705		Ukraine 1 292	
3.	Vietnam 1 205	Vietnam 1 183		Poland 357		Poland 380	
4.	Poland 735	Poland 707		Vietnam 335		Vietnam 296	
5.	Mongolia 383	Bulgaria 434		Bulgaria 109		Moldova 105	Bulgaria 105
6.	Bulgaria 333	Rumania 321		Rumania 92		Rumania 77	
7.	Rumania 303	Mongolia 149		Mongolia 62		China 40	
8.	Moldova 241	Moldova 100		Moldova 57		Mongolia 19	
9.	Uzbekistan 59	China 50		China 20		Russia 16	
10.	Germany 57	Uzbekistan 33		Russia 15		Germany 15	

The overview of the five most frequent occurrences of nationalities in relation to employment of foreign members of legal entities looks very similar. It means that citizens of Ukraine have occupied first position for a long time (as of 31 December 2009 in total 23,167 persons in co-ops and 1,660 persons in business companies of the total number of 30,935 foreign nationals employed in this way). Ukrainians are followed in ranking by citizens of Moldova, Mongolia, Uzbekistan, and Russia.

2.8.2.3 Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals

The aforementioned data demonstrated not only that a group of labour migrants who work abroad without all necessary permits (work permit, residence permit and so on) is in terms of THB a very high risk and vulnerable group. As a result information covering illegal employment of foreigners is very important for this Report. Coordination and cooperation pertaining to the area of combating illegal work of foreign nationals is ensured, at the central level, through the Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals. The MLSA is a responsible party for this inter-ministerial Group. In autumn 2009 the Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals submitted to the Government of the Czech Republic for its approval a document called “2008 Summary Information on activities implemented by relevant ministries or their executive units in combating illegal employment of foreign nationals in the Czech Republic”. Therefore we have selected for this Report only the most relevant information with regard to THB.

In 2009 the Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals organised three meetings. The regularly discussed topics are legislative news, results of inspections carried out by member institutions, cooperation and information exchanges between competent authorities arising from their checks, and the situation in the field of employment of job agencies.

Provision of information by the MLSA for the purpose for checks carried out by customs authorities, delivering results about collecting fines imposed by labour offices to the General Directorate of Customs, transfers of codes of residence permits by the Directorate of the Alien Police Service (hereinafter referred to as the 'DAPS') to the MLSA and the set of proposals of the DAPS (for example proposals for the introduction of fine tickets for sanctioning illegal work) were solved and developed within strengthening of cooperation. Cooperation between the MLSA and SLIO led in 2009, *inter alia*, to preparation of a management act of the MLSA that clarifies cooperation between labour offices and territorial labour inspectorates during inspections focusing on illegal work and illegal employment. It is an area that was criticised in the past; however thanks to this act control mechanisms will be made more efficient.

Further impacts of the economic crisis on employment of foreign nationals, the issue of co-ops and avoidance of labour law and residence legislative by foreign workers were mainly dealt with in the period reviewed. Information resulting from a specific survey of labour migration (namely results of the IDEA project carried out by the Faculty of Natural Sciences of Charles University in Prague and the DOMEMET project currently being prepared in cooperation with the Research Institute of Work and Social Affairs), experience and proposals of occupational unions relating to employment of foreign nationals (the Chamber of Commerce of the Czech Republic, the Union of Industry and Trade of the Czech Republic) were presented. The Department for Employment Service Implementation of the MLSA provided information concerning the topic "The most frequent myths about combating illegal employment". In the context of subject of foreign co-ops' members, the MJ provided information on the current situation in drawing up the draft Act on Business Companies and Co-ops (the Act on Corporations) and on introducing a new criminal offence: unauthorised employment of foreign nationals; this will be incorporated in the provisions of Sec. 342 of the Criminal Code.

As a consequence of the economic crisis the MLSA implemented several measures. Government Regulation No. 64 of 5 March 2009 specified types of jobs a job agency may not intermediate in the form of assigning a worker for temporary work at the user. The MLSA also cooperated in meeting a task to draw up and submit to the Government not later than on 31 August 2009, draft legislative amendments in order to increase co-responsibility of an employer for tackling the situation of a foreign national who has been provided with employment in the Czech Republic by the employer concerned after expiry of the foreigner's residence permit. The MJ informed on the state of drawing up a draft Act on Corporations (business companies and coops) and on introducing a new criminal offence – unauthorised employment of foreign nationals - which will be incorporated in the provisions of Sec. 342 of the Criminal Code.

2.8.3 Outlook to 2010

The number of agency labourers – foreign nationals coming from third countries - will probably continue decreasing. At the end of 2008 there were almost 20,000 persons, however, as of 31 December 2009 there were only 3,574 valid work permits for foreign nationals who were employed through job agencies.

Due to a current overbalance of foreigners who are members of co-ops a key topic will be work of foreign nationals in co-ops, which is, according to the opinion of the MLSA, the most pronounced problem. Vacancies for participants in legal entities can be filled only with difficulties by Czechs /EU citizens interested in or applying for employment especially due to a more or less open condition to provide a membership deposit. There is usually no other option than to issue a work permit irrespective of the real situation in the labour market. In the opinion of relevant inspection bodies performance of work of co-op labourers/co-op members is difficult to check since "a labour relation of a co-op member to the relevant co-op" can be regulated by articles of association and the articles are governed by Act No. 513/1991 Coll., the Commercial Code, as amended, however, neither labour offices nor SLIO are empowered to carry out checks on how the Commercial Code is adhered to. Relationships between co-op members are regulated by civil law therefore it cannot be excluded

that in a number of cases co-op members are not paid a relevant share of profits or other types of remuneration for their work (work of foreign nationals) and other phenomena also exist which can be described as exploitation and forced labour but which are not punishable within public law. A substantial step towards the change of the current situation could be to abolish, in the Commercial Code, a special provision regulating working relations of a co-op member to the co-op concerned. Although this topic is to be tackled by groups other than the IMCG all proposals pertaining to this area will be monitored also in the following period.

According to the information provided by labour offices, inspections reveal more often working foreigners who hold trade licenses and who, along with their “employers”, do not respect the Act on Employment and the Labour Code and/or the legislation concerning residence permits, in particular the Act on Residence of Foreign Nationals in the Czech Republic. This refers to performance of work presented as a part of student’s practice. It is currently easier to get a residence permit for the purpose of a business undertaking than a residence permit for the purpose of employment. It is almost impossible to prove that these foreigners in fact do not undertake any business in the Czech Republic and thus they do not meet their declared purpose of residence, and in addition, they work in a “concealed” labour law relation. In such cases it is essential to meet the aforementioned Government Resolution No. 171 of 2009 which requires “the Minister of the Interior in cooperation with the Minister of Industry and Trade and the Minister of Finance to draw up and submit to the Government not later than on 31 August 2009, the proposal of legislative amendments clarifying conditions for residence of foreign nationals who want to start up their business in the Czech Republic so that their activities can be effectively checked by state authorities”.²⁶ The Inter-ministerial Coordination Group will pay attention to meeting this task in the upcoming period.

3 VICTIMS OF TRAFFICKING IN HUMAN BEINGS AND PROVIDED ASSISTANCE

3.1 Victims of Trafficking in Human Beings and the Act on Social Services

The system of social service is regulated in the Czech Republic by Act No. 108/2006 Coll. on Social Services, as amended (hereinafter referred to as the ‘Social Services Act’). This Act regulates conditions for the provision of assistance and support to natural persons in adverse social situations by means of social services and conditions for contributions for care, for issuing licences for the provision of social services, the execution of state administration in the area of social services, inspection of how social services are provided, the form and method of funding, and prerequisites for performing social services.

As it was emphasised in the 2008 Report, this Act, which came into force on 1 January 2007, meant an essential shift in care for trafficked people and an introduction of standards of social care including care provided to victims of THB.

Social services include social consultancy, social service care and social prevention. These services are provided as boarding services, non-resident services or street-work services. The list of individuals who may be eligible for social services, if they satisfy conditions stipulated by the said Act, is laid down in Sec. 4 of the Act on Social Service. In accordance with the Social Service Act it is possible to provide services only after the particular organisation to provide social services has been registered by the relevant Regional Court. Conditions of registration are regulated by the provisions of Sec. 78 and 79 of the Social Service Act. The list of registered providers of social services is publicly

²⁶ *In the context of the task assigned to the Ministers of the Interior, of Industry and Trade, and of Finance with regard to draft legislative amendments clarifying conditions for residence for the purpose of business undertaking the amendment to the Act on the Residence of Foreign Nationals was drawn up. It encompasses, inter alia, amendments concerning residence permits for the purpose of business undertaking. At the time when this Report was being written the amendment to the said Act was adjusted according to comments received from stakeholders.*

accessible in the Register of Social Service Providers (hereinafter referred to as the 'Register').²⁷ A publicly accessible part of the Register offers in its extended section a search facility for services according to the target group, including a target group of victims of THB. Newly, from December 2009, it has been possible to search for social services according to the address of a facility with an option to find also an authorised municipality. It is a substantial change for Register users since until December 2009 the Register had enabled searches for social services only according to competencies of individual regions.

3.1.1 Social Services and Their Providers

As of 14 January 2010 the Register of Social Service Providers listed in total 111 social services (in 2008 there were 110 social services). Providers of such services indicated that one of their target groups is a group of victims of trafficking in human beings. These 111 social services were provided altogether by 70 providers of social services.

The following social services are provided:

- Professional social consultancy – 55 (in 2008 in total 58)
- Houses of asylum – 17 (in 2008 in total 18)
- Telephone assistance lines – 9
- Crisis assistance – 13 (in 2008 in total 9)
- Socially activating services for families with children – 2 (in 2008 also 2)
- Street-work programmes – 10 (in 2008 in total 9)
- Social rehabilitation – 3 (in 2008 in total 4)
- Intervention centres – 1 (in 2008 also 1)
- Low-threshold facilities for children and youth – 2 (in 2008 in total 1).

In the context of the relatively high numbers, as stated above, of providers and types of social service that are designated, *inter alia*, for victims of THB it is at the same time necessary to stress that the majority of providers devote their services to victims of THB only marginally and their primary target group is composed of other persons.²⁸ In general, it may be said that predominantly NGOs whose activities are presented in this Report focus on services to be provided to victims of THB.

According to the Register providers of social services for victims of THB operate mainly in the region where they are registered. The exception is professional consultancy provided by the Archdiocese Charity Prague (Magdala advisory centre) and professional social consultancy and crisis intervention through a telephone line provided by civic association Bílý kruh bezpečí (White Circle of Safety), offered to clients in the Czech Republic. La Strada organisation also offers services for persons identified elsewhere in the Czech Republic. Another registered provider of services for victims of THB is, for example, Sdružení pro integraci a migraci (Association for Integration and Migration) which has its seat in Prague and offers professional social consultancy in Prague and in the Usti, Liberec, Hradec Kralove and Pardubice Regions.

The following providers of social services have registered the most services to be provided to victims of THB: Diocese Charity Brno (10 services), Archdiocese Charity Prague (5 services), Rozkoš bez rizika (4 services) and Bílý kruh bezpečí, o. s. (9 services). However, victims of domestic violence represent a primary target group of the latter.

A certain disadvantage, with respect to monitoring of the situation pertaining to the area of

²⁷ <http://iregistr.mpsv.cz/socreg/>

²⁸ It is beyond any dispute that other organisations which are included here can provide and probably do provide services to a trafficked person because such a person belongs to a group on which they focus (for example victims of crimes). According to information provided by La Strada it is, however, probable that such organisations would refer a trafficked person to further specialised services provided by a specialised organisation.

THB, is impossibility to monitor the numbers of individual clients of a specific service, since individual providers report to the MLSA only how many services of a certain kind were provided and not how many persons received one or more services.

3.1.2 Development Priorities of Social Services between 2009 and 2012

In September 2009 the MLSA submitted to the Government of the Czech Republic a document “Development Priorities of Social Services between 2009 and 2012”. The document is the first national strategic document arising from the Social Services Act and it places a great emphasis on the area of social prevention services. Predominantly services of follow up care for people dependent on addictive substances, services for persons suffering from mental illnesses and services focusing on solving the situation of people endangered by social exclusion, are supported. Recipients are mainly homeless people, victims of domestic violence, persons leaving facilities for institutional or protective education and people released from prisons. Development priorities of social services represent the first step towards drawing up a comprehensive national plan of social services development, which is to be prepared during 2010.

3.2 Victims of Trafficking in Human Beings in the Statistics of the Police of the Czech Republic

Another valuable source of information on victims of THB is the Statistical Crime Recording System of the Police of the Czech Republic. The system is operated by the Police Presidium, which is also responsible for the system as a whole. Victims are recorded and categorized only within the general item “Injured Party” (male, female, an injured party of a general crime or of an economic crime, public interest). Each particular crime can have only one injured party. Victims of crimes are recorded only within violent crimes, vice crime and several other selected types of crime against property. The police also monitor data which is specifically important in terms of forensic tactics for the very nature of police work, i.e. it is important in terms of monitoring social trends and phenomena and thus helps increase the efficiency of work of the Czech police. As regards criminal offences pursuant to the provisions of Sec. 232a of the Criminal Code, victims are reported.

Perhaps the most interesting data is the figure demonstrating the total number of victims of THB identified by the Czech police in 2009 on the basis of the provision of Sec. 232a of the Criminal Code. In 2009 altogether 42 victims of THB were identified which is, when this figure is compared with that of 200, i.e. 119 victims, a considerable decline.

Numbers of victims of THB identified in 2009 by the Czech police on the basis of the provisions of Sec. 232a of the Criminal Code; males and females²⁹ and groups by regions									
	CZ	Prague	CB	SB	WB	NB	EB	SM	NM
Males	0	0	0	0	0	0	0	0	0
Females	5	1	1	0	1	1	1	0	0
Groups of persons	37	14	0	7	7	0	9	0	0
Number of groups	5	2	0	1	1	0	1	0	0
Total	42	15	1	7	8	1	10	0	0

When the above figures of 2009 are held, for example, against the total numbers of victims registered by the Czech police as groups of persons between 2003 and 2007 (2003 – in total 53 persons, 2004 – in total 72 persons 2005 – in total 43 persons, 2006 – in total 63 persons, 2007 – in total 33 persons) we see though that the apparent drop in the number of victims of THB identified in

²⁹ The police statistics register victims either as individuals or as groups of victims (for example on a large scale case); then the number of victims in a group is recorded.

2009 in comparison with 2008 (by 64.7 %) is in fact only the return to average values reported between 2003 and 2007. To this end it may be stated that the year 2008 was absolutely exceptional in terms of the number of victims of THB.

Most victims (in total 18) were recorded in Prague and in the East Bohemian Region (10 victims). These two regions are followed by the West Bohemian Region (8 victims), which is closely followed by the South Bohemia Region (7 victims). One female victim was reported respectively from the each of the following: the North Bohemian Region and the Central Bohemian Region. No victim was identified in the South Moravian Region or the North Moravian Region.

As regards victims who are not registered within “groups of victims” the sets of data recorded in the Statistical Crime Recording System enable an overview of the age of victims of THB identified by the Czech police. Of the total number of five women recorded in 2009, three of them were in the age group between 18 and 30 years. Two female victims were in the age group between 15 and 18 years (underage). In other monitored groups (up to 15 years of age, between 31 and 40 years and between 41 and 60 years, age not ascertained) no victim was reported. All five women were nationals of the Czech Republic. The Statistical Crime Recording System also indicates that two of these victims were reported as “boarders of an orphanage or house for youth”. This data only confirms results of some studies which focus on this group of persons as one of the most threatened groups.³⁰ A further victim was reported in the category “unemployed”.

3.3 Programme of the Ministry of the Interior on Support and Protection of Victims of Trafficking in Human Beings

3.3.1 Fundamental Principles of the Functioning of the Programme

2009 saw the implementation of the nation-wide Programme which is a follow up to the pilot project of the UN Office on Drugs and Crime (UNODC) “Model of Support and Protection of Victims of Trafficking in Human Beings for the Purpose of Sexual Exploitation” of 2003.

The detailed description of principles and functioning of the Programme is encompassed in Annex 2 of the National Strategy to Combat Trafficking in Human Beings (2008-2011),³¹ therefore we refer only to this document. Further detailed information is also published on the web sites of the MoI. The Programme offers assistance to victims of trafficking in human beings and motivates them to cooperate with law enforcement bodies so that they can contribute to the punishment of offenders in this serious crime. At the same time it fully takes into account a human rights approach towards victims of THB. The Programme is implemented through the national referral mechanism³² (hereinafter referred to as the ‘NRM’), which involves state administration bodies, NGOs and IOM Prague.

NGOs offer to trafficked victims crisis psychological and social or health assistance, accommodation, support in integrating into normal life, and so forth. As regards foreign nationals, both males and females, their residence status is amended as needed. The Programme is designated for victims of THB especially for the purpose of sexual exploitation and labour exploitation, offering legal, social and medical assistance, accommodation and a dignified return to the country of origin. In addition to the humanitarian aspect the aim of the Programme is also to gather relevant information on criminal environments, which could lead to uncovering, punishing and sentencing offenders of this type of crime.

³⁰ P. Burčíková, P. Kutálková, D. Hůle: *Cool je vědět víc... (Collmeans to know more); Ústavní výchova a rizika komerčního sexuálního zneužívání, (Institutional education and risks of commercial sexual exploitation) La Strada o. p. s., 2008.*

³¹ Available on the web sites of the MoI at: www.mvcr.cz.

³² “A National Referral Mechanism (NRM) is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society” National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook. OSCE, ODIHR, 2004, pp. 15 and 16.

The course of cooperation may be marked, according to opinions of individual actors involved in the NRM network, as absolutely unproblematic and swift both in terms of including victims (the UCOG, MoI, and NGOs), change of the residence of trafficked persons (MoI, APS, and NGOs) and implementation of voluntary returns within the Programme (IOM).

The MoI effectively cooperates, within the Programme, with other competent ministries (MJ, MH, Ministry of Education, Youth and Sports, MLSA), with the Czech police and the non-governmental sector. So far two NGOs, as representatives of the non-governmental sector, are involved in the programme (La Strada and the Archdiocese Charity Prague) and one inter-governmental organisation - IOM. As in previous years, updated Agreements on Cooperation were signed, within the Programme, with the said NGOs for 2009. Further cooperating NGOs which are not directly involved in Programme implementation were, in 2009: Organizace pro pomoc uprchlíkům, o. s. (Organisation for Assistance for Refugees) and Rozkoš bez rizika, o. s. (Passions without Any Risk).

In order to ensure the functioning of the Programme, a task force group of experts meets once a month at what are known as coordination meetings. The members operatively try to solve current problems concerning individual victims of THB and related preventative activities and measures. Matters in relation to victims of THB that are of a conceptual nature are tackled within the Inter-ministerial coordination Group.

The Programme is financed by the budget chapter of the MoI. For more information about Programme funding see Chapter 3.7.3.

3.3.2 Statistical Data and Description of Victims Included in the Programme

From 2003, when the Programme was established, in total 102 victims of THB were included in the Programme. In 2009 altogether 13 victims of THB were identified and included in the Programme and enjoyed benefits of the Programme (in total 10 persons within the Archdiocese Charity Prague, two victims within La Strada and one victim did not use services of any NGO.). These victims comprise nine women and four men. In eight cases they were victims of THB for the purpose of labour exploitation (four men and four women) and in the case of five victims it was THB for the purpose of sexual exploitation (all these five victims were women). No other form of THB was registered within the Programme (for example forced begging, forced commission of criminal offences, THB for the purpose of organ removal). Each of the included persons had become a victim of only one form of exploitation, meaning they were either victims of labour exploitation or victims of sexual exploitation.

The number of persons included in the Programme because of their identification by the Czech police (in total seven victims) is almost identical to the number of persons identified by any of the NGOs (in total six victims). It is a positive change; it results from the document evaluating the functioning of the Programme between 2003-2005³³, and in the initial phases of the Programme victims of THB proposed to be included in the Programme by the Czech police substantially prevailed (out of all 33 victims included in the Programme between 2003 and 2005 in total 24 victims were proposed by a unit of the Czech police and only nine victims were proposed upon the proposal of any NGO). In 2007 the ratio between the two aforementioned groups of victims was severely imbalanced – of a total 18 victims included in the Programme, 15 were identified and proposed for inclusion in the Programme by one of the Police units and only three victims were proposed by an NGO. Not earlier than 2008, this percentage changed in the track record of the Programme – of the total 24 victims included in the Programme 11 were proposed by the Czech police whilst NGOs proposed for inclusion in the Programme 13 victims of THB. The fact that numbers of persons proposed for inclusion in the Programme by the Czech police and by NGOs are nearly identical, evidence that to a certain degree law enforcement authorities, in particular Czech police units, and NGO have managed

³³ Demografické informační centrum o. s. (Demographic Information Centre); Evaluation research: The Programme on Support of victims of THB in the Czech Republic; March 2006.

to find a consensus as to what indicators can be generally understood as indices leading to assessment of a certain, specific situation such as THB.

If we consider the group of 13 persons included in the Programme in 2009, we find out that the most numerous sub-group consisted, as in previous years, of Ukrainian nationals; from 2003 when the Programme was put into operations in 2009 a record number of eight persons was included. The second most numerous sub-group was comprised of citizens of the Czech Republic – in total three persons. One person included in the Programme came from Slovakia and one person was from Thailand. While citizens of the Slovak Republic have regularly appeared in the Programme since 2003 a national of Thailand was included for the first time of the history of the Programme in 2009

Year	2003	2004	2005	2006	2007	2008	2009	Total
Nationality								
Czech Republic		2	3	4	5	4	3	21
Slovak Republic		3		1	1	1	1	7
Moldova	3							3
Ukraine		1	6	3	3	7	8	28
Bulgaria		2	4		1			7
Vietnam	1		3	3	2			9
Romania				3		6		9
Macedonia					2			2
Russia	1	1			3	1		6
Kyrgyzstan		1			1	1		3
Latvia		1	1					2
Uzbekistan						1		1
Brazil						3		3
Thailand							1	1
Total	5	11	17	14	18	24	13	102

Further interesting data from the Programme is information on age categories of victims of THB. The age category was included in the Programme to maximally maintain the anonymity of persons included in the Programme and as the numbers of persons included were relatively low the persons were recorded in age groups. As is obvious on the basis of the below table the most numerous group was the group of persons between 31 and 40 years (in total 7 persons). It is a moderate shift in comparison with 2007 and 2008, since in those two years the most numerous group was the group of persons between 24 – 30 years. At the same time the number of persons in groups between 41 and 51 years and over 51 years (in total three persons) – in other words, in the two groups displaying the highest age brackets -is equal to the sum of persons of person included in two age groups displaying the lowest age: a group of persons aged between 18 and 23 years and a group of persons aged between 24 and 30 years. These figures are perhaps caused by the increase in the number of victims of THB for the purpose of labour exploitation.

Year	18-23	24-30	31-40	41-50	51+	2009
Nationality						
Czech Republic	1		2			3
Slovak Republic	1					1
Ukraine		1	4	2	1	8
Thailand			1			1
Total	2	1	7	2	1	13

Last but not least, information on termination of the participation of victims in the Programme is also interesting. As it was mentioned above, in 2009 in total 13 victims were included in the Programme. The participation of four persons in the Programme was terminated (three women and one men), of them three victims were included in the Programme in 2009 and one victim was included as early as in 2006. The latter client decided to join another programme (a special programme of the MoI focused on integration of foreign nationals).

As of 31 December 2009 the Programme hosted 20 victims (15 women and five men; from 2006 to 2009), of them 16 were foreigners, three were citizens of the Czech Republic and one participant came from Slovakia. In total 14 victims are still being provided with care by the Archdiocese Charity Prague, five victims are under the responsibility of La Stradou o. p. s.; while one person did not use services of any NGO in 2009. Residence in the Czech Republic was legalised for altogether 16 foreign nationals who are still included in the Programme in the following manner: 13 foreigners received a long-term residence permit for the purpose of protection in the Czech Republic under the provisions of Sec. 42e of the Act on the Residence of Foreign Nationals and three foreigners were granted a resident visa over 90 days for the “leave to remain” purpose, pursuant to Sec. 33, (1) (b) of the same Act.

The last significant figures are data on the types of residence granted in 2009. A long-term residence pursuant to the provisions of Sec. 42e of the Act on the Residence of Foreign Nationals was granted in total to six foreign nationals included in the Programme. A further two foreigners received an exit order under the provisions of Sec. 50 of the Act on the Residence of Foreign Nationals and one foreign national was granted a visa for a stay for over 90 days on “leave to remain” in the Czech Republic under Sec. 33, (1) (b) of the Act on the Residence of Foreign Nationals. The above data only confirm a long term experience that foreigners who are victims of THB legally residing in the Czech Republic and Czech nationals identified directly in the Czech Republic do not, as a rule, join the Programme. This situation has come about for two reasons: persons illegally residing in the Czech Republic are more vulnerable with respect to THB and, at the same time, it seems to be more difficult to identify respective victims of THB legally residing in the Czech Republic or legally residing foreigners are not interested to join the Programme.

3.3.3 Database of Trafficked Persons Included in the Programme

In 2008 the Crime Prevention Department of the MoI approved a project objective for software dubbed “Trafficked Person Information System”, the implementation of which continued in 2009. This database will encompass an overview of items according to which victims of THB should be recorded. The aim of the information system is to collate the data on victims of THB included in the Programme to Support and Protect Victims of Trafficking in Human Beings or persons for whom voluntary return to their country of origin was arranged. The register should provide reports and classify the data according to different filters, as well as process the data so that it may be used as statistical information. The implementation of the project itself is very difficult as it is important to deal not only with technical issues but, in particular, with regulations concerning protection of persona data.

3.3.4 Safe Voluntary Returns to the Country of Origin

After evaluating the data retrieved from the Programme it is possible to acquire information on the course of safe voluntary returns of victims of THB to their countries of origin. This means information about foreign nationals to their countries of origin and Czech citizens back to the Czech Republic. Voluntary returns enable victims of THB to return safely, freely and with dignity to their country of origin. The range of services is as follows:

- voluntary, organised, safe and dignified return to the country of origin for foreign nationals trafficked in the Czech Republic and for Czech citizens trafficked abroad;
- assistance before, during and after the return, information on assistance options in the country of origin; ,
- arrangement of lower travel expenses, usually on the basis of agreements entered into with carriers.

Voluntary assisted returns of victims of THB are implemented by IOM Prague, coordinated by the Crime Prevention Department of the MoI and paid per capita as a part of the Programme.³⁴ Furthermore, IOM Prague also participates in managing residence of victims of THB in the Czech Republic, obtaining necessary travel documents and so forth. Prior to implementation of a voluntary return all risks concerning the return of a victim of THB to the country of origin must be assessed. In order to diminish risks the Czech police are consulted with on a respective return. The service of transit assistance of IOM representatives to the target destination and provision of necessary contacts to NGOs in the country of origin is regularly used. Within its resources and in cooperation with assisting NGO (usually La Strada and the Archdiocese Charity Prague) the IOM Prague assesses risk for any trafficked victim in returning to the country of origin. When assessing the risk IOM Prague uses information provided by an organisation that takes care of the victim concerned before the return, and the information is based on wishes of the victim. If the victim insists on the return despite risks involved he/she is instructed accordingly and the return is implemented. IOM Prague, as a rule, organises the journey of a trafficked person by the most direct flight. If transit is necessary the IOM mission in the given place is requested to provide transit assistance. Airport assistance is provided also at the departure and arrival airports. If a transported person wishes so, it is possible to organise a journey by bus or train to the target destination. In exceptional cases (for example if the victim wishes to travel immediately, i.e. in two or three days) the airport assistance cannot be provided. However, the victim is informed on this fact and has his/her own choice. The ION mission in the country of origin offers to a trafficked person, as part of the airport assistance, further follow-up care unless it has been arranged before the departure. Follow-up care is in the country of origin, if a victim wishes so, provided either by the IOM mission or by any other NGO. Despite the aforementioned facts, options to assess risks and searching from the family of a trafficked person by IOM Prague continue to remain quite limited, in particular as a consequence of short time dedicated to pre-departure arrangements, coordination of the return to the country of origin and preparation of follow-up care for a trafficked person. Nevertheless, due to a low number of returned persons individual and thorough care is devoted to each case.

In 2009 in total two returns were conducted; the data concerning the nationality of such persons is deliberately not included on the account of efforts to ensure a maximal degree of protection of these persons. From 2003 altogether 43 voluntary returns were carried out, of which 11 victims were citizens of the Czech Republic.

3.4 Indemnification of and Provision of Financial Assistance to Victims of Criminal Offences

In 2009, as in previous years, victims only minimally took advantage of the option to claim damages within criminal or civil proceedings.³⁵ It is a complex issue which is connected with a number of partial problems [mainly there are difficulties connected with the amount of damages to be claimed as a consequence of a crime which caused harm, application of rights the injured if a person is an undisclosed witness under the provisions of Sec. 55 (2) of the Code of Criminal Procedure, documentation of assets in the ownership of offenders including examination of possibilities as to whether a criminal offence pursuant to the provisions of Sec. 216 of the Criminal Code (Sec. 262a of the old Criminal Code) – legalising proceeds of crime - has been committed. Available texts make almost no mention of any experience of NGOs specialised in assistance to trafficked persons with this issue].

³⁴ With regard to the status of IOM Prague as an inter-governmental organisation, IOM is not eligible for participating in the public procurement for provision of subsidies as published by the Crime Prevention Department of the MoI for the area of THB. Funding of preventive activities of IOM Prague would be possible only on the basis of public procurement published under the Act on Public Contracts: however such tenders are not currently published in the field of prevention of THB.

³⁵ Victims are, pursuant to Sec. 43 (3) of the Code of Criminal Procedure, entitled to propose to the court that the defendant pay damages for any crime committed against them. However, the victim is obliged to claim such damages within the main proceedings prior to the course of evidence and the proposal must clearly show the grounds for and amount of claimed damages.

To apply for damages is one of the fundamental rights of victims of crimes. As regards THB whose primary objective is to exploit people, indemnification for forced labour or damages with respect to damaged health must be considered (damages such as medical treatment costs, loss of earnings and so on). At the time of drawing up this Report, discussion is in progress on extending options of the injured party to claim damages for other than property damage (psychological suffering, moral damage and so on) within criminal proceedings.

Indemnification and financial assistance to victims of THB is an area to which not only MoI but also La Strada turned their attention in 2009. It is also a topic to which great attention is paid abroad.³⁶ According to information of partners involved in the NRM only one person managed to be indemnified in relation to the crime concerned; the damages were paid in 2008.

Another possibility for solving the financially difficult situation of victims of trafficking in human beings is to file an application for financial assistance at the Ministry of Justice. In accordance with Act No. 209/1997 Coll. on Financial Assistance to Victims of Criminal Offences and on the Amendment to Some Other Acts, as amended, (hereinafter referred to as the 'Act on Financial Assistance to Victims'), such financial assistance may be provided, pursuant to the provisions of Sec. 2 of the Act on Financial Assistance to Victims, to victims whose health has been damaged as a consequence of a criminal act (and moreover, such damage must be of minimal gravity expressed by at least 100 points for pain evaluation within the meaning of Decree of the Ministry of Health No. 440/2001 Coll. on indemnification of pain and aggravation of social life) or who are survivors of a person who died as a consequence of a crime. Other restrictions arise from the Act on Financial Assistance to Victims, for example when assistance is provided to foreign nationals – victims of crimes committed in the Czech Republic (Sec.14e).

This means that persons who have become victims of criminal offences pursuant to the provisions of Sec. 232a of the old Criminal Code – trafficking in human beings, Sec. 204 of the old Criminal Code - procurement, Sec. 209a of the old Criminal Code – illicit trade in cells, tissues and organs, and Sec. 216a of the old Criminal Code – child trafficking, can receive financial assistance only if they suffered, through any of the abovementioned crimes, damage to their health or if they lost their next of kin. A precise definition of a those who can be considered as survivors and who can claim a financial assistance is incorporated in Sec. 2 (2) of the Act on Financial Assistance to Victims.

According to information provided by the MJ, one such case of indemnification was dealt with in the course of 2009 by the Indemnification Department of the MJ. However, no such case occurred in previous years.

Actors involved in implementation of the NRM will pay attention also in the upcoming period. In 2009 the MoI financially supported development of an analysis³⁷ and mapping-out of experiences concerning indemnification for trafficked persons. Such activities will continue, under the financial support of the MoI, also in 2010. In particular La Strada, which is engaged in the special international project of the European Action Pact for Compensation for Trafficked Persons COMP-ACT EUROPE, is very active in this area.

3.5 Evaluation of Application of the Provisions of Sec. 42e of the Act on the Residence of Foreign Nationals

Trafficked persons are considered also in the Act on Residence of Foreign Nationals (the provisions of Sec. 42e and relating provisions of the same Act) which enables issuance of a long-term residence permit for the purpose of protection in the Czech Republic to foreign nationals (those who

³⁶ Petra Follmar-Otto: *Human Trafficking in Germany, Strengthening Victim's Human Rights*, German Institute for Human Rights, Berlin, September 2009.

³⁷The analysis is available on: www.mvcr.cz or on <http://www.strada.cz/attachments/9/984f62d86274fe11051cc419c7696297.pdf>.

are, or have probably been, victims of offences relating to victim of a crime of THB or who have been the subject of an action to facilitate illegal immigration . i.e. those who were helped to illegally reside in the Czech Republic) whose testimony is important for exposing an offender or an organised group involved in organising or facilitating illegal crossings of the national border or assisting in unlawful residence in the Czech Republic. The permit is issued upon the condition that such persons cooperate with law enforcement authorities within criminal proceedings relating to a suspicion that a criminal offence has been committed, and such persons does not cooperate with a suspect(s). In compliance with Council Directive 2004/81/EC this provision applies to two different groups of persons in terms of criminal law.

An administrative authority competent for proceedings concerning long-term residence permits for the purpose of protection in the Czech Republic to foreign nationals under Sec. 42e the Act on Residence of Foreign Nationals and relating provisions of the same Act, is the Department for Asylum and Migration Policy of the MoI [Sec. 165 (c) of the Act on Residence of Foreign Nationals] which provided for the purposes of this Report the below statistical data on proceedings held in 2009. The Department for Asylum and Migration Policy of the MoI as an administrative authority does not distinguish, when recording statistical data, the status of victims of THB within criminal-law regulations since this fact is irrelevant for administrative proceedings. If the provisions of Sec. 42e of Act on Residence of Foreign Nationals are taken into account it must be pointed out that the below overview is not decisive for unambiguous differentiation of the number of witnesses classified as “trafficked persons” and the number of witnesses “who were helped to illegally reside in the Czech Republic” as these statuses can, depending on circumstances, overlap.

In 2009 in total 51 administrative proceedings under Sec. 42e of the Act on Residence of Foreign Nationals were held, and these were decided as stated below. The overview clearly demonstrates that, with the exception of one application for long-term residence permit for the purpose of protection in the Czech Republic, all applications were decided positively. It means that initial concerns of some experts concerning possibilities to abuse these legal provisions have not as yet been confirmed.

Administrative proceedings in 2009			
granting residence	13	granted	12
		denied	1
extending residence permit	37	extended	37
cancelling residence permit	1	cancelled	1

The obtained data also showed that the most frequent administrative proceedings in 2009 concerned nationals of Ukraine (24) and Kyrgyzstan (14) followed by nationals of Mongolia (10). The three remaining proceedings related to citizens of Russia (2) and Vietnam (1). The number of proceedings concerning women (28) prevailed over those where main actors were men (23).

3.6 Victims of Trafficking in Human Beings and Relating Activities of NGOs and IOM Prague

3.6.1 La Strada Czech Republic.

3.6.1.1 Basic Information on the Organisation

La Strada started to operate in the Czech Republic in 1995 as a project of the ProFem organisation. Since 1998 it has been registered as a separate legal entity. It is a founding organisation of the International Alliance of La Strada together with eight member organisations in another eight European countries (Belarus, Bosnia and Herzegovina, Bulgaria, the Netherlands, Moldova, Poland,

Ukraine, and Macedonia), with its international secretariat having a seat in the Netherlands. Furthermore, La Strada is a member organisation of an international alliance – the Global Alliance Against Trafficking in Women - with an international secretariat in Bangkok (GAATW) and the Platform for Cooperation on Undocumented Migrants (PICUM). In the Czech Republic La Strada is part of the association of legal entities – the Forum for Integration (FORINT). A representative of La Strada is a permanent member of the IMCG.

As in 2008 social services of La Strada determined for trafficked persons³⁸ have been covered from funds provided by the MLSA. In 2007 La Strada was registered as a provider of social services and since that year it has provided three types of social services for trafficked and exploited persons:

- Professional social consultancy – Sec. 37 of the Act on Social Services,³⁹
- Crisis assistance - Sec. 60 of the Act on Social Services, and
- Asylum houses - Sec. 57 of the Act on Social Services.

As regards prevention, dissemination of information leaflets and mapping out of trends the organisation develops a specific work method to be used in the field. This activity has been for several years financially supported by the MoI.

An important part of the activities carried out by the organisation is the operation of INFO and SOS lines which function three days a week. Currently the line is operated, during specific hours, apart from in the Czech language in the Russian, Romanian, Moldovan and English languages. Outside working hours there is voice mail. The line serves as a “gateway” to the organisation. The second key role of the line is to offer preventive consultancy, provided most often before the journey abroad where the person is to be employed. People can contact La Strada also via e-mail. In 2009 La Strada implemented 897 contacts to the benefit of 437 persons, who contacted La Strada via e-mail.

3.6.1.2 Trafficked persons in La Strada

In 2009 La Strada provided both non-residential and residential social services to a total of 55 trafficked and exploited persons. When this number is compared to that of 2008, when such services were provided to 66 persons, a moderate decline can be seen.

As in 2008 persons who used the services of La Strada can be divided into two groups: the first group is made up of trafficked and exploited persons who, during the course of cooperation, use several social services registered under the Act on Social Services and who along with the organisation, solve their situation comprehensively, including lodging services (hereinafter referred to as ‘comprehensive social services’). The second group consists of persons who use only the professional consultancy service - either because they are not interested in other services and are able to understand their situation on the basis of one or more anonymous personal consultations, or they cannot be provided any other services (hereinafter referred to as ‘contact consultancy’).

In 2009 comprehensive social services were used by 19 individuals (17 women, 2 men). Compared with 2008, when comprehensive services were used by 27 persons, the year 2009 saw a decline of almost one third. In total nine of these 19 persons (7 women, 2 men) commenced to cooperation with the organisation in the year reviewed (in 2008 in total 14 persons decided to cooperate). At the same time La Strada provided in 2009 contact consultancy services to 36 persons, predominantly to those who were exploited labourers or who found themselves in the situation reminiscent of trafficking and exploitation (in 2008 such services were provided to 42 persons).

In 2009 in total six persons included in the Programme used social services provided by La Strada, whilst two persons were newly included in the year reviewed. In the vast majority of cases

³⁸ In compliance with trends at the international level La Strada prefers the term “trafficked persons” for its target groups. The term “victim” is avoided as this can imply passivity or helplessness.

³⁹ Consultancy is provided also to persons who have undergone or who are in a situation close to trafficking in human beings or exploitation and persons who are closely related to trafficked or exploited persons, people who are seeking jobs or travel abroad, as well as to other people who might be interested in information on how to prevent risks of trafficking in human beings or exploitation.

these were persons who used comprehensive social services. Comparing the data with that of 2008, this is a quite considerable decrease in the number of newly included persons.

3.6.1.3 Trafficked Persons Who Used Comprehensive Social Services Provided by La Strada

As it was mentioned above, comprehensive social services were used in 2009 by 19 individuals, of whom 17 were women and 2 were men. Czech women prevailed among this group of clients, mainly those who were trafficked for the purpose of providing sexual services or were forced to act as prostitutes.

Of the total number of 19 persons, in 11 cases (10 women and 1 man) they were Czech citizens. Either they were forced to work as prostitutes in the Czech Republic or they were sexually exploited in the United Kingdom, Austria, and Switzerland. One of the clients who requested services in 2009 is a Czech man who was trafficked for the purpose of labour exploitation abroad.⁴⁰

A smaller group who used comprehensive services consisted of nationals of Ukraine, Slovakia, Russia, Thailand, and Vietnam.

As regards one group of persons (in total nine persons) who started to use comprehensive services in 2009, informal ways of “recruiting” by people from their social environment prevailed. Women who were forced to act as prostitutes in the Czech Republic were frequently exploited by someone with whom the women concerned also shared a flat/house. In such cases it was also usual that apart from working as prostitutes these women were forced to do household duties. As regards foreign clients they were often recruited through an agency or answered an advertisement.

Two thirds of clients, both male and female, who newly used comprehensive social services, cooperated with law enforcement authorities. Persons who refused to collaborate with the Czech police stated as the main reason for their refusal that they were scared of the offenders. One person cooperated with the police in the territory of another country.

As in previous years the majority of both male and female clients were, when joining social service, in poor physical and psychological condition. Physical difficulties resulted mainly from forced inappropriate life style and violence experienced. Clients also often complained about increased irritation, “agitation” which they could not explain or contrary to this apathy, fear, sleeplessness, flashbacks, or depression. Some clients displayed tendencies to self-harm, long lasting reticence, strongly submissive behaviour and so forth. In almost all cases examination by a physician was needed. Some clients also underwent psychiatric or psychotherapeutic services.

An average age of persons who started to use comprehensive social services in 2009 was 35 years. The youngest female client was 20 years old whilst the oldest was, at the time she decided to start cooperating, 55 years old. Two thirds of persons were single. As regards education attainment two thirds of persons had apprenticeship certificates and had completed secondary education, some of them had primary education. This description is very similar to that of 2008.

These persons used services provided by La Strada most frequently upon recommendation of another assisting organisation (five persons), only in one case the police intermediated the contact.

Only two persons requested inclusion in the Programme – one made use of a voluntary return while the second one simultaneously when joining the Programme applied for a long term residence permit for the purpose of protection. As regards other clients the application for being included in the Programme held no purpose. They were Czech nationals who were trafficked in the Czech Republic or abroad and respective costs for their return to the Czech Republic did not have to be paid from the Programme.

Clients utilised more or less equally the whole range of partial services (primarily assistance when dealing with institutions, asylum accommodation, financial assistance, intermediation of health care, legal advisory services and representation, labour consultancy and some others).

⁴⁰ In order to maximise anonymity and to protect trafficked persons the destination country is not specified.

Female Clients – Nationals of the Czech Republic

Every year a very diversified group of clients, with regard to requirements and need, uses comprehensive social services. A quite homogenous group, both among those who are new and among those who have used services for some time, has consisted for several years of Czech women. They are predominantly women with unsatisfactory family (or without family) and social background. Developmental traumas repeatedly appear in their biographies. These women have almost zero labour experience. This is either due to education levels or due to the lack of job opportunities in the region as they have low qualifications, or as a consequence of other circumstances. Some clients experienced abuse of drugs in the past.⁴¹ Many of these women come with problems concerning their indebtedness regardless of whether they entered into a loan agreement voluntarily or under pressure from those persons who exploited them. In many cases the process of confiscation of their property had already started. With regard to combination of many unfavourable factors these women require intensive and, in many cases, long lasting cooperation with the organisation which can assist them in finding a satisfactory place in their life. In recent years there have been in this group more and more often women with special needs. In this context mainly the information that in 2009 there were four persons among clients of La Strada who were granted a pension in full or partial disability.

3.6.1.4 Contact Consultancy and Calls through INFO a SOS Line

La Strada, by means of experiences resulting from provision of contact consultancy, analyses of calls on INFO and SOS lines and on the basis of information gathered by work directly in the field (street work), encounters a number of cases which display a persistent problem with application connected with a criminal-law definition of a crime of THB (in particular terms such as “...forced labour and other forms of exploitation”). The organisation is therefore often contacted by persons who cannot provide sufficient information to justify initiation of criminal proceedings; although according to the opinions of some partners within the NRM these are the cases verging on THB. Despite all that, the below stated information is relevant in terms of defining risky or endangered groups.

Within contact consultancy La Strada was in 2009 in contact with 36 persons altogether (7 women and 29 men). They were foreign nationals who had some experiences with exploitation other than sexual exploitation. La Strada also provided consultancy services to 178 foreign nationals through INFO and SOS lines. It is again a substantial decrease as in 2008 there were 315 persons who received advice in this way. The vast majority of persons fall within the category of people who are, with regard to their situation, under threat of exploitation of THB or they are persons who have already been exploited.

La Strada is most frequently contacted by nationals of Ukraine, Romania, and Bulgaria. Among other nationalities there are nationals of Uzbekistan, Moldova, Russia, Slovakia, or Kazakhstan.

An analysis of files showed that the vast majority of persons who made use of contact consultancy services or consultancies through INFO and SOS lines had arrived in the Czech Republic to work here. The majority of them are recorded in the client system. In the case of the group where there were personal contacts it may be said that there are especially foreign nationals (both males and females) whose experiences entail some of the characteristic indicators of THB: overlong working hours, adverse working and life conditions, false information concerning the nature of work, threats by an employer, without any salary for one up to four months, seizure of documents under the pretext to obtain necessary permits, preventing change of an employer, and so forth). In four cases persons stated that physical violence was used and this violence was used either directly against the person who request services of the organisation or against other persons related to the person concerned.

Foreigners usually use a telephone line because they are not paid their salaries, they express their worries about cancellation of their visa by their employers or they want to get information how to extend their visa. In many cases the different issues are combined. With respect to the essence of a

⁴¹ *The issue of drug abuse and provision of social services is described in the contribution of La Strada presented at the conference women and Drugs organised by Sananim. Conference proceedings is available online: http://zenyadrogv.sananim.cz/san_zeny-a-drogy.pdf*

contact it is not usually possible to find all circumstances regarding the situation of the person calling. However, in many cases they talk about threats, non-standard working conditions, and so forth. Generally vulnerable situations and resulting risks of trafficking or exploiting are often based on the client system.⁴²

La Strada provides foreign nationals with necessary contacts by means of information obtained through their work in the field. In particular, distribution of stickers and other information materials seems to be effective (in 2009 they distributed more than 6,000 different information materials). Foreign nationals also receive recommendations from other persons from their own communities.

In the framework of contact consultancy La Strada offered services also immediately after police intervention in the environs of Melnik in February 2009. As it was clear from the analysis of telephone calls some persons who were contacted in this way later called the organisation to seek specific advice.

3.6.1.5 Other Activities of La Strada

Apart from activities pertaining to the area of social services provided to trafficked persons and persons exploited in the labour market, and in addition to preventive, training and legal activities supported, in particular, by subsidies from MLSA and the MoI, La Strada launched other projects or similar activities. Here we mention just briefly some of the projects. More detailed information is to be found on web pages www.strada.cz.

The 2008 Report mentioned a continuing activity focused on indemnification of trafficked persons. In Autumn 2008 La Strada decided to become involved in the initiative of European NGOs and international organisations European Action Pact for Compensation for Trafficked Persons (COMP-ACT EUROPE). COMP-ACT EUROPE associates NGOs providing services to trafficked persons, but also lawyers, trade organisations and unions, organisations for migrants and professional experts. COMP-ACT strives to:

- map out, at the national level, ways in which a trafficked person can claim damages, and to implement projects supporting trafficked persons when they want be indemnified;
- support, at the international level, lobbying and inclusion of rights for indemnification of trafficked persons into programmes of international organisations, action plans and commitments of countries to indemnify trafficked persons.

Since 2008 La Strada has participated in the projects “Assessment of the human rights impact of anti-trafficking laws and measures”, which is covered by funds of the European Commission, DAPHNE III Programme. The main objective of this activity is to create a practical tool for analysing impacts of legislation and measures for combating THB on a target group of trafficked persons and other groups affected by such measures. In 2010 this tool will be pilot tested, in the Czech Republic as well as in other countries.

In 2009 La Strada also started to cooperate with the Czech and international trade union movement and focused mainly on prevention. In the framework of the project supported by the Open Society Fund, the organisation began to intensively cooperate with the Czech-Moravian Confederation of Trade Unions at the national level and with the International Trade Union Confederation at the international level. La Strada is planning to continue such cooperation also in the upcoming year.

A standard component of activities carried out by La Strada is passive or active participation in training activities and projects implemented by different entities. As regards activities at the national level, these include cooperation with the Refugee Facility Administration of the MoI (hereinafter referred to as the ‘RFA’), presentations for law enforcement authorities or presentations at

⁴² This issue also nationals of Romania and Bulgaria who work here within the client system. Persons who contact the organisation because of various reasons work without legal work permits (registration with the Labour Office, job contract etc.)

several seminars organised by IOM. A representative of La Strada also participated in the projects of ICMPD, the aim of which was the development of the International Referral Mechanism.

With regard to the international level an important event was, for example, a meeting of NGOs, known as the NGO platform held in Berlin in 2009 under the banner “20 years after the fall of the Berlin Wall, where do we stand “. An organiser of this seminar dealing with current problems of NGOs and the situation in prevention and fight against THB was La Strada International (parent group of La Strada Czech Republic).

3.6.2 Archdioceses Charity Prague, Magdala project

3.6.2.1 Basic Information on Magdala Project

The Magdala Project has been carried out within the Archdioceses Charity Prague since 1998 and deals mainly with all activities relating to topics of trafficking in human beings and violence. It is a networking project which connects consultancy services, asylum houses and help lines within the organisation known under the name of the Charity of the Czech Republic. A representative of this Project has become a permanent member of the IMCG.

The Magdala Project draws on governmental subsidies provided by the MoI and MLSA in order to cover its operations. The project was also supported in 2009 by the European Refugee Fund. With this support the Magdala project could extend its scope of competence to cover also the area of support for endangered persons and their children, in particular to support international protection seekers. Thanks to this financial support the Magdala project could provide to such persons programmes offering lodging and activities which strengthen abilities of clients for their inclusion into Czech society, mainly instruction in the Czech language, preparation and support for competing in the labour market and support of pre-school and primary school children and their education.

3.6.2.2 Magdala Project and Work with persons Endangered by THB or Victims of THB

Activities belonging to this area are as follows: operation of Magdala Help Line +420 737 234 078 – this line is operated for 24 hours a day and serves to inform persons interested in working abroad, providing information on risks relating to travelling to get work and how to best protect themselves from abuse. At the same time the line serves as an emergency help line for persons at risk of THB or persons who have already become victims of THB. Persons who have encountered such victims and are seeking ways to help them are also able to use it. In 2009 the Magdala Help Line recorded 701 contacts.

Another activity carried out within the Magdala project is field-work. This work focuses mainly on searching for and contacting persons endangered by THB for the purpose of sexual exploitation. Street-workers involved in the Magdala project concentrate on delivering information on health risks, possibilities of medical care and especially on information on a possibility how to leave the endangered environment and on solving the adverse social situation. In the course of 2009 field-workers managed more than 600 contacts.

The Magdala project also offers crisis assistance that includes safe accommodation, provisions of basic needs, assistance for orientation in the given situation and in right and options of clients. Furthermore, they offer follow-up programmes and programmes to support reintroduction to society, including safe assisted accommodation, social, psychological and legal advisory services, financial and material assistance, and support when seeking a new life path and inclusion into society. In 2009 in total 27 persons used these residential programmes for the first time. The total number of users of residential programmes was 41 persons in the year reviewed.

Professional social and legal consultancy services are also rendered within the Magdala project directly in consulting rooms, where services are provided to endangered groups of persons – consulting rooms for women and girls and consulting rooms for foreign nationals, migrants and international protection seekers. The precise numbers of contacts in such consultancy rooms are not

currently known. A project coordinator estimates that the number of persons who visited such consulting rooms may stand at roughly 300.

3.6.2.3 Description of Clients of the Magdala Project

Out of the total number of 41 persons who used in 2009 comprehensive residential programmes 14 persons were of Czech nationality, of them, four were children of persons at risk. The remaining persons were foreign nationals – four Vietnamese (of them two children of one endangered person), three nationals of Slovakia (of them two children of one endangered person), 12 persons came from Ukraine (of them two were children of persons at risk). A different profile of activities carried out by La Strada and the Magdala project is apparent. The Magdala project specialises more in assistance to families, including children of victims of THB.

Other endangered persons who were provided with comprehensive services within the Magdala project were two nationals of Congo and five nationals of Chechnya, of them two individuals were children of these persons.

In 2009 in total ten persons were newly included in the Programme in the framework of the Magdala project. Of this group three persons were Czech citizens, one came from Slovakia and six were nationals of Ukraine. The group consisted of seven women and three men whereby in total five persons became victims of THB for the purpose of sexual exploitation. Services of the Programme were provided also to two children of one of the trafficked persons. The total number of persons who were included in the Programme and who were provided with services through the Magdala project was 17 adults, (of them there were 12 women and five men) and four children of endangered persons. Most adults in the Programme can be included in the age group between 26 and 35 years (in total seven persons), followed by age group between 36 – 45 years (in total five persons), three persons can be included in the age group from 46 to 55 years and two persons were aged between 18 and 25 years. The trend seen in 2008 is confirmed here, it means that the average age of victims of THB is rising.

Another quite a numerous group consists of clients who did not ask for inclusion in the Programme but decided to use services of the Magdala project. They either were not interested in cooperation with law enforcement authorities or did not have at their disposal sufficient information to initiate individual acts of criminal proceedings. They were predominantly nationals of the Czech Republic or foreign nationals in possession of permits to reside legally in the Czech Republic who could, however, become victims of THB or a certain form of violence or exploitation. In 2009 this group of persons was relatively numerous: in total 19 persons, of them 16 persons became new clients of the Magdala project in 2009 and three persons had been clients since 2008. The most numerous group of the said 19 persons who had not joined the Programme consisted of citizens of the Czech Republic (ten persons), followed by five nationals of Chechnya, two nationals of Ukraine and two persons coming from Congo.

3.6.2.4 Other Activities of the Magdala

The Magdala project aims also at networking at both the national and international levels, cross-border assistance to clients, exchange of experiences, development of common strategies of impacts on the society, lobbying, and advocacy. The Magdala project is, within the aforementioned activities, involved in international projects and international networks: Christian Action Against Trafficking (CAT) and Christian Organizations Against Trafficking Network (COATNET). Representatives of the Magdala project participated in AGIS international projects and the Going Beyond project organised by the CCME (the Church Commission for Migrants in Europe) which focused on data collection, on mapping out the best practices and gathering experiences pertaining to the area of THB for the purpose of labour exploitation, and fighting against this phenomenon.

Another no less important area of activities of the Magdala project is represented by preventive activities with an emphasis on enhancing awareness of the issue of THB. Within its preventive activities the Magdala project held in 2009 several discussion and lectures for students, laypersons and experts. Professionals involved in projects participated or spoke at several conferences

and expert meetings devoted to THB. About 2,000 persons were addressed in the framework of such activities.

The Magdala project strives to affect the general public and motivate all stakeholders (users of sexual services, individuals who come into contact with an endangered group – for example employees of nightclubs and dance clubs, taxi drivers and so forth) to be responsible and to think about the given issues of THB – trafficking in women for the purpose of sexual exploitation. All these activities are carried out mainly by means of a campaign and operations of a telephone line known as “Say It on Her Behalf” – which was commenced in 2008. This campaign was promoted by visuals informing on the contact telephone line “Say It on Her Behalf” which is +420 605 988 566. These visuals were placed in buses and train carriages of the Prague Integrated Transport in 2009. Due to insufficient funding, the campaign could not be largely extended to more cities within the Czech Republic. About 30 contacts only were recorded in 2009 by means of the telephone line, which could be attributed to the aforementioned lack of money for its promotion, and at the same time a psychological factor should be taken into account as men – the main target group of this project – are not commonly accustomed to verbalising problem phenomena that they may encounter.

3.6.3 Diaconate of the Ceskobratske (Czech brotherhood) Evangelical Church

3.6.3.1 Basic Information of the Organisation

The Diaconate of the Ceskobratske (Czech brotherhood) Evangelical Church (hereinafter referred to as the ‘Diaconate’) is a non-profit making church organisation with a 20-year tradition, which cooperates with social services in 33 centres and eight special schools in the Czech Republic. They provide emergency services (crisis assistance), are involved in field-work - redevelopment of families, preventive services – low threshold facilities and asylum houses, services for disabled people and services for seniors. The Diaconate is a founding member of the EAPN CR (European Anti Poverty Network – the Czech Republic), a member of the Eurodiaconia (the European Association of Diaconates) and a member of the organisation associating NGOs in the Czech Republic.

Last year the organisation joined the central project known as “Non-Violence” which is funded from foreign sources and associates organisations contributing to elimination of THB and exploitation. The main aim of the project is to participate in the provision of support and protection of exploited and trafficked people as well as persons at risk of being exploited and trafficked. A further objective of the project is to prevent THB and exploitation and to enhance sensitivity of the general public to respecting the rights of such people. One of the methods of achieving the given aim is to increase awareness of this phenomenon in the society, in particular among people who are endangered by social exclusion; and all this is conducted from the point of view of a human rights approach. Activities were commenced in some regions where the Diaconate has its centres.

3.6.3.2 Preventive Activities

A handbook for trainers and a set of aids relating to the preventive programme (the aim of which is to provide children and young people with information concerning risk prevention, THB including child trafficking and labour exploitation) was developed last year. And again, the objective is to increase awareness of children and young people about the issue in question and to strengthen their decision-making skills in situations when human rights are being violated. The target audience consists of students in danger of social exclusion, but also the mainstream population, students with special education needs, and students coming from socially disadvantaged and culturally different environments. Programmes were aimed at two age categories: from 12 to 15 years and from 16 to 19 years of age.

A significant and for the Czech Republic absolutely unique act was the creation of an interactive educational film. This film was included in lessons and used within teaching and it was piloted in the framework of the preventive programme in Prague and Pilsen. It is composed of four short stories of children and adolescents who encounter THB and exploitation, commercial violence and forced prostitution.

3.6.3.3 Other Activities of the Diaconate

In assisting trafficked or exploited persons the Diaconate closely cooperates with La Strada. Thanks to such cooperation it is possible to ensure comprehensive services (SOS/INFO line, emergency assistance, asylum accommodation, social consultancy, psychotherapeutic and psychiatric care, advocacy and so on). Furthermore, the Diaconate started to prepare for field-work in the area of labour exploitation in individual regions. Preparatory work will be followed up with activities to be carried out in 2010.

3.6.4 IOM Prague

3.6.4.1 Basic Information on IOM

The International Organisation for Migration (IOM) is an inter-governmental organisation established in 1951 and its principal registered seat is in Geneva. In 2009 IOM had 127 members, 94 observers (including 17 states holding observer status and 77 global and regional IGOs and NGOs) and more than 445 field locations all over the world;⁴³ one of the field locations is also IOM Prague.

IOM is a leading international organisation in the field of migration – it helps migrants and governments through supporting human migration. It closely cooperates with a wide range of international and local NGOs. In 2009 approximately 700 IOM employees implemented more than 2,000 projects within their missions all over the world. In 2009 the costs of these projects exceeded USD 1 billion. IOM has a wide scope of competence that includes, *inter alia*, assistance during unexpected migration waves, return and reintegration programmes, facilitation of labour migration, informative and educational programmes. Programmes aimed at combating and preventing THB are essential with respect to this Report.

3.6.4.2 Prevention of Trafficking in Human Beings and Education

Since 2008 IOM has coordinated in the Czech Republic the project entitled “Preventing and Combating Trafficking in Human Beings and Enhancing Victims Protection through Operational Networking and Co-operation and Joint Multi-Disciplinary Trainings for Counter-Trafficking Specialists in EU Member States, Candidate and Neighbouring Countries” funded by the European Commission.

As a response to quite a large community of labour migrants in the Czech Republic IOM Prague pays significant attention to Mongolian labour migration. Some activities launched in 2008 continued also in 2009 while other activities, meaning newly established projects, were conceived as a follow up activities to the previous ones. The MFA funded in 2009 the project “Informed Labour Migration from Mongolia II”, which was a follow-up to the first phase of the programme implemented by IOM Prague in 2008. The project focused on the community of labour migrants from Mongolia residing in the Czech Republic, on capacity building of Mongolian NGOs operating in the field of prevention of THB and providing care for victims of THB. The principal partner of IOM Prague in Mongolia is the Gender Equality Centre – an NGO. IOM Prague supported this organisation using resources of the project and provided funds for purchase of office equipment for the main office of the GEC in Ulaanbaatar. Moreover, IOM Prague also provide funds for purchasing new furniture and other equipment for an asylum facility in the town of Dzamiin Uud, situated at the Mongolian-Chinese border where the vast majority of victims of THB are trafficked from Mongolia. And last but not least IOM Prague organised seminars for social workers and these were held both in Mongolia and in the Czech Republic. In addition to capacity building IOM Prague continued, in the framework of this project, in monitoring of the situation of Mongolian labour migrants in the Czech Republic. The project will be closed in April 2010.

Further projects aimed at Mongolia were funded from resources of the DAMP of the MoI. From December 2008 to April 2009 there was the “Preventive Informative Campaign Focused on Mongolian Labour Migrants”. The aim of the campaign was to distribute leaflets designated for

⁴³ The data is as of 4 February 2010.

Mongolian labour migrants residing in the Czech Republic (to strengthen social skills of migrants, in particular by way of recommendations to use services of Czech NGOs) and the spread of leaflets aimed at potential migrants living in Mongolia (leaflets distributed at the embassy in Mongolia contained a summary of basic information and advice as to how to find services of Czech NGOs). Leaflets were distributed during the course of the project by community workers of partner organisations and IOM Prague. The following organisations were also involved in the project: Charity Litomerice, Blansko, Pilsen and organisation Zebrik (Ladder) from Prostějov. In November 2009 the campaign was continued in the form of the project “Preventive Informative Campaign Focused on Mongolian Labour Migrants II”. This phase includes creation of a documentary film designated for Mongolian nationals living in Mongolia – potential migrants to the Czech Republic. In addition to the documentary, an instructive film will be developed. It will inform potential migrants on how to proceed when undertaking the most common activities relating to the life of a labour migrant in the Czech Republic, for example extension of visa and so on.

From March 2009 IOM Prague has been in cooperation with the MLSA and MoI on an international project “Enhancing Provision of Information to Unaccompanied Minors” (hereinafter referred to as ‘UM’) on “Their Rights by means of an Information Campaign and Their Inclusion in Its Preparation”. The project is funded by the European Commission. Six countries participate in the project – Belgium, Bulgaria, the Czech Republic, Poland, Austria and Romania. One of the most significant preventive elements of the project is prevention of trafficking in UMs. The project is aimed at increasing the provision of information to UMs residing in reception centres in host countries and potential UMs in their countries of origin, on the rights which are applicable to UMs as well as on risks they can be exposed to when they leave either their country of origin or a facility in a host country without their parent (statutory representatives). In October 2009 a survey was carried out among UMs in Facilities for Children – Foreign Nationals in Hřimezdice in the district of Příbram. The survey revealed some indications of exploitation of Slovak Roma children by their own families. UMs, regardless of their country of origin, are according to conclusions of the survey especially vulnerable to abuse by adults if they travel in any country without any statutory representative. In many cases they are not UMs but their relatives exploit them in order to get proceeds from crime as children are not legally liable. The project will be terminated in October 2010.

IOM is also active in lectures. For example the lecture “THB and Identification of Potential Victims at a Consular” can be mentioned. It was held within a pre-departure training for consular officials of the MFA in August 2009.

Lastly but equally important, IOM Prague as one of the partners to the Programme continues to be involved in repatriation of victims of THB. It means that IOM is involved in preparation and implementation of the voluntary return of a victim to the relevant country of origin including an option of following reintegration through the field offices abroad. For more information on voluntary returns see Chapter 3.3.4.

3.6.4.3 Information on Victims Trafficked from/to the Czech Republic Retrieved from the IOM Human Trafficking Global Database^{44, 45}

In 2009 only once case relating to the Czech Republic was recorded in the Database. In this case a national of Belarus (female) was provided with assistance in the country of origin. According to the information from the Database she was for several months in 2003 exploited as a forced labourer

⁴⁴ IOM Global Human Trafficking Database: the database was developed for the collection and analysis of data of victims of trafficking in human beings who have been provided with services by IOM. A pilot database was launched in South Eastern Europe in 2000. The system connects IOM in the country of origin and in the target country. Today, the system is used by 46 IOM missions all over the world, covering data on 80 countries of origin and 100 target countries. The database enables safe global exchange of individual data and statistics, and at the same time eliminates the possibility of duplicating records on one person. The database is financed by the US Department of State (the Office to Monitor and Combat Trafficking in Persons – G/TIP). The system uses two questionnaires: 1) Screening Interview Form – determines whether the person is really a victim of trafficking in human beings and whether the person satisfies criteria for assistance within a certain IOM project; and 2) Assistance Interview Form – documents a type of services provided to a victim and details on the case.

⁴⁵ IOM Prague does not contribute to the said Database.

in the Czech Republic. This woman sought assistance in Belarus after her return in 2008. When this figure is compared to those of 2008, no substantial change occurred (in 2008 only two cases were recorded, both of them in Belarus.).

3.7 Relevant Financial Sources

3.7.1 MLSA and Subsidies for Providers of Social Services

The MLSA, namely the Department of Social Services and Social Security, offers grants every year to provide subsidies from the state budget to legal and natural persons who provide social services (social services providers). Tenders to receive subsidies from the MLSA are published in compliance with Sec. 101 and Sec. 104 of the Act on Social Services and Act No. 218/2000 Coll. on Budgetary Rules and on the amendment to some other acts, as amended. A subsidy from the state budget can be provided to finance current expenses relating to the provision of social services. A subsidy can be provided only to a registered social services provider to fund different types and forms of social services. These must be in the scope stipulated by fundamental activities in providing social services, for the relevant type of social service. The list and description of types of social services is encompassed in Part III, Title I, Chapters 2 to 4 of the Social Services Act. Subsidies from the state budget are provided to social services providers with respect to the regional and local necessity for such a service (i.e. in compliance with a medium-term plan for social service development).

In 2009 the MLSA provided subsidies from the state budget to the below social services providers who in their applications for subsidies described victims of trafficking in human beings as being a key target group for the use of their services. The providers received subsidies amounting to CZK 4,926,500.

Organisation	Type of a social service	Subsidy in 2009
Archdiocese Charity Prague	Social consultancy (2 services)	CZK 1,000,000
Diocese Charity Brno	Crisis assistance	CZK 656,500
La Strada CZ, o.p.s.	Crisis assistance	CZK 2,200,000
La Strada CZ, o.p.s.	Asylum houses	CZK 1,070,000

3.7.2 MLSA and the European Social Fund

The European Social Fund (hereinafter referred to as the 'ESF') is another source that the Czech Republic is using in the programming period 2007 - 2013 for social service providers who render social services to a target group of victims of trafficking in human beings. The MLSA was, under Government Resolution No. 175/2006 of 22 February 2006, delegated the managing authority for the Operational Programme Human Resources and Employment (hereinafter referred to as the 'OP HRE'). The Department of Social Services and Social Inclusion of the MLSA acts within the structure of the OP HRE the role of an intermediating entity for priority axes 3.1 and 3.2 of the OP HRE. Calls for projects to be submitted by social services providers are published within these areas of support. All information on the OP HRE and individual calls are published on the website www.esfcr.cz.

3.7.3 Ministry of the Interior and a Subsidy Programme “Prevention of Trafficking in Human Beings and Assistance to Victims of Trafficking in Human Beings”

Activities that are implemented within the Programme are covered by the budget chapter of the MoI. In 2008 the Crime Prevention Department published a call for proposals on obtaining a state subsidy on the project “Prevention of Trafficking in Human Beings and Assistance to Victims of Trafficking in Human Beings” for the year 2009. In order to meet tasks arising from the “Crime Prevention Strategy between 2008 and 2011” the Crime Prevention Department published in 2009 a call for proposals from NGOs to implement the project “Prevention of Trafficking in Human Beings and Assistance to Victims of Trafficking in Human Beings” for the year 2010”, aiming mainly at male victims of THB. This aim came about as a response to the discussion with NGOs and as a reaction to an identified need to strengthen services reflecting more the specific needs of persons who are victims of labour exploitation.

In 2009 financial resources within the subsidy Programme “Prevention of Trafficking in Human Beings and Assistance to Victims of Trafficking in Human Beings” which is managed by the MoI and approved by the Republic Committee were allocated to four NGOs: La Strada CZ, o.p.s., the Archdiocese Charity Prague, the Organisation for Aid to Refugees and Rozkoš bez rizika, o. s., in the total amount of CZK 3,800,000 to implement four projects. The method of funding the subsidy Programme corresponded with the needs and interest in providing services within the Programme.

As regards the non-governmental sector, so far two NGOs have been actively involved in implementing the Programme (La Strada and the Archdiocese Charity Prague) and, of course, IOM. Updated Agreements on Cooperation within the Programme for 2009 have been signed. Further cooperating non-profit making organisations were in 2009 - the Organisation for Aid to Refugees (Organizace pro pomoc uprchlíkům, o. s) and Rozkoš bez rizika, o.s.

3.7.3.1 Subsidies Provided in 2009 from the MoI Subsidy Programme - Actual Objectives and Outcomes of Projects

The Magdala project: Assistance and Support to Trafficked Persons and Their Children carried out by the Archdiocese Charity Prague consisted of provisions of social assistance (such as medical and psychological assistance, social law consultancy, and secret shelters) to trafficked persons and their children. As regards preventive activities field-workers were actively searching for victims of THB and provided information to potential clients on the existence and benefits of the Programme. Further they focused, within the Programme, on assisting victims of THB, and mainly on their return to normal life and inclusion into society, support for entering and sustaining in the labour market and also on supporting education and training of children. Furthermore two telephone lines were supported by means of this subsidy. The first one is “Magdala Help Line” on which a caller can receive comprehensive information on the issue of THB and domestic violence. From 1 January 2009 to 31 December 2009 in total 701 calls were recorded. The second line “Say It on Her Behalf” is a follow up to the project launched in 2007. From 1 January 2009 to 31 December 2009 in total 30 calls were recorded.

The Organisation for Aid to Refugees was dealing within the project with the support, development and extension of consultancy services to the following regions of the Czech Republic: Prague, the South Moravian Region, the South Bohemian Region, the Pilsen Region and the Central Bohemian Region. Professional consultancies were provided to and focused on assistance to foreign nationals who were illegally residing in the Czech Republic, foreigners working in the Czech Republic within what is known as a client system and foreigners who did not have any options for extending their residence in the Czech Republic.

La Strada obtained a subsidy for providing specialised legal services to trafficked and exploited persons. The project also supported field-work for the purpose of prevention and preliminary identification of trafficked persons with focus on migrants (both males and females) from Vietnam, Mongolia and Russian-speaking countries. The project also dealt with the application of a security plan for La Strada employees, analyses and mapping out experiences concerning indemnification of trafficked persons and adaptation of the database system not only for the needs of the MoI.

Rozkoš bez Rizika, o. s. aimed its project at providing professional consultancy service and carrying out preventive activities pertaining to the area of THB. Fieldwork was supported, in the framework of the project, for the purpose of searching for trafficked persons whereby the concentration was on monitoring of the prostitution scene. As regards preventive activities, victims of THB were sought out and they were informed about the Programme. This fieldwork was within the project supported mainly in Prague and in the Central Bohemian Region, but also in Ostrava, South Bohemia, the Karlovy Vary Region, the Chomutov District, the Usti Region, and the Liberec Region.

In 2010 the results of the aforementioned projects will be published in agreement with the respective NGOs on the websites of the MoI.

4 LEGAL PROVISIONS – AMENDMENTS AND IDENTIFIED PROBLEMS

To introduce this Chapter it is necessary to briefly mention that the Lisbon⁴⁶ came into effect on 1 December 2009 and this Treaty in Article 79 of the Treaty on the Functioning of the European Union (ex Article 63, points 3 and 4, TEC) stipulates that “the Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings”. For the purposes of Article 79 (2) the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in several areas within which under the letter (d) “combating trafficking in persons, in particular women and children“ is explicitly specified.

In the course of 2009 intensive negotiations occurred on the draft Framework Decision of the Council on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision of 2002.⁴⁷ Negotiations on the draft document were commenced during the CZ PRES within the DROIPEN working group (responsible party: the MJ; co-responsible party: the MoI). The initiative was then taken over by Sweden. The last discussion regarding the aforementioned document was conducted on 1 December 2009 when a formal meeting of the JHA Council was held. The meeting was attended by the delegation of the MJ chaired by the Minister of Justice, JUDr. Daniela Kovarova. With regard to the Lisbon Treaty coming into effect, the document concerned will have to be submitted in the form of a directive and in addition to the Council the European Parliament will be involved in the legislative process as well. The European Commission indicated the early submission of the draft directive. However, the precise schedule for submission and negotiations regarding the directive is still unknown.

The adoption of the Criminal Code in 2009 represented a substantial legislative change. As regards the topic of THB the provisions of Title I to III are fundamental, meaning criminal offences against life and health, against freedom and rights for the protection of personality, privacy and inviolability of letters (private written documents) and against human dignity in issues of a sexual nature. Further, the MJ, namely its Legislative Department, is currently working on drafting the new Code of Criminal Procedure as well as on the Act on Victims of Crimes. However, the date on which these two legal regulations should be submitted to the legislative process has not been yet indicated. As regards the area of THB no amendments are planned to be adopted by the MJ in 2010.

4.1 Act No. 40/2009 Coll., the Criminal Code, as amended by Act No. 306/2009 Coll.

The Criminal Code was relatively extensively described in the 2008 Report. The Report briefly summarised partial alterations for the issue of THB, which were brought about by the new legislation that came into effect on 1 January 2010. The report also mentioned an entirely new criminal offence pursuant to Sec. 190 of the Criminal Code - prostitution endangering the morals of children. In these issues we therefore refer to the 2008 Report.

During preparation for the Criminal Code coming into effect two essential problems were identified during 2009, although the MoI alongside the MJ have attempted to cope with them. The first problem is restriction of an option to use tools such an agent and wiretapping and recording telephone

⁴⁶ Consolidated versions of the Treaty on EU and the Treaty on the Functions of the European Union (2008/C 115/01).

⁴⁷ 2002/629/SVV - Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA).

calls (Sec. 158e and Sec. 88 of the Code of Criminal Procedure).⁴⁸ According to legal provisions valid until 31 December 2009, utilisation of such tools was strictly designated only for criminal proceedings being conducted for an especially grave, wilful criminal offence or for any other intentional criminal offence that must be prosecuted under the international agreement that the Czech Republic is bound upon. The threshold for an especially grave wilful criminal offence was sentence of eight years in accordance with the old Criminal Code. In the Chamber of Deputies that threshold was extended (with no possibility for the MoI to intervene) to ten years. However, the limits for constituent elements of crimes remained at the level of the originally proposed eight years of imprisonment. This is, in terms of legislative technique, a tiny change that has considerably affected the whole legal regulation. The system of sanctions that was built on the fact that for determining whether the criminal act can be considered as especially grave the threshold of eight years, will be used. However, the extension to ten years inflicted an unpredictable blow to the whole system since many serious constituent elements of crimes within the category of grave criminal offences were excluded. In relation to the issue of THB the above-mentioned problem does not appear, at first glance, to be substantial because the provisions of Sec. 168 of the Criminal Code stipulate, for its basic constituent elements of crime, an upper limit of the sentence of imprisonment up to ten years. The said change could cause a certain problem in relation to the criminal offence pursuant to Sec. 189 of the Criminal Code – procurement in particular, with regard to Sec. 189, (1) and (2) of the Criminal Code where there the threshold is up to four years or even up to eight years. The Security Policy Department of the MoI nevertheless thinks that in relation to the crime of procurement it is possible to make use of reference to obligations to prosecute a criminal offence of procurement resulting from international agreements.⁴⁹ It is not necessary to emphasise that when combating such highly latent criminal activities, which procurement undoubtedly is, tools such as an agent of wiretapping and recording telephone calls are one of the methods to effectively combat such criminal acts.

The second problem concerning the Criminal Code directly relates to the criminal offence of THB under the provisions of Sec. 168 of the Criminal Code in the context of a new regulation of failure to obstruct and failure to report a crime (compare Sec. 367 and Sec. 368 of the Criminal Code). A new regulation contrary to the legal regulation valid until 31 December 2009, included in the list of constituent elements of crime, where failure to obstruct or failure to report a crime is punishable, also a criminal offence of THB pursuant to the provisions of Sec. 168 of the Criminal code. The explanatory report does not expressly state why this criminal offence was included in the said list; it states only that new regulation corresponds to the needs of society.

NGOs involved in combating THB contacted the Security Policy Department of the MoI and submitted a document⁵⁰ in which they noted the fact that a new regulation can be, on the other hand, dangerous for the society since the obligation to forthwith report the fact that a crime of THB has been committed imposed also on persons working as fieldworkers with victims will adversely affect possibilities of NGOs to effectively work in the area of identification of trafficked person, and thus their ability to provide social service to this very vulnerable group. A reporting obligation will probably lead to overall loss of trust of vulnerable groups. Persons who are informed by NGOs about certain suspicions (for example clients of sexual service) want to stay in anonymity in the majority of

⁴⁸ Although the MJ, at the time when this Report was drafted, was not ready to fully support the draft amendment which the MoI had drawn up in order to cope with the aforementioned problem, the Government of the Czech Republic submitted within their “anti-corruption package” a proposal for respective amendments to the Criminal Code by which the upper limits of the said criminal offences would return to the original level. However, at the time of preparing this Report it was impossible to guess the result of the legislative process also with respect to upcoming elections to the chamber of Deputies of the Czech Parliament.

⁴⁹ The International Convention on Combating Trafficking in Women and Children No. 123/1924 Coll. (Art. 2) and the International Convention on Combating Adult Women No. 32/1936 Coll. (Art. 1 and 2). The Security Policy Department of the MoI drew up, in the context of the amendment to the Code of Criminal Procedure and the issue of wiretapping under Sec. 88 (1), a list of wilful criminal offences for the prosecution of which the Czech Republic is bound by an international agreement. The opinion is published on the intranet of the MoI. At the same time it will be published in one of the volumes of *Kriminalisticky sbornik*.

⁵⁰ Negative impacts of the reporting obligation – the opinion of *La Strada* (2009), *La Strada Czech Republic*, o. p. s.; available online: <http://www.strada.cz/attachments/b/b3c775ac2db99f88952b42b36ac19350.pdf>
Further information and opinions are accessible on: www.strada.cz

cases. Establishing the obligation to report the crime of THB will consequently lead to higher latency of this type of criminal activity, since potential contacts (thanks to whom NGOs obtain important information for their work) will be discouraged, as they will be worried that they will not be able to stay nameless. The adopted legal regulation also, to a certain degree, contradicts the Directive. The Security Policy Department of the MoI partially shares these worries, and therefore after consulting on this issue with other partners involved in the NRM the Department drew up a draft amendment of relevant provisions, which was delivered to the MJ. However, the MJ is not prepared to support this new proposal either. A main argument is, in MJ's opinion, that impunity for failure to report a crime or failure to obstruct of trafficking in a child for the purposes listed in the Act is indefensible despite concerns expressed by NGOs. Regarding considerations of waiving punishment for failure to report or failure to obstruct of criminal offence of THB in relation to adult offenders the MJ is open to respective further discussion.

With regard to the situation wherein the fact that the Criminal Code will come into effect on 1 January 2010 is unavoidable, the Security Policy Department of the MoI drew up in cooperation with the Supreme Public Prosecutor's Office an opinion⁵¹ which clarifies the role of the non-profit making sector in this area and at the same time describes specificities of fieldwork. The opinion is available on the web site of the MoI.⁵²

Furthermore, some experts in the context of the Criminal Code have pointed out possible problems that could occur in application. These could arise from mutually not fully clarified relations of the provisions of Sec. 189 and Sec. 168 of the Criminal Code. Hence they do not share optimism on solving a partial overlap of these two constituent elements of crimes.⁵³ Another new aspect which will have to be solved within application is related to other provisions, in particular the provisions of Sec. 193 of the Criminal Code - abusing a child for production of pornography. As a consequence of the above-mentioned reasons, great attention will be also paid to application by law enforcement authorities in the following year.

As was mentioned above, many supporting documents for the writing of this Report repeatedly emphasised difficulties related to a criminal law definition of THB, in particular terms such as "...forced labour and other forms of exploitation". This is why La Strada in partnership with the Security Policy Department and the Judicial Academy decided to cooperate on a three-year project "Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation" which will be funded by the European Commission, DG Justice, Freedom and Security, Program Prevention of and Fight Against Crime. For more information see Chapter 5.2.2.

In order to illustrate difficulties linked to application, detailed information elaborated by the Supreme Public Prosecutor's Office is included in Annex 1. As no data is yet available from reports of lower public prosecutor's offices (according to the schedule reports are submitted to the Supreme Public Prosecutor's Office no later than on 1 April of every year) it is necessary when trying to specify particular cases to build on the data encompassed both in the "2008 Report on Activities of the Public Prosecutor's Offices as well as the data collected during 2009. With regard to the above-mentioned problem of overlapping constituent elements of criminal offences under the provisions of Sec. 204 and 232a of the old Criminal Code we note especially justification of the classification of the two cases closed to the benefit of the crime of procuring pursuant to the provision of Sec. 204 of the old Criminal Code. These cases were decided upon by the Regional Court in Usti nad Labem. A number of members of the IMCG do not identify themselves with the interpretation of the court and consider the

⁵¹ *An opinion on punishment of victims of THB and NGO workers providing assistance to victims of THB for committing a crime of not obstructing or not reporting a crime pursuant to Sec. 367 and Sec. 368 of Act No. 40/2009 Coll., of the Criminal Code.*

⁵² <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx>

⁵³ *The explanatory report states: "...wording was amended only with regard to constituent elements of the crime of THB which is not formulated as regards transnational trafficking but formulation is only general and therefore it relates to in country THB.*

interpretation of the court in relation to the provisions of Sec. 232a of the old Criminal Code to be restrictive.

4.2 Other Legal Regulations and Internal Management Acts

In the course of 2009 further amendments to the Criminal Code were drawn up. These concentrated on job agencies and on transposition of Directive of the European Parliament and of the Council 2009/52/EC of 18 June 2009, providing for minimum standards on sanctions and measures against employers of illegally residing third-country nationals. An important issue, in particular with regard to the area of labour exploitation, was the amendment to the Criminal Code which came into effect on 1 January 2009 and makes conditions for job agencies more stringent. A new condition for granting a licence for intermediation of a job to legal or natural person obtainment of is the consent of the MoI. Such a licence can be now also withdrawn in several cases as listed in the act.

Facilitation of legal forms of employment should have a preventive effect against illegal employment. The said amendment of the Criminal Code, which came into effect on 1 January of 2010, brought about a decrease in an administrative burden on the side of an employer as well as an employee (for example the extension of the length of maximum validity of employment permit to two years or the extension of categories of foreign nationals who do not need a work permit) and a rapid and more effective solution for an active immigration policy by means of Green Cards. The amendment also entailed an increase in the maximum amount of a fine for allowing performance of illegal work from CZK 2 million to CZK 5 million.

Moreover the Czech Government Resolution No. 171 of 9 February 2009, safeguarding security situation in the context of dismissal of foreign workers as a consequence of the economic crisis, assigned tasks to the majority of Ministers. The implementation of the tasks should have also help eliminate the occurrence of such undesirable phenomena as THB.

Certain alterations could be seen also in internal management acts of the MoI. At the end of 2009 the instruction of the Minister of the Interior was drawn up and was published on 15 February 2010 in the Journal of the MoI under the number 14. It is the instruction of the Minister of the Interior with regard to regulating the functionality of the NRM for support and protection of victims of THB. Thus for the first time in history tasks to meet aims of the NRM within the scope of competence of the MoI were strictly formalised. This is in regard to the need to provide for a basic framework for cooperation through which actors of the MoI meet their commitments in the field of support and protection of human rights of trafficked persons and coordinate their efforts in strategic partnership with the civic society⁵⁴(in particular the obligation to draw up instructions which are to be submitted to alleged victims of THB in whose case the procedure under the provisions of Sec. 42e a Sec. 33 (1) (b) and use of the Programme are not relevant). As it is stated in the explanatory report “The need to introduce a new instrument of basic instruction on selected assisting NGOs and options for protection against exploitation in the Czech Republic results from experiences of individual entities involved in identification of victims of THB. These experiences have demonstrated that provision of basic instructions is insufficient in the Czech Republic and can be one of the main reasons why the number of identified victims of THB is still very low in the Czech Republic in comparison to figures in some EU Member States.” As a follow up to the aforementioned instruction of the Minister of the Interior some amendments to the binding instruction of the Police President No. 61/2006, regulating activities of members of the Police of the Czech Republic in the field of combating THB and vice crime, were adopted.

We wish to make only marginal mention of the continuation of Police Reform, part of which is also new territorial division of an organisational structure of the police (which in compliance with reform of public administration newly specified the division of police according to 14 regions not later

⁵⁴ *National Referral Mechanisms, Joining Efforts to Protect the Rights of Trafficked Persons, A Practical Handbook. OSCE, ODIHR, 2004, str. 15 a 16.*

than in 2012). The division of the territorial structure of the police into 14 Regional Directorates enables unambiguous determination of partners who should cooperate on the side of the region, reporting to a Head of the Region (hejtman) as well as on the side of the police, reporting to a Regional Director. After a thorough analysis the decision to establish six new Regional Directorates in addition to the eight current Regional Directorates of the Police as of 1 January 2010 was adopted. This division, valid from 1 January 2010, was laid down in the Decree of the MoI No. 407/2009 Coll., concerning the Act on the Police of the Czech Republic which pursuant to Sec. 118 of the said Act stipulated the division of the Czech police into 14 regions with the territorial competence identical with self-governing units (regions). As regards building of new Regional Police Directorates the police closely cooperated with local authorities. The general public was informed on prepared objectives of the police through negotiations with individual regions and local authorities were thus made co-responsible for coping with issues of regional safety. Comparing this with the previous situation, when management inside a region was fragmented into district competencies and the single basic responsibility for security in the given territory was mainly at the district level, meaning a District Director was accountable, the new system is based on single responsibility that is brought to the level of the region. Therefore it is a regional level of management that is responsible for security in the whole region, and is thus also naturally responsible for coordination of all police services falling under the given Regional Police Directorate.

5 INTERNATIONAL COOPERATION, PROMOTION, EDUCATION AND OTHER RELATING ACTIVITIES

This chapter offers an overview of implemented activities or activities being prepared in the area of prevention, education (training) and other relating areas, both in the Czech Republic and at the international level. The objective of the collected information is to provide a detailed overview so that individual activities are not doubled or overlapped (mainly at the republic level). The chapter can serve as a basic orientation for specifying priorities for funding as well as an evaluation of the relevance of individual proposed activities in the upcoming period.

5.1 International Cooperation

In addition to activities of the Czech Presidency of the Council of the EU, the chapter mentions other partial activities of individual stakeholders involved in combating THB in the Czech Republic. The overviews below clearly show that a range of forums and platforms are utilised for international cooperation.

5.2 Presidency of the Czech Republic of the Council of the European Union

The topic of combating THB was selected in 2009 as a one of the topics of the Presidency of the Czech Republic of the Council of the EU (hereinafter referred to as 'CZ PRES') within a wider topic of combating organised crime. The following activities were carried out.

On 30 and 31 March 2009 the MoI organised a conference in Prague of national rapporteurs and equivalent mechanisms of the EU for THB. It was the first meeting of this type in the EU region. At the end of CZ PRES the decision of the JHA Council on establishing of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings was adopted as a follow up to conclusions of the March conference⁵⁵. This Network was summoned to Brussels for a meeting by the European Commission, in cooperation with the MoI, at the end of June 2009. CZ PRES also managed to create

⁵⁵ Council conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings; 2946th JUSTICE and HOME AFFAIRS COUNCIL meeting; Luxembourg, 4 June 2009.

as a basic tool for cooperation between EU Member States a specialised website⁵⁶ - a map containing the information on functioning of National Rapporteurs in individual EU Member States, their contact information and relevant national documents (reports, surveys, analyses and so forth). Furthermore it was negotiated with the European Commission that the content of the said websites and their updates would be taken over and incorporated into a special portal devoted to THB. The European Commission intends to launch the portal in Spring 2010. This activity of CZ PRES was favourably noted by individual EU Member States as well as by the European Commission, *inter alia*, also at the Ministerial Conference held within the Swedish Presidency in Brussels in October 2009, where establishment of the aforementioned network was mentioned in several speeches as an important step towards strengthening collection of data on THB at the EU level.

The second activity carried out within CZ PRES was an international conference, which was held on 3 June 2009 in the Park Hotel in Pilsen. The conference was aimed at the issue of sexual exploitation with a specific focus on reduction in demand for sexual services. The objective of this conference was to mutually inform on good practice and preventive measures in individual European countries in relation to the issue concerned. Outcomes and presentations of experts are available at www.mvcr.cz.

5.2.1 Other Areas of International Cooperation

In combating THB mainly cooperation between law enforcement authorities is of high importance. The UCOC was involved in 2009 in standard police cooperation through International Rogatory Letters, in particular in the scope of operative examinations, necessary investigations, interrogations of witnesses, house searches and implementation of the European Arrest Warrants. The Unit most frequently cooperated with police bodies of France and Germany, while actively utilising liaisons of those countries that had been seconded to the relevant consulates and embassies. More intensive international police cooperation was used, on an ongoing basis, for exposing criminal activities within the EU and other countries from which both offenders and the injured originated. Information exchanges and cooperation with foreign partners was in a number of cases solved through EUROPOL and INTERPOL.

Within international cooperation the APS organises ad hoc operative meetings as well as planned meetings with cross-border partners at individual territorial Directorates of the APOS. Further meetings with relevant foreign bodies are organised if necessary, however, if the issue concerns THB such meetings are always coordinated by the UCOC. In 2009 the project of FRONTEX agency, aimed at the issue of THB continued. Its objective is to establish a unified procedure and the report on THB within FRONTEX. Finally, ongoing cooperation with liaisons is very beneficial. However, it holds true that it is the UCOC is competent in this area and all cases are transferred for investigation by this Unit.

The MoI is a responsible party for the project “Supranational Referral Mechanism for Victims of Trafficking in Human Beings in Source and Target Countries” coordinated by the International Centre for Migration Policy Development (hereinafter referred to as the ‘ICMPD’). The aim of the project is to bring together existing national coordinating mechanisms for the protection of and assistance to victims of trafficking in human beings, unification of standards for services provided to victims, and in particular, strengthening of international and bilateral cooperation in the area of repatriation and reintegration of victims. The main output of this project will be setting principles of care for victims of trafficking in human beings and their return to their country of origin. Italy is a guarantor of the project and cooperating countries are, in addition to the Czech Republic, Portugal, Bulgaria, Romania, Albania, Hungary and Macedonia. Also involved are a range of non-profit making

⁵⁶ www.national-rapporteurs.eu.

organisations. The ICMPD is responsible for implementing standards and meeting activities within this international project. Besides “Fact Finding Missions” implemented in January 2009, the expert international seminar “First Trans-national Seminar” was held within this project in March 2009. About 30 foreign guests participated in this seminar. The Czech delegation consisted of a national implementing team and other experts of the Czech police and judicial bodies. Apart from other things a study focusing on testimonies of trafficked persons was presented at the seminars. Moreover, NRMs for the area of THB in participating countries involved in the project presented themselves at the seminar as well.

In 2009 the MoI became a partner in another international project initiated by the ICMPD and presented under the name “Data Collection and Harmonized Information Systems”. The aim of the project is to develop common criteria for data and information collection in the area of THB. The project was launched in autumn 2008 and was closed at the end of October 2009. The main output of the project is a handbook describing data collection of trafficked persons and offenders of this crime. This handbook is available on the above-mentioned web pages of the MoI, both in Czech and English versions. Outputs of the project more or less helped in a discussion about the structure of data collected mainly by NGOs. The project managed to find a consensus concerning the basic structure of statistical data on victims of THB. Further steps will be taken by the MoI in 2010 will concern the technical implementation of the collection of proposed data.

In May 2009 the MoI took auspices of the “Regional Coordination Meeting” concerning a significant international project aimed at prevention of THB, capacity-building both in governmental organisations and NGOs involved in anti-trafficking activities and the development of working contacts between all involved countries. The meeting was held in cooperation with the International Organisation for Migration - IOM Czech Republic. Experts from eight countries participated in the Regional Coordination Meeting (namely the Czech Republic, Croatia, Austria, Macedonia, Romania, Ukraine, Belgium, and Turkey).

Even though no activities aimed directly at anti-trafficking were implemented in 2009 in projects of international development assistance (hereinafter referred to as ‘IDA’) within the competence of Department for Asylum and Migration Policy, a number of activities can be used as preventative measures against THB. For 2010 the MoI is planning, *inter alia*, to continue extending the Migration Management Manual according to the Czech experience, which was drawn up in 2009 in cooperation with IOM and is being now fine-tuned in its final format. The creation of the Manual was divided into several specially selected IDA projects implemented last year alongside IOM in Moldova, in countries of South Caucasus and Central Asia. The Manual contains fundamental topics relevant in terms of projects for capacity-building of migration management in countries where beneficiaries of assistance are located. These topics include, for example, an introduction to the migration issue, migration development, migration legislation, national border protection, illegal migration, detecting forged and falsified travel documents, returns, reintegration and so other topics. The objective of the Manual is to ensure that consolidate experiences of the Czech Republic from the transformation period are delivered; and to help, in a sustainable manner, migration management representatives in partner countries who were trained within Czech IDA. In 2010 a new chapter should be incorporated in the Manual. It will be devoted to the fight against THB through the following topics: the national referral system of combating THB, the Czech Republic as a source and destination country of THB, case studies of THB for the purpose of sexual exploitation and forced labour and child trafficking.

5.3 Prevention and Education

5.3.1 Ministry of Justice and Public Prosecutor’s Offices

The education/training system of the Judicial Academy falling under the MJ represents an important part of the education of law enforcement bodies, in particular of public prosecutors. In 2009 the Academy organised the seminar “Trafficking in Human Beings”, which concentrated

predominantly on the issue of THB for the purpose of labour exploitation. A section of the seminar focused also on the issue of overlapping of constituent elements of crimes under Sec.204 and Sec.232a of the old Criminal Code, proving a criminal offence of THB within the procedures of public prosecutor's offices, and specificities of providing social and legal services to trafficked persons from the point of view of NGOs. 65 participants attended the seminar, and the trainers were from La Strada, the MoI, the Supreme Public Prosecutor's Office, the Regional Public Prosecutor's Offices, and the UCOC.

In addition to the above-mentioned seminar a number of other training events were held. These, *inter alia*, contained also topics falling under the content of the term of THB. As an example the seminar "Vice Crime – Criminal Activities Against Youth" aimed at discussing sexually motivated crimes committed against young people, and at protection of children, but also including the findings gathered on the basis of research of offenders of commercial sexual exploitation of children and so forth. 103 participants attended the seminar. In the course of 2009 in total 20 seminars "Re-codification of Substantive Criminal Law" were held. This seminar, apart from other topics, concentrated also on alterations brought about by the Criminal Code for the area of THB including an analysis and interpretation of modifications which were incorporated in constituent elements of the following crimes included in the Criminal Code: THB, procurement, illicit trade in cells, tissues and organs, and child trafficking. 2,200 learners participated in these seminars.

For 2010 the programme of the Judicial Academy includes also the following seminars aimed at the issue in question.

First, it is mainly important to mention two one-day seminars, the topic of which is "Trafficking in Human Beings (13 and 17 May 2010), which will focus, *inter alia*, on the issue of forced labour including forced labour of Czech nationals abroad, on the issue of cooperation and communication between a police authority investigating criminal activities and a police authority addressed by a non-profit making organisation which can influence plausibility of a testimony of a victim-witness in trial. A further seminar "Organised Crime (3 February 2010) can be mentioned. It aims, *inter alia*, at relating organised crime to specific areas of criminal activities including the area of THB – current trends pertaining to this area, the issue of cooperation between a police authority investigating criminal activities and a police authority addressed by a non-profit making organisation, and other topics relating to organised crime. Then there will be the seminar "Internet Crime" (8 April 2010), focusing on cyber crime with an emphasis placed on crimes committed against children via the internet; expert's opinions and the most frequent related problems. Furthermore there will be the seminars titled "Interrogation" (9 March 2010 and 6 June 2010) and eight runs of a seminar being prepared now – "International Judicial Cooperation" which will be held, in the course of 2010, in individual regions. Finally, seminars such as "New Criminal Code" are being prepared. This particular seminar will concentrate on selected issues of the Criminal Code, including constituent elements of crimes of OTH, procurement, illicit trade cells, tissues and organs, and child trafficking. It can be assumed that the seminar will have about 350 attendees.

5.3.2 Ministry of the Interior, the Police of the Czech Republic and Refugee Facility Administration

Topics relating to the issue of THB were included in education and training programmes of initial basic training for members of the Czech police at education facilities of the MoI. Individual topics were incorporated in specific police subjects (such as forensic criminal procedures, law, the public order police service, the traffic police service). The aim of this type of training is to provide police officers with basic information on the issue of trafficking in human beings and to teach them how to recognize victims of trafficking in human beings and sexual exploitation. Moreover, all police schools of the MoI and secondary police schools of the Czech police (regional administrations) received manuals containing instructions on how to treat victims of trafficking in human beings. Further, all police officers received a brief prospectus in ten languages that can be used in the identification of victims of sexual exploitation.

The issue of THB is included in curricula of basic professional preparation of police officers and is talked about also within police training concerning other issues linked to organised crime.

Police officers designated for combating organised crime are trained in specialised courses for police officers of the CPIS in the Police College of the MoI in Pardubice, the Training Facility of the MoI in Prague –Ruzyně, and in the Police Academy of the Czech Republic. The topic of organised crime is part of instruction in specialised courses for police officers of the Czech police, namely of the CPIS, which are held, according to the needs of the Czech police, for 13 weeks in the Police College of the MoI in Pardubice as daily studies. In 2009 eight specialised courses “Operative Investigation Activities” were held for CPIS police officers and in total 113 police officers were trained.

In addition to the aforementioned systematic police training held in education and training facilities of the MoI, where the issue of combating THB is instructed in the framework of individual training programmes - within different subjects and their blocks of topics (for example “Law” – block I, V - “Substantive Criminal Law – a special part”; a subject “Communication and Police Ethics” – block I, VI – “Selected Socio-pathological Phenomena”; a subject – “Psychology, Ethics of Police Work and Communication” – block I, IV – “Selected Socio-pathological Phenomena, Their Social Consequences and Psychological Content”), there are also specialised courses for police officers included in public relations groups (preventive activities and provision of information) and long-term empowerment of police officers to provide the general public with information through mass media. In 2009 three courses of this type were held.

Training in the area of combating THB is supported also by means of international training projects such as European Police College (hereinafter referred to as ‘CEPOL’)⁵⁷ and Mitteleuropäische Polizeiakademie (hereinafter referred to as ‘MEPA’).⁵⁸

In October 2009, during the Swedish Presidency, the CEPOL Governing Board officially approved another completely finalised common curriculum; the “Trafficking in Human Beings”. Curriculum is designated for students undertaking basic professional preparation and those who attend specialised courses and management training. As soon as handbooks translated into the Czech language are available for teachers and students these will be delivered to schools as supporting guidelines for instruction.

Moreover, two professional courses “Trafficking in Human Beings and Illegal Immigration” (from 5 to 8 May and from 20 to 23 October) and “Trafficking in Human Beings – Baghdad Operation” (11 and 12 February 2009) were organised. Two representatives of the Czech Republic participated in these events. Further the international CEPOL conference “New technologies to Fight Cyber-Crime Involving the Private Sector” was held in the Czech Republic and, it was attended by almost 30 international participants and experts. The purpose of this seminar was to enter into new professional and personal contacts, to exchange experiences and findings pertaining to the area

⁵⁷ CEPOL is an EU agency associating 30 countries with the aim of harmonising and optimising the system of European police education through common curriculum, implementing courses and seminars mainly those depicting organised crime. Furthermore CEPOL organises student exchanges, creates e-Net, e-learning modules and so on. The National Coordination CEPOL Office established in the Czech Republic within the International Police Training Unit, which is subordinate to the Department of Training and Management of Police Education System of the MoI ensures that cooperation with CEPOL headquarters in the United Kingdom is coordinated with the Member States, as well as with candidate and accession countries.

⁵⁸ MEPA is an educational network of eight countries – Austria, Germany, Hungary, Switzerland, Slovenia, Slovakia, Poland, and the Czech Republic - implemented under the Agreement of the Minister of the Interior of each of the countries concerned, signed in Budapest in May 2001 –Joint Statement on Cooperation within the central European Police Academy which is a binding document for all MEPA Member States. MEPA organises approximately 15 training activities every year, focusing on the topic of organised crime as well as a monthly course for border guards. The central coordination office of MEPA is in Vienna and eight national contact points have also been established. In the Czech Republic the National Coordination MEPA Office was set under the Department of Training and Management of Police Education System of the MoI. This office is responsible for organisation of all activities arising from training plans of MEPA.

concerned. In 2010 one course “Trafficking in Human Beings” has been planned, and it is to be held in May.

In 2009 one professional course “Trafficking in Human Beings” (held from 13 to 16 October) was organised by MEPA. However, unfortunately nobody from the Czech Republic participated. In 2010 MEPA does not plan to organise a course with on this topic

In 2009 the UCOC 2009 was actively involved in some of the aforementioned training events both within police training and within the judicial training. However, the Unit held also its own events for the Czech police (for example workshops in March and September 2009 for specialists from the UCOC. The UCOC has been cooperating since 2007 in “ZERO Project” aimed at strengthening bilateral cooperation between the Czech Republic and Ukraine. The project lies predominantly with experience exchanges and joint action of police forces of the both countries. In 2009 bilateral cooperation was implemented primarily by means of mutual working visits of UCOC specialist in Ukraine and vice versa. The visits focused mainly on investigations and other acts of operative police officers when documenting three different cases of THB for the purpose of sexual exploitation and labour exploitation. The project was extremely beneficial and it serves for rapid gathering of evidence. Thanks to the project the police were able to commence several criminal proceedings. UCOC specialists participated in the annual experts meeting, dealing with the issue of THB, which was held in the seat of EUROPOL in September 2009.

The Refugee Facility Administration opened for the general public the Centre for Supporting Foreigners’ Integration (hereinafter referred to as the ‘CSFI’) on 1 July 2009, in the Moravian-Silesian, Pardubice, Pilsen, and Zlin Regions. CSFIs are operated by other organisations in the Usti and South Moravian Regions. CSFIs were established within projects co-financed from the European Fund for Integration of Third Country Nationals. The RFA successfully applied for a project for establishment and operations of CSFIs in the Karlovy Vary, Liberec, South Bohemia, Liberec, South Bohemian and Olomouc Regions. One of the main objectives of CSFIs is to create or to support an existing regional advisory platform where important actors are represented in the field of integration of foreign nationals in the give region. The platform also serves to inter-connect activities of such actors and to effectively use material and financial resources in the work of individual entities. CSFIS provide a wide range of services (advisory services, provision of information, low-threshold and intensive courses in the Czech language, legal consultancy, socio-cultural training courses, operations by way of the internet and of a library, promotion of foreigners’ integration towards the majority society). The EFA offers CSFIs to be used as a platform for implementing preventive and training events that would focus mainly on prevention of THB among labour migrants.

As in previous years a two-day training course lectured by La Strada was organised for personnel of residence centres of RFA. The Course focused on identification of trafficked persons and options for helping them. Further two training course with similar focus are planned for 2010.

In 2008 La Strada along with the MoI and the Judicial Academy submitted to the European Commission (“Prevention of and Fight against Crime”) the proposal for a project: “Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation”. The aim of the project is to help define through criminal proceedings the nature of conduct that falls under the constituent elements of the crime of THB for the purpose of labour exploitation pursuant to the provision of Sec. 168 of the Criminal Code. Similar problems occurring in the practice of law enforcement authorities are not only in the Czech Republic but occur also in other EU Member States. The project itself is proposed for a period of three years and consists of several components. The project should contribute to the increase in the number of trafficked persons who will be enabled access to legal advisory services (legal defence during a trial or during civil law proceedings held in order to obtain damages). The Czech Republic will struggles with a low number of criminal proceedings conducted due to a crime of THB for the purpose of labour exploitation. With regard to this fact there is a lack of precedence in court judgements through which it would be possible to unambiguously specify a definition and evaluate implementation of such a definition in practice. Involvement of partners at the international level is also considered to be important. It is mainly that part of the project within which

final judgements pertaining to the area in question will be gathered with the help of foreign partners. Implementation of a number of training events is planned during the project in cooperation with the Judicial Academy. Specialists of the CPIS of the Czech police will also be engaged in training. The whole project will be closed by an international conference. The European Commission approved project implementation in mid- January 2010.

The MoI, together with NGOs, continued a campaign focused on a target group of prostitution clients and indirectly also on victims of THB for the purpose of sexual exploitation in 2009. Partner organisations established for the purpose of the campaign a platform titled : ‘Together against Trafficking in Human Beings’, as early as 2007,. The slogan of the campaign was: ‘Don't Be afraid to Say It on Her Behalf’. The campaign used web pages in the Czech, English and German languages (www.rekni-to.cz; www.sage-es.cz; www.say-it.cz). In 2009 representatives of the Archdioceses Charity Prague placed visuals with a slogan ‘Don't Be afraid to Say It on Her Behalf’ on means of transport in Prague. Partner organisations set up and operate telephone lines funded from the 2009 subsidy programme.

Further in 2009 the MoI distributed to 14 selected institutions and organisations a brochure written in two languages about the Programme, which is designated for the general public and potential victims of THB. The objective of the brochure and its distribution is to enhance provision of information in the area of THB and to get the general public familiar with the Programme.

In 2009 seminars for soldiers within a Military College as well as the General Army Staff continued. These were held for the purpose of international missions in cooperation with the University of Defence in Brno. In total three seminars were held and this cooperation will continue also in 2010.

Regular updates of MoI's websites at the address www.mvcr.cz must be mentioned. There are relevant documents and contacts to non-profit making organisations and inter-governmental organisations. Contributions relating to the issue of THB are regularly published in the Information Service of the Crime Prevention Department of the MoI.

In 2009 representatives of the MoI regularly participated in lectures and training activities held in cooperation with other state institution and non-governmental sector. At the same time they also organised their own training seminars aimed at the issue of THB. The objective of such seminars was to provide information on preventive activities of the MoI in the area of THB and functioning of the Programme. In 2010 the respective seminars will focus on informative activities within regions and primary and secondary schools.

5.3.3 Ministry of Labour and Social Affairs

Also in 2009 The MLSA continued implementation of the project “Selection of Qualified Foreign Workers” which was mentioned in the 2008 Report

In 2009 an important tools for prevention of, in particular, labour exploitation of migrants, was a regular update of information for employers as well as foreign nationals in a multi-language version published on the Integrated MLSA Portal (www.portal.mpsv.cz). Information relevant for foreign workers is published here, mainly in the section *European Employment Service* – EURES (mainly information for those who are interested in working in the Czech Republic) and in the section *Foreign Employment*. Further information is published on www.suip.cz. The MLSA also published and distributed several information documents in different languages, for example “How to Legally Work in the Czech Republic? Information for Nationals of Ukraine”.

The MLSA developed different forms of cooperation. The MLSA cooperated with employers within the aforementioned Inter-Ministerial Body for Combating Illegal Employment of Foreign Nationals as well as within the Working Group for the Issue of Agency Employment, the meetings of which are summoned by the MLSA. Representatives of the MLSA also participated in many events

held for the general public as well as for professionals and experts (round tables, seminars, discussion, and so forth).

The MLSA cooperates with relevant institutions also when carrying out inspections. They are mainly inspections concerning employment of foreign nationals where there is close cooperation with labour offices, the APS and customs offices or with territorial labour inspectorates. In order to improve knowledge of its inspectors the SLIO offered two opportunities for of participation in a seminar and conference with the topic of THB, to which the SLIO sent representatives from individual territorial labour inspectorates.

As regards the issue of social and legal protection of children the MLSA concentrates, in particular, on organising regular meetings with regional authorities as well as with municipal authorities for municipalities with extended scope of competences where information and good practice is exchanged and procedures consulted. The MLSA further cooperates with IOM Prague in the project “Enhancing Provision of Information to Unaccompanied Minors” (hereinafter referred to as ‘UMs’) on Their Rights by means of an Information Campaign and Their Inclusion in Its Preparation”. The campaign focuses also on the issue of THB. Six countries participate in the project – Belgium, Bulgaria, the Czech Republic, Poland, Austria and Romania. A seminar during which information pertaining to the area in question was exchanged was held in the last year.

The MFA is involved in the IMCG especially to ensure smooth information exchanges with regard to Czech embassies and consulates abroad. In 2008, consular officials at all embassies and consulates were notified of the issue of trafficking in human beings. They received material developed for the purpose of training of consular officials. In 2009 the issue of THB was included as a separate block into a pre-departure training course for consular officials. Such trainings will be even more extensive in 2010 and officials of the MoI will prepare their content. Provision of large amount of information is then projected not only into consular work itself, but also chiefly in the granting of visas where consular officials are successful in detecting applications filed for the purpose of THB in the Czech Republic.

6 DRAFT MEASURES AND PRIORITY AREAS IN 2010

I. The Criminal Code and the Combating Trafficking in Human Beings

Statistical data included in this Report may, at first sight, indicate that the situation in THB in the Czech Republic does not require increased attention. Despite this fact members of the IMCG agree that the situation is unsatisfactory. In general, a considerable percentage of latency is admitted and the occurrence of this type of crime was also affected by an unsatisfactory definition of constituent elements of this criminal offence, undoubtedly at least until 31 December 2009 when THB had “competed” with procurement. In addition, unsettled application and persisting problems with interpretation of formal signs of this criminal offence (in particular interpretation of wording “is/are exploited otherwise”) are pointed out. Appropriate evidence in individual cases remains a problem that, simply saying, results in failure of evidence, mostly in the initial phases of pre-trial proceedings.

Therefore in 2010 the number one priority area will remain strengthening capabilities of, in particular, law enforcement authorities to consistently combat this type of crime. With respect to protection of persons against labour exploitation and the aforementioned partial failure of evidence in criminal cases of THB it is necessary to strengthen also cooperation and information exchanges between law enforcement authorities and other public administration bodies, *inter alia*, the SLIO and labour offices. In other words, it is necessary to always give a clear response on whether the case being solved comprises an especially grave criminal act, any other crime or any other infraction or in accordance with law non-punishable, for example immoral conduct.

The Committee for the Rights of Foreigners of the Office of the Government of the Czech Republic dealt in 2009 with cases of violations of the rights of foreign nationals in relation to employment of foreigners, in particular in relation to job agencies. In this context the Committee for the Rights of Foreigners intends to propose measures (mainly legislative measures) to restrict exploitation of foreign nationals within labour law relations.

A related topic to which increased attention will be paid in 2010 is an issue of damages and provision of financial assistance to victims of THB. Last but not least it is important to monitor the situation with regard to failure to obstruct and failure to report a crime of THB, described in full detail in the Report, (compare Sec. 367 and Sec. 368 of the Criminal Code).

II. Enhancing Data Collection

Again this is an area to which great attention was paid during the previous period. The Czech Republic achieved visible results in this area not only during CZ PRES (establishment of an informal network of national rapporteurs and equivalent mechanisms of the EU), but also in the framework of the ICMPD project “Data Collection and Harmonized Information Systems” (specifying a set of indicators for data collection on victims of THB outside the Programme who are provided with care by some NGOs). We were also successful in extending particularly the set of criminal statistical data and information provided by NGOs for this Report. Preparatory work on the software “Trafficked Person Information System” is about to be completed. It should facilitate registration of persons included in the Programme. However, it will be necessary in the course of 2010 to focus mainly on the technical solution of data collection both in relation to the system of statistical records on victims included in the Programme and in relation to victims who stayed outside the Programme.

III. An emphasis Placed on Groups of Persons at Risk

On the basis of an analysis of supporting information provided for drawing up this Report, a group of priority source and destination countries can be listed.

Main source countries: Vietnam, Mongolia, China, Ukraine, Russia (and other countries of the former USSR), Romania, Bulgaria, and the Slovak Republic.

Main destination countries: the United Kingdom, France, and Switzerland.

At the same time it is important to emphasize mainly those specifically endangered and vulnerable groups of persons. Apart from “traditional” groups of labour migrants coming predominantly from the above-mentioned countries there are also persons endangered by social exclusion either because of ethnic or economic reasons, including those in the homeless community, drug addicts or persons displaying drug history. It is important to cooperate with specialised offices/institutions involved in curing addictions or mental disorders or with facilities that devote their work to young people without family background or people with mental impairments. This concentrate procedure can be, *inter alia*, justified by cases described in Chapter 2.6 as well as by cases solved by public prosecutor’s offices and described in Annex 1. Information exchanges and sharing of specific work procedure appear to be indispensable to such cooperation.

As early as in 2008 there was a task for embassies and consulates working in the Czech Republic to organise training on the system of support and assistance to victims of THB in the Czech Republic. However, in 2009, also with regard to all duties and responsibilities concerning the programme of CZ PRES, only a pre-departure training course for officials of Czech embassies and consulates abroad was held. Thus the need for the aforementioned training still persists. When preparing such training courses an emphasis will be placed on the aforementioned main source and destination countries. At the same time, also with respect to a successful case of identification of trafficked persons directly at the consular office, training designated for consular official of Czech embassies and consulates abroad will continue.

Another method, which has not yet been used for enhancing provision of information on risks relating to THB, is the involvement of newly established CSFIs.

IV. Continuing Monitoring of the Situation of Trafficking in Human Beings pursuant to the Definition of Sec. 168 the Criminal Code

Although in 2009 none of the examined facts confirmed any suspicion of child trafficking pursuant to the provisions of Sec. 232a (1) of the Criminal Code monitoring of this are will also continue in 2010. Some members of the IMCG expressed their concerns that “currently there is no single approach for the identification of exploited children; such cases are often dealt with at local level as minor offences committed by the children themselves and the central level does not have any information available in relation to child trafficking. With regard to deficiencies when identifying such cases and a missing mechanism for transference of information between relevant state authorities (authorities of social and legal protection of children, the uniformed police, the non-profit making sector, working groups aimed against THB and commercial sexual exploitation of children) we believe that cases of child trafficking are more frequent than is reflected in official statistical records.

V. Update of the Programme in Compliance with Last Trends

In relation to adoption of the Instruction of the Minister of the Interior regulating functions of the NRM for supporting and protecting victims of THB (MoI No. 14/2009), together with outputs and recommendations of the ICMPD project “Trans-national Referral Mechanism for Victims of Human Trafficking in Source and Target Countries” a need to update the guidelines of the First Deputy Minister of the Interior aimed at supporting and protecting victims of THB has arisen.

7 LIST OF ACRONMYS AND ABBREVIATIONS

Legal provisions

Act on the Residence of Foreign Nationals	Act No. 326/1999 Coll. on the Residence of Foreign Nationals and on the Amendment to Some Other Acts, as amended
old Criminal Code	Act No. 140/1961 Coll. the Criminal Code, as amended
Criminal Code	Act No. 40/2009 Coll. the Criminal Code. as amended by Act No. 306/2009 Coll.
Code of Criminal Procedure	Act No. 141/1961 S Coll. the Code of Criminal Procedure, as amended
Act on Employment	Act No. 435/2004 S Coll. on Employment, as amended
Labour Code	Act No. 262/2006 Coll., the Labour Code, as amended
Act on Financial Assistance to Victims	Act No. 209/1997 Coll. on Financial Assistance to Victims of Criminal Offences and on the Amendment to Some Other Acts, as amended
Social Services Act	Act No. 108/2006 Coll., on Social Services, as amended
Commercial Code	Act No. 513/1991 Coll., the Commercial Code, as amended

Institutions, Organisational Units of the State, and Services of the Police of the Czech Republic etc.

APS	Alien Police Service of the Police of the Czech Republic
CEPOL	European Police College
CPD o MoI	Crime Prevention Department of the Ministry of the Interior of the Czech Republic
CPIS	Criminal Police and Investigation Service of Police of the Czech Republic
CPISO	Criminal Police and Investigation Service Office of the Police of the Czech Republic
CSFI	Centre for Supporting Foreigners' Integration
Czech police	Police of the Czech Republic
CZ PRES	Presidency of the Czech Republic of the Council of the EU
DAMP	Department for Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic
Diaconate	Diaconate of the Cesko-bratrske (Czech brotherhood) Evangelical Church
ESF	European Social Fund
ICMPD	International Centre for Migration Policy Development
IGO	inter-governmental organisation
IMBCILFN	Inter-Ministerial Group for Combating Illegal Employment of Foreign Nationals
IMCG	Inter-ministerial Coordination Group for Combating Trafficking in Human Beings
IOM Prague	International Organisation for Migration Prague
La Strada	La Strada Czech Republic, o. p. s.
MEPA	Mitteuropaische Polizeiakademie
MH	Ministry of Health of the Czech Republic

MEYS	Ministry of Education, Youth and Sports of the Czech Republic
MFA	Ministry of the Foreign Affairs of the Czech Republic
MJ	Ministry of Justice of the Czech Republic
MLSA	Ministry of Labour and social Affairs of the Czech Republic
National Strategy	National Strategy to Combat Trafficking in Human Beings (2008-2011).
NGO	non-governmental organisations
NRM	National Referral Mechanism
OP HRE	Operational Programme Human Resources and Employment
Programme	Programme of Support and Protection of Victims of Trafficking in Human Beings of the Ministry of the Interior of the Czech Republic
RFA	Refugee Facility Administration of the Ministry of the Interior
SLIO	State Labour Inspection Office
SPD MoI	Security Policy Department of the Ministry of the Interior of the Czech Republic
THB	Trafficking in Human Beings
UCOC	Unit for Combating Organised Crime of Criminal Police and Investigation Service of the Police of the Czech Republic
UMs	unaccompanied minors

Annex 1

SELECTED FINDINGS ARISING FROM ACTIVITIES OF PUBLIC PROSECUTOR'S OFFICES

As data from reports of subordinate public prosecutor's office is not available yet (according to the schedule such reports are submitted to the Supreme Public Prosecutor's Office not later than on 1 April of every year) it is necessary, when specifying detected cases, to build on the data included in last year reports, which are listed below:

The Report of the High Public Prosecutor's Office in Prague demonstrates that such activities consist mainly of luring foreign nationals (usually from Ukraine), through job agencies to work in the Czech Republic; they are then, however, forced to work in oppressive conditions for very low wages. Another form is to make use of people coming from socially weak groups (homeless people, foreigners without any employment and work permits). They are offered a job as well as accommodation and after that they are forced to live in unsatisfactory hygienic conditions, working for low wages that cannot cover their basic living needs. However, there are not many experiences pertaining to this area. The problem is how to interpret and describe terms such as "forced labour" and "other forms of exploitation". There are no court judgements (precedents). Certain experiences are only in the field of THB for the purpose of prostitution but in this area experiences are rather negative as courts either are not willing to sentence or are afraid of sentencing offenders for such criminal activities. Evidencing seems to be also problematic, especially when taking into accounts different types of evidence and their range. Victims of such unlawful conduct are foreign nationals coming from very primitive and poor environments when anything is better for them than what they have at home. Moreover, they are, as a rule, scared to testify as witnesses. They are also "exploited" persons who are more or less resigned to their fate living on the edge of society and they make do with a carton of cheap wine and a hostel without sufficient sanitary equipment.

Specific cases included in the reports:

The High Public Prosecutor's Office in Olomouc pointed out the case of the defendant J. A. (Municipal Public Prosecutor's Office Brno) – a member of the Holy Grail movement (compare for example the case of Kurim of 2007). The public prosecutor brought criminal charges on 24 January 2008 against a defendant for criminal acts of modern slavery, which were allegedly committed in a case closely monitored by mass media. The defendant physically and psychologically tormented women, threatened them with different punishments and punished them as a consequence of their dependency on him, on membership in the Holy Grail and membership in their joint household. He forced them to work very hard on building the house as well as in the field, orchard, vineyard, and in the garden which he used and where the said women lived and worked separately in huts in poor hygienic conditions, in such a way that they were no able to meet and talk to the others. For failure to meet his instructions they were physically punished and he beat them with his fists, kicked them and degraded them. They got neither remuneration for their work nor pocket money. On the contrary they had to regularly surrender their pensions and received only insufficient amount of food, which endangered their health and posed the risk of death or permanent health consequences. He isolated them from society and persuaded one of the women to transfer the title to her house to him. As result of such conduct the women suffered physical and mainly psychological harm. It has not been decided whether the defendant is guilty or not guilty because he is now deceased.

As regards the further case, employees were paid a certain wage and they were, more or less, happy with the amounts paid, but they had to work for example double the number of working hours in order to get a salary equal to a Czech worker doing the same work. When they fell ill they received

only CZK 30 per day, they could take days off but such days were not paid. The defendant was an owner and an executive manager of the company, which intermediated employment, however, he possessed a licence only for the production of textile. He rented to Czech companies equipment for their employees and from Czech companies he also received orders for products. The question is to which degree the fact that Ukrainian workers were satisfied holds up although they worked under these conditions voluntarily and came to the Czech Republic because they were not able to find a job at home that would substantiate their families. Subsequently they came to an environment that was unfamiliar for them, and they did not speak any Czech.

In another case it was detected that the suspect hired homeless people in railway stations or at other places where such people gather, promised them work and accommodation but then he incarcerated them within the premises of his company and paid them CZK 150 per day without any other benefits. He probably did not pay any mandatory fees for them and forced them to work at least 12 hours per day, also using violent persuasion. Workers lived in a lodging house where rooms were without doors and for 30 people there was just one functioning water toilet. Workers were expected to pay from the above amount their living costs and buy, for example, items for their sanitary needs.

In another case it was ascertained that foreign nationals were employed without valid residence permits in cruel conditions. They had to clean facilities of large commercial chains.

The Regional Public Prosecutor's Office in Usti nad Labem describes not a brand new phenomenon, rather the phenomenon displaying a steep upward trend: the transfer of illegal migrants from countries of the third world and countries of Eastern Europe across the Czech Republic with the aim to transport them to countries of Western Europe. Such acts are qualified as criminal offences of organising and illegal national border crossing pursuant to Sec. 171a (1), (2) (b) and (4) (c) of the old Criminal Code and pursuant to Sec. 232a (2) (c), (3) (a), and (4) (c) of the old Criminal Code, meaning trafficking in human beings.

According to the findings of the said public prosecutor THB can, in all cases supervised by public prosecutor's offices, be characterised by three fundamental signs: transport to the Czech Republic, forcing people to carry out certain work and following exploitation. A sanction by which those who refuse to submit to such conditions and perform involuntary work are punished can be described as physical or sexual violence or a threat of violence, restriction of freedom to move, withholding their remuneration, and seizure of travel documents or other ID cards. Involuntariness can be seen also in cases where work had been accepted absolutely on a voluntary basis but the conditions were subsequently changed for a hired person. In many cases this can be classified as fraud or false promises by suspects, with respect to the type and conditions of work. As regards exploited persons a concomitant factor of involuntariness is indebtedness, psychological pressure, meaning an order to perform certain work under threat of sanctions if the order is not fulfilled. Lured foreign nationals get into considerable debts in order to be able to pay organisers for transport to the Czech Republic and for finding them a job here. When they get to the Czech Republic their travel documents are seized and they have to fully rely on the suspects who ensure for them work and accommodation at a very low level. For the work done they are paid only advance payments or only minimal amounts, which is justified by their ever-increasing debt in the Czech Republic. The free movement of such lured persons is restricted, they do not know the local environment and are completely subordinated to the suspects and moreover, they are under physical and psychological pressure. Examination of these types of criminal offences is connected with a high number of operative acts since it is an organised criminal activity and investigation is time consuming, as a foreign element involved is involved and it requires very close international cooperation both at the level of police bodies and at the level of public prosecutor's offices. Examination and investigation of all cases of this type are conducted by police bodies of the UCOC and their activities are evaluated positively by public prosecutors. The aforementioned criminal activities are linked to following legalisation of criminal proceeds qualified as a criminal offence of legalising criminal proceeds pursuant to Sec. 252a (1), (2) (a) and (3) (a) of the old Criminal Code where obtained funds are transferred via a chain of companies established only on paper, with the aim to cover the source of income. A specificity of

such criminal offences is a fact that the injured are diffident of law enforcement authorities and are very careful as regards their testimonies. The injured are in their countries of origin selected from among socially weak groups, and therefore they often voluntarily accept the conduct of TBH suspects as they try at least to mitigate the poverty of their families in their countries of origin.

With respect to procedures to be used, the Regional Public Prosecutor's Office in Brno stated that a basic unified approach of public prosecutors is required within their mandatory supervision carried out by public prosecutors during the course of prosecution of suspects by police bodies. It is always required that after a crime has been committed and investigation categories have been assessed, the category applying the strictest legal qualification of a crime must be taken into account from the very beginning. Therefore, if one of the categories of a violent crime is an intention of an offender to cause grave bodily injury or even death, then from the very beginning this category is applied and can be modified only after further evidence is gathered. Thus maximally qualified procedure is applied together with police erudition from the initial investigation steps taken on the crime scene.

Concrete findings on criminal activities were analysed also within training courses for judges and public prosecutors. Minimally one (usually more than one-day) seminar is every year devoted to this area. As an example a seminar organised by the Judicial Academy and held in Kromeriz can be described. The seminar encompassed the issue of THB and was held on 1 and 2 June 2009. Lecturers of the seminar were, inter alia, lecturers working for law enforcement authorities (police officers and a public prosecutor) and they analysed in detail the issue of application of the provisions concerning criminal offences of procurement and THB. Then they generalised experiences of application practice and requirements for future amendments to constituent elements of such crimes:⁵⁹

In the last year cases concerning the criminal offence of THB pursuant to Sec. 232a of the old Criminal Code occurred. These were mainly cases of THB in relation to sexual harassment or exploitation with subsequent prostitution consisting of the recruitment of girls for work abroad or foreign nationals for work in the Czech Republic (two types of criminal offences are described):

1. Pursuant to Sec. 232a (1), (2) (a) and (3d) of the old Criminal Code

The defendant abused a long lasting adverse life situation of the injured and her minor daughter, as they did not have any resources for living. The injured took care of her four minor children and was unemployed. The defendant transported the both injured to the Czech Republic where he in advanced had negotiated provision of sexual services which they provided for pecuniary consideration. The defendant collected money and only small amount were paid to the injured parties.

The defendant was sentenced by the Regional Court in Usti nad Labem for a criminal offence of procurement under Sec. 204 (1) (2) and (4) of the old Criminal Code. This Regional Court used the following grounds of the judgement:

- *the defendant did not transport the injured to Germany with the aim to subsequently sell, present or exchange them;*
- *the defendant did not show any intention of trafficking them so that they could be subsequently used for prostitution; and*
- *the defendant acted as a "classical" procurer (pimp).*

2. Pursuant to Sec. 232a (2) (a) and (3 (d) of the Criminal Code in relation to Sec. 8 (1) of the old Criminal Code

Both defendants acting jointly loaded in the car the injured and subsequently transported her to the Czech Republic. She was threatened with violence during the journey if she tried to escape or if she disclosed anything to anybody. The injured was transported into isolated premises where they took every measure to force her to work as a prostitute. The injured managed, however, to escape

⁵⁹ Taken from the presentation of JUDr. L. Bradáčová presented at the mentioned seminar – "Trafficking in Human Beings".

The defendants were sentenced by the Regional Court in Usti nad Labem for the attempt to commit a criminal offence of procurement pursuant to Sec. 204 (1) and (2) of the old Criminal Code concurrently with Sec. 8 (1) of the old Criminal Code. The Regional Court used the following grounds of the judgement:

- the defendants did not transport the injured to the Czech Republic with the aim to subsequently sell, present or exchange her;*
- the defendants did not show any intention to treat the injured as goods so that she could be subsequently used as a prostitute;*
- the defendants wanted to transport the injured to the place of prostitution personally and obtained financial resources earned by the injured.*

The grounds of the judgement used by the High Court:

For respective qualification of a criminal offence under Sec. 232a of the Criminal Court the following is necessary:

- 1. an offender must treat the person who is a subject to THB as his/her property for a longer period of time,*
- 2. a relationship between an offender and an injured must be at the level of slavery or servitude or forced labour;*
- 3. the law requires, when crimes of procurement and THB are compared, a much higher degree of restriction of personal freedom of injured parties (almost similar to imprisonment) or a higher degree of dependence on an offender.*

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