

MINISTERSTVO VNITRA
ČESKÉ REPUBLIKY

2010 STATUS REPORT ON TRAFFICKING IN HUMAN BEINGS IN THE CZECH REPUBLIC

Security Policy Department

Prague 2011

List of Contents:

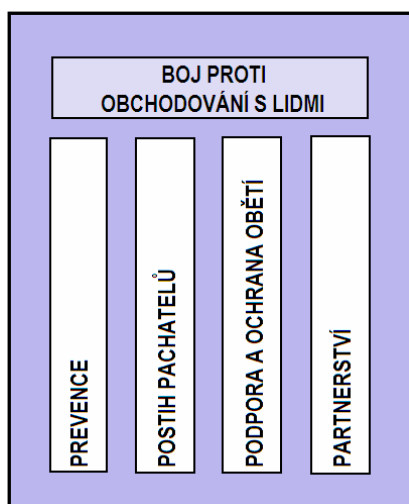
- List of Contents: 1
- INTRODUCTION..... 3
- 1 SITUATION DESCRIPTION 5
 - 1.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation and Prostitution 6
 - 1.1.1 Prostitution Scene 6
 - 1.1.2 Prostitution Regulation..... 8
 - 1.2 Trafficking in Human Beings for the Purpose of Labour Exploitation 8
 - 1.3 Trafficking in Children..... 11
 - 1.3.1 Institutional Coverage and Latest Information 11
 - 1.3.2 The Case of Begging Children 12
 - 1.3.3 Facilities for Children – Foreign Nationals..... 13
 - 1.3 Trafficking in Human Organs 14
- 2 PUNISHMENT OF OFFENDERS 15
 - 2.1 Criminal Statistics and Related Information..... 15
 - 2.1.1 Data Provided by the Police of the Czech Republic 15
 - 2.1.2 Data Provided by the Supreme Public Prosecutor’s Office 21
 - 2.1.3 Data Provided by the Ministry of Justice..... 23
 - 2.2 Czech Offenders Abroad 25
 - 2.3 Financial Investigations..... 25
 - 2.4 Inspection and Other Actions Carried out by Public Administration Authorities 26
 - 2. 4.1 Inspection and Further Activities Carried out by the Ministry of Labour and Social Affairs..... 26
- 3 SUPPORT AND PROTECTION OF VICTIMS 33
 - 3.1 Victims in Criminal Proceedings 33
 - 3.1.1 Victims in Statistical Records..... 33
 - 3.1.2 Indemnification and Representation of Victims..... 35
 - 3.2 Czech Victims Abroad 37
 - 3.3 Victims of Trafficking in Human Beings and Social Services..... 38
 - 3.4 Programme on Support and Protection of Victims of Trafficking in Human Beings..... 39
 - 3.5 Support by Assisting Organisations 42
 - 3.5.1 La Strada Czech Republic o.p.s..... 42
 - 3.5. Archdioceses Charity Prague, Magdala Project 51
 - 3.5.3 Diaconate of Czech Brotherhood Evangelical Church 54
 - 3.5.4 International Organisation for Migration..... 55
 - 3.6 Evaluation of Applications of the Provisions of Section 42e of the Act on the Residence of Foreign Nationals 56
 - 3.6 Further Information on Identification of Victims..... 57
 - 3.7 Financial Sources 59
 - 3.7.1 Funds Provided by the Ministry of the Interior of the Czech Republic 59
 - 3.7.2 Funds Provided by the Ministry of Labour and Social Affairs of the Czech Republic 59
 - 3.7.3 Other Financial Sources 60
- 4 PREVENTION 60
 - 4.1 Education and Training 60

4.1.1 Education and Training of Law Enforcement Authorities	61
4.1.2 Training of Staff of the Refugee Facility Administration	64
4.1.3 Training of Employees of the Ministry of Foreign Affairs Assigned to Work Abroad	64
4.1.4 Training of Armed Forces	64
4.2 Other Activities	65
4.3 Prevention through Enhancement of Legal Regulations	66
4.3.1 Amendments to Relevant Legal Regulations in the Czech Republic.....	66
4.3.2 Amendments to Relevant EU Legal Provisions	68
5 PARTNERSHIP	70
5.1 Partnership in the Czech Republic.....	70
5.1.1 Inter-ministerial Coordination Group for Combating Trafficking in Human Beings.....	70
5.1.3 Joint Security Actions, Joint Meetings.....	71
5.2 Cooperation with Foreign Partners	72
5.2.1 Cooperation in the EU.....	72
5.2.2 Further Cooperation at the International Level	73
6 PRIORITIES.....	77
6.1 Evaluation of Activities Aimed to Combating Trafficking in Human Beings in the Light of Priorities for 2010.....	77
6.2 Priorities for 2011	79
LIST OF ACRONYMS AND ABBREVIATIONS	81

INTRODUCTION

The Report presented is the third Status Report on Trafficking in Human Beings in the Czech Republic. Drafting of this annual Status Report occurred upon the basis of an assignment which arose from Czech Government Resolution No. 67 of 23 January 2008 concerning the National Strategy to Combat Trafficking in Human Beings (2008-2011) (hereinafter referred to as the “National Strategy”).

The objective of the Report is to provide detailed information on the situation in the area of trafficking in human beings in the Czech Republic from 1 January to 31 December 2010, although attention is also paid to description of the situation abroad if there are links between a foreign country and the Czech Republic. The main attention will be devoted, as it is customary, to trafficking in human beings (hereinafter referred to as “THB”) particularly within the meaning of the definition provided for in Section 168 (2) of Act No. 40/2009 Coll., the Criminal Code (hereinafter referred to as the “Criminal Code”) – trafficking in persons older than 18 years of age - as this is the most frequent form of criminal activity of this type. However, criminal offences can also be encountered that are committed against persons under 18 years of age as stipulated by Section 168 (1) of the Criminal Code. The Report, as in previous years, also encompasses a chapter concerning the prostitution scene in the Czech Republic, evaluation of how priorities relating to the area of combating THB in 2010 are met, and assessment of new priorities and tasks laid down for the year 2011.



In comparison with last year's Report, the structure of the present Report has been changed. After the introductory description of the situation and identification of new trends the Report is further divided according to the so called pillars – “four Ps” (originally there were only three Ps) on which the fight against THB is currently built both within the European Union (hereinafter referred to as the “EU”), and at the international level in general. An emphasis on the three Ps is also placed by the Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims repealing Framework Decision 2002/629/JHA. These are the three initial areas: Prevention, Prosecution, and Protection while the Report has added the fourth P being emphasised internationally in the past year - Partnership.

The Status Report on Trafficking in Human Beings should not only provide information on this issue but its ambition is, *inter alia*, to formulate the policy pertaining to the area of THB in compliance with the National Strategy. It is appropriate to mention that this document does not deal with basic questions relating to the issue of THB which were given attention in previous Status Reports on Trafficking in Human Beings and in the National Strategy.

First and foremost we would like to thank all the colleagues who contributed their information and data for their co-operation, without which this Report would not be complete. In particular we would like to thank to members of the Coordination Group for Combating Trafficking in Human Beings (hereinafter referred to as the “IMCG”).

1 SITUATION DESCRIPTION

The Czech Republic can be considered mainly a target and a transit country, however to a certain extent it can be deemed as a source country. As regards countries of origin of victims identified in the Czech Republic, countries with a lower standard of living have been identified (the Russian Federation, Slovakia, Ukraine, Romania and some others). Principal trends that have affected the situation in the area of THB in the Czech republic continued through the 2010. The number of cases of THB in the area of sexual exploitation remain stable or even saw a downward trend (in 2010 a decline was registered in the whole sector providing sexual services) partially also due to the economic crisis. On the other hand, the crisis markedly contributed to the growth in cases where labour exploitation and forced labour may be suspected. Companies were seeking ways to operate most cost-effectively and for example decreased numbers of legal employees or workers hired through agencies, mostly foreign ones; many workers, mainly from abroad, often took up work without an adequate guarantee of remuneration and working conditions.

Since 2008 the described change of “**modus operandi**” used by offenders has persisted. Subtle forms of coercion have prevailed as means of manipulation of victims. Victims can leave their workplace as well as the place of accommodation and they even, in some cases, receive advance payments. Physical violence has occurred very rarely and it tends to be the result of skirmishes and disputes between employees and their employer rather than a tool of coercion. Contrary to this, psychological pressure is quite frequent and the same applies to threats and similar practice on the edge of legality (payment of wages delayed but still within the legal time limit, demand for overtime work, non-payment under the guise of enforcing repayment schemes for nonexistent debts, unsuitable hygienic conditions, punishment for fabricated violations of rules and conditions and so on); poor knowledge of law and the language is also frequently abused.

In 2010 another trend recorded in recent years was confirmed. That is the focus of offenders on vulnerable groups of persons, primarily in the phase of their recruitment for different types of work to be done in the Czech Republic as well as abroad. Foreign nationals, mainly those who have lost their jobs in the Czech Republic and are facing administrative expulsion, followed by persons from socially excluded localities, mentally disabled people and homeless people are among the most common vulnerable groups. The access of these persons to the labour market is hindered and thus they are often lured by a vision of income that they would not be able to gain under normal circumstances. Their ability to ask for help in cases where they become victims of such treatment is also decreased either because of their handicap or due to societal prejudices or absence of a residence permit.

A typical sign, which persisted also in 2010, is latency of the offence of THB and problematic provision of evidence. With regard to **condemnatory judgements**, our country, along with other European countries, is struggling with a lack of final condemnatory judgments relating to the crime of THB for the purpose of labour exploitation. The problem is really pressing despite the fact that on the 1st of January 2010 the new Criminal Code came into effect, where the offence of THB is newly defined (for more information see chapter 4.3.1 Modification of Relevant Legal Regulations in the Czech Republic). To this end the first, although not final and as yet inconclusive, judgement of the Regional Court in Usti nad Labem in the case of sentencing three Ukrainian offenders on 15 June 2010 for the crime of THB for the purpose of forced labour or other forms of exploitation must be considered as a success.

In 2010 EU legislative saw marked changes. The draft Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims repealing Framework Decision 2002/629/JHA came to the final phase of

approval and it will probably be published in the first half of 2011 (see chapter 4.3.2 Changes in Relevant EU Legal Provisions).

1.1 Trafficking in Human Beings for the Purpose of Sexual Exploitation and Prostitution

In the area of THB for the purpose of sexual exploitation same source countries as in previous years such as the Russian Federation, Slovakia, Ukraine were identified. Cases of girls trafficked from Nigeria, Honduras, Romania and Bulgaria were also registered. Although the Czech Republic can currently be considered as mainly destination country, cases of Czech victims in the United Kingdom, Germany, Sweden and the Netherlands were recorded as well.

Criminal conduct in the area of THB for the purpose of sexual exploitation did not substantially change in the course of 2010, if this year is compared with 2009. THB for the purpose of sexual exploitation, organisation of prostitution – procurement, ranks among the typical forms of organised crime in our territory. It is a crime predominantly committed by groups of offenders which has a long history. It demonstrates a division of activities, planning and orientation towards profit.

The entry of the new Criminal Code into effect on 1 January 2010 did not essentially affect either the manner or frequency of commission of the offence of THB (in addition to “sexual intercourse or other forms of sexual exploitation or harassment” newly “the production of pornography” falls under the area of sexual exploitation). The number of committed offences of THB for the purpose of sexual exploitation still prevails over the number of offences committed for the purpose of labour exploitation.

1.1.1 Prostitution Scene

Information on the situation regarding prostitution in the Czech Republic can be obtained from the findings of the Police of the Czech Republic (hereinafter referred to as the “Czech police”) and municipal police and it is necessary to mention the importance of specialised non-profit making organisations operating in this area. Rozkoš bez rizika organisation (Bliss without risk) plays an irreplaceable role in this area by providing social and medical services especially to women offering paid sexual services and to persons being sexually exploited.

The situation in the area of forced prostitution reflects the development of voluntary prostitution. On the basis of surveys carried out it is obvious that especially Czech women work usually in these clubs “on call” and they appear in the club only if the client is present. These women take prostitution as a source of occasional and quite irregular earnings. Both active students and married women are involved. In the past year predominantly Czech and Slovak female nationals were detected as prostitutes during checks.

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. Some of the girls and women actively offer themselves as occasional prostitutes. Prostitution in the majority of the territory demonstrates the same phenomena, which are the decrease in earnings, the provision of services without need for violence, shift to private flats (so called “privates”) and offer of services via the internet and social networks. When investigations take place in this environment prostitutes are not willing to stand as witnesses, as they are afraid of losing their “job”.

Sexual services are provided in our country by Czechs, Ukrainians, women from Belarus, Slovakia, Romania, and Hungary, however there are also women from a number of

exotic countries. Information from the prostitution scene reports a higher occurrence of women from Nigeria who reside in our territory mainly on the basis of visas acquired in Italy and Spain. Demand of customers of commercial sexual industry for girls coming from exotic countries, mainly from Latin America (Honduras, Ecuador, and Guatemala) is on the rise. On the other hand, the Czech Republic was identified as a source country for Austria, Germany, Switzerland, and the United Kingdom.

Street prostitution has displayed a downward trend in recent years. Traditionally, the highest occurrence of prostitution, mainly on-street prostitution, is recorded in the capital city of Prague and in border districts, especially those neighbouring Germany and Austria. Prostitution is also run on the feeder road to the D5 motorway Pilsen – Rozvadov. Thefts of customers committed by prostitutes and their procurers appear to be a frequent phenomenon. Prostitution is occasionally carried out on the road from Liberec to Děčín and in guest houses since their owners let rooms to girls without enquiry as to why they want to rent a room. Sexual tourism in the Czech borderland, which was in the past years typical for the area around Karvina near border crossing points for trucks heading to Poland, is declining.

The Prague street prostitution scene can be characterised by certain variability in terms of localities. It was a consequence of reconstruction of roads, pavements and so on. Information provided by the Rozkos bez rizika shows that prostitution was concentrated mainly in Prague 2 (Charles Square and its surroundings were confirmed again) and at Wenceslas Square (prostitutes from Bulgaria were identified here as in the last year). As regards health risks the fact that especially syphilis has spread within the street prostitution scene must be pointed out (it was spread by drug addicts who are available for more risky sexual practices).

With regard to erotic nightclubs it may be stated that predominantly in border areas their number has moderately decreased. Only several clubs flourish and these are supposedly backed by strong capital. In 2010 an expected development in this type of criminal activities was confirmed as it was hidden under services that are provided by various model agencies and agencies offering lady-companions via the internet network. In praxis such services meant provision of sexual services both in the Czech Republic and abroad, especially in neighbouring EU Member States.

According to the information provided by the Rozkos bez rizika clubs have been seeking new methods to attract new customers: classical night clubs are becoming sauna-clubs and wellness centres applying different discounts such as “happy hours”, loyalty cards, discount cards for entry and so forth. Due to the crisis and decline in the number of customers, competition between girls has probably intensified. According to information provided by some prostitutes extra services are becoming more frequent in order to gain some customers. In some clubs prostitutes cannot today allow to refuse a customer or work as “escorts”. In general the number of girls working on one shift in clubs (mainly in small clubs) has decreased.

Organisation and exploitation arising from provision of sexual services is typical for the environment of night erotic clubs. It is also the reason why providers of sexual services prefer to move to private flats or have started to provide escort services. In 2010 sexual services provided for pecuniary reasons in private flats have remained at the same level or have displayed a slight upward trend. 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 2010 considerably lower than in erotic nightclubs, which was the consequence of factors such as direct operational costs and actual number of clients.

It is very difficult to map out prostitution carried out in private flats and then to document respective related criminal activities. An overview of the situation of prostitution carried out in private flats can be acquired within monitoring of services offered via the internet. This phenomenon has an important negative consequence when it comes to the health aspect of providing sexual services. Due to the closed nature of private flats prostitutes do not have access to sufficient social, medical and other services as it is in the

case of quite open prostitution performed in clubs. Despite this fact the Rozkos bez rizika is successful in breaking down incredulity and in penetrating through in some private flats and offering assistance.

A key factor for future development of the prostitution scene will be economic growth and demand for such services. The current situation in this area shows a long-term dampening and it cannot be assumed that prostitution could achieve the scale that was registered in this area in the end of 1990s. Only facilities directly in the hands of their owners and offering exclusive sexual services can survive in risky destinations of the Czech Republic. However, it may be said that the situation in the prostitution scene is more or less stable in recent years and essential changes are not seen. Some clubs gained a stable position, others are being closed and new ones established.

1.1.2 Prostitution Regulation

The issue of prostitution, its definition or its recognition in the legal framework of the Czech Republic remains to be a topic which should not be omitted. Resolution of this problem was partially sidetracked when in spring 2006 the draft Act on Prostitution Regulation was withdrawn along with the proposal to denounce the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the UN, New York, 2 December 1949, the Czechoslovak Republic acceded to this Convention on 14 March 1958; the New York Convention) from the agenda of the Czech Parliament.

One of the last attempts to regulate this area was made in autumn 2010. The assembly of elected representatives of Prague submitted to the Chamber of Deputies of the Parliament of the Czech Republic the draft Act on Prostitution Regulation, which was, to a large extent, based on the draft Act of 2006. Due to personnel changes in the assembly of Prague elected representatives, the draft act will be again discussed at the level of the city by the Legislative and Security Committee; after that it will be debated by the assembly.

1.2 *Trafficking in Human Beings for the Purpose of Labour Exploitation*

In 2010 no substantial changes, concerning suspicion that offences of THB for the purpose of forced labour and other forms of exploitation are being committed, occurred. The Czech Republic remains a destination country for persons coming from countries of the former Soviet Union, Romania, Bulgaria, Slovakia, Vietnam and other Asian countries. Under the pretext of work that will reap good earnings people are lured to work in the Czech Republic through organised groups that arrange for them a legal entry to the Czech Republic. After the arrival in the Czech Republic their passports are taken and they are forced to carry out second-rate work, mostly very hard work, for minimal or no pay. In 2010 the above described approach was confirmed and offenders are being investigated or prosecuted for the offence of THB under Section 168 (2) (e), (3) (a) or (4) (c) of the Criminal Code. There was always an organised group of offenders operating in several countries. Criminal groups often operate as legal job agencies intermediating work or at least there are links between a criminal group and labour brokers. When legalisation of residence in the Czech Republic is considered certain cases of possible links between criminal groups and public authorities were reviewed and the same applies, in several cases, to provision of labour permits.

The nature of work performed differs: predominantly it is manual work in the construction, forestry and food processing industries. The type of working activities carried out by foreign nationals is usually of seasonal nature (for example picking or harvesting agricultural crops). In several cases there were problems with employment in construction of photovoltaic power plants. There is a high turnover among workers working for one

employer. Thus there is also a high turnover of people in accommodation facilities. As regards potential victims of forced labour it must be stressed that this highly profitable way of exploitation has been recently affected by the economic crisis when a number of enterprises lost their distribution markets. As a result companies began to seek out ways to operate cheaply and thus they decreased the number of legal employees as well as workers employed through agencies. These were, in many cases foreigners. An effort to enable unemployed foreigners to leave the country (up until 15 December 2009 foreign nationals who, as a consequence of the economic crisis, lost their jobs and were not able to pay the travel costs were offered a last opportunity to return voluntarily within projects of the Ministry of the Interior of the Czech Republic (hereinafter referred to as the "Mol") which ensured their dignified return to their country of origin was not really accepted by foreign nationals. A number of unemployed labourers, mainly from the third-countries, continued to stay in the Czech Republic hoping that they would find work and will be able to repay debts related to their residence and work in the Czech Republic. Fortunately enough, concerns that unemployed foreign nationals could, due to their insolvency, commit criminal offences, particularly street violent crimes and crimes against property did not eventuate. This is also probably thanks to cohesion of individual communities who do not want to attract the attention of public authorities. There are presuppositions that community members who are richer than others employ disadvantaged co-patriots under slavery conditions, in full awareness that those foreigners did not have any other choice and dependency on an employer or a job broker was manifested by fear of job loss which would in turn have resulted in social uncertainty. Employers allegedly abused this situation and employed foreign nationals without required permits, in some cases only for remuneration in the form of meals and accommodation.

A separate chapter in this issue is formed by EU citizens. Since the end of 2009 problems relating to the suspicion that even EU citizens had been exploited were recorded. Such information concerned mostly citizens of Romania and Bulgaria who decided to compete in the Czech labour market and instead became victims of unfair treatment by job brokers (in many cases such job brokers operate in the country of origin of foreign labourers concerned). More frequent occurrences of suspicion that EU citizens are exploited in the area of labour migration relate to solutions to the impacts of the economic crisis and the development in the labour market as in the case of third-country nationals. After the introduction of stricter conditions for the issuing of labour permits and restrictions in the number of applications for long-term visas in main source countries, job brokers and organisers of labour migration started to address clients from EU Member States¹.

EU citizens enjoy the right of free movement within the EU, meaning that if they want to enter and reside in the Czech Republic they do not need any visa or residence permits. In order to perform work in the Czech Republic they need neither a labour permit nor a green card and the same approach as towards Czech citizens is applied to them. However, there is the problem of the language barrier especially as regards citizens of Romania and Bulgaria and in many cases the low education of labourers and minimal awareness of their rights and obligations are also negative factors. As a consequence, such workers are easily abused.

According to the information available to the Mol (collected on the basis of information of the Regional Support Centre for Integration of Foreigners and/or information acquired from non-governmental organisations (hereinafter referred to as "NGO") working among migrants)

¹ This development is also confirmed by statistical data concerning the number of foreign labourers in the Czech Republic. According to information provided by the Ministry of Labour and Social Affairs in total 143,947 labourers from the European Union /European Economic Area and Switzerland worked in the Czech Republic in September 2010. Whilst the total number of foreign labourers in the Czech Republic as well as the number of third-country workers is decreasing, the number of EU labourers displays an opposite trend – since January 2010 their number has increased by 7,723 persons. The most considerable growth is reported in the case of citizens from Romania (from 3,466 persons in January to 4,764 persons in September 2010) and Bulgaria (from 4,477 persons in January to 5,614 in September 2010).

EU citizens complain more and more that in the Czech Republic they have become victims of coarse violations of labour-law regulations (for example, they are not paid wages agreed in advance or agreed conditions are not respected, and, of course, working conditions are unsatisfactory). They are often accommodated in uncomfortable rooms, in some cases their freedom is restricted (for example their travel document is seized) and if they want to complain they are threatened.

The problems described above resulted in a particular incident which occurred in Pilsen on 5 November 2010. There was a conflict between a group of foreign labourers and their job brokers due to poor working and accommodation conditions and non-payment of wages. Four persons were taken into custody for physical assaults and charged with offences of extortion, restriction of personal freedom and an attempt to cause bodily injury. The Czech police investigated the whole case on the suspicion that a crime of THB had been committed.

In the context of the described case a large group of Romanian labourers (about 200 persons) came to the Czech police and applied for police protection. Subsequently, the group was, upon their own request, transported on 6 November 2010 back to Romania. The entire event was coordinated by the Mol and the Czech police.

Transport costs were covered for the whole group from the budget of the Mol in compliance with Czech Government Resolution No. 915 of 14 December 2010 on solving the situation of victims of labour exploitation who originate from EU Member States. The document responded to the pressing situation relating to labour migration of EU citizens (Romania). On the basis of provided findings (not only in relation to Romanian citizens but to EU citizens in general – mainly those from Bulgaria and Slovakia) it can be surmised that situations where there is the suspicion that labour-law regulations were breached and labourers were abused occur especially within short-term jobs and special purpose short work. Problems were recorded mainly because of disputes concerning rewards for work done. Nevertheless, divergence from prescribed rules was not always on the part of the employer. Some information indicates that due to the fact that some EU workers are not familiar with law provisions they request payment of their reward for the work done earlier than they can legally claim it and as a result there are disputes with employers, who are in turn accused of not respecting employment contracts. However, there are still cases where employers do not pay.

Although suspicion arose in relation to some cases (especially suspicion that a criminal offence of THB had been committed) in the vast majority of cases exploited persons do not report labour exploitation to relevant law enforcement bodies. It can be assumed, however, on the basis of some circumstantial evidence. Available information and findings provided by individual Czech police units demonstrate that labour exploitation represents a predominantly latent form of crime. Events reported to the Czech police do not indicate that labour exploitation and commitment of related criminal offences would be a massively organised phenomenon. Rather, they tend to be local, single incidents which have no connection to one another.

Labour exploitation took a number of forms and a cross-border element often appeared. An example was the recruitment of homeless people and other persons from socially excluded groups to work in England. Offenders, after agreement with the homeless person, acquired all documents necessary for them to travel abroad and transported them (most often by motor vehicles) to England where work and accommodation were secured for them. After labourers started to work, the offenders seized their wages and workers could not leave their job brokers. When they attempted to leave their “jobs” they were threatened and even physically assaulted. In cooperation with police officers from the United Kingdom it was detected that this has been the trend of recent years – social benefits and credit fraud abuse

has become typical in the United Kingdom. This type of crime was committed, according to the data of the Czech police, by Roma family gangs from the Czech Republic and Slovakia.

1.3 Trafficking in Children

1.3.1 Institutional Coverage and Latest Information

Attention has been systematically paid to the issue of trafficking in children within the topic of commercial sexual exploitation of children. Under the Stockholm Congress the term “commercial sexual exploitation of children” includes also child pornography and child prostitution. Since 2000 the National Plans for Combating Commercial Sexual Exploitation of Children were developed. The first National Plan was drawn up in 2000 (and approved by Government Resolution No. 698/2000). By drawing it up the Czech Republic primarily created an institutional and strategic framework for tackling the issue concerned and developed a coordinated action of state administration against this phenomenon. Thus the Czech Republic has also met its international obligations pertaining to the area in question and last but not least the attention of state administration and self-government, as well as the attention of professionals and laypersons, has been drawn to this phenomenon. The Mol has become the main responsible party for coordinating activities in the field of commercial sexual exploitation of children.

As it was necessary to take up the issue of violence against children comprehensively and to devote attention to all forms of violence against children and as there was the need to remove fragmentation of primarily preventive programmes, in 2008 the National Strategy for Prevention of Violence against Children in the Czech Republic between 2008 and 2018 was transferred to fall under the responsibility of the Minister for Human Rights and Minorities. The National Action Plan for Implementation of the National Strategy for Prevention of Violence against Children in the Czech Republic between 2008 and 2009 includes specific objectives on how to meet tasks encompassed in the aforementioned Strategy.

The Committee for the Rights of a Child, working under the competence of the Government Council for Human Rights paid great attention in 2010 to the issue of sexual exploitation of children. The Committee considers the situation where the latest statistical data concerning numbers and details of sexually exploited children is not available in the Czech Republic, to be unsatisfactory. Such data would be the basis for making proposals of preventative measures. The Committee for the Rights of a Child has long striven to ensure permanent monitoring of and statistics on the numbers of sexually exploited children. In the context of prevention of this dangerous phenomenon it is important to mention that this issue is closely interlinked with online security of children in social networks and websites.

Furthermore the Committee for the Rights of a Child is convinced that there is a need for changes in the whole of society in the context of implementation of sexual education of children within new education frameworks for basic schools as well as pre-school facilities (a chapter on security risks pertaining to the area concerned was prepared within the development of the methodology for sexual education). In 2010 the Ministry of Education, Sports and Youth of the Czech Republic (hereinafter referred to as the “MYES”) drew up a document concerning this issue designated for educational professionals. In November 2010 the Council of Europe officially launched the campaign “To Put a Stop to Sexual Violence against Children”. It is an initiative that should make the topic of sexual violence against children more visible and should seek ways to effectively combat this phenomenon. Currently, as a follow-up to this initiative of the Council of Europe, printed documents are being translated into Czech and will be published in 2011.

As was mentioned in the previous Status Report on Trafficking in Human Beings, available data shows that trafficking in children does not spread to such a wide extent as trafficking in persons older than 18 years. In recent years the Czech Republic has identified

some cases where there has been a suspicion that children – foreign nationals - could be forced to commit criminal activities bringing about financial profit (pickpocketing and so on) and could be engaged in begging. The following text contains further information closely relating to the issue discussed.

1.3.2 The Case of Begging Children

In the previous Status Report on Trafficking in Human Beings a case from the end of 2009 and the beginning of 2010 was mentioned. The problem was how to tackle the situation in Brno of Romanian children allegedly begging, or parents and children begging together. The situation was pointed out in the reportage which also mentioned that children were under narcotic or psychotropic substances.

1) With regard to residence rules, meaning under the then valid Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic and on the Amendment to Some Other Acts, as amended (hereinafter referred to as the “Act on the Residence of Foreign Nationals”) Romanians reside in the Czech Republic legally. From 1 January 2007 Romania has been a fully-fledged Member State of the EU which means that these citizens have the same status as all other EU citizens. An EU citizen is, pursuant to Section 18 of the said Act authorised to reside in the Czech Republic without any visa. If an EU citizen intends to reside in the Czech Republic temporarily for a period exceeding three months the police will issue, upon foreigner’s request, a temporary residence permit under Section 87a of the Act on the Residence of Foreign Nationals. However, there is no provision stipulating that EU citizens are obliged to apply for such a permit

2) As regards prevention, this situation had been tackled for a long time in cooperation with the Public Order Police Service of the Brno Czech Police Directorate and the municipal police. Afterwards the Alien Police Service was provided with information on problematic foreign nationals who had been, for repeated disturbance of public order, subject to administrative proceedings or administrative expulsion on several occasions. It is important to state that the Brno Municipal Council did not, at that time, have a valid municipal ordinance that would have prohibited begging in the city. If there was a child in the company of begging persons, the Department of Social and Legal Protection of Children was immediately informed. Investigation neither detected that begging persons would have been forced to beg by any third persons nor revealed that such persons would have tortured children.

The same findings were gathered by police officers working for the external service of the Brno Czech Police Directorate who, in cooperation with the Criminal Police and Investigation Service of the Czech police (hereinafter referred to as the “CPIS”), concentrated on persons begging with children and only two cases which generally corresponded with the situation described in the reportage were detected. Particularly two female foreign nationals (Romanians) were involved. In one case it was a mother with a minor son. In cooperation with the Alien Police Service and the Department of Social and Legal Protection of Children, both were required to undergo Drugwipe 5+ tests, however the results were negative. Then they were transported to hospital in order to determine through examination whether or not the child was suffering from hyperthermia or malnutrition or was otherwise ill, but the result was again negative. In the second case the social conditions of a child could not be reviewed and therefore the social worker decided on placing the child in the Emergency Centre in Brno.

The report of the Director of the Department for Family and Allowances of the Ministry of Labour and Social Affairs (hereinafter referred to as the “MLSA”) also mentions only two, cases, those described above. In the first case there were no indications that a child would have been under narcotic substances or had otherwise suffered. The case was taken over by the Municipal Council in Zidlochovice, the District of Brno-venkov, to take further necessary measures. In the second case a child – foreign national - was placed in the Brno Emergency

Centre for Children Requiring Immediate Assistance. The Brno City Council collaborated closely with both the Czech police and the municipal police in Brno. The MLSA continues to monitor cases of Romanian children and their families residing in Brno.

1.3.3 Facilities for Children – Foreign Nationals

Facilities for foreign nationals - children are understood to be a school facility for institutional and protective education (diagnostic institutions, children homes with school, youth detention centres, centres of educational care, basic and practical schools) under Section 2 (4) of Act No. 109/2002 Coll. on the Provision of Institutional Education or Protective Education at School Facilities and on Preventative Educational Care at School Facilities and on the Amendment to Some Other Acts, meaning those facilities providing care also for children who are not citizens of the Czech Republic. Under Section 14 (14) of Decree No. 438/2006 Coll. regulating the implementation of institutional and protective education in school facilities the facility for foreign national children in Prague has a republic-wide competence and is not subordinate to any other diagnostic institution. Sections 12 and 13 of the aforementioned Decree regulate conditions for placing and accommodating foreign national children in the facility in question. Care provided by this (Prague) facility corresponds to the care provided to Czech children in similar facilities, however with some special services, for example there is an option to use the services of interpreters and more lessons of Czech language instruction than in traditional schools. The principal objective of such facilities is integration of unaccompanied minor foreign nationals into the Czech society whilst maintaining, understanding and respecting their social, ethnic, cultural, historical and religious customs.

In the course of their activities the facilities for foreign national children encounter the issue of THB as these children are usually placed in such facilities when there is a suspicion that those children have been trafficked. Thus it is obvious that large attention is devoted to this issue. Professionals provide clients (children) with crisis interventions, psychotherapeutic service, and other supportive measures that are important for the stabilization of the psychological conditions of victims of trafficking and the moderation of traumas they may have experienced. The Prague facility for foreign national children cooperates with all relevant stakeholders, in particular with the Czech police, Departments of Social and Legal Protection of Children, courts, embassies of individual countries and other professionals.

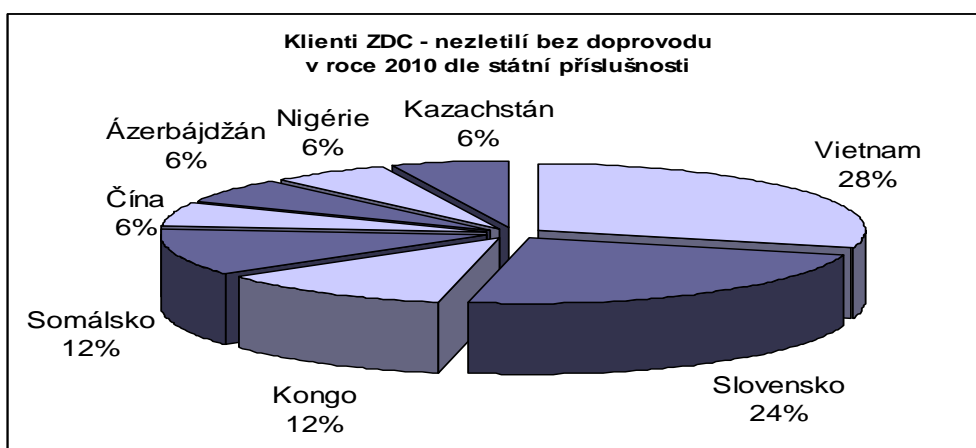
Facilities also enable other activities concerning the issue of trafficking in children or THB in general. The head of the Prague facility participates in regular coordination meetings relating to THB (for more information on coordination meetings see chapter 3.4) and delivers opinions on documents concerning the issue in question. He actively participates in conferences, seminars and training events that concern this topic. The facility for foreign national children cooperates with the International Organisation for Migration (hereinafter referred to as the "IOM") and in 2010 it took active part in IOM and MoI projects where one of the debated topics was THB. Transfer of information on different topics of interest to teachers of other facilities for protective and institutional education as well as school teachers and staff of school facilities is at least at the same level of importance.

In terms of grasping the phenomenon of trafficking in children clients of the facility for foreign national children represent a sample of minors who could have experience with trafficking and who can thus be best monitored within the competence of the MEYS. To this effect cooperation with experts and management of the facility for foreign national children appears to be necessary. It is important not only to monitor but also evaluate the situation of children who could have been trafficked and are now placed within the facility. In 2010 the facility reported in total five cases that were evaluated as "suspicion of THB". All reported cases involved Slovak nationals, two girls and three boys. The age range was between 13 and 17 years. In two cases clients were placed in the facility as a result of abuse of them for

larcenies, in one case street mugging was involved, in one case a client was sexually abused for purposes of gaining profit and certain advantages, and one client was abducted and taken to Germany for the purpose of being abused for prostitution (which, however, did not eventuate). In three cases mental impairment was diagnosed and of these, one client suffered from a mental disability combined with a physical disability.

Since 2004 an expert group has worked within the competence of the facility for foreign national children. The group consists of professionals from all ministries participating in work with unaccompanied minors. In 2010 the facility for foreign national children admitted in total 73 clients, of whom 17 clients can be described as unaccompanied minors – twelve boys and five girls. Fourteen clients were older than 15 years of age and three clients were younger than 15 years. Seven clients, unaccompanied minors, applied for asylum. The group of admitted clients comprised five clients from Vietnam, four from Slovakia, two were from Congo and two from Somalia, one came from China, Azerbaijan, Nigeria and Kazakhstan. The shortest stay of an unaccompanied minor in the facility for foreign national children was 12 days whilst the longest stay lasted for 121 days. An average length of stay in the diagnostic institution, i.e. the facility for foreign national children, is 59 days.

Fig. below: Clients of the facility for foreign national children - unaccompanied minors in 2010 according to their nationalities



In this context it is important to note a certain trend concerning unaccompanied minors. In the course of 2010 an ever-declining number of clients, who can be described as unaccompanied minors, was recorded. On the other hand, in the last two years the increase in the number of minor foreigners coming from problematic families can be seen. They are usually apprehended by the police in the Czech Republic. These children have their statutory representatives in the Czech Republic but they cannot, do not want to or do not know how to take due care of their children; for example they are in custody, are serving a sentence of imprisonment, are in hospital or a preliminary motion to place a minor foreign national to institutional care for educational purposes has been issued. This is quite a frequent phenomenon: a child is admitted to the facility for foreign national children as an unaccompanied minor but then during the stay he/she provides the address of his/her parents who are then sought out by authorities, or parents/statutory representatives contact the facility themselves.

1.3 Trafficking in Human Organs

In 2010 the National Action Plan for Organ Donation and Transplantation for 2010 – 2015 was discussed in the Government meeting No. 17 of 10 May 2010. Further Directive of the European Parliament and the Council 2010/53/EU on standards of quality and safety of

human organs intended for transplantation published on 7 July 2010 in the EU Official Journal was adopted. The both documents concern safety pertaining to the donation of organs, and the elimination of trafficking in human tissues and organs ranks among the priorities.

Currently the Ministry of Health of the Czech Republic (hereinafter referred to as the “MoH”) doe not have any information on illegal treatment of tissues and organs of human origin in the Czech Republic. It should also be mentioned that export and import of tissues and organs is strictly regulated. The MoH issues a licence and then cooperates with the Customs Administration of the Czech Republic. We do not have any information on illegal activities in this area either.

2 PUNISHMENT OF OFFENDERS

2.1 Criminal Statistics and Related Information

2.1.1 Data Provided by the Police of the Czech Republic

Crimes pertaining to this area can be characterised as a type of criminal offences committed by individual perpetrators organised within a group. It can be described as a long-lasting crime, with the division of activities among offenders, while activities are well planned and orientation towards profit prevails. THB, organisation of prostitution and procurement committed by members of an organised group are amongst typical forms of organised crime in the Czech Republic.

It may be said that since the new Criminal Code came into effect on 1 January 2010 and certain legislative changes were introduced the issue concerned has not seen any essential change as regards subsuming particular conduct under the crime of THB pursuant to Section 168 of the Criminal Code. The Criminal Code lists also other forms relating to THB, among others the removal of tissue, a cell or an organ from a human body, forced service in armed forces, or slavery and servitude. It also precisely lists all other forms, which, however, were not detected in 2010.

When presenting statistical data in this chapter we primarily build on the Statistical Crime Recording System of the Police of the Czech Republic (hereinafter referred to as the “SCRS”), which is run by the Police Presidium of the Czech Republic. Police statistical records enable the division of criminal activities not only according to the provisions encompassed in the special part of the Criminal Code but also according to the tactical and statistical classification which allows for examining or distinguishing different aspects of a given offence in compliance with needs of the Czech police.

With respect to combating the crime of THB within the Czech police it must be stressed that the Unit for Combating Organised Crime of the CPIS (hereinafter referred to as the “UCOC”) plays an irreplaceable role. It is a unit with a republic-wide competence and to a limited extent it is also a coordinating and guiding body having also some checking functions. Individual Regional Directorates of the Czech police also deal with combating the crime of THB while mutual competences and coordination is regulated by the Binding Instruction of the Police President No. 30/2009 of 21 April 2009, as amended.

Numbers of crimes of THB detected and solved by the Czech police (under Sec. 232a of the Criminal Code, previously under Sec. 246; from 1 Jan 2010 Sec. 168 of the Criminal Code)											
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Detected	13	27	15	10	13	16	16	11	29	10	24
Solved	13	25	10	9	12	11	13	11	11	3	13

Total number of solved crimes including crimes committed in previous years but solved in 2010	13	25	10	12	12	11	13	11	13	11	17
Investigated and prosecuted persons	21	26	12	19	30	18	11	20	22	32	35

In 2010 altogether 24 crimes of THB were detected (i.e. certain facts indicating that a crime had been committed were detected, criminal-legal classification was specified and acts within criminal proceedings were commenced) which is 14 cases more than in 2009. At the same time it has been the third highest number of detected crimes of this type, since 2000. In total, 13 cases were solved (i.e. the offender was detected), if those cases committed in previous years and solved in 2010 are included (this situation is also labelled as solved cases) then there were 17 criminal offences solved. Of these 17 solved crimes 12 were resolved by bodies which deal with general crime and five cases were solved by the UCOC. When the data from the last three years is taken into account a declining proportion of percentage of solved crimes of THB can be seen. This can also be related to trends of recent years when this type of crime has been committed in more sophisticated manners. In total 35 persons were investigated and prosecuted, of them 27 were male offenders and eight were female offenders. And it was undoubtedly confirmed that the percentage of women among prosecuted and investigated persons for the crime of THB is higher when compared with a proportion of women in relation to total crime. In 2010 the percentage share of women in the total number of investigated and prosecuted persons for the crime of THB reached 23 percent.

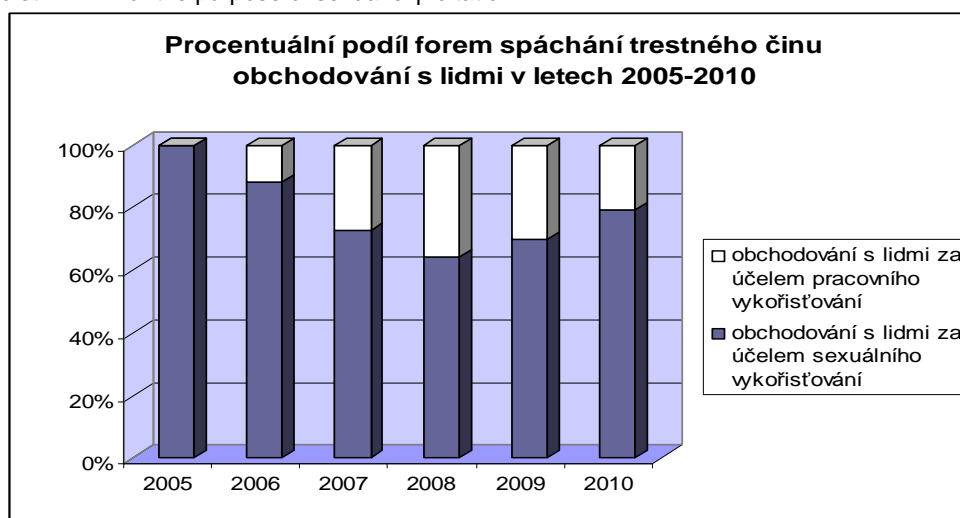
Types of crimes of THB in 2010 within all detected crimes of THB	
labour exploitation	5
sexual exploitation	19
of these the crime was committed:	
with the intention to use a person for prostitution	13
with links to an organised group operating in several countries	4

Of the total number of 24 offences of THB 19 cases were suspected to have been committed for the purpose of sexual exploitation (of which 13 crimes were committed with the intention to use another person for prostitution) and in five cases there was suspicion that crimes were committed for the purpose of labour exploitation. Of all detected offences of THB, criminal activities of offenders were classified as having been committed within an organised group operating in more countries. At the same time the number of offences detected that had been committed within a group (without any categorizing stipulation upon whether or not this group had operations in several countries) was ten (14 persons – ten foreign nationals and four citizens of the Czech Republic, and of these prosecuted persons, 11 were men and 3 were women).

Since 2005 statistical records concerning data of different forms of the crime of THB have been recorded separately and therefore it has been easier to follow the percentage distribution of sexual and labour exploitation (as the two most important forms of this crime) in the total number of detected criminal offences of THB. The diagram below clearly demonstrates that among the total number of committed crimes of THB, offences for the purpose of sexual exploitation prevail. Labour exploitation displayed its largest share in 2008 – approximately 36 % of the total number of committed crimes of THB.

Fig. below Percentage share of forms of committed THB crimes between 2005 and 2010

white = THB for the purpose of labour exploitation
 violet = THB for the purpose of sexual exploitation



In total 12 of the 35 prosecuted and investigated persons were repeat offenders and 14 offenders were not citizens of the Czech Republic. The percentage of foreign nationals in committing this type of crime has not considerably changed. Most frequently offenders were nationals of Slovakia and Ukraine who had lived in the Czech Republic for a longer period of time and had undertaken criminal activities along with Czech nationals. In some cases foreigners participate in this offences as well as related types of crime only as secondary perpetrators, which means that they provide offenders, citizens of the Czech Republic, in the place of their residence (for example Germany) or in the place where prostitution is performed with accommodation, or they let to offenders or allow them to let facilities (clubs) where prostitution is carried out.

Looking more closely at age composition of offenders we find 25 offenders who are older than 30 years, nine offenders between 18 and 30 years of age and one person was between 15 and 18 years of age.

The data on who initiated criminal proceedings seem to be interesting as well. Of the above-mentioned 24 crimes of THB, criminal proceedings were most often initiated by an operative body of the Czech police involved in investigations of general crime, followed by citizens and, of course, by operative bodies of the UCOC. One motion was recorded in the category "Others".

Unit for Combating Organised Crime

In July 2010 the crime included in the criminal file labelled "APO" was detected and investigated. Five offenders of organised criminal activities aimed at THB were detained. They are nationals of Slovakia who operated both in the Czech Republic and in Slovakia. They have allegedly committed such crimes since 2001 when they started to make use of the disadvantaged social situation of unemployed girls living in Slovakia in poor social conditions, almost at the level of poverty, and persuaded the girls to work as prostitutes, or they lured them under the pretext of finding for them employment (jobs as waitresses or dishwashers in restaurants). The recruited girls were transported to the Czech Republic, provided with accommodation in places where offenders had permanent residence, or in guest houses and bars in Ceske Velenice near the national border with Austria. After that they forced the girls under threats of physical violence or actual violence or any other threats to work as street prostitutes. All persons subsequently charged with the crime of THB took turns keeping the girls under watch continuously, monitoring them from a certain distance in the street or

repeatedly checking them on mobile phones. The money the girls earned as prostitutes was seized by offenders who used it for their own personal purposes. Three persons were prosecuted after having been remanded in pre-trial custody and if they are sentenced they will face a sentence of imprisonment from eight to fifteen years.

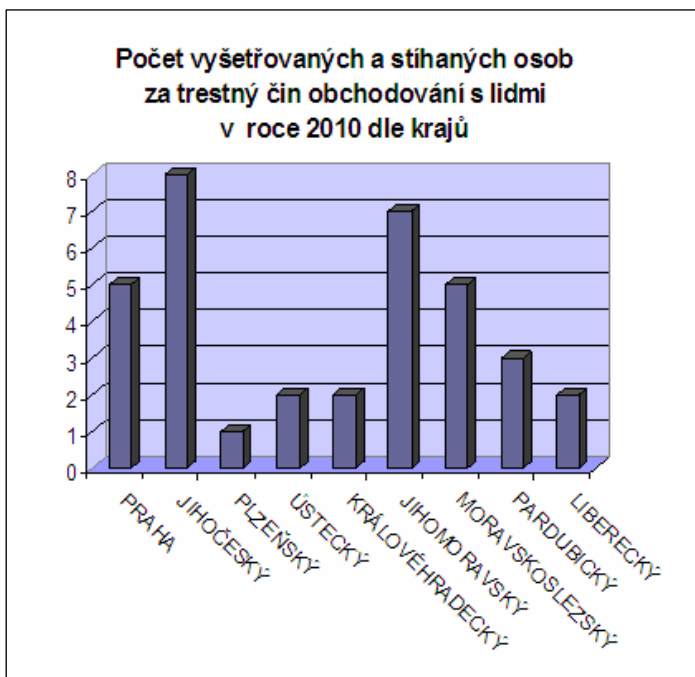
In 2010 the content of the file under the covering title “NIKO” was investigated as there was suspicion that the offence of THB for the purpose of sexual exploitation and procurement had been committed. Offenders (three men) forced persons of around 18 years old and one person younger than 18 years to work as prostitutes in clubs in the Karlovy Vary and Pardubice Regions. The victims were also exploited by targeted dependency on narcotic and psychotropic substances, one of the offenders being at the same time a dealer of such substances.

In February 2010 the police carried out an intervention under the name “RAB”. During this action, the prosecution of four persons for the crime of THB for the purpose of forced labour and other forms of exploitation pursuant to Sec. 168 (2) (e) and (3) (a) of the Criminal Code was initiated. The case involved “import” of Ukrainian citizens to the Czech Republic where, after their travel documents were seized, they were forced by threats of violence to work on construction sites and in services. During investigations more than eighty witnesses were questioned. Currently, investigations are closed and the motion for indictment is being prepared.

South Bohemian Region

The highest number of prosecuted and investigated persons was recorded in the past year in the South Bohemian Region. In three cases Czech nationals were involved, whilst a further five offenders were of Slovak origin.

Fig. below: Number of persons investigated and prosecuted for the crime of THB according to regions



Prague

Of the total number of prosecuted and investigated persons for the crime of THB in the previous year four were nationals of Ukraine.

Central Bohemian Region

The Central Bohemian Region is, both according to its area and the population, the largest region in the Czech Republic. With regard to THB mainly the near surroundings of Prague can be identified as risky, as satellite towns are being built in this area and expansion of foreign companies with their logistics centres can be seen here. Due to this business activity there is an increased demand for cheap labour force (hence foreign workers appear to be a frequent source) which can be an opportunity

for organised groups to commit crimes of THB for the purpose of labour exploitation.

Pilsen Region

In 2010 a case where there was a suspicion that the crime of THB for the purpose of labour exploitation and forced labour had been committed was recorded in the Pilsen Region. Victims, citizens of Romania, were allegedly lured by trickery to work in the Czech Republic (for more information see chapter 1.2 Trafficking in Human Beings for the Purpose of Labour Exploitation). Suspects were citizens of the Czech Republic, Ukrainian nationals as well as nationals of Slovakia and Romania. These Romanian nationals, the number of whom is as yet not precisely determined, had to work under conditions other than those originally negotiated, with the promised wages for work done not being paid to them at all. The Regional Public Prosecutor's Office threw out the already initiated criminal proceedings under Section 158/3 of the Code of Criminal Procedure citing them as being premature: the relevant police unit had not clarified all labour-law aspects. The case was then transferred to the UCOC, which is currently dealing with it.

In August 2010 pursuant to Sec. 160 (1) of Act No. 141/1961 Coll. the Code of Criminal Procedure, as amended (hereinafter referred to as the "Code of Criminal Procedure"), prosecution of a person continuing to commit the crime of THB under Sec. 168 (2a) and (3d) of the Criminal Code in the form of an attempt under Sec. 21 (1) of the Criminal Code was initiated. The alleged offender committed the aforementioned offence by attempting to force the female victim to get CZK 500 for him from a Vietnamese man who worked as a barman in a gambling club. The offender wanted her to work as a prostitute, saying that he needed money within five minutes and that after getting his money he would not disturb her again. When she did not bring the required money he called her to the corridor of the club where he slapped her in the face and then hit her with his fist in her face, after which she fell on the floor and lost consciousness for a short time. Further to this he repeatedly attempted to force her to obtain money for him by working as a prostitute and when she refused to do so he started to strike her, kicked her so that she fell and then kicked to her whilst she was lying on the floor. The indictment was filed with the relevant court.

South Moravian Region

In total seven persons were prosecuted and investigated in the South Moravian Region. Of them five offenders were of Ukrainian nationality and two persons were citizens of the Czech Republic. Of these seven offenders two were female offenders and five were men. The police are convinced that one of the risk factors affecting these sexually motivated crimes is early commencement of sexual life especially amongst girls living in socially excluded localities. A similar risk was pointed out by police officers in the Zlin Region.

Moravian-Silesian Region

The Moravian-Silesian Region does not represent a high-risk economic area inclining towards offences of THB for the purpose of labour exploitation. Rather, it is a source area (people residing in this region try to find jobs not only in the whole Czech Republic but also abroad). If cases of THB are registered there, they are mainly crimes of THB for the purpose of sexual exploitation.

In 2009 the Chief Commissioner initiated the prosecution of two men for an offence pursuant to Sec. 232a (1a) and (3d) of the "old" Criminal Code and also for offences pursuant to Sec. 204 (1) of the "old" Criminal Code, partially committed with accessories. These two men recruited and forced two women to work as prostitutes while they profited from the women's earnings. Furthermore, the accused men were notified about the modification of legal classification of Sec 204 (1) of the "old" Criminal Code in the case an offence under Sec 168 (1a) and (3d) of the Criminal Code is committed as a concurrent offence with an infraction of endangering morals of youth under Sec. 201 (1b) and (3a) of the Criminal Code. The both men were pronounced guilty by the judge of the Regional Court in

Ostrava and received unconditional sentences of imprisonment for the terms of six and eight years respectively.

Usti Region

In the Usti Region, according to the findings of the Czech police, communities from socially excluded localities are involved in committing crimes of THB for the purpose of sexual exploitation and procurement in borderland districts. It is very demanding to penetrate this criminal environment and to document and investigate criminal cases, as these communities tend to try to solve any problems internally. Presence of police officers is not welcomed, the police do not receive objective information and investigations are expediently frustrated. When detecting and investigating crimes of THB, in some cases the police are required within provision of evidence to document in full detail all constituent elements of a crime.

Liberec Region

In 2010 the police continued to investigate a case having links exceeding boundaries of the Liberec Region: an offender (Czech national), together with his then juvenile co-offender (also a Czech national) recruited the then juvenile girls during a timeframe which has not been precisely defined, but is known to be at least from November 2006 to April 2007) for the purpose of prostitution in a bar in Teplice (the exact bar has not yet been precisely determined). This was done under the false pretext of finding for them jobs as bar waitresses, although they were aware of the fact that the girls were younger than 18 years. At the same time he abused the oppressed situation of the both victimized girls. One had escaped from her family home; the second had escaped from a children home, meaning that they were without any family background and without any money. The offenders also plied the girls with narcotic and psychotropic substances.

Within international cooperation in combating this type of crime the police worked on rogatory letters (i.e. letters through which legal assistance is requested), operative examinations, necessary investigations, questioning of witnesses, house searches and implementation of the European Arrest Warrants. The Czech police most often cooperated with police bodies of Germany, the United Kingdom, Ukraine, and Romania. Activities of liaisons of these countries, who were sent to the respective embassies or consulates, were actively used. International police cooperation was broadened on an ongoing basis mainly for the detection of this type of crime committed in the EU Member States as well as in third-countries from which both offenders and victims originate. Liaisons of the Czech police sent to meet tasks in relevant Czech embassies and consulates were also frequently utilized.

As interesting information, tabulated below, is the data on related crimes, relevant specifically with regard to cases of THB for the purpose of sexual exploitation. In 2010 in total 33 offences of procurement were detected. It is the lowest number of occurrences of this type of crime for the last ten years. Hence, also in this area the downward trend in the number of detected criminal offences can be seen. Of the total number of 33 cases of procurement, 26 were solved and the clear-up rate corresponds to that of previous years. For this type of offence 28 persons were prosecuted and investigated in 2010. As in the case of the number of committed crimes, the number of offenders has also been the lowest for the last ten years.

Numbers of crimes of procuring detected and solved by the Czech police (under Sec. 189 of the Criminal Code, i.e. under Sec. 204 of the "old" Criminal Code)											
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Detected	130	150	116	101	83	123	85	46	52	37	33

Solved	129	146	101	96	83	119	79	39	43	28	26
Investigated and prosecuted persons	163	133	107	103	105	119	98	66	88	35	28

In the context of the issue of organisation of prostitution it is important to provide information on the number of detected criminal offences of *prostitution endangering the morals of children* under Sec. 190 of the Criminal Code. It is a provision protecting children against prostitution being performed near places where children gather (mainly schools and/or school facilities or similar premises). In 2010 the only crime classified as a crime committed pursuant to the above Section of the Criminal Code was detected.

2.1.2 Data Provided by the Supreme Public Prosecutor's Office

The Supreme Public Prosecutor's Office (hereinafter referred to as the „SPPO“) noted the highest rate of latency in relation to the crime of THB and also confirmed that it is difficult in the case of judgements to interpret the term “forced labour” and “other forms of exploitation”. The SPPO identifies as a substantial obstacle the non-existence of case law. According to the opinion of the SPPO there is experience concerning the area of THB for the purpose of sexual exploitation. Sources from the SPPO further state that in many cases courts are not willing to or they are afraid of judging this type of criminal activity. Moreover, the SPPO stresses the fact that there can be signals or findings on occurrences of this type of criminal activity, however, relevant means for solving them are lacking. In other words, effective punishment of crime pertaining to the area of THB does not depend only on collecting information on its actual existence in certain concrete cases but also on successful evidencing in compliance with law.

Numbers of persons charged with the crime of THB (under Sec. 232a of the “old” Criminal Code, previously Sec. 246; from 1 st January 2010 under Sec 168 of the Criminal Code)											
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Persons charged	31	33	14	24	0	0	14	20	17	26	26

In 2010, when compared with 2009, the number of prosecuted persons decreased by 7 percent while the number of persons charged with this type of crime displays the same number – i.e. in total 26 persons. In 2010 the most prosecuted as well as charged persons were reported from the North Bohemian, East Bohemian and South Bohemian Regions (all of them reported the same number - 7/7). These regions are followed by the South Moravian and North Moravian Region (both regions - 2/2) and the West Bohemian Region (1/1). As regards the structure of offenders according to their nationalities in 2010, Czech nationals unambiguously prevailed as in 2009. Of the total number of recorded offenders 18 were from the Czech Republic, one came from Ukraine and seven persons were Slovak nationals.

With respect to the offence of entrusting a child under the power of another person pursuant to Sec. 169 of the Criminal Code (previously child trafficking under Sec 216a of the “old” Criminal Code), no occurrence was reported in 2010.

Numbers of persons charged with the crime of procurement (under Sec. 204 of the „old“ Criminal Code, from 1st Jan 2010 Sec. 168)											
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010

Persons charged	152	151	111	181	118	205	136	72	119	89	33
------------------------	-----	-----	-----	-----	-----	-----	-----	----	-----	----	-----------

The data on prosecuted and charged persons demonstrate that the offence of procurement saw a downward trend already in 2009 both with regard to prosecuted persons and charged persons, whose number decreased by one quarter against the numbers of previous years. In 2010 this trend continued in terms of both prosecuted and charged persons, whose numbers fell by about two thirds – i.e. in total 33 persons were charged with the crime of procurement. When a longer period of time is compared it is obvious that this crime has displayed a downward trend (from 1995), with one exception when growth was observed in 2005.

When individual regions are taken into account, the most frequent occurrence of persons prosecuted and charged was in 2010 in the North Bohemian Region – seven persons were prosecuted and seven persons were charged, followed by the South Moravian Region – again seven persons prosecuted and the same number of charged persons, and the West Bohemian Region where there were six persons prosecuted and six persons charged, the East Bohemian Region and the North Moravian Region - five persons prosecuted and the same number of persons charged, the South Bohemian Region – three persons prosecuted and three were charged, and Prague where only one person was prosecuted.

In 2010 of the total number of 36 recorded offenders, 35 offenders were Czech nationals and one offender was a citizen of Vietnam.

As regards the crime of THB, currently (preliminary statistical data do not allow for an unambiguous conclusion to be reached) the form of sexual exploitation prevails. Other forms occur more or less as exceptions, even though reports on activities carried out by lower level public prosecutor's offices² indicate that these forms are beginning to occur more often, mainly the form of labour exploitation.

With respect to new legal provisions, adopted in the new Criminal Code, which came into effect on 1 January 2010, it is impossible to describe, due to understandable reasons, any practical experience. It is only possible to repeat the general information - comparisons of constituent elements of crimes of procurement and THB show that constituent elements of the crime of procurement (Sec. 189 of the Criminal Code) have been modified so that they “do not compete” with the crime of THB (Sec. 168 of the Criminal Code). It is difficult to estimate whether and to what extent expectations relating to the new legal regulations will be met. It can be proved only by application, i.e. as soon as this type of crime comes to punishment in line with to this new legislation.

Criminal cases consisting of transfer of illegal migrants from countries of the “third world” and Eastern European countries across the Czech Republic to destination countries of Western Europe are not a brand new phenomenon, however, they have recently displayed a sharp upward trend and are classified as crimes of organising and facilitating illegal border crossing pursuant to Sec. 340 of the Criminal Code.

With regard to the prognosis of further development it can be judged, on the basis of experience and development in this area in 2009 and 2010, that the structure of this crime will remain unchanged, probably showing growth in other forms of exploitation in addition to sexual exploitation. Without doubt, a high level of latency can be reported with regard to the criminal activities in question, which is multiplied by the problematic (vulnerable) position of victims who are not always willing (due to various reasons such as a language barrier, unknown environment, social links, fear of revenge against them and their family members)

² At the time when this Report was closed the data from lower level Public Prosecutor's Offices were not yet available (according to the agreed schedule such data must be submitted to the Supreme Public Prosecutor's Office no later than on 1 April each year.

to cooperate with law enforcement authorities, with this cooperation proving to be difficult mainly in the later phases of “formalised” criminal proceedings.

2.1.3 Data Provided by the Ministry of Justice

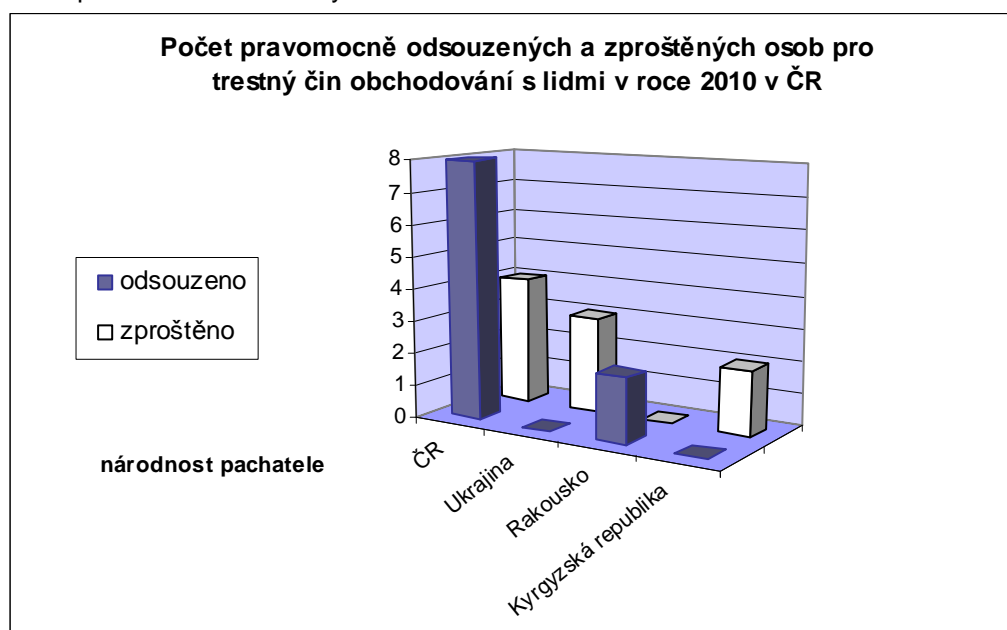
Data provided by the Ministry of Justice of the Czech Republic (hereinafter referred to as the “MJ”) enables in-depth understanding of the activities of courts in the past years. The below text again focuses mainly on the crime of THB under Sec. 168 of the Criminal Code.

Numbers of persons sentenced by a final and conclusive judgement and sanctions imposed for trafficking in human beings (under Sec. 168 and 232a, previously Sec. 246 of the “old” Criminal Code)											
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Sentenced persons	16	15	20	5	12	20	2	4	3	1	10
Unconditional sentence	6	7	5	1	3	8	0	3	3	0	9
Conditional sentence	10	8	15	4	9	12	2	1	0	1	1

In 2010 altogether ten persons were sentenced by a final and conclusive judgement under the provisions of Sec. 168 of the Criminal Code. It is the highest number of persons sentenced by a final and conclusive judgement within the last five years. Nine persons received an unconditional sentence of imprisonment and only one person received a conditional sentence of imprisonment. When the number of unconditional sentences is taken into account, this is the highest number since 2000. The number of persons who received unconditional sentence of imprisonment equates to the numbers from previous years.

Fig. below The number of persons sentenced by final and conclusive judgment and persons who received an acquittal for the crime of THB in 2010 in the Czech Republic
odsouzeno = sentenced
zproštěno = acquitted

národnost pachatele = nationality of the offender



In 2010 in total 19 persons who were citizens of the Czech Republic, Ukraine, Kyrgyzstan, and Austria were sentenced by final and conclusive judgments. Two citizens of

Austria and eight citizens of the Czech Republic were sentenced whilst four citizens of the Czech Republic, three Ukrainian nationals and two citizens of Kyrgyzstan were acquitted.

An unconditional sentence of imprisonment to be served in prison with surveillance for 90 months, including a financial sanction and expulsion was the strictest criminal sanction in the past year. This sentence was applicable for THB for the purpose of sexual exploitation. Of the above-mentioned ten sentences three more unconditional sentences of imprisonment for the crime of child trafficking for the purpose of sexual exploitation were imposed. The mildest criminal sanction was a conditional sentence of imprisonment with a probationary period of 48 months for an offence of THB for the purpose of sexual exploitation.

The aforementioned data demonstrates that a case of THB for the purpose of removal of tissue, a cell or an organ from the body of a trafficked person did not go before the court. For information only we are including the data on closely related crimes although they are not offences of THB. In the past year nobody was sentenced for a crime under Sec. 209a of the “old” Criminal Code - illegal treatment of cells, tissues and organs and no judgement was passed relating to the crime of illegal treatment of tissues and organs under Sec. 165 of the Criminal Code or a crime of removal of tissue and/or organs for the purpose of transplantation for pecuniary consideration under Sec. 166 of the Criminal Code.

Due to important links between combating the crime of THB for the purpose of sexual exploitation and punishment of organised prostitution, the table below encompasses the data on the crime of procurement.

Numbers of persons sentenced by a final and conclusive judgement and sanctions imposed for procurement (under Sec. 204 of the “old” Criminal Code, Sec.189 of the Criminal Code)					
Year	2006	2007	2008	2009	2010
Number of sentenced persons	68	74	60	82	64
Unconditional sentence	12	20	14	19	21
Conditional Sentence	49	48	44	60	39

In 2010 in total 64 persons were sentenced by final and conclusive judgment for the crime of procurement, which is the second lowest number of persons who have received a final and conclusive judgment for the crime pursuant to Sec. 204 in the last five years. Of the total number of 64 sentenced persons 21 persons received an unconditional sentence, which is the highest number since 2006. A sentence of up to one year of imprisonment was imposed upon four persons. A further 13 unconditional sentences between one and five years and four sentences of between five and fifteen years were imposed. A trend of decrease in the number of conditional sentences has been seen for the last five years. At the same time the number of unconditional sentenced has increased which was also confirmed in 2010. 39 persons received conditional sentences of imprisonment, which is the lowest number over the last five years. In three cases the sentences was waived.³

The new Criminal Code has brought about some brand new provisions, among them the introduction of the crime of prostitution endangering morals of children. In 2010 only one sentence imposed for this kind of offence was identified. The person concerned received a conditional sentence of imprisonment.

³ An offender may be discharged (from punishment) if he/she committed an infraction and sincerely regrets it and manifests effective repentance and attempts to correct the wrongdoing, and if due to the nature and severity of the committed infraction and the life of the offender up to date it may be duly expected that the mere participation in criminal proceedings and a court trial will be sufficient corrective action for the offender as well as for the protection of the society (see Sec. 46 of the Code of Criminal Procedure).

2.2 Czech Offenders Abroad

There is no system in the EU that would effect collection of data concerning nationality of an offender. If within criminal proceedings law enforcement authorities do not request information or action through a rogatory letter or if the case is not widely publicised it is not possible to obtain precise information about Czech citizens committing criminal activities in EU Member States. Available data is only of an informative nature and does not provide a comprehensive picture.

In Autumn 2010 the Irish police assisted the British police in investigating the case of two women of Czech origin, 19 and 37 years old, who were trafficked for the purpose of sexual exploitation from Prague via Dublin to the United Kingdom. In Autumn 2010 the trial of offenders was held – three Czech nationals, 31, 37 and 38 years old, received a sentence of imprisonment for a term of several years.

One victim trafficked to the Czech Republic was from Germany. The victim was a woman, 36 years old, who was trafficked for the purpose of forced prostitution to the Czech Republic. Czech citizens were involved in this criminal activity. According to information from the Czech General Consulate in Dresden, the victim was provided with support by employees of the General Consulate and by the European Advisory Centre for Prosecuted Persons and Victims of Crime, the seats of these being in Heidenau and Dresden.

Spanish law enforcement bodies detained one Czech citizen in connection with THB for the purpose of sexual exploitation. No further information was provided. Three cases concerning procurement were recorded and investigated in 2010 but there was no case of THB for the purpose of labour exploitation. The main suspect was a Czech citizen who received a sentence of one month's imprisonment. His victim was a woman, a Czech national. This information was provided to the Swedish Ministry of Justice by the national rapporteur for combating THB.

Information provided by the Czech embassy in Ukraine does not mention any offenders of THB who would be of Czech origin and would be judged in Ukraine. Nevertheless, the 2010 data on the number of victims of THB who indicated as their destination the Czech Republic – 35 persons (eight were sexually exploited, 27 were victims of labour exploitation) should not be overlooked. In relation to these victims, prosecution was commenced against eight offenders (as mentioned above), however the relevant report does not state their nationalities. In 2010 Ukrainian law enforcement authorities detected 337 cases of the crime in question; 39 persons were sentenced

Slovakia, the United Arab Emirates, Syria, Montenegro, Greece, the Netherlands, Denmark, Mongolia and other countries do not possess any information about citizens of the Czech Republic who would commit crimes of THB. Other countries have not provided such information or such information was unknown until the close of the Report. Romania and Bulgaria should be considered to be special cases as their national law enforcement authorities note the fact that citizens of Romania and Bulgaria are exploited when they accept employment in the Czech Republic. However, all cases indicating this fact are in the investigation phase, or they have not been classified as THB.

2.3 Financial Investigations

If an international context is considered, the concept of searching for and confiscating criminal proceeds is more and more put across the work of police. It is an equally important part of the fight against crime as the identification and punishment of the offenders who gained such proceeds through criminal activities. It does not matter whether the confiscated proceeds are used to remedy duly justified interests of the injured or whether the confiscated proceeds will become revenue of the state. If a large segment of violent crime is not taken into account then, if we simplify the issue, it can be said that the most serious types of crimes (including, without any exception, organised crime,) are committed merely for the purpose of

gaining profits. Foreign research shows that offenders consider the confiscation of their proceeds as very serious deterrent means and often its impact on them is more dissuasive than a sentence of imprisonment. The Czech Republic has not yet carried out such research but numerous reports from other EU Member States demonstrate that it is very important to put a large emphasis in criminal files on searching for and seizing proceeds from criminal activities. In addition to a dissuasive (preventative) impact on the offender, the recovery of lost property or capital and its return to the injured is very beneficial.

According to the information provided by the Office of Criminal Police and Investigation Service of the Czech police (hereinafter referred to as the "OCPIŠ") overall low effectiveness of seizure of proceeds from criminal activities relates to low provision of information on this issue to law enforcement authorities and there is no single training programme – this can be applied to all crime not only to the area of THB.

It is difficult to find proceeds arising from criminal activities since the majority of offenders operate through cash transactions and do not use bank wire transfers and/or other banking services. They do not legalise illegally obtained funds through business activities or by means of classical money-laundering, but instead use such money to increase their own living standard. Larger than usual amounts 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 the phase when proceeds from crime are being searched for the fundamental factor seems to be promptness and early collection of information on such proceeds. An option to create registers of owners of properties, in particular establishment of a central register of accounts, would accelerate the search for and detection of proceeds from criminal activities. (This system has been introduced in some other countries, for example Germany, France, or the USA). It is the UCOC which is most experienced in seizure of proceeds from crime of THB (also with regard to the number of investigated cases). In 2010 this unit confiscated assets amounting to CZK 10,890,872 (of which THB – CZK 8,519,027 and procurement - CZK 2,71,845). The Unit for Combating Corruption and Financial Crime of the Czech police (hereinafter referred to as the "UCCFC") investigates the relevant crimes and at the same time serves as a body providing guidance concerning the given issue. When investigating proceeds originating from criminal offences police officers are obliged to proceed in compliance with the Instruction on Financial Investigations within Criminal Proceedings as issued by the Police President Deputy.

The only competent body for final confiscation of proceeds from criminal activities is a court. The court cannot accept only a certain degree of probability that a particular object (assets) can originate from criminal activities, this fact must be unambiguously proved. One of the reasons for not imposing a sanction of forfeit of an object is the fact that ownership of such an object has not been clearly proven.

2.4 Inspection and Other Actions Carried out by Public Administration Authorities

2. 4.1 Inspection and Further Activities Carried out by the Ministry of Labour and Social Affairs

Performance of inspections and advisory services focused on labour law and on how it is adhered to is currently divided between territorial labour inspectorates subordinate to the State Labour Inspection Office (hereinafter referred to as 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 National..

2.4.1.1 Inspections of the SLIO and Regional Labour Inspectorates

In compliance with Act No. 251/2005 Coll. on Labour Inspection, as amended, the SLIO carries out inspections focused on how legal provisions pertaining to the area of occupational health and safety and rights and obligations arising from labour law are respected. Bodies of labour inspection receive about 5,000 complaints every year, on the basis of which they initiate inspections. Citizens signal breaches of labour-law regulations by employers.

In 2010 the SLIO received 185 complaints filed by foreign nationals requesting the initiation of inspections focused on respecting labour law regulations by employers who employ foreigners in the Czech Republic - see the table below.

When the numbers of 2010 are compared with those of 2009, the total number of complaints filed by foreign nationals saw growth. As in previous years, the most complaints were lodged, by citizens of Slovakia and Ukrainian nationals; on the other hand the number of complaints filed by Polish nationals decreased. However, it must be stressed that complainants do not always include their nationality, as it is optional information. If a complaint is filed anonymously the nationality cannot be ascertained at all.

Complaints highlighted mainly violations of regulations concerning remuneration of employees (non-payment of wages, non-payment of compensations for working during weekends or on national holidays, documents of employment not issued, non-payment of guaranteed wages and so forth) and establishment, changes in and termination of employment and contracts on work performed without regular job contracts (deficiencies in job contracts, non-issuance of confirmation upon employment, employment without any job contract or any other permitted agreement, an assignment to an employer made by a job agency without written instruction to do so and so forth). Complaints also pointed out, although not as often, discriminatory treatment in the case of working and compensation conditions and deficiencies in the area of occupational health and safety.

Regional Labour Inspectorates dealt with all complaints filed. Results of inspections carried out in 2010 show on the basis of 84 complaints that 38 (45 %) complaints were justified or partially justified, whilst 46 (65 %) complaints were unproven or unfounded. A further 44 complaints are being reviewed, eight complaints were included in the work plan for 2011, 26 complaints are incomplete or cannot be dealt with for any other reasons, 17 complaints were transferred to other authorities and six complaints were closed by the submission of an explanatory letter.

Sequence	Nationality	Number of complaints
1.	Slovak	116
2.	Ukrainian	28
3.	Other complainant not identified	13
4.	Polish	11
5.	Bulgarian	5
	Romanian	5
	Russian	5
6.	Belarus	1
	German	1

Total		185
--------------	--	------------

Inspections concerning foreign nationals are often carried out in job agencies functioning as employers. Job agencies employ high numbers of foreigners. In 2010 inspections of job agencies focused on equal treatment, establishment, changes in and termination of employment, agreements on performance of work which are not typical job contracts, working hours, hours for resting/relaxing, overtime work, extra charges for work at night, salary or time off in lieu for work on national holiday days, respecting conditions when an employee is assigned to work for a client of the agency and protection of personal rights of an employee under Sec. 316 (2) to (4) of Act No. 262/2006 Coll., the Labour Code, as amended (hereinafter referred to as the "Labour Code"). The area of occupational health and safety was inspected separately within the plan of inspections to be carried out by the Work Safety Department of the SLIO.

In 2010 bodies of labour inspectorates carried out in total 95 inspections in job agencies and at the same time they checked 47 users where agency employees worked. Inspections were aimed at all agency employees, irrespective of whether they were foreigners or Czech nationals. Of the total number of inspections carried out at job agencies, in 62 cases breaches of legal regulations were detected which is roughly the same number as in 2009. However, the slightly lower number of detected violations is considered to be positive. Fifteen job agencies were imposed fines totalling CZK 687,500.

Of the total number of detected violations of regulations most of them were found in the area of establishment, changes and termination of employment or agreements on work performed without regular job contracts (39 %) as employers did not issue confirmation on employment or did not include the data prescribed by law after termination of employment, they did not duly inform their employees on their duties and responsibilities (the content of work), sent their employees on a business trip without an appropriate agreement between the employer and the employee, and so on.

Furthermore, a lot of violations were detected in the area of employment arranged by job agencies concerning Sec. 308 and Sec. 309 of the Labour Code (29 %) where job agencies assigned their employees to perform work for the user (employer) without any written instruction (agreement) or such an instruction did not encompass prescribed prerequisites or an agreement between the job agency and the user was not concluded or, at least, did not contain the data listed in the relevant legal provision.

Remuneration was the third area where violations of law occurred (17 %). Job agencies did not issue to their employees a written document listing individual components of their wages, they did not provide extra wages for work at night, on Saturday or Sunday, paid after due pay days, or agencies did not issue an itemized pay statement to their employees on the day when they joined the employment.

As results from inspections, proven cases of discriminatory treatment of agencies' employees in comparison with regular employees of users were detected less than in previous years. However, it is sometimes difficult to find a comparable employee when a job description is very general (for example an assembler, unskilled labourer). It is also problematic to assess whether agency employees can claim the same benefits as regular employees of the user. On the basis of interpretation of MLSA's officials and other experts dealing with labour law the opinions concerning such claims seem to be quite unified and spread among job agencies thus complaints regarding this area are not so frequent. Breaches of personal rights of agency employees have not been ascertained and moreover, neither the cases of THB nor the facts to support such assumptions were ascertained.

In compliance with the Act on Labour Inspection the SLIO provided the MLSA with information on cases of violations of obligation stipulated for job agencies in Sections 308 and 309 of the Labour Code and on imposed fines. The MLSA can subsequently withdraw an agency permit for intermediation of employment

Upon request of EU Member States the SLIO provided in 2010 information on workers sent from the Czech Republic to work abroad. On the basis of such requests regional labour inspectorates performed six inspections, of which two were for France, two

for Romania, one for Bulgaria and one for Belgium. The Czech Republic filed in 2010 one request of this type in Austria. Cases of citizens of Romania and Bulgaria appear to be the most problematic. The last year's Report described a case of Romanian nationals employed in forests of the Czech Republic, and related problems. During the year reviewed, labour inspectorates examined a similar case, however, due to insufficient specific data on the place where the work was performed and without knowing the names of employers it was impossible to prove particular infringements of labour-law regulations or to submit the whole case to law enforcement authorities. It is difficult to contact citizens of the two mentioned countries in order to obtain more detailed information, probably because they are afraid of sanctions from the side of their employers or job brokers.

In the course of 2010 normative Instruction No. 4/2010 of the MLSA was implemented. It was designed to establish closer cooperation between labour inspectorates and labour offices. The Instruction has been followed, since September 2010, by coordinated inspections of labour offices, regional labour inspectorates and, if applicable, also the Czech Social Security Administration, trade-licensing authorities, the Czech police, the alien police and other relevant bodies. They carry out comprehensive inspections and checks, the principal aim of which is to combat illegal employment, enforcement of labour-law, regulations on employment and regulations concerning social security and so on.

It may be stated that labour inspectorates and their respective units pay great attention to issue of foreign national employees and regularly focus their inspections on employers of foreigners. All complaints that could be a source of the data leading to a particular employer are examined and in the case that a legal regulation has been breached, measures to improve the situation are adopted.

2.5.1.2 Inspections Carried out by Labour Offices

Since mid of 2005, labour offices have been checking, *inter alia*, the manner and extent to which Act No. 435/2004 Coll., on Employment, as amended (hereinafter referred to as the "Act on Employment") and Act No. 118/2000 Coll. on the Protection of Employees in the Case of Their Employer's Insolvency and on the Amendment to Some Other Acts, as amended are adhered to. Inspections of labour offices concentrate predominantly on: the illegalization of discrimination, equal opportunities, intermediation of employment, legal employment, obligations to employ a certain percentage of disabled persons and some other rules. When performing inspections labour offices must observe schedules of inspections/checks in addition to this they may also carry out random checks. Labour offices are empowered to impose fines if they reveal violations of legal regulations up to the amount of CZK 5,000,000 CZK.

Minor offences and administrative infractions concerning employment of foreign nationals are listed in Section 139 and 140 of the Act on Employment. In 2010 inspection units of labour offices carried out in total 13,865 inspections. Of this total number, labour offices conducted 2,333 checks of employers who employed also foreign labourers (which accounts for 16.83 % of the total number of inspections; this means that labour offices performed by 435 checks more than in 2009). On the basis of checks carried out by customs offices in 2010 labour offices initiated in the same year a total of 530 administrative proceedings.

In 2010 labour offices checked in total 14,186 foreign labourers, of them 4,961 female labourers. As it was detected, 1,797 persons who are obliged to possess work permits and residence permits were working illegally⁴ and employers had not met their reporting obligation towards labour offices in the case of 4,435 foreign nationals who are not obliged to hold work permits (this means that employers did not inform labour offices of employment of

⁴ Irregularities were found concerning: 484 employers which accounts for 20.75 % of the total number of employers having been checked.

foreigners who do not require a work permit). The both categories displayed a decline, since in 2009 there were 3,170 persons who were employed illegally and employers did not meet their reporting obligation towards labour offices in the case of 4,916 persons.

In the year reviewed labour offices also checked how Sec. 88 of Act on Employment is observed. This section obliges employers to inform in writing the relevant labour office if a foreign national who had been issued a work permit or the Green Card did not join the relevant company or he/she terminated the employment before expiration of the work permit. This obligation was breached in the case of 1,215 foreigners (in 533 cases employers did not inform that a foreigner had not started to work for them and in the case of 682 foreigners employers did not inform labour offices on early termination of employment).

In 2010 labour offices imposed 169 fines on foreign employees totalling CZK 426 500 and on employers 1,071 fines worth CZK 44,556,600. As regards fines imposed on employers their number increased by 92 (in 2009 in total 979 fines were levied totalling to CZK 46,700,200).

According to nationality, the most numerous group of illegally employed foreigners, as well as foreigners whose employment and/or termination of employment was not reported to labour offices, consists of citizens of Slovakia with 2,241 persons who were not reported to labour offices. However, this number means a decrease by 757 persons compared with 2009. Slovaks are followed by Ukrainians with a total number of 1,516 illegally employed persons and persons not reported to labour offices. The published numbers show that the situation remained unchanged; the number is almost the same as in previous years. However, the fact that these two nationalities have the highest numbers of labourers in the Czech Republic must be considered. Another numerous group – 556 persons - of illegally employed foreign labourers or foreigners whose employment and/or termination of employment was not reported to labour offices is represented by nationals of Vietnam.

In 2010 most foreign labourers worked illegally under Sec. 5 (e) (2) of the Act on Employment in construction industry (753 persons) followed by areas such as administrative and supportive activities (385 persons), processing industry (278 persons) and in the categories such as wholesale, retail sale, activities including repairs and maintenance of motor vehicles (159 persons).

Sec. 89 of the Act on Employment lays down that “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”.⁵ During control actions carried out during the year reviewed in total 217 persons were detected who did not respect the obligation concerned (in 2009 the number was substantially higher – 379 persons). Co-ops most often violated legal provisions (153 persons).

When the data of 2010 is compared with the data collected in previous years very high numbers and in particular a tendency of growth in the number of foreign labourers who were not reported to the relevant labour office can be seen: in 2006 – 55.10 %, in 2007 – 56.55 %, in 2008 – 64,05 %, in 2009 – 60.80 % and in 2010 – 71.16 %).

In 2010 Inspectorates of the Alien Police were mostly involved in the number of filed impulses for control actions to initiate inspections in the area of employment of foreign nationals and officers of Inspectorates of the Alien Police were also present during the checks. Inspectorates of the Alien Police initiated in total 308 checks and together with labour offices participated in 541 inspection actions. During the same period custom administration offices initiated 243 checks and participated in 320 inspections. The above stated numbers show that in the total number of 2,333 inspections carried out, Inspectorates of the Alien Police participated by their initiations in 13.20 % and their representatives took

⁵ A foreign national who is a member of any co-op in the Czech Republic 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 regular employment. For the purpose of monitoring in the labour market also these people are required to be in possession of a work permit.

part in 23.9 % of inspections; customs administration offices initiated 10.42 % checks and participated in 13.72 % inspections. Other state authorities are also involved in inspections, however their percentage is smaller. When the year 2010 is compared with 2009 there was growth in the number of officials of regional labour inspectorates (participated in 127 checks) and units of the Czech Social Security System (participated in 68 checks) being involved in checks and inspections.

Special attention was paid to checks of job agencies. In 2010 in total 508 checks were carried out and 264 fines were imposed upon job agencies (111 more than in 2009) amounting to CZK 12 897 500 while in 2009 labour offices conducted 674 checks of job agencies and imposed 153 fines totalling CZK 22,330,000.

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

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 2010 there were three regular meetings of this Group (23rd, 24th and 25th meeting) and one informal meeting of the working group of this body.

In particular the following topics were discussed: proposed and already implemented legislative amendments, increased provision of information to foreign nationals, undertaking of foreigners by means of trade licences as one of the most frequent forms of foreigners' activities which are used for illegal employment of others, and effectiveness of Green Cards as another tool for legal migration (in the context of prevention of illegal employment). The Working Group discussed legislative proposals submitted by NGOs.

Amendments to the Act on Employment were embedded mainly in two new laws. The first is Act No. 347/2010 Coll. amending some acts in the context of money-saving measures within the competence of the MLSA. The second is Act No. 427/2010 Coll. amending the Act on the Residence of Foreign Nationals, Act No. 325/1999 Coll. on Asylum and on the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended (the Act on Asylum), as amended and on Amendment to Some Other Related Acts. Some provisions could help detect and prevent potential THB, for example extension of the control powers of customs offices (they are involved in checks focusing on whether employers comply with the requirement to inform labour offices on employment of foreign nationals) or making conditions for operations of job agencies stricter (for more information see chapter 4.3 Prevention through Enhancing Legislation).

Introduction of a written form of an agreement on performing work, which is encompassed in the amendment of the Labour Code effective as of 1 January 2011, should help to increase effectiveness in the area of labour-law relations. All forms of agreements constituting labour-law relation will have to be in writing.

2.5.1.4 Further Information⁶

In 2010 the MLSA was allocated an amount of CZK 5,700,000 to cover 22 projects in the framework of grants provided for integration of foreign nationals. They are projects aimed at activities to make it easier for foreigners having a long-term or permanent residence permits to enter and compete in the labour market, to improve provision of information to

⁶ One of tools for prevention of illegal procedure in case of foreigners residing in the Czech Republic is represented by adequate sources of information available for all stakeholders. In order to share information and experience in the field of integration of foreign nationals the website at www.cizinci.cz administered by the MLSA and the Mi was established. There is information on options of financing projects pertaining to the area of integration of foreign nationals, There are electronic information publications and so on. In 2010 information concerning conditions for employment of foreign nationals on the website of the MLSA was updated (www.mpsv.cz, www.portal.mpsv.cz).

foreign nationals, to enhance social inclusion of vulnerable groups of immigrants, in particular women and children, and to support development of relation between foreigners and members of the majority society.

Experience demonstrates that owing to language barriers, socio-cultural differences and low education the most risky sector in terms of manipulation and abuse by different entities appears to be groups of employees and self-employed persons from Asia. They are mainly female masseurs from Thailand but also Vietnamese and Mongolian persons working in other jobs. However, the same problems apply to labourers from Romania and Bulgaria. Results of checks made by relevant bodies show that conduct of such persons is usually in compliance with Czech labour-law regulations. However, there is a question as to whether foreign nationals possess sufficient information and whether some of them may, for example, sign documents or give powers of attorney to other persons without properly judging possible consequences of such acts. If there are some infringements a problem can be insufficient cooperation between employees and the relevant inspection body.

In 2010 representatives of the MLSA participated in activities of the Analysis Centre for the Protection of the Czech Republic's National Border and Migration. Apart from other events they took part in several monitoring actions carried out within cooperation aimed at monitoring the security situation in the Czech Republic in the context of dismissals of foreign employees as a consequence of the economic crisis. Cooperation with the MoI often went beyond the Analysis Centre, extending for example to cooperation in drafting of legislative proposals.

2.5.1.5 Outlook to 2011

As a consequence of legislative amendments, conditions for establishment and operations of job agencies will be further tightened. The number of third-country nationals in possession of valid employment permits "lent" by a job agency to the user should probably continue to decrease notwithstanding legislative amendments. Toward the end of 2008 there were almost 20,000 active permits while as of 31 December 2009 there were 3,574 permits and as of 31 December 2010 only 2,021 employment permits were registered. The decline in the number of foreigners - co-op members, seen in the course of 2010, can be also expected, however due to the drop in the total number of foreign labourers from third countries co-op members will represent roughly one third of these persons. However, as Act No. 513/1991 Coll., the Commercial Code, as amended, will at least for part of the year 2011 encompass the provision on "labour relationship of the co-op member to the co-operative" which does not enable sufficient control of whether labour-law provisions relating to co-op members are respected, it can be expected that co-op members will continue to form the most problematic group among foreign labourers. Relations between co-op members are covered by private law, and thus it cannot be excluded that in a number of cases the legal proportion of the profits of the co-op or other rewards for work are not or will not be paid to foreign nationals and phenomena suggesting exploitation and forced labour which are not punishable within public law will continue to occur.

With regard to the initial growth of labourers from Romanian and Bulgaria in 2010 by about one third or one fourth respectively the increase in the number of such foreign nationals will be probably grow also in 2011. As a result there can be also growth in risky situations, which has already occurred in 2010, in relation to their residence in the Czech Republic.

As the MLSA's press release published on 10 January 2011 indicates, enhancement of effective inspection activities ranks among the priorities of 2011. For example inspections are planned for performance only by one state authority, namely the State Labour Inspection Office, the definition of illegal work will be changed and a refutable legal presumption concerning liability of an employer for enabling a person to work illegally in his/her firm will be implemented. Inspections will be further made more effective and rights of foreign workers will be enhanced after Directive 2009/52/EC providing for minimum standards on sanctions

and measures against employers of illegally residing third-country nationals is transposed to Czech law.

Since bodies of labour inspectorates have not yet been satisfied with the situation as to how legal regulation are observed by job agencies, checks of job agencies in 2011 will continue. The SLIO is aware of persisting problems pertaining to the area of employment of foreign nationals and therefore regional labour inspectorates will select for their further checks mainly job agencies employing foreign nationals or job agencies employing foreign workers seconded to perform work within the framework of trans-national provision of service in the Czech Republic (Sec. 319 of the Labour Code). Moreover, inspectors will concentrate on conclusion of agreements on work to be performed without regular employment or on activities of co-ops.

3 SUPPORT AND PROTECTION OF VICTIMS

3.1 Victims in Criminal Proceedings

3.1.1 Victims in Statistical Records

The vast majority of information on victims of crime is collected in the Statistical Crime Recording System. The word “victim” in this context does not mean the injured as stipulated by criminal law but refers to a category created for the purpose of police statistical records. Victims of crimes are recorded only within violent crimes, vice crime and several other types of crime against property (for example pick-pocketing). However, it is impossible to collect the same information on all victims. Within the item entitled “the object of assault” included on the form for a criminal offence the following categories are listed: female, male, a group of persons (for example if it is a large scale case), subject of general crime, subject of economic crime, private interest and public interest. Only one of the above-mentioned categories can be ticked. As regards victims who are persons in groups it is impossible to find similarly extensive or comprehensive information when these cases are compared with individuals, i.e. when a victim is marked as a male or female.

In 2010 in total 76 victims were recorded in the SCRS which is 34 persons less than in the previous year. Ten female victims were identified, of whom one girl was younger than 15 years. Three women were included in the category from 15 to 18 years of age and six women were from 18 to 30 years old. Four men were recorded in statistical records; two of them were in the category up to 15 years, one was included in the category between 15 and 18 years of age and one was in the category between 44 and 60 years. The fact that information on age is not available in the case of victims recorded as objects of assault – group of persons (i.e. the remaining 62 victims) is unfortunate.

Available statistical records also indicate where in the Czech Republic the aforementioned victims of THB were registered. The data reported from individual regions is available. For information only, we also note that such data is collected by the Organisational Department of the Czech police and in the past there were only eight “police” regions, which means that regions were not the same as those within the administrative structure of the Czech Republic. From 1 January 2010 six new regions were established under Decree No. 407/2009 concerning Act No. 273/2008 Coll. on the Police of the Czech Republic, so that regional structure of the Czech police is now in line with regional self-government. Of the total number of 62 victims – persons in groups, most victims were identified in the South Bohemian Region (14), followed by the Liberec and Usti Regions. In each of the latter two regions ten victims were identified, and each of the following regions, i.e. the Pilsen, Pardubice, Moravian-Silesian and Zlin Regions, reported seven victims. If only female victims are taken into account we can see that three persons were recorded in Prague; the Usti,

Hradec Kralove and Pardubice Regions reported two victims and one victim each was reported from the Central Bohemian, Pilsen, South Moravian, Moravian-Silesian and Liberec Regions.



Fig. above: The number of victims of crime of THB in 2010 according to individual regions

As already mentioned above, police statistical records include the data that depicts the background of the case and serves for tactical purposes of the Czech police. The following table encompasses the data specifying victims at the time when a crime of THB was committed. In four cases (out of 14 male and female victims) the victim was a prostitute and in one case the person was mentally/physically impaired.

Victims of a crime of THB in 2010: males – females according to tactical point of view	male	female	total
Mental disease, physical impairment	0	1	1
Other	1	1	2
Prostitute	0	3	3
Commercial sexual exploitation of children.– prostitute	0	1	1
Accidental person	2	0	2
Other person	1	4	5
Total	4	10	14

Vulnerable categories of victims can be found also in the data that describes victims – persons in groups, but the information is not ideal. Of 62 persons (persons in groups) seven foreign nationals were identified, three were homeless and three persons were victims of commercial sexual exploitation. Nevertheless, it must be noted that the given data is, to a certain extent, subjective as it depends on assessment of the situation as made by the person who enters the data into the system.

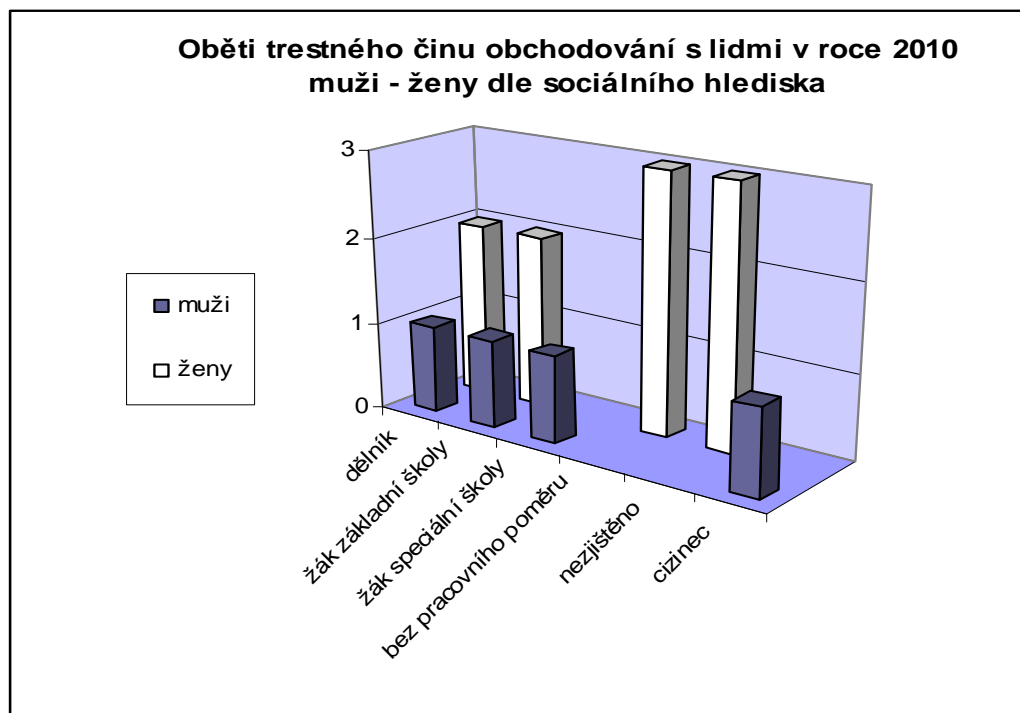
When a crime is reported, in addition to the tactical point of view, a social aspect must be taken into account (see the following diagram). On the basis of information available for 14 male and female victims involved in four cases they were pupils of basic schools and

special basic schools. A special school should be understood as a facility within the meaning of Article 5 of Decree of MEYS No.73/2005. There were three workers and three unemployed women among these victims.

Fig. below: Victims of a crime of THB in 2010, males and females according to social aspects

muži = males; ženy = females

dělník = worker; žák základní školy = pupil of basic school; žák speciální školy = pupil of basic special school; bez pracovního poměru = unemployed; nezjištěno = not identified; cizinec = foreign national



3.1.2 Indemnification and Representation of Victims

A victim, for the purposes of criminal law – the injured⁷, is authorised, in accordance with law, to be indemnified by the accused who caused the damage by having committed a criminal offence. Any 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 (see Sec. 43 of the Code of Criminal Procedure). Calculation of harm caused to the victim of crime is actually quite difficult and if we take into account specificities of criminal activities relating to THB we can see that in the majority of cases there is non-property damage – psychological harm, degradation, moral harm and so forth. Thus the possibility to get indemnification within criminal proceedings becomes very problematic and the injured can in the meantime claim only property loss/damage. The already drafted Act on Victims of Crime should bring about a positive change in this area. Despite an existing possibility (in cases where there is a reasonable concern that claims of the injured for damage caused by a crime will be frustrated or made difficult) to claim indemnification up to the amount of assets owned by the accused, the situation is complicated by the difficulty in proving the amount of property in the ownership of the accused

If it is not possible to prove the claim for indemnification on the basis of evidence or if there is a further need to continue evidencing concerning the duty to indemnify the injured

⁷ The injured is a person who has suffered a bodily injury by means of crime, or has suffered property, moral or other damage (Sec. 43 of the Code of Criminal Procedure).

which would exceed the needs of prosecution and would extend the prosecution, or if, due to any reason, the court awards only partial damages or the accused is acquitted, the court will refer the injured to civil proceedings or proceedings before any other relevant body (Sec. 229 of the Code of Criminal Procedure).

The prerequisite for claiming financial assistance under Act No. 209/1997 Coll. on Financial Assistance to Victims of Criminal Offences and on the Amendment to Some Other Acts, as amended, is the fact that the applicant's health was damaged by a crime and the evaluation of pain suffered is estimated to be at least 100 points within the meaning of Decree of the MoH No. 440/2001 Coll. or the applicant is a member of the group of survivors of a crime specified by the said Act, where a victim has died as a consequence of that crime. Constituent elements of crime which caused the above-mentioned damage to applicants for financial assistance are not monitored as statistical data by the Department of Indemnification, however on the basis of experience of the given Department it can be stated that in 2010 nobody applied for such assistance and no-one was paid indemnification of this type.

Furthermore, pursuant to Sec. 50 of the Code of Criminal Procedure every injured party can decide for his/her personal representative so that such a representative represents the injured, files proposals, applications and remedies on behalf of the injured. A personal representative can be any person over 18 years who is legally competent, whose capabilities have not been in any way restricted by the court and who is not a witness within the criminal proceedings concerned. The relevant act does not specify any other requirements on a personal representative, so in other words he/she does not have to have legal education. The meaning of these provisions is mainly to defend the interests of the client and to support the client psychologically. A personal representative should do his/her best on behalf of the injured and to the injured benefit so that the rights of the injured are treated properly and, if possible, returned to the original situation.

As regards the criminal proceedings, a personal representative is a specific party to such proceedings and is authorised under Sec. 51 of the Code of Criminal Procedure to act on behalf of the injured. A personal representative is authorised to submit proposals (and propose new evidence) and file applications and remedies. All of these actions must be taken on behalf of the injured. All written documents addressed to the injured are delivered to his/her personal representative (only to him/her) with the exception of those by which the injured is called to do something personally (Sec. 45a of the Code of Criminal Procedure). If the injured is to do something personally (for example in a situation where an object can be returned only to the injured) and he/she is called to participate in an action of the criminal proceedings⁸ such a call is delivered additionally to the injured (i.e. both to the personal representative and the injured under Sec. 62 (2) of the Code of Criminal Procedure). Any information must be delivered duly and in a timely manner.

A personal representative is also authorised to read files with the exception of the records of voting and personal data of a witness under Sec. 55 (2), he/she is empowered to make excerpts and take notes and make on his/her own costs copies of files and/or their parts (Sec. 65 of the Code of Criminal Procedure). Personal representatives are permitted to make excerpts and take notes without any restrictions and they are not obliged to submit these to law enforcement authorities for checking.

A personal representative should also insist on precise reports from hearings so that he/she can claim damages of the injured in a qualified manner. He/she should also watch that the content and meaning of all submitted documents are well prepared so that criminal proceedings are not delayed and the injured is not disturbed and burdened by calls to remove deficiencies.

⁸ If the injured is summoned as a witness under Sec. 98 of the Code of Criminal Procedure a subpoena is delivered only to the personal representative.

One of the objectives of non-profit making organisations working with victims of THB is to allow trafficked and/or exploited persons easy access to justice, legal protection and other services guaranteed by the European Community, *inter alia*, by means of a personal representative. For example NGO La Strada Czech Republic, o.p.s., (hereinafter referred to as “La Strada”) and Archdioceses Charity Prague implement several projects which aim to improve accessibility to this service and to make the role of a personal representative more effective within criminal proceedings. Currently, barristers are commonly involved as personal representatives. In several cases there was a need to clarify the role of a personal representative during the relevant criminal proceedings in relation to officers of the Czech police and victims. The Security Policy Department of the Mol (hereinafter referred to as the “SPD Mol”) within effective action against THB and with the aim to ensure that victims of crime trust law enforcement authorities, clarified on paper their opinion on how the rights and obligations of entities involved in criminal proceedings should be understood to apply. The opinion was provided to different bodies of the Czech police as well as to NGOs. These entities can, at their own discretion, to distribute it to other parties.

3.2 Czech Victims Abroad

The EU, of course including the Czech Republic, does not possess any system by which it would be possible to search for identified victims on the basis of their nationality. The same applies to law enforcement authorities which are not obliged to inform other countries about victims who have been identified in the Czech Republic. Information on Czech victims is obtained from Czech embassies and consulates, from the Czech police, the Mol or from information sources of the non-profit making sector. However it can be assumed that data gathered is of an informative nature only and does not depict the real situation concerning the real numbers of identified Czech victims abroad. The following paragraphs brought about only fragments of reports which are available and provide information on Czech victims.

The IOM office in **Ukraine**, which provides assistance and support to victims of THB and provides all reintegration services, has helped to 7,343 victims of THB since 2000, 1,085 of those persons were assisted in 2010. In 2010 the office registered two persons of Czech origin who used services offered. Citizens of the Czech Republic were, amongst the only foreigners – in total eight persons, together with citizens of Congo, Moldova and Uzbekistan - who made use of services provided by IOM.

In 2010 two cases of THB were reported from **Belarus**; in both cases two women, 20 and 21 years old, were sexually exploited. Both of these women were provided with assistance by the IOM office in Minsk. Three cases of THB were recorded in Denmark in the last year. They were sexually exploited women from 28 to 32 years of age (prostitution in the area of Copenhagen)

At the time when this Report was about to close, **Irish** authorities could not provide completely processed statistical records however no case of THB between Ireland and the Czech Republic was recorded. However, the Irish police assisted in one case of THB that was investigated in the United Kingdom. The victims were two women of Czech origin aged 19 and 37 years who had been trafficked for the purpose of sexual exploitation from Prague via Dublin to the United Kingdom.

In 2010 three victims of THB were registered in the **Netherlands**. In all cases they were sexually exploited women from 18 to 22 years of age. None of the victims contacted the Czech embassy with a request for assistance. Assistance was therefore provided only by Dutch authorities.

In 2010 the Czech embassy in Athens, **Greece**, recorded a case of two Czech female citizens who might have become victims of sexual exploitation. The women were, whilst in the Czech Republic, offered fourteen days of work as lady escorts on the Greek island of Santoriny by a man of either Croatian or Albanian nationality. The women travelled under his

facilitation to Greece where, after finding that they could not leave the hotel (where they were accommodated together with the man although their travel documents and mobile phones were not seized) they contacted the Czech embassy in Athens as they suspected they could be sexually exploited at a future time. The Czech embassy informed the police who transported both women from the hotel, and after being questioned on the next day they were taken to the airport. Their flight tickets were provided by the Czech Republic. The Greek police continue to investigate the case.

In 2010 seven victims of THB were recorded in **Spain**. Six victims were sexually exploited, in one case forced labour was detected. In all cases women between 23 and 32 years were involved.

One case of procurement was recorded in 2010 in **Sweden**. The victim was allegedly a woman of Czech origin. The Czech embassy in Sweden did not provide assistance in 2010 to any of victims, as nobody asked for help. In the summer of 2010 the Czech embassy in Stockholm recorded six cases where the Swedish police deported Czech women from the country who had been detained for prostitution. Prostitution is not classified in Sweden as a criminal offence, however, it can be the reason for expulsion (avvisning in Swedish) since in accordance with the Swedish Act on the Residence of Foreign Nationals a foreign national is obliged to earn his/her living honestly; and according to the police director in Stockholm prostitution is not an honest way in which to earn money.

Slovakia, Romania, Mongolia, United Arab Emirates, Germany, Montenegro, Luxembourg, and Bulgaria did not obtain any information on the basis of which it would be possible to identify any Czech victims in one of the above countries. Information from other countries was either negative or no statistical data concerning this issue was available at the time when this Report was completed.

3.3 Victims of Trafficking in Human Beings and 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 the issuing of licences to provide 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. Social services include social consultancy, social service care and social prevention. These services are provided as residential services, non-resident services or street-work services.

The list of people 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 intending 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 accessible in the Register of Social Service Providers (hereinafter referred to as the “Register”), online at <http://iregistr.mpsv.cz/socreg/>. The publicly accessible part of the Register offers a search facility in its extended section for services according to the target group, including a target group of victims of THB.

As of 17 January 2011 the Register of Social Service Providers listed in total 132 social services. Providers of such services indicated that one of their target groups is a group of victims of trafficking in human beings.

The following social services are provided:

Social Service type	Number
Houses of asylum	21

Crisis assistance	10
Professional social consultancy	59
Social rehabilitation	5
Telephone assistance lines	12
Street-work programmes	16

It is important 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.

The following providers of social services have registered most services for victims of THB:

- Diecézní charita Brno (Diocese Charity Brno),
- Arcidiecézní charita Praha (Archdiocese Charity Prague),
- La Strada,
- Rozkoš bez rizika, o. s.,
- Diakonie Českobratrské církve evangelické (Diaconate of the Czech Brotherhood Evangelical Church) (hereinafter referred to as the “Diaconate”),
- Bílý kruh bezpečí, o. s. (White Circle of Safety), however victims of domestic violence are a primary target group of this service provider.

3.4 Programme on Support and Protection of Victims of Trafficking in Human Beings

The Programme on Support and Protection of Victims of Trafficking in Human Beings (hereinafter referred to as the “Programme”) 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 Programme is designated for victims of THB especially those who are trafficked for the purpose of sexual exploitation and labour exploitation. It offers 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.

The Mol, as a competent body for the Programme, is responsible within the national referral mechanism for support and protection of victims of THB. Moreover, the Mol is not responsible only for the coordination of this Programme but also for preventive activities pertaining to this area. At the same time the Mol effectively cooperates with other ministries [the MLSA, the MEYS, the Ministry of Foreign Affairs (hereinafter referred to as the “MFA”)], with the Czech police and NGOs. The Crime Prevention Department (hereinafter referred to as the “CPD”) ensures operations of the Programme at the national level. In order to ensure the functioning of the Programme, a task force group of experts, who are representatives of cooperating institutions and organisations, meets usually every two months at what are known as coordination meetings (i.e. intervals are shorter than those of the IMCG). The members operatively try to solve current problems concerning individual victims of THB and related preventative activities and measures. At the same time, information exchanges between individual actors are facilitated.

In 2010 the aforementioned nation-wide Programme continued to function and develop successfully. So far two NGOs, as representatives of the non-governmental sector, are engaged in the programme (La Strada and the Archdiocese Charity Prague) with which the Mol has signed agreements on cooperation in supporting and protecting victims of THB.

Another cooperating entity is the International Organisation for Migration (IOM Prague) which operates the programme of voluntary returns for victims of THB. This programme enables victims of THB dignified, safe and free returns to their countries of origin.

The Programme of Voluntary Returns is covered from the budget of the MoI and is designated for all victims who join the Programme (they can decide to return home in any phase of the Programme), and further for all Czech victims who have been identified abroad and who wish to return to the Czech Republic (in these cases payment of the return to the Czech Republic is not conditional upon entry into the Programme). Under the Act on the Residence of Foreign Nationals citizens of third countries the Programme of Voluntary returns can be used also by third-country nationals who had been residing in the Czech Republic illegally and received administrative expulsion and third-country nationals whose residence was legalised but who were expelled for other reasons. Costs of return to the country of origin can be covered in full. The travel expenses are assessed by the Department of Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic (hereinafter referred to as the "DAMP") - on the basis of financial situation of the given victim and his/her family members.

Other NGOs – namely Rozkoš bez rizika (Passion Without Any Risks), Organizace pro pomoc uprchlíkům, o. s. (Organisation for Assistance for Refugees) and the Diaconate also participate in prevention pertaining to the area of THB; the MoI has not yet concluded cooperation agreements with them but such NGOs were supported in 2010 within the grant project "Prevention in the Area of THB and Assistance to Victims of THB".

Their list is published on the website of the Ministry of the Interior: <http://www.mvcr.cz/>

Nationality \ Year	Year								
	2003	2004	2005	2006	2007	2008	2009	2010	Total
Czech Republic		2	3	4	5	4	3	3	24
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			1	10
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
Honduras								2	2
Nigeria								1	1
Total	5	11	17	14	18	24	13	7	109

In 2010 seven probable victims of THB were identified and included in the Programme and they used or are still using services of the Programme. In four cases there was suspicion of THB for the purpose of forced labour or labour exploitation. It has been already demonstrated that Czech nationals are also becoming victims of THB, therefore preventive and educational activities seem to be necessary in cooperation with other institutions and organisations. Since 2003 a total of 109 victims of THB have been included in the Programme. Of this number 14 probable victims of THB are participating in the Programme now. These persons are provided with services within the Programme and they cooperate with law enforcement authorities in criminal proceedings. In 2010 in total 11 alleged victims of THB were excluded from the Programme.

Country of origin \ Age	Age					2010
	18-23	24-30	31-40	41-50	51+	
Czech Republic			2		1	3
Vietnam			1			1
Honduras			2			2
Nigeria	1					1
TOTAL						7

In 2010 the International Organisation for Migration played an important role in uncovering three victims in the territory of other countries. Two persons presumed to have been trafficked were detected by the Refugee Facility Administration and the Czech police included them in the Programme. A further victim was identified and included in the Programme by the Czech police and it was only in one case where the victim was included in the Programme by a non-profit making organisation. In 2010 five voluntary returns altogether were implemented. Since 2003 in total 48 voluntary returns were organised, of them 14 were citizens of the Czech Republic who returned back home, i.e. to the Czech Republic.

In the last year the Guidelines of the First Deputy of the Minister of the Interior concerning operations of the Programme on Support and Protection of Victims of Trafficking

in Human Beings and its institutional coverage were updated. A single action in cooperation of the Czech police and the Ministry of the Interior in the field of support and protection of human rights of victims of THB was ensured through framework arrangements – adjustment of relevant procedures in relation to inter-governmental and non-governmental organisations; knowledge and consistency of these procedures; more effective cooperation of all actors expected to help support and protect victims, collection of data and exchange of information pertaining to this area. The documents reflect all elements of the national referral mechanism⁹. And it was La Strada that was asked to deliver an opinion to the above-described changes (see the following chapter).

In 2010 implementation of the main objective of the project aimed at creating a database – “Trafficked Person Information System” - continued. This database is designed to arrange individual items according to which victims of THB could be recorded. The aim of the information system is to collate 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 has been arranged. The register should provide reports (outputs) and classify the data according to different filters and it is to process the data so that it may be used as statistical information.

3.5 Support by Assisting Organisations

3.5.1 La Strada Czech Republic o.p.s.

3.5.1.1 Basic Information on 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, Bulgaria, Macedonia, Moldova, the Netherlands, Poland, and Ukraine), 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) and Association of Sheltered Houses (SAD).

The aim of the organisation is to contribute to the elimination of trafficking in human beings and human exploitation and to provide support and protection to exploited and trafficked persons as well as to persons who are endangered by exploitation and trafficking. In order to achieve the described objective the organisation is involved in three areas, the mutual links of which enable the needs and problems of the target groups to be taken into consideration in all activities. La Strada provides social services to a target group, pays attention to prevention and training, and through legal activities it strives to achieve systemic changes or legislative amendments with a view to preventing trafficking in human beings and preventing the exploitation of such persons, and to protecting the rights and interests of the target group. The main principles according to which the organisation is governed are equality and non-discrimination, and a human rights approach towards the issue of empowerment, i.e. an emphasis is placed on elimination of vulnerability and dependency, on strengthening of the target group’s own resources and competences of that group.

⁹ “A National Referral Mechanism (NRM) is a co-operative framework through which governmental 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. OCSE/ODIHR, 2004, Warsaw 2004, p. 15.

Since the effective date of the Act on Social Services, i.e. 1 January 2007, social services of La Strada designed and designated for trafficked persons¹⁰ 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 services – Sec. 37 of the Act on Social Services,¹¹
- Crisis assistance - Sec. 60 of the Act on Social Services, and
- Asylum/sheltered houses - Sec. 57 of the Act on Social Services.

Since 2007 services provided by La Strada have been harmonised with standards of quality for social services (SQSS) which include a review of current guidelines and their further implementation.

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

An important part of the activities carried out by the organisation is the operation of INFO and SOS lines.¹² The line serves as a “gateway” to the organisation – La Strada can be contacted by persons who have been trafficked (both in the Czech Republic and abroad), by their relatives or friends, and also by the general public, i.e. people who suspect that they may have knowledge of trafficking in human beings, and of course by clients of sexual services, and so forth. The second key role of the line is to offer preventive consultancy, provided most often before the journey abroad. Such consultancy includes security information and instructions on how to prevent trafficking in human beings and how to behave in a respective emergency situation. Clients also receive contact information on assisting organisations and other useful institutions taking care of foreigners in the Czech Republic. People can contact La Strada also via e-mail.

In 2010 La Strada implemented 701 contacts to the benefit of 317 persons, who contacted La Strada via e-mail¹³. 10 clients (both males and females) entered into contact with La Strada via a telephone line operated also in foreign languages and they later began to use comprehensive services provided by this organisation; 16 clients used contact consultancies.

3.5.1.2 Trafficked and Exploited Persons in La Strada

In 2010 La Strada provided both non-residential and residential social services to a total of 96 clients, both male and female.

When practice is taken into account, persons who used the services of La Strada can be divided into three groups – 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, try to solve their situation comprehensively, including lodging services (hereinafter referred to as ‘comprehensive social services’); persons who use only the professional consultancy service - either because they are not interested in other

¹⁰ In compliance with trends at the international level La Strada prefers the term “trafficked persons” for target groups. The term “victim” is avoided as this can imply passivity or helplessness.

¹¹ Consultancy is provided also to persons who have undergone or who find themselves 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 avoid or subvert the risk of trafficking in human beings or exploitation.

¹² In 2010 operations of the line were extended to four 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. Since October 2010 it has been possible to call for free on 800 077 777 each Wednesday from 12:00 to 08:00 p.m.. Outside working hours there is voice mail.

¹³ The decline in comparison with the last year is caused by the change in recording the calls through the SOS non-stop mobile line.

services and are able to understand their situation on the basis of one or more anonymous personal consultations, or they cannot be provided with any other services (hereinafter referred to as 'contact consultancy'); and finally persons who are provided with *legal representation along with professional consultancy services*¹⁴.

In 2010 *comprehensive social services* were used by 29 persons (15 women and 14 men); 18 of them (6 women and 12 men) commenced cooperation with the organisation in the year reviewed. At the same time La Strada provided *contact consultancy services* to 60 persons in 2010, predominantly to those who were exploited labourers or who found themselves in a situation bearing close similarities to trafficking and exploitation.

Eighteen persons were provided, through La Strada, with legal representation by an external lawyer. Of these, eleven used comprehensive social services and seven persons used professional consultancy services in relation to criminal proceedings.

In 2010 in total six persons included in the Programme utilised social services provided by La Strada, whilst three persons were newly included in the year reviewed. In the vast majority of cases these were persons who used comprehensive social services. Two cases related to sexual exploitation and in one case a person was trafficked for the purpose of other forms of exploitation.

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

As it was mentioned above, comprehensive social services were used by 29 individuals in 2010, of whom 15 were women and 14 were men. As regards women, in all cases there was suspicion of forced prostitution (or THB for the purpose of sexual exploitation). In the case of men there was suspicion of THB for the purpose of labour exploitation or forced labour and other forms of exploitation¹⁵.

Out of the total number of 29 persons in eight cases (seven women and one man) they were citizens of the Czech Republic. Among other nationalities there were mainly nationals of Bulgaria, Ukraine, Slovakia, Romania but also citizens of other countries.

Characteristic Features of Clients Who Decided to Cooperate with La Strada in 2010

Eighteen persons were newly admitted to comprehensive social services. Among them there were six women and twelve men. The group of women who were forced to work as prostitutes is quite diversified. Some cases are currently under investigation by law enforcement authorities. In such cases, further information could lead to the revealing of identities of some of the women. Therefore the following paragraphs will deal with cases of male clients who were exploited/trafficked for the purpose of other forms of exploitation and forced labour unless stated otherwise in the text.

Methods for recruiting of groups of men are being changed. Clients talked about job agencies in their countries of origin, about ads on the internet or about offers from labour offices. They also mentioned informal methods such as offers made by their acquaintances, through a "client" (within the so called "client system") or an offer from a man unknown to them who contacts people seeking employment in bus and railway stations.

Among methods of oppression and other mechanisms for forcing people to work there were, for example, seizure of travel documents, threats of physical violence and death threats directed towards a labourer or his family members, threats of the visa cancellation and expulsion from the country, restriction of free movement, demonstrative punishments of labourers and the disappearance of several co-workers, checks of labourers' movement and watching of all movements of labourers. Physical violence was also used, for example whipping and hitting. Furthermore, the oppressed situation of these persons who stayed in the Czech Republic without any or at without sufficient funds was abused, for example their

¹⁴ These persons usually used accommodation provided by another organisation.

¹⁵ NGOs use a wider definition of a victim of THB than it is defined in the provisions of Sec. 168 of the Criminal Code.

wages were frozen and if they were paid the amounts were very low. Clients were forced to work without protective clothing and tools in poor working conditions (for example in severe frost, in snow etc.), their working time was inadequately long (12 and more hours a day, minimum or no free time permitted during a month), they had to pay unjust fines or were falsely accused of thefts and other misconduct.

In general, when monitoring mechanisms of oppression and any other means used for exploitation of people a certain trend can be identified. This trend has been obvious in the area of THB for the purpose of sexual exploitation for several years and it is mentioned in previous chapters. This has been the gradual climb-down from or diminishing of physical violence and replacement of this method by other, less visible manners of enforcement. Despite the fact that at a glance, trafficked or exploited persons may not fit stereotypes and attributes for “victims of serious crime” that are erroneously shared by the general public, the impacts on their social and in some cases also on their psychological situation are often catastrophic.

Sectors which have been detected as sectors of exploitation include “traditional business areas such as the construction industry, agriculture or work in forests, however, in the year reviewed exploitation was uncovered within other industries such as construction of solar panels or illegal production of chemical substances (most probably narcotics).

Services provided by La Strada were used by female as well as male clients, most often upon the recommendation of another assisting organisation. If such services were recommended by the police then this would have been the alien police units that are specialised towards combating THB and which participate in the national referral mechanism. No male clients were referred to the services of La Strada in 2010. (Of six women who started to use La Strada’s service in 2010, only one was referred by the police.) This trend – lack of referral of female and male clients by specialised units of law enforcement authorities - has endured for several years.

Persons who decided in 2010 to utilize comprehensive social services made use of predominantly sheltered accommodation offered by La Strada, assistance for contacts with authorities and other institutions, leisure time activities and other services offered by La Strada.

Ten of twelve clients, where there was suspicion that they had been trafficked or exploited outside the sex industry, cooperated with the police. Two persons were not interested in cooperation, stating fear or lack of interest as their reasons.

In the past year La Strada took care of three persons who had applied to join the Programme (one man and two women). On the basis of reasonably verified facts, participation in the Programme was cancelled for one person since the client was revealed to not be trafficked person. One person used an option to return to the country of origin, one is still in the Czech Republic.

It appears to be appropriate to describe changes concerning the operations of the Programme. As it has been already mentioned, in the context of new internal management acts¹⁶ rules of the Programme were further specified and clarified. The Guidelines concerned newly explicit references to the provisions of Sec. 168 of the Criminal Code in order to determine the target group of persons, however, La Strada considers this reference too limited as the previous version of the Guidelines used only the term “trafficking in human beings” without any reference to the Criminal Code. On the basis of supportive documents provided by the Crime Prevention Department, only presumed trafficked victims were included in the Programme while in some cases an offence of THB could be re-classified as a crime of procurement, However this could happen after the person joined the programme and the case was further investigated by law enforcement authorities. If victims contributed to uncovering offenders of the crime of THB or the crime of procurement, their further legal residence in the Czech Republic and the integration process was taken into account. Thus

¹⁶ In particular, the Guidelines of the First Deputy of the Minister of the Interior No. 1 of 7 June 2010 concerning operations of the Programme on Support and Protection of Victims of Trafficking in Human Beings and Its Institutional Coverage.

all presumed victims were treated equally within the Programme – regardless of validity of any internal management act.

There has not yet been any well-established case law regarding other forms of exploitation and forced labour and thus interpretations substantially differ. Due to this fact recommendations to adopt functional changes in the Programme so that it conforms to the needs of the practice were drawn up. These recommendations highlighted benefits of the Programme for clients and for combating THB in general, including the proposal for changes, primarily in the area of target group definitions, a possibility to increase participation of both female and male clients, and last but not least in the area of mechanisms which would enable entry into broad cooperation with law enforcement authorities.

3.5.1.4 Contact Consultancy, Field Work and Calls through INFO and SOS lines

La Strada has for a long time devoted its attention to the issue of labour exploitation, the situations which trench upon THB and cases of THB that are not perceived as such by law enforcement authorities¹⁷.

Information on the phenomenon of THB and labour exploitation are obtained mainly as follows:

- experience arising from provision of contact consultancy,
- on the basis of an analysis of calls through INFO and SOS lines,
- on the basis of information acquired by field work.

Contact Consultancy

In June La Strada opened a new advisory centre for exploited persons¹⁸ which is not located in the office of the organisation. This centre is used by a social worker and a worker providing contact consultancy. Upon request there is also a lawyer-specialist.

In total 60 persons used services of contact consultancy; of them most persons received contacts through INFO and SOS lines operated by La Strada, whilst the second most frequent source were contacts directly in the field or on the street. Further sources of recommendations were embassies in countries of origin, other assisting organisations or recommendations by friends/acquaintances.

Persons from EU Members States prevailed as clients – among them mainly nationals of Bulgaria and Romania. As regards clients from third countries, nationals of Ukraine prevailed. Among clients there were more men (49 men and only 21 women¹⁹). All consulted cases were almost exclusively cases of other than sexual exploitation.

Most frequently both male and female clients who utilised contacts worked as employees or performed work under an agreement outside of traditional employment (agreements for the performance of work or agreements to complete a job). These clients were followed by a group of those that carried out illicit work and persons who possessed a trade licence.

In the majority of cases it was possible to trace some indirect indicators of THB. However, we cannot talk about THB in general. Consultations brought about especially information on exploiting conditions, abuse of poverty and fraud.

With regard to unclear interpretation of the definition of THB, consultations on selected cases with lawyers and other requirements of clients - primarily labour-law consultants - were provided. In several cases consultations related also to the issues of criminal law. Consultations with the UCOC were intermediated for seventeen clients.

It is interesting that in almost all cases there was a broker or a so-called client (within the meaning of the “client system”) who helped find work for persons concerned. The

¹⁷ For more information on the issue of identification of trafficked persons and detection of a crime of THB see the booklet *Přilíš úzká brána k lidským právům* (The narrow gateway to human rights) available at www.strada.cz.

¹⁸ This advisory centre works in the premises of the Diacony.

¹⁹ The number of male clients is much higher due to a group of 12 Bulgarian men involved.

majority of persons worked under very disadvantageous and exploitative conditions, however their travel documents were not seized, payment for work was provided mainly in the form of advance payments (from only two-digit amounts in Czech crowns to several hundred Czech crowns per week). These persons were not watched, however, employers abused their oppressed situation (debts, no money, no accommodation), which was exacerbated by the adverse situation in the labour market. This pressing situation and dependency was deepened by employers who did not pay wages, meaning that in some cases debts continued to increase. What is interesting is that the *modus operandi* was always the same or very similar: the employer terminated the contact at the moment when it was obvious that he did not need the persons concerned or at the moment when labourers claimed their wages. Labourers were ordered to leave the work site without any pay. Some clients, both male and female, encountered this mechanism repeatedly, which meant that they were forced to accept another uncertain or disadvantageous offer only because their difficult situation did not leave them any position to negotiate on conditions of work or seek another employer.

With regard to development of further services, requests by clients appear to be interesting – as it was mentioned above, labour-law consultancies substantially prevailed, followed by consultancies pertaining to other law areas, social advice, supportive psychological and social consultancies, humanitarian aid and other services.

In order to ensure further prevention it seems to be appropriate to mention that almost half of persons who considered seeking recovery of their wages by means of court proceedings did not have enough information or other evidence which would have been necessary for successful suits. Despite this several actions were lodged and in one case a claimant was successful and received a payment order for payment of his unpaid wage. Information on other trial is not available.

Calls through INFO and SOS Lines in a Foreign Language

As it was said above, INFO and SOS lines received altogether 701 calls to the benefit of 317 persons.

Of this number 186 persons sought consultation during hours when such consultations are provided in foreign languages. In total there were 409 such calls. Citizens of EU prevailed among those who called (137 persons). Nevertheless, it is important to emphasise that a total number of those who called does not correspond to the number of foreign nationals (both males and females) who were provided with consultations. In a minimum nine cases only one “speaker” called and a consultant dealt with problems of the entire group of persons (in once case the group consisted of about 40 persons, in others there were about 10 persons on average). They were mostly groups of people from EU Member States (Romania and Bulgaria), however, not exclusively from the EU. As regards gender, women moderately prevailed among those who called.

With respect to the focus of the phone lines, the vast majority of calls deal with labour-law issues and related areas. An important part of calls (often in combination with the previous topic) relate also to the difficult life situations of clients (homelessness, no financial resources, poor health conditions and so forth).

In the category of labour-law issues, cases of exploitation and/or non-payment of wages, usually for three months, dominate. People who find themselves in such a situation also display some other factors which have made even more vulnerable them in terms of exploitation: irregular residency status, health problems and so on. People who call also talk about threats, restriction of movement, poor working conditions, inappropriate accommodation and so forth. In many cases this was a repeated experience for them, although with different employers. Further problems pertaining to this area are for example non-payment of health insurance, forced signing of a job contract for a minimal wage, enforcement of longer than legal working time and so on.

In an effort not to be dependent on “clients”, foreigners who are subject to visas, quite often change the purpose of their residence from being an employee to becoming a member

of a body of a legal entity.²⁰ Some of them later face the situation where money has been borrowed or cars purchased on their account. As regards nationals of the Czech Republic they are known as “stool-pigeons” (or stooges).

Foreign nationals who have become victims of fraud also contact the phone lines. Most frequently they have been promised work in very beneficial conditions (either foreigners from economically weaker EU Member States who have been promised work in the Czech Republic or Czech nationals promised work in economically stronger EU Member States, or even in Australia or New Zealand). They have paid the broker and either have not been given any work or agreements as to the conditions of the work have not been fulfilled.

A large group of those who called were persons who had bad experience with work in the Czech Republic; either they had worked in exploitative conditions, or their experience with state authorities, including the alien police, was not good, or they were interested in options for returning to their country of origin.

Street/Fieldwork

In 2010 field/street work was implemented mainly in some localities in Prague and central Bohemia. Upon recommendations of partner entities and in one case on the basis of recommendation of the general public, several trips to other areas of the Czech Republic were made – most frequently the Pilsen and Pardubice Regions were visited.

Traditionally, guest houses/lodging houses, worksites and unofficial labour exchanges were visited. From Spring to Autumn, fieldwork concentrated more on the places known for seasonal work, mainly work in agriculture. These localities provide opportunities to make contact at the same time with larger numbers of people of different nationalities who migrate during the year throughout the Czech Republic to find work and can deliver information and prevention documents to places where field work does not exist yet. In addition such people are a precious source of information on working conditions in different districts of the Czech Republic where cases of exploitation of victims of THB have occurred in the past. The trend of employing nationals from EU Member States could be seen there as well – mainly citizens of Romania, Bulgaria and Slovakia, however when the situation is compared with previous years the numbers of Czech nationals were on the rise. These were both males and females who get such seasonal work through labour offices. Towards the end of the year fieldwork paid attention to environments which had, in the past, displayed larger numbers of female migrants (generally called “female environments”). These were predominantly hospitals, hotels and so on.

From January to the end of December 2010 in total 1,197 persons of the target group were contacted through fieldwork (of them there were 556 women). The share of contacted women accounted for 46.4%. It means that the number of contacted women slightly exceeded their real share among migrants according to official statistical records (approximately 57.6% of men and 42.4% of women)²¹.

More than 300 further persons who are in close contact with the target groups became subjects of field-work; 10,453 prevention and information folders from La Strada were distributed and 600 materials from other relevant organisations and institutions were disseminated.

Nationals of Ukraine and Romania were among those who were mostly contacted. These nationals were followed by citizens of Bulgaria, Slovakia, Moldova, Belarus, the Czech Republic, Lithuania, Poland, Russia, Kyrgyzstan, Uzbekistan, Vietnam, Latvia, Mongolia,

²⁰ This type of visa was canceled as of 1 January 2011.

²¹ The Czech Statistical Office – foreign nationals as of 31 December .2010;
[http://www.czso.cz/csu/cizinci.nsf/t/1000466A60/\\$File/c01t01.pdf](http://www.czso.cz/csu/cizinci.nsf/t/1000466A60/$File/c01t01.pdf)

Thailand, Slovenia, China, Serbia, Bosnia, Kazakhstan, and Nigeria. As regards other persons their nationality was not ascertained.

Issues tackled during fieldwork are very similar to those encountered by clients who request contact consultancies. In the context of fieldwork it is not possible to provide in-depth solutions, and clients are therefore referred to the telephone line or to an advisory centre.

When solutions were sought for during fieldwork as well as through operations of INFO and SOS lines the situations where there were large groups of foreign nationals finding themselves in repeated difficulties endangering their health were revealed. In the majority of cases that La Strada encountered in their work these were persons who left or managed to escape from exploitative working conditions, were without any money and on the street, and in some cases they had been threatened by their employers. Such cases revealed that the social network is not prepared to capture large numbers of people in the difficult situations. Not all social services are willing to accept foreign nationals even if they have EU citizenship. For example the Diaconate and other organisations encountered such problems. NGOs working on the prevention of THB called a discussion on this topic. La Strada joined the efforts made by the Diaconate and the Magdala project of the Charity Prague, which are seeking possible mechanisms of providing assistance in such situations. In the case of groups comprising more than 20 persons the possibility to use the Integrated Rescue System which affords immediate help in emergency situations appears to be interesting according to the non-profit making sector. If a smaller group is dealt with the Diaconate is trying to pilot the so-called "Small Crisis Plan" through which cooperation between NGOs and other entities operating at the same place would be coordinated with the aim of settling the situation and referring the persons concerned to assisting entities.

La Strada also responds to findings gathered by means of fieldwork, INFO and SOS lines and contact consultancies and plans to publish new materials which would better conform to the needs of target groups. Currently available brochures for third-country nationals will be updated and new brochures for EU citizens will be developed. At the end of 2010 a description of how to tackle crisis situations concerning foreign nationals who are citizens of the EU was drawn up. This description was distributed mainly to embassies of relevant countries.

Results of Mapping Out Thai Community

Every year, La Strada implements pilot research within one language/nationality group. In 2010 research was conducted in the environment of massage parlours where especially female Thai nationals work. The aim of such mapping was to describe working conditions of this group of female migrants and their respective needs in terms of their future work and residence.

The research showed that many workers in massage parlours have debts which amount to about EUR 2,000. Such debts also affect relationships between employees and their employers, mainly in cases where masseurs are supposed to repay an owed amount to the person for whom they are working. These are the cases where movement of labourers is monitored, travel documents are seized and exceptionally also physical violence is used. Further problems that these labourers are coping with include unpaid overtime, forced disadvantageous agreements or problems with extension of visas.

With regard to prevention and provision of assistance the key fact is that, according to findings gathered, the majority of masseurs have access to the internet and use it to contact the Thai embassy.

3.5.1.5 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.

Since 2008 La Strada has been involved in the initiative of European NGOs and international organisations known as the European Action Pact for Compensation for Trafficked Persons (COMP-ACT EUROPE) paying attention to the indemnification of trafficked persons. COMP-ACT EUROPE associates NGOs and provides services to trafficked persons. However, it associates 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 endeavours to implement projects supporting trafficked persons when they want to 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 commitment from countries to indemnifying trafficked persons.

In 2010 a three-year project framing activities of the European Coalition COMP-ACT was launched. On this occasion representatives of NGOs and international organisations (such as the Council of Europe, the Organisation for Security and Cooperation in Europe and some others) met in Prague and during the three-day meeting they debated issues relating to indemnification of trafficked persons and strategies that would show the way from the current unsatisfactory situation.

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. The outcome of this project was, in addition to recommendations for completing methodology for an analysis, studies evaluating the situation in the Czech Republic in terms of options for trafficked persons to achieve their rights. A publication entitled “The Narrow Gateway to Human Rights – Identification of Trafficked Persons in the Czech Republic”²² deals with international standards and problems the Czech Republic has with searching for and identifying trafficked persons. According to the analysis the Czech Republic does not fully meet requirements specified in some international documents. The conclusions of the study confirmed that a number of measures that should be of a preventive nature and should also protect the rights of trafficked persons exist only on paper and are not in fact functional. Trafficked persons can theoretically claim a wide range of rights and services, however, according to La Strada they only very rarely experience positive results.

In the context of new Criminal Code, which came into effect on 1 January 2010, La Strada in cooperation with other NGOs²³ operating in the area of health and social prevention amongst women who offer paid sex and organisations working with migrants started to point out problems which stemmed from the duty to report crimes²⁴ of THB and deprivation of personal freedom. Later this issue was also highlighted by the UN Committee for Elimination of All Forms of Discrimination Against Women (see information in chapter 4.3 Prevention through Legal Regulation).

La Strada in partnership with the SPD and the Judicial Academy launched a three-year project entitled “*Discovering Trafficking for the Purpose of Forced Labour and Labour*”

²² Publication is available both in Czech and English versions at www.strada.cz

²³ Opinions of the organisation and other documents are to be found at www.strada.cz

²⁴ The provisions of Sec. 367 and Sec. 368 of Act No. 40/ 2009 Coll., the Criminal Code.

Exploitation". This project has been implemented since June 2010. Part of the project is, apart from other activities, to map out experience relating to criminal law approach towards the issue of THB for the purpose of forced labour and other forms of exploitation abroad, in particular through the network of national rapporteurs or other equivalent mechanisms (for further information see chapter 5 Partnership)

In 2010 La Strada commenced a three-year project supported by the foundation Open Society Institute Budapest "*Paving the Pathway to Justice*" which is a follow up to and a broadening of projects supported by the European Commission "*Comp-Act Europe*" and "*Discovering Trafficking*". Thanks to this support La Strada developed the concept of strategic representation in the area of THB for the purpose of forced labour and other forms of exploitation and in the area of claims for indemnification.

La Strada, in the framework of its standard activities, participates, at different levels, in meetings and working groups of experts. In 2010 for example representatives of La Strada regularly participated in and work on preparation of the Strategy for Combating Social Exclusion implemented by the Agency for Social Inclusion in Roma Localities, or they participated in the working group organised by the Ministry of Justice of the Czech Republic for drafting of the Act on Victims of Crime.

Due to the support of the MFA – the Programme of Transformation Cooperation (TRANS), in 2010 La Strada implemented several training courses in Bosnia and Herzegovina. Seminars designated for organisations of civil society concentrated on the development of a human rights approach towards combating THB.

Among actions held abroad it is important to mention for example the 10th Meeting of the Council of Europe: Informal Network on Gender Mainstreaming - Migrant Women and the Labour Market, or the presentation of initiative Comp-Act Europe in the Serbia Parliament on the occasion of the European Day for Combating THB. S

In addition to international meetings held within the aforementioned projects representatives of La Strada participated in meetings of governmental experts or representatives of NGOs engaged in the La Strada International or Global Alliance Against Trafficking in Women (GAATW) networks.

In 2011 La Strada will continue to pay attention to further extension of possibilities for trafficked and exploited persons to access their rights. An emphasis will be placed on the area of other forms of exploitation, in particular in those sectors where women are exploited. With regard to findings gathered by means of fieldwork it seems to be necessary to draw attention to those forms of THB and exploitation of persons which are at first sight less obvious and which, as can be demonstrated in practice, massively overwhelm cases where brutal violence is used. Mainly well-organised networks of offenders clearly prefer profits gained in small amounts but from a large number of persons.

La Strada will continue developing cooperation with domestic as well as international entities. An emphasis will be put on deepening cooperation with a business sector (in 2011 for example with the Manpower company) and with trade unions. In order to tackle the current situation in the field of THB and exploitation, cooperation with state administration bodies and the non-governmental sector is of crucial importance, in particular cooperation with organisations that provide services to foreign nationals (both males and females).

3.5. Archdioceses Charity Prague, Magdala Project

3.5.2.1 Basic Information on the 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, which deals with support and assistance to be provided to persons endangered by violence and THB. The Magdala Project is actively involved in the Programme and a representative of this project is also a permanent member of the IMCG.

The Magdala Project draws on governmental subsidies provided by the Mof and MLSA in order to cover its operations. The project was also supported in 2010 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. These include 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.

3.5.2.2 Magdala Project and Work with Persons Endangered by Trafficking in Human Beings and Victims of Trafficking in Human Beings

Activities belonging to this area are as follows:

Magdala Help Line (+420 737 234 078)

This line is operated 24 hours a day and serves to inform persons interested in working abroad, providing information on risks relating to travelling to get work and on 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 2010 the Magdala Help Line recorded 701 contacts.

Street/Fieldwork

Another activity carried out within the Magdala project is street/fieldwork. This work focuses mainly on searching for and contacting persons endangered by THB for the purpose of sexual exploitation. Street fieldworkers 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 2010 street fieldworkers managed 1,332 contacts and 352 tests for detecting venerable diseases were made.

Crisis Assistance

The Magdala project also offers crisis assistance that includes safe accommodation, provisions of basic needs, assistance for orientation in the given situation and in supporting the rights and options of clients. Crisis assistance was provided to 55 persons.

Consultancy and Accommodation Programmes

Furthermore, the Magdala Project offers 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 2010 in total 64 adults and 13 of their children used such programmes.

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 – there are consulting rooms for women and girls and consulting rooms for foreign nationals, migrants and international protection seekers. These advisory centres recorded approximately 1,500 contacts in 2010. The coordinator of the project estimates that the number of persons who visited such advisory centres was around 400 people.

3.5.2.3 Description of Clients of the Magdala Project

In 2010 Magdala project provided assistance to in total 17 persons (10 women and 7 men) and their four children, who were included in the Programme for Support and Protection of Victims of Trafficking in Human beings of the Mol. In 2010 this care was newly provided to four persons.

Of this group three persons were of Czech nationality and one person came from Nigeria. There were three men and one woman. As regards men there was suspicion that they had been trafficked for the purpose of forced labour, while one person was probably a victim of THB for the purpose of sexual exploitation. Services of the Programme were also provided to four children of trafficked persons.

The above-mentioned 17 persons who were provided with assistance in the framework of the Magdala project were, respectively, of Vietnamese origin (one woman), from Ukraine (four men and five women), Nigeria (one woman), the Czech Republic (three men and two women), and Slovakia (one woman). Another quite numerous group consisted of clients who used service of the Magdala project during the year 2010 but for various reasons they could not or did not want to join the Programme.

They were mainly foreign nationals in possession of legal residence permits in the Czech Republic – EU citizens, international protection seekers or nationals of the Czech Republic. The overall living circumstances of the respective persons could have led to their abuse or they had already encountered some forms of THB and therefore had searched for Magdala project services.

In 2010 there was quite an extensive group of 64 persons who were from Romania, Bulgaria, Mongolia, Ukraine, Nigeria, Afghanistan, Vietnam, Turkmenistan, the Czech Republic and Kyrgyzstan.

3.5.2.4 Other Activities of the Magdala Project

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 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, 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 several discussions and lectures in 2010, for students, laypersons and experts.

Professionals involved in projects participated in or spoke at several conferences and meetings of experts, which were 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 (consumers 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. This campaign was promoted by visuals informing the public about the contact telephone line “Say It on Her Behalf”²⁵. 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 promoted in 2010. 21 contacts were recorded in 2010.

3.5.3 Diaconate of Czech Brotherhood Evangelical Church

3.5.3.1 Basic Information on the Organisation

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 fieldwork - 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. Since 2008 the diaconate has been involved, thanks to its central project, in activities relating to the offer of services to trafficked and exploited persons. Since August 2010 this organisation has been a permanent member of IMCG.

3.5.3.2 Services Provided within the Project

The Diaconate deals with street/fieldwork mainly in regions where persons endangered by labour exploitation are cumulated. In these localities the diaconate performs preventive activities, monitoring of locations and analyses of results so that the organisation would be able to provide better social services. Fieldwork is covered by funds granted by the Mol.

In August 2010 one centre of the Diaconate registered a social service – field programmes - fieldwork for trafficked persons. Activities are covered within individual projects of the given Regional Authority funded by the European Social Fund.

In June 2010 the Diaconate registered a social service - sheltered (asylum) houses under Sec. 57 of the Act on Social Services. In August 2010 the Diaconate opened for men a sheltered flat with a secret address. The capacity of the flat is five beds and serves for men from the target group of trafficked or exploited men or men who are in danger of such phenomena. Clients are identified either by NGOs or law enforcement authorities. The sheltered flat is paid by funds from the MLSA as well as from foreign sources.

The Diaconate provides, within their service labeled “sheltered houses”, either comprehensive social services or facultative (only selected) services. Comprehensive social services in a newly open sheltered flat were provided to nine men. Selected social services were provided to ten men and three women. Men of Bulgarian and Romania origin prevailed, followed by men from other EU Member States, exceptionally there were male clients from Vietnam and several male clients were Czech nationals. Only one woman was from Nigeria. None of the men was included in the Programme.

Social needs of men who were exploited in the labour market differ from social needs of women. Men want to stay in social services for a short period of time. Their primary aim is

²⁵ +420 605 988 566

to find legal work so that their negative experience will not be repeated. Although they are suffering from physical or psychological trauma they usually refuse medical care and in particular they reject any psychological assistance. They often underestimate their fear of offenders or they refuse to admit it. They feel guilty for experience they have had.

3.5.3.3 Other Activities of the Diaconate

The Diaconate continues in preventive activities carried out in basic and secondary schools. Upon the request of the Mol in total 22 male and female police officers of the Czech police were trained and authorised to offer the programme in 2011 within preventive activities carried out by the Czech police.

Together with other non-profit making organisations the Diaconate has been creating a system of so-called small crisis plans for finding solution to the provision of assistance to groups of clients. The current system of the provision of social services was developed mainly for individuals.

3.5.4 International Organisation for Migration

3.5.4.1 Basic Information on IOM

The International Organisation for Migration (IOM) is an inter-governmental organisation established in 1951 with its principal registered seat in Geneva. In 2009 IOM had 127 members, 94 observers (including 17 states holding observer status and 77 global and regional inter-governmental organisations and NGOs) and more than 445 field locations all over the world;²⁶ 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.

3.5.4.2 Prevention of Trafficking in Human Beings and Education

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

Also in 2010 activities of IOM focused on migrants from Mongolia. (For more information see Chapter 5: Partnership.)

In October an international project “Enhancing Provision of Information to Unaccompanied Minors” was accomplished. It was a project within the framework of which IOM cooperated with the MLSA and Mol. Six countries participate in the project – Belgium, Bulgaria, the Czech Republic, Poland, Austria and Romania. One of the most significant

²⁶ The data is as of 4 February 2010.

preventive elements of the project is prevention of trafficking in unaccompanied minors. The project is aimed at increasing the provision of information to unaccompanied minors residing in reception centres in host countries and potential unaccompanied minors in their countries of origin. Unaccompanied minors are informed on the rights which are applicable to unaccompanied minors, 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(s) (i.e. statutory representatives).

IOM is also active in lectures and 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. The Programme of Voluntary Returns has two lines: either such returns are paid for from IOM resources, or covered by the Mol (for further information see chapter Programme of Support and Protection of Victims of Trafficking in Human Beings).

3.5.4.3 Information on Victims Trafficking from/to the Czech Republic Retrieved from the IOM Global Database of Trafficked Persons

The only case relating to the Czech Republic was recorded in the Database in 2009.^{27,28} In this case a national of Belarus (female) was provided with assistance in her country of origin. According to the information from the Database she was for several months in 2003 exploited as a forced labourer 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 has occurred (in 2008 only two cases were recorded, both of them in Belarus). In 2010 no case relating to the Czech Republic was recorded.

3.6 Evaluation of Applications of the Provisions of Section 42e of the Act on the Residence of Foreign Nationals

The Act on the Residence of Foreign Nationals stipulates conditions for entry of a foreign national to the Czech Republic and departure of a foreign national from the Czech Republic. It also lays down conditions for the residence of foreigners in the Czech Republic and defines competencies of the Czech police, the Mol and the MFA pertaining to this area of state administration

Sec. 42 specifically lays down conditions upon which the Mol, at the request of a foreign national, issues a long-term residence permit for the purpose of protection in the Czech Republic. The Mol issues a long-term residence permit for the purpose of protection in the Czech Republic to foreign nationals who are, or have probably been, victims of offences related to THB or are persons who have been the subject of an action to facilitate illegal immigration or persons who have been assisted to illegally reside in the Czech Republic and 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 visa is issued upon the condition that such

²⁷ 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.

²⁸ IOM Prague does not contribute to the said Database.

persons cooperate with law enforcement authorities within criminal proceedings relating to a suspicion that a criminal offence has been committed and such persons do not cooperate with a suspect(s).

The amendment to the Act on the Residence of Foreign Nationals has extended the group of persons eligible for a long-term residence permit for the purpose of protection in the Czech Republic to be issued by the MoI; namely they are foreign nationals whose cooperation with law enforcement authorities is important with respect to prevention, detection, examination or investigation of a crime or any other wilful offence for which prosecution is subject to an international agreements. The Czech Republic is bound by 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 do not cooperate with a suspect(s).

As in the previous year it should be stated that the DAMP, as an administrative body responsible for statistical records, 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.

Administrative proceedings in 2010 -in total 35			
granting a residence permit	5	granted	4
		denied	1
extending a residence permit	26	extended	26
cancelling a residence permit	4	cancelled	4

The obtained data also showed that the most frequent administrative proceedings concerned nationals of Ukraine, in 22 cases, followed by five nationals of Mongolia, four Vietnamese nationals, two persons from Russia and one person from Algeria and also one person from Nigeria. Of the total number there were 20 women and 15 men.

The provisions of Sec. 42e and related provisions of the Act on the Residence of Foreign Nationals in relation to victims of THB did not see any amendments in the last year.

3.6 Further Information on Identification of Victims

In order to make support and protection of victims of THB maximally effective the director of SPD was assigned (under the Instruction of the Minister of the Interior No. 14 of 15 February 2010 regulating the National Referral Mechanism for Support and Protection of Victims of THB – hereinafter referred to as the "Instruction") a task to draw up basic guidance encompassing information on selected assisting non-profit making organisations in the Czech Republic designated for presumed trafficked victims in the case of whom the procedure under the provisions of Sec. 42e and Sec. 33 (1) (b) of the Act on the Residence of Foreign Nationals or the procedure according to the Guidelines of the First Deputy of the Minister of the Interior of 7 June 2010 concerning operations of the Programme on Support

and Protection of Victims of Trafficking in Human Beings and Its Coverage by Institutions cannot be used. The instruction further assigned the Police President, the director of the Prevention Crime Department, the director of the Department of Asylum and Migration Policy and the director of the Refugee Facility Administration on presumed victims of THB to safeguard forwarding of basic information.

In the course of 2010 several changes were made. The instruction had been before only an Annex (a kind of the form to be completed) to the Binding Instruction of the Police President concerning THB. The instruction is now published, as a sort of guidance, on relevant intranet pages and does not function any more as the form to be completed and signed.

The text will be entitled “Basic Information on Selected Organisations Assisting Presumed Victims of Trafficking in Human Beings” and will contain a list of non-profit making organisations that provide support and assistance in the Czech Republic to victims of THB, migrants and different services to similar groups of persons.

When identifying victims, the main problem for all involved entities is the fact that a victim of labour exploitation does not perceive him/herself as a victim. What is in the Czech Republic serious violation of labour-law regulations or what may be classified as a criminal offence can sometimes be standard in the victim’s country of origin. Although the victim’s salary can be considerably below average the victim is often far better rewarded than in his/her mother country. Thus victims express a minimal interest in uncovering labour exploitation.

When making all efforts to identify victims, employees of the Refugee Facility Administration (hereinafter referred to as the “RFA”) encounter various problems. Detention facilities for foreigners have to solve a range of problems. For example experience of such facilities show that their clients do not differentiate between personnel of the RFA and officers of the alien police, in other words they do not trust staff of the RFA and a better relationship usually requires more time. At the very beginning clients do not always want to provide some sensitive information. The following continuous work with clients is focused primarily on groups of clients at risk (mentally disabled people, single mothers with children, unaccompanied minors) and due to options available for identification of signs of trafficking the sample of a potential target group is quite small, taking into account the total number of foreign nationals in detention facilities.

As regards asylum facilities employees of reception centres struggle with the same obstacles as their colleagues in detention facilities when they try to identify victims of THB: the short-term presence of clients in the given facility is insufficient to be able to build climate of trust which could lead to voluntary sharing of information which does not occur during introductory interviews and further contacts with clients. With regard to residence centres, social workers confirm that clients are asked questions concerning the possibility of THB, however answers are not forthcoming. After their arrival in residence centres clients are mostly interested in practical issues concerning life in the given centre, and they are not willing to talk with social workers about their past. This information has been most probably already provided to officials of the DAMP and therefore clients do not consider as important to repeat it again.

The RFA thinks that similar a situation relating to identification of presumed victims of THB can be expected in individual facilities/centres also in 2011. With regard to the above mentioned it appears to be important to establish a system for regular provision of information to foreign nationals in asylum facilities and detention facilities for foreigners about the issue of THB. To this end, cooperation with relevant NGOs is crucial and the same applies to production of information leaflets that allow victims of THB to self-identify. The RFA considers it important to organise follow up training seminars and thus enhance a capability to identify victims of THB.

3.7 Financial Sources

3.7.1 Funds Provided by the Ministry of the Interior of the Czech Republic

In 2009 in order to meet tasks arising from the “Crime Prevention Strategy between 2008 and 2011” 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 2010. In February 2010 financial resources were, upon the decision of the Commission for the Allocation of Grants, allocated to five NGOs: La Strada Czech Republic, Archdiocese Charity Prague, Organisation for Aid to Refugees, Rozkoš bez rizika (Passion without Any Risks) and the Diaconate. The grants were made in the total amount of CZK 3,832,480. Projects focused on assistance to victims of THB, street fieldwork and prevention of this type of crime (see Annex 1).

For 2011 the Crime Prevention Department of the Mol published a call for proposals concerning operations of the Programme “Prevention of Trafficking in Human Beings and Assistance to Victims of Trafficking in Human Beings”. Up to 30 September 2010 the Department received in total six applications for provision of government subsidy to private non-profit making organisations. The Commission for the Allocation of Grants will decide on amounts of subsidies in February 2011.

3.7.2 Funds Provided by the Ministry of Labour and Social Affairs of the Czech Republic

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 – mainly to secure so-called fundamental activities. A subsidy can be provided only to a registered provider of social services, to fund different types and forms of social services.

In order to illustrate the situation the following table encompasses the overview of funds provided in the past year to some organisations among whose target groups are victims of THB. It is important to stress that the below providers of social services provide such services also to other target groups, not only to victims of THB. The financial data covers the year 2010 and relates only to grants provided by the MLSA. The table includes mainly social services designated for the target group in question with regard to its needs. Thus the services included social consultancies, asylum/sheltered houses, crisis assistance, telephone emergency assistance and street/field programmes. When selecting organisations to be included in the table the following was taken into account: a high number of services registered for victims of THB and a priority for inclusion of victims of THB among target group persons.

Organisation	Name of the service	Type of the service	Subsidy in 2010 (CZK)
Diocese Charity Brno	Magdala – assistance to victims of THB and forced prostitution, Znojmo	field/street programmes	632,000
Diocese Charity Brno	Hot line Blansko	crisis assistance through the telephone line	542,000

Diocese Charity Brno	Centre "PRO" Blansko	crisis assistance	307,000
Archdiocese Charity Prague	Magdala Advisory Centre	professional social consultancy	1,121,000
ROZKOŠ bez RIZIKA	Advisory Centre for Women	professional social consultancy	481,000
ROZKOŠ bez RIZIKA	We are not alone to do it	field/street programmes	2 230,000
ROZKOŠ bez RIZIKA	Prague Advisory Centre	professional social consultancy	385,000
Diaconate – centre in Rokycaney	Civil Advisory Centre Rokycany	professional social consultancy	1,000,000
Diaconate – centre in Čáslav	Civil Advisory Centre of the Diaconate in Čáslav	professional social consultancy	410 000
Diaconate – centre of social assistance in - Most	Civil Advisory Centre Most	professional social consultancy	1 234 000
La Strada Czech Republic	Crisis assistance provided to trafficked and exploited persons	crisis assistance	2 200 000
La Strada Czech Republic	accommodation for trafficked and exploited persons	asylum/sheltered houses	1 200 000
La Strada Czech Republic	Advisory Centre for trafficked and exploited persons	professional social consultancy	1 203 000

3.7.3 Other Financial Sources

Further it is important to mention that grants provided by the MLSA and MoI represent only one of many other sources through which the described services are financed as, providers of social services are obliged to use funding from more sources. Other sources used to finance the listed providers can be the budgets of regions/municipalities or individual projects of regions, the European Social Fund (for more information see 2009 Report), other international funds, and so forth.

4 PREVENTION

This chapter encompasses information on preventive activities in the area of THB. However, it must be noted that the chapter does not contain an exhaustive list as different preventive activities are described in previous chapters. In order to complete the information we have included below some other significant activities. Relevant information on prevention will be provided in the chapter Partnership (in the majority of cases it is impossible to precisely distribute such information into individual chapters: a number of preventive activities are based on efficient cooperation between various partners and on the other hand, a range of partnerships is established for the purpose of prevention).

4.1 Education and Training

Training and special lectures aimed at the issue of THB and relevant preventive measures continued in 2010. Seminars and lectures were held in cooperation with state institutions and NGOs.

4.1.1 Education and Training of Law Enforcement Authorities

In 2010 a wide range of training courses aimed at the issue of THB and designated for law enforcement authorities was held. Seminars were aimed not only at trends occurring in this area but dealt with other relating areas such as confiscation of criminal proceeds, training regarding the provisions of the Act on the Residence of Foreign Nationals and so forth.

4.1.1.1 The Police of the Czech Republic

Before describing education concerning THB and for better understanding of education and training of police officers of the Czech police we will provide basic information on the system of education of Czech police officers.

Firstly, education of police officers includes preparation for professional qualifications, part of which are studies to attain the first degree of education (a necessary degree of education can be achieved in one of the four Police Colleges or in one Secondary Police School where students can continue their studies directly in the Police College; police officers can also study at the Police Academy of the Czech Republic which provides higher education). Then there are specially targeted studies, followed by studies aimed at attaining further professional qualifications (police officers can study one of a choice of qualifications courses – one of them is the so-called basic professional preparation). There are also special studies providing professional qualifications for certain activities under Sec.45 (2) (b) of Act No. 361/2003 Coll. on the Rules of Service of Members of Security Forces, as amended. Education also includes further professional preparation, preparation to sit a police service examination and a system of managerial studies.

Topics relating to the issue of THB were included in education and training programmes of **initial basic training** as well as in **specialised courses** for members of the Czech police in education facilities of the Mol. 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.

Police officers designated for combating organised crime are trained in the Police College of the Mol in Pardubice, the Training Facility of the Mol in Prague – Ruzyne, but also in Police College and Secondary Police School of the Mol in Holesov and the Police Academy of the Czech Republic, in specialised courses for police officers of the CPIS. 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 as daily studies in the Police College of the Mol in Pardubice, at the Police College in Brno and the Police College and the Secondary Police School in Holesov. Police officers attend the courses daily. In 2010 eleven specialised courses “Operative Investigation Activities” were organised for police offices of CPIS. The courses were attended by 206 police officers. A further 54 police officers continue to attend such courses in 2011.

In 2010 the trend concerning the fight against THB was seen also in activities of the Alien Police Service of the Czech Republic. In the course of every explanatory lesson on adopted measures or during security actions, offences of THB were always explicitly mentioned and focus on detecting this crime within the given actions was stressed at all times. Officers from individual district directorates of the alien police prepared or at least

participated in preparation of the majority of large security and control actions. These officers were familiar with the issue concerned and worked within the actions as liaisons. They can also work as liaisons in the case of future actions if the same problem occurs. These officers are also primarily informed on the issue of THB within the instructive guidance provided by the Directorate of the Alien Police Service and in the course of instructive methodological lectures given by officers of the Unit for Criminal Investigations and Documentation of the Directorate of the Alien Police Service. They can also contact officers of the CPIS in the given location.

In order to explain the situation we would like to state that in 2010 a total of 1,154 police officers were trained at the Police College of the Mol in Prague on the issue of THB within their basic professional preparation. A further 248 police officers were informed on the issue in question within their studies at the Police College of the Mol in Prague.

Training activities relating to the area of THB in 2010 were included in the instructive methodological lecture **Professional International Seminar on Forced Labour**, organised for experts of the UCOC within training held under the auspices of the Central European Police Academy (Mittleuropäische Polizeiakademie, MEPA). It was a seminar including presentation of activities of the Department of THB and Illegal Migration of the Unit for Combating Organised Crime. Case studies were also used. In 2010 the workshop on the issue of THB was held in Prague where it was organised by the Department, of THB and Illegal Migration of the UCOC for specialists of the UCOC. Further, an instructive methodological lecture was organised in Balkova by the UCOC, and OCPIS. The lecture dealt with the issue of THB and was designed for specialists working for the UCOC, OCPIS and Regional Police Directorates of the Alien Police Service. Training in the area of the provisions of **Sec. 42e of the Act on the Residence of Foreign Nationals** and other relating provisions of the same Act cannot be omitted. The DAMP of the Mol in cooperation with the UCOC participates in regular training of law enforcement agencies competent in the area concerned. Furthermore, the DAMP of the Mol provides ad hoc consultations to public prosecutors and judges.

The issue of combating THB is instructed within the framework of individual training courses, modules, subjects or education programmes held in schools and school facilities of the Mol. The subjects are as follows: Communication and Police Ethics, Social Pathology, Law, Administrative Law, Forensic Criminal Science and Criminology (Guidelines for investigations of crimes committed by youth and against youth and sexually motivated crimes), Substantive Criminal Law – a special part (commercial sexual exploitation of children and youth, trafficking in human beings), and Psychology.

It would be beneficial if specialists involved in combating THB underwent training aimed at **detecting and investigating this type of crime** in terms of economic crime, i.e. searching for criminal proceeds, proving ownership of such proceeds, the issue of job agreements and more intensive cooperation with specialists from the Unit for Combating Corruption and Financial Crime (training on criminal proceeds was held for members of the UCOC) or effective cooperation with colleagues from units combating economic crime.

4.1.1.2 Education in the Judicial Academy

The Judicial Academy provides the education of persons working within the scope of competence of the Ministry of Justice. As regards education and training the Academy also coordinates activities of courts, public prosecutors' offices and other relevant institutions. It organises professional training of judges and public prosecutors, education and training of court and other legal trainees as well as other middle professional staff of courts who are

obliged to participate in such training courses under the special legal regulation or if it is stipulated by the Ministry of Justice. The Judicial Academy analyses and researches the needs of judges, public prosecutors and other professional target groups and provides information on all planned training events. The following seminars on the topic of THB were held:

- One day seminar (two parts) - “**Criminal Offences in the Health Care System**” focused, *inter alia*, on the issues contained in the Convention on Biomedicine. For example illicit manipulation of cells, tissues and organs. The seminar was designed for judges and public prosecutors. About 60 experts participated in both parts.
- In February 2010 the one-day seminar “**Organised Crime**” was held. It focused on how to use operative and investigative means when combating organised crime and conditions for their utilisation with a special focus on: using an agent; international judicial cooperation and utilisation of an agent; gathering evidence links between organised crime and specific areas of criminal activities including THB – current trends in this area, cooperation between a police body investigating this crime and a police body contacted by an NGO, as well as other topics relating to organised crime. The seminar was designated for judges and public prosecutors and was attended by 40 of them. Trainers were from the High Public Prosecutor’s Office.
- Two-day seminars (repeated four times) “**New Criminal Code**” aimed, *inter alia*, at provisions encompassed in the new Criminal Code including constituent elements of illicit manipulation of cells, tissues and organs, removal of tissue or an organ and transplantation for pecuniary consideration, THB, procurement, prostitution endangering morals of children, production and distribution of child pornography, and abuse of a child for production of pornography. The seminar was again developed for judges and public prosecutors and was attended by 218 experts. Trainers were representatives of the Supreme Court, the Supreme Public Prosecutor’s Office and Regional Public Prosecutors’ Offices.
- In May 2010 the one-day seminar “**Trafficking in Human Beings**” was held. It dealt with the following issues: the situation pertaining to the area of THB in the Czech Republic, the Programme of Support and Protection of Victims of Trafficking in Human Beings; investigations of criminal activities concerning THB for the purpose of forced labour; legalisations of criminal proceeds – monitoring financial flows in relation to organised crime in the area of THB, tax crimes and related issues; findings collected in practice – casuistics; relevant provisions of the Criminal Code and impacts of changes brought about by the new Criminal Code and incorporated in criminal proceedings; The Report on Activities of Public Prosecutor’s Offices; proving a crime of THB for the purpose of forced labour and proving criminal activities relating to organised crime by public prosecutors; brief information on selected judgments from foreign case law; needs of trafficked persons, in particular in the area of THB for the purpose of forced labour; practical problems arising from representation of the victim (the injured) of THB. 25 foreign judges and public prosecutors participated in the seminar. Lecturers were experts from the MoI, the Supreme Public Prosecutor’s Office, Regional Public Prosecutors’ Offices, the Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Czech police and a representative of La Strada.
- In April 2010 one-day seminar “**Crime via the Internet**” was organised. It focused on cyber-crime (methods for committing such crime, technical possibilities and relevant terms, technical aspects of investigations, ICT crime and criminal offences committed via the internet – in particular internet crime against children; experts’ opinions (the most frequent problems). The seminar was again prepared for judges and there were 45 attendees. Lecturers were relevant police experts of the Czech police and forensic experts.

4.1.2 Training of Staff of the Refugee Facility Administration

Staff of refugee facilities play an important role in identifying potential victims of THB as they could be in contact with them. In 2010 two training courses focusing on identification of victims of THB were organised for employees of RFA, social workers from asylum facilities and employees of Detention facilities for Foreigners. The seminar was organised by the Archdiocese Charity Prague. In total 34 employees of the above-mentioned facilities participated in training. Participants evaluated the seminar as beneficial for them. According to them, the training delivered relevant information and a basic overview of the given issue. They appreciated the participation of experts from the Ministry of the Interior thanks to whom they acquired a comprehensive overview of how the Programme functions, they obtained information on how to apply the provisions of Sec. 42e of the Act on the Residence of Foreign Nationals and other relating provisions of the same Act, as well as crucial information from application of these provisions. They also positively evaluated the inclusion of model situations in the training programme (further proposals for training of employees of the RFA in relation to identified problematic areas – see chapter 3.6 Further Information on Identification of Victims).

4.1.3 Training of Employees of the Ministry of Foreign Affairs Assigned to Work Abroad

In 2010 the MFA implemented a new system of consular training designated for employees of the MFA scheduled to work abroad. Their job description includes consular work to be performed at Czech consulates and/or embassies. The system distinguishes between two types of training courses: preparation before the departure abroad and ongoing training designated for employees already working abroad at consulates embassies.

The aim of the pre-departure training is to comprehensively prepare MFA employees for performance of their work at Czech consulates or embassies. Training has a consistent timetable, time allotment is firmly planned and the course lasts for fifteen consecutive days. Lecturers are experts from legal and consular sections of the MFA as well as external trainers working for relevant bodies of state administration and for NGOs. Completion of this training course is a condition for secondment of an employee to a Czech consulate or embassy abroad and for performance of consular work.

Within the framework of pre-departure training the MFA cooperates with the Security Policy Department of the MoI which organises the lecture “Trafficking in Human Beings”. Attention of consular workers is drawn to problems relating to THB, its forms and manifestations. The lecture also includes information about the system of support and assistance of victims of THB and possibilities embassies and consulates have when they work with information gathered in the Czech Republic. The SPD of the MoI is involved in the above-mentioned lectures every year. In 2010 the MFA managed to organise five pre-departure training courses and therefore in total 67 consular or other staff earmarked for secondment to work abroad were trained.

In 2011 it is planned to merge the lecture of the SPD with a presentation of IOM, thus following up experience gathered during the pilot training for pre-departure preparation, which was held in 2009.

4.1.4 Training of Armed Forces

In 2010 cooperation with the University of Defence in Brno continued. Seminars aimed at the issue of THB for higher-ranked army officers and for commanders of the Civil Military Cooperation were held in Lipník nad Bečvou. The unit of Civil Military Cooperation

regularly sends several dozen of their members to peace missions where they closely cooperate in the place of their deployment with competent local authorities.

4.2 Other Activities

Information Lectures in Schools

A video spot focusing on prevention of THB was created within preventive activities in 2010 by the ŠIK CZ company, in cooperation with La Strada (NGO). ŠIK CZ is a company which, by means of large-screen displays installed in schools, strives to find a new method of communication with young people. 269 basic and secondary schools were involved in this project. The objective of the campaign was to inform children and youth on the issue of THB and to provide them with information, for example before they decide to travel abroad.

Violence against Sex Workers

As regards combating THB for the purpose of sexual exploitation an event held on 17 December, i.e. on the International Day to End Violence against Sex Workers, should be mentioned. On that day Rozkos bez rizika (NGO) organised for the general public a march to honour memory of 18 murdered sex female workers and one male sex worker (the data has been gathering since 2000 and provided by the Police Presidium). Approximately ten organisations dealing with the issue of violence against women (for example Rosa, La Strada, and Elektra) but also Česká ženská lobby (the Czech Women Lobby which is a network of organisations), officers of the Municipal Police of the capital city of Prague and representatives of mass media were asked to participate. A programme prepared for professionals was also attended by a social worker from Elektra, o.s., a psychologist from Brno and a university student from Brno. Results of surveys collecting the opinions of sex workers on the proposal of the Act on Prostitution Regulation in comparison with interpretation of such opinions by media were presented to the general public. Results included also comparisons of opinions of clients of Rozkos bez rizika in individual regions (the document was entitled About Us and With Us or What Sex Workers Think about the Draft Act on Prostitution Regulation).

Economic Migration Management

Another document which should be mentioned within the issue in question is the “*Draft Measures for Economic Migration Management, Protection of Rights of Labour Migrants and Implementation of Returns*” drawn up by the DAMP of the Mol and discussed, *inter alia*, within the Analysis Centre for the Protection of the Czech Republic’s National Border and Migration. This document was approved by the Government on 19 January 2011. The document tackles three types of problems: the proposal of a new system of economic migration to the Czech Republic; the proposal of returns of foreign nationals; and **evaluation of current application of provisions of administrative and criminal law relating to illegal migration and labour exploitation of foreign nationals**. The latter part of the document evaluates how instruments of criminal and administrative law are used and describes problems related to application of these, by competent administrative bodies or law enforcement authorities; an emphasis is placed in particular on **unlawful conduct and criminal offences relating to economic migration**. This part of the document was submitted to the Government for their information. However, it also contains proposals of possible measures aimed at strengthening control and sanction mechanisms in the given area.

Development of Social Services

In 2009 the Government of the Czech Republic took note of the document “Development Priorities of Social Services between 2009 and 2012” which is the first national strategic document arising from the Social Services Act. It places a great emphasis on the area of social prevention services (it means also services for victims of THB). This document

was a first step towards development of a comprehensive national plan of development of social services, which the MLSA drew up in cooperation with relevant partners in the area of social services in 2010, and which was to be submitted to the government for a further discussion. The document describes the main social services and in general it also focuses on services of social prevention and defines desirable aims and tools for their achievement.

In the course of 2010 the MLSA launched the project, funded under the Operational Programme Human Resources and Employment, "Support of Processes in Social Services". The aim of this project is to promote availability of social services for their users through effective and transparent management, distribution and monitoring of financial resources provided for social services from the general government budget. Activities focusing on identification of social phenomena and needs including sources to cope with them and to find solutions to them are implemented within the framework of the project. Defined phenomena and needs will be linked to the current system of social services (activities/steps within individual types of social services). Such activities cannot omit the target group "victims of THB". Among the outcomes the project should deliver are relevant normative amendments of current legislation.

4.3 Prevention through Enhancement of Legal Regulations

The chapter dealing with prevention in 2010 encompasses also an overview of legislative amendments which were initiated in 2010 and debated within comments received from relevant bodies, and eventually came into effect. Although legislation is often seen in the light of effective punishment of offenders, it can be also seen as a preventive measure. Good legal regulations and effective, proportionate and dissuasive sanction for their violations can discourage at least some offenders from criminal activity, but in particular good legislation protects and guarantees the rights of citizens including foreign nationals, vulnerable groups and individuals. It is the real objective of prevention.

4.3.1 Amendments to Relevant Legal Regulations in the Czech Republic

4.3.1.1 New Criminal Code

For the sake of completeness we decided to stress again that the new Criminal Code came into effect on 1 January 2010. The crime of THB is stipulated in Sec.168 of the Criminal Code and it was widened to also include forcing somebody into the production of pornography as sexual exploitation, apart from "forcing somebody into sexual intercourse or other forms of sexual exploitation or harassment". As regards labour exploitation "slavery or servitude; or forced labour or other forms of exploitation" were supplemented by "forced service in armed forces". Further the provision of "removal of tissue, cells or an organ from a human body" was newly included. One of the changes was also the definition of a new offence (a new constituent element of crime) - prostitution endangering the moral development of children in Sec. 190. (For more information on changes adopted in the new Criminal Code see the 2008 Status Report on Trafficking of Human Beings in the Czech Republic).

Amendment to the Provisions of Sec. 368 of the Criminal Code – Failing to Report an Offence

The new Criminal Code 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 (Sec. 168 of the Criminal Code). However, prior to the Criminal Code coming into effect NGOs contacted the MoI and expressed their concerns that a new regulation could be, on the other hand, dangerous for society since the obligation to forthwith report the fact that a

crime of THB has been committed was imposed also on persons working as fieldworkers who are in everyday contact with the criminal environment as well as with victims of criminal acts. As a consequence, such a legal regulation could 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. The UN Committee for Elimination of All Forms of Discrimination of Women also called on the Czech Republic to consider amendment and reassessment of this legal regulation.²⁹

As a result the MJ organised a meeting in December 2010, the conclusions of which led to the agreement to amend provisions of Sec. 368 of the Criminal Code and exempt persons working for organisations providing assistance to victims of criminal offences from the obligation to report the crime of THB pursuant to Sec.168 (2) of the Criminal Code and the crime of restriction of freedom (Sec.170 of the Criminal Code). The reporting obligation will be maintained if a minor is a presumed victim.

4.3.1.2 Code of Criminal Procedure

Currently there is very intensive work being done on drafting the new Code of Criminal Procedure, however, the amendment to the currently valid Code of Criminal Procedure will be submitted to the government in the near future. The amendment responds to the Governmental Strategy for Combating Corruption in 2011 and 2012 (telephone tapping, further it regulates pre-trial custody, necessary defence and some other provisions).

4.3.1.3 Act on Victims of Crimes

Attention should be also paid to a legal regulation, currently being drafted, which deals with victims of criminal offences. The Act on Victims of Crimes was under development in 2010 (and drafting will continue in 2011). The Draft Act will be submitted to the Government no later than 31 August 2011.

4.3.1.4 Liability of Legal Entities

Within the need to implement legal regulations arising from international requirements it is important to mention preparation of the regulation, which should facilitate adherence to international obligations. The working body of the governmental coalition reached the agreement to adopt the Act on Legal Liability of Legal Entities. The draft prepared by the Ministry of Justice appeared to be the most appropriate. This document was submitted in the first half of 2010 for comments from relevant stakeholders. The expected Act on Legal Liability of Legal Entities was submitted to the Government and finally approved at the beginning of 2011. The Draft Act was submitted in two versions: the first draft encompassed a full list of criminal offences the legal entities should be liable for (the list was based on directives binding upon the Czech Republic); the second draft regulates liability of legal entities in the same way as the liability of natural persons is regulated. It is probable that he first version will be adopted, presumably in the second half of 2011.

4.3.1.5 Amendment to the Act on the Residence of Foreign Nationals

²⁹ For more information on and further recommendations of the Committee for the meeting CEDAW see: <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-CZE-CO-5.pdf>

The amendment of the Act was returned from the Senate to the Chamber of Deputies with three amendments to the text. The original amendment, however, was adopted by the Chamber of Deputies on 21 December 2010. The Act has been amended for several reasons: one of them is transposition of three EU Directives (2009/52, 2008/115 and 2009/50). The Act has newly introduced a residence permit known as the Blue Card, which merges a residence and labour permit and is designated for third-country nationals who perform work requiring high professional qualifications. The obligation of an employer to pay costs of administrative expulsion of a foreign national who has been employed by him/her has been extended. A part of the Act concerning the provisions of residence up to 90 days has been repealed. The issue of a short-term visa will be regulated by the said Act only minimally. Foreign nationals will be issued residence permits in the form of a separate document equipped with biometric data (this will be valid from May 2011) instead of current residence stickers in passports. All procedures related to residence of foreign nationals have been transferred from the Alien Police Service to the DAMP of the MoI and at the same time territorial directorates of the Alien Police Service have been abolished. Their activities will be transferred to the Departments of Alien Police, which will operate within Regional Headquarters of the Czech Police. A new unit (the Commission) will be established at the MoI and will work as a second instance body for appeals against decisions regarding residence of foreign nationals issued by the DAMP. The amendment to the Act on the Residence of Foreign Nationals has brought about changes also in health insurance for foreigners.

4.3.1.6 Amendment to the Act on Employment

The above-mentioned amendments to the Act on Employment will come into effect on 1 January 2011. They brought about, *inter alia*, more stringent conditions for operations of job agencies in the Czech Republic including obligatory insurance of a job agencies against bankruptcy of the agency and/or bankruptcy of a user (at the amount securing the payment of a wage up to triple the average monthly wage paid to all temporarily employed agency employees) and obligation to submit such an insurance policy to the MLSA. The sanction is withdrawal of the licence for the agency that has failed to comply with such obligations. In accordance with the new legal regulation the MLSA will withdraw the licence of the job agency if the agency violates provisions of the Act on Employment that do not directly relate to intermediation of employment. At the same time the MLSA will specify a date before or on which the job agency is obliged to terminate its activities as a job broker. Furthermore, conditions for changing a responsible representative of an agency are becoming stricter. In order to issue its opinion for the MLSA in relation to application of a job agency for the licence, the Ministry of the Interior is newly authorised to request relevant information from the Czech police or an intelligence service. When drawing up its opinion the Ministry of the Interior assesses the application for the licence for intermediation of employment in terms of public order, security and respecting rights of third persons, undoubtedly including cases relating to possible THB.

4.3.2 Amendments to Relevant EU Legal Provisions

Directive on preventing and combating trafficking in human beings, and protecting victims

In 2010 the draft Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims repealing Framework Decision 2002/629/JHA came to its final phase of negotiations. It is considered to be a fundamental EU document in the fight against THB. The draft strives by means of its

holistic approach to secure a more effective fight at the EU level against THB (*prosecution*), more effective prevention (*prevention*) and finally the due protection of victims of THB (*protection*). The draft directive was discussed as early as 2009 in the form of the framework decision and from 2010 in the form of a directive within the co-decision procedure with the European Parliament. The Czech Republic actively participated in negotiations concerning the draft directives and although it was critical to some proposals the final draft was an acceptable compromise for the Czech Republic.

In the final phase of negotiations the Belgium Presidency managed to defend the position of the Justice and Home Affairs (JHA) Council against proposals of the European Parliament of June 2010 with regard to key criminal law provisions concerning jurisdiction (Article 9 (2)), penalties (Article 4), as well as non-prosecution of clients using the services of trafficked persons (Article 15 (4)). These provisions remained unchanged after a concession made to the European Parliament - the adoption of the provision on the role of Anti-Trafficking Coordinator (ATC). This was criticized in/by the Czech Republic, however, when the whole context is taken into account, it was an acceptable compromise for the Czech Republic. If the directive is adopted in the form approved at the end of 2010 it will bring about some considerable changes:

- The definition of THB was extended to include new forms of exploitation (begging or removal of organs).
- A new provision concerning victims of THB – prosecution should be allowed for a sufficient period of time after the victim has reached the age of majority.
- Further EU Member States should take into consideration the possibility of imposing sanctions on the users of any service exacted from a victim, with the knowledge that the person has been trafficked.
- As regards unconditional assistance and support to victims of THB: the current text stipulates restriction of the guarantee of support and assistance provided to victims of THB; unconditional assistance and support to uncooperative illegally residing persons does not have to exceed the reflection period.

The decision to shorten the implementation period can be considered to be a negative change, and it means the EU Member States will have to implement both legislative and non-legislative measures encompassed in the Directive within two years. As regards the Czech Republic the obligation to adopt provisions relating to liability of legal entities will have to be fulfilled.

The Council of the EU for Employment, Social Policy, Health and Customer Affairs adopted on 8 March 2010 Conclusions of the Council of the EU on Eradication of Violence against Women in the European Union. The Council of the EU urges Member States, *inter alia*, to “ensure early identification as far as possible, and assistance and support, to all victims of trafficking in human beings including third-country and EU nationals. In particular, ensure that third-country nationals are granted a reflection period and a residence permit in conformity with Directive 2004/81/EC, or, where applicable, national rules, and are enabled to return safely to their countries of origin if they wish to do so”.

5 PARTNERSHIP

5.1 Partnership in the Czech Republic

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

Inter-ministerial Coordination Group for Combating Trafficking in Human Beings (hereinafter referred to as the "IMCG") was established and its status was approved by Government Resolution No. 1006 of 20 August 2008. Statutes as well as Rules of Procedure are published at regularly updated web pages of the Ministry of the Interior in the section on trafficking in human beings³⁰. The IMCG is responsible for coordinating activities in the area of combating trafficking in human beings and meeting tasks arising from relevant documents, in particular from Government Resolution No. 67 of 23 January 2008 concerning the National Strategy to Combat Trafficking in Human Beings (2008-2011) and its updated versions. The chair of the IMCG is the Minister of the Interior, and the executive vice-chair is the Deputy of the Minister of the Interior for internal security. The office of secretary is held by the director of the SPD. In addition to the IMCG a smaller group of experts meets approximately once a month at coordinating meetings. The group operatively solves actual problems concerning individual victims of trafficking in human beings. As a result the exchange of information among the main actors is ensured.

In 2010 two meetings of this group were held – 3rd and 4th meetings. The 3rd meeting was held on 30th June 2010 with the following points on its agenda: evaluation of the Czech Republic Trafficking in Persons Report - the TIP report; the issue of THB in the EU and related projects in which the Czech Republic participates or which the Czech Republic has initiated; the current application of the new provisions of failure to obstruct or failure to report an offence (Sec.367 and Sec. 368 of the Criminal Code) in the area of THB with regard to the opinion delivered by NGOs active in this area; the issue of the position of victims of THB for the purpose of labour exploitation presented by a guest (a barrister); informing the members of the IMCG on results of public procurement for the provisions of subsidies to non-profit making private organisations within the Programme "*Prevention of Trafficking of Human Beings and Assistance to Victims of Trafficking in Human Beings*", topical subjects presented by La Strada and regarding the conference *Comp.act*, and results of a facilitating groups within the project "*Assessment of the Human Rights Impact of Anti-trafficking Laws and Measures*".

The 4th meetings of the IMCG was held on 17 December 2010 with the following agenda: a new member of the IMCG was welcomed and introduced (the Diaconate), representatives of the UCOC and the DAMP of the MoI provided information on the case of Romanian citizens suffering from labour exploitation in Pilsen, topical information relating to a range of projects was provided (Magdala project "*Discovering Trafficking in human Beings, Assessment of the Human Rights Impact of Anti-trafficking Laws and Measures*" and so on), activities of the National rapporteur were presented (this role is played by the SPD), further members of the IMCG became familiar with preparation of amendments to the Criminal Code in relation to the provisions of failure to obstruct or failure to report an offence, amendments to the Act on the Residence of Foreign Nationals, amendments to the Act on Employment and with main points of the draft Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims repealing Framework Decision 2002/629/JHA.

The Diaconate as the provider of social services for victims of THB was in 2010 admitted by the Minister of the Interior as a new member of the IMCG. Thanks to funds allocated to the Diaconate within the grant of the MoI *Prevention of Trafficking of Human*

³⁰ <http://www.mvcr.cz/clanek/mezirezortni-koordinacni-skupina-pro-oblast-boje-proti-obchodovani-s-lidmi-mks.aspx>

Beings and Assistance to Victims of Trafficking in Human Beings (the Crime Prevention Department is a responsible party for this grant) a sheltered flat for male victims of THB was opened.

In January 2010 NGOs and lawyers of the injured began to deal with a case that is known by the title "Tree-Workers" among NGOs. In March 2009 a job agency recruited labourers from among the Vietnamese community directly in the market place. The foreigners confirmed that they had been offered work in the forest for about CZK 10 to 15 thousand a month. Then they signed an alleged job contract, which later proved to be a training agreement under which labourers could not claim their wages but they were asked to pay training courses from CZK 500 to CZK 1,500. From March to June 2009 workers were transported to different localities in the Czech Republic where they worked 10 or even 12 hours a day to implement the work under the tender of the Lesy ČR. All foreign nationals told the same story – none of them was paid; some of them received CZK 1,000 per week as pocket money and money for food. Lawyers of the injured think that recruitment continued and victims of possible exploitation were nationals of other countries such as Mongolia, Romania and Slovakia.

One of the lawyers of the injured contacted the Crime Prevention Department in June 2010 and asked to be allowed to present a proposal of a legislative amendment (regulating the rights of foreign nationals in relation to the provisions of Sec. 168 of the Criminal Code). In June's meeting of the IMCG he presented the proposed legislative amendments arising from his legal practice and simultaneously he informed participants of the meeting about suspicion of large-scale criminal activities concerning THB and labour exploitation of foreign nationals who had been employed to perform manual work in the forest. With regard to complexity of the outlined problem a further meeting that would enable discussion of the whole affair in full details was agreed on. That meeting was held in the Mol premises in July 2010 where representatives of other bodies of state administration were present, including representatives of law enforcement authorities. The Mol recommended that the lawyers of the injured would contact relevant police bodies. The case was also dealt with in 2010 by the MLSA, law enforcement bodies including relevant departments of the Mol. All of them intensively investigated the case. Due to the complexity of the case it is possible to assume that it will be further dealt with by NGOs as well as state administration bodies in 2011.

In 2010 La Strada provided external professional consultations and cooperated with the tree workers. This case of exploitation of foreign labourers (both males and females) has drawn the attention of foreign entities, including for example the Organisation for Cooperation and Security in Europe (hereinafter referred to as the "OCSE").

5.1.3 Joint Security Actions, Joint Meetings

The Czech police evaluate cooperation in combating THB with individual entities as problem-free. Cooperation with the Crime Prevention Department, the SPD and other stakeholders within the Programme continues. Harmonisation of some relations seems to be necessary only in the area of the non-profit making sector within criminal proceedings.

Preventive activities were implemented by the police in regions that are mostly affected by prostitution and employment of foreign nationals, but also in newly established regions where the police entered into cooperation with entities outside the Mol especially within joint inspections in the environment of interest to the police.

With regard to the Alien Police Service it can be stated that cooperation with stakeholders involved in the fight against THB was fully reaped in 2010. Procedures to be used in 2011 will have to be adjusted since all groups were restructured and all documentation groups were transferred from the Alien Police Service to individual Regional Police Directorates, where Departments of Alien Police were set up, and they are divided into

groups or units according to regions. The Group of Documentation in the international airport Prague – Ruzyne is under the scope of competences of the Alien Police Service - Inspectorate of the Alien Police. All these units should devote their attention to the same issue, however, communication and cooperation between methodological and management links, i.e. the Unit for Management of Investigation and Documentation of Crimes of the Directorate of the Alien Police Service, and individual units of documentation in Regional Headquarters, do not yet function properly because units of documentation were included under direct the command of another police service. However, the trend is to maintain the current process and procedures of individual activities and established good cooperation; only with one change - the information flow must be channelled through Regional Headquarters.

In 2010 the Alien Police Service participated in the project of the FRONTEX aimed at the issue of THB – establishing a single procedure for combating THB and implementation of the report exchange system.

In 2010 there were joint security actions for the purpose of monitoring the prostitution scene in clubs in Prague, actions aimed at uncovering illegal residence or illegal employment of third-country nationals. These actions were carried out in cooperation with officers from the UCOC, the Prague Municipal Police and the Alien Police Service. Representatives of the MoI were also invited to participate in monitoring.

5.2 Cooperation with Foreign Partners

5.2.1 Cooperation in the EU

National Rapporteur

The Centre for Parliamentary Studies in Brussels organised the conference New Approaches in Prevention of Trafficking in Human Beings – Unification of European Knowledge. Representatives of the Czech Republic gave a lecture on the role of the national rapporteur in the Czech Republic entitled Challenges and Good Practice Examples. This lecture was included in the panel together with the presentation of the Dutch national rapporteur. The Czech Republic and the Netherlands represent different approaches to the role of national rapporteurs. The Netherlands is a supporter of links to be established between the independent judicial sector and the position of the national rapporteur. The Czech Republic authorises the competent department of the Ministry of the Interior to play the role of the national rapporteur – the work of the rapporteur is not connected with the management of the MoI, however, at the same time the rapporteur can efficiently obtain all information, in particular from law enforcement authorities as well as other bodies. Inclusion of the representative of the Czech Republic in the agenda of the conference must be considered very prestigious.

Representatives of the Czech Republic also attended a conference in The Hague, organised under the auspices of the Dutch national rapporteur, entitled Monitoring Mechanisms in Combating Trafficking in Human Beings. The conference was held on the ten-year anniversary of the Dutch national rapporteur in the office.

The Czech Republic also participated in two informal meetings of national rapporteurs and equivalent mechanisms of the EU held in Brussels. During the Czech Presidency the Czech Republic was an initiator of such a meeting, which was later formalised by the Decision of the Council of the EU of 4 June 2009 (Council conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings). Currently the meeting is held upon request, under the auspices of the European Commission, at least twice a year. Topics concerning directly the fight against THB at the level of the EU, monitoring activities of a number of European countries, joint projects and similar topics are debated there. National rapporteurs and equivalent mechanisms meet the tasks arising from their offices and results are presented at the above-

described forums. Representatives of different international organisations such as the International Labour Organisation (ILO), OCSE or IOM also attend these informal meetings.

Discovering Trafficking Project

La Strada (NGO) in partnership with the Security Policy Department of the MoI and the Judicial Academy jointly participated in the three-year project “Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation or Uncovering Trafficking in Human Beings for the Purpose of Labour Exploitation or Forced Labour”. This project was launched with the intention to increase awareness of people of the issue of THB and to improve access of victims of this crime to legal representation and other services provided by the state and guaranteed by the EU. The project is paid for by the European Commission - DG Home Affairs and has been implemented since June 2010. It will last for 36 months. The project should, *inter alia*, map out experience pertaining to the criminal law approach to the issue of THB for the purpose of forced labour and other forms of exploitation abroad. One of the particular aims is to define the terms “forced labour” and “labour exploitation” on the basis of experience gathered in the Czech Republic as well as in other EU Member States and then enable active use of these definitions within the judicial system in the Czech Republic. The project assumes cooperation of at least five EU Member States whose cooperation was preliminarily agreed on (namely Germany, Spain, Italy, Bulgaria, Belgium and the Netherlands) and reception of at least eight judgements relating to the aforementioned forms of THB that are final and conclusive. Judgments will be collected through the network of national rapporteurs and equivalent mechanisms. In 2011 the workshop on preliminary outcomes regarding collection of judgements will be held. It is expected that this workshop will be attended by participants from the countries which have provided their court verdicts for further analyses. Furthermore, the objective of the project is to disseminate its results to other EU Member States, to develop guidelines and it is assumed that this project will help improve cooperation between countries.

5.2.2 Further Cooperation at the International Level

International Labour Organisation (ILO)

On 4 and 5 July 2010 representatives of the Czech Republic participated in the conference “Transnational Multi-Stakeholder Action to Combat Trafficking in Human Beings for the Purpose of Labour Exploitation Identification and Protection of Victims – FREED” (hereinafter referred to as the “FREED”) held at the seat of the ILO in Geneva, Switzerland. Poland, Portugal, Romania and Italy participated in the FREED project. The aim of the project was to provide involved entities with information on the situation pertaining to THB for the purpose of labour exploitation across different sectors and in particular to provide labour inspectors with better conditions for monitoring risky jobs and persons who could become victims of this type of crime. Police units, public prosecutor’s offices, NGOs, labour offices, trade unions and labour inspectorates were engaged in the project. The conference presented results of this project. This conference was an impulse for the Czech Republic, namely for the Ministry of the Interior, to open discussion with the MLSA on an option to implement training for labour inspectors and inspectors of labour offices. It is expected that discussions launched in 2010 will continue in the following year.

European Roma Rights Centre (ERRC)

Participation of the Czech Republic in the conference of the European Roma Rights Centre held in Budapest on 10 December 2010 was an important experience. The conference was called ***Trafficking in Roma Women and Youth in Central and Eastern Europe***. The Report bearing the same name and dealing with the topic discussed was presented at the conference. It is important to emphasise that it was the first event of this type where the issue of THB or trafficking in Roma women and youth respectively was

discussed within the Roma community. It is a very sensitive issue in this community and therefore this conference and the research made prior to the conference mean a significant break-through in tackling this issue.

The aim of this conference was to introduce and discuss results of field research that had been undertaken in five countries of Central and Eastern Europe (the Czech Republic, Hungary, Romania, Slovakia, and Bulgaria). The qualitative research was carried out by the non-profit making sector by means of questionnaires and managed interviews with 227 people (victims, police officers, NGO workers) in five countries. For example in the Czech Republic twelve victims of THB of Roma origin were interviewed in Prague, Brno, Ostrava, and Usti nad Labem. In the course of the conference some misleading information directly concerning the issue of THB was presented. Representatives of the Czech Republic objected to the presented information and provided those who had drawn up the Report with relevant information. The document was intended for publication at the beginning of 2011 however it is not available yet.

Regional Initiative of Austria

On Monday, 20 September 2010, the High-level Ministerial Round Table Discussion was organised in the premises of the Austrian Chancellor. The discussion was held under the name "Towards Strengthening the External Dimension and Partnerships in Preventing and Combating Trafficking in Women; the Future of the EU Anti-Trafficking Policy in the Lisbon Treaty Era" and was organised by the Austrian Federal Minister for Women and Social Services - Ms. Gabriele Heinisch-Hosek. The Czech Republic was represented by the then Deputy of the Police President, Colonel Ing. Viktor Cech. The meeting in Vienna was organised to express a political will of states to fight against THB, and in particular against trafficking in women. Representatives of countries neighbouring Austria, including Croatia, participated in the round table discussions. The High-level Ministerial Round Table was preceded by preliminary negotiations with the Austrian party during which the Czech Republic requested amendment of the text of the proposed Vienna Declaration. This document was, after the close of the conference, presented to the media and it is to symbolise the beginning of new cooperation between invited states. This cooperation – regional initiative is based on principles adopted in the Lisbon Treaty and the Stockholm Programme and should strive to achieve the most effective implementation of existing tools for combating the phenomenon of trafficking in women. The Czech Republic expressed its support to activities aimed at suppression of this offence, however in the context of this regional initiative it expressed also its concerns that current initiatives can overlap and finally can be restricted only to the participating countries. The Czech Republic understands this initiative as a call on the Council of the EU to support the most effective implementation of existing tools for combating THB at the level of the EU.

International Expert Seminar held in Solenice

The Crime Prevention Department of the MoI in cooperation with the Security Policy Department of the MoI organised an international expert seminar consisting of workshops of experts focusing on the issue of THB. The seminar aimed at forced labour. It was held from 29 September to 1 October 2010 in the hotel of the Ministry of the Interior in Solenice. 36 Czech and eight foreign experts, in particular from among police and justice officers, took part in the seminar. Trainers were experts from the Czech Republic, Slovakia, Ukraine and a representative of FBI - the Legal Attaché for the Czech and Slovak Republics. The aim of this international expert meeting was to improve and speed up exchanges of information between the Czech Republic and source countries (Slovakia and Ukraine) on how certain cases of THB are being solved. Another objective was to assess current options of how to make application of criminal law more effective when uncovering crimes of THB for the purpose of forced labour. Experience arising from international cooperation in the fight against THB in source as well as destination countries with an emphasis placed on preventive measures could lead to lower occurrence of this type of crime.

International Centre for Migration Policy Development (ICMPD)

The Ministry of the Interior was involved, within EU/EC in the operational programme „*Prevention of and Fight against Crime*“. The International Centre for Migration Policy Development (hereinafter referred to as the “CMPD”) coordinated within the framework of the said operational programme the project “**Transnational Referral Mechanism for Victims of Trafficking from Source and Destination Countries**”. As regards the Czech Republic the Crime Prevention Department was the responsible party. In February 2010 the closing international conference of THB was held. It was attended by representatives of the Italian Department for Equal Opportunities, project partners from eight countries and experts working for the ICMPD. The principal aim was to establish a platform for implementing recommendations at the national level and to gradually create conditions for the international level. Two guidelines were developed in the course of the project: “Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons in Europe: TRM-EU“ which maps out the situation of trafficking in human beings in individual countries involved in this project and introduces, in full detail, existing national referral mechanisms and legislative frameworks for their possible mutual links. The Guidelines deal with unification of standards of services provided to victims, repatriation and reintegration of victims. The Guidelines also focus on laying down common principles of care for victims of THB and their return to countries of origin. The second highly valuable publication is “Study on Post-Trafficking Experiences in the Czech Republic, Hungary, Italy and Portugal”. This publication is an analysis of systems in participating countries. The larger part of the Study is devoted to interviews with victims of THB. On the basis of this study it is possible to obtain important information from the point of view of victims of THB and their opinions on care provided in individual countries.

PROJECT Implemented with IOM

Since 2009 the DAMP of the MoI along with IOM has implemented a project relating to the issue of illegal migration. The project was approved by Czech Government Resolution No. 846 of 29 June 2009. Although this project, as its name indicates – “**Continuing Informative Campaign on Prevention of Illegal Migration of Mongolian Citizens**” primarily focused on the area of migration, it is obvious that with regard to frequent overlapping of the issues in question it can be simultaneously evaluated as a preventive measure for the area of combating THB. Its framework extends preventive and information measures aimed at nationals of Mongolia, both in the Czech Republic and in their mother country, who are trying to find employment in the Czech Republic. In addition to distribution of informative brochures, development of a Mongolian version of a website for foreign nationals, www.domavcr.cz, a documentary film showing labour migration of Mongolian nationals to the Czech Republic was created and distributed. The film depicted some real stories of labour migrants in the Czech Republic and in Mongolia.

A fundamental condition for successful distribution of this documentary film and thus for addressing a large number of Mongolian citizens is its electronic version and following distribution by means of more than 25 Mongolian TV channels, the internet, direct distribution of DVDs as enclosures with printed media, and so on. Besides the documentary a short instructive film was made which instructs Mongolian migrants on how to proceed when undertaking the most common activities relating to application for a labour visa and after their arrival in the Czech Republic.

Cooperation with Eastern Europe and Central Asia

In June 2010 the seminar “Regional Networking for Child and Youth Trafficking Prevention in Eastern Europe and Central Asia” was held in the region of Bansko in Bulgaria. The seminar was prepared by the Bulgarian Network for Child and Youth Trafficking Prevention under the support of “East-East Program” of the Open Society Institute – Sofia. The aim of this meeting was to establish a contact network for the purpose of information exchanges on preventive programmes and good practice, to put together experts from the non-profit making sector, public administration, policy-makers involved in developing

strategies for combating THB and in particular trafficking in children, scientists, journalists and so on. Predominantly, representatives of NGOs from the following countries were present: Estonia, Kyrgyzstan, Kazakhstan, Azerbaijan, Mongolia, Rumania, Moldova, Tajikistan, Poland, Georgia, Serbia, Kosovo, Albania, Bulgaria, Macedonia, Montenegro, Bosnia and Herzegovina, and Greece. Despite a very heterogeneous group of participants (with regard to represented countries and different discussion topics) this seminar was to lay the foundations for future cooperation within the framework of the project coordinated by an organiser of the seminar. After evaluation of the effectiveness of the project and needs for cooperation, the coordinators limited the project only to participants from the countries of the former Soviet Union, neighbouring countries and several Asian states.

6 PRIORITIES

6.1 Evaluation of Activities Aimed at Combating Trafficking in Human Beings in Light of Priorities for 2010

When different aspects are taken into account the year 2010 was in many regards a significant year for the area of the fight against THB. The following pages offer a brief overview of events and activities that correspond with priorities listed in the 2009 Status Report on Trafficking in Human Beings in the Czech Republic. These priorities reflect assignments encompassed in the National Strategy approved by Government Resolution No. 67 of 23 January 2008.

I. The Criminal Code and Combating Trafficking in Human Beings

The priority area on which an emphasis was put in the past year was to strengthen capabilities, in particular of capabilities of law enforcement authorities and to consistently combat this type of crime, i.e. trafficking in human beings. Some criminal law ambiguities relating to the definition of trafficking in human beings and its application in practice were subject to discussion in the previous year. It must be stated that with the aim to strengthen capabilities of, in particular, law enforcement authorities and to consistently combat this type of the crime of THB for the purpose of labour exploitation the above-mentioned project “Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation” was implemented.

Strengthening capabilities of law enforcement authorities to uncover criminal offences should be supported also by amendments to the relevant legal regulation. Act No. 40/2009 Coll. the Criminal Code came into effect on 1 January 2010. This Act newly defines the crime of THB in the provisions of Sec. 168. Moreover, the Criminal Code encompasses several “brand new” crimes pertaining to the area in question, such as an offence under Sec. 190 prostitution endangering morals of children, offences pursuant to Sec. 367 and Sec. 368 – failure to obstruct and failure to report a crime including an offence of THB. There is also a provision relating to labour exploitation where a crime of unauthorised employment of foreign nationals is incorporated under Sec. 342. In 2010 for the first time three offenders were sentenced (although the sentence is not yet final and conclusive) for trafficking in human beings for the purpose of labour exploitation. In 2010 a number of legal regulations concerning the issue of THB were adopted (for example amendments to the Act on the Residence of Foreign Nationals and amendments to the Act on Employment, and some others).

In 2010 draft Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims repealing Framework Decision 2002/629/JHA came to its final phase of negotiations. It is considered to be a fundamental EU document for the fight against THB. A range of activities were implemented in the area of prevention, support and protection of victims, cooperation at the international level was successfully developed and the same applies to cooperation between public and non-profit making sectors.

II. Enhancing Data Collection

The area of data collection had great attention paid to it, in particular at the international level within informal meetings of national rapporteurs and equivalent mechanisms of the EU in Brussels. One of the discussions led to establishment of indicators for data collection in the area of THB. The aim should be to select key indicators which could contribute to better assessment of the seriousness of the problems, better understanding of the dynamics of THB and better evaluation of current policies. The European Commission financed a range of projects pertaining to this area and proposed indicators are based on

recommendations resulting from such studies. The data on THB should be gathered at different levels with the involvement of various entities (for example law enforcement authorities, immigration offices, non-profit making organisations, providers of medical care) and the list of indicators should be based on two parallel systems of data collection – information provided by victims and information provided by those relevant entities which work with victims.

At the last meeting of national rapporteurs and equivalent mechanisms of the EU held in Brussels in December 2010 an expert of the European Commission presented results of comments received in relation to the set of indicators. In relation to information obtained from victims a range of data is required. Such data can be acquired, despite some difficulties when collecting it, however a question remains as to how such data will be used and to what end it will serve. According to the opinion of the Czech Republic the obtained data does not often have sufficient practical impact on developing the policy for combating THB in comparison with efforts made to gather the data (for example it is problematic to objectively assess the rate of emotional control of an offender over the victim; collection of the data such as the exact date of registration of a victim with the assisting NGO, the place of birth of a victim or labelling the victim as presumed, confirmed and identified is questionable). The difficulties with comparisons of data collected in different Member States were mentioned as well. (However it is possible to establish groups of states having the same approach to data collection and then within these groups to compare the obtained data; limitation of the basic number of identifiers seems to be a viable method – there could be approximately 15 indicators which can be quite easily collected and remaining information would be optional). When such a wide range of information should be collected another uncertain aspect is the necessity to respect a victim mainly as regards the protection of personal data and security of victims.

When collection of data in the Czech Republic is considered, it can be noted that in 2010 implementation of the project to establish a database “Trafficked Persons Information System” continued. Further options to harmonise relevant databases will be the subject of discussions in the upcoming period.

III. An Emphasis Placed on the Groups of Persons at Risk

Within the need to put an emphasis on endangered groups of persons the necessity to identify such persons at risk in a timely manner was confirmed. It is important to extricate endangered persons from an “exploitative” environment or to prevent any situation where exploitation can occur. For the purpose of timely identification of persons endangered by trafficking or trafficked persons a number of training courses were implemented mainly for employees of different institutions who might, when performing their duties, encounter potential victims of THB. Apart from training seminars organised by the Judicial Academy and the Refugee Facility Administration employees of the MFA scheduled to work abroad at consulates and embassies were trained within pre-departure consular training. There were six rounds of such courses. Further police officers and members of armed forces were trained in the given issue.

IV. Continuing Monitoring of the Situation of Trafficking in Children Pursuant to the Definition of Sec. 168 of the Criminal Code

In the context of monitoring of the situation regarding trafficking in children under the definition of Sec. 168 of the Criminal Code in 2010 the document “TRAFFICKING IN CHILDREN” was finalised. The document contains recommendations for procedures to be followed by public authorities. The document was developed on the basis of data and information provided, in particular, by representatives of units and other bodies of the Mol and the Czech police, the MLSA, the MEYS, the MJ, the Prague Municipal Police, La Strada, and IOM Prague. The document deals, in full details, with procedures of public administration authorities mainly in relation to a minor foreign national who has either committed an offence, a misconduct or a minor offence mainly for the purpose of gaining profit (pick-pocketing,

thefts in shops and robberies) but also misconduct which is not subject to criminal sanction (for example begging) or a criminal offence was committed against such a minor, he/she being at the same time a potential victim of trafficking in human beings (children) within the meaning of the provisions of Sec. 168 (1) of the Criminal Code. The document also encompasses, *inter alia*, problematic aspects in relation to identification of child victims of the crime in question and the follow up procedure of the relevant bodies. The described document will be distributed to the Czech police, facilities for foreign national children through the MEY, to units of social and legal protection of children through the MLSA, to certain NGOs and other actors. In the first half of 2011 it will be also available at the web pages of the MoI.

V. Update of the Programme in Compliance with the Latest Trends

With regard to the changeability of the situation in the area of THB in general attention should be paid to appropriate updating of instruments to be used for providing good assistance to persons who are presumed victims of THB. This priority was met by the updated Guidelines of the First Deputy of the Minister of the Interior concerning operations of the Programme on Support and Protection of Victims of Trafficking in Human Beings and its institutional coverage of 7 June 2010.

6.2 Priorities for 2011

Despite the success achieved when meeting priorities encompassed in the last Report there are areas pertaining to the fight against THB that must be further strengthened and made more effective: for example the effort of consistently combating this type of crime and the area of identification of victims. Strengthening must be done mainly by means of training programmes aimed at monitoring of the situation of trafficking in children in compliance with the definition stipulated in Sec.168 of the Criminal Code, monitoring of the prostitution scene and so forth.

I. Consistently combat the crime of trafficking in human beings

With the aim to adapt to the current trends in combating THB it is important, in 2011, for law enforcement authorities to continue in a consistent fight against this type of criminal activities, *inter alia*, by using international experience in dealing with cases of THB for the purpose of labour exploitation which could be used by law enforcement authorities in the Czech environment. To this end promising results of the project Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation can be expected.

II. Identification of Victims and Enhancement of Professional Knowledge of Experts

It is necessary to enhance professional knowledge of experts dealing with THB, in particular in the area of identification of victims. In 2011, as was the case in 2010, a number of training seminars will be organised for experts who, when performing their jobs, will probably encounter potential victims of THB. For example a training programme for inspectors of labour inspectorates and labour offices is being developed in cooperation with the MLSA.

III. Evaluation of the Current System of Data Collection

The National Strategy describes a need to develop a central system of data collection on THB and thus it will be necessary to put an emphasis on evaluation of the sufficiency of the current data collection and on reasonable and at the same time versatile and coordinated data collection, at both national and international levels.

IV. Mapping out of the prostitution scene in particular in relation to vulnerable groups

In the context of Measure III proposed in the National Strategy it is important to pay attention to the prostitution scene in relation to THB, especially as regards the most vulnerable target group (persons living in socially excluded localities, minor persons and so on).

V. Evaluation of Programme Functioning

The need for evaluation of the Programme results, *inter alia*, from the aforementioned EU Directive, which clarifies conditions for provision of protection of and support to victims of THB. In the context of ever changing trends in the area of THB – changeability of cases from the recent years – the necessity to put an emphasis mainly on the area of THB for the purpose of labour exploitation and also on the basis of suggestions made by actors participating in provision of assistance, reflection upon the system of victim identification, mutual cooperation and securing assistance to potential victims of THB seems to be more than desirable.

When implementing priorities and assignments specified in different documents it is important to stress cooperation between different entities in the area of combating this phenomenon, inter-ministerial information exchanges and protection of victims of THB. Increased attention will be also paid to the issue of trafficking in minors.

LIST OF ACRONYMS AND ABBREVIATIONS

Diaconate	Diaconate of the Ceskobratske (Czech brotherhood) Evangelical Church
EU	European Union
SCRS	Statistical Crime Recording System of the Police of the Czech Republic
FREED	Transnational Multi-Stakeholder Action to combat trafficking in human beings for the purpose of labour exploitation Identification and protection of victims – FREED
ICMPD	International Centre for Migration Policy Development
ICP	Inspectorates of the Alien Police
IOM	International Organisation for Migration
La Strada	La Strada Czech Republic.
MEPA	Central Euroeapan Police Academy (Mitteleuropäische Polizeiakademie)
IMCG	Inter-ministerial Coordination Group for Combating Trafficking in Human Beings
MoH	Ministry of Health of the Czech Republic
MEYS Republic	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 for Combating Trafficking in Human Beings (2008-2011)
NGO	Non-governmental organisation
DAMP (of the Mol)	Department of Asylum and Migration Police of the Ministry of the Interior of the Czech Republic
SPD (of the Mol)	Security Policy Department of the Ministry of the Interior of the Czech Republic
OCSE	Organisation for Cooperation and Security in Europe
CPD (of the Mol)	Crime Prevention department of the Ministry of the Interior of the Czech Republic
Czech police Programme	Police of the Czech Republic Programme of Support and Protection of Victims of Trafficking in Human Beings of the Ministry of the Interior
JHA Council	Justice and Home Affairs Council
APS	Alien Police Service of the Police of the Czech Republic
CPIS	Criminal Police and Investigation Service of the Police of the Czech Republic
SLIO	State Labour Inspection Office
RFA	Refugee facility Administration
CPISO	Criminal Police and Investigation Service Office of the Police of the Czech Republic
UCCFC	Unit for Combating Corruption and Financial Crime of the Police of the Czech Republic

UCOC

Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Police of the Czech Republic

LEGAL REGULATIONS

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

Instruction

the Instruction of the Minister of the Interior No. 14 of 15 February 2010 regulating the National Referral Mechanism for Support and Protection of Victims of THB

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 Social Services

Act No. 108/2006 Coll. on Social Services, 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

2010 Status Report on Trafficking in Human Beings in the Czech Republic

*Published by the Ministry of the Interior of the Czech Republic
Security Policy Department
Nad Štolou 3, 170 34 Prague 7*

Editors: Mgr. Šárka Möstlová and Mgr. Jana Menšíková

Prague 2011