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ČESKÉ REPUBLIKY

2012 STATUS REPORT ON TRAFFICKING IN HUMAN BEINGS IN THE CZECH REPUBLIC

Security Policy Department

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INTRODUCTION

The tradition of regularly drawing up Status Reports on Trafficking in Human Beings was established by the Czech Government Resolution No. 67 of 23 January 2007 in relation to the National Strategy to Combat Trafficking in Human Beings (2008-2011). The present document is the fifth consecutive Status Report on Trafficking in Human Beings in the Czech Republic.

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 2012, although attention is also paid to describing the situation abroad if there are links between a foreign country and the Czech Republic. Most attention will be paid, as 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, as amended (hereinafter referred to as the “Criminal Code”) – trafficking in persons older than 18 years of age. 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 pays attention to phenomena closely related to THB.

The Status Report on Trafficking in Human Beings should not only provide information on this issue but its ambition is also, *inter alia*, to formulate policy pertaining to the area of THB. The final part concentrates on an evaluation of how the priorities relating to the area of combating THB in 2012 have been met, and an assessment of the new priorities and tasks laid down for the year 2013 in compliance with the updated strategic document known as the National Strategy to Combat Trafficking in Human Beings (2012-2015) adopted by the Czech Government Resolution No. 282 of 18 April 2012 (hereinafter referred to as the “National Strategy”). The established objectives fully comply with Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA (hereinafter referred to as the “EU Directive on THB”).

The division of the Report on the basis of four pillars, the so called 4Ps, continues to be used, and the data on THB are divided into four basic chapters: Prevention, Prosecution, Protection, and Partnership. The national coordination body for fighting against THB, the Ministry of the Interior (hereinafter referred to as the “MoI”), was provided with the supporting documents, data and information for drawing up the present Report, especially by members of the Inter-ministerial Coordination Group for Combating Trafficking in Human Beings (hereinafter referred to as the “IMCG”) along with foreign partners, without whose contributions this Report could not have been developed. We would like to thank them all.

Notes:

The term “a foreign national” is understood in the text of the Report as either male or female foreigner unless the concrete case indicates otherwise. The same applies to the use of terms such as migrant, employee, citizen/national, worker and other and of course the same applies to members of different nationalities (for example Vietnamese means both male and female Vietnamese). Moreover, the text strictly distinguishes males and females if the same was done by permanent members of the IMCG in their supportive documents for drawing up this Report.

1. SITUATION DESCRIPTION

- The Czech Republic can be considered mainly a **target** and **transit** country; however, at the same time it can be deemed as a **source** country as well. As far as the countries of origin of victims identified in the Czech Republic are concerned, the following countries have been identified as source countries: Slovakia, Nigeria, Ukraine¹, Vietnam², Mongolia, Moldova, and the Russian Federation, and among new EU countries Romania and Bulgaria can be named. However, the fact that Czech nationals are also trafficked cannot be overlooked. Thus in 2012 the Czech Republic became a source country for the United Kingdom, Ireland, Denmark, Germany, and Cyprus.
- Most **victims** of the crime of THB, according to police statistical records, were registered in the Usti and South Bohemian regions, where a total of 52 persons were recorded. According to the criminal law classification of detected criminal offences the majority of cases related to trafficking in children (Sec. 168 (1a) of the Criminal Code). In 2012 for the first time assistance was provided within the Programme on Support and Protection of Victims of Trafficking in Human Beings (hereinafter referred to as the “Programme”) to the probable victim coming from the Philippines. Altogether five voluntary returns of victims to their countries of origin were completed; of these, four were Czech citizens, probable victims of THB, who were returned to the Czech Republic.
- THB for the purposes of sexual exploitation³ and labour exploitation⁴ has remained the most frequent forms of THB. Other forms of THB⁵ have not been recorded in statistical records. The case of THB in the Czech Republic for the purpose of begging

¹ According to information from the International Organisation for Migration (hereinafter referred to as “IOM”) Kiev in 2012 three victims of THB trafficked to the Czech Republic were identified; two of them for the purpose of sexual exploitation (these cases started back in 2006 and 2009) and one victim for the purpose of forced labour in agriculture. All of them were females from Ukraine. In 2012 the number of cases of THB from Ukraine to the European Union (hereinafter referred to as the “EU”) generally decreased, including the cases relating to the Czech Republic. The age of victims being between 26 and 45 years remained prevalent.

² Information provided by the IOM in Hanoi demonstrated that in 2012 altogether ten cases of THB with Vietnamese nationals to the Czech Republic as a target country were registered. The reason in all cases was the same – trafficking for the purpose of forced labour. IOM did not provide any information on the form of trafficking, the gender, or age of victims. According to the information provided by the IOM as well as on the basis of previous years’ experience of the Czech embassy in Hanoi it is clear that the Vietnamese authorities (namely the Ministry of Public Security of the Vietnam Socialist Republic) do not provide official information on this issue.

³ Under the term “trafficking in human beings for the purpose of sexual exploitation” we understand a criminal offence of THB pursuant to Sec. 168 (1) (a) or (2) (a) of Act No. 40/2009 Coll., the Criminal Code, as amended where a trafficked person is forced into sexual intercourse or other forms of sexual abuse or harassment or the person is used for the production of pornography’ including qualified constituent elements of similar crimes. However, the term does not include conduct under previous legal regulations such as Sec. 232a (1) (a) or (2) (a) of Act No. 140/1961 Coll., the Criminal Code, as amended (hereinafter referred to as the “old Criminal Code”), pursuant to Sec. 246 – trafficking in women – which defined the purpose of trafficking only for forced sexual intercourse with other persons and was effective until 2004. This term is used in the text only for simplification purposes.

⁴ Under the term “trafficking in human beings for the purposes of labour exploitation” we understand a criminal offence of THB under Sec. 168 (1) (e) or (2) (e) of the Criminal Code or Sec. 232a (1) (c) or (2) (c) of the old Criminal Code where a trafficked person is used for “forced labour or other forms of exploitation” or for “slavery or servitude” (pursuant to Sec. 168 (1) (d) or (2) (d) of the Criminal Code including corresponding definition of the old Criminal Code.).

⁵ “Other forms of exploitation” mean the forms of exploitation referred to in Sec. 168 of the Criminal Code (1) or 2 (b) “removal of tissue, cells or an organ from a human body”, (c) service in armed forces and (d) slavery or servitude or the definition of Sec. 232a of the old Criminal Code (1) or 2 (b) concerning slavery and servitude can apply.

in France was investigated last year, but the criminal offence of THB has not been proven. Further, a case of THB where victims were exploited while working as housemaids/home help was identified. Moreover, the case of a bricked up Vietnamese national in the premises for growing marijuana who took care of cannabis plants aroused attention. Nevertheless, according to the information collected the constituent elements to prove the crime of THB have not been identified.

- No considerable changes in the number of detected criminal offences and numbers of offenders have been found. THB ranks among the most frequent forms of organised crime committed in the Czech Republic. This type of crime typically displays a high level of latency. **Departure from physical violence**, which used to serve as a means of achieving the demands of offenders or of ensuring obedience of victims, was confirmed by the evaluation of cases detected in 2012. In order to achieve their aims, as in the previous year, offenders predominantly used tricks, the dependency of victims, or they misled victims.
- **Offenders** of the crime of THB in 2012 were registered primarily in the Usti and South Bohemian regions. Information on the education of offenders of the crime of THB in 2012 unambiguously shows that the vast majority of such offenders did not complete elementary education and only two offenders finished secondary vocational schools. Half of the total number of 22 prosecuted persons were unemployed or at least without any specific job; three persons were dependent upon social benefits or other allowances. The latter were predominantly non-qualified workers or students.
- **The share of foreign nationals** committing such crimes has not changed. Most often they were Slovak or Ukrainian nationals, but nationals of the Kingdom of Saudi Arabia emerged for the first time. As regards the cases where offenders were foreign nationals they were in particular foreigners living in the Czech Republic who perpetrated the crimes in question alongside Czech nationals. Such foreigners make use of close links to their countries of origin, from which they are supported. They also use the knowledge of the given language, the cultural environment, traditions, and customs based values in the source countries.
- In 2012 historically **the first persons were given final and conclusive sentences** for the crime of THB **for the purpose of labour exploitation**. Out of eleven sentenced persons the majority were sentenced for THB for the purpose of labour exploitation. At the time when this Report was being drawn up three persons were given final and conclusive sentences for the crime concerned.
- As regards amendments and new formulations of relevant legal regulations we can mention that Act No. 418/2011 Coll. on the **liability of legal persons** and proceedings against them came into effect on 1 January 2012. Under this law it is also possible to prosecute cases organised by a legal entity. The **Act on Employment** also saw a large number of amendments in the area of combating THB. In 2012 the wording of the **Act on Victims of Crime** was finalised. A victim of THB is defined as an especially vulnerable victim. The act was adopted and published in the Collection of Laws under the number 45/2013.
- On 18 April 2012 a new strategic document – the **National Strategy** – was adopted. Measures taken for the upcoming period were formulated in accordance with “the 4Ps”: partnership, prosecution, protection and prevention. The measures consist of mapping the situation concerning THB in socially excluded localities, of systematic training of the relevant actors involved in THB, accession to the ratification of

international documents pertaining to the area of THB and evaluation of the Programme on Support and Protection of Victims of Trafficking in Human Beings as well as the elimination of risks of THB in connection with public procurement.

- On 19 June 2012 the European Commission adopted a strategic document - “**EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)**”. The document describes the priority areas which are to be paid attention to until 2016. They are as follows: A) identifying, protecting and assisting victims of trafficking; B) stepping up the prevention of trafficking in human beings; C) increased prosecution of traffickers; D) enhanced coordination and cooperation among key actors and policy coherence; and E) increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings. Within these priorities a number of measures have been defined to meet the above-mentioned key priorities. The objective of this Strategy is to set a coherent framework for the current as well as planned initiatives to fill the gaps and complement the recently adopted EU Directive on THB.

1.1. Trafficking in Human Beings for the Purpose of Sexual Exploitation

When the year 2012 is compared to the previous year it can be said that the committing of crimes relating to THB in the area of sexual exploitation, or forcing people into prostitution, did not change considerably in the course of the year.

In the past year several European Arrest Warrants were used and these were resolved within the joint investigation team (hereinafter referred to as the “JIT”) together with the United Kingdom, where five offenders were sentenced last year to imprisonment lasting from three and a half to 11 years. This was a case of THB committed by an organised group consisting of persons from a socially excluded environment who used tricks, dependency or misled the women from the Czech Republic who had, for a certain pecuniary consideration, been offered marriage or work. After having been transported to the United Kingdom they were referred to members of the group and in many cases forced to have sexual intercourse with foreigners or were forced into prostitution in night clubs. After having been under the pressure of debt and the information that they could not expect any marriage they agreed to such a kind of life. The behaviour of the perpetrators demonstrated elements of violence, either in the form of threats or the use of physical violence, through which they forced the women to obey them. Thus the trend of violence being committed by offenders from socially excluded groups with low education was confirmed.

The issue of forced prostitution of girls who come from Nigeria was very topical in 2012 in the EU, where Nigeria was marked as one of the “epicentres” of THB to the EU. In September 2012 the Regional Court in Ceske Budejovice, the Czech Republic, made a judgment on the first case of THB of this type – a case within which girls were trafficked to the Czech Republic and forced into prostitution and secrecy through voodoo/joojoo rituals. Female organisers - so-called “MAMA” (for example the “Gazelle” case, which is mentioned in the Status report on Trafficking in Human Beings in the Czech Republic)⁶ – play an

⁶ Just to illustrate the situation it can be stated that between 2010 and 2011 three probable victims from Nigeria were included in the Programme for Support and Protection of Victims of THB. Moreover, the 2011 Status Report on Migration and Integration (available at <http://www.mvcr.cz/clanek/migrace-novy-clanek-890951.aspx>) reads: abuse of residence permits through fake marriages involved mainly nationals of Nigeria; 10 foreign nationals (+4 persons, +66.6 %) were prosecuted for a criminal offence of assisting with unauthorised residence in the Czech Republic. These offenders accounted for 14.5 % of all persons prosecuted for the same criminal offence. Of these, eight persons were nationals of Nigeria.

important role when crimes of this type are committed. Upon investigation of the concrete case, the activities of organised groups of Nigerian nationals faded out.

In March 2012 investigation under the name “**TUNER**” was carried out. An organised group made up of ten persons (nationals of the Czech Republic, Ukraine, and Croatia) was detected. This group was assumed to have committed the exceptionally grave crime of THB, the crime of procuring, and the especially serious crime of unauthorised production and manipulation with narcotic and psychotropic substances and poisons. These criminal offences appeared to have been committed on the E55 route between the following towns and villages: Kaplice - Skoronice - Dolní Dvoriště - Vyssi Brod. This group of offenders, under different kinds of guise, negotiated for girls who, in general, are without money and who live in financial difficulties at places typical of socially excluded persons (non-stop bars and gambling bars or sometimes discos). Further, they tried to find girls who were leaving or were still placed in different diagnostic and educational institutions. Then, using their financial stringency or drug addiction, they transported these girls to the territory of the South Bohemian region to the aforementioned towns/villages and using threats of violence or directly using physical violence they forced them to work as prostitutes in order to earn money for group members. If the girls were not drug addicts they tried to create such an addiction and supplied them with narcotic and psychotropic substances. Each girl had to earn at least EUR 150 every day otherwise she was not allowed to leave the route and quite often did not get any food. During house searches the police uncovered pervitine, an apparatus for producing pervitine, identification cards of the girls concerned and quite a large amount of counterfeit 200 and 500 euro notes. Five out of ten of the accused are being prosecuted and are in pre-trial detention. One of the accused is currently serving a sentence of imprisonment for a different criminal offence. The offenders will face imprisonment for up to 12 years if found guilty and convicted.

In November 2012 a case was carried out under the cover name of “**TOWER**”. An organised criminal group consisted of 15 offenders; all were nationals of the Czech Republic. The leader of the organised criminal group was also the owner of premises which were used as night clubs and he is also an owner of real estate in Thailand, where he often stays for long periods.

Prosecution under Sec. 189 (1), (2) (b) of the Criminal Code for the crime of procuring and prosecution under Sec. 361 (1), the second (unnumbered) subparagraph of the Criminal Code were commenced. This organised criminal group negotiated and profited from the prostitution of other persons and for this purpose they operated two night clubs in Prague 1; the first one from 2001 and the second one from 2008.

The first night club officially functioned as a cabaret with dancing and music performances. The rooms were in fact a part of the club and served for the provision of sexual services. Operators of the night club selected among girls who were hired as dancer / prostitutes, they set the price for the services provided and were actively involved in operations of the whole club, including management of sexual services and they profited from the prostitution of others. For “standard sexual services” girls charged their customers CZK 5,000 per hour while for special services clients were charged extra fees. Women providing sexual services paid 40 % of the money they earned as prostitutes to the operators of the night club and they kept 60 % of their “remuneration”.

The second club was presented as a luxurious men's erotic club. Sexual services and massage were offered for consideration. The club is equipped with a pool with Jacuzzi, sauna and infrared sauna. Sexual services were provided in boxes placed next to the main social room or in rooms on upper floors.

Prices for the sexual services provided ranged from CZK 1,600 per half hour, CZK 3,200 per hour up to CZK 5,000 per hour of sexual services. Prices for different kinds of erotic

massages ranged from CZK 900 to CZK 1,600. Women and girls had to pay the night club operators a part of their earnings for the sexual services provided. The investigation required 15 house searches, 12 searches of other premises and land, during which certain documents, some objects, cash, mobile phones, computers, and some electronic media were seized. On the basis of financial investigations, real estate to the value of CZK 205,000,000 was seized.

As a curiosity we describe a case in 2012, a suspicion that people were trafficked from Rwanda to China and then to the Czech Republic. A group of six nationals of Rwanda applied at the Czech embassy in Addis Ababa for a Schengen visa for the purpose of visiting the Biostyl fair. Due to the fact that the applicants did not submit the required documents they were asked to deliver them. The applicants left without applying for visas. The very same day at Kigali airport the Rwandan police apprehended a national of Rwanda who had intensively communicated with the Czech embassy as the President of the Rwanda Federation of Flower Producers and Exporters about the visit of the above-mentioned group to the Czech Republic. The detained man was suspected of THB. The case was described in an article published in the Taipei Times. The Rwanda National Police published a related statement. As far as we are aware the suspicion has not been unambiguously proven.

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 (hereinafter referred to as the “R-R organisation”) organisation (Passion without any Risks) plays an irreplaceable role in this area by providing social and medical services, especially to women who provide paid sexual services and to persons who are sexually exploited.

According to available information the area of voluntary prostitution, which means the consensual provision of sexual services for pecuniary consideration, has not seen any substantial changes. As regards the forms of prostitution in the Czech Republic we can see mainly prostitution in night (erotic) clubs, the provision of sexual services in private flats or an escort service, but street prostitution can also be included.

According to the estimates of the R-R organisation, almost 13,000 women offer themselves for prostitution. The vast majority of them “work” as occasional prostitutes and react to the demand in the “erotic industry” presented in the press or on the internet. Sociological surveys demonstrate that a wide range of people (in terms of social, age and educational groups) are involved in prostitution.

With regard to the nationalities of prostitutes information on prostitutes from the Czech Republic, Slovakia, Ukraine, Belarus, Moldova, Romania, and Russia was gathered.

1.1.1.1. Street Prostitution

Street prostitution has displayed a downward trend, as in previous years. The highest occurrence of street prostitution is recorded in border districts, especially those neighbouring Germany and Austria, followed by the capital city of Prague. As far as Pilsen is concerned, prostitution is run on the feeder road to the D5 motorway, Domazlicka Street and Pilsen-north – direction to Rozvadov. Prostitution is to a certain extent carried out in the districts of Domazlice and Klatovy⁷. On the other hand, street prostitution is not seen in the districts of Rokycany, Pilsen- north, Pilsen – south or Tachov. A substantial decline in the number of

⁷ Approximately 47 women.

women offering sexual services outside erotic clubs, i.e. working as street prostitutes, is confirmed by data collected in the Karlovy Vary region.

As regards Prague, prostitution can be seen mainly in Prague 2 (Karlovo Square, near the New Municipal Town Hall), followed by Prague 1, where daily there are approximately 20 women in these localities.

1.1.1.2. Prostitution in Clubs

“Club prostitution” is understood, for the purposes of this Report, to be prostitution carried out in different clubs which are assumed to offer erotic performances or erotic services and which are in general accessible to the general public or can be rented. These are various bars, night clubs, boarding houses, massage clubs, or sauna clubs.

The number of erotic clubs has remained almost the same and their number has been constantly falling predominantly in border areas. The number of clubs offering sexual services in the South Bohemian region decreased from 66 in 2005 to 43 last year. The majority of such clubs are near the main roads leading to Austria and Germany. Prostitution is also carried out in the Pilsen region, where it can be found mainly in night clubs and boarding houses. There are also clubs in border towns and in Pilsen itself. In 2011 altogether 46 night clubs were registered and this number increased to 48 in 2012.

The issue of the high number of people involved in operating and organising prostitution in the district of Cheb is not as pressing as in previous years. It can be assumed that the downward trend will also continue in 2013. It can be said that this situation was supported, *inter alia*, by a new ordinance issued by Cheb concerning the restriction of working hours in gambling clubs and casinos: only from 9 a.m. to 5 p.m. A lot of people involved in prostitution used to spend their time at such places. The number of night clubs and boarding houses which were used to carry out prostitution has also decreased.

There are eight night clubs where prostitution is carried out in the Liberec region. These premises are usually registered as boarding houses providing accommodation. And the owners/operators officially declare that they only rent rooms to the girls and the girls pay them for the rooms and the owners “do not mind what the girls do there and who their guests are”.

In 2012 a new method of luring clients was identified in the environment of Prague clubs: one of the clubs began to copy Amsterdam practice and “advertised girls in glass shop windows”. However, this was only temporary until the club was closed.

1.1.1.3. “Private Prostitution”

The provision of sexual services in **private flats** has displayed a moderate upward trend. Prices for services provided in private flats were considerably lower than in erotic nightclubs, which was the logical consequence of factors such as direct operating costs and the actual number of clients. This form of prostitution is also beneficial for clients in terms of higher discretion.

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

In 2012 no substantial changes occurred concerning offences of THB for the purpose of forced labour and other forms of exploitation. The Czech Republic is a destination country for persons coming from countries of the former Soviet Union, Romania, Bulgaria, and Vietnam. Under the pretext of work that will reap good earnings, people were lured to work in the Czech Republic through organised groups that pretend to be work agencies or legal entities with a permit to work as job brokers issued by the Ministry of Labour and Social Affairs (hereinafter referred to as the “MLSA”) and that pretend to arrange jobs for foreign nationals in the Czech Republic. People were offered assistance with arranging all the requirements for legal entry to residence in the Czech Republic. Moreover, they were also

offered transport. Investigation confirmed that after arrival in the Czech Republic they were forced to carry out second-rate work, mostly very hard work, for minimal or no pay. Their total dependency on employers or work agencies was created through lack of pay, fear that they would lose their jobs, making use of the absolutely disadvantageous position of the workers, consisting of the language barrier, bad orientation in the new environment, and insufficient finance. In 2012 the above described situation was confirmed several times and investigations were commenced to find whether essential elements of the crime of THB under Sec. 168 (2) (e), (3) (a) or (4) (c) of the Criminal Code had been met. An organised group of offenders operating usually in several countries was always involved. The people suspected of committing the above criminal offences sometimes use unclear legal regulations concerning the employment of foreign nationals and insufficient checks carried out by the responsible offices (the MLSA, the Ministry of Finance of the Czech Republic, hereinafter referred to as the "MF").

Such activities were typical of the Pilsen region, where the demand for a cheap labour force for certain jobs persisted. They preferred third country nationals with permanent residence in the Czech Republic or some EU nationals when it is obligatory only to inform the relevant authorities. This applies mainly to nationals of Romania and Bulgaria. In order to increase profits such foreigners were often discriminated against by being assigned to physically demanding work for minimal wages without being paid other benefits (such as overtime, fees for work that involves risk and so on). In this context it is important to emphasise that the activities described represent very sophisticated criminal offences committed by offenders who are often aware of the fact that they can be punished within the meaning of the principle of subsidiarity of criminal repression, which means that civil or administrative law must be applied before criminal law. This is the reason why they rely on the fact that their foreign "employees" do not know the environment and that they do not have time and/or money to enforce their rights from their employers.

Information was collected on the recruitment of homeless people and other people in financial difficulties to work in the United Kingdom. However, the suspects did not satisfy all the essential elements of the crime of THB, especially the core elements such as "use of violence, threats by violence or any other serious harm, tricks or misleading, financial stringency or dependency" because the recruited "workers" did not, in advance, ask either the suspects or any other people about job conditions and accommodation in the United Kingdom. Furthermore, the poor life conditions in the Czech Republic had been their long-term standard and by leaving for the United Kingdom they were not solving any immediate problem. In cooperation with UK police officers it was revealed that the trend of abuse of social benefits and the committing of credit fraud in the United Kingdom by mainly family clans coming from socially excluded areas continued.

As regards THB for the purpose of labour exploitation the case of "**tree workers**" has drawn attention both at the Czech and international levels. This is a case of foreign labourers who were recruited to work in Czech forests. Nevertheless, according to current information from the law enforcement authorities the crime of THB has not been committed.

The case of "tree workers" was also submitted to the Ombudsman who was working on the case from June 2011 when reviews were commenced under the initiative of the Consortium of Non-governmental Organisations (hereinafter referred to as "NGO") working with migrants with the assistance of La Strada Česká republika, o. p. s. (hereinafter referred to as "La Strada"). These organisations referred the case to the Ombudsman. The Ombudsman, using his authorisation, called on the State Labour Inspection Office (hereinafter referred to as the "SLIO") and the Labour Office to provide him with information concerning checks made in the companies which employed the foreigner labourers in question. In October 2012 the Ombudsman issued an interim report summarising his investigations which highlighted some malpractice on the part of both state administration authorities. The Ombudsman stated that the control and inspection bodies had not used all

their vested rights and authorisations. For example, these authorities did not impose any fines in cases where the companies concerned did not cooperate, they did not sanction the companies although malpractice had been found, or both authorities groundlessly prolonged their investigations.

In September 2012 the first public performance of the film “The Tree Workers Case”, (Stromkaři), made by German film director Daniela Agnostici, was held in the American Centre in Prague. This documentary film gives evidence on the exploitative conditions in which foreign workers had to work in Czech forests and also about the course of the investigations into this case. A La Strada representative, as well as lawyers working for the foreign workers who were the injured parties in the related criminal proceedings, appear in the film.⁸

In December 2012 Maria Grazia Giammarinaro, the special representative of the Organisation for Security and Cooperation in Europe (hereinafter referred to as the “OSCE”) and coordinator for combating THB visited the Czech Republic. During her visit she met both representatives of La Strada and the attorneys of the injured in the case of the “tree workers”. She also talked to representatives of the Mol and the Czech police. The main aim of her visit was to map out the progress made in the investigations concerned.

1.3. Trafficking in Children

When criminal statistical records are taken into account, out of 24 cases of THB 20 cases involved persons younger than 18 years of age – children in terms of the criminal law classification under Sec. 168 (1) of the Criminal Code. Thus, the share of persons falling under this age category has increased over the last two years when compared to the same crimes relating to adults (Sec. 168 (2) of the Criminal Code). With respect to the offence of illegally entrusting a child, for financial compensation, to another person pursuant to Sec. 169 of the Criminal Code, four persons were prosecuted in 2012 – which is again a rise when the situation is compared with the previous five years, when no person was prosecuted under this legal provision (two criminal offences of this type were detected between 2007 and 2011).

The MLSA gathered the data on children who were abused for child prostitution or for the production of child pornography. In 2012 statistical data concerning the year 2011 were collected by the authorities in charge of the social and legal protection of children. In compliance with previous forecasts, unfortunately, the upward trend in the number of cases in which children were abused in 2011 for the production of pornography has been confirmed. On the other hand, only a few cases of child prostitution were registered in 2011⁹. However, the question is whether the number of detected cases of child prostitution corresponds to the real extent of this phenomenon in the Czech Republic (this applies mainly to Prague and/or other areas of risk).

The MLSA does not possess any specific data about related phenomena such as begging by children or thefts carried out by children – foreign nationals. Statistical records provide only summarised data demonstrating that in 2011 the authorities in charge of the social and legal protection of children were dealing with 3,519 cases of children younger than 15 years who had committed crimes which would have been punished if they had been older,

⁸ For information about the film see <http://thetreeworkerscase.com/> or <http://www.strada.cz/cz/aktuality/111-tiskova-zprava-k-filmu-nemecke-reziserky-o-novodobem-otroctvi-v-lesich-cr>

⁹ The statistical records of the MLSA report cases of child prostitution and cases of abuse of children for production of child pornography which were registered in the given year by the authorities involved in the social and legal protection of children, including cases which have not been closed yet or within which no criminal prosecution was commenced. Therefore the statistical records maintained by the MLSA need not correspond to police statistical data and the statistical records of the Mol on the number of criminal offences committed in the given area.

and 5,803 cases of juveniles in the age range from 15 to 18 years old who had committed criminal offences. However, the records do not provide the types of crime committed or the nationalities of child offenders. Therefore we do not know whether they were Czechs or foreign nationals.

Facility for Children – Foreign Nationals

Until 2012 the facility for children – foreign nationals (hereinafter referred to as the “Facility”) was a valuable source of information on trafficking in children, minor foreigners without statutory representatives. However, the activities of this Facility were terminated in the year being reviewed. The Facility was established under the Czech Government Resolution No. 395 of 17 April 2002 as the only place providing care to unaccompanied children – foreign nationals, who do not speak Czech and who had come to the Czech Republic, i.e. to minor migrants, asylum seekers and other foreign nationals who are in the Czech Republic without any statutory representatives or any other adults – their relatives or people close to them.

At the time when it was established, the Facility served as an educational facility for foreign nationals who faced the language barrier and who came from culturally, historically and ethnically different environments and it concentrated predominantly on minor asylum seekers who came to the Czech Republic. There were hundreds of such children annually and it was impossible to place them in mainstream schools and provide them with adequate care there.

Recent years have seen essential changes in the composition of foreign nationals in the Czech Republic. The number of foreigners permanently residing in the Czech Republic has been steadily on the rise and their minor children often find themselves in situations when it was necessary to provide them with temporary or permanent foster care. The number of international protection seekers coming directly to the Czech Republic has reached a historically low level (approximately 10 children a year).

On the one hand, minor foreign nationals who were either temporarily or permanently without any care from their statutory representatives or other persons in the Czech Republic (the reasons were mainly social – loss of accommodation and/or employment, disease, imprisonment) used to be placed in the Facility. On the other hand, the Facility also accepted children who were born in the Czech Republic or at least had been living here for a long time, spoke fluent Czech, were fully integrated, but who had the status of a foreign national and were placed in the Facility because of educational problems. These children did not require any special care for foreigners and their being placed in a children's home with Pemnon, a school and educational institution, was counter-productive. Such children can be placed within the network of mainstream schools according to their individual needs.

A newly conceived strategy for the protection and care of unaccompanied minor foreign nationals, including international protection seekers, developed by the MoI along with the Ministry of Education, Youth, and Sports (hereinafter referred to as the “MEYS”) and the MLSA is based in particular on an individual assessment and evaluation of the needs of every child, on the basis of which the most appropriate form of care should be selected (care by relatives, foster family or placement in some of the facilities such as the facility for children requiring immediate assistance or institutions for protective care, which are situated throughout the Czech Republic). Unaccompanied minor foreign nationals who are in the Czech Republic as international protection seekers without having previously resided here, or minor foreigners with any other type of residence but about whom the authorities involved in the social and legal protection of children do not have enough information could be placed, for the purpose of their first examination, in any diagnostic institution in the Czech Republic. Thus the determining factor for placing a child in a specific facility is his/her best interest and not the nationality. In questionable or exceptional cases, where it is necessary to verify the age foreign nationals state, or if minor foreign nationals come from a completely different cultural or social environment, if they are dealing with a traumatic experience (e.g. war

conflicts), if they do not understand and do not speak Czech, they will be placed in the Diagnostic Institute in Prague 5, Radlická 30. This Diagnostic Institute will also function as an advisor in terms of methodology, if necessary.

In view of the changes of strategy described above and also on the basis of negotiations with representatives of the MLSA, the Office of the Ombudsman and MoI it was proposed that a part of the Facility (known as Permon) would be closed, as it was in an inappropriate locality, which led, instead of integration of foreigners into society, to their even greater segregation. In 2011 the authorities began to consider a gradual reduction in the activities of the Facility and its potential move to a larger city where integration could be implemented through attendance at mainstream schools and where children could be involved in the local community. After the Ombudsman examined how rights were adhered to in the Facility the MEYS decided to close it and place the children concerned in the network of institutions for protective and educational care.

After the decision of the Minister of Education, Youth and Sports of 27 June 2012 the Permon Facility was closed on 31 August 2012. During July and August representatives of the MEYS had regular meetings with representatives of the Facility and MLSA, where they discussed and unified the procedure to be taken when closing the Facility and placing the children in other institutions. The authorities responsible for the social and legal protection of children were involved, together with employees of the Facility. On the basis of joint negotiations the majority of children were placed with their original or foster families or in children's homes near their place of residence so that their contacts with their families could be supported. In several controversial cases the MEYS decided on the final placement of children. Children who attended secondary schools in Píbram and its environs were moved to the Diagnostic Institute in Prague 5, where they live at weekends. However, during the week they live in boarding secondary schools.

Due to the changes of the strategy of the Facility and the resulting new options to diagnose children – foreign nationals in any of the diagnostic institutions in the whole republic, the costs for transporting children only to the Diagnostic Institute in Prague 5 will be reduced. Children will be placed in the network of relevant diagnostic institutions (near to their place of residence), which allows them to have close family links and contacts.

The premises known as Permon should be offered as an unnecessary property (under Act No. 219/2000 Coll., on the Property of the Czech Republic and its engagement in legal relations, as amended), which means that the premises should be offered to organisational units of the state for free.

1.4. Trafficking in Human Organs

As regards trafficking in human organs, neither the Ministry of Health of the Czech Republic (hereinafter referred to as the “MoH”) nor the Czech police have any information on illegal activities of this type in the Czech Republic. In 2012 three cases of offering an organ (kidney) in the Czech Republic were registered – namely in the Ústí region, South Moravian region, and the Moravian-Silesian region. In all cases provision of an organ would have been a solution to the poor financial situation of an individual or a family.

1.5. Czech Victims and Offenders

The sources of information about any of the cases of Czech victims and offenders involved in THB abroad cannot be considered to be comprehensive. The information provided on the following pages represents only a selection from the data provided by the Ministry of Foreign Affairs (hereinafter referred to as the “MFA”), from Czech embassies and consulates, from the Czech police, the MoI or from information obtained from foreign law enforcement agencies, partners within bilateral cooperation or gathered at regular meetings of national rapporteurs and equivalent mechanisms or during any other relevant meetings. It

is necessary to mention that the information obtained is of a different nature, including cases which in the end did not have to be resolved by the relevant law enforcement authorities as cases of THB.

The embassies and consulates of the Czech Republic usually encounter cases of THB in the course of performing of their activities and functions. The cases uncovered are usually resolved directly by means of international police cooperation. In some cases embassies and/or consulates assist a Czech national who is in distress (at his/her request). If embassies are informed by the relevant public administration bodies of the destination country about cases demonstrating signs of THB such information is expeditiously provided to the relevant authorities of the Czech Republic, including the MoI.

1.5.1. Czech Offenders Abroad

USA

The Czech General Consulate in Chicago provided the following information concerning the suspicion that a Czech female national had been involved in organised crime and the procuring of Chinese girls in the USA. The woman was apprehended in 2011 as part of the “China Doll” operation and in relation to her involvement in organised crime pertaining to the area of THB. The “China Doll” operation revealed an organised group which first operated in Los Angeles and gradually broadened its activities across the USA. Victims were found in rural areas of China and travelled to the USA as tourists (using tourist visas). After their arrival in the USA they were immediately captured by the organised group, they lived in conditions of slavery, and, given minimal food, and under threats of physical violence they were forced to work as prostitutes.

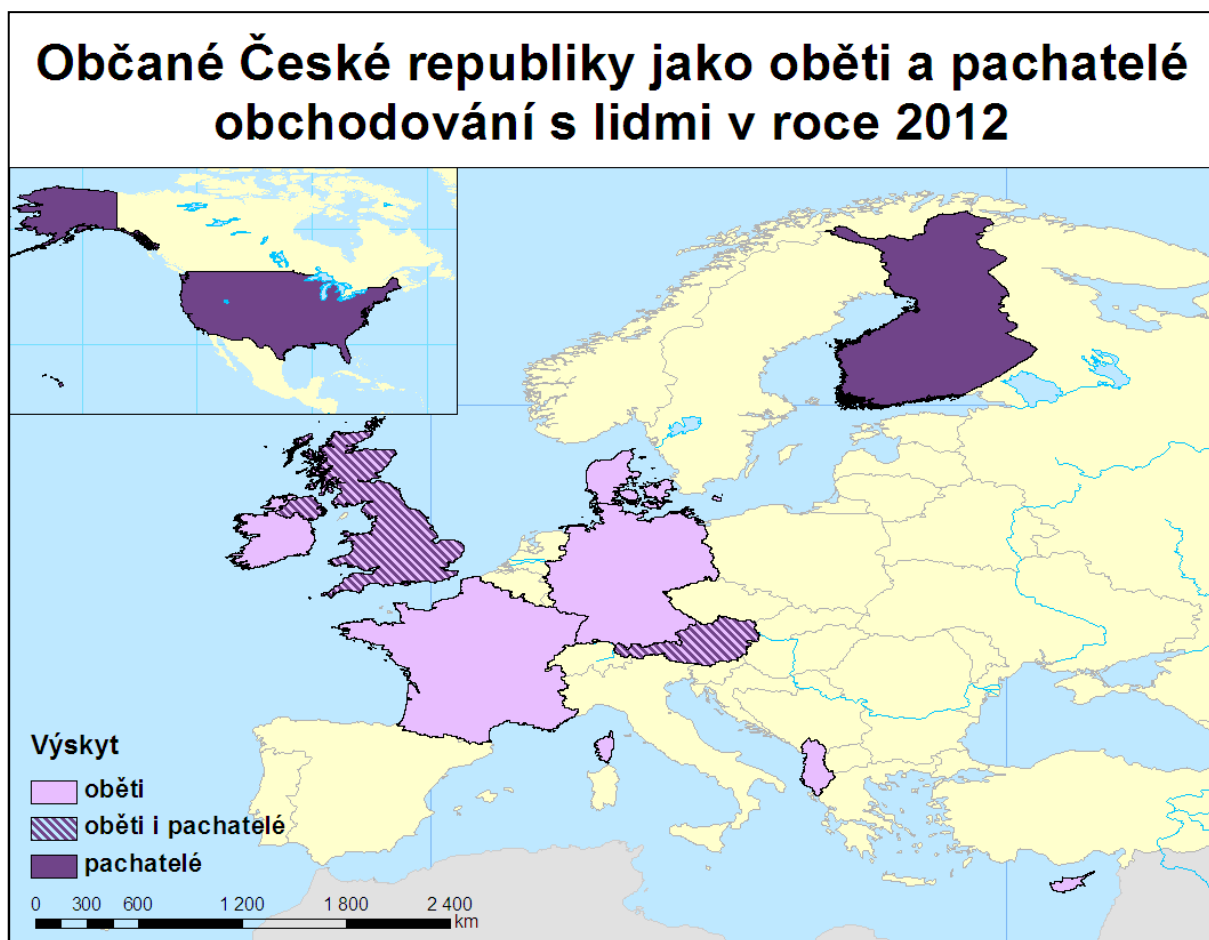


Figure above: Czech nationals as victims and offenders of THB in 2012
Occurrence
Victims
Victims and offenders
Offenders

Austria

The Federal Criminal Police Office of Austria answered the request of the Czech embassy and reported that, according to police statistical records, one Czech female national was prosecuted in 2012 for a crime of THB and one Czech male national was prosecuted for a crime of transnational trade in prostitution. The decision of the judicial bodies is not yet known.

United Kingdom

As regards the numbers of Czech nationals as offenders in the criminal activities concerned, there are no relevant statistical records. According to its own statistical registers the Czech embassy in London can estimate that in total six Czech nationals were detained in the United Kingdom in 2012. The British authorities stated that they had been charged with a crime of THB.

Finland

Two Czech nationals were detained as suspects of a crime of THB. The victim of this criminal offence, a Czech woman, was placed in the asylum facility in Finland in the course of investigations and after being questioned was transported back to the Czech Republic in March 2013.

The public prosecutor requested that the men be sentenced to imprisonment for a serious crime of THB, but these charges were dismissed. The local press states that according to the court's decision no evidence to support such a sentence had been found. The court ruled that the woman had not been in a subordinate position, was not deceived and had not been forced into prostitution. According to the court the woman had many chances to find help. However, the court sentenced both the charged men to imprisonment for one year for a crime of procuring.

1.5.2. Czech Victims Abroad

United Kingdom

According to information provided by the British authorities the Czech Republic is primarily a source country for the United Kingdom in terms of the issue of THB. In 2012 in total 18 Czech nationals were recorded in the category of persons who were trafficked in the United Kingdom. Out of these 18 persons, seven were females and eleven were males. Five cases related to sexual exploitation, while 13 cases concerned labour exploitation. As for the age of the victims, persons younger than 30 years old (9 cases) prevail.

During the year 2012 the Czech embassy in London was involved in solving the problems of a number of Czech nationals who contacted the embassy after they arrived in the United Kingdom with a promise of work. The Czech nationals left their employers either because of unacceptable working conditions or dubious employers dismissed them. In the majority of cases work was intermediated not by work agencies but by private individuals (Czech nationals) who were seeking their victims through personal contacts.

As regards specific cases demonstrating the signs of THB, in 2012 the embassy provided the Unit for Combating Organised Crime with information on the following four cases:

In September 2012 the Czech embassy in London provided information about the case of a Czech national who had been transported to the United Kingdom together with a group of other Czechs and who worked for about a month on a poultry farm in Bradford. He worked 14 hours a day and the workers' wage was approximately 10 pounds a week. They ate only pasta and slept on the floor. The organisers occasionally used physical violence and forced the labourers to stay, under the threat of police prosecution. The organiser allegedly transported about 40 Czech nationals to the United Kingdom. Currently the case is being investigated and the Czech national in question is cooperating with the UK Border Agency.

In August the Czech embassy provided information about two, probably separate, cases of Czech female nationals who had been lured to the United Kingdom by brokers of fake marriages in order to marry nationals of Pakistan. In the first case the injured woman was allegedly promised either that a job would be found for her or she could get married in the UK to a national of Pakistan for a pecuniary consideration and the said man would get a residence permit. The injured party herself contacted the social office in London, which contacted the Czech embassy. In cooperation with the family of the injured woman she was able to be transported back to the Czech Republic.

In the second case the woman was lured to the UK by fraudulent job brokers. After arriving in London her ID card was seized, she was shut in a house and she was to marry a Pakistani national. Her mother learned about her daughter's problems and informed the Czech police as well as the embassy. The British police, who were contacted by the Czech embassy, visited the house and took the injured woman to be questioned. After being released she immediately left for the Czech Republic.

As regards the fourth case, an unemployed Czech was lured to the UK in September 2012 under the promise of getting a job. He received an offer to work in the UK in front of the charity building near the main railway station in Prague. He worked as a car washer in Derby, then he tied flower bouquets, but he did not receive the promised benefits (clothes and pocket money). He received only a small amount of money, about GBP 10 to 15 a week. If he did not have any work during a week he was not paid. He was accommodated together with three other persons in one room. Because of his unbearable living conditions he left his employers and requested assistance from the Czech embassy.

In the vast majority of cases the injured persons come from a socially weak group, do not speak English and do not have any money for their respective return to the Czech Republic. It is not exceptional that they had to pay in advance for accommodation, labour permits or insurance and their ID documents are either seized or stolen after they have arrived. When detecting offenders, it is still a big problem that victims who contact the Czech embassy do not want to talk about their experience. The numbers of uncovered cases are probably only the tip of the iceberg.

Cooperation in this area is very good. The British side, the London Metropolitan Police, intervened quickly and effectively after having been informed by the Czech embassy about the case of the aforementioned women. Local charity organisations strive to give full assistance to the victims, within the limits of what is possible. In a range of cases they even covered the journey back to the Czech Republic. To this effect the Czech embassy cooperates with a London charity organisation, Thames Reach, and the CRI charity in Leeds.

Denmark

The Danish centre against THB reported one Czech victim of THB in Denmark in 2012. The victim was a woman of 26 years old. The woman was contacted by an unidentified man (the centre does not possess information about whether he was of Czech origin). She became his girlfriend and received an offer to work abroad. First she was taken to a different EU country, where she was used in an agricultural/garden centre and was forced into

shoplifting. Then she was transported to Denmark, where she was trafficked for the purpose of prostitution.

Germany

The Czech embassy in Berlin, within its own activities, was dealing with one case in 2012. It was the case of one Czech female national who, as a victim of THB, contacted the embassy to help her with interpretation and return to the Czech Republic. In cooperation with the MFA and MoI, IOM Prague, La Strada, and the German Cassandra organisation she was provided with assistance and she was returned to the Czech Republic.

France

The Czech embassy in Paris, within its own activities, was coping with the repatriation of a Czech woman who filed criminal information concerning a crime of procuring (or attempted procuring) which had probably happened in Belgium. The woman and her friend (a female) were transported by two Czech men to the UK via Belgium. They took two more girls on the way. When they had a stop in Belgium the main reason for such a journey was revealed. They were taken to get married to unknown partners. One of the girls allegedly escaped in Belgium, the other one managed to escape in Lille, France, from where she was repatriated to the Czech Republic. When implementing the repatriation the embassy in Paris cooperated with IOM Prague, the MoI, the French police and with Mouvement du Nid – an organisation providing care for victims of THB in France. However, no further information on investigations into the case is available.

Austria

In 2012 only two Czech victims of the crime of THB were detected (both were women) and two victims of the transnational trade in prostitution (two women). No one contacted the Czech embassy in Vienna as a victim of THB. It can be assumed that Czech-Austrian cooperation in uncovering criminal activities is carried out directly between individual police units and the embassy does not have detailed information on such cooperation.

Albania

The Czech embassy was informed in May 2012 by a contact of the Czech police with Albania about the case of a Czech national (female) who, according to what her sister said, had been held by her boyfriend, against her will, in the south of Albania. The Czech embassy in Tirana informed the Albanian police, who investigated the case. However, this suspicion was not confirmed. A detailed description of the case was submitted to the Czech police.

Cyprus

The Czech embassy in Nicosia was not contacted during 2012 by the Cypriot authorities with respect to cases of Czech nationals or persons trafficked from the Czech Republic to the Republic of Cyprus or vice versa. Nevertheless, in the course of the last year the Czech embassy in Nicosia was involved several times in dealing with cases of the organised use (abuse) of girls from the Czech Republic in Cyprus in the sector of the employment of services relating to prostitution or leading to prostitution. The Czech girl in one case in which the embassy was involved was a minor (a drug addict), who was detained by the Cyprus police. In this case the embassy itself arranged the transport of the girl back to the Czech Republic. In other cases Czech girls were lured to Cyprus on the basis of ads offering work in tourist facilities. Mostly immediately after their arrival in Cyprus (transport from the Czech Republic was organised by co-workers or owners of the relevant facilities) the girls who did not have any job contracts realised that they had been deceived (or at least had been too naïve). They were to be employed as female companions in bars and were directly incited to become prostitutes.

In two cases girls contacted the Czech embassy and asked for assistance. However, they managed to get home quite quickly, but only after consulting the embassy about their situation or after the embassy's consultations with the Cyprus police. In one case, which was

publicised in the media and which happened in November 2012, the Czech embassy in Nicosia provided assistance to three young girls in Cyprus (they were 20 years old). After a telephone call from one of the girls the embassy ensured the physical protection by the Cyprus police and arranged accommodation. Then, in cooperation with the families of the injured girls the embassy put together the financial means necessary for the girls' stay in Cyprus and their safe return to the Czech Republic. According to the embassy's experience it is clear that it is mainly young, inexperienced and naive girls who get into problems. They fly to Cyprus with a prospect of high earnings but without any money and usually without a return air ticket. After they realise their situation they are not able to leave the problematic bar/club without the assistance of other people since they do not have any money for a taxi, not to mention temporary accommodation or a return air ticket. The high occupancy rate of flights from Cyprus to the Czech Republic is also a problem and passengers can wait for several days.

Ireland

According to information provided by the Department for combating Trafficking in Human Beings of the Ministry of Justice the statistical records for 2012 do not report any cases of a Czech national involved in THB. Within its own activities the Czech embassy learned about the case of a Czech female national who might have been a victim of THB. The matter was discussed with the MoI, which recommended contacting the Czech assistance organisations (La Strada, IOM Prague).

2. PUNISHMENT OF OFFENDERS

2.1. Criminal Statistical Records and Related Information

2.1.1. Data Provided by the Police of the Czech Republic¹⁰

The number of both **detected**¹¹ and **resolved** criminal offences of THB has oscillated around tens of cases every year during the last fifteen years. It is clear that while in 2000 this type of criminality was lower, since 2010 the number of detected as well as resolved criminal offences of THB has increased. This growth can be partially ascribed to the new Criminal Code, which came into effect in 2010. Another factor which could affect the increase is the deterioration in the economic situation and the course of the economic crisis. Between 2011 and 2012 a moderate increase in the number of detected crimes - 24 (+5) as well as resolved crimes - 18 (+5) was reported, which corresponds with the development of recent years and no fluctuations can be seen.

¹⁰ The data are taken from the Statistical Crime Recording System (SCRS) operated by the Czech police.

¹¹ The term "detected criminal offences" is taken from criminal statistical records: it means that facts indicating that a criminal offence was committed were ascertained, criminal law classification was specified and criminal proceedings were commenced.

In 2012 altogether **24 crimes of THB were detected** in the Czech Republic, of which 18 cases were resolved. Moreover, four cases from previous years were also resolved. Police units dealing with general crime resolved 20 cases, while the Unit for Combating Organised Crime of the Office of Criminal Police and Investigation (hereinafter referred to as the “UCOC”) cleared up two cases. However, it is important to stress that the cases investigated by the UCOC rank among the more serious and organised criminal activities. As has already been mentioned police, statistical records encompass only information concerning crimes committed in relation to which criminal proceedings have been commenced; the data concerning other cases are not included. Due to the fact that criminal proceedings are very complicated from the point of view of crimes as well as the law and that time limits are usually extended, the people investigated are in many cases not charged with a crime in the calendar year when the crime happened. In 2012 the UCOC commenced the prosecution of two cases involving criminal activities of THB and charged a total of 14 persons with this type of crime.



Figure: Development in the number of detected and resolved crimes of THB between 1998 and 2012

Numbers of detected and resolved crimes of THB (formerly Sec. 246 or . 232a of the old Criminal Code; from 1 January 2010 Sec. 168 of the Criminal Code)											
Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Detected	15	10	13	16	16	11	29	10	24	19	24
Resolved	10	9	12	11	13	11	11	3	13	11	18
Total number of resolved crimes including crimes committed in previous years but resolved in 2012	10	12	12	11	13	11	13	11	17	17	22
Investigated and prosecuted persons	12	19	30	18	11	20	22	32	35	29	22

The data on who initiated the criminal proceedings seem to be interesting as, besides police units, criminal proceedings were also initiated by citizens (three persons in the category “Others”). In 2011 citizens initiated 11 prosecutions, one person fell under the category “Others”. Statistical records, unfortunately, do not specify the category and what the share of NGOs is.

In total **22 persons** were investigated, of whom there were seven women (among them one foreign national) and 15 men (of these two were foreign nationals). There were five

repeat offenders among the 22 investigated persons. The majority of the offenders were aged between 18 and 30 years (13 persons). One investigated and prosecuted person was younger than 18 years and eight persons were older than 30.

As far as the **education** of the investigated and prosecuted persons is concerned, the group of offenders with elementary education and no qualifications prevails – 14 persons, three persons did not complete elementary education and detailed information on three persons is not available (a foreign national, a child, not detected).

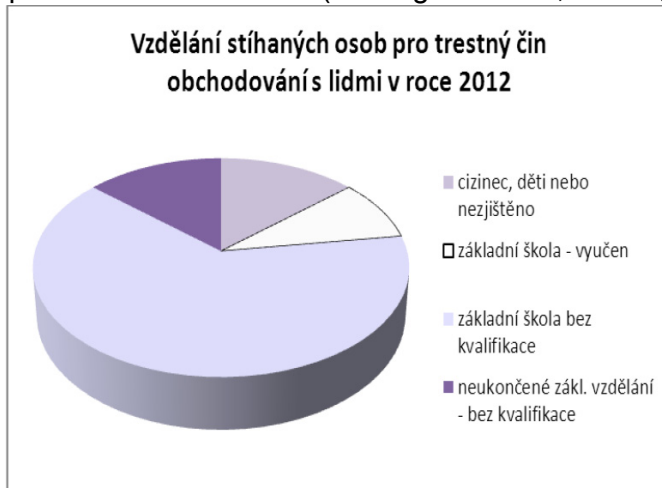


Figure: Education of persons prosecuted for a crime of THB in 2012

- a foreign national, children, not detected
- elementary school – apprentice centre
- elementary school – no qualifications
- uncompleted elementary education – no qualifications

The Statistical Crime Recording System also includes data on the **employment of offenders**: seven investigated and prosecuted persons did not have any profession (four persons were unemployed or registered with the Labour Office; a further two persons were employed in restaurants/hotels, two persons were on maternity leave, we do not have information on employment of two persons, one person was a blue collar worker, one a white collar worker, one was an apprentice trained to be a worker, one was a student at secondary school and one was a disabled person.

As regards marital status 12 persons were single, five persons were married and five of the investigated/prosecuted persons were divorced.

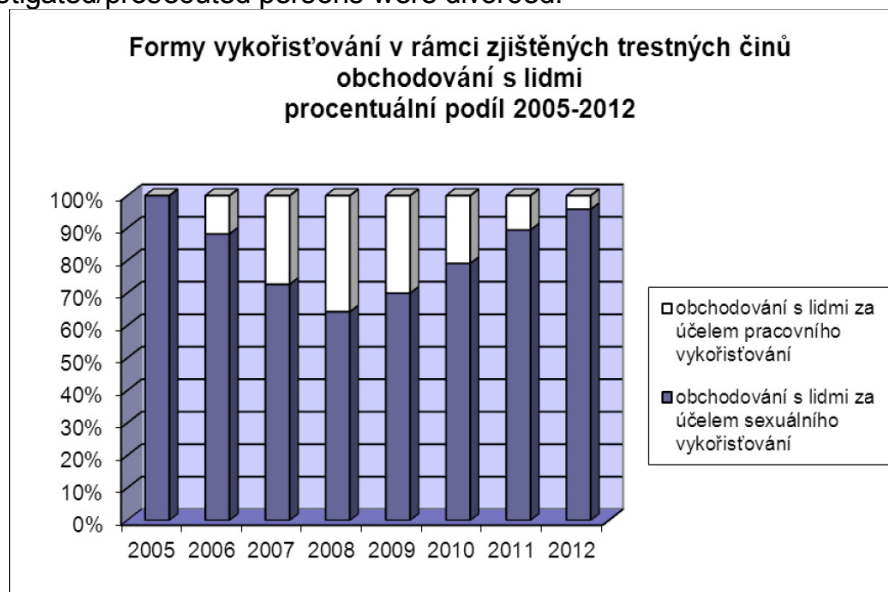


Figure: Forms of exploitation within detected crimes of THB – percentage share between 2005 and 2012

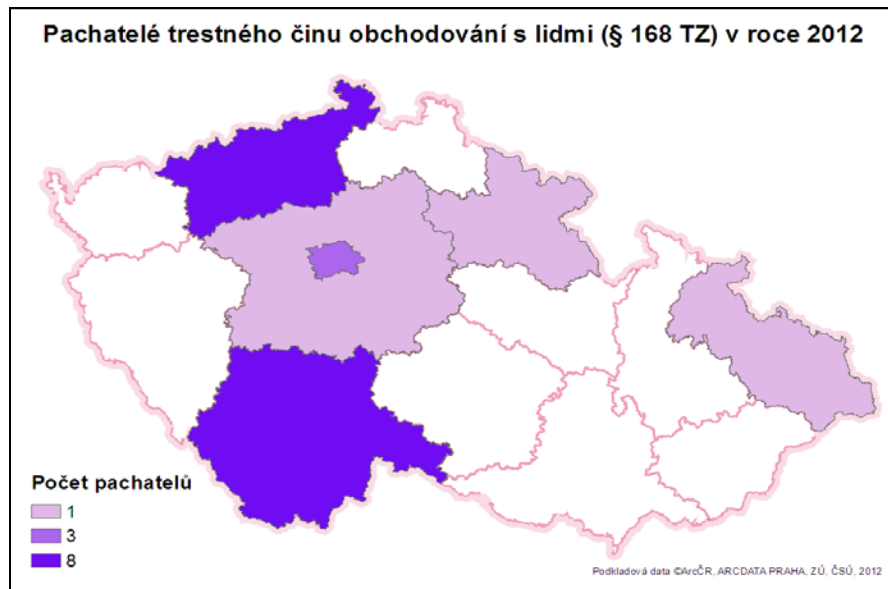
- THB for the purpose of labour exploitation

- THB for the purpose of sexual exploitation

The most frequent forms of THB, and basically the only identified forms, are THB for the purpose of sexual exploitation and for the purpose of labour exploitation, although the latter is less reflected in statistical data. Despite the statistical decline in the latter form of THB, which can be seen if the data is compared to previous years, it can be judged (on the basis of monitoring, data obtained from members of Inter-ministerial Coordination Group for Combating THB, partners abroad or Czech embassies and consulates) that the issue of THB for the purpose of labour exploitation or labour exploitation itself remains a pressing problem.

In terms of **regional division** (or on the basis of territories of Regional Directorates of the Police of the Czech Republic; hereinafter referred to as the “RPD”) this type of crime is committed with the same intensity in all regions and the share of offenders involved in this type of crime is also approximately the same. The Usti region and the South Bohemian region strike the eye (see the map below). Brief descriptions of topical cases in some regions being investigated by specialists from the given RPDs can be found below.

Figure: Offenders of crimes of THB (Sec. 168 of the Criminal Code) in 2012



- **Prague Regional Police Directorate**

One crime of THB among those investigated in Prague was committed by a student of the second grade of the secondary vocational school in the dormitory for students with hearing impairment. He forced two of his schoolmates to have homosexual intercourse with other men and then he forced them to give him the cash they earned. In the second case the offender used tricks, financial stringency and dependency of women to force them into sexual intercourse and then he deceived them and caused damage amounting to CZK 2,547,000. Two of the three investigated and prosecuted persons were citizens of Saudi Arabia.

- **Central Bohemian Regional Police Directorate**

The Central Bohemian Region, both according to its area and the population, is the largest region in the Czech Republic. With regard to THB it is mainly the near surroundings of Prague that can be identified as risky, as satellite towns are being built in this area and an 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 (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. However, no signs of such activities have been reported – there is rather a grey market with undeclared work and non-payment of mandatory social insurance. One case of THB was recorded in 2012.

- **South Bohemian Regional Police Directorate**

In total seven investigated and prosecuted people were registered in this region. In all cases they were Czech nationals. Police experts involved in the investigation of THB reported good cooperation with customs officers of the Customs Administration of the Czech Republic and the immigration police.

- **Usti Regional Police Directorate**

Altogether eight persons were investigated and prosecuted in the Usti region in 2012. When this figure is compared to those of 2011 and 2010 the rate of criminal activity of this type increased. According to the information available it is mainly people, both offenders and victims, who live in excluding localities of the Usti region who have recently been involved in such activities. Furthermore, it is very demanding to penetrate this criminal environment, as these communities tend to be closed.

Criminal offences of THB through the form of forced prostitution focus on transporting girls providing sexual service for pecuniary consideration abroad, especially to Germany and the United Kingdom, where, with regard to the economic situation, the growing demand is expected.

In 2012 information about one family (whose name was not disclosed) from the Chomutov district lured people in financial stringency to work in France, where they were forced to beg, was reviewed. The people concerned had to provide all their “earnings” to members of the said family. Unfortunately, as the investigators were not able to document the case as THB the case will probably be re-classified as a crime of oppression and will very probably be submitted to the Territorial Unit of RPD Chomutov, which has jurisdiction over it.

- **Liberec Regional Police Directorate**

In 2012 three findings concerning a possible crime of THB were examined in the Liberec Region. Two of them were reviewed by the department of General Crime of RPD and after thorough investigations this type of crime was excluded. Both cases were then submitted to the Territorial Unit in Liberec as suspected sexual abuse.

In 2012 the Territorial Unit in Ceska Lipa examined information on a Czech (female) national who had allegedly been forced into prostitution in Bulgaria. The case was investigated in Bulgaria in cooperation with the Interpol National Centre Bureau in Prague and in collaboration with a contact of the Czech police in Bulgaria. After receiving information on possible sexual exploitation of the Czech national in Bulgaria the Service for Combating Organised Crime in Veliko Tarmovo intervened in Jantra (a municipality in Bulgaria). The woman concerned was questioned and the suspect was detained and it was proposed to place him in pre-trial custody. As the criminal offence was committed in Bulgaria, after having been reviewed, the case was suspended under Sec. 158 (1) of Act No. 141/1961 Coll., the Code of Criminal Procedure, as amended (hereinafter referred to as the “Code of CP”).

- **Hradec Kralove Regional Police Directorate**

Two cases of the crime of THB were investigated in the Hradec Kralove region in 2012. One criminal offence was committed by the mother of a minor child who forced her child into prostitution for pecuniary consideration. The second case was committed by a Czech woman who had permanent residence in Germany.

In a family with financial problems the mother sent her 13-year-old girl to visit different men living nearby to get money for allowing the men to grope intimate parts of her body. This case was submitted to the Regional Prosecutor's Office in Hradec Kralove by lodging a proposal for indictment. The charged person is being investigated while in pre-trial custody.

- **South Moravian Regional Police Directorate**

In 2012 no new case of the crime of THB was investigated.

The criminal proceedings opened for suspected THB under Sec. 232a (2) (c) of the old Criminal Code (THB for the purpose of labour exploitation) where the victims were Polish nationals and the accused were three nationals of Ukraine. The case was completed on 22 September 2012 by lodging a proposal for indictment and the case was submitted to the relevant public prosecutor.

Police officers of the Economic Crime Department of the Territorial Unit in Brno-commenced criminal proceedings for suspected removal of tissue, organs and transplantation for pecuniary consideration under Sec. 166 (2) of the Criminal Code. The suspect (female) was investigated because she offered to sell her kidney by publishing an advertisement. After examining the case and after the change of legal classification, prosecution was commenced on 18 December 2012 under Sec. 160 (1)T of the Code of CP for attempted fraud under Sec. 21 (1) of the Criminal Code in relation to Sec. 209 (1) and (3) of the Criminal Code.

- **Olomouc Regional Police Directorate**

One case of THB was investigated in the Olomouc region in 2012. The accused person persuaded a person younger than 15 years old to provide sexual services for pecuniary consideration. However, he kept all the money for himself.

- **Moravian-Silesian Regional Police Directorate**

Police officers from the department of General Crime of the Moravian-Silesian region opened a total of four cases classified as THN under the provision of Sec.168 of the Criminal Code. Another case was re-classified to the criminal offence of defamation (the investigation is continuing by the Territorial Unit in Bruntal). The last case is currently being reviewed. In 2012 criminal activities pertaining to the area of THB did not considerably depart from the trend of previous years.

The number of criminal offences of **procuring** as well as the number of offenders committing the same crime was declining from 2000 to 2010 with the exception of 2005. However, the year 2011 saw a slight increase. In 2012 (when compared to 2011) 42 cases of procuring (-2) were detected. 36 (+4) were resolved and 46 persons (-15) were investigated.

Numbers of crimes of procuring detected and resolved by the Czech police (under Sec. 189 of the Criminal Code, i.e. under Sec. 204 of the "old" Criminal Code)											
Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Detected	116	101	83	123	85	46	52	37	33	44	42
Resolved	101	96	83	119	79	39	43	28	26	32	36
Investigated and prosecuted persons	107	103	105	119	98	66	88	35	28	61	46

The Criminal Code which came into effect on 1 January 2010 introduced a new criminal offence – **unauthorised employment of foreign nationals** (Sec. 342 of the Criminal Code). In 2012 in total three criminal offences of the unauthorised employment of

foreign nationals were detected, with two of the people involved being investigated and prosecuted, which is positive, in particular in the light of previous years, when in 2010 and 2011 no crime of this type was resolved and no person was investigated or prosecuted in relation to it.

The fact that the law enforcement authorities are learning how to work with newly defined criminal offences included in the Criminal Code can also be demonstrated by information on detected criminal offences of **prostitution endangering the moral development of children** (Sec. 190 of the Criminal Code). In 2012 a total of seven cases were detected, of which six were resolved, while in 2010 and 2011 only one case of this type was detected.

2.1.2. Data provided by the Supreme Public Prosecutor's Office

As early as in the *2007 Annual Report on Activities of Public Prosecutor Offices* a relatively sharp increase in the number of criminal offences of THB under Sec. 232a of the old Criminal Code was pointed out. The *2008 Annual Report on Activities of Public Prosecutor Offices* then confirms the area of crimes against life and health, freedom and human dignity displaying an increased number of criminal offences concerning THB, namely in relation to prostitution, forced labour or other forms of exploitation. That year saw a new form consisting of **forcing higher work performance** and the related **exploitation of labourers** transported from **abroad under the promise of work**. This activity is supported in the Czech Republic by work agencies with their place of business abroad which lure foreign nationals (mainly Ukrainians) to work in the Czech Republic. Such labourers are then forced to work in onerous conditions for a low wage. Moreover, people who suffer difficult economic conditions are used as well (homeless people, unemployed foreign nationals, and foreign nationals without work permits). They are offered jobs as well as accommodation and then they are forced to live in conditions that do not satisfy hygiene requirements and to work for low wages which cannot cover even the very basic needs of life.

A reading of the *2011 Annual Report on Activities of Public Prosecutor Offices* suggests that as regards the criminal offence of THB there are **only sporadic findings concerning forms other than sexual exploitation**, which probably relates to the less than totally clear interpretation of terms concerning different forms of exploitation. In particular they mention labour exploitation, where there are difficulties in interpreting the term “forced labour” and “other forms of exploitation”. They identify as a substantial obstacle the non-existence of legal definitions and relevant precedents. And again the weak position of foreign nationals striving to get in to the Czech labour market is abused while the vast majority of them do not have any money and do not speak the Czech language, which means that they fully depend on job brokers, who are in many cases their compatriots who have resided in the Czech Republic for a long time and therefore they “know the ropes”, they can easily contact relevant companies and/or different work agencies and so on.

The statistical records show that the year 2009 displayed quite a substantial growth in the number of charged persons: by almost half of the number of persons charged in 2008 again (the year-on-year increase in the number of prosecuted persons was 47.4%; the number of charged persons grew by 52.9%). This number confirms a generally perceived upward trend while also accepting the generally shared opinion that this type of crime is extremely latent and taking into account problems related to legal qualification, in particular in relation to the “competing” criminal offence of procurement (which also displays a high percentage of charged persons – in 2009 it accounted for 97.8%). In 2010, when compared with 2009, the number of prosecuted persons decreased by 7% while the number of persons charged with this type of crime displays the same number. With regard to the concentration of these criminal activities in individual regions, 2009 statistical data demonstrates that the frequency of occurrence of this criminal offence more or less mirrors the frequency of

occurrence of the crime of procurement (which is perhaps due to the similar content of the constituent elements of these crimes).

In 2011 in total 33 persons were prosecuted and 31 persons were charged. In 2012, according to preliminary data, 40 criminal offences were recorded, 33 persons were prosecuted and 31 persons were charged with the crime of THB.

Numbers of persons charged with the crime of THB (under Sec. 168 of the Criminal Code, Sec. 232a of the old Criminal Code, formerly Sec. 246 of the old Criminal Code)											
Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Persons charged	14	24	0	0	14	20	17	26	26	31	31

The 2010 Annual Report of the Public Prosecutor Offices indicates that the criminal offence of procuring displayed a drop in the number of both prosecuted and charged persons by roughly one third when the figures are compared to those of 2009 (by 57 prosecuted persons and 56 charged persons). This was the ever lowest number since 1992. No reasons are given for this trend in the reports of the subordinate prosecutor's offices. We can probably talk about causal links to adoption of the new Criminal Code but this conclusion is merely speculative. The largest decline was reported from the South Bohemian region (from 22 prosecuted persons to 3 persons only) and in the North Bohemian region (from 26 prosecuted persons to 7 persons) followed by Prague (from 13 prosecuted persons to 1 person only)¹².

On the other hand, the 2011 Annual Report of the Public Prosecutor Offices clearly shows that the numbers of both **prosecuted persons** (by 20 to the total number of 54 persons) and **charged persons** (by 18 to the total number of 51 persons) who committed a crime of procuring (Sec. 189 of the Criminal Code or Sec. 204 of the old Criminal Code) **slightly increased**, but it did not reach the level of 2009 (91 prosecuted persons and 89 charged persons). And again, no reasons are given for this trend in the reports of the subordinate prosecutor's offices. The highest number of prosecuted and charged persons (both of them 16 persons) were reported from the South Bohemian region (the decline to 3 persons in 2010 can be interpreted as an exception), followed by Prague (13 prosecuted persons and 12 charged persons), and the year 2010 can also be seen as an exception (since only one person was prosecuted and none charged).

In 2012 according to preliminary data in total 80 crimes were reported; 69 persons were prosecuted and 67 persons were charged.

Numbers of persons charged with the crime of procurement (under Sec. 189, Sec. 204 of the old Criminal Code)											
Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Persons charged	111	181	118	205	136	72	119	89	33	43	67

¹² This type of criminal offence 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 (year-on-year decline by 26.6% as regards prosecuted persons and by 25.2% when charged person are taken into account); In 2010 this trend continued in terms of both prosecuted and charged persons, whose numbers fell by about two thirds (when compared with the previous year there was a decline by 62.6% of prosecuted persons and by 63% of charged persons). When a longer period of time is compared it is clear that this crime has displayed a downward trend (from 1995), with one exception when growth was observed, in 2005.

With respect to criminal offences concerning unauthorised removal/treatment of human tissues and organs, human embryos and the human genome (Sec. 164 - 167 of the Criminal Code) it can be stated that in 2009 only one person was prosecuted and charged for the crime of illegal treatment of cells, tissues and organs under Sec. 209a of the old Criminal Code, while in 2010 five persons were prosecuted and charged. In 2011 none of these criminal offences was reported. In 2012, according to preliminary data, in total 8 crimes were reported, but these were subsequently suspended. As regards crimes pursuant to Sec. 166 of the criminal Code one crime was recorded.

With regard to the criminal offence of child trafficking or newly defined as the offence of placing a child under the power of another person (Sec. 216a of the old Criminal Code or Sec.169 of the Criminal Code) no occurrence was reported either in 2009 or in 2010. In 2011 two crimes of this type were reported and in 2012, according to preliminary data, three criminal offences were registered.

As regard the criminal offence of prostitution endangering the moral development of children (Sec. 190 of the Criminal Code) **and unauthorised employment of foreign nationals** (Sec. 342 of the Criminal Code) no occurrence was reported in 2011. In 2012, according to preliminary data, three criminal offences were recorded under Sec. 342 of the Criminal Code.

THB represents one of the priorities of public prosecutors. This statement can be confirmed by the attention which is paid to this issue through concrete procedures adopted by public prosecutors and in different analytical documents and in particular in annual reports on activities of public prosecutor offices (which are, as stated above, submitted by the Chief Public Prosecutor to the Government through the Minister of Justice)

Some problems persist, in particular interpretation of the nature of the exploitation and forced labour of foreigners residing illegally in the Czech Republic. Even though this criminal offence is interpreted in supporting documents only rarely were new application problems signalled, especially with respect to the definition of forced labour or exploitation, this time in the context of the new Criminal Code. The same applies to the principle of subsidiarity of criminal repression (Sec. 12 (2) of the Criminal Code).

2.1.3. Data Provided by the Ministry of Justice of the Czech Republic

According to data provided by the Ministry of Justice of the Czech Republic (hereinafter referred to as the "MJ") altogether eleven persons were sentenced for the crime of THB in 2012. If we compare this figure with those of previous years we can see the increase in the number of sentenced persons from 2006-2009, which was also confirmed by more considerable fluctuation in the year 2011, which displayed a real growth. Among the cases of the last year one child was registered as a victim. Further victims were women, but statistical records do not include any data relating to male victims.

Of eleven sentenced persons the majority were sentenced for THB for the purpose of labour exploitation (six persons), which happened for the first time in history. This relates to the fact that in 2012 the offenders involved in two cases of THB for the purpose of labour exploitation, SPARGEL and KLACEK, were sentenced by a final and conclusive judgement by the Regional Court in Ceske Budejovice and the Regional Court in Usti nad Labem (for more information about these cases see previous Status Reports on THB).

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	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Sentenced	20	5	12	20	2	4	3	1	10	19	11

persons											
Unconditional sentence	5	1	3	8	0	3	3	0	9	18	10
Conditional sentence	15	4	9	12	2	1	0	1	1	1	1

Of the 10 unconditionally sentenced persons one person was sentenced to imprisonment for four years; seven persons were sentenced to imprisonment for five years, one person will serve a sentence of imprisonment for seven years and the longest punishment will be for 8.5 years of imprisonment. In addition, in two cases the court imposed a sanction of confiscation of some object or some other property and in one case the court prohibited activities as a sole trader for a period of five years including a fine of CZK 10,000,000. If we compare the data with the data from 2002 we can then unambiguously point out the fact that the ratio of unconditionally sentenced persons and conditionally sentenced persons is being changed – the courts more often decide on unconditional sentence of imprisonment. As regards the sex of convicts there were nine men and two women among them.

With respect to the criminal offence of **procuring**, an increase in the number of persons sentenced for this crime was recorded in comparison with 2011. The sanction for all the sentenced persons did not exceed the limit of five years of imprisonment. Two persons received an unconditional sentence of imprisonment for two years. The trend of sanctions has remained unchanged – conditional sentences exceed in numbers the unconditional sentences.

Among the victims recorded in statistics were 16 children and 30 female victims, but the MJ does not record the data on male victims.

Numbers of persons sentenced by a final and conclusive judgement and sanctions imposed for procuring (under Sec. 204 of the “old” Criminal Code, Sec.189 of the Criminal Code)							
Year	2006	2007	2008	2009	2010	2011	2012
Number of sentenced persons	68	74	60	82	64	50	76
Unconditional sentence	12	20	14	19	21	17	13
Conditional Sentence	49	48	44	60	39	41	49

In 2012 no one was sentenced for the following criminal offences which relate to THB for the purpose of **removal of tissue, cells or organs from the human body**: Sec. 164 of the Criminal Code – unauthorised manipulation with tissues and organs; Sec. 165 of the Criminal Code – unauthorised handling with tissues and organs, Sec. 166 of the Criminal Code – removal of tissue, organ and transplantation for pecuniary consideration, Sec. 167 of the Criminal Code – unauthorised manipulation with a human embryo and the human genome.

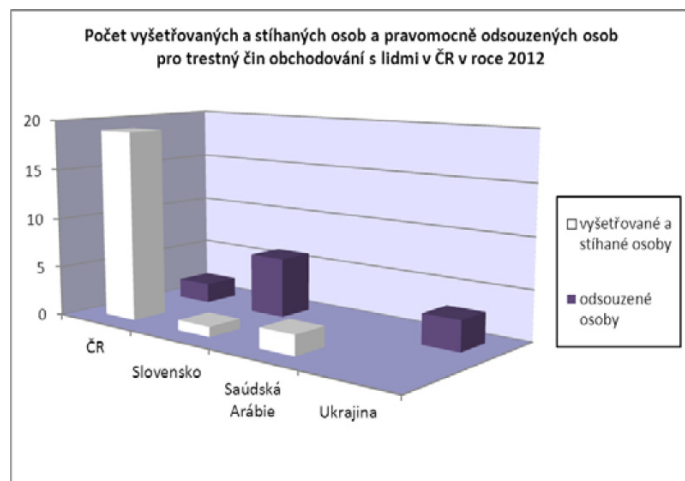


Figure: The number of persons sentenced by final and conclusive judgment for the crime of THB in 2012 in the Czech Republic

- Investigated and prosecuted persons
- Sentenced persons

In 2012 in total six persons were sentenced for the crime of **prostitution endangering the moral development of children** - Sec. 190 of the Criminal Code. It can be said that this number corresponds with the six resolved cases recorded in police statistical records, which is good evidence of the rather quick work of judicial bodies when assessing this type of crime.

If the nationalities of offenders are taken into account then six nationals of the Slovak Republic, three nationals of Ukraine and two Czech nationals were sentenced. This information does not depart from the trends of recent years concerning the composition of nationalities of sentenced persons. Just as a point of interest we are displaying in the graph a comparison of the numbers of investigated and prosecuted persons and their nationalities. Nevertheless, it is important to stress that offenders who were investigated and prosecuted in 2012 do not represent the same sample of persons who were sentenced in the same year. The sample is also depicted in the graph.

2.2. Financial Investigation

According to information from the Czech police, financial investigation pertaining to the area of THB is comparable with the previous period. It is difficult to find proceeds arising from criminal activities due to the conduct and behaviour of offenders. The vast 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 standards. Larger than usual amounts of cash are therefore usually detected during house searches rather than through the use of specific instruments provided for in the relevant provisions of the Code of Criminal Procedure (most often money is frozen in bank accounts).

On the basis of criminal proceedings for the crime of THB in 2012 the UCOC seized an amount of CZK 90,500. In the case of procuring they seized CZK 3,072,058 together with real estate (under Sec. 79d of the Code of CP) amounting to CZK 205,000,000.

2.3. Inspection and Other Actions Carried out by Public Administration Authorities

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

From 1 January 2012 it is the SLIO instead of the Labour Office of the Czech Republic that has been responsible for inspections in compliance with Act No. 435/2004 Coll. on Employment, as amended (hereinafter referred to as the "Act on Employment"). In addition to their powers in the area of inspections focusing on how the legal provisions of the Labour Code and other legal provisions regulating labour and remuneration conditions and how legal provisions pertaining to the area of occupational health and safety are respected, since 2012 the SLIO has performed inspections of the area which regulates conditions for work carried out by foreign nationals in the Czech Republic. At the same time powers to impose fines for minor offences and administrative infractions were transferred from the Labour Office to the SLIO and Regional Labour Inspectorates (hereinafter referred to as the "RLI")

Data on inspections carried out in 2012 in the area of employment of foreign nationals cannot be compared with the data collected in 2011 because the SLIO information system evaluates statistical data in a structure which differs from that of Labour Offices.

In 2012 SLIO inspections concentrated on uncovering and combating illegal work within a **project entitled “The Effective System Development of Employment, Performance of Comprehensive Inspections and Combating Illegal Employment in the Czech Republic”**. This project is co-financed from the European Social Fund within the “Human Resources and Employment” Operational Programme. The aim of the project is to make more effective procedures for comprehensive inspections, focusing on combating illegal employment, the provision of advisory services within such inspections, and the provision of information to employers as well as to employees and enhancing the legal awareness in the labour law area. The project will also continue in 2013. Inspections are implemented by 14 teams of inspectors, who specialise in inspections of illegal employment and in doing so they cooperate with customs offices, the Czech police – the Immigration Police Service (hereinafter referred to as the “IPS”), the Labour Offices, the Czech Social Security Administration, or with other authorities such as Trade Licensing Offices and the Tax Authorities. In 2012 the three main inspection tasks of the SLIO were as follows: Inspections of illegal employment of Czech nationals and foreigners, extraordinary inspections concerning certain areas of business carried out by inspected entities, and inspections of labour-law issues.

In 2012 the SLIO imposed **in total 139 fines on employers who illegally employed third country foreigners**. The fines **amounted to CZK 47,069,400**. Of the total number of fines 62 fines were final (after appeals) and amounted to CZK 18,619,400. A further 503 fines are proposed to be imposed. The SLIO also imposed 35 fines totalling CZK 444,000 for illegal work and of this number 19 fines were final and their amount was CZK 212,000. A further 112 fines are proposed to be imposed.

In the context of extended powers the scope of control activities carried out on the basis of information/complaints concerning obligations arising from the Act on Employment has been broadened since 1 January 2012. This change has affected not only the structure of the information provided and complaints but it has mainly increased their number. Both the SLIO and RLIs pay steady exceptional attention to examining the complaints they receive. Attention is paid not only to the evaluation and resolution of complaints but also to the area of organisational changes, management and work performed as a reaction to legislative changes.

In 2012 RLIs obtained in total **9,595 complaints**, on the basis of which they executed in total of 6,637 inspections. 181 complaints were from foreign nationals whilst 2,520 complaints were delivered by Czech citizens. Both types of complainants requested the initiation of inspections focused on respecting labour law regulations by employers in the Czech Republic.

The growth in the number of complaints relates to the extension of the powers of bodies of labour inspectorates from 1 January 2012. The share of complaints pertaining to the area of illegal employment accounted for 29.9 % of the total number of complaints. Breaches of labour-law regulations or provisions covering occupational health and safety

Number of complaints according to nationalities	
Nationality	No. of complaints
Slovak	85
Bulgarian	30
Ukrainian	21
Polish	8
Mongolian	6
Moldovan	3
Romanian	3
Russian	2
Other	23
Czech	2520
Not specified	6974

(hereinafter referred to as “OHS”) were revealed by officers of labour inspectorates in 49.78% of the examined cases. The difference cannot be perceived as an absolute fall but rather as an increase in the share of breaches in the area of illegal employment which could not have been proven.

Most complaints were filed by nationals of the Czech Republic and the Slovak Republic. However, it is important to take into consideration the fact that nationality is not obligatory data which must be stated in a complaint. Some complaints are anonymous.

As regards the content of complaints, RLIs concentrated on complaints concerning labour-law and the area of employment and checked the facts included in the relevant complaint – for example illegal work of Czech nationals, illegal work of foreign nationals; however, complaints also pointed out discriminatory treatment in the case of working and compensation conditions and deficiencies in the area of OHS.

The number of complaints filed with labour inspectorates has not declined for a long period of time. Despite the permanent provision of relevant information employees believe that labour inspectorates are able to remedy any deficiencies and can resolve all requirements included in complaints. As a consequence, many complaints and much of the information provided are beyond the scope of the inspection activities of labour inspectorates. Inspectors frequently resolve cases within which they are not able to find the person at the address stated in the Register of Companies. Problems are also caused also by joint ventures with foreign partners where an owner who is at the same time the main executive is not permanently present in the Czech Republic.

Collecting evidence of violations of legal provisions can often be very complicated for inspectors. The people being checked try to get time for possible amendment of their documents and refer the problems to external accounting firms. Employees worried about losing their jobs give evidence in favour of their employers. However, the positive finding is that despite a large number of revealed deficiencies, the inspections carried out by labour inspectorates made employers promptly remove the irregularities found.

Checks of Employment by Agencies

Inspections of work agencies represent a permanent part of the plans of inspections made by the SLIO. In 2012 the plan of the SLION again encompasses an assignment called “Checks on how labour-law regulations are respected by work agencies”, which included checks of user undertakings. In 2012 RLIs carried out within this task **in total 155 inspections**, of which 113 were checks of work agencies and 42 checks of user undertakings which used the services of work agencies. Of this number there were eight subsequent (repeat) checks within which inspectors examined whether the measures ordered in previous inspections had been adopted

Other checks of work agencies were carried out within other principal assignments but these did not monitor the type of employers, in other words whether employees are employed by a work agency or by a company. The majority of such checks were performed upon receiving the complaints. In such cases checks focused on the subject of the given complaint.

Of the total number of 155 inspections of work agencies, 79 (51 %) did not reveal any deficiencies whilst problems were uncovered in 76 (49 %) agencies. Thus the total number of deficiencies was 236.

The following areas were covered by inspections:

- establishment, changes and termination of employment, agreements on work

- performed without regular job contracts;
- working hours, breaks, overtime;
- remuneration, salary compensation, travel expenses;
- conditions in which employees of work agencies worked in companies, equal treatment;
- adherence to OHS rules and regulations,
- checks on mandatory insurance in the case of bankruptcy;
- checks on what the terms and conditions included in the relevant permit respected by the given work agency are like;
- protection of personal rights of employees; and
- checks on shared recruitment of labourers and remuneration provided to work agencies for placing a job applicant.

Most of the detected violations of regulations were found in the area of the establishment, changes and termination of employment or agreements on work performed without regular job contracts, working hours, breaks and records of hours worked.

When being employed by a work agency labourers are more endangered by loss of their jobs and non-compliance with labour-law regulations by their employers (users). In spite of the many inspections of work agencies and users carried out it has not been possible to achieve the required conditions. Work agencies frequently use other options permitted by valid laws, for example they enter into commercial instead of labour-law relations and the performance of work of agency's employees as part of a commercial contract. Inspectors assess every case individually and they decide on the results of the given inspection. We can say that the number of pseudo-agencies is on the rise. These are agencies which do not have any permit for recruitment of labourers yet they present themselves as work agencies and their owners or executives are foreign nationals who can be contacted only with difficulty. They are often business undertakings that have their registered seat abroad and the place of business in the Czech Republic. In many cases such entities conclude job contracts with Czech nationals under foreign labour-law and therefore it is more complicated to achieve remedies if wages or other salary compensations or claims arising from agreements on work performed without regular job contracts are not paid. In the following year the SLIO intends to focus their checks mainly on these entities.

3. SUPPORT AND PROTECTION OF VICTIMS

3.1. Victims in Criminal Proceedings

3.1.1. Victims in Statistical Records

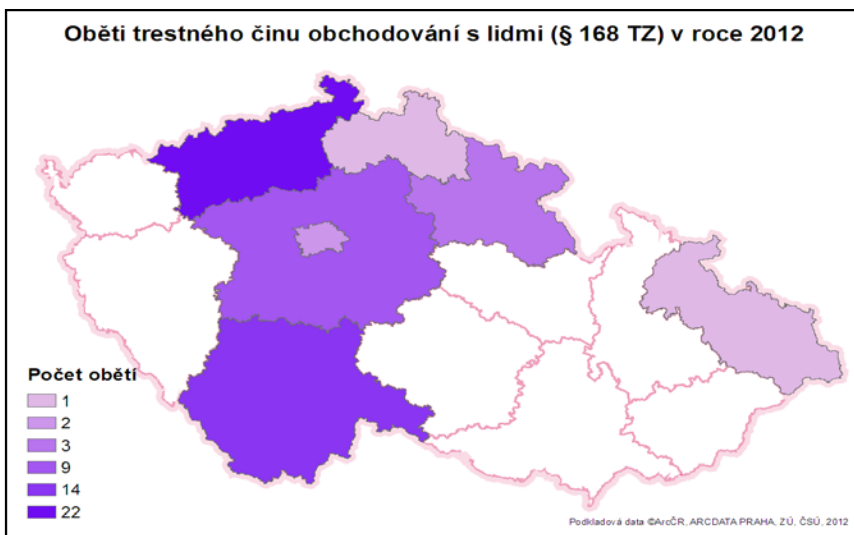
The information on **victims of criminal activities** published in this sub-chapter is collected predominantly in the Statistical Crime Recording System. We have to note that the word “victim” in this context does not mean the injured party as stipulated by criminal law but refers to a category created for the purposes of police statistical records¹³. 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). 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 2011 in total 52 victims were identified. Of this number 14 victims were identified individually and 38 victims were identified in groups.

Figure: The number of victims of THB taken from the data of the Czech police in 2012



As the map indicates, most victims were registered in the Usti region: 22. This region was also significant in terms of the number of victims identified in the two previous years (2010 and



*Figure: Victims of the crime of THB (Sec. 168 of the Criminal Code) in 2012
Number of victims*

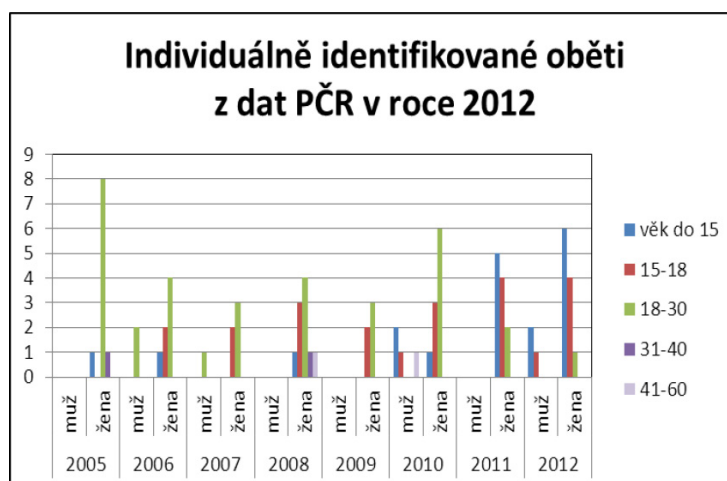
2011). 14 victims were identified in the South Bohemian region and the third place is occupied by the Central Bohemian region, where nine victims were reported.

(Incomplete) statistical records about individually identified victims of THB (i.e. 14 persons as stated above) provide us with interesting information. Since 2005 the Czech Republic has seen, on the one hand, an unambiguous decrease in the proportion of victims between 18 and 30 years of age and, on the other hand, a growth in the proportion of victims younger than 15 years old and victims between 15 and 18 years of age.

¹³ Victims of crimes are recorded only for violent crimes, vice crime and several other types of crime against property (for example pick-pocketing).

Figure: Individually identified victims – data of the Czech Police in 2012

More detailed information about juvenile victims in 2012, in terms of social aspects (even less complete than the structure by age and gender of victims), shows special features of the victimisation of youth. As regards boys, pupils of special schools are victimised more than pupils of elementary mainstream schools, but when girls are taken into account one victim – a pupil of special school - was recorded in 2012 but several girls – pupils of mainstream elementary schools - were victimised. Also one female student at a secondary vocational school was a victim and one boy – a student of such a school – became a victim.



3.2. Victims of Trafficking in Human Beings and Social Services

The system of social services 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 the conditions for the provision of assistance and support to natural persons in adverse social situations by means of social services and the 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 services¹⁴ and so forth. In accordance with the Social Services 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. 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 31 December 2012 the Register of Social Service Providers listed in total **116 social services**. Providers of such services indicated that one of their target groups is a group of victims of THB; providers of social services for victims of THB usually provide their services in the region where they are registered.

The following social services for the target group of victims of THB are provided:

- professional social consultancy
- telephone assistance (emergency) lines
- social rehabilitation
- street-work programmes
- houses of asylum
- low-threshold facilities for children and youth

¹⁴ 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.

- crisis aid
- socially activating services for families with children

Type of service	Number
Professional social consultancy	53
Telephone assistance (emergency) lines	12
Social rehabilitation	4
Street-work programmes	17
Houses of asylum	18
Low-threshold facilities for children and youth	4
Crisis aid	6
Socially activating services for families with children	2
TOTAL	116

In this context it is important to emphasise that the **majority of providers devote their services to victims of THB only marginally** and their primary target group is composed of other persons. Due to the fact that current applications used by the MLSA do not include numbers of victims of THB as clients of social services we are not able to specify their summarised number satisfactorily. The fact that the aforementioned number of organisations states as their primary target group victims of THB does not indicate their real numbers in the actual service. None of the systems used by the MLSA monitors the real number of clients within the given target group for a specific time period.

3.3. Programme on Support and Protection of Victims of Trafficking in Human Beings

In 2012 the Crime Prevention Department, being authorised by the 1st Deputy of the Minister of the Interior responsible for internal security, and within the development of the crime prevention system at the nation-wide level, implemented a project entitled The Programme on Support and Protection of Victims of Trafficking in Human Beings (hereinafter referred to as the “Programme”). (Authorisation was in compliance with the Czech Government Resolution No. 925 of 14 December 2011 concerning the Crime Prevention Strategy of the Czech Republic from 2012 to 2015 and in compliance with the National Strategy).

The Programme is designated for a defined group, namely for probable victims of THB, i.e. EU nationals exploited in the Czech Republic, third country nationals exploited in the Czech Republic and Czech nationals exploited abroad or in the Czech Republic (hereinafter referred to as a “probable victim”) older than 18 years of age. It is important to say that the same conditions for inclusion in and exclusion from the Programme apply to the whole defined group of probable victims. The conditions are included in the Guidelines of the 1st Deputy of the Minister¹⁵, which generally specify and set the mechanism of support and protection in cooperation with partners. Probable victims are informed by the relevant partners about the option of entering the Programme and at the same time they provided information on their rights as well as duties arising from their participation in the Programme.

The Programme is a kind of measure created with the objective of providing probable victims of THB with support and protection upon individual risk assessment and to enable access to the programme of witness protection. The Programme also duly **protects**

¹⁵ The Guidelines of the First Deputy of the Minister of the Interior of 7 June 2010 concerning the operations of the Programme on Support and Protection of Victims of Trafficking in Human Beings and Its Coverage by Institutions.

probable victims of THB who are witnesses in a trial and who cooperate with law enforcement authorities. If a probable victim **voluntarily** accepts an offer to participate in the Programme he/she fills in and signs an initial statement which encompasses the rights and duties relating to involvement in the Programme.

Statistical Data

Year Country of origin	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
Czech Republic		2	3	4	5	4	3	3	2		26
Slovak Republic		3		1	1	1	1				7
Moldova	3								1		4
Ukraine		1	6	3	3	7	8		1		29
Bulgaria		2	4		1				1		8
Vietnam	1		3	3	2			1	1		11
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	2		3
Sri Lanka									1		1
Philippines										1	1
Not stated ¹⁶									1		1
Total	5	11	17	14	18	24	13	7	10	1	120

In 2012 one probable victim of THB for the purpose of other forms of exploitation was newly included in the Programme. Since 2003 in total 120 victims of THB have been included in the Programme. Of this number six probable victims of THB are still included in the Programme and they are provided with services within the Programme. These are victims who cooperate with the law enforcement authorities. The group consists of five female victims and one man. There are five cases of criminal proceedings for THB for the purpose of sexual exploitation and one case relates to THB for the purpose of labour exploitation.

Age Country of origin	18-23	24-30	31-40	41-50	51+	2010
Philippines			1			1
TOTAL						1

The numbers of victims included in the Programme fluctuate and neither development nor numbers of victims to be included in the Programme can be planned for the given period.

¹⁶ The country of origin is not stated owing to security considerations.

The numbers of victims involved in the Programme depend on an ability to detect victims by NGOs and on the identification of victims by law enforcement authorities.

Through the Programme of Voluntary Returns, which is an integral part of the Programme, five voluntary returns, four of which were voluntary returns to the Czech Republic, were implemented in 2012. Since 2003 in total 55 voluntary returns, 18 of which to the Czech Republic, have been implemented.

3.4. Support by Assisting Organisations

3.4.1. La Strada Czech Republic, o.p.s.

3.4.1.1. 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 the 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 the target group, pays attention to prevention and training, and through legal activities this organisation 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. emphasis is placed on the elimination of vulnerability and dependency, on the strengthening of the target group's own resources and the competences of that group.

3.4.1.2. Services Provided

Since the effective date of the Social Services Act, i.e. 1 January 2007, the social services of La Strada designed and designated for trafficked persons¹⁷ 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 Social Services Act;¹⁸

¹⁷ 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.

¹⁸ Consultancy is also provided 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.

- Crisis aid - Sec. 60 of the Social Services Act; and
- Asylum/sheltered houses - Sec. 57 of the Social Services Act.
- **In 2012 telephone crisis aid was registered as a service.**¹⁹

As regards prevention, the 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 MoI for several years. During the last two years the segment of advisory services concerning the situations into which people can get in relation to labour exploitation has been systematically broadened.

In 2012 La Strada provided both non-residential and residential social services to a total of 94 clients, both male and female. When this figure is compared with that of 2011 a moderate increase in the number of clients can be seen (in 2011 there were in total 88 clients).

When practice is taken into account, the people who used the services of La Strada can be divided into three groups.

1. **Comprehensive social services**

- Trafficked or exploited persons who, in the course of cooperation, use one or more registered services of the organisation. This means that they wish to solve their situation comprehensively and have regular meetings in the organisation. Clients can use the professional social services, crisis aid, both non-residential and residential, and/or houses of asylum. The term used below for all these services is “comprehensive social services”.
- In 2012 the **comprehensive social services** provided by La Strada were used **in total by 40 persons**, of which number 25 were women and 15 were men. In 11 cases (seven women and four men) they were Czech nationals. When these figures are compared to those of 2011 we can see that they remained almost unchanged (in 2011 13 persons had Czech nationality). On the other hand, among the 22 persons (15 women, 7 men) who engaged in cooperation in 2012 foreign nationals considerably prevail. Among other most frequent nationalities there were nationals of Bulgaria (five women, five men), followed by nationals of Ukraine, Slovakia, Nigeria, Moldova, and the Philippines. The organisation newly accepted in total 18 foreign nationals (12 woman, 6 men) and four Czech nationals (three women, one man).
- In the year reviewed 22 persons (15 women, 7 men) started to cooperate with the organisation. In 2012 **seven persons included at the same time in the Programme** participated in comprehensive social services. Of these one person was newly included in the given year and four persons were included in previous years by a different assisting organisation, but in 2012 they decided to use the services provided by La Strada.
- Of the total number of **25 women** fifteen were **forced into prostitution** in the Czech Republic and in two cases they were forced into prostitution abroad (the United Kingdom and Bulgaria). As regards the eight remaining persons, they were trafficked for the **purposes of labour exploitation**. Among those persons there were two female victims forced to work in households. With respect to the **15 male victims** all cases (even in relation to newly accepted clients) involved **labour exploitation** (and/or THB for the purposes of forced labour and other forms of exploitation). Three cases involved trafficking for the purpose of labour exploitation abroad (namely in the United Kingdom).
- Among the total number of 22 male and female clients who utilised comprehensive social services, so-called **informal methods of “recruitment” used by people from their social environment** prevailed (in total 13 persons). A further nine persons stated that they had been recruited formally, in other words through work agencies

¹⁹ Under Act No. 108/2006 Coll. on Social Services.

both in the Czech Republic by means of ads on the internet or offers at Labour Offices.

- Among **methods of oppression** for forcing people to work (both for women and men) there were, for example, seizure of travel documents, restriction of free movement, checks on the labourers' movement, insufficient food and drink, threats of physical violence, threats directed towards a labourer or his/her family members. Men were threatened with cancellation of their visas and deportation, the threat that they would lose their accommodation if they did not continue working. Furthermore, the oppressed situation of these persons who stayed in the Czech Republic without any or without sufficient funds was abused, for example their wages were frozen and if they were paid the amounts were very low or they received some small amounts of advance payment (for example for a week). The majority of men complained about their unreasonably long working hours (10 -12 hours a day).

2. Contact Consultancy

This type of consultancy is used by persons who use consulting services to consult about their situation without a comprehensive solution to their situation and without residential services. The reason could be that they are not interested in other services, they need only one-off consultation to understand their situation or they need social or legal advice as a consequence of exploitation, and residential services can be provided due to objective reasons. This group of services is called "**contact consultancy**". The organisation provided contact consultancy to 54 male and female clients who had encountered predominantly labour exploitation or had got into a situation which resembled trafficking or exploitation.

In 2010 the services of contact consultancy, INFO and SOS lines and street/fieldwork were associated in one department, which was called "nízkoprah"²⁰ (low threshold) on the basis of the services provided. This group of services is intended especially for people who have suffered from labour exploitation outside the area of the sex business – however, **it is not absolutely necessary that all these persons must be included in the category "trafficked"**. The strategy of low threshold is framed by three common denominators, work, exploitation, and needs, and it concentrates mainly on the labour-law aspects of exploitation.

o Street/Field Work

In 2012 street/field work (hereinafter referred to as "fieldwork") concentrated mainly on the three previously defined priority areas, namely the **environment of women, seasonal work, and repeated visits of some localities**, where, on the basis of previous experience, the occurrence of exploited or potentially trafficked persons can be assumed. Altogether 765 persons of the target group were contacted through fieldwork, of whom there were 332 women and a further 50 persons who are in close contact with the target groups became subjects of fieldwork (persons who had personal or labour relationships with persons from the target group).

EU nationals were among those who were mostly contacted (Bulgaria Ukraine, Slovakia, Romania, Poland, the Czech Republic, China, Thailand, Vietnam, Uzbekistan, Kazakhstan, Moldova, Lithuania, Russia, Belarus and others). The trend to employ EU nationals through work agencies clearly continued. This is

²⁰ This relates to the concept of *threshold or low threshold* in social services. A low threshold facility implements "a service designed to be maximally accessible with an effort to remove time, space, psychological and financial barriers which would prevent the target group from seeking a low threshold facility or utilise the offer of the services provided" (Česká asociace streetwork, o.s., 2008, p. 5). As regards the low threshold of La Strada there is an option to use the service anonymously, in a "natural environment", in the afternoon and in the early evening, for free and if possible in a language he/she understands and without being a member of a group of trafficked persons.

probably because there are fewer legislative restrictions and easier administration when procedures are compared to those applying to third country nationals.

Ad hoc field activities have been implemented five times due to an emergency situation. One case involved a group of eight men – Bulgarian nationals – whose salaries were frozen by their employer and who had got into financial stringency, which means that they did not have any money for accommodation and food. This group was provided with crisis, non-residential, aid, they were put in contact with a local charity, authorities and the police and negotiations with their landlord were held.

In 2012 a total of 11,000 individual leaflets were printed and **distributed**. The leaflets contained information about the target group and the social services offered by the organisation. Of this high number 4,076 individual preventive and information documents of La Strada were distributed within the fieldwork and roughly 350 leaflets of other organisations and institutions were distributed as well.

When solutions were sought during the fieldwork with clients in 2012 it was especially the issues of labour-law that were tackled (most often unpaid salaries²¹) along with problems concerning the Act on Residence of Foreign Nationals and respective checks made by the Czech police and public authorities. What was absolutely clear was that there was **insufficient information regarding the rights and duties relating to performance of work in the Czech Republic**. EU nationals (both male and female) from Bulgaria, Romania, Lithuania especially and some other countries were struggling with this. EU nationals (surprisingly there were more of them than third country nationals) were **homeless** and suffered from insufficient finance for the basic needs of life as a consequence of not receiving any salary. This situation or a very similar situation is now typical for whole families, mainly Bulgarian families residing in the Czech Republic.

○ **INFO and SOS LINE**

The INFO and SOS line is another key component of the organisation's activities – it serves as an entrance gate to the residential or advisory service. However, in recent years the consultancy-intervention nature of the line has been widened. In 2012 a new service under the name Telephone Crisis Aid²² was registered. The following people form the **target group** of this service:

- trafficked and exploited persons, i.e. people who were deceived and /or forced to perform work or provide services, including prostitution, and others benefited from their work;
- persons who had suffered from trafficking or got into a situation similar to trafficking;
- persons who are in close relation to people were or are trafficked or exploited; and
- persons who are seeking a job or travel abroad and other people who are interested in information on how to avoid the risks of THB and exploitation.

²¹ In cases where the people contacted decided to resolve their situation by taking legal steps the **success rate of collecting unpaid wages/other compensation** for work was **relatively low**. Long proceedings, difficulties with evidence and the failure of evidence in the case of chains of companies and last but not least distrust in equality before the law ('he's got his lawyers'), negligible support from the public authorities and insufficient money for not only different fees and court charges but also for food. Therefore, the majority of the injured prefer to apply for a new job in order to, as quickly as possible, make up the financial loss suffered instead of the uncertain and risky procedure of a trial.

²² Under Act No. 108/2006 Coll. *on Social Services*

This service is provided both to Czech and foreign nationals regardless of their residency status. This service can be provided anonymously.²³ **In 2012 in total 752 calls were implemented to the benefit of 451 persons. EU nationals prevailed among people calling** (181 persons)²⁴ – for the first time EU nationals outnumbered third country nationals (162 persons). The second largest group were citizens of the Czech Republic (138). Also, when the period of monitoring the statistical data concerning the INFO and SOS line of La Strada is taken into account, this was the time that the **number of men calling** (264) had exceeded the **number of women** (187). **The substantial number of calls related to labour exploitation and/or the fact that employees had not received any salaries** (about 400 calls). These calls were followed by calls concerning issues of residence, labour-law issues and so on. Four persons who originally contacted La Strada by using this line started to use the comprehensive service provided by La Strada and 24 persons (individuals or groups of individuals) started to attend the low threshold advisory centre.

- **Contact Social consultancy**

A low threshold advisory centre started to work within La Strada for exploited persons²⁵. The advisory centre serves for the provision of contact social consultancy and, if necessary, a lawyer or an interpreter is available. Altogether **56 persons** used the service of contact consultancy. The majority of them obtained information on the low threshold advisory centre within the field work or when calling the INFO and SOS line of the organisation.

As in the last year, **EU nationals** were in the majority – in particular nationals of Bulgaria (35). Further, there were nationals of Ukraine (12), the Czech Republic (2), Moldova, Tajikistan, Lithuania, Malaysia, and Thailand. Among the clients there were more **men** (40) than women (16). All the consulted cases dealt exclusively with **exploitation outside the sex business**, in particular non-payment of salaries²⁶. Several cases were referred directly to the SLIO or RLIs but also to KOVO trade unions or the Czech-Moravian Confederation of Trade Unions. La Strada also provided people to accompany clients to the aforementioned institutions. In two cases (a total of ten Bulgarian nationals) clients received an allowance for poverty, which is exceptional, immediate aid²⁷.

- **Non-residential Crisis Aid**

In 2012 crisis non-residential aid²⁸ was provided to twelve persons (two women and ten men). In two serious cases an option given by law was used and the contract was prolonged by one week.

²³ Operational hours of INFO and SOS line: (+420) **222 71 71 71**, Mon: 10.00 – 16.00 (Czech and Russian languages), Tue: 10.00 – 16.00 (Czech and English languages), Thu: 10.00 – 16.00 (Czech language), **800 07 77 77 (toll free calling)**, Wed: 12.00 – 20.00 (Czech, Russian, Romanian/Moldovan languages). an answering machine is available out of working hours. It is possible to contact the organisation by e-mail: pomoc@strada.cz or regular mail (letters).

²⁴ Because of the growth in the number of calls made by Bulgarian nationals an interpreter from/to this language was frequently used.

²⁵ This advisory centre operates in the premises of the Diaconate.

²⁶ In such cases a lawyer prepared a pre-trial and in the majority of cases also preliminary action for the court. According to the given situation clients were offered the option of immediately terminating their job contract, filing complaints with a relevant labour inspectorate, tax authority, the Czech Social Security Administration, the General Health Insurance Company, and some others. Three actions concerning unpaid salaries were lodged and two criminal reports were filed regarding the suspected unauthorised employment of foreign nationals.

²⁷ As regards this type of allowance the most difficult issue is that it might be difficult for an EU national to prove his/her residence at the given place if their landlord does not report their accommodation to relevant authorities (EU nationals are not registered in any other way).

²⁸ See Crisis Aid Sec. 60 – *The mission* is to tackle the crisis/emergency situation caused by THB or exploitation and to create conditions for the stabilisation of the situation by providing temporary free accommodation (or, in the

3.4.1.3. Other Activities of the Organisation

In 2012 La Strada established a scheme describing options how to obtain damages for persons injured within criminal proceedings through the mechanisms of criminal and civil law. The scheme is called “**Financial Claims of Persons Injured in Criminal Proceedings**” and has been prepared in three languages (Czech, English, and Russian) and workers of La Strada presented the scheme at a meeting of organisations working with foreign nationals organised by La Strada in June 2012 in Prague. The scheme is also distributed to organisations and people who assist victims of THB and labour exploitation.

During the year 2012 La Strada **monitored selected court trials concerning crimes of THB for the purpose of other forms of exploitation**. They monitored five cases. Monitoring of courts maps out the activities directly in court rooms (statements of defendants, witnesses, proposed evidence, and the arguments of attorneys or prosecutors). Monitoring also includes an analysis of court judgements. The monitoring of courts will be described in full detail in a publication which is being worked on within the joint project of La Strada, the Academy of Justice, and the Security Police Department of the MoI.

Some other activities are described in other sections of this Report.

3.4.2. Archdioceses Charity Prague, Magdala Project

3.4.2.1. 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 the issues of trafficking in human beings and domestic violence. The Magdala Project is primarily focused on support and professional assistance to people endangered by THB and domestic violence. It is comprehensive assistance based on a holistic approach and human rights fundamentals. Recently, the Magdala Project has concentrated on the issue of the indemnification of clients and legal assistance provided to these groups of people.

It is a networking project which connects consultancy services, asylum houses and help lines within an organisation known under the name of the Charity of the Czech Republic, which deals with support and assistance to be provided to the groups of people mentioned above. The Magdala Project is actively involved in the Programme and a representative of this project is also a permanent member of the IMCG.

3.4.2.2. Services Provided

Workers of the Magdala Project provide comprehensive services to victims of THB, which means social and legal consultancy, psycho-social consultancy, assistance when clients deal with the authorities, direct assistance and safe shelter/residential facilities.

The return of victims to society is very difficult and demanding because, as a consequence of their experience, victims suffer from many traumas. It takes a long time until victims start to trust social workers but after that their situation becomes stabilised and begins to improve.

Beside the psychological problems victims have to solve problems with health insurance and social benefits. Another problem is their place in the labour market, which is caused not only by cultural and language barriers, but also by the current situation in the labour market. Charity workers also work on the gradual alleviation of traumas and health consequences, although rehabilitation and the social inclusion of victims are quite often

case of non-residential crisis aid, financial means for accommodation and/or food) for a maximum of seven days with an option to prolong the period in justified cases.

hampered by permanent health problems, debts on health insurance as well as other “by-products” of their previous existence.

The main objective of the project is the social inclusion of victims and development of their capabilities to take care of themselves and their children.

In 2012 twelve clients (eleven women and one man along with their two children) were included in the project. They were clients from Ukraine, Nigeria, and the Czech Republic. One woman, a probable victim of THB for the purpose of sexual exploitation, was referred to La Strada. The average age of clients was 30 years. The female national of the Czech Republic was a victim of forced prostitution.

Charity workers assisted 18 persons as part of the project’s assistance to vulnerable seekers of international assistance. The Magdala advisory centre reported a total of 4,325 contacts in 2012, of which 1,833 were phone calls. The Help Line recorded 504 calls last year.

In the course of 2012 the Magdala Project provided victims of THB with legal information and offered them representation in criminal proceedings and in any follow-up proceedings (e.g. claiming damages within civil law proceedings) by a proxy. The activities of the proxy consisted mainly of representing victims in the following types of proceedings:

- representation of a victim when providing testimony in pre-trial proceedings;
- filing the claims of victims for damages, non-material loss and return of unjust enrichment;
- assistance in implementing the procedures of an undisclosed witness;
- participation in providing evidence;
- communication with law enforcement authorities;
- representation of victims in trials and when filing appeals; and
- representation of victims who testify within international legal assistance.

Victims had also had a chance to receive a lawyer for civil law proceedings. During 2012 no victim used this option. What is more, a proxy informs his/her clients about the possibility of applying for financial assistance specified for victims of crimes.

3.4.2.3. Other Activities of the Magdala Project

Workers of the Magdala network were in regular phone contact and they also had meeting where they exchanged their experience and consulted on topical issues. In November there was a regular concert held by members of the International Church of Prague. Meetings with students were organised.

Workers involved in the Magdala Project **cooperated** within the Programme with non-profit making organisations in the Czech Republic and in Austria, with the Czech police and courts. As regards cooperation with non-profit making organisations they cooperated with the Vienna Charity and with the Cara organisation. In the Czech Republic they cooperated primarily with La Strada, Diaconate, IOM, Acorus, R-R organisation, and OPU. Cooperation is evaluated positively by the Archdioceses Charity Prague as all the involved parties are directed primarily at the needs of clients.

Cooperation with the Czech police is also evaluated very positively. Cooperation was implemented in connection with criminal proceedings concerning THB. The approach of police officers is appreciated as they were sufficiently trained to work with victims of THB. In 2012 the option of an undisclosed witness was used only once and in one case measures to prevent contact between a victim and defendants (testimony in a separate room) were adopted.

The Archdioceses Charity Prague reported negative experience mainly with the courts. In some cases courts refuse to use the option of testimony without the presence of a

defendant. Victims were exposed to repeat testimonies although their testimony was available from pre-trial proceedings when it was made as an urgent and non-repeatable act.

In 2012 the Magdala Project was **financed** mainly by the MLSA and the Prague City Council. From 1 January 2012 to 30 June 2012 the costs of direct work with clients within the Programme were invoiced to the MoI. Support for vulnerable groups, especially to the target group of international protection seekers, was financed from the European Refugee Fund. The project received gifts both from individuals and legal entities and was also able to use its own resources.

Case Study - Anna, born 1990, Czech national²⁹

Anna was brought up in the children's home. She completed elementary school, for two years she attended a vocational school for confectioners but she did not complete her schooling. After her 18th birthday a friend of hers introduced her to people who were recruiting labourers for work in one of the west European countries. She was told that she would work as a waitress and Anna did not ask about the details. Despite the fact that she did not speak English at all she agreed to take up the job. She was lured by an illusion of *high earnings*. Unknown men accompanied her to the place where she was supposed to work. In front of her eyes they collected money from their counterparts and Anna was sold for the purpose of prostitution. She was dragged to a house, her passport was seized and she was raped.

During the following months, along with other girls, she was closely guarded, they made threats against her and she was forced to have sex. After about three months Anna managed to contact a (female) friend who used to visit her in the children's home. The friend of hers immediately contacted the Czech police and provided information on what Anna had managed to tell her. The Czech police contacted the local police in the given country and thanks to their cooperation Anna was freed. Anna returned to the Czech Republic, accompanied by police officers.

Back at home she was included in the Programme in June 2011 and she received contact information about the Archdioceses Charity Prague – Magdala Project. In cooperation with the Magdala Project and La Strada Anna was provided with safe (concealed) accommodation and she was provided, within the Programme, with social and legal consultancy, she received financial support and any other necessary assistance to be able to cope with police investigations. After clear recovery and after she had calmed down Anna was offered psychological help.

A critical point was the moment when she realised that she was pregnant. After quite a long hesitation she decided to have the baby and with the support of a psychologist and a social worker of the Magdala Project she was preparing to deliver her baby. The social worker helped Anna to contact a suitable maternity hospital and they also found a midwife (so called doula) who helped Anna during her pregnancy and prepared her for labour and for the period after delivery. Anna was also provided with material aid for her baby (a layette - a collection of clothing for a new born baby, nappies, a pram but also literature about how to take care of a child). The social worker also helped Anna to arrange welfare benefits and support in poverty. During the labour Anna was assisted by the social worker of the Magdala Project as Anna was used to her as the worker helped her a lot. The labour was without any complications.

As regards the crime of THB a criminal complaint was filed and Anna is a witness and the injured party. The trial will take place in the Czech Republic. One of the culprits had been sentenced abroad for a different criminal offence. The Unit for Combating Organised Crime is searching for other offenders.

Currently Anna lives with her child in the house of asylum, where a social worker of the house concerned helps her to care for Anna's child and with the "financial budget". Anna still

²⁹ The name and date of birth have been changed.

has a chance to use psychological aid provided by a psychologist of the Magdala Project but she does not want to return to the trauma experienced. However, Anna can use other service provided by the Magdala project.

Outlook of Further Development

Anna is raising her child as a single mother and since she was educated in the children's home, where she did not have a chance to learn the necessary skills, she is assisted with the education of her child and with the financial budget. Anna sees a problem in the insufficient financial means available to her. Currently she receives welfare benefits and allowances in poverty. Allowance for accommodation covers all her accommodation costs in the house of asylum. Welfare benefits can cover basic food for her, her child and for basic sanitary needs as well as things she needs in her household. Anna can take clothes from the "wardrobe" in the charity building, which is very helpful. Due to the ever higher costs of living Anna is not able to save any money, which she thinks is a real problem for the future.

Her aim is to live on her own and rent her own flat to have more privacy. She would like to find a job because she would have more money for herself and her child. She does not exclude the option of completing her studies.

3.4.3. Diaconate of Czech Brotherhood Evangelical Church

3.4.3.1. Basic Information on the Organisation

The Diaconate of the Ceskobratske (Czech brotherhood) Evangelical Church (hereinafter referred to as the "Diaconate") is the second largest non-profit making organisation providing social services in the Czech Republic. It is a church organisation with a more than 20-year tradition. It provides predominantly social, health, pastoral and educational services in more than 110 facilities located throughout the Czech Republic within special centres and special schools. Currently the Diaconate provides 126 registered social services. It has approximately 1,500 employees and 1,000 volunteers. The care and support provided in all these facilities aims at clients being able to live a standard and dignified life.

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 provision of services to trafficked and exploited persons and persons who are endangered by trafficking and exploitation. In 2009 the organisation joined the central project known as "No to Violence" supported by the headquarters of this organisation. The Diaconate headquarters implemented the No to Violence programme until April 2011, when it was transferred to the Diaconate – the Centre of Nationwide Programmes and Services. Since 2012 the Diaconate has implemented, within combating THB, a registered social service - field programme. This service is provided by field offices in western Bohemia. Since the establishment of a new centre in 2012 this social service has been fully transferred to the Centre of Western Bohemia (hereinafter referred to as the "Diaconate West"). Thanks to such activities since August 2012 the Diaconate has been a permanent member of the IMCG.

The Diaconate carries out their activities through their organisational units or branches. The activities of all organisational units of the Diaconate are interconnected, coordinated and strategically managed by the headquarters and individual established organisational units form one group and work under a common name.

3.4.3.2. Services Provided

The Centre of Nationwide Programmes and Services implements the following activities, in the framework of support to be provided to trafficked persons or persons at risk of being trafficked:

- **“No to Violence” Programme“**

The principal objective of the programme is to participate in providing aid, support and protection to trafficked and exploited persons or persons endangered by trafficking. What is more, the project focuses on preventive activities; in particular, they try to increase the sensitivity of the general public towards respecting human rights. They also endeavour to prevent THB and other forms of exploitation and strive to enhance the awareness of this phenomenon, especially among people endangered by social exclusion.

- **Houses of Asylum**

The Centre of Nationwide Programmes and Services provides a registered social service known as “houses of asylum” in compliance with the Social Services Act, Sec. 57, and Decree No. 505/2006 Coll. implementing some provisions of the Social Services Act, Sec. 22. This service is designed for trafficked and exploited persons or persons endangered by trafficking or exploitation. The capacity is for five people and the address is not disclosed. The service is designed only for male adults (older than 18 years) who for a temporary period cannot or are not able to resolve their adverse situation by themselves. The service is provided regardless of age (see above), religion, ethnicity or nationality. The service is provided non-stop for a period of half a year with an option of it being prolonged, but maximally for a period of one year. The service can be used across the whole republic.

The work with clients includes accommodation at an undisclosed address, social advisory services, administrative assistance, primarily help to legalise their residence, assistance with return to their countries of origin through contacts with relevant institutions, but also financial assistance, the provision of food, crisis aid, the provision of health care and, if necessary, the provision of psychological, psycho-therapeutical or socio-therapeutical services, labour consultancy and last but not least intermediation of legal advice or representation by a lawyer and assistance when the client decides to cooperate with the law enforcement authorities in criminal proceedings. Further, charity workers help their clients to spend their spare time and to generally improve the living and social standard of their clients.

In 2012, the social services in the house of asylum was provided in total to seven men. Two of these were nationals of Romania, two came from Bulgaria, one was a Czech national, one client was a Ukrainian national and one came from Uzbekistan. Cooperation with all these clients lasted for a long time and was intensive. The work with clients was mainly oriented toward the overall improvement of their social situation. Clients were provided with all services under the aforementioned act and decree. Most frequently clients were provided with social consultancy, especially when they needed to get to some institutions.

- **Crisis Aid**

In 2012, the Centre of Nationwide Programmes and Services also provided the registered service known as “crisis aid”, which has to be provided in compliance with the Social Services Act, Sec. 60, and Decree No. 505/2006 Coll. implementing some provisions of the Social Services Act, Sec. 25. However, due to the lack of money, this service was provided only from the beginning of January until the end of August.

This service is designed for trafficked and exploited persons or persons endangered by trafficking or exploitation, namely for adults (i.e. people older than 18 years) who for a temporary period cannot resolve their adverse situation by themselves. The service is provided regardless of age (see above), religion, ethnicity or nationality.

The service is provided non-stop according to the assessment of the individual situation of the relevant client and it is provided only for an absolutely necessary period. The service can be used across the whole country.

The work with clients within crisis aid includes accommodation at an undisclosed address, social advisory services, administrative assistance, primarily help to legalise their residence, assistance with return to their countries of origin through contacts with relevant institutions, but also financial assistance, the provision of food, crisis aid, the provision of health care and, if necessary, the provision of psychological, psycho-therapeutical or socio-therapeutical services, labour consultancy and last but not least intermediation of legal advice or representation by a lawyer and assistance when the client decides to cooperate with the law enforcement authorities in criminal proceedings. Charity workers worked intensively with their clients in order to improve their adverse life or social situation according to their individual needs.

The service of crisis aid was used for the period from January to August 2012 in total by 17 clients. There were seven men and ten women. Of these there were eight clients from Bulgaria, six were Ukrainian nationals, two were Czechs and one client came from the Philippines. Shorter intervention was sufficient for nine clients but the situation of the eight remaining clients required long lasting cooperation. The workers intensively concentrated on clients according to their individual situation and helped them to resolve their crisis. All the clients were provided with all services under the above-mentioned act and decree. Clients most often demanded crisis aid and advice regarding their debts.

- **Fieldwork**

Fieldwork is carried out as a preventive activity through the collection and distribution of information on THB and related topics. This activity is implemented on the basis of the National Strategy. In the framework of prevention, fieldworkers distribute leaflets and provide information mainly to persons endangered by social exclusion. Leaflets are translated into the Czech, English, Russian, Romanian, Ukrainian, Bulgarian and Vietnamese languages so that the information included is comprehensible to the target audience. Fieldworkers visit people endangered by trafficking and exploitation in their natural environment. They strive to provide them with enough information to point out (preventively) phenomena which might endanger them, and highlight dangerous situations and, if necessary, fieldworkers refer them to an appropriate service being provided in the Czech Republic.

Thanks to the field programmes and fieldwork carried out as a preventive activity support and assistance were provided to 95 persons of different nationalities, gender or age. Within their 82 journeys fieldworkers visited 240 localities, where they distributed hundreds of information leaflets in different languages. The most frequent questions asked by the target group of people concerned exploitation in the labour market and unpaid salaries.

Diaconate West implements the following programmes:

- **Field Programmes**

The Diaconate West provides the registered social service labelled “field programmes” in compliance with the Social Services Act, Sec. 69, and Decree No. 505/2006 Coll. implementing some provisions of the Act on Social Services, Sec. 34. This service is provided as fieldwork in a municipality with an extended scope of powers – namely in Pilsen, Rokycany and Nyrany. Fieldworkers concentrate on groups of persons endangered by exploitation, commercial abuse and THB in their typical environment and provide information on possible means of assistance and provide these people with contact to assisting NGOs. If necessary, field workers provide or intermediate help to stabilise the psychological and physical condition of their clients as well as the appropriate conditions to do so. The objective of the Field Programme is to strengthen the social competencies of clients, to support and lead

clients to become independent and to return them to normal life and thus to prevent their abuse and the possibility that they will again be endangered by exploitation.

The work with clients of the services is individual. First it consists of the provision of information on different kinds of assistance, on the SOS line and the provision of contacts to other organisations, both public and non-profit making. In the framework of long-term cooperation with clients the process of individual planning has been launched. This process includes steps to be taken to stabilise clients' individual situation and to support their social inclusion and return to the labour market, including the offer of services concerning criminal-law issues relating to the given target group. This service is provided free and it is anonymous.

3.4.3.3. Other Activities of the Diaconate

Thanks to financial support from the foreign partner organisation **Hilfswerk der evangelischen Kirchen Schweiz** (HEKS) the Centre of Nationwide Programmes and Services can also provide short-term support and assistance in emergency situations for trafficked and exploited persons or persons endangered by trafficking or exploitation. Within such support and assistance it is mainly advisory services that are provided; however, the Centre tries to find accommodation and to help in the area of human rights and the justified interests of clients.

In cooperation with the **United Kingdom** the Centre of Nationwide Programmes and Services also implements preventive activities as a part of their fieldwork. Activities include pre-departure prevention among socially excluded groups of people who decided to leave for the United Kingdom to find work there. Further, the Centre of Nationwide Programmes and Services tries to establish cooperation with other NGOs in different regions of the Czech Republic and in the United Kingdom. In the context of the topic of this project the Centre of Nationwide Programmes and Services managed to cooperate with the media, namely with the Prague Post, which is the Czech Republic's English-language newspaper, and with a journalist (female) publishing on the iDNES.cz. portal. Work performed within this project is funded by the British Embassy in Prague.

The Centre of Nationwide Programmes and Services also collaborates with the U.S. Embassy in Prague. As regards this cooperation, on 18 October 2012, i.e. on the occasion of the European Day Against Trafficking in Human Beings, they held a press conference. Representatives of the MoI, legal advisors of exploited labourers, representatives of the partner organisation La Strada, representatives of the Czech police and the SLIO as well as other experts participated on the panel. The Centre of Nationwide Programmes and Services focuses in this project mainly on the provision of information to the general public to make people more sensitive toward the phenomenon of THB and other forms of exploitation

In cooperation with **Kirchen helfen Kirchen**(KhK) the Centre of Nationwide Programmes and Services implements other preventive field activities. Such activities include the monitoring of working conditions of Ukrainian labourers in the Czech Republic and cooperation with NGOs in Ukraine.

3.4.4. International Organisation for Migration

3.4.4.1. 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 2012 IOM had 130 member states and today it has 445 field locations all over the world. 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. The IOM mission in Prague was established in 1998.

IOM's cover the following areas:

- assistance in humanitarian emergencies – sudden migration waves ;
- assisted returns and reintegration programmes;
- facilitating labour migrations;
- health programmes;
- information and educational programmes;
- migration policy and research;
- training of public administration officials and building capacities in migration management; and
- **programmes aimed at combating and preventing THB.**

3.4.4.2. Services Provided

IOM continues, within the **Programme**, to be involved in the repatriation of victims of THB. This means that IOM is involved in the preparation and implementation of the voluntary return of the victim to the relevant country of origin including following reintegration through the field offices abroad. It is a voluntary, organised, safe and dignified return to countries of origin of foreign nationals (both male and female) trafficked in the Czech Republic, but also Czech nationals (both male and female victims) trafficked abroad. IOM provides assistance before the departure, during the journey and also after the arrival by providing information about possibilities of assistance in the country of origin.

3.4.4.3. Other Activities

IOM Prague participated in preventing and combating THB by providing consular training designated for employees of the MFA scheduled to work abroad and follow-up training courses for consular officials already working abroad at consulates and embassies in host countries. Presentations for both courses were prepared according to the guidelines for diplomats and other officials working in embassies and consulates abroad (Handbook for Diplomatic Corps, IOM 2010).

Another activity of IOM Prague was disseminating information on the Programme through IOM offices in other countries. The Prague office closely cooperates with IOM London, IOM Madrid and other missions, especially with those that have seats in source countries. IOM always strives to arrange “safe return”, implemented in cooperation with other missions, where rehabilitation and direct assistance to victims is offered. Using the form of consultancies IOM workers try to find out information on THB for the purposes of forced labour or other forms of exploitation before the departure within voluntary returns. Relevant information is provided to police officers from the Unit for Combating Organised Crime.

3.5. Long-term Residence Permit for the Purpose of Protection in the Czech Republic

Act No. 326/1999 Coll. on the Residence of Foreign Nationals and on the Amendment to Some Other Acts, as amended (hereinafter referred to as the “Act on the Residence of Foreign Nationals”) establishes the conditions for entry of foreign nationals to and their departure from the Czech Republic, lays down conditions for the residence of foreign nationals in the Czech Republic and defines the scope of competences of the Czech police the MoI, and the MFA in this area of public administration. Sec. 42 specifically lays down conditions under which the MoI can, upon an application filed by a foreign national, issue a long-term residence permit for the purpose of protection in the Czech Republic.

A long-term residence permit for the purpose of protection in the Czech Republic is issued by the MoI at the request of foreign nationals who are, or have probably been, victims of offences related to THB or who are persons who have been the subject of an action to

facilitate illegal immigration or persons who have been assisted to reside illegally in the Czech Republic upon the condition that such persons cooperate with the law enforcement authorities within criminal proceedings relating to a suspicion that a criminal offence has been committed and such persons did not cooperate with a suspect(s).

Further, the Ministry may issue a long-term residence permit for the purpose of protection in the Czech Republic to a foreign national whose testimony is important for exposing an offender, for the prevention, detection or investigation of a crime or any other intentional offence the prosecution of which is mandatory under an international agreement or upon the condition that such persons cooperate with the law enforcement authorities within criminal proceedings relating to a suspicion that a criminal offence has been committed and such persons did not cooperate with a suspect(s).

As in the previous year it is important to say that the Department of Asylum and Migration of the MoI as an administrative authority does not record in its statistics whether the person is a victim of THB specifically since this information is irrelevant for the needs of administrative proceedings. Furthermore, it is necessary to emphasise again that the overview below is not authoritative for the unambiguous determination of the number of witnesses – “trafficked persons” and the number of witnesses – “persons who were assisted in illegal immigration” because these issues could, depending on the circumstances, be interconnected. The same applies to the next category of authorised persons, which was included in Sec. 42e on the 1 January 2011. These are foreign nationals whose cooperation with the law enforcement authorities is important for the prevention, detection or investigation of a crime or any other intentional offence the prosecution of which is mandatory under the international agreement.

Administrative proceedings in 2012 - total of 29			
Granting residence permit	3	Granted	2
		discontinued	1
Extending residence permit	26	Extended	26
Cancelling residence permit	0	Cancelled	0

Of the total number of applicants, ten were nationals of Vietnam, followed by eight Nigerians, four Ukrainians and two were nationals of Honduras, two came from Serbia, two were nationals of Algeria and one applicant was Mongolian. Of the total number of 29 proceedings 19 related to women and 10 to men.

3.6. Financial Sources

3.6.1. Finance Provided by the Ministry of the Interior of the Czech Republic

In 2012 the Crime Prevention Department, upon the approval by the 1st Deputy of the Minister of the Interior, decided to change the method of financing the Programme so that financial resources could be fully and economically used. The change lay in the fact that payments were made under an agreement on the provision of services concluded with an

NGO and the MoI on the basis of public procurement (a tender). The contract, for security reasons, was awarded through a negotiated procedure without publication in compliance with Act No. 137/2006 Coll. on Public Contracts. This method of financing allowed the awarding authority to maintain precise records of the services provided, to make immediate checks on respective irregularities and to request their removal and it also makes it possible to react flexibly to the needs of clients within the services provided.

3.6.2. 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 Social Services Act 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 basic types and forms of social services. Subsidies granted to providers of social services from the state budget are provided with respect to regional and social needs (i.e. in compliance with the medium term plan for the development of social services).

In 2012 the MLSA provided **subsidies amounting to CZK 5,943,000** from the state budget to the providers of social services listed below who specified victims of THB in their application as their key target group:

Subsidies provided by the MLSA to providers of social services in 2012 for the key target group - victims of THB.				
Organisation	Service	Target group	Type of service	Subsidies in 2012
The Diaconate	House of asylum	Victims of THB	Houses of asylum	1,078,000
La Strada	Accommodation for trafficked and exploited persons	Victims of THB	Houses of asylum	1,242,000
La Strada	Advisory centre for trafficked and exploited persons	Victims of THB	Professional social consultancy	919,000
La Strada	Crisis aid to trafficked and exploited persons	Victims of THB	Crisis aid	1,777,000
Archdiocese Charity Prague	Re-socialising programme for foreign nationals – victims of THB	Victims of THB	Professional social consultancy	168,000
Diocese Charity Brno	Magdala Blansko	Victims of THB	Crisis aid	759,000

3.6.3. Other Financial Sources

It is also important to mention that the grants provided by the MLSA and MoI represent only one of many other sources through which the services described are financed as the providers of social services are obliged to use funding from more sources. Other

sources used to finance the listed providers include the budgets of regions/municipalities or individual projects of regions, the European Social Fund, independent foundations, partner organisations, international organisations (for example OSCE), other international funds, embassies and so on.

4. PREVENTION

4.1. Training

In order to prevent THB training seminars and lectures concerning the issue of human trafficking also continued in 2012. Seminars and lectures were held not only in cooperation with state institutions and NGOs working in the Czech Republic but also in cooperation with international partners. The aim was to provide information on the activities of the MoI pertaining to the area of THB and on the functioning of the Programme in order to make it more effective. Training also focused on the possibilities of how to support and protect victims of THB. Among the crucial topics there were also methods of identifying potential victims to be used by the relevant professional groups which, when performing their jobs, might encounter potential victims of THB.

- As regards **police training** it can be said that the issue of combating THB is based on the required competencies which are developed within the syllabus of the educational programmes of qualification courses as well as in specific professional training held within the system of life-long learning for police officers. Courses are based on the profile of those who are to complete the course specified by the Police Presidium. The objective of training is to provide police officers with basic information on the issue of THB and teach them how to identify a victim of THB. It is important to create the necessary habits and positively affect the attitudes of police officers. Police officers are educated during secondary police education, post-secondary vocational education, but also during basic professional preparation and follow-up courses. The issue of THB is included in the range of different subjects.

Specialists from the **Unit for Combating Organised Crime** assigned to work on the cases of THB also organised several training sessions or at least participated in their organisation (for example lectures on the issue of THB were given in a specialised course for police officers from the National Drug Unit, a lecture on THB was held within a specialised course for police officers from the Special Activities Unit within pre-departure preparation of police officers who are being trained for immigration officers).

As regards **the Alien Police Service**, officers from individual groups of documentation working within Regional Police Directorates and the Department of Criminal Offences and Documentation of the Directorate of the Alien Police Service (in 2012 Department of Crime Investigation and Documentation) and at the Inspectorate of the Alien Police located in Prague Ruzyně – the Group of Documentation. These officers are provided with priority information about new trends in THB within instruction lessons related to the methodology of their work and organised by the Directorate of the Alien Police Service and during methodological training for police officers working from the Department of Criminal Offences and Documentation of the Directorate of the Alien Police Service.

In October 2012 methodological and instruction lessons were held for police officers in the police training facility in Cervene nad Vltavou. The lessons concentrated on the issues relating to THB. In addition to traditional areas of training (functioning of the Programme, presentation of the current situation) topics about the psychological aspects of the behaviour of victims of THB, in particular of forced work, were presented. The first and the only case of suspected THB for the purpose of removal of organs from the 1990s was described. This case has never been resolved.

- Concrete findings about the crime concerned are traditionally analysed as a part of training sessions held for **judges and public prosecutors**. At least one seminar (usually taking several days) is devoted to this topic and organised by the Judicial Academy. In 2012 a seminar labelled “Trafficking in Human Beings – Forced Labour and Other Forms of Exploitation” was held in September 2012, while in November a seminar called “Trafficking in Human Beings - Sexual Exploitation” was organised. Lecturers are mostly representatives of the MoI, the Czech police, judges, public prosecutors and they work together with representatives of NGOs. All key terms of the valid legal provisions are explained and practised through case studies. The subject of trafficking in human beings is usually included in seminars (also held for several days) primarily dealing with different topics such as interrogation, the institutional limits of criminal procedural law, the Criminal Code, medical issues – negligence offences, wrongdoing in relation to the provision of medical services and so on. The participation of public prosecutors in a working meeting, the topic of which was “Work of a proxy of the injured in criminal proceedings relating to crimes of THB”, can also be mentioned. This was held in December 2012.
- The Department of Consular Strategies and Guidelines of the MFA is responsible within the MFA for the **training of the diplomatic corps**. The seminar is divided into several levels. Consular officials who are sent by the MFA to perform work in consulates abroad are obliged, before they leave the Czech Republic, to participate in pre-departure training, which takes three weeks and has a consistent timetable. Other ministries are actively involved in preparing the contents of such training. If necessary, consular officials can be prepared individually. The issue of THB represents an indispensable part of the consular training.
 Within the framework of pre-departure training the MFA cooperates with the Security Policy Department of the MoI, which is responsible for the lecture “Trafficking in Human Beings” and prepares this seminar alongside IOM Prague. 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 for and assistance to victims of THB and the possibilities embassies and consulates have when they work with the information gathered and provided to them. Consular officials were also informed that the relevant embassy and consulate can cooperate with organisations dealing with THB and can, if required, provide necessary assistance to the respective victims. This pre-departure training is an obligatory condition for any consular official who is scheduled to work abroad. In 2012 two regular pre-departure training sessions were held, attended by 34 future consular officials, whilst eight officials were trained individually.
 On 4 June 2012 a training seminar for consular officials was held at the Czech embassy in Kiev. This dealt with THB, with special attention being paid to specific features of this issue in Ukraine. The training session was coordinated by the MoI in cooperation with IOM Prague and the MFA. Police officers from the Secondary Police School and police officers from the Post-secondary Vocational Police School in Holesov participated in the development of this session. In total 58 consular officials were trained in 2012 on the issue of THB.
 As regards other examples of training activities of the MFA a seminar which was held in May 2012 by the embassy in Athens for the community of compatriots can be mentioned. The seminar, *inter alia*, provided information on THB, sexual exploitation and forced labour. About 35 Czech compatriots participated in the seminar. The seminar received a great response and discussion was very lively. A similar seminar was organised for Czech compatriots within consular days in Thessaloniki in October 2012. More than 25 persons who were interested in the given topic were present.

- In 2012 a seminar was organised by UNHCR and labelled “Preventing and combating sexual violence on the grounds of sex in the Czech Republic”. The seminar was attended by 12 employees of the **Refugee Facility Administration** – namely for managers of the Department for Work with Clients and for social workers working in asylum facilities and detention centres for foreign nationals. This seminar devoted a block called “Trafficking in human beings for the purpose of forced prostitution” to the issue of THB. Attendees evaluated the seminar as being beneficial for them. The majority of current social workers and organisational officers working in reception centres participated in previous years in two-day seminar courses organised by the Archdiocese Charity Prague and La Strada aimed at identifying victims of THB.

Events Organised Along with Foreign Partners

- In March 2012 a workshop organised by the Department of THB and Illegal Migration of the Unit for Combating Organised Crime was held for police officers of the **Serious Organised Crime Agency** (“SOCA”) from the United Kingdom. Seminars of the MEPA (Mitteleropäische Polizeiakademie) held in Prague presented the issue in question to representatives of the Unit for Combating Organised Crime. Ten specialists, mainly police officers of the Czech police, together with judges and public prosecutors, participated in the two-week (daily) expert seminar aimed at investigating THB in Budapest. The seminar was held in Budapest and was prepared by the U.S. Embassy in cooperation with the **International Law Enforcement Academy** in Budapest and IOM.
Public prosecutors working for the Supreme Public Prosecutor’s Office as well as public prosecutors from subordinate offices also participated in a seminar devoted to the fight against THB organised by **Eurojust** in April 2012. Among other seminars and conferences we can mention, for example, the “**Preventing and Combating Human Trafficking - a Swedish Model**” seminar held in Stockholm, Sweden.
- The Security Policy Department of the MoI together with the International Centre for Migration Policy Development (ICMPD) under the support of the Ministry of Foreign Affairs of the Netherlands organised an international seminar, “**Combating Trafficking for Labour Exploitation – Inspecting Workplaces, Identifying Victims, Investigating Cases**”, in Prague (18 – 20 June 2012). The seminar was held in the framework of the Building for Combating Trafficking for Labour Exploitation project and focused on the target group of labour inspectors and police officers. The follow-up training session was held in Budapest, in November 2012, and it was designed for public prosecutors and police officers. Apart from experts from the Czech Republic, the seminar was attended by specialists from Poland, Slovakia, Bulgaria, Romania, and Hungary.
- The Security Policy Department of the MoI participated in organising the “**OSCE Training seminar on the Identification, Seizure and Confiscation of Criminal assets arising from Different forms of Human Trafficking – a practical perspective**” which was held on 19 and 20 June 2012. The seminar was designed for police officers, specialists in financial crime and officials working at the strategic level of the MoI. “
- The Security Policy Department organised a **workshop dealing with criminal offences committed by Nigerian organised criminal groups which focus on THB** on 6 and 7 November 2012 together with the Unit for Combating Organised Crime. The aim of the workshop was to exchange operative information among police officers about the modus operandi of culprits, on investigation methods of this crime and at the same time to establish networks with foreign colleagues (from Austria, Germany, Italy, France and Nigeria) and cooperate mainly with Nigerian counterparts

with the intention of making the exchange of information and examples of good practice more effective. The workshop concentrated on cases of THB for the purpose of sexual exploitation. In such cases there are in particular female victims who come from Nigeria who are forced into prostitution in destination countries. They are usually forced through shaman rituals, by using violence, threats of violence, or extortion.

- In 2012 cooperation with Matej Bel University in Banská Bystrica in Slovakia started. A representative of the MoI actively participated in lectures within the regularly organised international conference called “Security Forum 2012”. In the year reviewed, cooperation with the University of Defence in Brno continued. Seminars oriented toward the issue of THB were organised at this university.

4.2. Other Activities

The illegal employment of foreign nationals is a negative phenomenon that can generate security risks and an increased number of criminal activities. The amendment to the Act on Employment has brought about a transfer of inspection competencies concerning illegal employment to the SLIO. The amendment came into effect on 1 January 2012. This legislative amendment was followed by the aforementioned project labelled the “**Effective System of Development of Employment, Performance of Comprehensive Inspections and Combating Illegal Employment in the Czech Republic**”.

Foreign nationals residing in the Czech Republic can easily become victims who violate labour-law regulations or victims who work illegally. This situation results from their lack of knowledge of the Czech language so they cannot understand relevant information. In the second half of 2012 the “**Social Interpretation in Relation to Foreigners**” project was created and funded by the MLSA. The project was a continuation of a similar project implemented in 2011 within which interpreters speaking Mongolian, Vietnamese and Russian were trained. The follow-up project was aimed at training those who were interested in professional interpretation and who spoke both Czech and Bulgarian or Romanian. The trained interpreters were provided with paid stints and options to try to interpret. The main aim of the project, inspired by international experience, was to **contribute to a resolution of the problem of an insufficient number of good interpreters** and to overcome the language barrier, which, in particular after an inflow of third country nationals to the Czech Republic, causes difficulties as the foreign nationals concerned are not able to understand the environment or later to integrate into our society. The secondary goal was to prevent infringements of foreign nationals caused by the fact they are not aware of legal regulations because of lack of information in a language they understand and to prevent them from being abused by different unofficial labour brokers and interpreters working for them as foreign labourers become dependent on them. Details about the interpreters trained within both projects can be found on the www.cizinci.cz website, where there are also guidelines for social interpretation, including technical dictionaries in the aforementioned languages.

The web page www.cizinci.cz, administered by the MLSA in cooperation with the MoI, also improves the provision of relevant information. It serves for sharing information and exchanging experience concerning foreigners’ integration. The website was designed mainly for public administration officials, regional and municipal authorities, NGOs, foreign nationals and other people who are interested in the issue in question. Information on the funding of projects pertaining to the area of foreigners’ integration, data on the projects implemented and e-publications can be found there.

In 2012 two meetings of the **Governmental Council for Equal Opportunities for Women and Men** (hereinafter referred to as the “Council”) were held. However, issues of THB were not discussed. At its meeting held on 13 December 2012 the Committee for the Prevention of Domestic Violence established by the Council adopted a resolution

recommending the Council to call upon the Government of the Czech Republic to sign and ratify the Convention of the Council of Europe No. 210 on preventing and combating violence against women and domestic violence (hereinafter referred to as the “Convention”). The Secretariat of the Council – the Department of Equal Opportunities for Women and Men of the MLSA – annually prepares a nationwide action plan of equal opportunities of women and men which is published under the name the “Updated measures on priorities and procedures of the Government in order to pursue equal opportunities for women and men” (hereinafter referred to as the “Updated Measures”). The Updated Measures approved by Czech Government Resolution No. 348 of 16 May 2012 encompass, *inter alia*, assignments relating to the fight against THB (i.e. to adopt measures for preventing and restricting violence on the grounds of gender, domestic violence and THB; to include such measures in the priorities of Ministries and to take into account the issue of violence on the grounds of gender and THB when developing the migration policy and upon the Status Report of Women – Migrants in the Czech Republic to analyse risky situations in the life of women-migrants and to propose relevant measures on how to prevent such risks; with regard to the cross-cutting nature of the policy of equal opportunities for women and men to emphasise the unacceptability of violence on the grounds of gender and due to THB).

The issue of THB also relates to activities carried out in the framework of international cooperation. The MFA is one of the parties responsible for international development cooperation. On the basis of an exception approved by the Government, in past years international development cooperation in the area of migration and security was led by the Department for Asylum and Migration of the MoI. However, the said exception was cancelled by a Czech Government Resolution in 2011 and, on 1 January 2012, the cooperation in question was transferred to the authority of the MFA, namely the Czech Development Agency is responsible for it. Financial resources earmarked by this Agency for the international development aid in the area of migration and security were provided to the Security Policy Department of the MoI in order to implement activities aimed at security development cooperation.

4.3. Prevention Through Enhancement of Legislative Amendments

Amendments to Relevant Legal Regulations in the Czech Republic

- **Two amendments to Act No. 435/2004 Coll. on Employment** entered into effect at the beginning of 2012: Act No. 367/2011 Coll., which came into effect on 1 January 2012 and Act No. 1/2012 Coll., which came into effect on 5 January 2012. These two amendments increased the maximum amount of a fine which can be imposed on a legal entity or a natural person-entrepreneur employing people illegally. It has been increased from CZK 5 million to CZK 10 million. At the same time a minimal fine, at the amount of CZK 250,000, was introduced. Furthermore, work agencies were banned from assigning foreign nationals, who were issued with a labour permit, to user undertakings which strengthened direct employment and transferred responsibility for employees to employers. In the context of the adoption of Act No. 418/2011 Coll. on the Criminal Liability of Legal Persons and Proceedings against Them the options of cancelling a permit for a work agency were broadened. These are cases when a work agency is imposed a sanction in accordance with the said Act consisting of a ban on its activities but despite such a ban the agency recruits employees.
- As regards the legal provisions regulating inspections/checks **the powers pertaining to this area were transferred**, together with proceedings on sanctions/fines, from regional branches of the Labour Office to the SLIO and Regional Labour

Inspectorates. Furthermore, the range of information provided online by the MLSA to customs offices for the purpose of their checks was extended by information on the employment of EU/EEA and Swiss nationals and family members of Czech nationals and EU/EEA and Swiss nationals who are third country nationals. Thus the list of information to be provided to customs offices has become complete.

- **The amendment to the Labour Code**, as amended through Act No. 365/2001 Coll. **made the term of dependent labour more precise**, which will help labour inspectorates to check cases of temporary employment through work agencies as such agencies conclude commercial contracts instead of contracts assigning a labourer to a company for fixed-term work.
- In 2012 the Parliament of the Czech Republic adopted an **extensive amendment** to Act No. 359/1999 Coll. **on the Social and Legal Protection of Children**, which was implemented by Act. No. 401/2012 Coll. and this came into effect on 1 January 2013. The said amendment regulates the **social guardianship of children and youths** (see Sec. 31 through 34 of the Act on Social and Legal Protection of Children) and aims to take care of children with educational problems who neglect school attendance, do not work although they do not have any other source of living, drink alcohol or abuse narcotic substances, earn money by prostitution, commit criminal offences or crimes for which they would be punished if they were older than 15 years of age, commit minor offences or otherwise disturb the public peace, and have escaped more than once from their parents or any other natural or legal persons responsible for their education. Within the social and legal protection of children social guardianship is executed by specialised workers – guardians for children and juveniles. This social guardianship includes a set of specialised measures adopted to remove, alleviate or restrict the disorders of the psychological, physical and social development of a child. The amendment to the Act on the Social and Legal Protection of Children defines, for a guardian of children and juveniles, along with other duties a duty to cooperate with the municipal authorities, schools, health care facilities, educational facilities, welfare authorities, the courts, the Probation and Mediation Service and other relevant authorities as well as a duty to pay increased attention to the provision of assistance to minors and juveniles who are educated in special educational facilities due to serious educational problems. Guardians are also obliged to assist minor children and juveniles who have been ordered to undergo protective education and help such children after they have left institutional or protective education and at the same time the guardians' duties are to help juveniles released from prisons for juveniles.
- In 2012 the draft **Act on Victims of Crimes**³⁰ was finalised. A victim of THB is defined, within the meaning of this Act, as an especially vulnerable person. In this context in 2012 the La Strada organisation monitored the legislative process concerning the draft Act on Victims of Crimes and by lobbying they participated in refining the Act. Together with the Act, and it is a real success, the Code of Criminal Procedure was amended. The said amendment obliged law enforcement authorities to enable the injured to exercise their rights and inform them on how to satisfy their claims. Moreover, proceedings have to be managed with full respect to the dignity of the injured when they are investigated and questioned.
- Act No. 418/2011 Coll. **on the Criminal Liability of Legal Entities and Proceedings against Them** came into effect on 1 January 2012. This is an act which makes it possible to punish cases of THB organised by a legal entity. At this moment it is not possible to evaluate the impact of this legal regulation as no legal entity has yet been

³⁰ The Act was adopted in January 2013 under the number 45/2013 Coll.

sentenced in accordance with it³¹. Thus it is an open question whether law enforcement authorities were able to cope with it.

- The Act amending the Criminal Code, the Code of Criminal Procedure and Act No. 418/2011 Coll. on the Criminal Liability of Legal Entities and Proceedings against Them is currently being submitted to the Government. An amendment to Sec. 168 of the Criminal Code is proposed. The amendment of Sec. (1) and (2) is made on the basis of the implementation of the **EU Directive on THB**. In the introductory part of the wording of Sec.168 the words “shall accept” are added and the word “other” is deleted. This means that the punishment of offenders who have accepted victims of THB to work for them will be enabled. The word “other” is proposed to be included in Sec. 168 (1) and (2) at the beginning of letters (a) and (b) in order to prevent the overlapping of essential elements of crimes in the Criminal Code and at the same time to comply with the requirements of the Directive (for example there was a possibility that a crime of THB can overlap with a crime of seduction under Sec. 202 of the Criminal Code). This amendment will simultaneously meet the requirements arising from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention on Transnational Organised Crime of 15 November 2000 signed by the Czech Republic on 12 December 2002.
- **The definition of illegal labour was modified** within the implementation of the so called “**employer sanction Directive**” (2009/52/EC). Illegal labour is newly defined, *inter alia*, also as labour of third country nationals illegally staying in the Czech Republic. Thus, employers can be sanctioned for employing third country nationals illegally staying in the Czech Republic and the co-liability of other entities has been introduced³². Employers who are found to be employing irregular migrants will be liable not only for financial penalties but they will have to repay outstanding wages and taxes as well as social security contributions and mandatory health insurance premiums including period penalty payments. The aforementioned other entities, i.e. sub-contractors or job brokers, could also be liable. A legal entity or a natural person who employs a third country national who is staying illegally will be **excluded from participation in public contracts** and other public benefits, aid or subsidies and grants for a period of three years from the date on which the sanction comes into effect. If any public benefit, aid or subsidy or grant was awarded 12 months prior to the date on which the sanction was imposed such an employer will be obliged to return it.

5. PARTNERSHIP

5.1. Partnership in the Czech Republic

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

- In 2012 two meetings of the **Inter-ministerial Coordination Group for Combating Trafficking in Human Beings** were held with the following points on the agenda: topical domestic and international information, information concerning changes in

³¹ Ministry of Justice: *Informace k veřejné evidenci právnických osob*, (Information concerning public registers of legal entities) available at: <http://portal.justice.cz/Justice2/Soud/soud.aspx?o=203&j=213&k=5764&d=322484>.

³² Where the employer is a subcontractor it is necessary to ensure that the contractor of which the employer is a direct subcontractor may, in addition to or in place of the employer, be liable to pay any financial sanction imposed for employing third country nationals illegally staying in the Czech Republic.

funding social services from 2014, the issue of slavery of household workers in the families of diplomats, information from NGOs on activities aimed at combating THB, termination of the activities of the Facility for Foreign Nationals – Children, the so called Blue School in 2012, the issue of a bricked up Vietnamese national in a growing house of marijuana and a range of other subjects. The IMCG is the only body in the area of THB where representatives of relevant Ministries regularly meet together with representatives of NGOs as well as of inter-governmental organisations.

- In 2012 the **Analytical Centre for National Border Protection and Migration** (hereinafter referred to as the “ANACEN”) gathered some information/data concerning THB. This was mainly information collected from the embassies and consulates of the Czech Republic. The information was operatively submitted to the relevant law enforcement authorities responsible for the given area.

- Experts can also meet within the platform known as the **Inter-ministerial Group for Combating Illegal Employment** (hereinafter referred to as the “IMGCIE”) The mission of the IMGCIE, established by the Czech Government Resolution No. 1044/2000, is to coordinate activities of member institutions in the field of the illegal employment of foreign nationals, to discuss and assess appropriate measures contributing to a resolution of the situation concerned, to recommend inspection and preventive activities and to acquire information about the development of labour migration to the Czech Republic with a special focus on its illegal forms. The MLSA is a responsible party for activities of the IMGCIE. Three regular meetings of the IMGCIE were held in 2012 in compliance with its Rules of Procedure.

It was mainly the following topics that were discussed: measures adopted by the MLSA in the area of the prevention of labour migration to the Czech Republic, the issue of the recognition of education attained abroad in the context of the certification of the professional qualifications of foreign nationals who intend to work in the Czech Republic, the development of an effective system of checks and prevention in combating illegal labour, and information on the results of inspections performed by the SLIO in relation to the employment and residence of foreign nationals in the Czech Republic. The Government of the Czech Republic, as every year, submitted the “2011 Summarised Report on Activities Implemented by Relevant Ministries in the Area of Combating the Illegal Employment of Foreign Nationals”.

- In 2012 **relevant units of the Czech police** continued to cooperate with **non-profit making organisations and IOM Prague**. They collaborated, in particular, on cases where an identified victim was included in the Programme. In such cases individual steps leading to smooth criminal proceedings were discussed and resolved with partners of NGOs. The Czech police positively evaluated cooperation with the **R-R organisation** in the area of collecting findings concerning persons injured by the criminal offences of procurement, extortion, the restriction of personal freedom, THB, and some others.

When meeting their assignments in the field of combating THB the Czech police also cooperated with **authorities in charge of the social and legal protection of children** (for example in cases of the care for children of detained persons and information exchanges). Furthermore, the Czech police cooperated with individual bodies of the **Customs Administration** of the Czech Republic in order to obtain information on suspects of THB – these two authorities also quite often work together during some types of inspections at places where THB might be carried out, mainly in the form of forced labour or other forms of exploitation. The Czech police also cooperated with **individual bodies of labour inspectorates** namely in the area pertaining to the protection of labour law relations and working conditions. Moreover, consultative meetings and checks are held, for example inspections of work agencies.

As regards cooperation with the Trade Licensing Offices, cooperation in the form of consultative meetings mainly covered such areas as entrepreneurship, which can relate to THB. The Czech police also worked together with the bodies of the **Health Inspectorate** and they check how the relevant legal regulations are adhered to. Cooperation with **health care facilities** concentrated on cases of spreading venereal diseases. **Regional and municipal authorities** were other bodies the Czech police cooperated with and together they focused on issues concerning public order and measures arising from generally binding ordinances issued by municipalities with the aim of combating prostitution and related criminal pathological phenomena. Close contacts with **municipal police units** were used for the purposes of monitoring and receiving suggestions on how to direct the performance of the police service to the environment in question. The Czech police further cooperated with **Labour Offices and Tax Authorities** as well as with other public administration bodies and legal entities. They regularly held meetings and exchange information in order to better target the activities carried out by the police.

In addition to the aforementioned partners security actions are also held together with the Fire and Rescue Service of the Czech Republic. Inside the Czech police experts involved in the investigation of THB cooperate closely (for example police officers from the unit for Combating Organised Crime closely cooperate with specialists from the Regional Police directorates and police officers from the Alien Police Service – detection and investigation of crimes of THB and preventive security actions).

5.2. International Cooperation

Some information relevant to this Chapter has been stated above, therefore the list of activities included in this chapter cannot in any case be taken as exhaustive and complete. Representatives of the MoI (including representatives of the Czech police) participate in a range of platforms within the EU as well as in meetings of international organisations where the Czech Republic is a member or other bilateral or multilateral or regional meetings with partner organisations. In 2012 the issue of THB was a topic of the Salzburg Forum. Furthermore, Czech representatives attended conferences where information was exchanged and cooperation at both the strategic and operative levels was discussed. Some international delegations were welcomed in order to discuss the topic in question.

- In 2012 two **meetings of national rapporteurs and equivalent mechanisms of the EU** were held in Brussels. The Security Policy Department of the MoI, as the national coordinator of the policy for combating THB, plays the role of the national rapporteur in the Czech Republic. A fundamental topic is always the exchange of information on the situation in individual EU Member States – new trends as well as new strategic and operative measures to be adopted. Furthermore, in the year reviewed attention was drawn to the functioning of national referral mechanisms (the method of identification of victims and the provision of the relevant care they deserve), the method of voluntary returns, the role of national rapporteurs and equivalent mechanisms after the EU Directive on THB has been implemented.
- In Prague in October 2012 the MLSA organised a **Peer Review** meeting attended by public officials and independent experts from ten countries - Croatia, Estonia, Germany, Greece, Ireland, Latvia, Lithuania, Serbia, Slovakia, and Turkey. There were also representatives of the European Commission, the MLSA, the SLIO, the Customs Administration, and the Czech Post Office. The Czech Republic presented to participants the project labelled **“The Effective System of Development of Employment, the Performance of Comprehensive Inspections and Combating Illegal Employment in the Czech Republic”** implemented by the SLIO within the

“Human Resources and Employment” Operational Programme. The main topic discussed was the issue of making the checks and measures for combating THB more effective.

- As regards workers’ mobility the **European Employment Service – EURES** can be mentioned. EURES operates in EU/EEA Member States and in Switzerland. It is an information advisory system supporting cross-border jobseekers’ mobility in the Single European Labour Market and promotes the right of any person for free movement of labour force. The main activities include international and regional labour exchanges, cross-border information and advisory days, assistance in recruitment for employers, updates of information and verification of job vacancies on the national and European EURES portals. Currently an intensive discussion is being held over the reform of EURES; this is in progress just now. This issue is discussed at the European level but also at the level of meetings of heads of Labour Offices - HoPES³³ or meetings of EURES managers. To deliver the services in the most efficient way, from 2014 EURES should be integrated and mainstreamed into the general service offer of the participating organisations, which may receive funding from the European Social Fund and should be opened to the private sector. The objective is to transform the information and advisory services of EURES into a political tool for the placement and recruitment of workers in Europe. For example, a pilot project called Your First EURES Job should help to fill vacancies. In 2012 cooperation between the EURES advisor in Sofia and Czech EURES advisors continued. The Bulgarian party was interested in information about Bulgarian nationals who work in the Czech Republic and whether the registered cooperation functions in the Czech Republic.
- In February 2012 a **meeting concerning mutual cooperation between representatives of the SLIO and the Labour Inspectorate of Romania** was held in Prague. Both parties exchanged information about the activities of Czech entities in Romania when recruiting Romanian labourers and on their working conditions in the Czech Republic. In particular, the participants discussed the issue of the employment of Romanian nationals in the Czech forests (planting trees) in 2012 and 2011. Both parties agreed to provide each other with information either on the basis of own initiative or at the request of the counterpart.
- With respect to activities implemented by the Department for Asylum and Migration of the MoI in 2012, we can mention participation in the preparatory meeting preceding the 5th Ministerial Conference of the **Budapest Process** held on 27 and 28 September 2012 in Izmir, Turkey. The Action Plan on the Process of the Silk Route was one of the main topics of the discussion. In discussing the main topics and identifying the aims of the Action Plan attention was also paid to the issue of THB at the international level. The Department for Asylum and Migration also participates, as the party responsible for asylum, in supporting and developing the Common European Asylum System. The EASO (the European Asylum Support Office), apart from many other activities, focuses on vulnerable groups within mixed migration flows. These vulnerable groups of migrants represent a special group of persons in the course of the asylum process. This is a group of persons who might be endangered by THB. As regards combating THB the EASO is responsible for a specific system of an early warning system and for analysing the trends in migration flows affected by the phenomenon of THB. This office also provides information on an ongoing basis to the EU Anti-trafficking Coordinator.

³³ Head of Public Employment Service.

- International activities of La Strada include participation of this organisation in the **COMP-ACT – European Action for Compensation for Trafficked Persons**³⁴ project. La Strada of the Czech Republic is a member of the Steering Committee and is actively involved in drawing up information materials concerning trafficked persons and ensuring that victims receive compensation for their suffering. COMP-ACT EUROPE associates NGOs providing services to trafficked persons and legal advisory services but also Trade Unions, migrant organisations and scholars. COMP-ACT strives to map out, at the national level, methods on how a trafficked person can be compensated, and at the international level COMP-ACT endeavours to support lobbying and the recognition of the right to obtain redress for damages suffered by trafficked persons in the programmes of international organisations as well as in the action plans and commitments of governments.

La Strada, in partnership with the Security Policy Department of the MoI and the Judicial Academy, jointly participated in a three-year project called “**Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation**”, which is paid for by the European Commission - DG Home Affairs. This project has been implemented since June 2010. The project, *inter alia*, has mapped 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, in particular through the network of national rapporteurs and equivalent mechanisms. The project includes analyses of existing court decisions and examples of good practice, the training of relevant experts and the provision of legal representation to trafficked persons. The climax of the project will be the European Conference, which was due to be held in the first half of 2013.

In 2010 La Strada launched a three-year project supported by the Open Society Institute Budapest (a foundation) “**Paving the Pathway to Justice**”, which follows up and extends projects supported by the European Commission - Comp-Act Europe and “Discovering Trafficking”. Thanks to this support La Strada is developing a 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 compensation to be paid to trafficked people. The year 2012 was the second year of the project supported by the UN Trust Fund for Victims of Trafficking. The Project focuses on supporting strategic representation and on work with large groups. La Strada, as a new project partner, participates in two international projects supported financially by the European Commission - FINE TUNE (2012 – 2015) and RACE – Response against Criminal Exploitation in Europe (2012 – 2014) coordinated by Antislavery International, an NGO working in the United Kingdom.

6. PRIORITIES

6.1. Evaluation of Activities Aimed at Combating Trafficking in Human Beings in the Light of Priorities for 2012

I. Training of Professional Groups on How to Identify Victims of THB and How to Prevent THB

Training is considered to be one of the most important activities carried out within the effective fight against criminal activities pertaining to the area of THB. One of the priorities for 2012 is to raise the awareness and sensitivity of certain people, mainly those working for the

³⁴ <http://www.compactproject.org/>

referral mechanism, toward situations which can lead to the criminal offences in question. The Chapters on Prevention and Partnership have presented some information on the activities organised in this area. The involvement of labour inspectorates in training courses in 2012 can be evaluated very positively. The training of police officers working for the National Drug Unit was also extremely important in 2012. In the spirit of measures of the National Strategy, selected training programmes will be systematically anchored. The international dimension of organised training activities can also be evaluated positively.

II. Strengthening Cooperation with Source Countries

Due to the approved practice commenced at the end of 2011 activities that have a kind of relation to source countries were also implemented in 2012. Beyond the information provided in the chapter on “Partnership”, and the section on “International Cooperation”, we can mention contacts with some local organisations in Ukraine, which were deepened due to the seminar organised for consular officials in Kiev in the first half of 2012. Links with Hungary, Romania and Bulgaria were strengthened, *inter alia*, by ICMPD training organised in Prague.

III. Evaluation of Tools for Combating Criminal Offences of THB for the Purpose of Labour Exploitation

In the context of persisting difficulties with the application of some criminal law terms related to the crimes of THB towards the end of 2012 the Security Policy Department of the MoI completed the legal analysis of court practice not only in the Czech Republic but also in several EU Member States which provided or made otherwise available judgements in the area of THB for the purpose of labour exploitation. The results of the analysis led, *inter alia*, to the need to amend essential elements of the crime of THB so that it could comply with the EU Directive on THB and other international instruments and agreements pertaining to this area. The analysis was developed within the above-mentioned “Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation” project. The analysis will be published and used in the framework of training activities.

IV. Cooperation with the Private Sector

One of the problematic areas described in the National Strategy is insufficient involvement of the private sector in the fight against THB or at least less developed cooperation between the state and the private sector. In 2012 a pilot project of cooperation with a representative of the private sector was launched. Upon the analysis of possible fields of cooperation and on the basis of the definition of suitable sectors cooperation with a private transporter who transports people to the Czech Republic as well as to West European countries was launched. At the end of 2012 a memorandum by which a representative of the MoI and of the relevant private company confirmed their interest in future cooperation was signed. This includes, apart from other things, cooperation on the project called “Journey without risks: think it over, warn others, win”. A competition was organised for people older than 15 years of age. Participants had a chance to make a preventive video clip to highlight the risks and, in particular, to present recommendations for safe travel abroad. The aforementioned transport company committed itself to providing prizes for the winner including a promise that the winning clip would be broadcast on screens on the buses of the company. The completion was prepared for the first half of 2013 (for more information see www.mvcr.cz/cesta) in connection with the frequency of journeys abroad.

V. Mapping Out of the Prostitution Scene

This measure focused on mapping out the prostitution scene and its aim was to find approved examples of good practice for regulating the prostitution scene in towns and villages and to eliminate its negative accompanying manifestations or to suggest possible

solutions. As has already been mentioned in the chapter on THB for the Purpose of Sexual Exploitation, sub-chapter Prostitution Scene, police specialists covering the area of THB, specialist NGOs (in particular Rozkoš bez rizika) and municipalities in relation to tackling issues of public order deal with monitoring the situation. The MoI as an authority which submitted the draft Act on Prostitution Regulation as early as in 2005 has a vital interest in this issue. Examples of tackling the issue of prostitution or its negative accompanying manifestations are provided to the MoI by the aforementioned partners. However, they are also gathered through monitoring of examples of good practice in the Czech Republic and abroad.

6.2. Priorities for 2013

Priorities for 2013 are set in compliance with the measures proposed by the National Strategy to Combat Trafficking in Human Beings (2012 – 2015).

I. Amendments to the Criminal Code

As a follow up to the measures adopted last year, namely the measure of evaluation of tools for combating THB for the purpose of labour exploitation, in 2013 amendments to some essential elements of the crime of THB included in the Criminal Code will be adopted. The amendments should modify the definitions so that the definitions are in compliance with those included in the relevant international documents.

II. Transposition of the EU Directive on Trafficking in Human Beings

Adoption of the several times mentioned EU Directive on THB was a significant international event. The priority for 2013 will be the focus mainly on the implementation of measures defined by the Directive since EU Member States are bound to put into force the laws, regulations and administrative provisions necessary to comply with this Directive by 6 April 2013.

III. Implementation of Projects

In principle, the activities of many projects will be implemented and a range of projects in which Czech specialists in combating THB are involved will be terminated. These will be joint actions carried out at the national and international levels. The pilot project of cooperation with the private sector will be closed and the project on Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation will reach the point of its peak activity.

LIST OF ACRONYMS AND ABBREVIATIONS

Anacen (the) Centre	Analytical Centre for National Border Protection and Migration of the Ministry of the Interior the Centre of Nationwide Programmes and Services of the Diaconate
COMP.ACT (the) Czech police Diaconate	European Action for Compensation for Trafficked Persons Police of the Czech Republic Diaconate of the Ceskobratske (Czech Brotherhood) Evangelical Church
EEA	European Economic Area
EU	European Union
EU Directive on THB	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 002/629/JHA
EURES (the) Facility	European Employment Service facility for children–foreign nationals
ICMPD	International Centre for Migration Policy Development
IOM	International Organisation for Migration
IMCG	Inter-ministerial Coordination Group for Combating Trafficking in Human Beings
IMGCIE	Inter-ministerial Group for Combating Illegal Employment Republic
IT	Joint investigation team
La Strada	La Strada Česká republika, o.p.s.
MEYS	Ministry of Education, Youth and Sports of the Czech Republic
MF	Ministry of Finance 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
MoH	Ministry of Health of the Czech Republic
MoI	Ministry of the Interior of the Czech Republic
National Strategy	National Strategy to Combat Trafficking in Human Beings (2012-2015)
NGO	non-governmental organisation
OCSE	Organisation for Cooperation and Security in Europe
OHS	Occupational Health and Safety
RLI	Regional Labour Inspectorate(s)
R-R organisation	Rozkoš bez rizika
RPD	Regional Directorate of the Police of the Czech Republic
Programme	Programme on Support and Protection of Victims of Trafficking in Human Beings
(the) Register	Register of Social Service Providers

SCRS	Statistical Crime Recording System of the Police of the Czech Republic
SLIO	State Labour Inspection Office
THB	Trafficking in Human Beings

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
old Criminal Code	Act No. 140/1961 Coll. the Criminal Code, as amended
Code of Criminal Procedure	Act No. 141/1961 S Coll. the Code of Criminal Procedure, as amended
Criminal Code	Act No. 40/2009 Coll. the Criminal Code. as amended
Social Services Act	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

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