



**PERMANENT MISSION OF THE CZECH REPUBLIC
TO THE UNITED NATIONS, OSCE AND OTHER
INTERNATIONAL ORGANISATIONS
in Vienna**

Trafficking in Humans
National Report on the Situation in the Czech Republic

Trafficking in human beings as a criminal act and a severe violation of victim human rights is a fast growing problem all over the world. The Czech Republic used to be both the country of origin and transit, but nowadays it is transforming rapidly into a destination country for women from Ukraine, Moldova, Russia, Bulgaria, Romania, Vietnam and China. Trafficking in Human Beings is punishable according to Article 246 of the Czech Penal Code.

The level of violence of criminal groups involved in human trafficking is generally increasing. The methods used by traffickers in Central Europe are somehow more sophisticated than those used for example in South - East Europe. Criminal groups operating in our territory try to be not so cruel, they maintain a relatively good relationship with trafficked women and give them at least a certain amount of money. It is even more difficult for victims under such conditions to realise that they are being misused and mistreated. Getting a small proportion of the money earned by them could mean that they are able to support their families in their home countries for months. However, this perception cannot diminish the fact that many of those women and girls are victims of human trafficking that represents a very profitable business for traffickers. Traffickers in the Czech Republic, as elsewhere in the world, try hard to legalise profits gained from human trafficking. Most of the criminal groups involved in human trafficking in the Czech Republic come from the former Soviet Union countries and very often they are also involved in other criminal activities. And as a proof to the fact that organised crime is a trans-border phenomenon, these criminal groups often employ also Czech and other European countries citizens.

1. Research and coverage in the news media

a) research

- The Institute for Criminology and Social Prevention of the Ministry of Justice (IKSP) is responsible for carrying out empirical research work for the international UN project "The response of the criminal justice system to trafficking in humans in the Czech Republic and Poland" (information about this project is given below). As part of this work, the Institute gathers together available figures and documentation at both the local and national levels and is analysing three case studies concerning the origin, transit and destination of victims. In conjunction with UNICRI, it is also preparing a questionnaire survey of law-enforcement bodies, NGOs and victims of trafficking in women. In March 1995, the Institute for Criminology and Social Prevention also carried out the research study "Prostitution as a potential activity of organised crime", which was part of the grant-funded task "Research of the structure, forms and possibilities to stop organised crime in the Czech Republic".

- The Office of UNHCR in Prague commissioned the Ethnological Institute of the Academy of Sciences of the Czech Republic with preparing a research study concerning asylum seekers as a potential target group for traffickers in humans. The Academy of Sciences carried out this research in co-operation with La Strada. In addition to identifying the basic characteristics of trafficking in women in the Czech Republic, it also contains the results of a questionnaire survey carried out as part of the study, statistics on asylum seekers in the Czech Republic and a list of recommendations. The conclusions reached through this research will be available at the offices of UNHCR from September 2002.
- The Department for Asylum and Migration Policy of the Ministry of the Interior obtains information on the situation with trafficking in humans in individual countries from which immigrants and asylum seekers come as part of its work to ascertain particulars relevant to administrative proceedings on granting asylum. This information is obtained from the Ministry of Foreign Affairs, migration authorities in partner countries abroad and non-governmental and international organisations.
- The International Organisation for Migration, IOM Praha, carried out an extensive information campaign during 1999-2000 against trafficking in humans, and in women and children in particular, which was preceded by a research element. Organisations such as the Institute for Research of Public Opinion (IVVM), the Agency for Research of Public Opinion (STEM) and the news media were sources of information. Information obtained was used to develop a coherent understanding of the situation with trafficking in humans in the Czech Republic and provided a foundation for formulating the most effective countermeasures. Both the research study and the entire campaign were financed by the United States government.

b) statistics

- ***Police Presidium***

Year	1996	1997	1998	1999	2000	2001
Total cases (detected)	15	13	34	23	13	27
Total solved	14	11	34	22	13	25

- **Ministry of Justice**

In 1997, nine people were convicted. Two of these were women and one a minor. Seven unconditional sentences were imposed and two suspended sentences.

In 1998, five persons were convicted. One of these was a woman. Three unconditional sentences were imposed and two suspended sentences.

In 1999, twenty five people were convicted. Four of these were women. Seventeen unconditional sentences were imposed and eight suspended sentences.

In 2000, sixteen persons were convicted. Two of these were women. Six unconditional sentences were imposed and ten suspended sentences.

In 2001, fifteen persons were convicted. Three of these were women. Seven unconditional sentences were imposed and eight suspended sentences.

c) presentation in the news media

State administration, international organisations and NGOs devote their attention to work with the news media. Representatives of all these organisations regularly inform the media in radio and public service television broadcasting of the dangers surrounding trafficking in humans and provide basic information on where victims can turn to for help. The issue of trafficking in humans is not however presented in the media in its broadest sense and informational activities are confined to trafficking in women for sex-related purposes. Greater attention is above all paid to the risks that endanger Czech women during trips abroad. Reports of this kind usually include practical recommendations on how to avoid problems. From approximately the year 2000, news items on trafficking in women also began to appear in the media in the Czech Republic, most often in connection with the work of the Department for Uncovering Organised Crime.

There is no research dealing with the presentation of trafficking in humans in the media. In general, it can be said that during the past years there has been a considerable shift in the attitude of the media concerning the problem of trafficking in humans. During the 1990s, the media gradually moved away from scandalous, gutter press descriptions of forced prostitution and has progressively focused on the question of prevention. By the end of the 1990s, trafficking in humans was a subject of interest for reputable media (LN, MF Dnes, Hospodářské Noviny, Czech Television). By way of illustration, the non-governmental organisation La Strada gave 68 interviews for various media in connection with this topic during 2001 and during the first six months of 2002, 18 interviews.

2. Information campaign

a) La Strada

The prevention work of La Strada is concentrated on spreading information about trafficking in women within its target groups. As trafficking in women concerns violations of women's human rights, emphasis is placed on support for women and on building their self-confidence and ability to make informed decisions.

Prevention work is divided into three parts according to target groups:

- *primary prevention*: general public, media, schools
- *secondary prevention*: potential victims, persons who call the SOS line
- *tertiary prevention*: victims of trafficking in women, prevention of recurrence of abuse

In order to reach these groups, La Strada uses the following means: lectures, brochures and leaflets, information line, news media and the Internet

Women and children in danger: Preventive work for this group is mainly carried out through interactive lectures at schools, with a special emphasis on secondary vocational schools,

remedial schools, the final year of primary schools and regions near the country's borders with high unemployment. The lectures provide information on the issue of trafficking in women, the way this traffic is carried out and the risks of working abroad. The aim is to build up girls' self-confidence and show them that they can act for themselves. The lectures also demonstrate the importance of having all the necessary information (for example, risk-prevention prior to departure abroad, and ways to solve accommodation problems in foreign countries). Girls are guided towards understanding that a woman's rights are in fact human rights. The lecture itself is carried out in an interactive way. Information leaflets and brochures are distributed during the lecture with a contact number for the SOS/INFO line.

Women working in the sex industry are a group which is at considerable risk from trafficking in women. For prevention work with this group, La Strada uses special information materials which contain advice on safety for work in the sex industry, as well as information on trafficking in women, prevention advice, possibilities for help in an emergency and a basic explanation of their rights. Distribution of information to this group is more complicated. There is no organisation that represents these women in the Czech Republic. For this reason, there is co-operation with streetworker organisations that work in prevention of sexually transmitted diseases.

Parents and relatives are a further important group which can itself contribute to disseminating information about this problem. A significant proportion of the telephone calls to the information line are made by this group. Co-operation with the news media is necessary in order to reach this group. This group is distributed the same information materials as the primary group.

Professional circles: This is a very important group which can contribute not only to prevention regarding potential victims of trafficking in women, but also to support and prevention for actual victims. In this group, La Strada focuses on teaching staff, social workers, the police and students of educational establishments specialising in social work. Information on the problem with trafficking in women is given at lectures, training sessions and workshops. The aim is for this group to contribute actively to spreading information to the other target groups. The training sessions and workshops are carried out in a similar way to the lectures for the primary target group. The key objective is to improve the expertise and skills of professional people concerning the problem of trafficking in women. Basic elements are dialogue and a joint attempt at finding solutions to problems and answers to questions. Model situations also form a key element.

A specific example of an information campaign was "Boomerang", organised in 2001 by La Strada and other NGOs. During this campaign, which focused on all forms of violence towards women, picture post cards were distributed that were available free of charge at bars, clubs, etc. On the reverse side of the card was the contact number for the SOS/INFO line of La Strada, as well as contact details for other NGOs that work within the Co-ordinated Circle for Prevention of Violence to Women (this is an association of five women's not-for-profit organisations working for the prevention of violence against women). This campaign was financed by the Ministry of the Interior of the Czech Republic and cost CZK 100,000.

b) International Organisation for Migration (IOM)

The information campaign carried out by IOM during 1999-2000 was a reaction to a sharp increase in the numbers of Czech women trafficked to foreign countries that was in conjunction with low awareness by the general public. The purpose of the campaign was to inform both the professional and lay public, including women interested in work abroad, concerning the possible risks and consequences connected with trafficking in humans. This project comprised research, a preparation stage and an implementation stage in which information was distributed to selected target groups with the population via news media and other channels of communication. The project also contributed to creating an across-the-board mechanism for co-operation between government institutions, NGOs and relevant consular offices.

The IOM Praha information campaign also produced an educational videocassette and manual for teachers and instructors. Through co-operation with the Ministry for Education, Youth and Sport and the Ministry of the Interior, this videocassette was copied and distributed to schools and further educational establishments. Education about trafficking in humans is now part of the teaching curriculum.

3. The legal framework - an overview of legislation and attempts at reform

a) Constitution

The fundamental document of Czech law concerning itself with the problems of trafficking in women is the Constitution, and in particular the Charter of Fundamental Rights and Freedoms which is part of constitutional law in the Czech Republic. The provisions contained under the Second Heading of the Charter have a particular bearing on trafficking in women. Fundamental rights and freedoms are established here, such as: personal freedom, freedom of movement and residence, the ban on torture or other inhumane treatment, the right to the preservation of human dignity.

b) International legal instruments

The International Department of the Ministry of Justice is currently examining the validity and binding effect of certain UN conventions concerning the problem of trafficking in humans for the Czech Republic. This mainly concerns the *Convention for the Suppression of Trafficking in Persons and of the Exploitation of the Prostitution of Others*, New York, 2 December 1949 (this Convention was not promulgated in the Collection of Laws; for the Czechoslovak Republic this convention entered into force on 12 June 1958) and the final Protocol to this Convention, New York, 21 March 1950 (the Czechoslovak Republic adopted this Protocol on 14 March 1958).

On 13 December 2000, the Czech Republic signed in Palermo *United Nations Convention against Transnational Organised Crime*. Preparations should be complete for ratification of this Convention by the end of this year, as well as for signing the *Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children*, supplementing this Convention.

c) Criminal Code

The obligation to make trafficking in humans, as defined in the Protocol, a criminal offence should not cause difficulties for the Czech Republic. Existing legislation contained in the Criminal Code can accommodate this obligation. Act No. 134/2002 Coll. implemented an *amendment to the Criminal Code*. This amendment entered force on 1 July 2002 and is evident, *inter alia*, in the amendment to Art. 246 on Trafficking in Women, which now covers trafficking in humans for the purpose of sexual relations regardless of whether this concerns a child, woman or man. Even the name of this criminal offence has now undergone a natural change to Trafficking in Humans for the Purpose of Sexual Relations. The definition of the offence has also been broadened in this respect making it a crime to entice, hire or transport a person with the intention of using them for sexual relations, not only to foreign countries but also from abroad. Circumstances permitting the use of more severe sentencing guidelines, from three to eight years, remain unaltered. Art. 246 of the Criminal Code is now:

Art. 246

Trafficking in humans for the purpose of sexual relations

(1) Whoever entices, hires or transports a person to or from a foreign country with the intention that this person be used for sexual relations, will be punished by imprisonment for between one and five years.

(2) The offender will be punished by imprisonment for three to eight years in the case that,

- a) the act in paragraph 1 is committed by a member of an organised gang,
- b) the said act is committed with the intention of gaining valuable benefit,
- c) the said act is committed on a person younger than eighteen years of age, or
- d) the said act is committed with the intention that the victim be used for prostitution.

(3) The offender will be punished by imprisonment for between five and twelve years in the case that,

- a) through the act mentioned in paragraph 1 serious harm to health, death or other particularly serious consequence is caused, or
- b) the said act is committed with the intention of gaining benefit on a large scale.

The Criminal Code has special provisions concerning trafficking in children in relation to the criminal offence of trafficking in children under Art. 216a of the Criminal Code.

Trafficking in humans for sex-related purposes in the Czech Republic, which is not expressly provided for under Art. 246 of the Criminal Code, is punishable as the criminal act of pimping under Art. 204 of the Criminal Code. The criminal act of pimping is committed when a person induces, entices or arranges for another to work as a prostitute, or when a person exploits prostitution by another. The Code stipulates circumstances permitting the use of more severe sentencing guidelines, such as use of force, the threat of force or some other serious harm, and the abuse of hardship or dependence on another person (punishment by imprisonment for between one to five years), or gaining valuable benefit, committing the act within an organised gang or on a person younger than eighteen years of age (punishment by imprisonment for between two and eight years). In the case of victims younger than fifteen years, the offender can be punished by imprisonment for between five and twelve years.

Other definitions of offences under which conduct described in Arts. 3 and 5 of the Protocol could be classified are, for example, the criminal offences of restriction of personal freedom under Art. 231 of the Criminal Code, dispossession of personal freedom under Art. 232 of the Criminal Code, blackmail under Art. 235 of the Criminal Code, in particular as a member of an organised gang or at least with two persons under para. 2 (a) and (b), and the criminal offence of oppression under Art. 237 of the Criminal Code.

In cases of transporting or handing over persons to or from a foreign country, it would be possible to apply the definition of the criminal offence of unsanctioned crossing of the state border under Art. 171a of the Criminal Code, in particular para. 2 (a), committed with the intention of concealing or facilitating another criminal act, or as the member of an organised gang under (c). It can be expected that such conduct is an organised criminal act which could also be judged to be criminal conspiracy under Art. 89 para. 17 of the Criminal Code. Under Art. 163a of the Criminal Code, the criminal basis of criminal conspiracy is participation in its activities or support.

The Criminal Code does not specify forms of trafficking in humans for purposes other than sexual relations (such as forced labour). Currently, however, a re-codification of the Criminal Code is being prepared and efforts are being made to align the concept of trafficking in humans with the definition of trafficking in humans contained in the *Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children*.

In the case that a child is the subject of the trafficking, provisions concerning the criminal act of trafficking in children under Art. 216a of the Criminal Code can be used, which do not only apply to cases of trafficking for sex-related purposes, but also for further purposes specified in the Protocol. Also punishable is the act of entrusting a child, for payment, to the power of another for the purpose of adoption, exploitation of child labour or another purpose. Circumstances permitting the use of more severe sentencing guidelines are, once again, committing this act within an organised gang, gaining valuable benefit or causing serious harm to health or death. A bill of the Criminal Code proposed an amendment to Art. 216b of the Criminal Code to define a "child" in the same way as in the Protocol. A child is therefore considered to be a person younger than eighteen years of age (the words "in the case that he or she does not come of age earlier" were cancelled).

Also applicable are provisions concerning the criminal offence of kidnapping under Art. 216 of the Criminal Code or the wilful form of the criminal offence of endangering the moral upbringing of the young under Art. 217 of the Criminal Code (anyone who exposes a person younger than eighteen years of age to depravity by enabling such person to lead an idle or immoral life, or who entices such person to an idle or immoral life).

Act No. 285/2002 Coll. on Donating, Removing and Transplanting Tissue and Organs and on Amendments to Certain Acts (Transplants Act) established a new form of criminal offence in the Criminal Code of unauthorised handling of tissue or organs under Art. 209a:

Art. 209a

Unauthorised handling of tissue or organs

(1) Whoever in contravention of special legal regulations^{2a)} removes from the body of a dead person a sample of tissue or an organ will be punished by imprisonment of up to two years or by a ban on activity.

(2) In this same manner will be punished anyone who, in the expectation of gain for himself or another, handles human tissue or human organs removed in contravention of special legal regulations.^{2a)}

(3) An offender will be punished by imprisonment of between one and five years in the case that,

- a) he or she repeatedly commits the act mentioned in paras. 1 or 2,
- b) he or she commits the act as the member of an organised gang, or
- c) he or she gains valuable benefit from such an act.

(4) An offender will be punished with imprisonment for between two and eight years in the case that,

- a) he or she gains benefit on a large scale from the act mentioned in paras. 1 or 2, or
- b) he or she commits such an act in connection with an organised gang which is active in several countries.

^{2a)} Act No. 285/2002 Coll., on Donating, Removing and Transplanting Tissue and Organs and on Amendments to Certain Acts (Transplants Act).

The justifying report states that this new legislation is aimed only at dealing with the unauthorised removal of tissue or organs from the body of a dead person and with unauthorised handling of already removed tissue or organs. This new criminal offence is not intended to cover unlawful removal of tissue or organs from living persons, as such cases are already covered by a wide variety of provisions depending on the form of criminal liability and the consequences caused - from oppression, concerning which resultant bodily harm is absent, to "light" bodily harm, or wilfully causing grievous bodily harm, and right up to murder.

This amendment to the Criminal Code comes into force on 1 August 2002.

d) Legal norms regulating the stay of victims in the Czech Republic

The Czech Republic is also already able to use existing legislation to meet certain obligations arising from the *Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children* with respect to assistance and protection of victims of trafficking in humans. Victims of trafficking in humans take the role of the injured party in criminal trial proceedings, although the role of witness is also possible.

The injured party has the right in criminal trial proceedings to make proposals to supplement evidence, examine files within the scope set by *Art. 65 of the Criminal Code*, take part in the main trial and the public session held concerning appeal, and to make a statement on the case

prior to the termination of proceedings. The injured party also has the right within these proceedings to submit claims for compensation for loss caused by the accused and to propose that the court in its final verdict impose an obligation on the accused to pay this compensation. Law-enforcement bodies are obliged to advise the injured party of its rights and to provide it with the full ability to exercise them. Protection of the identity of a witness is regulated by, for example, Arts. 55, 101, 101a, 165 and 209 of the Criminal Code. In cases where the victim of trafficking in humans is a child, Art. 102 of the Criminal Code can be used for examining a witness, or provisions on excluding the public from a main trial or public session (Arts. 200 and 238 of the Criminal Code).

An important instrument for foreigners, both male and female, who become victims of trafficking in humans is *Act No. 326/1999 Coll. on the Residence of Aliens in the Czech Republic*, which specifies conditions for the entry, stay and travel of foreigners to and from the Czech Republic. The Act on the Residence of Aliens does not expressly regulate the position of foreigners who become victims of trafficking in humans in the Czech Republic and which, due to the specific nature of this criminal offence, are mostly in the Czech Republic illegally. However, it is possible to apply Art. 35 para. 1 (a), the grant of a visa in order to sanction a stay, to make the stay of such victims legal in the Czech Republic. This visa is granted by the police to a foreigner who is prevented from leaving the country due to an obstacle beyond his or her control. Under Art. 36 of the Act on the Residence of Aliens, the police will fix the term of validity of a visa sanctioning a stay for a period which is absolutely necessary, and at the most 365 days. This term of validity can be repeatedly extended. Under Art. 37 of the Act, a foreigner to whom a visa has been granted under Art. 35 para. 1 (a) is obliged, on request, to demonstrate that this obstacle to leaving the country continues to exist; if demonstrating this is prevented by an obstacle beyond his or her control, this actual proof can be substituted by a notarised affirmation. Art. 38 of the Act lists the documents which a foreigner must submit concerning a request for a visa to be granted sanctioning a stay. These are photographs and a travel document, if he or she is a holder of one and providing the validity of such a document does not expire, as well as a notarised copy of a document confirming the existence of the reasons under Art. 35 para. 1 (a). In the case that the foreigner cannot submit such documents, due to reasons beyond his or her control, a notarised affirmation can be submitted instead. Art. 39 of the Act stipulates conditions for cancelling the validity of a visa sanctioning a stay. Art. 179 para. 1 lists the obstacles preventing leaving the country.

A victim of trafficking in humans can in theory request award of permanent residence for humanitarian reasons.

Further relevant regulations are *Act No. 325/1999 Coll. on Asylum and on Amendment of Act No. 283/1991 Coll. on the Police of the Czech Republic, as amended, Act No. 216/2002 Coll. on the Protection of the State Border of the Czech Republic and on Amendments to Certain Acts and, currently being debated, the Act on Provisional Protection*. These regulations deal with alien policing matters and the protection of the state border, and do not contain provisions specifically relating to the problem of trafficking in humans.

In order to combat organised crime in general, *Act No. 137/2001 Coll. on Special Protection for Witnesses and Further Persons in connection with Criminal Trial Proceedings* was passed in 2001, coming into force on 1 July 2001. A special protection programme was created for witnesses in danger to provide personal protection, relocation within the Czech

Republic or abroad, assistance in finding work, social welfare support and, in the most serious cases, changes of identity. A special workplace was set up at the Special Activities Department of the Police Presidium in this respect and several internal managing directives have been developed and circulated by the Police Presidium, establishing an internal legal framework for the provision of protection. No case is known of as yet whereby this Act has been used in connection with the testimony of a victim of trafficking in humans. The Act is clearly directed more towards uncovering organised criminal activity, in the way that it is used by the Department for Uncovering Organised Crime (ÚOOZ). The prosecution of offenders detained as a result of the actions of the Department for Trafficking in Humans of ÚOOZ is based mainly on the outcome of operational work against organised gangs of offenders, rather than the testimony of victims.

e) Legislation on health care for victims of trafficking in humans in the Czech Republic

Payment for the health care of persons who have been granted visas sanctioning their stay is mostly made using these persons' own funds, for example, through a health insurance scheme. If a foreigner is not able to pay for health insurance without assistance, he or she is treated similarly to a foreigner to whom a visa for temporary protection has been granted. In such a case, health care is paid for by the Ministry of the Interior.

f) Continuing problems with social security

One problem which remains is that of the social security system, which is not generally available to victims of trafficking in humans, who often experience the effects of social segregation. The Ministry of Labour and Social Affairs has proposed that the phenomenon of trafficking in humans be dealt with as part of the National Strategy to Combat Segregation. The Ministry supports this through its grants policy for not-for-profit NGOs providing services to victims. Grants awarded to not-for-profit organisations dealing with crime prevention, which is where projects focusing on assistance to victims of trafficking in humans are also implemented, totalled for example CZK 94,288 in 2000; CZK 148,159 in 2001; CZK 150,323 in 2002. Individual projects aimed at helping persons in danger from prostitution were provided with subsidies totalling CZK 121,600 in 2000; CZK 481,000 in 2001; CZK 410,300 in 2002. Grants provided to the organisation La Strada, whose work is primarily focused towards victims of trafficking in humans, totalled CZK 550,400 in 2001 and CZK 467,800 in 2002. The Ministry of Labour and Social Affairs also works together with the Ministry of the Interior in prevention of trafficking in humans. These institutions co-operated in distributing La Strada information leaflets to district authorities. The Ministry of Labour and Social Affairs distributed more of these materials through its network of social work assistants, which are active at a large number of district, city or municipal authorities.

4. Co-ordination by state institutions

- An instruction given by the Minister of the Interior of the Czech Republic in 2001 established an advisory committee to deal with the issues of trafficking in women and the sex abuse of children for commercial gain.
- In 2002, an initiative of the Ministry of Labour and Social Affairs set up a joint working group of experts at an inter-ministerial level concerned with the problem of trafficking in children (Ministry of Labour and Social Affairs, Office of the Criminal and Investigation

Police Service of the Police Presidium, Supreme Public Prosecutor, Supreme Court, relevant departments of the Philosophy Faculty of Charles University, Prague and Philosophical Faculty, Brno, Ministry of Foreign Affairs and Ministry of Justice).

- As part of preparations for implementing the UN project "The response of the criminal justice system to trafficking in humans in the Czech Republic and Poland" (there is more information about this project below) and in order to find a comprehensive solution to the problem of trafficking in humans within the framework of state administration, in February 2002 *an inter-ministerial working group for combating trafficking in humans* was established comprising representatives from the Ministry of the Interior, Ministry of Justice, Supreme Public Prosecutor, Ministry of Labour and Social Affairs and the Ministry of Health.
- The central co-ordinating point is the Section for Crime Prevention of the Ministry of the Interior at the Human Rights Department. The key member of staff for co-operation with foreign countries on trafficking in humans is an employee of this department, PhDr. Hana Šnajdrová.

5. National action plan

- There is still no national action plan providing nationwide coverage. The Section for Crime Prevention of the Ministry of the Interior is however preparing a national strategy to combat trafficking in humans, which it intends to present to the Government in 2003 for its approval. Part of this national strategy will be a national action plan to combat trafficking in humans proposing an array of specific measures to improve the situation.
- Government policy concerned with the labour-law protection of children and adolescents has, in conformity with Czech Republic's international obligations, been reflected in measures laid down in the National Plan to Combat Sex Abuse of Children for Commercial Gain (trafficking in children, child prostitution and pornography). This is a long-term strategy co-ordinating the approach adopted by competent state authorities. Regular and systematic co-ordination with the non-governmental sector is part of the strategy. As of 2000, this strategy is to be evaluated and revised in two-year stages. The current version of the National Plan was adopted by Government Resolution No. 716 on 10 July 2002.

The measures contained in the National Plan focus on the following areas:

- * legal - primarily with the creation of legislative conditions to restrict the availability and distribution of child pornography,
- * education and prevention - improvements in the work of the police and social welfare bodies protecting children,
- * greater effectiveness of prosecuting criminal acts - achieving greater effectiveness in investigating pornography on the Internet, earlier detection of individual cases,
- * protection of victims and witnesses and their return to society - reduction of the risk of repeated victimisation of injured parties.

6. Co-operation between state institutions, NGOs and inter-governmental organisations

- Through an initiative of the Ministry of the Interior, a working committee was established at a national level to combat trafficking in humans, the work of which is co-ordinated by the Section for Crime Prevention of the Ministry of the Interior. The Ministry of the Interior is represented at it by staff of the Section for Crime Prevention, Security Policy Section, Asylum and Migration Policy Section and the Police Presidium. Integral to this working group are the International Organisation for Migration and the NGOs La Strada and the Association of Czech Catholic Charities. The working group works toward creating an effective system of prevention and suppression of trafficking in humans in the Czech Republic and to provide services to victims.
- The Section for Crime Prevention of the Ministry of the Interior at the beginning of 2002 approached the Director of the Consular Section of the Ministry of Foreign Affairs with a request to mediate co-operation between Consular Offices of the Czech Republic in Romania, Bulgaria, the Russian Federation, Ukraine and Kazakhstan and the missions of the International Organisation for Migration through the Anti-Trafficking in Humans Department. The intention of this request was to inform persons who approach Consular Offices in foreign countries, with requests for information or certain types of visa, about the danger of trafficking in humans.
- In November 2001, the Section for Crime Prevention of the Ministry of the Interior held a seminar in Kašperské Hory on trafficking in humans, in conjunction with IOM and supported by the US Embassy in Prague. The seminar was attended by representatives of the Ministry of the Interior and Police of the Czech Republic, staff of individual missions of the International Organisation for Migration (Czech Republic, Slovakia, Austria, Bulgaria, Romania, Moldova, Ukraine, Russia, Kazakhstan, Slovenia and Belarus), representatives of La Strada, the Dutch police and CICP of the UN.
- As part of administrative procedure for granting asylum, the Asylum and Migration Policy Section of the Ministry of the Interior works together with a number of Czech NGOs and international organisations (UNHCR, IOM) which, in conjunction with the Refugee Facilities Administration, provide comprehensive assistance to persons who have suffered persecution, or inhumane or degrading treatment in their native country.
- The Committee for the Elimination of All Forms of Discrimination Against Women, which functions under the auspices of the Council of the Government of the Czech Republic for Human Rights, prepared in 2001 together with La Strada a motion concerning trafficking in humans which was adopted by the Council and the Government through Government Resolution No. 117 on 28 January 2002.
- The Office of the Public Protector in Autumn 2002 worked with La Strada in educating future lawyers.
- The International Organisation for Migration provides government institutions with information about countries of origin and organises professional seminars.
- UNHCR: the Academy of Science, in co-operation with La Strada, carried out research of the potential danger to female refugees in the Czech Republic from trafficking in humans. The conclusions of this research are available from September 2002 in the offices of UNHCR (see above).

All state, non-governmental and international institutions and organisations work closely together and meet regularly in order to share their experiences and information. When state institutions issue reports (for example, on the status of human rights, etc), they work together with NGOs on a regular basis.

7. Training of state officials

Information on trafficking in humans is included within the human rights and professional education of police officers with their basic professional preparation at the secondary police schools of the Ministry of the Interior and at the Police Academy.

The Office of the Criminal and Investigation Police Service regularly holds training sessions for criminologists and investigators at a nationwide level, to which lecturers with relevant professional skills are invited - psychologists, psychiatrists, medical experts, bodies providing social protection for children and personnel from high-level judicial bodies. In 2002, an entire set of lectures was devoted to trafficking in humans, both from the legislative point of view and with regard to the victims of such crimes themselves. Similar training is carried out each year by individual regional administrations of the Police of the Czech Republic, at which lecturers from the local region participate.

Training for state administration is also provided by the NGO, La Strada. In 2002, attention was concentrated mainly on co-operation with state administration in the regions and on finding ways to form regional models for co-operation between government and non-government organisations in supporting victims of trafficking. Currently, the interest from state institutions in educating their staff is growing. The Supreme Public Prosecutor has advocated holding a joint training session for police authorities, public prosecutors' departments and judges. This training session would be planned as part of implementation of a UN project.

8. Assistance to foreign countries and development programmes

- The Ministry of Foreign Affairs has approved the release of funding to implement two projects included within the Draft Action Plan Against Trafficking in Humans for South East Europe - 2001- Stability Pact Task Force on Trafficking in Human Beings - Multi-Year Strategy. The Czech contribution is the sum of EUR 15,000 to build an asylum house in Moldova and EUR 10,000 for an information campaign in Bosnia and Herzegovina. These funds will very soon be transferred to the relevant account.
- The Human Rights Department of the Ministry of Foreign Affairs is currently assessing granting funds of EUR 30,000 to a project for bilateral project for assistance by the Czech Republic and Moldova to combat trafficking in humans, presented by the Crime Prevention Section of the Ministry of the Interior and the Association of Czech Catholic Charities. It is a response to the request of the Moldavian Ministry of Labour and Social Affairs concerning assistance in training social workers at newly-established departments of social care, as well as psychologists and staff of labour authorities in the problem of trafficking in humans and in solving problems connected with the social re-integration of victims.
- From 2001, La Strada has systematically supported the work of a partner organisation in Bosnia and Herzegovina. Its aim has been to support the establishment of a strong NGO in Bosnia and Herzegovina, which will be devoted to prevention of trafficking in women

and to helping the victims. At the same time, this organisation is to initiate the creation and operation of a network of organisations dedicated to the problem of trafficking in this territory. Its support consists mainly in regular bilateral training sessions (by August 2002 four had taken place) and the exchange of information, expertise and experience (consultation on a weekly basis or according to need).

9. Bilateral and multilateral contracts and activities

a) The Crime Prevention Section of the Ministry of the Interior is, on behalf of the Czech Republic, the guarantor of project "Prevention, suppression and punishment of trafficking in humans, and particularly women and children". This project is also being carried out in Poland and is part of what is known as the "Global programme to combat trafficking in humans" put forward by the Centre for International Crime Prevention (CICP) of the Office of the UN for Drug Control and Crime Prevention in co-operation with the UN Interregional Crime and Justice Research Centre Institute (UNICRI). The target countries for this project are the Czech Republic and Poland, and partner countries are Austria, Germany, the Netherlands, and Finland. The project is to receive a grant from the UN of USD 572,910 and its completion is expected for the end of 2002.

The project comprises four parts which correspond to the following aims:

1. through comparing current legislation with the "UN Protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children" (hereinafter "Protocol") supplementing the "UN Convention against Transnational Organised Crime", which the Czech Republic signed in Palermo on 12 December 2000, to evaluate the state of preparedness of the Czech Republic for ratification of the Protocol - the Security Policy Section of the Ministry of the Interior has the responsibility for this,
2. to collect data on trafficking in humans in the Czech Republic, identify current trends, assess the effectiveness of countermeasures adopted and evaluate the level of institutional co-operation in countries of origin, and transit and target countries - the Institute for Criminology and Social Prevention of the Ministry of Justice has the responsibility for this (as part of this project, CICP also approved allocating funds of CZK 565,000 for hardware and CZK 325,000 for software, and to create an information system on trafficking in humans in the Czech Republic for the needs of the Department for Uncovering Organised Crime of the Criminal and Investigation Police Service),
3. to assist in preparation and implementation of a functioning system of the protection for victims and witnesses in the Czech Republic to improve prevention, investigation and prosecution of this kind of crime - the Crime Prevention Section of the Ministry of the Interior has the responsibility for this,
4. to reinforce international co-operation between experts in countries of origin, and transit and target countries - CICP/UNICRI has the responsibility for this.

Current stage of development of the project

Even though CICP has not yet transferred the funds approved for this project to the account of the Ministry of the Interior, despite repeated requests from the Czech side, and UNICRI has not yet provided the Institute for Criminology and Social Prevention with model

questionnaires, the Czech side is attempting to carry out at least sectional tasks arising from this project.

On 9 January 2002, there was a working meeting in Prague between a two-member delegation from the Polish Ministry of the Interior and representatives of the Crime Prevention Section of the Ministry of the Interior of the Czech Republic. The subject of the discussion was the exchange of information on the situation with trafficking in humans and on countermeasures adopted in both countries, the state of preparation of the project on both sides and possibilities to work together in its implementation. There will be further discussion mainly concerning a joint training programme for police officers which will focus on prevention and procedures for investigating cases of trafficking in humans.

The Crime Prevention Section of the Ministry of the Interior directs working meetings with individual members of the working group, records their comments and is progressively creating a model of protection for victims and witness of trafficking in humans in the Czech Republic, which will be tested in pilot form in České Budějovice. Connected to this system will be competent police departments, International Organisation for Migration and NGOs La Strada and the Czech Catholic Charity. The International Organisation for Migration will carry out the return of victims to their native countries, involving arranging travel documents, inexpensive flight tickets, assistance during departure, transit and arrival, and re-integration of the victim. La Strada will intervene in crisis situations and stabilise victims (providing safe accommodation, food, medical treatment/check-up, psychological/psychiatric care, legal consultation, arranging replacements of personal documents, employment/re-qualification). Czech Catholic Charity will provide subsequent long-term care for victims of trafficking in humans (accommodation, advice, social welfare assistance, etc.).

b) further international activities

- As a result of discussions between delegations from the Ministry of the Interior of the Czech Republic and the Federal Ministry of the Interior of the Federal Republic of Germany, which was held on 16 February 2001 in Chemnitz, the Czech side put forward a proposal to create a working group at the level of deputies of interior ministries dealing with cross-border crime in the region in question. During further discussion, the proposal of enlarging the working group was approved, creating a trilateral Czech-German-Polish initiative devoted to cross-border crime prevention issues, including sex tourism and illegal migration. A founding meeting of the Czech-German-Polish working group took place on 27 March 2002 in Prague. At the close of this founding meeting, a concluding document was approved containing, *inter alia*, a joint action plan.
- The German Federal Ministry of the Interior, in conjunction with the Dutch Ministry of the Interior, presented in April 2002 a proposal to implement the project "A solution to forced prostitution in the Czech Republic" as part of the STOP II programme.
- The Association of Czech Catholic Charities represents the Czech Republic in the international project COATNET which brings together Catholic organisations in the countries of Western and Eastern Europe that are focused on helping the victims of trafficking in humans. Countries connected to this project, which enables rapid communication between assisting organisations in these countries, are currently the following: Lithuania, Ukraine, Germany, Switzerland and the Czech Republic.