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ČESKÉ REPUBLIKY

2008 STATUS REPORT ON TRAFFICKING IN HUMAN BEINGS IN THE CZECH REPUBLIC

Ministry of the Interior

SECURITY POLICY DEPARTMENT

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Introduction

This Report has been produced upon the basis of a task assigned in the Annex to Czech Government Resolution No. 67 of 23 January 2008 concerning the National Strategy to Combat Trafficking in Human Beings (2008-2011). The Report was compiled in particular from contributions of permanent members of the Inter-ministerial Coordination Group for Combating Trafficking in Human Beings (hereinafter referred to as the 'IMCG'); comments on the Report were delivered via e-mail. It is necessary to thank all members of the IMCG for drawing up all supporting documents and for their active cooperation in preparing this Report.

Although attention is focused on the issue of trafficking in human beings at the international level, there is still a lack of information in the Czech Republic to provide a reasonable picture of this serious and, at the same time, highly latent criminal activity. Thus this Report is not only the first ever status Report on trafficking in human beings mapping out a period of one calendar year, but it also brings together information from many different sources. As a rule, the sources used are primarily criminal statistics, whilst further data has been obtained from specialised non-governmental and inter-governmental organisations, and some information was gathered through Czech consulates and embassies. By its decision to develop the annual Report on Trafficking in Human beings the Czech Republic follows up not only the good practice and recommendations of important actors in the international field¹ but it also responds to the requirements of Czech experts involved in the issue. It can be legitimately expected that thanks to this from now on regular Report the interest of the mass media and the general public in the topic of trafficking will gradually rise.

The aim of this document is to provide an overview of developments and the structure of criminal activities of trafficking in human beings as well as an overview of assistance provided to victims of trafficking in human beings in the Czech Republic, to enable the use of the current findings in combating this criminal offence, to help identify those areas which need to be paid attention to, and to ensure sufficient support for measures to be adopted for the next period. The detailed information drawn up also offers answers to a number of questions which were addressed to the Ministry of the Interior within questionnaires and other documents for reports which the Czech Republic is obliged to submit as a result of legally binding international agreement as well as international political documents.

The first, relatively extensive part of the Report is devoted to the coordination of activities and cooperation between individual actors at the national level. This part was included to better understand the competences of individual members of the IMCG which was established in 2008. The second part of the Report encompasses a description of the situation in the Czech Republic in 2008. The Report is divided into sections concerning individual forms of trafficking in human beings, of which the greatest attention is paid to sexual and labour exploitation as these are the only forms of trafficking in human beings which were detected in the Czech Republic in 2008. One sub-chapter contains also statistical data of the Ministry of the Interior (the MoI) and the Ministry of Justice (the MJ) and examples of successful police operations. The following chapter is devoted to victims of trafficking in human beings and related sub-chapters are broken down according to information sources on victims. This is information obtained

¹ For example the Alliance Statement on the National Rapporteur or Equivalent Mechanism presented by the OSCE Special Representative for Combating Trafficking in Human Beings on Behalf of the Alliance Expert Coordination Team (AECT), 16 October 2008. The Statement encompasses in total ten recommendations to strengthen national coordination and reporting mechanisms. One of the recommendations talks about the importance of submitting, on a regular basis - preferably once a year - a relevant report.

from the Ministry of Labour and Social Affairs, the Mol, partner non-governmental organisations (NGOs), one inter-governmental organisation, and as a pilot project, also from selected Czech embassies and consulates abroad. Moreover, one short chapter devoted to legislative amendments was incorporated into the document. The next chapter briefly summarises international cooperation, promotion activities as well as training and other related activities. The conclusion encompasses summaries and recommendations for activities to be carried out by the IMCG in 2009.

A separate Annex of the Report contains some selected provisions of Act No. 40/2009 Coll. the Criminal Code as to be effective of 1 January 2010, (hereinafter referred to as the 'Criminal Code') which closely relate to the issue of trafficking in human beings.

Fundamental Strategic Documents, Coordination of Activities, and Cooperation among Individual Actors at the National Level

Fundamental Strategic Documents

By its Resolution No. 67 of 23 January 2008 the Government approved the National Strategy to combat Trafficking in Human Beings (2008-2011) (hereinafter referred to as the 'National Strategy'). The document, as with the two previous National Strategies², is a follow up to a range of other strategic documents, in particular the steps proposed in the 'Strategy for Combating Organised Crime', and is in compliance with other strategic materials. The national Strategy is available on-line on the internet sites of the Mol at www.mvcr.cz. It is to be found on 'O nás/Bezpečnost a prevence/Kriminalita/Obchod s lidmi', where there is a number of other related documents.

One of the fundamental tasks stemming from the current National Strategy was a partial change to the system of coordination of activities and collection of data on trafficking in human beings which was, at the same time, made more effective. The Government used to receive every two years, always in June of the relevant year, on the basis of previous National Strategies, an evaluation of the situation and draft measures. Thus the information did not provide an overview of the situation for the whole calendar year. Furthermore, the Minister of the Interior received the Report on Functioning of the National Coordination Mechanism which was in fact a report on the results of the Programme of Support and Protection of Victims of Trafficking in Human Beings and related activities. Therefore, the Plan of Tasks regarding Implementation of the National Strategy to Combat Trafficking in Human Beings (2008-2011), which is an Annex to Government Resolution No. 67, requires the drawing up and annual updating of the status report on trafficking in human beings in the Czech Republic for the Minister of the Interior, including a description of the situation and preventive measures and the Programme of Support and Protection of Victims of Trafficking in Human Beings hereinafter referred to as the 'Programme'). At the same, publication of the Report is obligatory.

It was decided to produce an annual status report on the basis of a generally identified need to have available qualitative and quantitative data on the issue of trafficking in human beings for any given period. The obligation to submit to the Government the updated National Strategy remains, however some problems may be solved on an ad hoc basis by the IMCG. That is why the time limit for submitting

² 'The National Strategy to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic (2003-2005)' and 'The National Strategy to Combat Trafficking in Human Beings (2005-2007).'

the National Strategy was extended from two to four years which means that the updated Strategy will be submitted by the Minister of the Interior to the Government of the Czech Republic not later than by 31 December 2011.

For the purpose of submitting the National Strategy to the Czech Government in 2007 a detailed report covering the period from June 2005 to autumn 2007 was drawn up and thus the development of a similar document again in 2007 was redundant. As a consequence only statistical information was supplemented and published in order to ensure a comprehensive picture of 2007. Further, the information was supplemented by examples of some successful police activities and several other activities which were not mentioned within the national Strategy. The complete information was annexed to the Report on the Functioning of the National Coordination Mechanism.

Therefore, the 2008 Status Report on Trafficking in Human beings is the first complete report covering a period of one year in the Czech Republic.

Inter-ministerial Coordination Group for Combating Trafficking in Human Beings

The IMCG was established and its status was approved by Government Resolution No. 1006 of 20 August 2008. As mentioned above, the National Strategy had the task of partially changing the system of coordination of activities and collection of data on trafficking in human beings and making it more effective.

The MoI is the main responsible party for the issue of trafficking in human beings. In addition to nation-wide coordination of inter-ministerial cooperation as a whole the MoI also coordinates preventive activities and takes care of victims of trafficking in human beings. In the past there were two bodies designated to coordinate such activities: round tables, to implement the National Strategy to Combat Trafficking in Human Beings, and the Interdisciplinary Working Group on Support and Protection of Victims of Trafficking in Human Beings. With regard to the size of the Czech Republic the agenda of these two bodies overlapped in terms of staffing and the content of their activities and further the period of meetings of these two groups was the same (once every six months). Therefore it was decided to set up only one group. On the basis of good practice the IMCG was established by Government Resolution No. 1006/2008. The Interdisciplinary Working Group on Support and Protection of Victims of Trafficking in Human Beings still formally exists but it is regarded as a standing working sub-group within the IMCG (Article 8 of the IMCG Statutes).

The first meeting of the IMCG was held on 16 December 2008 and since then the IMCG will convene at six-month intervals. If the need arises a meeting can be convened, according to its statutes, at a shorter interval. The IMCG consists of permanent members who are the chair, the executive vice-chair, and a secretary. The chair is the Minister of the Interior and the executive vice-chair is the Deputy Minister of the Interior for Internal Security, while the office of the secretary is held by the director of the Security Policy Department. Permanent members of the IMCG are representatives of individual ministries (the MoI – including representatives of the Office of the Criminal Police and Investigation Service, the Unit for Combating Organised Crime, the Alien Police Service, and the Refugee Facility Administration, the Ministry of Justice including a representative of the Supreme Public Prosecutor's Office and the Institute for Criminal Sciences and Social Prevention, the Ministry of Education, Youth and Sports, the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Health, the Government Council for National Minorities, the Government Council for Human Rights, and the Government Council for Equal Opportunities) as well as representatives of non-governmental and non-

profit making organisations dealing with the issue of trafficking in human beings - La Strada Czech Republic, o. p. s. (hereinafter referred to as 'La Strada') and the Magdala Project of the Archdiocese Charity Prague and there is also a representative of the International Organisation for Migration Prague (hereinafter referred to as 'IOM Prague').

The IMCG is responsible for coordinating activities in the area of combating trafficking in human beings and meeting tasks arising from relevant documents, in particular from Government Resolution No. 67 of 23 January 2008 concerning the National Strategy to Combat Trafficking in Human Beings (2008-2011) and its updated versions. The IMCG serves as a platform for the mutual exchange of information among members of the inter-ministerial group regarding the actual situation and current activities concerning trafficking in human beings and for active submission of proposals and recommendations for measures to be adopted. IMCG is also responsible for submitting proposals for activities to be carried out at the inter-ministerial level in the fight against trafficking in human beings and it collects, analyses and evaluates data on trafficking in human beings. Members of the IMCG prepare supporting documents for an Annual Report on Trafficking in Human Beings in the Czech Republic which is drawn up and submitted by the secretary to the Minister of the Interior as an initial document setting out priorities and related tasks for the IMCG for the upcoming period. In addition to the IMCG a smaller group of experts meets approximately once a month at coordinating meetings. The group operatively solves actual problems concerning individual victims of trafficking in human beings. As a result the exchange of information among the main actors is ensured. Through the participation of the aforementioned entities in the IMCG and in the group of selected experts at their coordination meetings the recommendation for establishing the National Referral Mechanism (hereinafter referred to as 'NRM')³ is respected. By means of the NRM it is possible to ensure for victims of trafficking in human beings not only access to the wide spectrum of services but also to continually enhance processes as well as some programmes covering the whole area of trafficking in human beings.

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

Ministry of the Interior of the Czech Republic

The MoI has filled since 2003 the main coordinating role in the fight against trafficking in human beings in the Czech Republic. Under the 'National Strategy to Combat Trafficking in Human Beings for the Purpose of Sexual Exploitation (2003-2005)' the MoI, namely its Security Policy Department, was authorised to execute the function of national rapporteur⁴. The role of the national rapporteur lies, in particular, with analytical and conceptual activities and includes both coordination of activities for the

³ *National Referral Mechanism – the NRM is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. The definition of NRM is taken from: National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A practical handbook. OSCE/ODIHR, Warsaw 2004, p. 15.*

⁴ *The Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation, the Hague, 24 – 26 April 1997; the declaration encompasses recommendations for work on the fight against trafficking in human beings at both national and international levels. Establishing a national rapporteur or any other similar office is recommended also by other international documents, for example the OSCE Action Plan to Combat Trafficking in Human Beings of June 2003, and so forth.*

fight against trafficking in human beings and for the presentation of reports including draft measures (the National Strategy, the Status Report for individual years, supporting documents for different monitoring reports of predominantly international organisations, and so on).

A necessary part of all measures against trafficking in human beings consists of the support and protection of victims of trafficking in human beings which is ensured, within the MoI, by the Crime Prevention Department (hereinafter referred to as the 'CPD'). This department is, at the same time, responsible for coordinating preventive activities. The CPD publishes every year a special subsidy programme for NGOs under the title 'Prevention of Trafficking in Human Beings and Assistance for Victims of Trafficking'.

The MoI is also the responsible party for the training of the Police of the Czech Republic (hereinafter referred to as the 'Czech police'). In the past years topics concerning the issue of trafficking in human beings were incorporated in training programmes for basic professional preparation as well as in relevant special and innovative courses.

The Police of the Czech Republic

In order to ensure uniform execution of service by police officers of the Czech police in the field of detecting criminal offences of trafficking in human beings and vice crime the Police president issued Binding Instruction No. 61 of 2 May 2006. This internal management act regulates the activities of officers of the Czech police, i.e. *inter alia*, it lays down the tasks for individual units and services of the Czech police.

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

The Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Czech Police is a police unit with a republic-wide competence which works on and documents criminal groups of offenders who commit crimes in the field of trafficking in human beings. Further it gathers evidence for the criminal sanctioning of offenders and collects information on the distribution of criminal organisations operating in the area in question. With regard to the nature of criminal offences of trafficking in human beings which are, as a rule, committed at the transnational level, a number of cases have been solved within international cooperation under the assistance of EUROPOL and INTERPOL as well as at the bilateral level. For more than ten years this unit has been dealing with the issue of trafficking in women (later also with trafficking in men) for the purpose of sexual exploitation. In 2006 a new sub-unit specialising in trafficking in human beings for the purpose of forced labour was established. The Unit for Combating Organised Crime (hereinafter referred to as the 'UCOC') is also directly involved in the implementation of the Programme.

Apart from cooperation within the IMCG, the UCOC organises meetings in order to solve individual issues (for example March 2008 – a meeting of managers including managers of sub-branches with other actors in the Programme; September 2008 – workshop of specialists from UCOC, the MoI and public prosecutors' offices coping with trafficking in human beings for the purpose of forced labour). Moreover, the UCOC participates in a range of training events both at the national level (lectures within the Judicial Academy or training sessions for specialists from the Criminal Police and Investigation Service) and international levels (April 2008 – MEPA, May 2008 – CEPOL conferences held in Solenice).

Representatives of the UCOC also participated in several international meetings and conferences abroad (February 2008 - Bratislava, the International Conference on Trafficking in Human Beings; October 2008 – the Hague; November 2008 – participation of experts in the ‘Annual Meeting of Experts Dealing with the Issue of Trafficking in Human Beings in EUROPOL’; October 2008 – a meeting of experts in Paris, and so forth). The UCOC will continue such activities also in 2009.

Office of Criminal Police and Investigation Service of the Police Presidium of the Czech Republic and the Criminal Police and Investigation Service of the Police of the Czech Republic

The Office of the Criminal Police and Investigation Service of the Police Presidium of the Czech Republic in particular unifies, coordinates and provides guidance for procedures to be followed by experts from special units of District Directorates, special units of Regional Administrations, and a special office of the UCOC. It also concentrates information on the situation in the field of detecting, solving and investigating trafficking in human beings and vice crime which is then evaluated with the aim, *inter alia*, of specifying the outlook for further development and relevant measures. It also organises, at least once a year, instructive and guidance in-service training for experts from special units from regional administrations with a view to familiarising them with the overall situation and to providing them with new findings concerning trafficking in human beings and vice crime.

Alien Police Service of the Police of the Czech Republic

As regards the Alien Police Service (the APS) in particular groups for investigation and documentation of criminal offences of the Alien Police Service Directorates and Territorial Alien Police Service Directorates are involved in the issue of trafficking in human beings. These operative bodies meet, *inter alia*, tasks concerning investigations and examinations of criminal offences for which the law sets out a sentence of imprisonment not exceeding three years and imposed for cross-the-border crime, especially criminal offences of trafficking in human beings where the element of criminal conspiracy is not present. The Alien Police Service is also engaged in implementation of the Programme within which it deals mainly with the residence of foreign national victims, their identification, cares for them through NGOs, and motivates victims to cooperate with law enforcement bodies within criminal proceedings.

Joint checks carried out by the APS along with the State Labour Inspection Office, labour offices and so forth proved to be effective. Such checks focused on violations of residence rules by and illegal employment of foreign nationals in the Czech Republic.

Currently the vast majority of cases of trafficking in human beings are investigated by the UCOC. Therefore it will be necessary, in 2009, to involve to a greater extent mainly special units of Regional Police Administrations. This task is becoming more important particularly due to the fact that the new Criminal Code will come into effect on 1 January 2009 and will solve the current problem of partial overlapping of constituent elements of offences of trafficking in human beings and procuring under the provisions of Sections 232a and 204 of the Criminal Code.

Refugee Facility Administration

The Refugee Facility Administration (hereinafter referred to as the 'RFA') is an organisational unit of the state subordinated to the Deputy Minister of the Interior for Public Order and Security. The Czech Republic provides, through the RFA, accommodation and other services for asylum seekers, recognised refugees or detained foreign nationals. Victims of trafficking in human beings can be identified directly at such centres (asylum facilities, reception centres, residence centres and detention centres for foreign nationals), which was the reason why a representative of the RFA was nominated to work in the IMCG. In previous years NGOs in cooperation with the MoI organised for officials of the RFA a series of training courses aimed at the issues of how to identify victims of trafficking in human beings, and also provided information on relevant services. Such training sessions will also continue in 2009.

The Ministry of Justice of the Czech Republic, the Supreme Public Prosecutor's Office, and the Institute for Criminal Sciences and Social Prevention

Ministry of Justice of the Czech Republic

The Ministry of Justice (hereinafter referred to as the 'MJ') processes statistical data from public prosecutors' offices and courts. It also plays an important role in the training of judges and public prosecutors in the field of trafficking in human beings. Several thematic training sessions were held at the Judicial Academy in 2008. Further, a representative of the MJ participated in the activities of a special working group convened to discuss the topic of trafficking in human beings, forced labour and other forms of exploitation. The activities of this group will continue also in 2009.

Supreme Public Prosecutor's Office

The Supreme Public Prosecutor's Office (hereinafter referred to as the 'SPPO') has been cooperating with the MoI for a long time with regard to the issue of trafficking in human beings. An important document covering this area is the Annual Report on the Activities of Public Prosecutors' Offices which regularly pays attention to the issue of trafficking in human beings. A representative of the SPPO was nominated to work in the IMCG and since 2008 the representative has been involved in the work of the above-mentioned working group dealing with the issue of trafficking in human beings for the purpose of forced labour and other forms of exploitation.

Institute for Criminal Sciences and Social Prevention

The Institute for Criminal Sciences and Social Prevention (hereinafter referred to as the 'ICSSP') is a theoretical, analytical and research institute dealing with several scientific branches. It was established and is managed by the MJ. The ICSSP focused, many times in the past, on the issue of trafficking in human beings ("The Response of Criminal Justice to Trafficking in Human Beings", an analysis of forms of

trafficking in human beings other than for sexual exploitation; research on the causes of sexual abuse of children, and so forth). A representative of the ICSSP was nominated to work in IMCG.

Ministry of Foreign Affairs of the Czech Republic

The Ministry of Foreign Affairs (hereinafter referred to as the 'MFA') is involved in the IMCG especially in order to ensure the smooth exchange of information with embassies and consulates of the Czech Republic abroad. In 2008 the attention of all consular officials working in Czech consulates or embassies abroad was drawn to the issue of trafficking in human beings and to the necessity of thorough monitoring through the distribution of a document developed by IOM Prague. Information leaflets and posters in relevant languages were distributed within ten selected countries. The issue of trafficking in human beings is also newly included in the training of all consular officials who are designated to work abroad. Such training sessions will continue also in 2009, whilst consuls who are to work in selected countries will be also trained by officials from the Mol.

Further in 2008 the MFA assisted La Strada with the distribution of booklets dealing with the prevention of trafficking in human beings and the exploitation of Vietnamese migrants.

Ministry of Labour and Social Affairs of the Czech Republic

The Ministry of Labour and Social Affairs (hereinafter referred to as the 'MLSA') is a responsible party for Act No. 108/2006 Coll. on Social Services, as amended (hereinafter referred to as the 'Social Services Act'). The MLSA manages a large portion of resources earmarked for care and assistance for victims of trafficking in human beings. The MLSA is also responsible for the issue of the employment of foreign nationals, employment through agencies, checks and inspection in relation to employment, and respect for the rights of employees, including the work of labour inspection offices and labour offices.

Ministry of Education, Youth and Sports of the Czech Republic

In 2007 IOM Prague implemented a short-term pilot project "Prevention of Trafficking in Human Beings: Lectures at Secondary Schools" in six secondary schools through the showing of a documentary film which was followed by discussions with the students. Discussions focused not only on informed labour migration and general knowledge of trafficking in human beings but also on the overall mapping of knowledge of secondary school students regarding the issue in question. A report describing the knowledge and attitudes of students with regard to this matter was submitted at the end of the project and contains a number of useful recommendations. The reactions of students unambiguously showed that they were interested in the topic of trafficking in human beings. Although it was clear that many students would consider work abroad when they completed their studies they did not possess the relevant information about the possible risks of labour migration and trafficking in human beings. Currently the possibility of making use of the conclusions and recommendations resulting from the report submitted at the end of the project are being discussed.

Ministry of Health of the Czech Republic

The Ministry of Health (hereinafter referred to as the 'MH') generally participates in meeting conventions on human rights and supporting all activities aiming at supporting public health (a long-term programme for improving the health of the population of the Czech Republic in the 21st century – “Health for All in the 21st Century”, “Action Plan for Health and the Environment in the Czech Republic”, and so forth) In 2004 and 2005 the MH financially supported, within the Programme of Medical Prevention of crime, the projects “Prevention of Trafficking in Human Beings for the purpose of Sexual Exploitation” and “Commercial Sexual Exploitation of Children”. In 2008 the MH processed information relating to the issue of trafficking in human beings for the purpose of removal of organs and tissue.

Government Council for National Minorities, Government Council for Human Rights, Government Council for Equal Opportunities

Representatives of the Government Council for National Minorities, the Government Council for Human Rights, and the Government Council for Equal Opportunities, which are advisory bodies to the Government of the Czech Republic, were invited to participate in the IMCG in order to ensure continuity, the exchange of information, and the consistency of issues which undoubtedly overlap with matters of trafficking in human beings.

La Strada, Magdala Project and International Organisation for Migration Prague

These are organisations which, *inter alia*, are directly involved in assisting victims of trafficking in human beings. A detailed description of activities of these partner organisations is included in the chapter dealing with victims of trafficking in human beings.

Situation Description

In terms of long-term development, in comparison with old EU Member States, the Czech Republic has seen in the area of trafficking in human beings a certain specific evolution. After the fall of the iron curtain the Czech Republic became, along with other countries of the former socialist block, an important source country for trafficking in women for the purpose of sexual exploitation. During the 1990s the situation gradually changed and the Czech Republic turned, thanks to the strengthening of its economy, from a transit into a target country. However, even in 2008 there were cases where women from the Czech Republic became victims of trafficking in human beings abroad. Information on such cases is difficult to obtain. That is why in 2008 information was requested, within a pilot project, from Czech consulates and embassies abroad.

The past year saw a gradual upward trend in the number of cases of trafficking in human beings for the purpose of forced labour. This trend will probably increase due to a range of factors which jointly affect the situation. The first and perhaps the most important factor was a change in the definition of the crime of trafficking in human beings encompassed in the provisions of Section 232a of the Criminal Code.

This definition has included, since 2004, also slavery, servitude and forced labour, or other forms of exploitation which drew increased attention of law enforcement authorities to this phenomenon. Such authorities have progressively acquired experience necessary to solve such criminal offences. Promotion activities pertaining to this area and activities carried out by NGOs cannot go without mention, and these contribute to an ever increasing awareness of the general public about this relatively new form of trafficking in human beings. Another significant factor, which will probably fully emerge in the upcoming period, is the global economic crisis. It might be expected that this will influence the growth in cases of trafficking in human beings for the purpose of sexual exploitation as well as forced labour. As early as at the end of 2008 the first information emerged that due to extensive economic dampening in production in some industrial sectors mainly manually working foreigners were dismissed on a wide-spread basis. Such people find themselves in situations of financial distress without any possibility to return back to their country of origin and therefore are becoming a risk group in terms of trafficking in human beings. It may be assumed that such persons can engage in criminal activities or may become more endangered groups in relation to different forms of exploitation and abuse.

Sexual Exploitation

Criminal activities relating to crimes of trafficking in human beings for the purpose of sexual harassment, exploitation or prostitution were seen during the previous period in three basic forms: the organising of and making a profit from the provision of sexual services in erotic night clubs, the provision of sexual services in private flats and houses, and “escort services”. It was exclusively women who became victims of such activities in the Czech Republic.

In terms of nationality, the largest proportion of trafficked women for the purpose of prostitution is composed of nationals of Slovakia, followed by women from Ukraine, Russia and other republics of the former USSR. However in 2008 NGOs took care of, for example, women from Brazil or from Vietnam. Furthermore, NGOs every year provide assistance to several Czech women who have been exploited within the Czech Republic.

The principal offenders of such crimes are mostly foreigners who “recruit” girls in their countries of origin and promise to find them a job in the Czech Republic. The girls are then placed in erotic night clubs where they are forced to work off a fictitious debt as a prostitute. Such debts are allegedly incurred in relation to their transportation or visa applications and so on. There have also been cases where women were lured by a person who they knew or directly by their relatives. Fundamental factors enabling the involvement of foreign nationals as principal offenders are in particular their close links to their countries of origin from where they are supported and persons of the same nationality residing in the Czech Republic dealing with the same or similar activities. Among other factors are knowledge of the language, the cultural environment, and the traditions and customs appreciated in the source countries.

In general, there has been a decline in interest in commercial sexual services, primarily in borderland regions. Thanks to the activities of local authorities (for example the town of Chomutov where there is the promotion of CCTV for combating street prostitution; generally binding ordinances forbidding prostitution in public places in Pilsen, Brno, Prague and other cities; and some other measures) street prostitution has been “pushed away” from public places. Part of this prostitution scene has however moved to private flats or clubs. Undoubtedly, the number of clubs expressly marked as ‘erotic night clubs’ is decreasing and some of them are surviving only with difficulties. These facts partially make difficult not only the detection and solution of vice crime, but also complicate the access of NGOs to their clients. Another factor which makes the detection and investigation of this type of crime

more difficult is the fact that the owners or operators of clubs are sufficiently informed how to “move” within the legislative framework.

Forced Labour and Other Forms of Exploitation

As regards slavery, servitude, forced labour and other forms of exploitation, the Czech Republic became in 2008 a target country for persons coming from the former USSR (Russia, Ukraine, Kyrgyzstan, Uzbekistan) and from Romania. There were also indications that this problem concerns people from Vietnam, Mongolia, Belarus and some other countries. Under the pretence of jobs to be rewarded by good earnings people are recruited for work in the Czech Republic through organised groups which arrange legal entry to the Czech Republic. After such persons arrive in the Czech Republic their passports are seized and they are forced to carry out work which is not that which they were promised. The work is usually physically demanding activity for minimal or no pay. Such persons work fifteen or more hours a day, seven days a week. They are forced to work like that and are prevented from leaving by artificial increasing of their debts, and by threats of physical violence against them or against their families in their countries of origin.

The Czech Republic is also a transit country. After receiving false travel documents people are transported to other EU Member States where they are exploited as a cheap labour force.

The solution of criminal activities committed by criminal groups is complicated due to the good knowledge they have of the methods and forms of work of the Czech police and other control and inspection authorities. On the basis of their knowledge of the legal framework, for example in the area of employment through agencies, criminal groups can pretend to be respectable brokerage agencies which, to a large extent, makes their detection more difficult.

The transportation of Czech citizens to the United Kingdom and to other EU Member States has been documented in the recent period. Czech citizens are probably abused through the same modus operandi as described above.

An important factor for the existence of this type of criminal activity is the poor economic situation in the victims' countries of origin. The difference between the income of an entrepreneur who employs people in compliance with legal regulations and the income an entrepreneur who employs illegal workers cannot be overlooked. A vision of high profit in connection with a minimal risk of being uncovered is not a negligible factor affecting the crimes in question. Increasing problems can be expected in relation to the global economic crisis as enterprises dismiss mainly manually working foreign workers. They find themselves without any money, directly “in the street” and obviously are more inclined to the above described practices of organised crime groups. Presently the MoI is preparing a draft set of measures to solve the situation of unemployed foreign nationals in the Czech Republic.

According to experience from abroad an important role is played by labour inspectorates and labour offices in identifying victims of trafficking in human beings and in restricting the exploitation of labour migrants by authorities. As regards the Czech Republic, the competences of these two authorities are, to a certain extent, imbalanced when compared with foreign countries. An insufficiency in this area is the quite low number of employees working for authorities responsible for direct inspections in this area.

For the purpose of this Report the MLSA provided, *inter alia*, data on activities of the inspection units of labour offices. Labour offices conducted in the first half of 2008 in total 6,058 checks related to

employment. Of this number of checks, labour offices checked in total 914 employers who employed foreign nationals. Checks are conducted on the basis of monitoring carried out by labour offices as well as on the basis of information received. As regards nationalities, in the first half of 2008 nationals of Ukraine (829 persons) and citizens of Slovakia (705 persons) represented the most numerous group of illegally employed people or people whose employment was not duly reported. This was followed, within the first ten nationalities, by nationals of Poland, Vietnam, Bulgaria, Romania, Mongolia, Moldova, China, and Russia. These results represent a constant trend if compared with data from previous years. However they should be assessed in the context of the highest numbers of citizens from the aforementioned countries among legally employed foreign workers in the Czech labour market. As in the case of legally employed workers, a considerable upward trend can be seen also among illegally working foreign nationals or foreign workers who were not duly reported.

Trafficking in Children for the Purpose of Commercial Sexual Exploitation and Forced Labour

Since 2000 the Czech Republic has conceptually dealt with the commercial sexual exploitation of children. In accordance with the valid definition adopted by the Stockholm Congress in 1996, this term is understood in the Czech Republic as follows: “The use of a child for sexual purposes remunerated in cash or in kind to the child or between a child and a client, middleman or agent or any other third persons profiting from trafficking in children for such purposes”. In accordance with this definition child prostitution, child pornography and trafficking in children for the purpose of sexual exploitation are considered to be commercial sexual exploitation of children. Since 2000 the MoI has been the main responsible party for coordinating activities pertaining to the area of commercial sexual exploitation of children. In 2008 this issue was included in the wider context of violence against children, while the main responsibility was delegated to the Minister for Human Rights and Minorities. In this context the “National Strategy for Preventing Violence against Children between 2008 and 2018” was drawn up. This Strategy will be linked to relevant action plans which will encompass particular tasks and activities for all authorities of state administration directly involved in the issue concerned. As a consequence this Report does not deal in full detail with the issue of trafficking in children, nevertheless the necessary exchange of information in this area will be ensured through the IMCG.

As regards trafficking in children for the purpose of forced labour, law enforcement authorities do not have any findings to prove such crimes in the Czech Republic. Neither does Information provided by NGOs indicate that this area should be problematic in the Czech Republic. As a result of international obligations undertaken by the Czech Republic the area of child forced labour is monitored on an ongoing basis (for example Government Resolution No. 77 concerning the Report on Meeting the Programme for the Implementation of Measures to Eliminate the Worst Forms of Child Labour from 2003 and 2004 and on its Updates from 2005 to 2007). As regards elimination of the worst forms of child labour, the activities of the authorities involved in the protection of public health concentrate on tasks arising from Convention No. 182. The summary information on the occurrence of child labour, if applicable, would be part of the “Final Report on Activities of Authorities for the Protection of Public Health in the Area of Occupation Safety and Health” which is annually, always as of 30 September, submitted by the MH. The same applies to the “Report by Labour Inspection Authorities”. Authorities involved in the protection of public health, however, have not reported any information identifying employment of children younger than 15 years outside the areas which are regulated by the Act on Employment.

On the basis of statistics of the Czech police it may be summarised that the Czech police registered only very rarely in 2008 cases of trafficking in human beings younger than 18 years. Only one

victim under 15 years was reported in the West Bohemian Region. In total three victims were reported as being part of a group of young people between 15 and 18 years of age in the North Bohemian Region.

Trafficking in Human Organs

Criminal offences concerning trade in human organs were not detected in 2008. It is the UCOC which deals with monitoring and investigating such crimes. This police unit uncovered in the past only one such case but this case concerned only the post-mortem unlawful treatment of human organs and tissue (skin implants) pursuant to Sec. 209a of the Criminal Code. Actually, it was the first case of this type investigated in the Czech Republic on the basis of which certain persons were accused and charged with this crime. Criminal activities were committed from September 2002 to October 2004 by a group of offenders – employees of the Czech Tissue Bank - who were in contact with an organised group from the Netherlands. When investigating this case the Czech police closely cooperated with the Dutch, Slovak, and Estonian police services (information exchange, financial investigation including monitoring of bank accounts, legal assistance, and so forth).

As a response to the new Criminal Code where one of the forms of trafficking in human beings expressly includes trafficking in human beings for the purpose of the removal of tissue or an organ, and because this topic had devoted to it in 2008 increased attention at some international forums⁵, this topic was included in the agenda of the inter-ministerial meeting of experts dealing with the issue of the fight against trafficking in human beings (an informal group set up before the establishment of the IMCG), held in March 2008.

A basic legal provision regulating this area is Act No. 285/2002 Coll. on the Donation, Collection and Transplantation of Tissues and Organs and on the Amendment to Some Other Acts as amended by Act No. 228/2005 Coll. This legal regulation governs conditions for the donation, collection and transplantation of tissue and organs of human origin exclusively for the purpose of the provision of health care as well as conditions for establishing transplantation centres and tissue banks as departments of health care facilities.

There are six accredited transplantation centres in the Czech Republic. Patients who are in need of organs are registered on a waiting list. The MH stated that the transplantation system in the Czech Republic is so well-regulated that any unlawful treatment of organs or tissue would be very difficult to conceal.

The European Commission pays great attention to this issue. In 2007 the Commission analysed gifts of organs for transplantations in the EU Member States. The results show that trafficking in human organs is not a problem in the EU, however, the conclusions of the Council of the EU rank among fundamental tasks also the fight against trafficking in human organs. The MH has information which indicates that people coming from richer and more developed countries travel as part of so called transplantation tourism to poorer countries (such as Turkey, Egypt, Columbia or the Philippines).

⁵ From 13 to 15 February 2008 the UN ODC organised in Vienna a conference entitled “The Vienna Forum to Fight Human Trafficking”. The forum launched the global initiative of the UN to combat trafficking in human beings - “UN.GIFT”.

On the basis of the aforementioned information it may be said that the situation pertaining to the described area is satisfactory in the Czech Republic. Neither the MH nor the Czech police have information on trafficking in human organs in the Czech Republic; nonetheless the situation cannot be underestimated. Therefore the situation will be monitored on an ongoing basis.

2008 Criminal Statistics on Trafficking in Human Beings

An option to strengthen the collection of data on trafficking in human beings in the Czech Republic became in 2008 a topic towards which the MoI, together with its partners, in particular the MJ and NGOs involved in the Programme, paid great attention as it was also a task included in the National Strategy. This is why the MoI decided to participate in the international project "Data Collection and Harmonized Information Systems". The objective of the project is to create uniform criteria for the collection of data and information in the area of trafficking in human beings, and the establishment of an institutionalised system for the collection of such data, including a single database both for the purpose of analysis and description of the situation, and for the purpose of possible operative responses to actual situation. The project was submitted by Portugal alongside the ICMPD (International Centre for Migration Policy Development). Other partners besides the Czech Republic are Poland, Slovakia and Germany. The project was commenced with some delay in May 2008 and will be completed in September 2009.

At the same time it is necessary to realise that apart from quantitative data it is important to use, when proposing any measures, also qualitative research and information from the relevant environment. Any measures adopted only on the basis of statistical data on the scope of trafficking in human beings would be misleading. Due to high latency, statistics of the Czech police and the MJ concerning vice crime, mainly the crime of trafficking in human beings pursuant to the provision of Section 232a of the Criminal Code, display relatively low numbers when compared with, for example, crimes against property. As a consequence investigations of large scale cases with more offenders and victims can cause large shifts in the statistics. Thus short term fluctuations in statistics do not necessarily mean an essential change in the situation. Statistical data of the Czech police reports rather about facts relating to how successful the police were in detecting and investigating certain cases. Certainly it is not possible to evaluate on that basis how successful the adopted measures against trafficking in human beings were.

The data gathered in 2008 demonstrates that the amount of detected crime of trafficking in human beings under the provisions of Section 232a of the Criminal Code increased. In total 29 crimes (in 2007 altogether 11 crimes) were detected. However, solved crimes of trafficking in human beings also saw moderate growth. In 2008 in total 13 cases were solved (11 crimes were solved a year before). Of 13 solved crimes, one was detected in 2007 and one was solved in 2008 (so called additionally solved crimes).

Of the total number of 13 cases where investigations were closed, in two cases criminal prosecution was suspended under the provisions of Section 159a (4) of the Code of Criminal Procedure and one case was suspended under the provisions of Section 159a, (2) and (3) of the Code of Criminal Procedure. Prosecution was commenced in the case of ten criminal offences.

When analysing 29 detected criminal offences of trafficking in human beings under the provisions of Section 232a of the Criminal Code, it may be stated that in total 19 crimes were committed for the purpose of sexual exploitation and ten were committed for the purpose of forced labour and other forms of exploitation (once under the provisions of Section 232a (2) (c)). If the ratio between

trafficking in human beings for the purpose of sexual and trafficking for labour exploitation is compared in 2007 and 2008 a moderate growth in labour exploitation can be seen (in 2007 there were eight cases of sexual exploitation and only three cases involved trafficking in human beings for the purpose of forced labour). A gradual increase in the forms of trafficking in human beings for the purpose of labour exploitation is also reported by other EU Member States and it can be reasonably expected that the trend will continue in 2009. There is no doubt that an increase in the number of crimes under the provisions of Section 232a of the Criminal Code in the police statistics was affected by the establishment of a specialised unit for combating forced labour within the UCOC. At the same time, since 2004 when this type of trafficking in human beings was incorporated into the Criminal Code, police officers have received more information from the relevant criminal environment and have gained more experience with investigating and proving this very specific criminal activity.

However, it will take several years for a similar trend to be demonstrated by statistics of the MJ.

It is also interesting to monitor who submitted information leading to criminal prosecution. Most often it was the UCOC (in total 12 proposals for commencing criminal prosecution). A further six proposals can be included in the category 'Other'. It is the UCOC whose share in the solution of this type of crime is the largest (in total six cases) together with the police bodies of general crime (in total six cases).

Altogether 22 persons were prosecuted for a criminal offence of trafficking in human beings under the provisions of Section 232a of the Criminal Code; of this number eight persons were repeat offenders. In total 17 persons were Czech nationals and only five offenders were foreign nationals.

The table below demonstrates data for the last ten years for comparison purposes.

Numbers of crimes trafficking in human beings detected and solved by the Czech police (under Sec. 232a, previously under Sec. 246 of the Criminal Code)											
Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Detected	34	23	13	27	15	10	13	16	16	11	29
Solved	34	22	13	25	10	9	12	11	13	11	13
Investigated and prosecuted persons	49	38	21	26	12	19	30	18	11	20	22

As regards age composition of prosecuted and investigated persons regarding the committing of a crime of trafficking in human beings, it may be said that the largest group was in 2008 composed of persons of 30 years and over (in total 17 persons, while the rest (i.e. five persons) were offenders between 18 and 30 years of age. None of the prosecuted or investigated persons was younger than 18 years. These figures correspond with the statistics describing crime in terms of age of offenders⁶. According to the data for 2008, offenders between 30 and 60 years of age prevail. They accounted for 49% of all offenders, followed by offenders between 20 and 30 years of age (a share of 34.5 %). The smallest groups comprised offenders between 18 and 20 years (7.2 %) and offenders over 60 years (2 %).

Of the total number of 22 investigated and prosecuted persons, eight were female offenders and 14 were male offenders. The data on the number of investigated and prosecuted persons markedly exceeded the share of women participating in total crime. For example in 2008 prosecuted and

⁶ The term "offender" is used in police statistical records for persons prosecuted or investigated.

investigated men accounted for 87.5 %, whilst only 12.5 % were female offenders. This disproportion can be explained by the certain specific role of women within trafficking in human beings for example when recruiting girls. Some foreign studies show⁷ that sometimes victims of trafficking in human beings can become co-offenders. They can be used for recruiting new victims since they, as victims of exploitation, have large persuasion potential.

Criminal proceedings conducted to prove constituent elements of the crime of trafficking in human beings do not always have to finish with the commencement of criminal prosecution under Section 160 (1) of the Code of Criminal Procedure. With regard to the difficulties connected to proving such crime, for example the abuse of distress or the use of violence, police bodies do not always manage to prove the constituent elements of such crimes and the case can be sometimes re-classified to become a different crime: very often procuring under Section 204 of the Criminal Code. That is why statistical information concerning procuring is included.

The criminal offence of procuring is defined in Section 204 of the Criminal Code as conduct of a person who forces or lures another person(s) to act as a prostitute and/or who receives a profit from the said prostitute's activities. The following table summarises the number of persons lawfully sentenced for the crime of procuring. It must be said that in 2007 and 2008 the number of detected crimes as well as the number of investigated and prosecuted persons dropped. This may have been caused by the fact that in recent years a decline in both street prostitution and club prostitution, in particular in the borderland regions, was seen. Another explanation can be the partial moving of street prostitution, as a consequence of measures adopted by local authorities, into flats and clubs. Thus it is more difficult to detect and prosecute crimes of procuring.

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

Further statistical data can be retrieved from data processed by the MJ, which is responsible for statistics maintained by public prosecutors' offices and courts of justice. However, the data does not demonstrate whether the Czech police and public prosecutors' offices gathered in 2008 a sufficient amount of good evidence on the basis of which offenders could be sentenced. Results arising from criminal statistics are not directly comparable with the statistics of the MJ. This is because of differences in time. In some cases there are differences of several years between the terminations of individual phases of the criminal prosecution of an actual case. Police statistics record individual cases at their inception, whilst the court statistics record them once they are closed. In the future it should be possible to monitor the development of individual cases in all phases of criminal proceedings due to e-justice and direct links between judicial and police systems.

In 2008 in total 14 persons were charged with the crime of trafficking in human beings pursuant to Section 232a of the Criminal Code.

⁷ Levenkron, N.: "Another Delivery from Tashkent" Profile of the Israeli Trafficker, Top-Print Press, 2007.

The two below tables were drawn up on the basis of a statistical overview comparing data on prosecuted and charged persons in the Czech Republic and according to individual regions (i.e. the data as it was included in criminal statistics according to classifications of crimes recorded after investigations were closed within the territory under the jurisdiction of a relevant regional public prosecutor's office including subordinated district public prosecutor's offices). The table shows that the distribution of criminal activities was diversified and underwent some changes during the two monitored years.

Numbers of prosecuted and charged persons pursuant to Section 232a of the Criminal Code according to individual regions									
2007									
	CZ	Prague	CB	SB	WB	NB	EB	SM	NM
Prosecuted	14	3	0	8	0	0	2	1	0
Charged	14	3	0	8	0	0	2	1	0
2008									
Prosecuted	21	5	0	4	2	6	0	3	0
Charged	20	5	5	4	2	6	0	3	0

As regards the criminal offence of trafficking in human beings pursuant to Sec. 232a of the Criminal Code, the year 2007 displayed moderate growth both in the number of prosecuted persons (from 14 to 21) and charged persons (from 14 to 20), which in relative comparison represents quite a substantial increase, i.e. growth by one third; nevertheless if absolute figures are taken into account it can be seen that the situation did not change considerably. If the crime of procuring under Sec. 204 of the Criminal Code is also included then it unambiguously occupies the first place even though it was this crime which saw a decline. However, it can be yet inferred (at least according to statistical data) that the whole decrease had transformed into a crime pursuant to Sec. 232a of the Criminal Code since if numbers of persons related to the both crimes are taken into consideration they do not by far correspond to the decline in a crime pursuant to Sec. 204 of the Criminal Code, on the one hand, and to the growth in a crime pursuant to Sec. 232a of the Criminal Code, on the other hand. In 2007 it was the South Bohemian Region which reported the largest increase in this type of crime (57.1%), in 2008 it was the North Bohemian Region (28.6%). As regards the City of Prague conglomeration (of course, only the district under the jurisdiction of the City Public Prosecutor's Office is considered) in 2007 the minimum number of persons was reported (3) whilst in 2008 the City of Prague, with five prosecuted and investigated persons, occupied second position. However it must be emphasised that this crime demonstrated relatively low absolute numbers of offenders.

In 2008 in total three persons were sentenced by a final and conclusive judgement. The overview clearly shows that the number of persons sentenced by a final and conclusive judgement fell from four to three persons. Only one woman was among the sentenced persons.

Numbers of persons sentenced by a final and conclusive judgement and sanctions imposed for trafficking in human beings (under Sec. 232a, formerly Sec. 246 of the Criminal Code)											
Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Sentenced persons	5	25	16	15	20	5	12	20	2	4	3
Unconditional sentence	3	17	6	7	5	1	3	8	0	3	3
Conditional sentence	2	8	10	8	15	4	9	12	2	1	0

Out of three persons sentenced by a final and conclusive judgement for the crime of trafficking in human beings pursuant to Sec. 232a of the Criminal Code all persons were sentenced by a final and conclusive judgement to an unconditional sentence of imprisonment for a term of one up to five years. None of the sentenced persons was imposed upon them a sentence of imprisonment along with another sanction, for example a fine.

Other data which is available and which relates to trafficking in human beings is the data on the aforementioned criminal offence of procuring. Thus it is data on the number of persons charged with and sentenced for the crime of procuring pursuant to Sec. of the Criminal Code. In 2008 in total 60 persons were sentenced by a final and conclusive judgement, and of them 14 persons received unconditional sentences and 44 persons were sentenced conditionally.

Numbers of persons sentenced by a final and conclusive judgement and sanctions imposed for procuring (under Sec. 204 of the Criminal Code)			
Year	2006	2007	2008
Sentenced persons	68	74	60
Unconditional sentence	12	20	14
Conditional sentence	49	48	44

Examples of Successful Police Operations in 2008

In order to have a better overview of criminal activities of organised crime groups dealing in the Czech Republic with trafficking in human beings and organising prostitution, as well as to better understand the work of the Czech police, below are examples of successful police operations implemented by UCOC in 2008.⁸ Those operations which clearly showed that organised criminal groups deal with trafficking in human beings for the purpose of sexual exploitation as well as of labour exploitation were selected deliberately. Both nationals of the Czech Republic and foreigners, for example citizens of Ukraine, are represented in the criminal groups. The first described example is interesting also because for the first time the police tested and used a crisis plan for investigation of large-scale cases. Thanks to the crisis plan the Czech police can, in cooperation with the MoI and NGOs, provide crisis intervention to more victims identified within one case.

“Do Not Knock, We’re Closed!

“Prague, 25 April 2008 – One of the largest operations in the history of the UCOC as regards the number of deployed detectives was carried out under the name “MÁNES” during the last weekend in Prague. Twelve persons were apprehended.

The Unit for Combating Organised Crime of the CPIS was following an organised criminal group for several months. The number eighteen became a fateful number for eight women and four men aged from

⁸ It is predominantly information from press releases published by the Unit for Combating Organised Crime in the course of 2008.

26 to 45 years: detectives from UCOC decided to put a complete stop to their activities on 18 April. After careful preparation more than 180 detectives divided into several tens of groups dispersed, on an early evening, into more than 20 places in Prague. At the stroke of 6 p.m. handcuffs started to be locked on the wrists of suspects.

What really happened? A twelve-member group operating in Prague was, according to the findings of detectives, allegedly ensuring the provision of sexual services and operating in a dozen private flats. Women⁹ came from countries of the former USSR and were accommodated in private flats in Prague. The women were forced to turn a considerable part of their earnings over to the operators of the flats. Whether the women carried out the oldest trade voluntarily or whether they were lured to the Czech Republic under the pretext of other work and were forced to do prostitution after they arrived is the subject of further investigations. A well organised group probably increased, over several years, its standard of living by millions.

One Czech national and eleven persons coming from various corners of the former Soviet Union were accused of criminal offences of participation in criminal conspiracy and procuring and, if they are proved to be guilty, they can be sentenced for imprisonment for a term of up to ten years. Two men who were, according to detectives' opinion, managing the whole group and organising the "business" were also accused of the crime of trafficking in human beings and therefore they can expect to see their stay in prison increased by a further five years.

All accused persons resided in the Czech Republic legally. Ten of them were prosecuted while staying in custody and the case was supervised by the City Public Prosecutor's Office in Prague."

"Next Time in Your Home

Prague, 12 May 2008 – Six men and one woman were apprehended by UCOC detectives during a police operation carried out under the code name "RORY". During a recent police roundup against procurement in Prague the police officers concentrated on private flats, and this time detectives focused on night clubs in the area of Sluknov.

I just cannot write about another operation of the UCOC without thinking of a music show on Czech Television. However, in our case we did not make any courtesy call with the aim of promoting a town or local folk music although visitors to three night clubs in Rumburk, Varnsdorf and Jiretin pod Jedlovou have experienced enough music and entertainment. The name of the above-mentioned programme could be, however, a certain memento. UCOC detectives pay consistent attention to uncovering organised crime related to prostitution and trafficking in human beings. And this last case is a clear message to all who undertake such "business" in the Czech Republic: "We are not going to give it up! Next time we may knock on your door!"

An organised group of six men from Bohemia and one woman from Ukraine (from 28 to 39 years of age) was apprehended at the beginning of this month. After several months of gathering and assessing findings, detectives put a final full stop to their sexual services business.

⁹ The original press release used the expression "priestess of love".

A 39 year old man, the owner of the clubs, was the head of the whole organisation. He let clubs to other persons who ran them. According to the estimate of detectives at least sixty women of different nationalities over time worked in the clubs. They had to turn over half of their earnings to their “employers”.

Nothing indicates that the women performed this oldest trade involuntarily. However the police apprehended persons who can talk about a goldmine since during seven house searches an amount in cash consisting of thousands in different currencies was seized in addition to other things. During the operation itself there were seventeen women aged from 18 to 40 years working in the clubs. Some of them were only occasional prostitutes primarily for German clients and were only “improving” their family budget. One of the women (from Belarus) resided in the Czech Republic illegally and was taken to the Alien Police for further investigation. Other prostitutes were of Czech origin.

The whole seven-member group was accused of the crime of procuring which they committed as co-offenders. If they are proved guilty they may be sentenced to a term of imprisonment of up to eight years. Five accused persons are currently being prosecuted while being held in custody and the case is supervised by the district Public Prosecutor’s Office in Decin.”

“Promised Land(?)

Prague, 4 March 2008 – Two men (born in 1974 and 1957) were apprehended by UCOC detectives in the south of Bohemia. Ukrainian nationals having a permanent residence in the Czech Republic were suspects of trafficking in human beings for the purpose of other forms of exploitation - namely of forced labour and extortion.

A 35 year old mother of two children (let’s call her Tatiana) lives together with her parents in Ukraine where she was born. One day a friend of hers brings a newspaper advertisement offering work in the Czech Republic. Tatiana, who is the breadwinner for her two children as well as her old parents and whose standard of living is far from our idea of any standard of living, decides to contact the broker. The offer is attractive: an eight-hour working shift, basic monthly pay at the level of a minimum salary in the Czech Republic, bonuses for working overtime, for work at night and during weekends, a paid holiday and sickness days, the provision of a work permit, visa, transport and accommodation. Everything seems to be all right also shortly after she has decided to take up this offer. Her new employers provide her with an official work visa and arrange everything that’s necessary. “They cannot do that for free,” Tatiana thinks and takes all her savings, borrows money from relatives and pays a fee of USD 500 in Ukraine. She leaves for the Czech Republic with the feeling that her family will not suffer any more. However, reality in the Promised Land brings disillusion. In order to earn some money she is forced to work sewing twelve to sixteen hours a day including at weekends. The promised bonus for night shifts is negligible and she even does not want to think about what would happen if she fell ill. She has stopped dreaming about a holiday or a journey to see her children. She works 350 hours a month and her earnings are between CZK 35 and 40 per hour. When she is tired she returns back to a lodging house where a room of twelve square metres is waiting for her and where she lives together with a further seven women sharing the same fate. Joint lavatories in the corridor and a shower without hot water were the standard. Now she knows from her roommates that those who tried to complain were warned that it is not a problem to cancel their work visa (by the way for its renewal she always pays USD 700) and they could be charged in the Czech Republic with a crime and, in particular: “You have at home nice children who are so vulnerable,” said one of their “employers”, like incidentally, to one of the “naughty workers”. Therefore Tatiana continues

to work under humiliating conditions and her “well-wishers” are getting rich. Well, little is still more than nothing.

This is a personal story which could have happened to any of the victims who were hired to work in the Czech Republic by an organised group of persons operating in Ukraine and in the Czech Republic. Their “business activities” were stopped this week by the UCOC. Two men were apprehended who are suspected by detectives of having managed the whole group in the Czech Republic.

As the charges show, since at least 2001 this group had been offering by means of advertisements in various Ukrainian newspapers the intermediation of work in the Czech Republic, then hiring men and primarily women for different types of work and after collecting inadequate fees to provide such hired people with work visas, transport to the Czech Republic and accommodation. Such labour force was supplied by the two accused men to several companies in southern Bohemia and the workers were forced to work in unbearable conditions, however the profit remained in the hands of the accused. Those who let themselves be hired under the pretext of earnings were forced to work without any right to have a rest, holiday or allowance when they were ill. While the earnings of these workers did not correspond to their work and their living conditions were poor, the proceeds of the accused reached tens of millions Czech crowns. The two men enforced the obedience of their “sheep” through the use of threats. Where “reprehension” in the form of the threat of the loss of a work visa or criminal information did not meet its objective the victims were reminded of their defenceless families in Ukraine. Threats ensured that they had a monopoly on their “supply of cheap labour force”. One of the accused was to require other brokerage agency to withdraw their workers from a certain company as they (the accused) were the exclusive suppliers and if the competitive agency did not do so it would have problems.

Both accused are prosecuted while in custody and if they are proved guilty they may be sentenced for up to fifteen years of imprisonment. The “fate” of their accomplices is currently being discussed with the Ukrainian party. The case is supervised by the Regional Public Prosecutor’s Office in Ceske Budejovice.”

“MEZEX

On 7 December 2008 a case of trafficking in human beings under Sec. 232a of the Criminal Code and procuring under section 204 of the Criminal Code was detected and investigations were launched within an operation under the name of “MEZEX” carried out by officers of UCOC of CPIS of the Police Presidium, the Ostrava sub-branch. Prosecution of two offenders who had lured a victim under the pretext of working as a dancer in a club in Austria was commenced. The victim was forced, by means of threats, to work as a prostitute from January to April of 2008.

In April 2008 Austrian police bodies managed to stop forced prostitution and the victim was temporarily placed in a non-profit facility which provides assistance to victims of trafficking in human beings. One Czech national was sentenced, in connection with this case, in Austria to six years of imprisonment. As regards the crime of procuring, three offenders are being prosecuted; they transported another victim in August 2008 to Vienna where she was to work as a prostitute. The profits were to end up in the pockets of the procurers.

After prosecution was commenced the case was transferred for further investigations to be conducted by the criminal Police and Investigation service. Both offenders and victims were from the Czech Republic.

Investigations of these criminal activities were carried out in cooperation with the national headquarters of Interpol and the police authorities of Austria.”

Financial Investigations

With regards to the motivation of offenders of crimes of trafficking in human beings, which is undoubtedly a high profit, financial investigations relating to detecting, solving and documenting criminal activities of trafficking in human beings under Sec. 232a of the Criminal Code are an absolutely necessary part of police procedures. The following principle is almost always applied: it is always the police officer conducting prosecution within which there was a financial loss or an offender financially benefited from the relevant crime who is fully responsible for assessing whether it is appropriate to commence financial investigations. In justified cases the officer carries out thorough financial investigations relating to the proceeds of criminal activities and assesses the option to seize the offender’s assets. As a consequence, financial investigations must be understood as a process of detecting, documenting and seizing the proceeds of criminal activities and drawing up a property profile for the purpose of possible future imprisonment or protective measure or safeguarding the claims of the victim. It is obvious that the aim of financial investigations is an effort to confiscate the proceeds of offenders. Furthermore, certain important facts for criminal proceedings are ascertained through financial investigations, such as information on co-offenders, organisers and persons participating in legalising the proceeds of criminal activities. These facts are used as evidence in further phases of criminal proceedings.

As regards the year 2008, the following data is available: these are amounts seized by UCOC, including its sub-branches, in the course of investigations of offenders of the below stated criminal activities. The table below demonstrates the type and number of tools used for seizing proceeds and the total amounts seized as well as legal classifications of the crime for which prosecution was commenced.

Overview of seized proceeds of criminal activities concerning trafficking in human beings in 2008	
Legal classification of crimes	Value of seized assets including the relevant provisions of the Code of Criminal Procedure (Sections 78,79,79a-79f, 47, 347)
Sec. 232a, (2a),(3d),(4b) c) Sec. 204, (1)	19 x Sec. 79a – CZK 1,016,967 23x Sec. 78(83) – CZK 1,818,333
Sec. 204, (1) Sec. 232a, (2a)	1x Sec. 79a – CZK 366,000 1x Sec. 78(83) – CZK 793,467
Sec. 232a, (2c),(4c)	5x Sec. 79a – CZK 22,500,000 1x Sec. 79c – CZK 5,000,000 1x Sec. 79d – CZK 14,500,000 1x Sec. 79e – CZK 450,000
Sec. 232a, (2c), (3a)	1x Sec. 78 – CZK 766.000

The aforementioned amounts illustrate the hardship of police action against offenders of this serious crime. Confiscation of proceeds from offenders of trafficking in human beings for whom high profits are the main motivating factor for committing such crimes is one of the most effective punishments. However, it is important to note that the amounts were seized within the course of criminal proceedings by the Czech police but the courts have not yet lawfully decided about their complete confiscation.

Victims of Trafficking and Provided Assistance

This section describes the situation in the Czech Republic in the area of trafficking in human beings through available information on victims of this type of criminal offence.

In previous years the Report on Functioning of the National Coordination Mechanism always for the previous year was drawn up on the basis of internal management acts (Instruction of the Minister of the Interior No. 64/2007 of 26 October 2007 establishing an Interdisciplinary Working Group within the National Coordination Mechanism for supporting and protecting victims of trafficking in human beings). In general, it is a Report on the results of the Programme and related activities. The Report provided information only on victims included in the Programme. The NRM which was, until the Act on Social Services entered into force, understood as a reference mechanism established to coordinate activities within the Programme, gradually gained a broader dimension. Now issues relating to victims included in the Programme as well as victims outside of the Programme are being solved at the coordination meetings and by the IMCG.

If taking into account ever wider options to finance care for victims from other sources it was included in the Plan of Tasks regarding Implementation of the National Strategy to Combat Trafficking in Human Beings (2008-2011) to draw up and annually update a Status Report on Trafficking in Human Beings for the Minister of the Interior, including a description of the situation and measures adopted within prevention and within the Programme. The following part, which maps out in full detail available financial resources as well as providers of services and support for victims of trafficking in human beings in the Czech Republic, is submitted for the first time in 2008. Discussions with partners concerning the collection of relevant data and other possible sources of information will continue during the upcoming period.

Current information on victims is available from several sources which are not, however, interconnected and as a result such data cannot be mutually compared. As will be explained below, some information sources overlap or contain information on groups of persons other than exclusively victims in trafficking in human beings. Another problem, when considering the available sources, is a missing consensus on how to understand the definition of trafficking in human beings for the purpose of “forced labour and other forms of exploitation”, i.e. terms used in the provisions of Sec. 232a of the Criminal Code. It is considered that with an ever higher number of solved cases of this type it will be possible to reach an approximation of interpretation of the terms used by individual actors.

A basic critical moment which cannot be easily overcome in the future either is the motivation and internal rules of any entity which identifies a person as a victim of trafficking in human beings. The Czech police respect exclusively the legal framework of the Czech Republic and internal management acts. Although NGOs also build on the definition of trafficking in human beings pursuant to the provisions of Sec. 232a of the Criminal Code, they may rely exclusively on a persuasive interview with a client, i.e. they do not need to further verify the facts.

Despite the above-mentioned heterogeneities of the two sets of identified victims, these sets create other sub-sets and intersections. An example of such an intersection can be persons who were provided with social services in 2008 in La Strada. In total 66 trafficked and exploited persons made use of such services. This group can be, according to the nature of the services provided, divided into two sub-groups: persons who were interested in using a comprehensive range of services (27 persons), and

those who used only a contact, usually a one-off consultancy (42 persons¹⁰). Out of 27 persons who used a whole range of services, 13 persons cooperated with the organisation continually during previous years and 14 persons were newly identified in 2008. In 2008 among the clients of La Strada were also 12 trafficked persons who were included in the Programme. Of this number six persons were newly included in the year reviewed. However, it cannot be said that only the persons who were provided comprehensive social services were trafficked persons. It is very probable that trafficked persons were also among those who only availed themselves of the consultancy service.

Another set of victims with a number of sub-sets comprises for example trafficked persons who legalised their residence in the Czech Republic on the basis of the provision of Sec. 42e of Act No. 326/1999 on the Residence of Foreign Nationals in the Czech Republic, as amended (hereinafter referred to as the Act on the Residence of Foreign Nationals). By including Sec. 42e in the Act on the Residence of Foreign Nationals, obligations arising from Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities have been transposed to Czech law. Under the provisions of Section 42e likely victims of trafficking in human beings are obligatorily provided a reflection period of one month so as to decide whether or not they want to cooperate with law enforcement authorities. Victims who decide to cooperate with law enforcement authorities are granted by the MoI a long-term residence permit for the purpose of protection in the Czech Republic. During the reflection period the foreign national may not be expelled and his/her residence in the Czech Republic may not be terminated. This type of residence under Sec. 42e of the Act on the Residence of Foreigners can be used both by victims included in the Programme and victims who are cared for by NGOs outside of the Programme - but the costs for assistance services are financed from different sources.

From 1 January 2008 to 31 December 2008 there were in total 31 proceedings taking place under the provisions of Sec. 42e the Act on the Residence of Foreign Nationals. In 13 cases a decision on a residence permit was issued; in 15 cases residence permits were extended; and in three cases residence permits were withdrawn.¹¹

The form and method by which the aforementioned Directive was transformed into the Act on the Residence of Foreign Nationals as well as some examples of application of the provisions of Sec. 42e of the Act on the Residence of Foreign Nationals were in 2007 subject to comments from NGOs. Discussions between NGOs and relevant departments of the MoI dealing with interpretation and

¹⁰ *Of 42 persons who made use of contact consultancies, three persons later requested to be provided more services, however these three persons were included in the total number of persons who were provided social services only once.*

¹¹ *Such residence permits were granted not only to probable victims of trafficking in human beings but, in compliance with options provided for in sec. 42e of the Act on the Residence of Foreign Nationals, also to persons who were smuggled across the national border or were who enabled to cross the national border illegally and/or persons who were assisted to illegally reside in the Czech Republic and whose testimony is important for detecting the offender or organised group involved in organising or enabling such illegal crossings of the national border, or in assisting illegal residence in the Czech Republic. Both likely victims of trafficking in human beings and persons who were smuggled to the Czech Republic may be granted a long-term residence permit under Sec. 42e of the Act on the Residence of Foreign Nationals provided that they cooperate with law enforcement authorities in criminal proceedings directly relating to the crime concerned and providing that they do not cooperate with the suspects. When comparing the numbers of victims stated in this chapter and the number of granted residence permits, the number of granted residence permits is very low.*

practice continued in 2008. NGOs do not consider the current situation to be satisfactory despite certain improvements.

Victims of Trafficking in Human beings and the Act on Social Services

Adoption of the Act on Social Services meant an essential shift in care for trafficked people and an approximation to internationally accepted standards in the area of human rights. This Act, which came into effect on 1 January 2007, regulates conditions for the provision of assistance and support to natural persons in adverse social situation by means of social services and conditions for contributions for care, for issuing licences for the provision of social services, the execution of state administration in the area of social services, inspection of how social services are provided, the form and method of funding, and prerequisites for performing social services. Under this Act organisations registered for the provision of social services under Sec. 78 of Act 108/2006 Coll. on Social Services, as amended, can provide necessary social services to victims of trafficked in human beings.¹² This means that theoretically the Czech Republic is currently able to provide assistance in the form of social services to each identified victim of trafficking in human beings regardless of his/her willingness to cooperate with law enforcement authorities. A possibility to provide social services to trafficked persons within the limits of the Act on Social Services should be unambiguously assessed as a positive step, taking into account the humanitarian point of view of care for victims of trafficking in human beings.

Social services can be provided only on the basis of authorisation for the provision of social services. This authorisation is approved by a decision on registration (Sec. 78 of the Act on Social Services). The list of registered providers of social services is publicly accessible in the Register of Social Service Providers on <http://iregistr.mpsv.cz/socreg/>. Social services include social consultancy, social service care and social prevention. Social services are provided as boarding services, non-resident services or street-work services. The list of persons who are authorised to provide social services if they satisfy conditions stipulated by the said Act is laid down in Sec. 4 of the Act on Social Service.

As of 13 January 2009 the Register of Social Service Providers listed in total 110 social service providers who indicated that one of their target groups is a group of victims of trafficking in human beings. The following social services are provided:

- Professional social consultancy – 58
- Houses of asylum – 18
- Telephone assistance lines – 9
- Crisis assistance – 8
- Socially activating services for families with children – 2
- Street-work programmes – 9
- Social rehabilitation – 4
- Intervention centres – 1
- Low-threshold facilities for children and youth – 1.

The MLSA does not possess data on individual persons who were provided with social services by specified providers. Providers of boarding social services stated in the Register of Social Service Providers

¹² *The list of authorised persons who may provide social services and receive contributions for care is regulated by Sec. 4 of Act No. 108/2006 Coll. on Social Services, as amended.*

as well as in their applications the number of beds and providers of non-resident and street-work services, the number of contacts, interventions and users of social services. More detailed data on users of individual social services may be provided by relevant social service providers, in particular NGOs, operating in the field of assistance to victims of trafficking in human beings. As was stated above, as of 13 January 2009 there were in total 110 social service providers who indicated that one of their target groups is a group of victims of trafficking in human beings. However, it is necessary to realise that the majority of registered social service providers are organisations which primarily focus on more or wider groups of persons i.e. other than only victims in trafficking in human beings.

Therefore when drawing up the 2008 Report, the MoI requested, within a pilot project, statistical information only from NGOs which are profiled as NGOs dealing exclusively with trafficking in human beings (La Strada) or for whom most of their work is devoted to care for victims of trafficking in human beings (Magdala Project of the Archdiocese Charity Prague). IOM Prague was also addressed, since this organisation organises the safe and voluntary return of victims of trafficking in human beings to their countries of origin.

Despite an unquestioned benefit of the Act on Social Services NGOs mention also certain deficiencies in the funding system, *inter alia*, limited possibilities of medium-term or long-term planning. Insufficiencies are also seen in the fact that subsidies provided on the basis of the Act on Social Services are always for one year. It holds true that the MLSA publishes its subsidy programmes every year, meaning that it subsidised social services always for one year. Multiple-year funding is allowed in the framework of projects financed by the European Social Fund (hereinafter referred to as the 'ESF') through the Operational Programme "Human Resources and Employment" (hereinafter referred to as 'OP HRE'). Allocation of a subsidy from the state budget of the Czech Republic as well as from the ESF through OP HRE is conditional upon the necessity to provide such social service in the given region and the service must be consistent with a medium-term plan for the development of social services in the region concerned.

In addition to the Act on Social Services the position of victims of trafficking in human beings is strengthened also thanks to other legislative amendments approved in relation to the adoption of the new Criminal Code (for more information see the chapter "Legislative Amendments in Relation to Trafficking in Human Beings Adopted in 2008").

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

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

Perhaps the most interesting data is the figure demonstrating the total number of victims of trafficking in human beings identified by the Czech police on the basis of the provision of Sec. 232a of the

Criminal Code. In 2008 altogether 119 victims of trafficking in human beings were identified.

Numbers of victims of trafficking in human beings identified in 2008 by the Czech police on the basis of the provisions of Sec. 232a of the Criminal Code; males and females, groups of persons¹³ and groups by regions									
	CZ	Prague	CB	SB	WB	NB	EB	SM	NM
Males									
Females	11				1	6		1	3
Groups of persons	108	12	14	28	16	16		17	5
Number of groups	18	3	2	4	2	2		3	2
Total	119	12	14	28	17	22		18	8

When the above figures are compared for example with total numbers of victims registered by the Czech police as groups of persons between 2003 and 2007 there has been an unambiguous increase (2003 – in total 53 persons, 2004 – in total 72 persons 2005 – in total 43 persons, 2006 – in total 63 persons, 2007 – in total 33 persons). Most victims (in total 28) were recorded in the South Bohemian Region and in the North Bohemia Region – 22 victims. These two regions were followed by the South Moravian Region (18 victims), the West Bohemian Region (17 victims), the Central Bohemian Region (14 victims), Prague (12 victims), and the North Bohemian Region (eight victims). No victim was identified in the East Bohemian Region.

Another available set of data offers an overview of the ages of victims of trafficking in human beings.

Only one victim of a crime under Sec. 232a of the Criminal Code who was under 15 years of age was reported in the statistical records of the Czech police. The victim was identified in the West Bohemian Region. As regards the age group between 15 and 18 years, in total three victims of trafficking in human beings were recorded – in the North Bohemian Region. The most numerous group of victims (in total four victims) consisted of victims of between 18 and 30 years. Two were identified in the North Bohemian Region and two in the North Moravian Region. One further victim in the age category between 31 and 41 years was reported from the North Moravian Region; and one victim was included in the category of age between 41 and 60 years. This victim was identified in the North Moravian Region. One victim without age specification was identified in the South Moravian Region. All eleven registered victims were women.

Further, the Czech police report victims in terms of nationality, i.e. whether the victim is a Czech national or a foreign national. Of the total number of 119 victims 51 were foreign nationals.

¹³ The police statistics register victims either as individuals or as groups of victims (for example on a large scale case); then the number of victims in a group is recorded.

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

Fundamental Principles of the Functioning of the Programme

The Programme offers assistance to victims of trafficking in human beings and motivates them to cooperate with law enforcement bodies so that they can contribute to the punishment of offenders of this serious crime. Trafficked persons are offered within the Programme crisis psychological and social or health assistance, accommodation, support in integrating into normal life, and so forth. As regards foreign nationals, both males and females, their residence status is changed.

The current Programme is based on the “Model of Support and Protection of Victims of Trafficking in Human Beings for the Purpose of Sexual Exploitation” which was financed through the project of the UN Office on Drugs and Crime (UNODC) from March 2003 to December 2004. In April 2004 a pilot model was renamed and became the current Programme.

The Programme was made formal in 2005 when the MoI entered for the first time into an agreement with La Strada and the Archdiocese Charity Prague – this was the Agreement on Cooperation in order to Support and Protect Victims of Trafficking in Human Beings.

In 2008 internal management acts of the MoI regulating the functioning of the Programme¹⁴ were updated. The changes lay mainly with the following four aspects. The first was empowerment of the director of the Crime Prevention Department to be able to include and exclude victims of trafficking in human beings in and from the Programme (originally this was the responsibility of the first Deputy Minister of the Interior). The objective of this measure is to speed up the functioning of the Programme including legalisation of residence of victims in the Czech Republic. The second aspect was to extend the reflection period. This time limit serves victims so as to decide whether they want to cooperate with law enforcement authorities. The time limit was extended, from 30 to 60 days. The third aspect was involvement of other entities in cooperation within the Programme (for example the Refugee Facility Administration). The last, fourth aspect was to include an option to provide, within the Programme, care for those victims of trafficking in human beings who are not able to cooperate with law enforcement authorities (for example because of their low intellect, a high degree of psychological distress, and so forth). In such cases only certain circumstantial evidence is enough for the victim to be included in the Programme (for example the effort of the victim to leave the criminal environment, willingness of the victim to cooperate with law enforcement authorities along with the positive statement of a relevant NGO or the Czech police that the person is a victim of trafficking in human beings). Such a victim may remain in the Programme simply on the basis of a medical certificate, without meeting the condition of cooperation with law enforcement authorities. But these are specific cases. It may be said that the condition of cooperation with law enforcement authorities is maintained within the Programme with the exception of several cases. However, it is still valid that NGOs can provide assistance outside the framework of the Programme – i.e. the assistance is paid from other sources (for example the

¹⁴ *Instruction of the Minister of the Interior No. 64 of 26 October 2007 establishing an Interdisciplinary Working Group within the National Coordination Mechanism to support and protect victims of trafficking in human beings and the Guidelines of the First Deputy Minister of the Interior No. 5 of 26 October 2007 on the functioning of the Programme to Support and Protect Victims of Trafficking in Human Beings and on responsible institutions. Both internal acts were newly published in the Journal of the Ministry of the Interior, item 99/2007.*

aforementioned subsidies of MLSA or EU funds) – to victims who are not interested in being included in the Programme.

Description of Victims Included in the Programme

Between 2003 and 2008 in total 89 victims of trafficking in human beings were included in the Programme.

In 2008 altogether 24 persons were included; of this number 17 were women and seven were men. (In 2007 in total 15 women and three men were included). Of 24 victims included in 2008 in the Programme 18 persons were taken care of by the Archdiocese Charity Prague and six persons were cared for by La Strada. When considering the data from the table below it may be stated that the numbers of victims included every year in the Programme show an upward trend; especially the number of victims of forced labour is on the rise. In 2008 in total 16 victims of trafficking in human beings for the purpose of forced labour were identified (in 2007 only three persons were reported) and in total eight victims of trafficking in human beings for the purpose of sexual exploitation were identified (in 2007 – 15 persons).

Numbers of victims included in the Programme from 2003 to 2008							
	2003	2004	2005	2006	2007	2008	TOTAL
Czech Republic		2	3	4	5	4	18
Slovakia		3		1	1	1	6
Moldova	3						3
Ukraine		1	6	3	3	7	20
Bulgaria		2	4		1		7
Vietnam	1		3	3	2		9
Romania				3		6	9
Macedonia					2		2
Russia	1	1			3	1	6
Kyrgyzstan		1			1	1	3
Lithuania		1	1				2
Uzbekistan						1	1
Brazil						3	3
TOTAL	5	11	17	14	18	24	89

The below table also demonstrates that in 2008 a long-term trend persisted whereby persons from Ukraine created the largest group of victims of trafficking in human beings. The second largest group consisted of nationals of Romania. For the first time since 2003, victims from Brazil emerged. These victims made up one group of persons, and no other links to Brazil occurred during the course of 2008. According to information from the Czech embassy in Brazil, from January 2009 no cases of transporting Brazil nationals to the Czech Republic were detected (source of information: the Ministry of Foreign Affairs of Brazil). The Czech embassy does not have any relevant information of such transportation.

Further available data from the Programme is information on age categories and nationalities of victims of trafficking in human beings. The age category was included in the Programme to maintain the anonymity of persons included in the Programme. The most numerous group was, as in 2007, the group of persons between 24 and 30 years. A further two age groups, 18 – 23 and 23-30 years, were in 2008, as in the previous year, the second most numerous groups. The fact that an increase was seen in the age group between 41 and 50 years relates to victims of forced labour. In 2008 no person was reported in

the group over 51 years of age (in 2007 this group comprised three persons).

Age groups of victims included in the Programme in 2008						
	18-23	24-30	31-40	41-50	51+	TOTAL
Czech Republic	1	2		1		4
Slovakia		1				1
Ukraine	1	2	2	2		7
Romania	1	2	3			6
Russia		1				1
Kyrgyzstan			1			1
Uzbekistan			1			1
Brazil	2	1				3
TOTAL	5	9	7	3		24

Information on the form of terminating the participation of victims in the Programme is interesting. In the course of 2008 in total 19 persons were withdrawn from the Programme. Five persons identified in 2008 remain in the Programme. The participation of nine foreign nationals in the Programme was terminated by their voluntary return to the country of origin. One Czech national had arranged for them voluntary return from Denmark to the Czech Republic (for more information see “Safe and Voluntary Return to the Country of Origin”). In total twelve victims have remained in the Programme for a long time – from 2005 to 2008. Of them two persons are Czech nationals.

When evaluating data from the Programme as well as information obtained from NGOs it is obvious that Czech nationals are still among victims of trafficking in human beings. Therefore it is necessary to continue in preventive and informative activities not only in source countries but similar activities must be reinforced also in the Czech Republic. Cooperation on this matter with other institutions and organisations seems to be necessary.

Database of Trafficked Persons Included in the Programme

In 2008 a project objective to create a “Trafficked Person Information System” was approved. Currently the Crime Prevention Department maintains records of victims included in the Programme manually. The proposed information system is a software database designated for the collection of data from clients included in the Programme. For the collection of such data, certification for the collection of personal data issued by the Office for the Protection of Personal Data will be required. The software is being tested and it will be launched in summer 2009.

The objective of the “Trafficked Person Information System” is to collate the data concerning victims of trafficking in human beings included in the Programme to Support and Protect Victims of Trafficking in Human Beings or persons for whom voluntary return to their country of origin was arranged. The register should provide reports and classify the data according to different filters, as well as to process the data so that it may be used as statistical information.

Safe Voluntary Returns to the Country of Origin

An integral part of care for and assistance provided to victims of trafficking in human beings is a Programme of Voluntary Returns enabling trafficked persons to return with dignity, safely and freely to their country of origin. The Programme of Voluntary Returns can be used also for Czech nationals who become victims of trafficking in human beings abroad. The Programme of Voluntary Returns is intermediated by IOM Prague.

From 2003 until 2008 in total 41 voluntary returns were conducted; of them ten returns were arranged for Czech nationals so that they could return to the Czech Republic.

In 2008 altogether ten voluntary returns were implemented, out of which three persons returned to Brazil, one person returned to Ukraine, one to Slovakia, four persons returned to Romania, and one Czech national returned from Denmark to the Czech Republic.

Returns to the country of origin are arranged, to a small extent, outside the Programme. These are cases where costs are covered by a foreign organisation or the victim him/herself. This depends on the individual circumstances of the case and, in particular, on the needs and wishes of the victim.

A certain weakness concerning the organisation of voluntary returns is the area of risk assessment. It is necessary to assess the risks a person can face when he/she returns home. Although nothing prevents the Czech police from issuing a supporting opinion that a trafficked person should stay in the Czech Republic after the criminal proceedings are closed, if such person is endangered in the country of origin, this possibility is used only in some cases.

As a result the practice concerning the organisation of voluntary returns to the country of origin differs from rules specified by other organisations. For example La Strada states that prior to returning a client to the country of origin they develop an individual security plan including model solutions to situations of different types of jeopardy. If a client does not wish to enter into contact with an assisting organisation he/she receives a list of contact data and the description of a range of services to be used in the case of an emergency.

Alongside other things, the participation of the MoI in the project of the International Centre for Migration Policy Development (ICMPD) should contribute to increasing the effectiveness of the whole system of assistance to victims of trafficking in human beings. The project is entitled “International Referral Mechanism for Victims of Trafficking in Human Beings in Source and Target Countries”. An aspect of risk assessment, including the respective preparation of victim to face such risks, should be incorporated into the ICMPD during the upcoming period, to become an integral part of the whole system of voluntary returns.

Information on Victims of Trafficking in Human Beings Provided by Non-governmental Organisations

Although subsidies from the state budget of the Czech Republic for the provision of social services were not introduced by the Act on Social Service¹⁵, it may be stated that from the date on which the Act on Social Service came into effect, i.e. from 1 January 2007, the group of persons to whom NGOs provide social services outside the Programme is becoming more numerous. Information on trafficked persons not using services within the Programme is extremely important, in particular for evaluating the effectiveness of strategic measures and the preparation of new measures.

Therefore the MoI commenced negotiations with NGOs and at the same time decided to be engaged in the aforementioned project entitled "Data Collection and Harmonized Information Systems". With regard to limits set by Act No. 101/2000 Coll. on the Protection of Personal Data, as amended, the MoI managed to achieve a compromise at the end of 2008 and a standardised list of data which will be gathered during the course of 2008 by NGOs was specified. Within the six month period the selected NGOs will provide the MoI with an evaluation of data in the form of statistical reports. The MoI will then process and submit comprehensive information to individual providers. This is a pilot initiative which will be evaluated, on an ongoing basis, both by the MoI and by NGOs.

La Strada Czech Republic, o. p. s.

Basic Information on the Organisation

La Strada started to operate in the Czech Republic in 1995 as a project of the ProFem organisation. Since 1998 it has been registered as a separate legal entity. It is a founding organisation of the International Alliance of La Strada together with eight member organisations in another eight European countries (Belarus, Bosnia and Herzegovina, Bulgaria, the Netherlands, Moldova, Poland, Ukraine and Macedonia), with its international secretariat having a seat in the Netherlands. Furthermore, La Strada is a member organisation of an international alliance – the Global Alliance Against Trafficking in Women - with an international secretariat in Bangkok (GAATW) and the Platform for Cooperation on Undocumented Migrants (PICUM). In the Czech Republic La Strada is part of the association of legal entities – the Forum for Integration (FORINT). 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 person 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 taking into consideration of needs and problems of the target groups in all activities. La Strada provides social services to a target group, pays attention to prevention and training, and through legal activities it strives to achieve systemic changes or legislative amendments with a view to preventing trafficking in human beings and preventing the exploitation of

¹⁵ *Subsidies from the state budget of the Czech Republic have been allocated in the area of provision of social services to the benefit of persons who found themselves in an adverse social situation since 1991. Through adoption of the Act on Social Services the services concerned were precisely defined, including the form and method of funding.*

such persons and to protecting the rights and interest of the target group. The main principles according to which the organisation is governed are equality and non-discrimination, and a human rights approach towards the issue of empowerment, i.e. an emphasis is placed on elimination of vulnerability and dependency on strengthening of the own resources and competences of the target group.

Since the effective date of the Act on Social Services, i.e. 1 January 2007, social services of La Strada determined for trafficked persons¹⁶ have been covered from funds provided by the MLSA. In 2007 La Strada was registered as a provider of social services and since that year it has provided three types of social services for trafficked and exploited persons:

- Professional social consultancy – Sec. 37 of the Act on Social Service,¹⁷
- Crisis assistance - Sec. 60 of the Act on Social Service, and
- Asylum houses - Sec. 57 of the Act on Social Service.

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

La Strada draws on grants provided by the Mol for specific activities pertaining to the area of trafficking in human beings. These are mainly legal advisory and representation, street work, prevention and other activities.

An important part of the activities carried out by the organisation is the operation of INFO and SOS lines which function three days a week. Currently the line is operated, during specific hours, apart from in the Czech language in the Russian, Romanian, Moldovan and English languages. Outside working hours there is voice mail. The line serves as a “gateway” to the organisation – La Strada can be contacted by persons who were trafficked (both in the Czech Republic and abroad), by their relatives or friends, and also by the general public, i.e. people who have a suspicion that they are aware of trafficking in human beings, and of course by clients of sexual services, and so forth. The second key role of the line is to offer preventive consultancy, provided most often before the journey abroad where the person is to be employed. Such consultancy includes security information and instructions on how to prevent trafficking in human beings and how to behave in a respective emergency situation. Clients also receive contact information on assisting organisations and other useful institutions. People can contact La Strada also via e-mail. In 2008 La Strada implemented 705 contacts to the benefit of 315 persons who contacted La Strada via e-mail.

Trafficked Persons in La Strada

In 2008 La Strada provided social services in total to 66 trafficked and exploited persons.

As a matter of fact, persons who used the services of La Strada can be divided into two groups: the first group is made up of trafficked and exploited persons who during the course of cooperation use

¹⁶ In compliance with trends at the international level La Strada prefers for target groups the term “trafficked persons”. The term “victim” is avoided as this can imply passivity or helplessness.

¹⁷ Consultancy is provided also to persons who underwent or who are in a situation close to trafficking in human beings or exploitation and persons who are closely related to trafficked or exploited persons, people who are seeking jobs or travel abroad, as well as to other people who might be interested in information on how to prevent risks of trafficking in human beings or exploitation.

several social services registered under the Act on Social Services and who solve, along with the organisation, their situation comprehensively, including lodging services (hereinafter referred to as 'comprehensive social services'). The second group consists of persons who use only the professional consultancy service either because they are not interested in other services and are able to understand their situation on the basis of one or more anonymous personal consultations, or they cannot be provided any other services (hereinafter referred to as 'contact consultancy').

Comprehensive social services were used in 2008 by 27 persons and 14 of them began to cooperate with the organisation in 2008. At the same time the organisation provided in 2008 contact consultancy to 42 persons, predominantly to those exploited at work or those who found themselves in a situation close to trafficking or exploiting.

As regards the data related to labour exploitation, La Strada mentioned in the document drawn up and provided as a supporting material for this Report the problem with non-uniform interpretation of the terms 'labour force and other forms of exploitation' used within the provisions of Sec. 232a of the Criminal Code.

In 2008 in total 12 persons included in the Programme used social services provided by La Strada, while six persons were newly included in 2008. In the vast majority of cases these were persons who used comprehensive social services.

Trafficked Persons Who Used Comprehensive Social Services Provided by La Strada and Who Were Not Included in the Programme

As was mentioned above, in order to reinforce the collection of information on trafficked persons, data on persons who were not included in the Programme is very important. Within social services provided by La Strada it is primarily trafficked persons who used comprehensive services and Czech nationals fall into this category. Further, there are persons who were trafficked from EU countries and those who do not want to cooperate with the Czech police or legally reside in the Czech Republic.

In 2008 in total 16 persons could be included in one of the above categories. Twelve of them were of Czech nationality, two were Slovak nationals, one person came from Ukraine and one person was a citizen of Kyrgyzstan. In all cases these persons were women.

Women - Foreign Nationals

Information, as to where women find out about services provided by La Strada, seems to be very useful data for evaluating the efficiency of preventive and informative or promotion campaigns. In three cases information on assistance was provided by the Czech police (twice by regional or district CPIS and once by the UCOC). In one case this information was obtained from a leaflet distributed by La Strada to a centre for international protection seekers. All four clients cooperated with the Czech police.

The group of foreign national women was quite diversified if various aspects are taken into account. In total two women were in the age category of between 18 and 23 years, one woman was in the group between 24 and 30 years, and one woman was in the group of over 51 years of age. One woman was a widow and three were single. Two women had only a basic education, one had completed secondary education, and one had completed secondary vocational education.

Mere statistical data expressing numbers of trafficked persons or statistics describing provided services does not fully depict the course of trafficking in human beings in the Czech Republic and what the real situation of trafficked persons is. As a result La Strada provided for the purposes of this Report brief stories of its clients. It is apparent from the published stories that the situations are complicated and must be solved on an individual basis. It is also obvious that despite the fact the Czech Republic provides a wide range of assistance services tailored for trafficked persons, some of them are not interested in such services and unambiguously prefer to return as soon as possible to their country of origin.

A foreign national woman¹⁸ contacted La Strada after intervention and investigations¹⁹ of the OCOC in spring 2008. She had had imposed on her administrative expulsion and an exit order and she had decided to leave for her country of origin and to bear all the costs herself; she was not interested in cooperating with the police and in further services of La Strada.

The woman had decided to arrive in the Czech Republic as she had been offered a job (cleaning at a construction place, ancillary work in a restaurant) by an acquaintance of hers. After she arrived in the Czech Republic she was told that the promised jobs were not available and the only option to earn money was to work as a prostitute in a private flat. At first, the woman refused to do that. But then she was threatened by the offenders. For example they threatened to report her to an alien police inspectorate or to inform her family in her country of origin that she earned money as a prostitute. She was also physically assaulted, beaten and her 'employers' refused to provide her with food. As a consequence, the woman succumbed to the pressure and started to provide sexual services.

After her experience the woman decided to return to her family and was not interested in follow up care.

A foreign national woman had cooperated with La Strada since 2007 and finished her cooperation in 2008. La Strada provided the woman with accommodation and also social consultancy services. She was an international protection seeker.

The woman left her country of origin due to economic, social and security reasons. She arrived in the Czech Republic on the basis of a tourist visa and then she sought asylum. Following that the woman found a job in a bakery through her friend of the same nationality. She worked there in hard conditions, did not receive her pay, was threatened with physical assault and worked under psychological pressure.

The situation of Slovak national women is slightly different. But despite cultural and language proximity and the fact that the Czech Republic and Slovakia are EU member States and belong to the Schengen area, Slovak women are also trafficked to the Czech Republic. We are specifically noting this example because the general public still believe that for example victims of trafficking in human beings are exclusively uneducated foreign girls and women who are not able to orient themselves in the target country.

¹⁸ The nationality of the client is not specified due to the need to maintain her anonymity.

¹⁹ These are the terms used by the Czech police. They denote the measures aiming at the apprehension of an offender, collecting evidence against an offender, and some other respective procedural acts.

Of two Slovak female clients of La Strada identified in 2008 only one of them uses the services of this organisation in 2009. This woman currently does not use accommodation provided by La Strada but lives in a private flat. La Strada provides her with consultations, representations and professional social consultancy.

The women arrived in the Czech Republic from Slovakia as they had been offered work intermediated through a family member and they started to work in a factory. Later they were not happy with the working conditions and took up an offer from their friend from Slovakia. He offered for them to work as waitresses or dancers at discos. However, the man took the women to western Bohemia where he sold them to a night club. There both women started to provide sexual services under threats of physical assault. They repeatedly attempted to run away, however, they were each time captured and brutally hit. They were set free from the club by the Czech police after approximately two months.

One of the clients wished to return to her family living in Slovakia and there a follow up care was arranged for her.

As regards the Czech Republic another important source country is Ukraine. Every year care is provided to several women from Ukraine and in recent years also to men.

Women from the Czech Republic

The situation of and the care for clients who are female Czech nationals is in many aspects specific. There were in total twelve Czech nationals who were provided with services by La Strada but who were not included in the Programme (usually because they were not interested in participating in the Programme). All clients were exclusively women. Of these women five had been cooperating with La Strada for a long time (one since 2005, two since 2006, and one from 2007).

The average age of Czech clients was 27 years with the youngest being 17 and the oldest 46 years. In total seven women were single, one was a widow, two were married and two were divorced.

The majority of women (10 of 12) had completed secondary education and only two had received just a basic education.

Three women contacted La Strada through foreign assisting organisations, in the Netherlands, Denmark, and Switzerland. One sought the services of La Strada through a Czech assisting organisation. The remaining clients made their first contact via a telephone line of La Strada or the Czech police who intermediated the contact.

In 2008 offenders used as the most frequent form of forcing Czech women and girls into obedience - physical violence, particularly beating, withholding food, and forcing them to take drugs and then abusing their drug addiction. However, the women were also placed under psychological pressure, and were threatened by physical assaults or by death. They were in debt slavery. The recruitment of girls and women was done through friends and family members, and in one case a women was kidnapped.

As regards Czech women, the necessity to solve debts incurred during the time while they were trafficked occurred repeatedly. These were either debts which were incurred because women could not

pay mandatory health insurance, or debts from unpaid loans. These involved situations where a woman was forced to sign a loan agreement with a credit entity and in some cases under the pretext that such debts would be repaid by somebody else. However, the offender kept goods or finance gained in this way and, of course, did not pay instalments. Such debts were between thousands and ten of thousands of Czech crowns.

Eight out of twelve women cooperated with the Czech police. A significant factor which influenced and formed cooperation of Czech clients with the police was their psychosomatic state. These women demonstrated, to a large extent, symptoms of posttraumatic stress disorder, in particular sleeplessness, disorders in eating food, nightmares, hostility, aggression and auto-aggression, anxiety, and fear. Health problems such as headaches, back ache and stomach ache, gynaecological problems, inflammations of different kinds, allergies including allergy to aleurone were not exceptions. In one case hepatitis of a C type was tested and two women were hospitalised because of possible appendicitis. One client also suffered from carditis. And it is significant to note that two clients were drug addicts (pervitine, cocaine, and heroine) and this problem had to be solved. How trafficking can affect health conditions of trafficked people when they are set free from the environment of exploitation is well described in the study called 'Stolen Smiles'.²⁰

All clients were in 2008 provided a service of professional consultancy which included also legal consultation, representation and supportive psychological and social consultancies. Two clients were also provided, for part of the year, with accommodation. In total seven clients terminated their cooperation with La Strada in 2008.

Other La Strada Activities

Apart from activities pertaining to the area of social services provided to trafficked persons and persons exploited in the labour market, and in addition to preventive, training and legal activities supported, in particular, by subsidies from MLSA and the Mol, La Strada Czech Republic launched in 2007 two two-year projects focusing mainly on activities in the area of advocacy.

Through its project 'Implementation of a Multidisciplinary Approach with the Aim of Finding an Adequate Solution for Issues of Trafficking in Human Beings', implemented under the financial support of the Open Society Institute, La Strada Czech Republic wishes to raise awareness of the issue of trafficking in human beings and to extend the activities of the organisation in the area of human rights and advocacy with a view to enforcing new mechanisms and tools to be used in the fight against trafficking in human beings and exploitation in the labour market.

The second project was launched under the title 'Seeking Effective Solutions in the Issues of Trafficked and Exploited Persons'. The project was financially supported by the Trust for Civil Society in Central and Eastern Europe. La Strada concentrated, *inter alia*, on the issues of migration and benefits of migration in the Czech Republic in the context of trafficking in human beings and exploitation of persons in the labour market, with the aim of encouraging wide-ranging discussion.

²⁰ Zimmerman, C.: *Stolen smiles: a summary report on the physical and psychological health - consequences of women and adolescents trafficked in Europe; the London School of Hygiene & Tropical Medicine, London, 2006.*

In Autumn 2008 La Strada was involved in the initiative of European non-profit making organisations and international organisations, paying attention to the right of trafficked persons for indemnification. This initiative led to the establishment of the European Coalition COMP-ACT EUROPE (European Action Pact for Compensation for Trafficked Persons). COMP-ACT EUROPE associates NGOs providing services to trafficked persons, lawyers, trade unions, migration organisations, and academicians. COMP-ACT strives to:

- map out, at the national level, manners by which a trafficked person can be indemnified and to implement projects supporting trafficked persons in receiving such indemnification; and
- support, at the international level, lobbying and inclusion of rights for the indemnification of trafficked persons in programmes of international organisations, action plans and obligations of countries to provide compensation to trafficked persons.

A significant activity carried out by La Strada is also street work with respect to the area of labour exploitation. Such activities are implemented in migrant communities with an emphasis placed on Russian and Vietnamese speaking groups. In addition to the dissemination of information on assistance options and rights of workers, this kind of work appears to be an important tool for obtaining information on labour exploitation. Street work is covered either from the subsidy programme of the MoI or it is co-financed by the Open Society Institute and Trust for Civil Society in Central and Eastern Europe within the aforementioned projects. In 2008 La Strada completed the report - 'Vietnamese Workers in Czech Factories' which will be available at the beginning of 2009.

Magdala Project of the Archdioceses Charity Prague

The Magdala Project deals mainly with all activities relating to topics of trafficking in human beings and violence. It is a networking project which connects consultancy services, asylum houses and help lines within the organisation known under the name of the Charity of the Czech Republic. A representative of this Project participates in meetings of the IMCG.

The content of the Magdala Project can be divided into several areas. The first area is direct work with clients which encompasses also assistance to victims of trafficking in human beings, in particular women and children. Assistance is offered to victims of trafficking in human beings both for the purpose of sexual exploitation and labour exploitation. The Magdala help line which focuses on assistance to victims of violence and trafficking in human beings is also an important activity. In particular persons interested in information on the issue of trafficking in human beings or how to travel safely contact the help line. Operators of the line recorded also several requests for intermediating contacts in acute emergency situations and other specific requests (predominantly requests for accommodation). In 2008 the line recorded 599 incoming calls.

Direct work with clients includes also street work in regions with a high occurrence of commercial sexual service (the Teplice and Chomutov districts, southern Moravia – the Znojmo district). Social street workers of this organisation in 2008 contacted approximately 300 women at least once; 200 were contacted in 2008 repeatedly. These were especially women from Slovakia, Ukraine, and the Czech Republic. Workers of the Magdala Project address women on their "route" and visit erotic clubs. A project coordinator estimates that minimally half of the contacted women are persons who probably do not work as prostitutes voluntarily. They are allegedly women who cannot see any other solution than to work as a prostitute. They are often ill (for example a client with a venerous ulceration on both legs),

suffer from psychological disorders, they have undergone trauma, do not pay mandatory health and social insurance, and have very high debts (sometimes amounting to CZK one hundred thousand), and so forth.

In addition to street work, the Magdala Project offers, within its direct work with clients, also social consultancy, legal assistance, supported secret accommodation, psychological and social services, and long-term assistance.

The second area covered by the organisation is networking at national and international levels, cross-the-border assistance to clients, exchange of experience, establishment of joint strategies to influence the society, lobbying and advocacy. In the framework of such activities the Magdala Project is involved in international projects and networks such as Christian Action Against Trafficking (CAAT), the Christian Organizations Against Trafficking Network (COATNET), and the European Woman's Lobby (EWL).

The third important area is cooperation within the Programme.

The fourth area is work with and influence on clients. These activities are led by an effort to call for co-responsibility and to decrease demand, in particular, in the area of commercial sexual services. This area is supported by the operations of a telephone line within a nation-wide campaign "Say it on Her Behalf" which is determined for male clients of commercial sexual services (+420 605 988 566). The numbers of incoming calls were, in 2008, many times lower than calls to the Magdala help line. Only 33 incoming calls were recorded. The majority of the calls were test calls regarding what the nature of the line was, for whom it was designated, what services are offered, and so forth. There was also the question as to whether the phone number was an erotic line.

Last, but not least, the Magdala Project carries out a number of activities pertaining to the area of prevention, organises meetings between experts and laypersons, meetings within the church, and so on.

Victims of Trafficking in Human Beings Who Are Taken Care of by the Magdala Project

At the time of this Report being drawn up, complete information on victims in trafficking in human beings who were in 2008 assisted by the Magdala Project is not available. Only statistical data on the number of those clients of the Magdala Project who are or who were during 2008 included in the Programme is available. Further available information at this moment is information on victims who were not included in the Programme but who were accommodated in one of the facilities (it has not yet been possible to have precise data from other facilities).

In 2008 in total 18 victims of trafficking in human beings who were taken care of by the Magdala Project were included in the Programme. The organisation provided accommodation, outside of the Programme, to six women and four children, of either Czech or Slovak nationality.

International Organisation for Migration (IOM Prague)

The IOM is an independent organisation established in 1951 and its principle registered seat is in Geneva. It comprises 125 members, 94 observers²¹ and more than 430 branches.²² It is an international organisation dealing with migration – it assists migrants and provides support to governments through humane migration. It closely cooperates with a range of international and local NGOs. Currently about 5,600 IOM employees implement more than 1,770 projects. In 2007 the expenditure for IOM projects amounted to USD 783.8 million.

The IOM mission was set up in Prague in 1998.

Care for Victims of Trafficking in Human Beings

IOM Prague ensures within the Programme to Support and Protect Victims of Trafficking in Human Beings coordinated by the MoI the repatriation of victims of trafficking in human beings. This activity lies with preparing and implementing voluntary returns of victims to their countries of origin and organisation of follow up reintegration through IOM missions abroad. Thus the option of a voluntary, organised, safe and dignified return to the country of origin is safeguarded both for foreign nationals trafficked in the Czech Republic and for Czech citizens trafficked abroad. The benefit of such a service through the IOM lies mainly with the option to provide complete assistance to victims before and during their journey as well as after the arrival, and intermediation of information on assistance options in the country of origin. An indispensable advantage is quite low travel expenses provided under agreements concluded with carriers.

IOM Prague attempts to assess, in cooperation with an assisting organisation (La Strada, Magdala Project) the risk involved in the return of a trafficked person to their country of origin. For example in the past where there was a risk that a woman would be again exploited by an offender she was provided services in a town other than her residence town. Within risk assessment IOM takes into account information provided by the organisation which took care of the client before his/her return and respects the wishes of a client. If a victim insists on return despite significant risks he/she is instructed before departure and the return is arranged anyway.

As a rule IOM organises the journey of a trafficked person by air so that it is the most direct. If transit is necessary the IOM branch in the place of transit is requested for transit assistance. Airport assistance is provided also at the place of departure and arrival and if a transported person wishes it is also possible to organize land transport to the place of permanent residence. In exceptional cases (for example if a victim insists that he/she wishes to leave the country as soon as possible, i.e. within two or three days) airport assistance does not have to be provided. However the victim is informed about this possibility and can select what he/she really wants. An IOM mission in the country of origin offers the victim, during airport assistance, follow up care if such care was not discussed with a victim before his/her departure. The follow up care is in the country of origin, if a victim wishes so, provided either by IOM or by any other NGO.

²¹ It includes 18 countries and 76 global as well as regional IGOs and NGOs.

²² The data as of 20 January 2009.

Activities of IOM Prague Concerning the Prevention of Trafficking in Human Beings and Care for Victims of Trafficking in Human Beings

One of the first, and at the same time the most extensive, preventive campaigns organised in the Czech Republic was a preventive campaigns held by IOM Prague and implemented between 1999 and 2000 in cooperation with La Strada, the Mol, the MLSA and the MEYS. It was aimed at a target group of girls who decided to work abroad and where there was a large risk that they will be lured and betrayed by traffickers in human beings. In the next years the organisation continued in similar activities.

In 2008 IOM Prague implemented a project entitled 'Informed Labour Migration from Mongolia: NGO and Governmental Institution Capacity Building and Prevention of Trafficking in Human Beings'. The project was financed by the Ministry of Foreign Affairs (hereinafter referred to as the 'MAF').

Furthermore, in 2008 cooperation on the 'Zero Project' continued. The project lies with bilateral cooperation between the Czech Republic and Ukraine. This project was launched in 2007 and its objective is to support the exchange of experience and preparation of joint action of police forces of both countries. As regards the Czech Republic, police officers from the UCOR participate in the project. The project is coordinated by IOM Kiev and financed by the Swedish government.

In 2008 MAF distributed preventive leaflets prepared by IOM in 2007 for consular employees from ten selected countries (Russia, Ukraine, Belarus, Moldova, Serbia, Macedonia, Albania, Bosnia and Herzegovina, Romania, and Bulgaria); the project was funded by the Mol.

IOM Prague coordinates in the Czech Republic a project which was launched in September 2008 under the title 'Preventing and Combating Trafficking in Human Beings and Enhancing Victims' Protection through Operational Networking and Co-operation and Joint Multi-Disciplinary Trainings for Counter-Trafficking Specialists in EU Member States, Candidate and Neighbouring Countries'. The project, which is financed by the European Commission, will be completed in December 2009.

Information on Victims Trafficked from/to the Czech Republic Taken from the IOM Human Trafficking Global Database

IOM Prague provided for the purpose of this Report very detailed information on victims of trafficking in human beings who were registered in the 'IOM Global Human Trafficking Database'. The database was developed for the collection and analysis of data of victims of trafficking in human beings who have been provided services by IOM. A pilot database was launched in South Eastern Europe in 2000. The system connects IOM in the country of origin and in the target country. Today the system is used by 46 IOM mission all over the world and covers data on 80 countries of origin and 100 target countries. The database enables safe global exchange of individual data and statistics, and at the same time eliminates the possibility of duplicating records on one person. The database is financed by the US Department of State (the Office to Monitor and Combat Trafficking in Persons – G/TIP). The system uses two questionnaires: 1) Screening Interview Form – determines whether the person is really a victim of trafficking in human beings and whether the person satisfies criteria for assistance within a certain IOM project; and 2) Assistance Interview Form – documents a tape of services provided to a victim and details on the case. IMF Prague does not contribute to the database.

The Czech Republic as a target country (as of 16 January 2009)								
Nationality	2002	2003	2004	2005	2006	2007	2008 ²³	Total
Belarus			6	20	11	6	2	45
Bulgaria				2				2
Moldova		1						1
Ukraine	8		44	36	70	84		242
Total	8	1	50	58	81	90	2	290
Gender	2002	2003	2004	2005	2006	2007	2008	Total
Females	7	1	32	39	64	83	2	228
Males	1		18	19	17	7		62
Total	8	1	50	58	81	90	2	290
Type of exploitation	2002	2003	2004	2005	2006	2007	2008	Total
Forced labour	4		26	40	31	39		140
Forced labour & other			1					1
Forcing to commit crimes			1					1
Sexual exploitation	4	1	17	11	46	48	2	129
Sexual exploitation and forced labour			5	6	2	3		16
Sexual exploitation and other					1			1
Not ascertained				1	1			2
Total	8	1	50	58	81	90	2	290

The table comprises data on victims of Belarus, Bulgarian, Moldovan and Ukrainian nationalities who became, according to the data from the IOM database, victims of trafficking in human beings in the Czech Republic between 2000 and 2008. The 2008 data is not yet complete. The table again confirmed a fact mentioned many times before – Ukraine is for the Czech Republic one of the most important source countries. Further, an upward trend in the number of victims from Ukraine is obvious, however this trend does not necessarily mean that the situation is getting worse; on the contrary it may mean that extensive campaigns organised, *inter alia*, by IOM Kiev were successful. Individuals did not become thanks to campaigns totally immune against exploitation but due to better provision of information it is possible to identify more and more victims and more victims receive relevant assistance. Starting from 2004 a growth in male victims is also obvious which might be interpreted as a consequence of increased attention paid to the area of trafficking in human beings for the purpose of forced labour. A gradual growth in the total number of victims from Ukraine which has been recorded since 2004 is also interesting. In 2007 there were in total 84 victims i.e. almost twofold the number compared with the year 2004. Since 2004 every year the records encompass both victims of sexual and labour exploitation.

²³ When interpreting a low number of cases recorded in 2008 we need to be aware that the data is recorded in the system with delay. Victims are currently still being provided assistance.

Information Provided by Selected Embassies and Consulates of the Czech Republic

The MoI set up on the basis of information on victims included in the Programme an indicative list of countries which may be, in terms of the Czech Republic, relevant as both source and target countries. This list was, after the comments of members of the IMCG, adjusted and then distributed to 34 Czech embassies and consulates abroad with a request to obtain information, in particular from public administration authorities. With respect to the short time limit for the processing of such information the MoI received through the MAF only partial information. However even this data provided very interesting and in some cases new information and will be used for more precise and targeted preventive and informative activities in 2009. At the same time it was specified that in mid 2009 the list would be updated and new information will be requested from abroad. Czech embassies and consulates will be informed about such requirement by the MoI plenty in advance. The following source countries were included in the list for 2008: Ukraine, Russia, Slovakia, Kyrgyzstan, Vietnam, Mongolia, Romania, Moldova, Lithuania, Uzbekistan, Bulgaria, Brazil, Turkmenistan, China, Macedonia, Belarus, Thailand, Ghana, Senegal, and Nigeria. As regards target countries the following were included: the United Kingdom, Spain, Italy, France, Germany, the Netherlands, Belgium, Austria, Ireland, Denmark, Sweden, Switzerland, Greece, Japan, Israel, Mexico, and the USA.

For the purpose of this Report some received information was selected. However it must be noted that the method of data collection and definitions of criminal offences on the basis of which the data is provided is not known. Information may serve in the upcoming period as one of the basic 'guide posts' for directing relevant measures. When preparing any steps it is important to carry out more detailed analysis and verification of gathered information. The MAF will probably receive information from some other of the above-mentioned countries in the near future after this Report has been completed.

Lithuania

The concrete number of people trafficked from Lithuania to the Czech Republic in 2008 is not yet known as there are still court proceedings and not all cases have been closed so far. However, there is an estimation of 120 potential victims of this type of crime. 51 cases have been confirmed. In all cases these were people trafficked for the purpose of forced labour. Victims are both male and female. The average age of those trafficked persons is between 30 and 35 years.

Citizens of the Czech Republic have never been involved in this type of criminal activity. The offenders were always Ukrainian nationals in possession of residence permits in the Czech Republic. Czech and Lithuanian authorities are intensively negotiating as regards in which country these offenders will be prosecuted and sentenced. The last meeting was held in the Hague. The Lithuanian party delivered to their Czech colleagues translations of all protocols collected during the court proceedings. Now the response of the Czech party is expected.

Lithuanian nationals were not provided with assistance. During court proceedings these people complained about the approach of the Lithuanian Embassy in the Czech Republic which was not able to help them in a difficult life situation.

Japan

Information from the embassy in Tokyo was reminiscent of the situation which occurred around the year 2003. At that time the embassy in cooperation with the MoI solved a situation which arose from the suspicion that some agencies intermediating work for models and hostesses for Japan used exploitative practices. This is supported also by official data obtained through the Czech 50 women were trafficked from and to the Czech Republic. The Tokyo IOM branch stated in 2007 that allegedly 1,200 Czech 'dancers' worked in Japan. On the basis of experiences from previous years the Czech Embassy in Japan warns on its web pages what exactly work of a 'hostess' can mean in Japan and warns any prospective interested girls.

Most frequently women from the Czech Republic were hired for the work of hostesses in night clubs in Japan. As a matter of fact after arriving in Japan they were said that only the work of dancers or teasers was available for them. Typical victims were women between 20 and 27 years of age. Czech nationals were also involved in these criminal activities. They were suspected of the crime of trafficking in human beings for the purpose of sexual intercourse. The Czech police suspended the case in 2005.

As a preventive measure, several girls were apprehended in Japan and they were either not permitted to enter the country or they were after police roundups in night clubs placed in detention centres and then expelled and banned from entering the country for five years due to illegal work.

The embassy in Tokyo was in close contact with several girls. Cooperation lay especially with issuing emergency travel documents (passports were seized by girls' employers), with the additional sale of foreign currency, providing information to girls' family members in the Czech Republic, but also with visits of girls in detention facilities and so forth

In the following years the numbers of victims from the Czech Republic gradually decreased; in 2005 and 2006 there were only six women and in 2007 and 2008 no cases were reported.

The Netherlands

All victims of trafficking originating from the Czech Republic were women. They were trafficked for the purpose of sexual exploitation and worked as prostitutes.

Information from CoMensha – Coordinatiecentrum Mensenhandel La Strada Netherland				
	2005	2006	2007	2008
Numbers of victims	-	3	4	7
Average age	-	26	20	28
Prosecuted and sentenced offenders	1	2	1	0

Romania

According to the data of the Romanian National Agency for the Fight against Trafficking in Human Beings (Agentia Nationala Impotriva Traficului de Persoane - ANITP), the Czech Republic is for Romania one of the main target countries within trafficking in human beings for the purpose of forced labour. According to the available data of the Agency, in 2007 in total 242 persons were trafficked in the

Czech Republic. Of them 222 victims were males (92%) and 20 were female victims (8%); in total 170 victims (70%) were older than 26 years of age (157 men and 13 women). 67 victims were between 18 and 25 years (60 men and seven women). Altogether five victims were younger than 18 years (all of them were men). In the majority of cases victims were used for forced labour in the construction sector (180 victims, of whom 178 men) and agriculture (57 persons, of whom 43 men). The Agency further informed that in 2007, of the total number of 20 trafficked women, fourteen were used for forced labour in agriculture, two in the construction sector, and two women became victims of sexual exploitation.

In 2008 the Agency reported a decline in the number of cases. It recorded only 94 victims (74 men, 20 women, 92 adults, two under 18 years of age). In total 93 victims were used for forced labour (63 persons in agriculture, 30 in the construction sector); one victim was subject to sexual exploitation.

Information that 59% of victims came from rural areas and 41% from urban areas is also interesting. 16% victims completed only elementary school (up to the 4th grade), 45% completed a basic education (5th to 8th grades), 29% completed secondary education (secondary general schools), and 5% completed secondary vocational education.

According to available information Czech nationals have not been involved in trafficking in human beings from Romania to the Czech Republic.

Germany

In general it may be stated that while trafficking in human beings for the purpose of sexual exploitation is due to its incomparably large numbers recorded in Germany in fuller detail, but as regards trafficking in human beings for the purpose of labour force a more detailed breakdown is missing in German statistical records.²⁴ As a result the situation is similar to that in the Czech Republic

Between 2005 and 2007 the numbers of victims trafficked from the Czech Republic to Germany for the purpose of sexual exploitation was as follows: in 2005 in total 11 persons, in 2006 in total 155 persons, and in 2007 in total 57. The reason for the almost fifteen fold increase in the number of victims in 2006, when compared with 2005, was the fact that in that in 2006 German authorities investigated and closed two large cases with, respectively, 106 and 20 victims from the Czech Republic. In 2007 the number of Czech victims substantially dropped and was comparable with the number of victims from countries such as Bulgaria, Hungary, and Poland. More than half of investigated cases are a consequence of police interventions and measures; in one third of cases it was the victim who reported the criminal offence and in approximately 17 % of cases proceedings were commenced on the basis of information provided by a third person. This ratio documents the essential role of law enforcement agencies in detecting and solving this type of crime.

The data on the age structure of Czech victims of trafficking in human beings in German is also available:

²⁴ Within the amendment to German criminal law as late as in 2005 Sec. regulating constituent elements of a crime of trafficking in human beings for the purpose of forced labour was incorporated in to the German Code of Criminal Procedure. As a result law enforcement bodies have only limited experience and facts relating to the said criminal offence (only case finally and conclusively closed in 2005 are taken into account for the evaluation of the situation).

Age of victims - nationals of the Czech Republic in 2006 and 2007 according to age groups						
Age	14 – 17 years	18 – 20 years	21 – 24 years	Over 24 years	Not ascertained	Total
Number of persons in 2006	3	29	44	79	0	155
Number of persons in 2007	3	29	9	14	2	57

Of the total number of victims trafficked from the Czech Republic to Germany for the purpose of sexual exploitation, 95 % were women. More than one third of victims stated during investigations that they consented to prostitution, 25 % were cheated about the real objection of their journey, and 16 % were forced to work as prostitutes. More than 15 % of victims were recruited under the pretext of being employed by agencies dealing with modelling or similar entertainment/show business activities linked to the vision of high earnings. These findings more or less overlap with the data from the previous period.

The available data on the number of offenders who were nationals of the Czech Republic investigated as suspects who committed a crime of trafficking in human beings for the purpose of sexual exploitation demonstrate that in the years 2005 and 2006 no Czech national was among offenders but that in 2007 in total seven citizens of the Czech Republic were involved.

According to assumptions of German police bodies the year 2008 will not bring any considerable change in the area of trafficking in human beings for the purpose of sexual exploitation. Comparable numbers of victims from the Czech Republic can be expected. The composition of victims of trafficking in human beings in terms of their nationality gradually showed that the majority of victims come from EU Member States which means that these persons legally resided in Germany.

The situation in the area of trafficking in human beings for the purpose of forced labour is slightly different. In 2007 in total 92 cases of this type of crime were recorded in Germany (in 2006 there were in total 78 cases). 101 victims were identified (39 men and 62 women). Information on the nationalities of the victims is not available. The highest number of crimes pertaining to this area was committed in the environment of restaurants. And this type of trafficking in human beings shows with large probability an upward trend.

Spain

In 2008 Spanish police bodies registered one case where a victim was trafficked by Czech nationals. The victim was a woman, 28 years old, who was trafficked for the purpose of sexual exploitation.

Thailand

According to the data provided by the Bureau of Anti-Trafficking in Women and Children, the Department of Social Development and Welfare of the Ministry of Social Development and Human Security of the Thai authorities did not record any case of trafficking in human beings from the Czech

Republic; only in several cases did Thai employees of massage parlours not receive their promised remuneration. The Office has maintained data on trafficking of Thai nationals since 2007.

In 2008 consular employees at Czech embassies and consulates in cooperation with the MFA managed to distribute basic information on trafficking in human beings and on options for how to identify and help victims of trafficking in human beings. With regard to the information from Lithuanian authorities and with regard to previous successful cooperation with some embassies in Prague (for example the embassy of Romania) the need to intermediate similar information to selected embassies or consulates of foreign countries in the Czech Republic was identified. An appropriate form seems to be training on the system of support and assistance to victims of trafficking in human beings in the Czech Republic. It is also possible to offer information leaflets which were created in the past in several languages.

Victims, Trafficked Persons, and Exploited Persons

The chapter on victims of trafficking in human beings clearly demonstrates that different entities use different terminology in relation to persons who appear to be probable victims of trafficking in human beings. One topic which should be discussed on an ongoing basis in 2008 both within coordination meetings and in the framework of the IMCG is terminology concerning victims of trafficking in human beings.

As was stated in the introduction to this Report, a quantitative description of trafficking in human beings is due to the high latency of this form of crime very difficult. Despite this fact we managed to obtain for this Report large amounts of information from different sources on victims in trafficking in human beings, however these sources cannot be included due to different definitions, different methods of collection of data, different processing as well as other procedures. A current system for collecting data is not functional and cannot eliminate mutual over-lapping or double counting.

On the basis of the published information it is obvious that after the Czech police in 2008 identified 100 victims and after further tens of victims were identified by partner NGOs, the number of trafficked persons in 2008 comes close to 200 persons. This group consists of both Czechs and foreigners, men and women, and exceptionally also children (in total four children were identified). If this data is compared to data from abroad it is clear that this figure is only the tip of the iceberg since the data from Ukraine (in total 84 persons) and Romania (in total 222 persons) in 2007 speaks to much higher numbers.

Relevant Financial Sources

Ministry of Labour and Social Affairs

The MLSA, namely the Department of Social Services and Social Security, offers every year grants to provide subsidies from the state budget to legal and natural persons who provide social services (social services providers). Tenders to receive subsidies from the MLSA are published in compliance with Sec. 101 and Sec. 104 of the Act on Social Services and Act No. 218/2000 Coll. on Budgetary Rules and on

the amendment to some other acts, as amended. A subsidy from the state budget can be provided to finance current expenses relating to the provision of social services. A subsidy can be provided only to a registered social services provider to fund different types and forms of social services in the scope stipulated by fundamental activities in providing social services for the relevant type of social service. Subsidies from the state budget are provided to social services providers with respect to the regional and local necessity to for such a service (i.e. in compliance with a medium-term plan for social service development).

In 2008 the MLSA provided subsidies from the state budget to the below social services providers who described victims of trafficking in human beings in their applications for subsidies as being a key target group for the use of their services, *inter alia*. The providers received subsidies amounting to CZK 5,670,000.

Subsidies provided by the MLSA to social services providers in 2008 for a key target group of victims in trafficking in human beings				
Organisation	Service	Target group	Type of a social service	2008 subsidy
Archdiocese Charity Prague	Resocialising programme for victims of THB	Victims of THB	Social consultancy	570,000
Diocese Charity Brno	Magdala Blansko	Victims of THB	Crisis assistance	600,000
La Strada CZ, o.p.s.	Crisis assistance to trafficked and exploited persons	Victims of THB	Crisis assistance	2,200 ,00
La Strada CZ, o.p.s.	Accommodation for trafficked and exploited persons	Victims of THB	Asylum houses	1,070,000
La Strada CZ, o.p.s.	Consultancy office for trafficked and exploited persons	Victims of THB	Social consultancy	1,230,000

European Social Fund

The European Social Fund is another source which the Czech Republic is using in the programming period 2007 - 2013 for social services providers who render social services to a target group of victims of trafficking in human beings

The MLSA was, under Government Resolution No. 175/2006 of 22 February 2006 designated the managing authority for the OP HRE. The Department of Social Services and Social Inclusion of the MLSA plays within the structure of the OP HRE the role of an intermediating entity for support areas 3.1 and 3.2 of the OP HRE. Calls for projects to be submitted by social services providers are published within these areas of support. All information on the OP HRE and individual calls are published on the web page www.esfcr.cz.

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

A former "model of the programme" was funded between 2003 and 2004 from the UNODC project. After the Programme was established its funding was ensured through funds earmarked from the budget chapter General Treasury Administration for the Strategy for Crime Prevention for 2004 – 2007. Currently the Programme and activities aiming at prevention of trafficking in human beings are

financed from a special subsidy programme which is provided every year by the Crime Prevention Department for NGOs under the name 'Prevention of Trafficking in Human Beings and Assistance to Victims of Trafficking in Human Beings'. From 2008 the Programme has been financed directly from the budget of the MoI.

In 2008 financial resources within this subsidy programme were allocated to three NGOs - La Strada (CZK 1,300,000), the Archdiocese Charity Prague, the Magdala Project (CZK 2,310,000) and the Organisation for Aid to Refugees (CZK 310,000). For comparison the amounts for 2007 are being disclosed as well: the following organisations were supported in 2007 within the subsidy programme: the Archdiocese Charity Prague (CZK 2,480,000), and La Strada Czech Republic (CZK 982,000). If the years 2007 and 2008 are compared we can see that not only the number of organisations drawing on this specific subsidy programme but also allocated amounts were increased. This relates to the extension of the issue of trafficking in human beings to the area of forced labour.

In 2008 the Magdala Project drew on a subsidy for covering expenditure incurred in relation to assistance provided to victims of trafficking in human beings and their children who were included in the Programme. The Magdala Project provides to those victims, for a necessary period of time, sheltered accommodation, social and legal assistance or interpreting services, and so on. During the year 2008 this organisation provided sheltered accommodation to 18 clients included in the Programme whilst it also continued to provide consultancy to clients of commercial sexual services via an SOS Magdala telephone line. These were people who called an emergency number within the campaign 'Don't Be afraid to Say It on Her Behalf'. The organisation also obtained resources for preventive activities and promotion of the telephone line.

La Strada obtained a subsidy for providing specialised legal services to clients, for street work aiming, in particular, at foreign nationals working in Czech factories (La Strada will submit a final report along with a final financial statement clearing resources from subsidies provided by the MoI not later than on 15 February 2009). Further financial resources were used for the development of minimal security standards including descriptions of different critical situations and instructions on how to deal with them. A portion of allocated resources was determined for the development of a special database of victims of trafficking in human beings which is used by the organisation for its activities.

The designed system of funding the Programme is capable of covering all fundamental services provided within the Programme, including necessary preventive activities. However in order to implement all required activities much greater financial means would be needed. Therefore it will be necessary in the future to analyse, in cooperation with partners, individual options and sources of possible funding or to support the involvement of the private sector, considering corporate responsibility, in the combating of trafficking in human beings.

In the future it will be important to analyse services provided under the Act on Social Services and services financed from the Programme. A specific financial programme of the MoI could be used to a larger extent for preventive and informative activities, street-work, surveys, and analyses of some specific areas of trafficking in human beings.

Legislative Amendments in 2008 concerning Trafficking in Human Beings

Within extensive reform of the Czech police which was in 2008 a priority of the MoI, a number of legislative provisions were adopted. These should remove current problems police officers which must cope with in practice and they should also facilitate, *inter alia*, the meeting of tasks in the context of uncovering the gravest forms of crime, in particular organised crime (including trafficking in human beings). An important legislative step is, without any doubt, the adoption of new Act No 273/2008 Coll. on the Police of the Czech Republic. This Act extends the authorisation of police officers to enter business premises – all rooms in which they can reasonably assume that there are individuals even after the working hours of the business undertaking concerned. Thus conditions for finding victims not only of sexual exploitation but also victims of forced labour should be simplified.

Detection of victims should be facilitated also by a new authorisation for stopping and searching means of transport. A Police officer is entitled to halt a motor vehicle and search it if there is a reasonable suspicion that by using such motor vehicle, or directly in such motor vehicle or in relation to such motor vehicle, a criminal offence has been committed. Thus again these are predominantly cases of trafficking in human beings, illegal smuggling of people across the national border and so forth

Another amendment adopted during the course of 2008 which has had an indirect impact on trafficking in human beings is an amendment to the Act on the Residence of Foreign Nationals. This new amendment is a follow up to the amendment implemented by Act No. 178/2007 Coll. which introduced, effective of 12 July 2007, a new constituent element of the crime pursuant to Sec. 171d of the Criminal Code – assistance for unauthorised residence in the Czech Republic. This amendment fully transposed into the Czech legal framework Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of an unauthorised entry, transit and residence and imposing an obligation on EU Member States to adopt appropriate sanctions with regard to behaviour supporting illegal migration. Act No. 382/2008 Coll. came into effect on 1 January 2009 and extended the target groups for residence permits under the provisions of Sec. 42e of the Act on the Residence of Foreign Nationals. The provisions of Sec. 42e now apply to all persons who have been the subject of an action to facilitate illegal immigration or persons who have been assisted to illegally reside in the Czech Republic and whose testimony is important for exposing an offender or an organised group involved in organising or facilitating illegal crossings of the national border or in assisting unlawful residence in the Czech Republic, upon the condition that such persons cooperate with law enforcement authorities within criminal proceedings relating to suspected crime that and such persons do not cooperate with any suspect(s).

The second amendment made sanctions for minor offences and administrative infractions stricter as regards employment. Again this was an amendment to Act No. 382/2008 Coll. which came into effect on 1 January 2009. Administrative infractions and sanctions thereof are regulated by Act No. 435/2004 Coll. on employment, as amended (hereinafter referred to as the 'Act on Employment') namely by the provisions of Sections 139 and 140. For illegal employment a fine of up to CZK 10,000 may be imposed. Breach of a reporting duty may be sanctioned by a fine of up to CZK 500,000. A natural or legal person who illegally intermediated employment or allowed the performance of illegal work could pay a fine of up to CZK 2 million. After the aforementioned amendment to the Act on Employment came into effect the maximum amount of a fine for illegal employers/brokers was increased from CZK 2 million to CZK 5 million.

However, the most essential change with regard to trafficking in human beings which will be seen from 1 January 2010 is the adoption of a brand new Criminal Code. This will replace, effective from 1 January 2010, the current Criminal Code of 1961.

Both the definition of a crime of trafficking in human beings and some relating areas will be altered.

In the first place it is important to mention the partial redefining of the crime of trafficking in human beings stipulated in the provisions of Sec. 168 of the new Criminal Code. The current concept of trafficking in human beings will be maintained to that end so that the provisions will continue to encompass two separate constituent elements of this crime. One constituent element is regulated in the first paragraph and protects exclusively persons younger than 18 years. The second constituent element covers persons of over 18 years and in order to be met some elements of coercion or abuse of special vulnerability of such a person must be present – “violence, threat by violence or any other action to the detriment of the person, trick or abuse of a mistake made by the person, or abuse of his/her distress or dependency”. Another change pertains to the area of sexual exploitation where apart from the wording valid in the current Criminal Code, i.e. “forcing into sexual intercourse or any other forms of sexual exploitation or harassment” will be continued by “forcing into the production of pornography”. In this context it is important to note also the provisions of Sec. 193 – the abuse of children for pornography.

A list of forms of labour exploitation - slavery, servitude, forced labour or any other forms of exploitation will be completed by “forced military service”. Furthermore, the following behaviour will be also punishable: forcing, arranging, luring, hiding, retaining or providing a child for the purpose of taking tissue or an organ from his/her body. As regards persons over 18 years, an element of coercion or abuse of any particular vulnerability of a person must be present. Profiting from all the aforementioned types of behaviour will be also made punishable. In the first four paragraphs the same sentences as in the current Criminal Code are maintained. However, paragraph 5 is newly introduced and it will allow a sentence of imprisonment from 10 to 16 years if an offender causes death by a crime referred to in paragraph 1 or 2.

The new Criminal Code solves also the current problem of the partial overlapping of constituent elements of offences under the provisions of Sections 204 and 232a of the Criminal Code. A new regulation regarding procuring stipulated in Sec. 189 (2) deletes the following words used in current Sec. 204: “under violence, threats of violence or any other serious conduct detriment to another person or abuse of another person’s distress or dependency”. The new regulation on procuring pursuant to Sec. 189 of the new Criminal Code will not apply to persons younger than 18 years. Such persons will be protected by more stringent provisions on trafficking in human beings.

An absolutely new crime stipulated in Sec. 190 of the new Criminal Code is prostitution endangering the morals of children. The provisions of Sec. 190 of the new Criminal Code lay down that running, organising, guarding or any other form of securing prostitution near a school, school facility or any other place which is reserved or designated for children will be made punishable.

Another change, which will probably affect the area of labour exploitation of migrants, is the introduction of a new constituent element for a crime under Sec. 342 of the new Criminal Code – unauthorised employment of foreign nationals (“A person who in a substantial capacity employs or intermediates employment for, without being authorised to do so, foreign nationals residing illegally in the Czech Republic or a person who in a substantial capacity employs or intermediates employment, without being authorised to do so, for foreign nationals who are not in possession of a valid labour

permit under a special legal regulation shall be") This provision will allow the sanctioning of persons involved into the so called 'client system').²⁵

In general, it may be said that efforts to reinforce the status of victims of criminal activities as well as efforts to achieve strict punishment of offenders are apparent in a number of provisions of the new Criminal Code. In particular, these are the provisions of Sec. (3) (c) of the new Criminal Code regulating the limitation of criminal liability, according to which the time of limitation will not include the "period for which a victim of the crime of trafficking in human beings (Sec. 166) or any other crime laid down in Title 3 of a Special Part of the Act concerning crimes against human dignity and vice crime was younger than 18 years".

The change in the provisions concerning the length of a sentence laid down in the Code of Criminal Procedure as a follow up to the definition of a 'cooperating offender' is considered to be important. This amendment was implemented in the Code of Criminal Procedure by Act No. 41/2009 Coll. on the amendment to some acts in relation to the adoption of the Criminal Code (new Sec. 178a of the Code of Criminal Procedure). Pursuant to Sec. 58 (4) of the new Criminal Code on the exceptional reduction of a sentence of imprisonment the court can decrease, in the case of a cooperating offender, a sentence of imprisonment to be shorter than the lowest limit of the sentence of imprisonment and when doing so the court is not bound by a certain minimal limit as in other cases.

As regards preparation of a brand new Code of Criminal Procedure, special attention is to be devoted to victims of criminal offences and the strengthening of the status of the injured party in general. The MJ has drawn up a initial legal provision of the new Code of Criminal procedure and these include under point 8 "Participating Person and Injured Party" the following description: "The rights of victims of crime will be newly defined by a special act on victims of crime which will regulate the establishment and support of services for providing assistance to victims of crime, prevention, aid to victims including immediate assistance ensuring protection and shelter as well as financial, medical, psychological, and social assistance, the training of judges and other law enforcement authorities in this area, the division of victims into categories of specially endangered and others, the protection of victims' personal data including protection of their privacy and personal security, protection from secondary victimisation and providing victims with information and indemnification of victims of crime. The Code of Criminal Procedure will encompass only necessary provisions of a procedural nature concerning the term of 'injured party', his/he procedural rights, claims for damages, and so on. An injured party will be defined as "a person who has suffered through a crime an injury to health, damage to property, moral or any other damage or where any other person has profited to the detriment of that person".

²⁵ The term 'client system' denotes illegal forms of intermediating work for foreign nationals. This term was taken from the word 'client', used by the Ukrainian community for brokers working in the black economy usually with direct links to organised crime.

International Cooperation, Promotion, Training and Other Activities

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

Trafficking in human beings is one of the partial priorities of the Czech Presidency of the Council of the EU. The Czech Republic is preparing two conferences on this topic.

The first, entitled “Joint Analysis, Joint Action - Conference of EU National Rapporteurs on Trafficking in Human Beings”, will be held in the Prague Congress Centre on 30th and 31st March 2009. The conference is being organised by the MoI with the considerable support of the European Commission and the OSCE. National rapporteurs or similar mechanisms established within individual EU Member States will be invited. At the same time if a mechanism similar to a national rapporteur does not yet function in a Member State, representatives of relevant governmental institutions will be invited so that they can share good practice in the area harmonising data collection.

Within the meeting of the EU Crime Prevention Network Committee an international conference of experts focusing on the issue of trafficking in human beings will be held in the Park Hotel in Pilsen on 3 June 2009. The conference held under the name “No Supply, No Demand” will deal with the issue of sexual exploitation with the aim of decreasing demand for sexual services. The objective of the conference is to exchange information on good practice and preventive measures adopted by individual Member States in relation to the issue in question.

International Projects and Cooperation

Representatives of the MoI and the MJ actively participated in 2008 in cooperation with different international organisations involved in the issue concerned (for example the UN - UNODC, the OSCE, the ICMPD, the Council of Europe, EU authorities and so forth).

The EU Anti-Trafficking Day has been established on 18 October of every year, starting on 18 October 2007. In 2008 the MoI took the opportunity of this day in order to raise the awareness of the general public regarding the issue of trafficking in human beings. For this purpose the MoI published a long press release informing about the forms and risks related to trafficking in human beings. Along with the press release the MoI drew up an overview of topics proposed for discussion in the mass media. The list of topics together with contact persons was drawn up in cooperation with NGOs and IOM Prague. With regard to the fact that 18 October 2008 was a Saturday this initiative did not call a large response from the mass media.

The MoI decided to participate in the project of the ICMPD entitled “Data Collection and Harmonized Information Systems”. The aim of the project is to develop common criteria for data and information collection in the area of trafficking in human beings, to establish an institutionalised system for collecting such data including a uniform national database both for the purpose of analyses and description of the situation and for the purposes of possible operative responses to the situation which may emerge. The project was presented by Portugal together with the ICMPD and other partners, which are, in addition to the Czech Republic, Poland and Slovakia. The MoI is the main responsible party for the project.

The second international project in which the MoI is engaged is a project implemented under the title “Supranational Referral Mechanism for Victims of Trafficking in Human Beings in Source and Target Countries” coordinated again by the ICMPD. The aim of the project is to bring together existing national coordinating mechanisms for the protection of and assistance to victims of trafficking in human beings, unification of standards for services provided to victims, and in particular, strengthening of international and bilateral cooperation in the area of repatriation and reintegration of victims. The main output of this project will be setting principles of care for victims of trafficking in human beings and their return to their country of origin. Italy is a guarantor of the project and cooperating countries are, in addition to the Czech Republic, Portugal, Bulgaria, Romania, Albania, Hungary, Macedonia, and a range of non-profit making organisations. The ICMPD is responsible for implementing the whole project. The project was planned for 18 months (from May 2008 to October 2009). For the purpose of implementation of the project the Crime Prevention Department of the MoI established a national implementing team composed of representatives of the Crime Prevention Department and Security Police Department of the MoI, NGOs and intergovernmental organisations, and the police and justice who will participate in meeting individual project goals. These experts will take part in regular meetings of the implementing team under the set schedule and project phases. Experts can also participate in study trips which will be coordinated by the ICMPD project manager.

Further in 2008 cooperation in “Project ZERO” continued. The project promotes bilateral cooperation, in particular, of police forces from the Czech Republic and Ukraine.

Within the CEPOL Action Plan, European education curricula have been focused, since 2006, also on the area of trafficking in human beings. In 2008 about 85 training courses were organised by CEPOL and the majority of these targeted cooperation in combating organised crime and its prevention. Between 19 and 23 May 2008 the Education and Police Schools Administration Department of the MoI organised, within CEPOL, an international training course “Trafficking in Human Beings – Forced Labour & the Sex Industry”. In addition to seven Czech experts and other five Czech participants the course was attended by five foreign experts and 22 other foreign participants from 19 countries. The central topic of the course was combating organised crime, mainly trafficking in human beings and international police cooperation in this specific area.

Other training activities were held in 2008 within MEPA. MEPA is an international training cycle for police officers associating eight Central European Countries (the Czech Republic, Germany, Poland, Slovakia, Hungary, Slovenia, Switzerland, and Austria). A main activity of MEPA is a three-month course devoted to organised crime, including trafficking in human beings, which is successively held in all eight member states and is completed by a case study used for teaching.

The ICMPD organised in 2005 in cooperation with Austria, the MoI of the Czech Republic and the Italian NGO On The Road a project titled “Training on Trafficking in Human Beings” which was designed for the Police, border guards, customs officers in EU Member States, accession countries and candidate countries. The objective of the course was to train trainers (teachers from police schools of the MoI and police officers for MCPIS) on the issue of the fight against trafficking in human beings, who would then further train police officers within police education at police schools of the MoI and in all Police Training Centres of the Czech police in all regional administrations. The output of the project was, *inter alia*, a training manual which was distributed to all ministerial training institutions. Trained lecturers continue to work with it within an education and training process within the MoI. Another aim of the project was to develop the European curricula – a uniform standard of police education pertaining to the area of trafficking in human beings.

The MLSA conducted repeat negotiations with the Romanian National Agency against Trafficking in Human Beings on the option of how to prevent trafficking and exploitation of Romanian nationals

working in the Czech Republic, which is allegedly widespread to a large extent although the results of activities of relevant inspection bodies of the MLSA did not confirm such facts. The MLSA provided the Romanian party with information on this issue from the point of view of the MLSA and referred to other information sources.

Further bilateral negotiations were conducted in 2008 for example with representatives of Moldova, Mongolia, Slovakia, Sweden, and Poland.

Although none of the projects implemented in 2008 within International Development Cooperation focused exclusively on trafficking in human beings, prevention of trafficking in human beings was included in selected projects as one of their components. These were mainly projects carried out by IOM in the Caucasus and Central Asia. Namely these were the projects “Supporting Migration Management in Georgia and Moldova in 2008” and “Supporting Migration Management in Central Asia in 2008”. Both projects in general concentrate on the exchange of information within migration management between Czech experts and partners from Georgia, Moldova, Kyrgyzstan, Kazakhstan and Tajikistan in the areas of border checks and surveillance, combating illegal migration and organised crime.

Under the support of resources from the International Development Cooperation the Mol is implementing the project “Training Middle and Top Management of the Police from the Countries of the West Balkans in the Areas of Management and Organised Crime”. It is a three-year project (2007-2009) focusing mainly on cooperation with the countries of the West Balkans (namely Macedonia and Bosnia and Herzegovina) by means of an advisory expert mission of representatives of the Mol and the Czech Police to these countries. These expert missions are followed up by training sessions involving experts from target countries, held in the Czech Republic. The current cooperation involved especially the fight against organised criminal groups, terrorism, trafficking in drugs, financial crime, and police reform. The principal aim of such cooperation is to provide information on the given areas to all stakeholders and to become familiar with the situation in the countries of the West Balkans, particularly in some selected areas of interest.

Public Contract - “Mapping Out the Prostitution Scene in the Czech Republic”

In the course of 2008 the MLSA repeatedly published a call for proposals to carry out research, as per the needs of the government, on “Mapping Out the Prostitution Scene in the Czech Republic”.

The aim of the proposed research was to map out the environment of the prostitution scene in the Czech Republic, in particular to gather quantitative data about its scope including regional distribution, variability in time, and its individual forms (street prostitution, club prostitution, prostitution organised in private flats). The research was to describe in full detail the structure of the prostitution scene and to distinguish feature of individual actors. It was also to describe the dynamics of supply (and marginally also demand) of prostitution according to its individual forms and the type of the environment where prostitution is offered. The research was also to focus on the availability and utilisation of social services offered to persons practising prostitution and victims of trafficking in human beings.

By the decision of the contracting authority of 8 January 2009 this call for proposals to solve the research and development project for governmental needs, which should be launched in 2009, was cancelled.

Preventive Projects Financially Supported by the Ministry of the Interior

In the context of the Programme, representatives of the MoI organised or participated as trainers during 2008 in training activities held in cooperation with other governmental institutions and NGOs. The objective of such events was to provide information on activities pertaining to the area of trafficking in human beings and on the Programme itself.

On the basis of experience gained during a pilot project of prevention aimed at clients of prostitution an information campaign against trafficking in human beings was launched in 2007. This campaign continued in 2008. It concentrates on a target group of clients of prostitution and indirectly on victims of trafficking in human beings for the purpose of sexual exploitation. Partner organisations established for the purpose of the campaign a platform “Together against Trafficking in Human Beings”; the slogan of the campaign was ‘Don’t Be Afraid to Say It on Her Behalf’. Web sites in the Czech, English and German languages have been implemented (www.rekni-to.cz; www.sage-es.cz; www.say-it.cz). Partner organisations operated telephone lines. Promotion materials of the campaign were disseminated on public means of transport and at the airport in Prague, at border crossing points with Germany and Austria and in clubs and restaurants in large cities in the Czech Republic. The visuals of the campaign were printed also on tourist maps and erotic journals. The campaign was welcomed positively by the target group, professionals as well as by the media and consequently it contributed to a raised awareness of the general public of trafficking in human beings. Some information notifying of suspicions of trafficking in human beings in the Czech Republic received via telephone or e-mail were examined. The web pages were visited by many people and will be operated in the future in addition to the telephone lines. In the next part of the campaign materials were distributed in public means of transport in about 10 largest cities of the Czech Republic. Currently, additional agreements were concluded to extend the campaign in Prague and in Brno. About 300 promotional picture postcards created within the campaign were distributed through partner organisations to Germany.

In 2008 the Crime Prevention Department supported within a subsidy programme “Prevention of Trafficking in Human Beings and Assistance to Victims” La Strada’s project dealing with street work concentrating on foreign nationals, both males and females, who work in Czech factories as employees of intermediating agencies, with special attention paid to the Vietnamese community. La Strada would like to continue this activity, under the support of the MoI, also in 2009.

The Crime Prevention Department drew up a brochure on the Programme to Support and Protect Victims of Trafficking in Human Beings which was published in two languages and is determined for the general public. The aim is to increase the provision of information about trafficking in human beings and to familiarise the general public with the Programme to Support and Protect Victims of Trafficking in Human Beings.

The Crime Prevention Department is preparing in cooperation with NGOs a guide for victims of trafficking in human beings concerning criminal proceedings. This handbook should facilitate the orientation of victims in criminal proceedings.

Working Group on Forced Labour and Other Forms of Exploitation

The Working Group was established under Czech Government Resolution No. 67 of 23 January 2008 concerning the National Strategy to Combat Trafficking in Human Beings (2008-2011). The

Resolution assigned to the Mol in cooperation with the MLSA and the MJ the meeting of Task No. II, which reads as follows: “To analyse the situation and to submit a criminal law definition of forced labour or new constituent elements of offences such as ‘serious forms of labour exploitation’ and ‘serious forms of violations of labour law regulations’. New constituent elements should define the punishment of ‘illegal employment’ including the different length of sentences according to the gravity of exploitation of a labourer by an employer”. The Mol became the principal responsible party. The working group consists of members of the Mol, the MLSA, the MJ, the Supreme Public Prosecutor’s Office, the UCOC, and La Strada.

Working activities of the group will continue in 2009. Some conclusions of the working group are as follows:

- when drawing up the 2008 Report on Activities of Public Prosecutors’ Offices the Supreme Public Prosecutor’s Office will pay special attention to the issue of trafficking in human beings, particularly with regard to the above described problems – aspects of drawing the 2008 Report will be extended especially in the area of trafficking in human beings;
- the working group recommended to continue on training activities in this area; an appropriate training institution seems to be the Judicial Academy. A training course was included in the education plan of the Judicial Academy.

Currently there are still not enough findings arising from the practice of public prosecutors’ offices and courts and thus support for more detailed analysis and respective draft legislative amendments is missing. The first possible step in the case of a different decision adopted by different courts would be the option to initiate at the Supreme Court the publication of a unifying opinion on decisions to be taken by courts (under Section 2 (4) of Act No. 283/1993 Coll. on Public Prosecutors’ Offices, as amended).

In Autumn 2008 a meeting of experts from the UCOC with public prosecutors who supervise cases of trafficking in human beings for the purpose of forced labour and other forms of exploitation was held. The meeting helped the exchange of gained experience relating to solving such cases and to procedure on how to acquire evidence.

Preventing the Illegal Employment of Foreign Nationals

At the ministerial level, coordination and cooperation in the area of combating illegal employment is carried out through the Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals (hereinafter referred to as ‘IMGCIEN’). The MLSA is the responsible party for this group. IMGCIEN was set up by Czech Government Resolution No. 1044 of 23 October 2000. Its aim is to coordinate the activities of relevant institutions, preparation of new legislation, prevention instruments, and it should also acquire information from research and so on. In 2008 updated versions of two fundamental documents were adopted by Government Resolution No. 813 of 2 July 2008 on the Statutes of the Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals and on the Rules of Procedure.

Prevention of illegal employment of foreign nationals is becoming more important. Therefore the MLSA develops instruments in this area, for example an information section – Employment of Foreign Nationals and EURES - in the Integrated Portal of MLSA, European Job Mobility, information

published on the web pages of the State Labour Inspection Office, and printed information leaflets and brochures.

One pilot project was a project implementing Assistance System for the Employment of Ukrainian Nationals carried out under the support of the MLSA and the MoI. As of 1 January 2008 a development project of the MoI was terminated and the work was finished by the MLSA in March 2008. About 500 migrants and 200 employers used some of the services of the system. Information on legal labour migration and risks of illegal labour migration to the Czech Republic was sent to 2,000 employers and several thousands of potential migrants from Ukraine, through seminars, leaflets, personal consultations, advertisements and mass media. This instrument was evaluated by employers, migrants as well as by state administration authorities as useful and needed, although it cannot replace primarily needed structural changes in the procedure for granting residence permits in the Czech Republic, recognition of qualifications, and so forth. Further information is to be found on the web page of the system: www.praceproukrajince.cz.

Conferences, Training Sessions and Similar Activities

Consular officials at all embassies and consulates were notified of the issue of trafficking in human beings. They received material developed for the purpose of training of consular officials. In 2008 the MFA distributed preventive materials drawn up by the IOM in 2007 for consular official working in ten selected source countries (Russia, Ukraine, Belarus, Moldova, Serbia, Macedonia, Albania, Bosnia and Herzegovina, Romania, and Bulgaria). The project was financed by the MoI. At the same time the area of trafficking in human beings was included in training sessions for consular officials before their departure to a consulate or embassy. Training was provided predominantly to officials sent to work in the above selected countries.

In 2008 the MoI entered into cooperation with representatives of the University of Defence in Brno. Seminars focusing on the issue of trafficking in human beings for the need of the Army of the Czech Republic and scientific research were conducted within the Ministry of Defence. In 2008 one lecture was held which will be followed up in 2009 by regular seminars held for soldiers within the post-secondary school for military officers and for general staff.

The training of public prosecutors and judges on the legal aspects of trafficking in human beings and on the consequences of trafficking in human beings for victims is important. The Judicial Academy organised in 2008 several training sessions concerning this topic. The first event was held in January 2008 under the title "Trafficking in Human Beings". The session was attended by 55 public prosecutors and judges. Trainers were from the MoI, the UCOC, the Supreme Public Prosecutor's Office, the MLSA, and from La Strada. Another training course was held under the name "Crime against Children Committed via the Internet", also in January 2008. Another training activity was a seminar with the topic "Unaccompanied Minor Foreign Nationals and Trafficking in Children" held in May 2008. The seminar was attended by 52 public prosecutors and judges. A teacher from the Judicial Academy participated in the conference "Domestic Violence and Trafficking in Human Beings" which was held in April 2008 in Vienna. The conference was organised by the Austrian Ministry of Justice and the Council of Europe.

Topics relating to the issue of trafficking in human beings were included in education and training programmes of initial basic training for members of the Czech police at secondary schools of the MoI. Individual topics were incorporated in specific police subjects (such as forensic criminal procedures, law, the public order police service, the traffic police service). The aim of this type of training is to

provide police officers with basic information on the issue of trafficking in human beings and to teach them how to recognize victims of trafficking in human beings and sexual exploitation. Moreover, all police schools of the MoI and Police Training Centres of the Czech police (regional administrations) received manuals containing instructions on how to treat victims of trafficking in human beings. Further, all police officers received a brief prospectus in ten languages which can be used for the identification of victims of trafficking in human beings.

Police officers designated for combating organised crime are trained in specialised courses for police officers of the CPIS in the Police College of the MoI in Pardubice, the Training Facility of the MoI in Prague –Ruzyne, and in the Police Academy of the Czech Republic. The topic of organised crime is part of instruction in specialised courses for police officers of the Czech police, namely of the CPIS, which are held, according to the needs of the Czech police, for 13 weeks in the Police College of the MoI in Pardubice as daily studies (in 2008 in total eight courses were held) and police officers also attend specialised courses focused on operative and investigative activities. These courses were designed for members of the UCOC and are organised as nine intensive sessions which are held for one week per month in the Training Facility of the MoI in Prague – Ruzyne as distance studies (in 2008 in total six courses were held). The Police Academy of the Czech Republic organises, within lifelong learning of police officers, courses and seminars which closely focus on the issue of trafficking in human beings (in 2008 two five-day courses were held).

Conclusions and Recommendation

Despite considerable efforts of all entities involved in solving the problem, the situation cannot be evaluated as satisfactory. The assumed latency of this phenomenon and related problems do not allow to lower efforts of all stakeholders.

The tasks assigned by the National Strategy to Combat Trafficking in Human Beings (2008-2011) continued to be met during the previous period. As regards detecting, solving and documenting crimes of trafficking in human beings, measures focused mainly on combating trafficking in human beings for the purpose of forced labour. This part of the issue is, in comparison with the fight against trafficking in human beings for the purpose of sexual exploitation, relatively new in the Czech Republic. At the same time, it can be assumed that in 2009 the number of cases of forced labour may be on the rise in the context of the global economic crisis. Although several criminal prosecutions were commenced and an indictment was lodged, no court has yet adopted a final and conclusive judgement which would help interpret terms such as abuse of vulnerability, cheating, other forms of exploitation and so forth in relation to trafficking in human beings for the purpose of forced labour.

In 2008 the number of prosecutions for a criminal offence under Sec. 232a of the Criminal Code increased. Contrary to this the number of final and conclusive judgements for a crime of trafficking in human beings was incomparably low. The Czech Republic is also regularly criticised at international forums for low sentences imposed on offenders for the crime of trafficking in human beings. The second sensitive area is the impossibility to sign or ratify two - for the area of trafficking in human beings -key international documents (the UN Convention on Transnational Organised Crime and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Council of Europe Convention on Action Against Trafficking in Human Beings, adopted in 2005). The reason is the missing possibility to sanction legal entities for criminal conduct defined by the said Conventions. At the end of 2008 the MoI finished the initial draft of legal provisions of the act which should solve this situation as regards the liability of legal persons for criminal conduct.

In 2008 great attention was also paid to enhancing the system of data collection including an option to harmonise such collection of data. A number of members of the IMCG provided their support with the effort of strengthening the collection of data on the scope of trafficking in human beings. Therefore the 2008 Report for the first time contains also data obtained from two partner organisations and one inter-governmental organisation as well as information delivered by embassies and consulates of the Czech Republic. Although such information undoubtedly contributes to the description of the situation it is still not possible to talk about the overall picture. The area of data collection will be, under the cooperation of all members of the IMCG paid special attention also in the upcoming period. Sociological surveys and findings of street work cannot be omitted as they can help describe that part of the issue of trafficking in human beings which remains hidden.

Another big topic will be the further strengthening of the system of assistance provided to victims of trafficking in human beings and the extension of current services. The Czech Republic was involved in 2008 in an international project the aim of which is to bring together existing national coordination mechanisms for the protection of and assistance to victims of trafficking in human beings, the unification of standards of services provided to victims, and in particular, reinforcing international and bilateral cooperation in the area of repatriation and reintegration of victims.

The first compensation of a victim of procuring which was provided with the considerable support of La Strada ranks among successes achieved in 2008. This was compensation for physical injury and the consequences of posttraumatic stress disorder. The client, who still cooperates with La Strada, will have to go through a long process of collecting the claim, although the claim was lawfully accepted.

And last but not least the activities of the national organisation the IMCG were formalised and the range of cooperating NGOs supported from a special subsidy programme for NGOs entitled "Prevention of Trafficking in Human Beings and Assistance to Victims of Trafficking in Human Beings" was extended.

Several partial areas which will receive the primary attention of members of the IMCG in 2009 were identified at the end of some chapters of this Report.

They are namely the following five areas:

- **to involve in this issue to a larger extent mainly special units of regional police administrations (see page 8);**
- **to continue preventive and informative measures in source countries and to strengthen similar activities in the Czech Republic; cooperation between the Mol and other institutions and organisations seems necessary (page 32);**
- **to incorporate an aspect of risk assessment as an integral part of the programme of voluntary returns (page 33);**
- **to organise a training session on the system of support and assistance for victims of trafficking in human beings in the Czech Republic for embassies and consulates in the Czech Republic; to offer informational documents which were drawn up in the past in many languages (page 49);**
- **to analyse a range of services provided on the basis of the Act on Social Services and services financed from the Programme (page 51).**

In addition to the aforementioned tasks for 2009 it is necessary to continue in preventive training activities within all ministries involved in the IMCG.

List of Abbreviations

Legal Regulations

<i>Act on the Residence of Foreign Nationals</i>	<i>Act No. 326/1999 Coll. on the Residence of Foreign Nationals and on the Amendment to Some Other Acts, as amended</i>
<i>New Criminal Code</i>	<i>Act No. 40/2009 Coll. the Criminal Code.</i>
<i>Code of Criminal Procedure</i>	<i>Act No. 141/1961 S Coll. the Code of Criminal Procedure, as amended</i>
<i>Criminal Code</i>	<i>Act No. 140/1961 Coll. the Criminal Code, as amended</i>
<i>Act on Employment</i>	<i>Act No. 435/2004 S Coll. on Employment, as amended</i>
<i>Act on Social Services</i>	<i>Act No. 108/2006 S Coll. on Social Services, as amended.</i>

Institutions, Organisational Units of the State, Services of the Police of the Czech Republic, and so forth

<i>CEPOL</i>	<i>European Police College</i>
<i>ICMPD</i>	<i>International Centre for Migration Policy Development</i>
<i>La Strada</i>	<i>La Strada Czech Republic, o. p. s.</i>
<i>MEPA</i>	<i>Mitteuropäische Polizeiakademie</i>
<i>Moi</i>	<i>Ministry of the Interior of the Czech Republic</i>
<i>MJ</i>	<i>Ministry of Justice of the Czech Republic</i>
<i>MLSA</i>	<i>Ministry of Labour and social Affairs of the Czech Republic</i>
<i>MFA</i>	<i>Ministry of the Foreign Affairs of the Czech Republic</i>
<i>MH</i>	<i>Ministry of Health of the Czech Republic</i>
<i>MEYS</i>	<i>Ministry of Education, Youth and Sports of the Czech Republic</i>
<i>NRM</i>	<i>National Referral Mechanism</i>
<i>NGO</i>	<i>Non-governmental organisation</i>
<i>IGO</i>	<i>Inter-governmental organisation</i>
<i>Czech police</i>	<i>Police of the Czech Republic</i>
<i>CPISO</i>	<i>Criminal Police and Investigation Service Office</i>
<i>UCOC</i>	<i>Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Police of the Czech Republic</i>
<i>APS</i>	<i>Alien Police Service of the Police of the Czech Republic</i>
<i>RFA</i>	<i>Refugee Facility Administration</i>
<i>IMCG</i>	<i>Inter-ministerial Coordination Group for Combating Trafficking in Human Beings</i>
<i>IOM</i>	<i>International Organisation for Migration</i>
<i>National Strategy</i>	<i>National Strategy to Combat Trafficking in Human Beings (2008-2011)</i>
<i>SLIS</i>	<i>State Labour Inspection Office</i>

Selected Provisions of Act No. 140/1961 Coll., the Criminal Code, as amended

Section 232a Trafficking in Human Beings

(1) A person who makes, procures, hires, lures, transports, conceals, detains or conveys a person under the age of 18 years in order to abuse that person for

- a) sexual intercourse or other forms of sexual harassment or exploitation;
- b) slavery or servitude; or
- c) forced labour or other forms of exploitation,

shall be sentenced to a term of imprisonment of between two and ten years.

(2) A person shall be sentenced to the same term of imprisonment if he/she by using violence, a threat of violence, a trick or by using an error, or by abusing another's distress or dependence, makes, procures, hires, lures, transports, conceals, detains or conveys another person in order to be abused for

- a) sexual intercourse or other forms of sexual harassment or exploitation;
- b) slavery or servitude; or
- c) forced labour or other forms of exploitation.

(3) An offender shall be sentenced to a term of imprisonment of between five and twelve years if he/she

- a) commits an offence referred to in subsection (1) or (2) as a member of an organised group;
- b) exposes another person by such offence to aggravated bodily harm or death;
- c) commits such offence with the aim of acquiring substantial benefit; or
- d) commits such offence with the aim of abusing another person for prostitution.

(4) An offender shall be sentenced to a term of imprisonment of between eight and fifteen years if he/she

- a) causes by an offence referred to in subsection (1) or (2) aggravated bodily harm, death, or any other grave consequence;
- b) commits such offence with the aim of acquiring a substantial benefit; or
- c) commits such offence in relation to an organised group operating in several countries.

Section 204 Procuring

(1) A person who makes, procures, induces or entices someone else to practice prostitution, or who exploits prostitution practiced by someone else, shall be sentenced to a term of imprisonment of up to three years.

(2) An offender shall be sentenced to a term of imprisonment of between one and five years if he/she commits an offence referred to in subsection (1) by using violence, a threat of violence or a threat of other serious harm, or by abusing another's distress or dependence.

(3) An offender shall be sentenced to a term of imprisonment of between two and eight years if he/she:

- a) acquires a substantial benefit by an act pursuant to subsection (1) or (2);
- b) commits such offence as a member of an organised group; or
- c) commits such offence in relation to a person under the age of eighteen years.

(4) An offender shall be sentenced to a term of imprisonment of between five and twelve years if he/she commits an offence pursuant to subsection (2) in relation to a person under the age of fifteen years.

Selected Provisions of Act No. 40/2009 Coll., the Criminal Code, effective as of 1 January 2010

Section 168 Trafficking in Human Beings

(1) A person who makes, procures, hires, lures, entices, transports, conceals, detains or conveys a child in order to be abused by another person for

- a) sexual intercourse or other forms of sexual exploitation or harassment or for the production of pornography;
- b) taking tissue, cells or an organ from his/her body;
- c) service in armed forces
- d) slavery or servitude; or
- e) forced labour or other forms of exploitation;

or

a person who gains a profit from such conduct shall be sentenced to a term of imprisonment of between two and ten years.

(2) A person shall be sentenced to the same term of imprisonment if he/she, by using violence, a threat of violence or a trick or by using an error, or by abusing another's distress or dependence, makes, procures, hires, lures, entices, transports, conceals, detains or conveys any other person than the person referred to in subsection (1) in order to be abused for

- a) sexual intercourse or other forms of sexual exploitation or harassment or for the production of pornography,
- b) taking tissue, cells or an organ from his/her body;
- c) service in armed forces;
- d) slavery or servitude; or
- e) forced labour or other forms of exploitation;

or

a person who gains a profit from such conduct shall be sentenced to the same term of imprisonment.

(3) An offender shall be sentenced to a term of imprisonment of between five and twelve years if he/she

- a) commits an offence referred to in subsection (1) or (2) as a member of an organised group;
- b) exposes another person by such offence to aggravated bodily harm or death;
- c) commits such offence with the aim of acquiring a substantial benefit for him/herself or for any other person; or
- d) commits such offence with the aim of abusing another person for prostitution.

(4) An offender shall be sentenced to a term of imprisonment of between eight and fifteen years or to a sentence of forfeiture of property if he/she

- a) exposes another person by the offence referred to in subsection (1) and (2) to aggravated bodily harm;
- b) commits such offence with the aim of acquiring a substantial benefit for him/herself or for any other person; or
- c) commits such offence in relation to an organised group operating in several countries

(5) An offender shall be sentenced to a term of imprisonment of between ten and sixteen years or to a sentence of forfeiture of property if he/she causes, by an offence referred to in subsection (1) and (2), death.

(6) Preparation for such conduct is punishable.

Section 189 Procuring

(1) A person who makes, procures, hires, induces, lures, entices or abuses another person to practice prostitution, or who exploits prostitution practiced by another person, shall be sentenced to a term of imprisonment of between six months and four years, to a ban on business activities, or to a sentence of forfeiture of property.

(2) An offender shall be sentenced to a term of imprisonment of between two and eight years if he/she commits an offence referred to in subsection (1)

- a) with the aim of acquiring a substantial benefit for him/herself or for any other person; or
- b) as a member of an organised group.

(3) An offender shall be sentenced to a term of imprisonment of between five and twelve years or to a sentence of forfeiture of property if he/she causes, by an offence referred to in subsection (1), aggravated bodily harm.

(4) An offender shall be sentenced to a term of imprisonment of between eight and fifteen years or to a sentence of forfeiture of property if he/she causes, by an offence referred to in subsection (1), death.

Section 190 Prostitution Endangering morals of Children

(1) A person who practices prostitution in the near environs of a school, school facility or similar facility or a place which is reserved or designated for a stay of or visits by children shall be sentenced to a term of imprisonment of up to two years.

(2) A person who organises, guards or operates prostitution by any other manner in the near environs of a school, school facility or a similar facility or a place which is reserved or designated for a stay of or visits by children shall be sentenced to a term of imprisonment of up to three years, to a ban on business activities or to forfeiture of property.

(3) An offender shall be sentenced to a term of imprisonment of between six months and five years if he/she commits an offence referred to in subsection (1) and (2)

a) in at least two such places; or

b) more than once.

Section 193 Abuse of a Child for Production of Pornography

(1) A person who makes, procures, hires, induces, lures, entices or abuses a child to produce pornography or who gains a profit from the participation of a child in such pornography shall be sentenced to a term of imprisonment of between one year and five years.

(2) An offender shall be sentenced to a term of imprisonment of between two and six years if he/she commits an offence referred to in subsection (1)

a) as a member of an organised group; or

b) with the aim of acquiring a substantial benefit for him/herself or for any other person.

(3) An offender shall be sentenced to a term of imprisonment of between three and eight years if he/she commits an offence referred to in subsection (1)

a) as a member of an organised group operating in more than one country

or

b) with the aim of acquiring a substantial benefit for him/herself or for any other person.

Section 342 Unauthorised Employment of Foreign Nationals

(1) A person who in a substantial capacity employs or intermediates employment of foreign nationals residing illegally in the Czech Republic without being authorised to do so, or a person who in a substantial capacity employs or intermediates employment of foreign nationals who are not in possession of valid labour permit under another legal regulation without being authorised to do so shall be sentenced to a term of imprisonment of up to six months, to a ban on business activities, or to confiscation of property

(2) An offender shall be sentenced to a term of imprisonment of up to one year if he/she commits an offence referred to in subsection (1)

a) as a member of an organised group,

b) for a pecuniary consideration; or

c) more than once.

(3) An offender shall be sentenced to a term of imprisonment of between six months and three years if he/she by an offence referred to in subsection (1) gains a considerable benefit for him/herself or for any other person.

(4) An offender shall be sentenced to a term of imprisonment of between one year and five years, and in addition to this sentence he/she can be sentenced to forfeiture of property if he/she by an offence referred to in subsection (1) acquired a substantial benefit for him/herself or for any other person.