

MINISTRY OF THE INTERIOR
Security Policy Department

**National Strategy of the Fight against Trafficking in
Human Beings
(for the period of 2005 – 2007)**

Prague
2005

GOVERNMENT OF THE CZECH REPUBLIC



RESOLUTION

OF THE GOVERNMENT OF THE CZECH REPUBLIC

no. 957 of 20 July 2005

concerning the National Strategy of the Fight against Trafficking in Human Beings
(for the period of 2005 - 2007)

The Government

I. t a k e s n o t e of the National Strategy of the Fight against Trafficking in Human Beings (for the period 2005 - 2007), contained in the part III of the document ref. no. 1159/05;

II. a p p r o v e s the Schedule of Measures for executing the National Strategy of the Fight against Trafficking in Human Beings (for the period 2005 - 2007), contained in the Annex to this Resolution;

III. i m p o s e s u p o n

1. the Deputy Prime Minister and Minister of Labour and Social Affairs, the Deputy Prime Minister and Minister of Justice, the Minister of the Interior, the Minister of Foreign Affairs and the Minister of Education, Youth and Sports the duty of fulfilling the tasks stated in the part II of this Resolution,

2. the Minister of the Interior the duty of submitting to the Government by 30 June 2007 the evaluation of the National Strategy of the Fight against Trafficking in Human Beings and its update for the next period.

To be executed by:

the Deputy Prime Minister and
the Minister of Labour and Social Affairs,
the Deputy Prime Minister and
the Minister of Justice,
the Minister of the Interior,
the Minister of Foreign Affairs,
the Minister of Education, Youth and Sports

Prime Minister
Ing. Jiří Paroubek
GOVERNMENT OF THE CZECH REPUBLIC

Annex
to the Resolution of the Government
no. 957 of 20 July 2005

**The Schedule of Measures for executing the National Strategy of the Fight against
Trafficking in Human Beings
(for the period of 2005 - 2007)**

	Measure	Responsible	Deadline
1	Develop internal acts of the Ministry of the Interior for the operation of the national coordinating mechanism in the area of support and protection of the victims of trafficking in human beings in the new internal regulation act of the Police Presidium of the Czech Republic.	MI	30/10/ 2005
2	Update the "Police Performance Manual for Trafficking in Human Beings" and ensure its printed and electronic distribution within the Police of the Czech Republic.	MI	30/04/ 2007
3	Innovate the curriculum of the police education programmes (preliminary, ongoing and specialising) in accordance with the new internal operational acts of the Ministry of the Interior.	MI	31/12/ 2005
4	Increase the number of the systematised posts in the Human Trafficking Department of the Organised Crime Unit of the Criminal Police and Investigation Service Office of the Police of the Czech Republic.	MI	30/11/ 2005
5	Organise round tables with the participation of the parties involved in the Programme of Support and Protection of the Victims of Trafficking in Human Beings in the regions of the Czech Republic according to the current need.	MI	Ongoing RD: 30/06/ 2006
6.	Implement a system of long-term education of state prosecutors and judges in the area of human trafficking, with the emphasis on the need to impose adequate punishments and the cooperation with non-governmental organisations.	MJ	31/12/ 2006
7.	Initiate preventative-informational campaigns in relation to human trafficking focused on the endangered population and the public.	MI	Ongoing RD: 31/05/ 2006
8.	Continue in the preventive influencing the endangered population by means of producing leaflets and their distribution in the relevant institutions of the state and	MI MLSA MEYS	Ongoing RD: 31/12/

	local administration (employment offices, social sections of local administration bodies, secondary schools, training schools, Foreign Police Department of the Police of the Czech Republic, embassies of foreign countries in the Czech Republic etc.)		2005
9.	Carry out the pilot project of the information campaign in relation to human trafficking directed at its demand side.	MI	31/12/2005
10.	Include in the projects of the Foreign Development Assistance aimed at the migration also the element of human trafficking.	MI MFA	Ongoing RD: 30/06/2006
11.	Initiate an active involvement of the Czech Republic in the international projects of human trafficking prevention in the source countries.	MI	Ongoing RD: 30/06/2006
12.	Ensure an ongoing sociological research of the human trafficking environment in the Czech Republic.	MI	28/02/2007
13.	Ensure on an ongoing basis sufficient distribution of information materials for the victims in the offices of the Police of the Czech Republic and employment offices.	MI, MLSA	Ongoing RD: 30/06/2006
14.	Include the human trafficking themes in the educational systems of the employees of the social sections of local administration bodies and employment offices.	MI, MLSA	31/01/2006
15.	Assess yearly the Programme of Support and Protection of the Victims of Trafficking in Human Beings and propose relevant amendments.	MI	Ongoing RD: 31/01/2006
16.	Ensure the execution of the study on motivating and demotivating factors on the basis of which the victims of human trafficking decide to join or not to join the Programme of Support and Protection of the Victims of Trafficking in Human Beings.	MI	30/06/2006
17.	Increase the capacity of the Programme of Support and Protection of the Victims of Trafficking in Human Beings.	MI	Ongoing RD: 30/06/2006
18.	Develop an analysis of the system of financial coverage of the Programme of Support and Protection of the Victims of Trafficking in Human Beings and propose relevant measures.	MI	30/05/2006
19.	Analyse the possibilities of protection of the relatives of the victims of human trafficking - the foreigners in the Czech Republic and propose relevant measures.	MI	28/02/2006

20.	Use the results of the research of the environment of labour exploitation of migrants and human trafficking for a proposal of an action aimed at eliminating the activities of organised crime operating in the sphere of illegal employment.	MLSA, MI	31/12/ 2006
-----	---	-------------	----------------

1. Introduction

The Government of the Czech Republic approved by its resolution no. 849 of 3 September 2003 the *National Strategy of the Fight against Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic* (hereinafter *National Strategy*). In order to execute the *National Strategy* an Action Plan of Tasks (an annex to the Government resolution) was drawn up directing its measures at the sphere of prevention and informing the potential victims and at the sphere of sanctions, but primarily at improving the position of the victims of the trafficking in women. A model of care for these victims was designed including systematic coordination of activities of individual departments and non-governmental organisations which took into account the protection of and assistance to the victims and also interests of the bodies responsible for penal proceedings. Simultaneously, the Government charged the Ministry of the Interior to assess and update the *National Strategy* after two years.

After two years the measures can be judged as having been proposed effectively, adequately and fully in accordance with the modern approach to this issue in the world. With the *National Strategy* a solid base for a complex course of operation against human trafficking has been established. A fundamental shift has been observed in enforcing relevant legislation, many activities have been launched in the sphere of education and increasing knowledge about human trafficking among policemen, state prosecutors, judges and medicine doctors, and also among employees of other state institutions, many preventive activities have been aimed at the population endangered by human trafficking and the general public, and last but not least the *Programme of Support and Protection of the Victims of Trafficking in Human Beings* has been practised with an important cooperation of the non-governmental sector. The issue of human trafficking has been included among the priorities of the Strategy of Crime Prevention for the years 2004 - 2007 (approved by the Government resolution no. 393/2004).

The Ministry of the Interior is responsible for performing a role of “national reporter”, consisting in analytical and conceptual activity, i.e. coordinating activities in the fight against human trafficking and submitting reports including proposals of new measures. The Ministry of the Interior is also responsible for coordinating the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*.

Despite all these measures the problem of human trafficking cannot be in any case thought of as “solved”. Although the fight against human trafficking has been declared a priority and the *National Strategy* entailed clearly defined tasks, it must be stated that not all of them have been fulfilled with proper emphasis, which has been evidenced by insufficient releasing of predominantly financial resources for fulfilling relevant tasks.

The *National Strategy* has addressed only one type of human trafficking - for the purpose of sexual exploitation. This approach arose from the then definition of human trafficking in the criminal legislation (only human trafficking for the purpose of sexual intercourse was considered human trafficking in the Penal Code) and from rather limited knowledge about other forms of human trafficking not only in the Czech Republic but in most European countries.

The National Strategy of the Fight against Trafficking in Human Beings for the period of 2005 - 2007 contains the sum of all available information about the situation in the sphere of human trafficking in the Czech Republic and provides a survey of the measures taken in the past two years. Furthermore, on the basis of evaluation of tasks the National Strategy specifies measures aimed at combating human trafficking, and in consequence of broadening the legislative definition of human trafficking, which took place in 2004, and on the basis of research performed in the sphere of other forms of human trafficking and review of the situation, it extends the circles of the measures to these new spheres. The proposed measures are entirely in accordance with the recommendations of the international organisations and the approach of the European Union towards human trafficking.

2. Review of the situation in human trafficking in the Czech Republic¹

Trafficking in human beings, which can also be called modern slavery, is a worldwide phenomenon. Its occurrence is related predominantly to the instability of the international economic relationships, poverty, tolerance to infringement of human rights and political instability in the countries of origin, insufficient awareness of the public and the victims and insufficient legal knowledge, the shift of the society's system of values, excessive concentration on the principles of market behaviour and the myth of an easy and tranquil life in richer countries, the high demand for cheap, venal sex and for cheap labour in the target countries, and often the various form of gender or race discrimination.

It is not easy to express statistically the exact scope of this problem, and therefore the estimates of the number of victims vary significantly. Various international studies² indicate that 700,000 - 2,000,000 persons are traded annually around the world, while 300,000 - 500,000 persons are traded annually within Europe. It is estimated that the global annual proceeds from human trafficking are €8,500 - 12,000 million. According to the latest International Labour Organisation (ILO) study there are 12.3 million victims of forced labour in the whole world, while 2.4 million of them are simultaneously victims of human trafficking for this purpose; the annual proceeds of the offenders are estimated to be \$31,600 million.

It is evident even from these rough estimates that it is one of the most profitable forms of international organised crime which generates profits for its organisers comparable with the profits from illegal drug or weapon trade. In comparison with the said forms of criminal activity there is a much smaller risk of detecting and sanctioning of the offenders, since they abuse of the helpless situation in which their victims often find themselves, mainly due to the illegal residence in a foreign country. Human trafficking also entails a severe violation of human rights of the victim. In the fight against human trafficking it does not suffice to sanction the offender criminally, it is also necessary to create conditions for the assistance to the victims and for their reintroduction into society, and mainly to work preventively. Due to the fact that organised crime with an international element is involved here, it is necessary to create and use possibilities of international cooperation.

The offenders from the organised criminal structures seek to transfer the proceeds from this criminal activity to legal forms of business (money laundering) and consequently establish and legalise their position, which poses a significant security risk for democratic society in general. Other alarming social threats, stemming from human trafficking, are destabilisation of the democratic situation and labour market in the source countries with the irreparable depletion of human resources, public health threats and disintegration of social links.

The generally accepted definition of human trafficking can be found in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially in Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime: "Trafficking

¹ This Article is based particularly on data and statistics of the Police of the Czech Republic and the Ministry of Justice and on researches mentioned in Article 3.3.

² For instance, the International Organization for Migration, the US Department of State, the Europol. The significant dispersion in data is caused, among others, by differences in methodology and statistical observation in various parts of the world. The international estimates also include only transborder trade in human beings and do not cover domestic trafficking.

in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

The increase in human trafficking in the Czech Republic was observed in connection with the specific migration situation after the fall of the iron curtain in the early 1990s when especially women from the Eastern Europe became the main commodity in western European markets; thus Czech Republic was affected as well. During 1990s there was a decrease in the share of the Czech Republic as a source country for human trafficking and the Czech Republic gradually became -- thanks to its economic standards and vicinity to Germany and Austria -- an attractive target country.

2.1. Human Trafficking for the Purpose of Sexual Exploitation

Human trafficking for the purpose of sexual exploitation and organising prostitution involves activities of predominantly Russian-speaking and Bulgarian groups of organised crime which operate in the whole Czech Republic, mainly in northern and western Bohemia (close to the German border), in southern Moravia (close to the Austrian border) and in Prague. There is an increase in the number of Vietnamese and Chinese offenders, Czech nationals of Roma origin participate significantly in the domestic trade.

Although there obviously are “small scale activities”, performed by groups of individuals, much larger role is ascribed to internationally linked criminal networks. Domestic criminal groups cooperate with the foreign organised crime. The traffickers use an extensive range of frauds and coercion which includes various forms of threat, blackmailing, restriction of personal freedom, physical, sexual or emotional abuse, seizure of travelling documents and money. In some cases the victims can be lured by a respectable looking firm/agency (for example by a travel agency or hiring agency) which is, however, only a disguise for criminal activity.

Recently, the Police of the Czech Republic has observed an increase in the number of girls and women coming from eastern European countries (predominantly Ukraine, Moldova, Bulgaria, Russia, Byelorussia, Lithuania and Romania) as well as from Asian countries (Vietnam, China) who are forced to prostitution within the Czech Republic, or are transported via the Czech Republic to western Europe. Generally, these victims can be characterised as having very low readiness to cooperate with the Police of the Czech Republic. There is primarily distrust to the institution of the police which these women bring from the countries of their origin and which is fuelled by the menaces of the offenders. Even if the victims of human trafficking come to trust the Czech police that it is able to ensure their safety, they are still reasonably concerned about the safety of their relatives in the countries of their origin. In most cases criminal organisations recruit women in their homes and have a perfect understanding of their familial background. Besides, the menace of physical harm inflicted to the victims’ relatives is one of the mostly used forms of verbal coercion which the traffickers exert on the traded women. Direct physical violence as a coercive measure is far less likely to occur than it did in the mid-1990s. These women stay in the Czech Republic with a visa for a stay not exceeding 90 days

(the so-called “tourist visa”), a long term visa (mostly issued on the basis of fictitious data and documents, such as invitation), or illegally.

As for the export of women from the Czech Republic, according to the findings of the Police of the Czech Republic they are traded mainly to the countries of the EU and also to Japan, Mexico etc. In these cases the Police of the Czech Republic most frequently discovers direct physical violence which the traded women face in the target countries. This group of women is most ready to cooperate with the police authorities and provide necessary information leading to detection of the offenders of this form of criminal activity.³ The most common source of the Czech victims of human trafficking are regions with major unemployment rate and cities with developed tourism and increased supply and demand of all kinds of sexual services. The riskiest localities are mentioned to be the border regions of northern and western Bohemia, northern Moravia, Prague and Brno.

The methods of recruiting Czech women can be divided into informal and formal. The informal contacts between the trafficked person and recruiters are most often executed via friends, common acquaintances, often also via a relative of the victim. The formal methods are related to contacts via agencies (job, marriage, travel) or via advertisements placed by a single person or directly by owners of facilities providing sexual services. The common pretext is of offering a well-paid and attractive job, such as the post of bartenders, dancers, hostesses, and companions, however, the recruiters often fix their attention on women who had, voluntarily or involuntarily, offered sexual services in the past. The potential victims of human trafficking are sought out among persons dissatisfied with their incomes, faced with difficult situations and women who work as prostitutes.

Human trafficking is not only an international issue, but also takes places within the Czech Republic (i.e. without crossing the border). On one hand, domestic human trafficking involves “rotation” of victims between regions and night clubs, which occurs due to the development of demand for sexual services of particular victims in a given locality or club, in case of “troubles” with the victim or due to an increased interest of the Police of the Czech Republic in a given criminal society. The other method of domestic human trafficking is recruitment of girls in regions with lower social and economic standards and their transfer and subsequent forcing to prostitution in those regions where prostitution is in higher demand.

One of the few quantitative information sources on the basis of which it is possible to describe human trafficking, are criminal and judicial statistics. However, due to strong latency of human trafficking these statistics of detected offences or convicted offenders cannot be considered as data on the basis of which it would be possible to review objectively the quantitative development of human trafficking in a medium-term perspective. Rather, these data evidence achievements of the Police of the Czech Republic in detecting and investigating this criminal activity in a given period.

Number of offences detected by the Police of the Czech Republic of human trafficking for the purpose of sexual intercourse pursuant to Section 246 of the Penal Code (originally trafficking in women)⁴

³ It is also true that police cooperation between the Czech Republic and target (European) countries is on a better level of quality than is the case of cooperation with the source countries (from the viewpoint of the Czech Republic).

⁴ From the beginning of 2005, human trafficking has been classified under the new Section 232a of the Penal Code. In the first half of 2005, the Police of the Czech Republic identified 7 offences of human trafficking, solved 5 cases and examined and prosecuted 10 persons.

Year	1998	1999	2000	2001	2002	2003	2004
Detected offences	34	23	13	27	15	10	13
Solved offences	34	22	13	25	10	9	12
Number of investigated and prosecuted persons	49	38	21	26	12	19	30

Number of victims registered by the Police of the Czech Republic of offences of human trafficking for the purpose of sexual intercourse pursuant to Section 246 of the Penal Code⁵

Year	2003	2004
victims – women	2	3
victims – men	1	0
victims – groups	8	10
number of persons in groups	50	69
total	53	72

Examples of successful police interventions dealing with human trafficking

On 6 December 2003 under the operation ESPANA the Police of the Czech Republic arrested seven persons suspected of human trafficking. The group was organised by a 45-year-old man, and there were other five men (one of them committed suicide during the criminal activity) and one 28-year-old woman involved. This organised group of six suspected Czech nationals and one foreigner operated not only in the Czech Republic, but also in Spain, mainly in Barcelona. Its criminal activity consisted in that the members of the group lured and transported girls from the Czech Republic to Austria, Germany and Spain under the pretence of a promised income earned by dancing and singing in night clubs. The true purpose of recruiting the girls was planned forced prostitution. Upon arrival in the target country the suspects informed the girls that they would work in night clubs as prostitutes and would hand over a significant part of their earnings. Some girls were forced into prostitution by physical threats and under psychological pressure, and they were blackmailed. In total 25 lured girls were abducted abroad and were also used for shooting pornographical films and photographs. The principal organiser collected all the funds earned by prostitution and by shooting pornographical materials. Afterwards he divided the funds among his companions. In the past this man was already prosecuted for crimes against property and crimes of violence. The Police of the Czech Republic documented the group's activities in the period from 1998 to the arrest. The members of the organised group were accused of crimes of human trafficking for the purpose of sexual intercourse, blackmail and deprivation of personal liberty in complicity.

On 3 March 2004 the Police of the Czech Republic detained in Dolní Dvořiště after a six-month surveillance six persons (including one woman) suspected of organising transports of girls to Austria for the purpose of prostitution in pensions. Four of the suspects were Czech nationals, two were foreigners. Five men and one woman are suspected of procuring and soliciting prostitution, human trafficking for the purpose of sexual intercourse, blackmail in eight cases, one of the men is suspected of three rapes. The members of this group transported at least 20 girls to Austria. Some of the suspects were already sentenced for similar criminal activities in the past.

On 14 May 2004 the Police of the Czech Republic arrested a group of six persons - Vietnamese nationals (three men and three women) suspected of crimes of human trafficking for the purpose of sexual intercourse, procuring and soliciting prostitution, and corrupting the morals of youth. The suspects lured girls from Vietnam to the Czech Republic under the pretence of a lucrative income. For example, they promised them posts of hairdressers and even secured them residence permits. However, upon arrival they forced them into prostitution telling them that they must pay \$8,000 (CZK 216,000) for securing the permits and covering travelling expenses. The traded women did not have any means of living, and therefore were forced to perform prostitution. The girls had to work in night clubs in Cheb, Prague and Brno, and had to deliver earned money to their panders. The Police of the Czech Republic discovered that the group abused of 15 Vietnamese women, one of which was not 18 years old.

⁵ The police statistics file victims either individually, or as groups of victims (in a larger case, for example); consequently the number of victims in these groups is shown.

On 28 May 2004 under the operation BĀBO the Police of the Czech Republic arrested eight persons suspected of organising prostitution in the Dubí and Teplice regions. Some of the girls (who came mainly from the countries of the former Yugoslavia, the countries of the former Soviet Union and the Czech Republic) were forced by violence into prostitution. The activities of the offenders, who also come from the countries of the former Yugoslavia, the countries of the former Soviet Union and the Czech Republic, were monitored by the police for approximately a year and a half. The offenders' profits during the period of surveillance were of millions of Czech crowns. The intervention took place in three hotels, a restaurant and flats in the Teplice region. The offenders were notified of accusations of procuring and soliciting prostitution, human trafficking for the purpose of sexual intercourse and engaging in criminal conspiracy.

On 22 June 2004 on the basis of investigation of findings delivered by the Slovak police the Police of the Czech Republic arrested a group of ten offenders suspected of human trafficking. The offenders covered their activities by the operation of the Prague branch of a Slovak modelling agency, recruited women as models and companions, but during the entry procedure persuaded them to perform prostitution for clients all over the world. The internet pages of the agency then showed photographs of the girls along with specifications of sexual practices which the girl was willing to perform, and of the price. The agency's dealers negotiated an order, the managers chose and prepared the requested woman who was delivered by a driver to the client in a Czech hotel or to the airport from where she travelled around Europe and to the whole world (mainly to Austria, Germany, Italy, Egypt, United Arab Emirates etc.). The client paid a portion of the price to the agency's account in Slovakia and the rest to the woman or the agency's driver. The prices were set according to the length of the sexual services, the minimum length being six hours, maximum one week (the price for one week being approximately €9,000), while the girls kept approximately 30% of the price. The Police of the Czech Republic documented that the Czech branch of the agency earned CZK 99 million for the sale of 70 girls from 31 July 2002 to the arrest of the offenders. Ten suspects were accused of engaging in criminal conspiracy and human trafficking for the purpose of sexual intercourse. On the same day the Slovak police arrested other 15 persons for the same crimes.

On 24 September 2004 the detention of suspected offenders terminated the operation TET. The Police of the Czech Republic surveilled from March 2003 a group of Asians operating within the whole Czech Republic, linked to traffickers in Vietnam. There girls intended for work in the Central and Western Europe were recruited. The girls, whom the gang provided with tourist visas, paid for the journey \$5,000 - 7,000. Immediately upon arrival in the Czech Republic they were contacted by the Asians living in our country. They transported them to relevant clubs all over the Czech Republic run exclusively by the Vietnamese. The girls learned from the owners of the clubs that they owed them the same amount which they had already paid in Vietnam. They had to earn the money by prostitution, and the trafficker was informed by the club owner of the number of clients and the earnings. Until the girls earned enough to pay their fictitious debt, they were not free. The club owners often entered into agreements with them specifying much bigger amounts of money (up to \$14,000). The rates for 30 minutes spent with a client in the club were of CZK 1,300 - 1,800. During the period of surveillance the police managed to document about 50 cases of traded girls, but their number could have been higher. 13 offenders were arrested (including four women). The offenders were notified of accusations of procuring and soliciting prostitution, human trafficking for the purpose of sexual intercourse and engaging in criminal conspiracy. The Police of the Czech Republic estimated on the basis of collected findings that the profits of the organised group exceeded CZK 5 million. The investigation also involved social workers who took care for the children of the arrested offenders during the police intervention, one of them being 8 months old.

On 8 November 2004 under the operation KARNEVAL offenders suspected of trafficking in women were arrested in the Rozvadov and Broumov regions. They were surveilled by the Police of the Czech Republic from January 2004. The organised group of Czechs was suspected of recruiting and transporting girls to erotic clubs Octávia, Mephisto, and Gabriele. In these clubs the girls had to earn money by prostitution for the erotic clubs' owners. They were also transported to the clubs from abroad. Ten persons were arrested including the main organisers. All the ten persons were accused of engaging in criminal conspiracy, procuring and soliciting prostitution and human trafficking for the purpose of sexual intercourse, prohibited acquisition and possession of firearms and corrupting the morals of youth. In two cases girls under 18 years of age were employed in the clubs. The police performed nine searches of premises at which materials evidencing the said criminal activities and one unlawfully possessed firearm were found. The Financial Police secured personal and real property. Vehicles, real properties, antiques, valuable pictures and other property of the accused were secured so that possible criminal forfeiture could be performed in the future.

Number of convicted persons and sentences for human trafficking for the purpose of sexual intercourse pursuant to Section 246 of the Penal Code (originally trafficking in women)⁶

⁶ The results of the criminal statistics in a given year are not directly comparable with the statistics made by the department of justice which is the party responsible for the statistics of state prosecutors' offices and courts. The reason for this is the interval, sometimes of several years, between conclusions of a concrete criminal action in the individual phases of penal

Year	1998	1999	2000	2001	2002	2003	2004
Number of convicted persons	5	25	16	15	20	5	12
Sentence of imprisonment of 1 - 5 years	3	17	6	7	5	1	3
Conditional sentence	2	8	10	8	15	4	9

The Czech Republic is often criticised by international institutions for the small number of persons convicted for trafficking in human beings and for the high share of conditional sentences which do not correspond to the gravity of this criminal activity.⁷ The average length of legal proceedings from the idea to the day of the sentence coming into force with crimes prosecuted pursuant to Section 246 of the Penal Code was 1,556 days in 2004, while the average length of prosecution of all the other crimes was 275 days, which evidences the extraordinary difficulty and complexity of cases of human trafficking.

However, it is evident that the quantitative occurrence of human trafficking is in fact much higher. The difficult detectability of human trafficking and exploitation of victims is its key characteristics. In the Czech Republic plenty of cases of sexual exploitation occur out of sight of the public, as a part of the street or domestic prostitution. Even though the Police of the Czech Republic and other authorities are actively monitoring the prostitution scene, human trafficking and its victims are hard to detect. Detection of other forms of exploitation related to labour exploitation or illegal migration is even harder.

2.2. Other forms of trafficking in human beings

In connection with the change of the legislative definition of human trafficking other forms of exploitation, apart from sexual, came into focus. In the Czech Republic the relatively most common form is trafficking in human being for the purpose of forced labour⁸, and to a much lesser extent human trafficking for the purpose of domestic labour (service), forced marriage and forced beggary or criminal activity.⁹

One the few exact sources of information about this sphere are two researches performed currently in 2005. However, even these two researches wrestled in practice with a definition of the term “trafficking in human beings”, and describe predominantly the sphere of labour exploitation of foreigners in the Czech Republic, which, nevertheless, are related to the issue of human trafficking for the purpose of forced labour. Human trafficking for the purpose of forced labour is an extreme form of labour exploitation of foreigners. Some economic migrants are forced to suffer certain forms of rough treatment by their employers. It can include verbal or physical violence or breach of the contract

proceedings. The police statistics detect the cases at the beginning of the criminal proceeding, the court statistics, on the other hand, at its end. The other reason is the fact that the criminal statistics file also crimes with unknown offender.

⁷ For more see 3.2.

⁸ Forced labour is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. (Definition according to the Forced Labour Convention of the International Labour Organisation).

⁹ What is meant is not forcing to a certain activity (i.e. exploitation), but “only” trafficking in human beings for the purpose of exploitation.

governing their labour relationship. A typical situation is deferring wages or refusal to provide due time for rest. Still smaller group of people feels to be abused in such a way that could be termed slavery or forced labour.

In accordance with the definition, the mere abuse of the situation or the dominant position at work becomes forced labour or slavery if the employer resorts to verbal or physical violence or a threat of certain intensity for the purpose of keeping their employee at work. Forced labour also occurs if the employer leads on purpose their employee to believe that they cannot leave work without suffering damage or facing threat of physical punishment. Retaining travelling or other personal documents of the employee is a method of physical threat or restraint which can also be a sign of forced labour.

Labour exploitation of foreigners is not a marginal problem; on the contrary, it is a phenomenon which is common in the migration reality of the Czech Republic. A group of intermediaries secures work for clients in exchange for payment and provides contacts with Czech employers. Intermediation involves various forms of obligations. Procuring work is a temporally and spatially conditioned phenomenon which highly correlates with illegal work. It is an internally diversified and complex phenomenon, influenced ethnically.

This phenomenon is fuelled by the demand of Czech employers for migrants' labour, predominantly in the areas of unskilled, manual, monotonous, physically demanding and poorly paid work. The Czechs are not interested in such work; jobs usually found in building industry, services, agriculture and textile industry.

Work for the migrants is not a mere means of income, but has a much broader existential dimension. It involves earning living not only for the migrant but often also for their whole family in their country of origin. It makes possible mere subsistence; the goal is not to reach an above-standard level of living. The Czech Republic has become a target country for migration. It offers many activities, the foremost of them being the work. Migrants want to settle in the Czech Republic for a long time, often permanently, and live a normal life. Their stay is either temporary, or permanent.

Providing work is evolving, and it involves a process of the so-called "internal selection". It excludes intermediaries who are not reliable and do not provide quality services. It marginalises fraudulent intermediaries who do not pay wages and disappear. Intermediaries are interested in permanent profits, not those which will not be repeated. Requirements for ensuring necessary services are rising. The institution professionalizes into ethnic, internally trustworthy companies.

The assessment of willingness is not unambiguous. Many clients consider themselves free. Forced labour, if it occurs, is rather an exceptional excess (restriction of movement). However, the relationship between the intermediary and their client is very unequal, as are the profits stemming from it.

It is generally true that legal environment excludes migrants by its methods and practices, does not offer them possibilities of residence or living as compared with the world of illegality which reacts promptly and quickly, does not pose obstacles and offers complex service systems. In some cases, perceived negatively by the migrants, the legal environment discredits itself by corrupt conduct.

Demand for work and the needs of economy point at the necessity of larger and more accessible legal possibilities of providing work to foreigners in the Czech Republic, for example by government-established or accredited agencies, and simultaneously setting obvious and intelligible

rules which would enable all parties involved to have profits and also include tighter sanctions for violation of said rules and effective methods of their exacting.

Generally, risks are linked to the criminal environment. Labour migration is not a real source of criminality, but rather potential. The risks are to be found in the non-existent integration of migrants, coming of the so-called second generation without status, furthermore there are risks of medical nature, mainly of mental illnesses, deviant behaviour, the loss of assistance related to the fall into illegality, the existence outside the traditional and standard value system, formation of radical tendencies etc. It is necessary to pay attention to the situation in the criminal environment and watch current trends.

It becomes evident that the intention to arrive for work is separated from the intention to commit crimes. Migrants come as people who only want to work and live normally. They withdraw from the criminal sphere, because after falling into illegality they can easily become a risk and easily exploitable group. Working migrants heed their reputation. Badly done work, unreliability, alcoholism, and conflict pose threat not only to them, but also to other participants. The main risk can be found in the interim when the migrants face highly stressful situations (for example without means of living). Then there is a risk that they will resort to illegal practices. The profits from clientelism, of employing foreigners staying illegally in the country, are a source of tax frauds, and the profits from these activities can be used for further criminal activity.

The issues of illegal adoptions, forced criminal activity, trafficking in human organs or forced marriages were noted only marginally, in part because the research did not primarily focus on them. Therefore, it cannot be concluded that some forms of said transactions do not occur in the Czech Republic, however, their occurrence is rather sporadic.

3. Measures against Trafficking in Human Beings

3.1. Legislative Measures

Undoubtedly, the most significant change at the national level has been passing the new legislative regulation of trafficking in human beings implemented by the amendment of the Penal Code, by Act 537/2004 Coll. With the effectiveness from 22 October 2004 a new provision of Section 232 (a) on trafficking in human beings¹⁰ has been included into the Penal Code, which replaced Section 246, repealed by the amendment, on trafficking in human beings with the purpose of sexual intercourse.

The amendment significantly broadened the original regulation of the repealed Section 246. It did so in accordance with the United Nations Convention Against Transnational Organised Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially in Women and Children (hereinafter “Protocol”). Simultaneously, the existing Section 216 (a) on trafficking in children has been amended by omitting trafficking in children for the purpose of abuse of children labour, since the facts of this crime have been newly included in the said Section 232 (a, 1).

The significance of this new regulation can be seen in three main aspects:

- compared with the regulation implemented by Section 246, under which only trafficking in human beings for the purpose of sexual intercourse was punishable, the provision of Section 232 (a) goes much further and deems punishable, in case of meeting all the conditions set by the law, trafficking in human beings for the purpose of sexual intercourse, other forms of sexual exploitation, slavery, servitude, forced labour and other forms of exploitation

10 “Section 232a

Trafficking in Human Beings

- 1) Whoever induces, engages, hires, lures, transports, hides, detains or delivers a person under 18 years of age to be used
 - a) for sexual intercourse or other forms of sexual molestation or exploitation,
 - b) for slavery or servitude, or
 - c) for forced labour or other forms of exploitation, shall be punished to imprisonment for two to ten years.
- 2) In the same manner will be punished whoever by means of the use of force, threat of force, deception or abuse of his mistake, stress or dependence induces, engages, hires, lures, transports, hides, detains or delivers another to be used
 - a) for sexual intercourse or other forms of sexual molestation or exploitation,
 - b) for slavery or servitude, or
 - c) for forced labour or other forms of exploitation.
- 3) Offender shall be punished by imprisonment of five to twelve years,
 - a) if he commits the crime stated in Article 1 or 2 as a member of an organised group,
 - b) if he exposes another by such act to danger of an aggravated bodily harm or death,
 - c) if he commits such act with the intent of obtaining a substantial gain, or
 - d) if he commits such act with the intent of using another for prostitution.
- 4) Offender shall be punished by imprisonment of eight to fifteen years,
 - a) if he causes by the crime stated in Article 1 or 2 an aggravated bodily harm, death or another particularly grave consequence,
 - b) if he commits such act with the intent of obtaining a gain of large scope, orif he commits such act in connection with an organised group operating in more countries.”

- the newly implemented facts of the crime rigorously distinguish between trafficking in persons under 18 years of age (children), which is deemed punishable in any case, even if the offender did not resort to means for attaining their goal mentioned in Article 2 (violence, threat, deception), and trafficking in persons above 18 years of age, in which case the possibility of punishment of the offender is linked to the condition of resorting to violence, threat of violence, deception etc., i.e. the condition of causing some form of duress or existence of other conditions which prevent this person from making a free decision. Stating these special conditions influencing individual free decision making and the individual approval of certain conduct stems from the generally accepted theory of expressing free will - consent which shall be given freely, voluntarily and solemnly, shall not be obtained by deception and shall not be given under duress and under conspicuously disadvantageous conditions
- the third significant change is repealing the condition of trafficking in human beings across the state border and introducing punitiveness of domestic trafficking in human beings.

At the same time it must be remembered that qualified facts of the crime of trafficking in human beings pursuant to Section 232 (a, 3, 4) appeared in the enumeration of crimes mentioned in Section 62 (1) of the Penal Code among the special cases of conditional release. If the offender was sentenced for a crime pursuant to Section 232 (a, 3, 4), they can be released only after serving two thirds of their term of imprisonment.

The said enumeration mentioned in Section 62 is also referred to in Section 41 (2). According to this provision the crimes judged pursuant to Section 232a (3, 4) are counted among the so-called extremely serious crimes. This new qualification is significant in view of many other provisions, as is, for example, Section 7 of the Penal Code - preparation of a crime (i.e. even the preparation of this crime is punishable), or Section 41 (1) of the Penal Code - extremely dangerous recidivist. It is also an important change in terms of procedural course, for example pursuant to Section 71 (duration of custody), Section 71a, Section 88 (interception and recording of telecommunication operations), Section 158 (5) (call to account for conduct), Section 158e (use of agent) etc.

The passage of the new regulation is connected with the above mentioned new regulation of the crime of trafficking in children pursuant to Section 216a of the Penal Code. Out of acts accomplishing elements of Section 216a it was necessary to omit trafficking in children for another purpose than “adoption or another similar purpose”, since otherwise the regulation coincided with Section 232a. It was also morally right to express legislatively the difference in the danger which the crime presents for society and in the offender’s sanction for handing over a child for adoption or another similar purpose, and trafficking in children for the purpose of sexual exploitation, forced labour or other forms of exploitation.

The above amendment to the Penal Code also introduced into the Czech legal order the European arrest warrant (Section 21[2]). This provision is based on European Union Council Framework Decision 2002/584/JHA on the European Arrest Warrant and the Surrender Procedures between Member States, and among others breaches the common principle of prohibition of extradition of citizens of the Czech Republic for criminal prosecution or serving a sentence to a foreign country stipulated under Section 21 (1) of the Penal Code. Therefore, on the basis of the

European arrest warrant (hereinafter “EAW”) a citizen of the Czech Republic can be extradited to another EU member state. EAW is a judicial decision issued by a member state of the European Union which requests arrest and extradition of the wanted person by another EU member state. It is applicable only to persons suspected of committing crimes or sentenced for crimes which carry a certain minimum penalty of the superior limit of the term of sentence. Furthermore, in case of comprehensively set out crimes, including trafficking in human beings, the principle of bilateral punitiveness is breached if the crimes carry in the requesting country a maximum sentence of at least three years. It means that to surrender a person it is sufficient for the crime to be punishable by the law of the requesting country, and it is not necessary for it to be punishable also by the law of the requested country.

Similar changes will occur in the amendment of trafficking in human beings in Section 146 of the re-enacted Penal Code.

At the same time it must be noticed that elements of trafficking in human beings have been in a sense “narrowed”. Trafficking in human beings for the purpose of sexual intercourse pursuant to Section 246 of the Penal Code qualifies an act involving voluntary provision of sexual intercourse with the element of crossing the state border; however, pursuant to Section 232a of the Penal Code the use of some form of coercion enumerated in the law must be proved. The correct application of the provision of Section 232a is in some cases complicated by hitherto absent practice, judicial decisions and legal interpretation of this provision.

Effective from 1 January 2004 is the Act 218/2003 Coll., on responsibility of youth for unlawful acts and on justice in terms of youth and on amendments to some laws which has introduced into the Penal Code the new Section 217a - seducing to sexual intercourse. This crime is committed by whoever offers, promises or gives to a child a payment or another advantage or benefit for sexual intercourse, sexual self-abuse, exposure or other similar conduct for the purpose of sexual gratification. In short, newly introduced is the punitiveness of commercial abuse of persons, mainly in the ages of 15 - 18 years, which had been absent from the law.¹¹

The other significant change, with immediate effect on victims of human trafficking, is a draft of a partial amendment to the Act no. 326/1999 Coll., on residence of foreigners in the Czech Republic and on amendments to some acts in wording of later regulations (hereinafter “act on residence of foreigners”).¹² Compared with the current regulation, which offers the victims of human trafficking the possibility of obtaining visa for the purpose of toleration of residence pursuant to the provision of Section 33 (related to Section 32/2) by reason of existence of an obstacle independent of the person’s will which prevents them from leaving the country, the amendment drafts a regulation more favourable to the victims of human trafficking. According to the current provision it is open for consideration of the Police of the Czech Republic whether it would consider as an obstacle for leaving the country also, for example, the current penal proceedings against offender of trafficking in human beings in which the victim of trafficking acts as the damaged party or a witness.

¹¹ Before the said act became effective, i.e. until the end of 2003, the so-called “voluntary prostitution” of persons in the age of 15 - 18 years without the participation of a third party was not punished.

¹² The bill is at present debated by the Chamber of Deputies of the Parliament of the Czech Republic.

According to the new draft wording of Section 33 (1c) the participation of the foreigner as a witness or damaged in the criminal proceeding would be an expressly stated reason for obtaining a visa for a stay exceeding 90 days for the purpose of toleration of residence in the country. According to the amendment the Police of the Czech Republic would be bound to grant a visa to the foreigner who is a witness or the damaged in penal proceedings and whose participation in the proceedings is necessary. The foreigner would have to prove the existence of such reason by a certificate. Therefore, the new regulation has codified the current practice when the Police of the Czech Republic found the penal proceedings under way as a justified obstacle for leaving the Czech Republic.

According to the present regulation visa validity is limited for the minimum necessary period of time, i.e. for the duration of the obstacle which, however, cannot exceed 365 days. But it can be extended repeatedly, and in practice the extension of visa validity of the victims of human trafficking does not pose any problems. Section 43 regulates the issuance of the so-called “long-term residence permit for the purpose of toleration of residence in the country” which is granted by the Police of the Czech Republic upon application of the foreigner who was granted a visa for the stay exceeding 90 days for the purpose of toleration of residence in the country, if the foreigner stays in the country longer than one year and the reason for which it was granted is still valid. After termination of the criminal proceeding it is possible, in cases worthy of special consideration, to grant on the basis of an application to such person the permanent residence permit on humanitarian grounds. This regulation is not affected by the draft amendment.

The Ministry of the Interior prepares to submit to the Government another draft amendment of the Act on Residence of Foreigners¹³ which reflects the Council Directive 2004/81/EC of 29 April 2004 on the residence permit 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 (hereinafter “Directive”). At the same time this regulation should introduce into our legal order some institutes (as, for example, the obligatory one month deliberation period) which have been practically introduced by *Programme of Support and Protection of the Victims of Trafficking in Human Beings*.

This prepared amendment leaves unchanged Section 33 (1c), proposed by the previous amendment, which regulates visa for a stay exceeding 90 days for the purpose of toleration of residence in the country for persons who are witnesses or damaged parties in the penal proceedings and whose participation in the proceedings is necessary. Furthermore, it should, however, implement in accordance with the Directive, a new type of long-term stay called “Long-term stay for the purpose of protection in the territory of the Czech Republic”. In the draft wording of Section 42e it will be stipulated that the permit for a long-term stay for the purpose of protection in the territory of the Czech Republic is issued by the Ministry of the Interior upon application of the foreigner who is either a probable victim of trafficking in human beings pursuant to Section 232a of the Penal Code and cooperates with the bodies responsible for penal proceedings, or is the person for whom illegal crossing of the state border pursuant to Section 171a of the Penal Code was organised and to whom it was enabled and whose testimony is substantial for detecting the offender or organised group involved in organising or enabling to cross illegally the state borders on condition that the foreigner cooperates

¹³ The bill should be submitted to the Government by the end of June 2005.

with the bodies responsible for penal proceedings in the criminal prosecution of the offender suspected of committing this crime and does not cooperate with the party suspected of committing this crime. Such foreigner should be immediately instructed in a language which they can understand about their right to apply for the permit for a long-term stay for the purpose of protection in the territory of the Czech Republic and about the conditions of this stay. From the day of the instruction the foreigner should be given a period of one month for decision if they would cooperate with the bodies responsible for penal proceedings. During this period of time it should not be possible to extradite the foreigner or terminate their stay in the country by any other means. At the same time the duration of the term should not influence the administrative extradition proceedings or proceedings to determine their extradition according to the international agreement.

The application should be submitted to the Ministry of the Interior by the foreigner who presents a confirmation of meeting the conditions set for submitting this application issued by the bodies responsible for penal proceedings.

The draft Section 44 stipulates in the paragraph 5 that the Ministry of the Interior issues this confirmation valid for the period necessary for attaining the purpose of the stay, at least for the period of six months, and pursuant to the provision of Section 44a (1a) this validity can be extended repeatedly. Section 46c stipulates obligatory reasons for which the Ministry of the Interior annuls the permit for a long-term stay for the purpose of protection in the country which include the notice of bodies responsible for penal proceedings, which confirmed the reason for submitting the application, about the fact that the foreigner ceased to meet the conditions set for issuing this confirmation or the application of the foreigner. For this purpose the law stipulates the obligation of bodies responsible for penal proceedings to inform immediately the Ministry of the Interior of facts justifying the annulment of the permit. After annulling the permit the Ministry of the Interior sets a time limit for leaving the territory of the country and grants the order for departure.

Section 48a would stipulate that the Ministry of the Interior would, upon application of the foreigner submitted in the so-called deliberation period, of the foreigner who submitted an application for a long-term residence permit and of the foreigner to whom this permit would be issued, grant this foreigner a financial contribution up to the amount of the minimum wage. The amount of the granted contribution will depend on their property owned. It should also be stipulated that for the purpose of employment, independent business activity and for the purpose of study such foreigner is considered as foreigner with a long-term residence permit.

The provision of Section 68 regulating permanent residence stipulates that for the purpose of submitting an application for a long-term residence permit, the period for which it is necessary to stay in the Czech Republic without interruption includes also the length of stay in the country on the basis of a visa for a stay exceeding 90 days and on the basis of a long-term residence permit.

Another legislative change has been the passing the new Employment Act no. 435/2004 Coll. which repealed the Employment Act no. 1/1991 Coll. and the Act on Employment and the Powers of Bodies of the Czech Republic in the Sphere of Employment no. 9/1991 Coll. This Act became effective on 1 October 2004 and in its Section 97f stipulates that the conditions for issuing work permit for a foreigner do not have to be met in the case of a foreigner who was granted a visa for the

purpose of toleration of residence or who was granted a long-term residence permit for the same purpose.

This regulation directly concerns the victims of human trafficking who, if they are included in the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*, obtain a visa for the purpose of toleration of residence. The consequence of this provision is very positive since it enables the victims not to be dependent on the financial contribution of the *Programme of Support and Protection of the Victims of Trafficking in Human Beings* and enables them to be, at least partially, financially independent for the duration of the penal proceedings. The significance of this regulation grows in view of the fact that it has not been possible yet to enforce financial support or assistance within the system of the social security.

Another sphere related to the issue of human trafficking is the sphere of the legal regulation of prostitution. Also for this reason the Ministry of the Interior prepared the Act on Regulation of Prostitution. The necessity of the regulation is based on the fact that prostitution is closely associated with many accompanying criminal phenomena which are perceived negatively by our society and as such threaten the inner safety of our country. Obviously, these are not only human trafficking and commercial sexual exploitation of children, but also other forms of organised crime, drug-related criminality, dangers of legalising profits from criminal activity etc.

Solving this issue is one of the priorities of the Ministry of the Interior which elaborated the concept of the bill on regulation of prostitution. It is based on two documents: “The Analysis of Prostitution-Related Issues and the Definition of the Prerequisites of their System Solution” (adopted by Government resolution no. 331 of 14 April 1999) and “The Proposal of Measures to Solve Prostitution-related Issues” (adopted by Government resolution No. 1145 of 15 November 2000). These documents contain an analysis of the current situation of the prostitution scene including an analysis of the legal instruments and the effectiveness of their use.

The concept chose the principle of special regulation, i.e. the approach which creates a certain legal framework within which prostitution will be permitted and simultaneously any other form of prostitution outside this narrow framework will be severely punished. At present it is necessary to respect the constitutional principle according to which everything not prohibited by law is permitted.

The Government adopted this concept by its resolution no. 387 of 28 April 2004 and at the same time imposed the First Deputy Prime Minister and the Minister of the Interior the duty to elaborate and submit a bill on regulation of prostitution in wording reduced to sections.¹⁴ Due to the fact that the Czech Republic is bound by the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1951 which is contradicted by the concept, the resolution also contains the task to elaborate and submit to the Government by 30 September 2004 a draft denouncement of this Convention. By the resolution of the Senate of the Czech Republic the vote on the draft denouncement of this Convention has been deferred until the Senate receives the bill in wording reduced to sections. On 29 March 2005 also the Chamber of Deputies dismissed the proposal for its denouncement.

¹⁴ The bill is at present debated by the Legislative Council of the Czech Government.

The main intent of the bill is to provide prostitution with a certain legal framework and at the same time provide the relevant bodies with legal instruments for elimination of forced or illegal prostitution including trafficking in human beings. Therefore, the bill contains mainly a definition of prostitution and sets conditions under which it would be possible to perform prostitution. Prostitution should not be a trade but pursuant to the bill should be business carried on the basis of other than a trade licence according to special regulation (Section 2 [2c] of Act no. 513/1991 Coll. – the Commercial Code). Prostitution can be performed only by persons on the basis of special regulation, and simultaneously, the bill stipulates the obligatory regular medical examinations and the duty of their record by a medicine doctor in the certificate. The amendment also includes regulation of prostitution in the so-called facilities designated for performing prostitution, and is based on the fact that the said facility will be a trade carried out by legal entities or individuals. In the framework of independent powers of communities these will be granted an extensive right of discretion to permit such facility in their territory.

The bill also includes the provision that as a part of the inspection the Police of the Czech Republic will be authorised to enter all the premises of the night clubs (at present this power is limited) and will be obliged to check for the presence of persons under the age of 18 years and request from the prostituting persons certificates entitling them to prostitution. Besides the Police of the Czech Republic, the statutory power to enter night clubs will be granted also to other supervisory bodies, as, for example, Tax Office, Trade Licence Office, Building Office. Erotic night clubs will be then under much more intense and effective supervision of the state and local administration bodies, and if the said bodies rigorously use their supervisory powers the possibility of forcible holding of prostitutes (victims of human trafficking) is almost minimal. The potential victim of human trafficking will also get in more frequent contact with the state administration, the Police of the Czech Republic or doctors who will be able to offer them help, and the victims will not find themselves in such isolation as they do at present.

In the sphere of the international regulation of the issue of human trafficking the following significant activities have been registered.

First of them is the adoption of the above mentioned Council Directive 2004/81/EC of 29 April 2004 on the residence permit 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. This Directive, addressing mainly regulation of residence of foreigners - victims of human trafficking or persons who were the subject of an action to facilitate illegal immigration - presupposes the implementation into the national legislations of the member states no later than 6 August 2006. In the Czech Republic it should be implemented by the above mentioned prepared amendment on the Act of Residence of Foreigners.

The Directive introduces residence permit for the victims of human trafficking, and if a member state decides to extend the application of relevant provisions also to the subjects of actions to facilitate illegal immigration, to these persons as well. The persons involved are always foreigners, nationals of third countries, to whom the offer of residence might present sufficient motivation to cooperate with bodies responsible for penal proceedings. These foreigners must always be informed about of the possibility of obtaining the permit and they must be granted adequate time for

consideration. The regulation should alleviate their difficult situation and help them to make a decision based on thorough weighing and knowledge of the matter. Furthermore, these persons should be granted assistance which would enable them to free themselves from the offenders and extricate themselves from high risk environment. Residence permit should be granted for a period of at least six months.

Another significant activity in the international sphere is the activity of the Council of Europe which established ad hoc the Committee on Action against Trafficking in Human Beings - CAHTEH and this committee made a proposal of Convention on Action against Trafficking in Human Beings. The Convention was adopted at the Council of Europe Summit on 3 May 2005 and is open for signing. The Convention sets goals, particularly prevention against human trafficking, also with respect to the gender aspect of the issue, protection of the victim's human rights, a draft framework regulation of protection of and assistance to the victims and witnesses, effective detection and investigation, and support of the international cooperation. Furthermore, the Convention also codifies the responsibility of legal entities and the obligation of the state to punish the clients of the traded persons.

The absent codification of criminal liability of legal entities in our legal order also presents an obstacle for signing the United Nations Convention Against Transnational Organised Crime and the two Protocols supplementing this Convention. They are the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially in Women and Children, and the Protocol against the Smuggling of Migrants by Land, Air and Sea. The Czech Republic signed this convention already on 12 December 2000, the Protocols on 10 December 2002. However, the accession to the Protocols is linked to adopting legal regulations which would enable to fully meet obligations stemming from the Protocol, i.e. particularly to adopting the new Penal Code (recodification of the Penal Code) and other legal regulations which would solve the issue of responsibility of legal entities.

The European Commission formed in 2003 the Expert Group on Trafficking in Human Beings with representation of experts from many non-governmental organisations, bodies responsible for penal proceedings, government offices and research and scientific institutions. In December 2004 the expert group drew up a report offering possible methods of strengthening EU actions against trafficking in human beings. It deals particularly with prevention of human trafficking, which it is necessary to pursue not only in the countries of origin of the victims, but also in the target countries, support and protection of children, work of bodies responsible for penal proceedings and establishing coordination mechanisms on the national and international level. On the basis of recommendations included in the report the European Commission will prepare in 2005 a communication which will be a foundation for the European plan of common standards, optimum procedures and mechanisms related to the sphere of preventing and combating trafficking in human beings.

3.2. Measures of bodies responsible for penal proceedings

It is a persistent practice inside the Police of the Czech Republic that the overwhelming majority of cases of human trafficking is investigated by the Human Trafficking Department of the Organised Crime Unit of the Criminal Police and Investigation Service Office of the Police of the

Czech Republic (hereinafter “OCU”); outside the OCU the cases of human trafficking are investigated only sporadically. This unit is also the party responsible for the issue of human trafficking. Most investigated cases have traits of organised crime with international participation involving the necessity for international police cooperation.

Human trafficking is characterised by a high rate of latency, and it is unusual for the victims to report the commission of crime. Therefore, the methods of collecting the primary data are specific: it is necessary to know the local criminal environment and to pursue a systematic and long-term monitoring of the criminal situation and spheres of interests and activities of the organised criminal groups. During investigation it is necessary to use the intelligence means and device (informants, interception etc.), although more stress is also laid on the cooperation with victims and witnesses. The OCU is the most important component involved in the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*, the cooperation with the non-governmental organisations having been assessed by both parties as very good. Obviously, it is necessary to closely cooperate with other police departments, particularly with the Foreign and Border Police of the Police of the Czech Republic and the Criminal Police and Investigation Service Office of the Police of the Czech Republic of the individual districts and regions, and with the Ministry of the Interior Inspection. An active cooperation is realised with foreign police services, for example, in Germany, Austria, the Netherlands, France, Great Britain, Italy and the United States, frequently on the basis of direct personal contacts, and also on the level of Interpol and Europol.

A still more important aspect of the police work and an effective weapon in the fight against organised crime, of which human trafficking is one of the most lucrative forms, is seizing the illegal profits. Draining illegal profits from criminal activities offers the possibility of eliminating the key reasons for which organised crime is committed, and also eliminating the safety risk that this “dirty money” would be invested by the organised crime into further activities. Therefore, the OCU already from the initial stages of documenting criminal activities frequently cooperates with the Illegal Profits and Tax Crime Unit of the Criminal Police and Investigation Service Office of the Police of the Czech Republic¹⁵.

The National Strategy marked the number of scheduled posts of policemen, placed in the specialised OCU, as insufficient.¹⁶ The scheduled number of employees in this post remains unchanged, and is 14 +1 policeman. In the individual regional branch offices of the OCU there are 2 policemen assigned to this post.

This persistent drawback counters the necessity to dedicate more resources to combating human trafficking. Human trafficking is a highly latent criminal activity and this latency will be reduced by increasing resources, dedicated by the Police of the Czech Republic to this problem. The human resources of the specialised OCU are insufficient also in relation to the new tasks, challenges and duties which the Police of the Czech Republic has to face in this regard: including broadening the

¹⁵ The Illegal Profits and Tax Crime Unit of the Criminal Police and Investigation Service Office of the Police of the Czech Republic was formed on 1 July 2004. This unit operates within the whole Czech Republic, having regional branch offices. This unit specialises in discovering profits from the most serious forms of criminal activity with the emphasis in tax crimes and money laundering.

¹⁶ The number was increased for the last time on 1 February 2003.

facts of trafficking in human beings, the still more frequent necessity of cooperation with the police forces of European and other countries, lecturing, running the information system “Victim” (“Obět”), the increase in number of cases handed over by the other departments of the Police of the Czech Republic and non-governmental organisations, the necessity of proactive detection of cases and the indispensable and demanding role in the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*. Precisely thanks to the increasing quantity of operative information obtained from the police forces of other European countries and from the victims, who decided to cooperate with the Police of the Czech Republic due to the *Programme*, there has been an increase of findings which could lead directly to commencement of criminal prosecution; these, however, call for further thorough analysis, for which there are insufficient human resources.¹⁷ There is, therefore, a proposal to reinforce the Human Trafficking Department of the OCU from the current 14 + 1 to 26 + 2 persons.

Besides the support of the specialised OCU another important task for the Police of the Czech Republic is to systematically involve other police departments in the intense work in relation to human trafficking, in particular with regard to identification of victims, establishing cooperation with them, and possible negotiating further help, improving the operational exchange of information and involving other departments of the Criminal Police and Investigation Service Office of the Police of the Czech Republic in investigating the cases of human trafficking which are not characteristic for organised crime. To attain these goals it is undoubtedly necessary to strengthen the knowledge of policemen from all relevant departments about human trafficking and determine clear competence of the individual departments of the Police of the Czech Republic.

At present the issue of human trafficking is covered in the Binding Instruction of the Police President no. 127/2002 regulating the activities of the members of the Police of the Czech Republic in the sphere of criminality against morality, which, however, appears to be unsatisfactory at present, in particular due to the fact that human trafficking ceased to be a form of crime against morality after amending the Penal Code. Pursuant to this Binding Instruction each police department is also obliged to inform the OCU of incidence of human trafficking or suspicion of it, with the aim of involving regional police departments into penal proceedings. As regional specialists on human trafficking within the Police of the Czech Republic were formally appointed the specialists on criminality against morality from the Criminal Police Service of the Police of the Czech Republic, however, due to the said reasons it will be necessary to redefine the competence of the individual police departments and units in a new internal regulation.

To carry out the *Programme of Support and Protection of the Victims of Trafficking in Human Beings* the Ministry of the Interior has drawn up the *Instruction of the Minister of the Interior to Establish a National Coordination Mechanism in the Field of Support and Protection of Victims of Human Trafficking*. This instruction will regulate the duties of the individual departments of the Police of the Czech Republic within the *Programme* which will also regulate, in their turn, the general activities of these departments in relation to human trafficking (for example, ensuring the safety of the victims and witnesses, supervisory activity, detection and investigation of crimes). Prepared to be

¹⁷ Only on the basis of thorough elaboration of foreign findings the sufficient human resources would help to increase the number of penal proceedings and conclusions by at least 50%.

issued are also guidance notes of the First Deputy Minister of the Interior for the execution of the *Programme*. After adopting the Instruction of the Minister of the Interior it is necessary to elaborate in a new regulation act of the Police Presidium of the Czech Republic.

In relation to the *Instruction of the Minister of the Interior to Establish a National Coordination Mechanism in the Field of Support and Protection of Victims of Human Trafficking* the Ministry of the Interior drew up the “Police Performance Manual for Trafficking in Human Beings”. Besides the criteria for identification of cases and victims of human trafficking it also includes a concise introduction to the issue and broader aspects of the definition, and in particular the principles of work with a victim of this criminal activity and the possibilities of assistance and protection of the victims and witnesses.

The Manual is not designed primarily for specialists who are involved in investigating the cases of human trafficking, but for ordinary policemen from all the police departments who can meet a potential victim of human trafficking while on duty; these are in particular the uniformed policemen from the Public Order Police of the Police of the Czech Republic and from the Foreign and Border Police of the Police of the Czech Republic, and also policemen from other departments including the Criminal Police and Investigation Service Office of the Police of the Czech Republic. Experience shows that the level of knowledge about human trafficking among the policemen (with the exception of specialised units) is, despite the improving situation, insufficient: due to ignorance of the basic approaches towards human trafficking, existence of many prejudices towards the victims of human trafficking, towards prostitution, towards foreigners and also towards women, ignorance of the role of non-governmental organisations, incapacity and unwillingness to recognise the basic identification marks of a victim of human trafficking etc. Yet the role of the ordinary uniformed policemen may be crucial for detecting the cases of human trafficking, since in various situations (for example, the residence checks, inspection of night clubs, road prostitution checks, checkpoints) precisely these policemen are the first to come into contact with the potential victims of human trafficking, to have a chance of identifying them as victims of human trafficking, to establish a relationship of trust and to offer help in accordance with the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*.

The Manual is - apart from the educational activities - one of the instruments which should help to increase the level of knowledge of the members of the Police of the Czech Republic about human trafficking, improve their abilities in recognising the cases and the victims of human trafficking, and provide a lead in communication with them and information for further investigation of the crime. The Manual is in accordance with and a necessary complement to the prepared changes in the curriculum of police education. At present there is a search for funds for its printing and distribution.

Soon to be put into service is the new police information system “Victim” operated by the OCU. All the police departments will enter into this information system data on persons, objects and other facts which occurred in relation to human trafficking, or possibly the suspicion of it (for example, on offenders and victims of criminal activities, residence checks, inspections of night clubs, road prostitution checks, checkpoints). These data will be collected and centrally analysed with the purpose of a more effective collection of information and its use for monitoring, proactive detection and investigation of cases of human trafficking.

In terms of education of the members of the Police of the Czech Republic the Ministry of the Interior prepares an innovation of the curriculum of police education: preliminary, ongoing (lifetime), specialising. This curriculum will also be complemented by adequate education handbooks, in particular by the aforementioned Police Performance Manual for Trafficking in Human Beings. The new curriculum will be finished during the second half of 2005, since it is based on internal regulation acts of the Ministry of the Interior which have not been adopted yet.

Preliminary and ongoing education should help the policemen to form an adequate approach to the issue of human trafficking, which includes in particular understanding the victim-oriented approach, the ability to use indicators which can be of help at the identification of potential victims, and also the possibilities and obligations stemming from the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*, the role of non-governmental organisations and the collection and use of information obtained from persons involved in the given community. Used will be, among others, data outputs of the ICMPD¹⁸ project which is aimed at creating a standard of police education in the sphere of combating human trafficking for unspecialised police forces in European countries. The project is financed by the programme AGIS and the Ministry of the Interior is one of the project partners.

In preparation is also specialising police education in human trafficking for the members of the Criminal Police and Investigation Service Office of the Police of the Czech Republic (this course should be obligatory for the incoming members of the OCU). The content of this specialising course will be more comprehensive (development of investigative skills, thorough knowledge of relevant legislation and international standards, knowledge of the tried and tested practice used at the investigation stage, psychology of the victim etc.) The Ministry of the Interior also prepares for the specialists in human trafficking a translation of the investigation manual issued by Interpol in 2001. This handbook contains investigation techniques for criminalists in all the 181 countries of the Interpol's sphere of action; it is necessary to adapt it to the Czech conditions, however, the advice contained in it is clear, beneficial and serviceable¹⁹.

Apart from the said long-term activities, the Ministry of the Interior organises for the policemen many other individual educational projects, conferences and seminars dedicated to the issue of human trafficking. These are focused generally at the increase of knowledge about this issue and improvement of the abilities of ordinary policemen to identify victims of human trafficking; other seminars are organised as round tables with the participation of the parties involved in the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*, i.e. policemen, representatives of the Ministry of the Interior, non-governmental organisations, and possibly also of state prosecutors and representatives of local administration bodies. Precisely these round tables appear to be of great importance, in particular when organised at the local level. These methods strengthen the immediate knowledge of the policemen about human trafficking and about the possibilities offered by the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*, and at the same time provide a suitable platform for personal acquaintance of the representatives of the organisations involved in the *Programme* in the individual regions, and for

¹⁸ International Centre for Migration Policy Development

¹⁹ The publication of the manual is one of the activities of the Phare projects and is scheduled for the second half of 2005.

establishing concrete forms of cooperation or clarification of possible uncertainties at the coordination of measures.

Another educational activity prepared for implementation includes lectures specialising on trafficking in human beings for students of Secondary Police Schools. One-day seminars will be given by specialists from OCU informing about the specifics of revelation and investigation of human trafficking and a representative of the Crime Prevention Section of the Ministry of the Interior informing about victim problems, *Programme of Support and Protection of the Victims of Trafficking in Human Beings* and cooperation with non-governmental organisations. These will be one-day seminars, the first of them being planned for the winter semester. For November 2005 a course in Prevention of Human Trafficking and Victims Support has been prepared by the Police Academy of the Czech Republic for selected workers of the Criminal Police and Investigation Service Office of the Police of the Czech Republic; the lecturers being recruited from among workers of the Ministry of the Interior, OCU and non-governmental organisations.

The Ministry of the Interior has been systematically providing educational activities in the individual projects concentrating on different target groups, e.g. consular workers, students of Police Academies and a wide professional and non-professional public in regions. Cooperation with the Embassy of Sweden in Prague assisting in projection of the film *Lilya 4-ever* for the given target groups has played an important role.

Project Phare 2003 “Assistance in the Fight Against Human Trafficking” focuses on education. The project was launched on 9 June 2004, it is financed by the European Commission in the total amount of 950,000 euro and will last for 18 months (the Czech party will cofinance the project with 200,000 euro). The partners of the Ministry of the Interior in relation to this project are the British Home Office and the Dutch National Centre for International Police Cooperation.

The twinning project includes in particular an 18-month activity of the British consultant on the issue of human trafficking in the Czech Republic and activities of other “short-term” experts on the issue from Great Britain and the Netherlands and is divided in five components: Policy and Strategy (focusing on the evaluation of the current situation in the Czech Republic, current policy relating to human trafficking and practical implementation of the approved government strategy of fight against human trafficking), Investigation and Prosecution of the Offences of Human Trafficking (creation of model education programmes for policemen of different sections in the field of human trafficking, special investigation techniques), Prevention Activities, Human Rights and Protection of Victims (“multi-agency” access to support and care for victims) and Preparation of Documents (creation of educational materials and manuals for the performance of police work focusing on increasing the knowledge about human trafficking, victims and all aspects of investigation and prevention in this field).

As such, twinning focuses in particular on training of specialists from different sections of the Police of the Czech Republic, Ministry of the Interior, Ministry of Justice and other state institutions in vice and immigration problems and organised crime, use of new technologies in police investigation and prosecution, European standards of rules of evidence in this field, strategies of the Member States of fight against human trafficking, police and judicial cooperation in international cases to improve the effectiveness of the organisations systems aimed at protection and care for victims and witnesses of human trafficking (including the role of non-governmental organisations) etc.

Up to the present, a whole range of seminars was held within this project aimed directly at training of policemen in the issue of human trafficking and identification of its victims (about 150 trained policemen), round-table discussions on human trafficking and *Programme* in 4 regions in the Czech Republic and many other seminars for specialists in human trafficking from the Criminal Police and Investigation Service Office of the Police of the Czech Republic on specific problems (use of informers, pursuit of persons and things, examination of victims etc.). Three evaluation missions of foreign experts were held within the project together with seminars in innovation of the curriculum of police training in the issues of human trafficking.

As for the Ministry of Justice, the *National Strategy* assigned it a task to support specialisation of state prosecutors and judges in the issues of human trafficking. The aim of such measure was in particular to establish sections with the Supreme State Prosecutors' Offices (SSPO) specialised on organised crimes, including human trafficking (they would be similar to for example special sections of SSPO the jurisdiction of which includes serious financial and corruption crimes). Organised crime cases tend to be very complicated, in particular in relation to the bodies of evidence, and establishment of special workplaces with SSPO would generate a partner for CPO as a highly specialised unit of the Police of the Czech Republic with nation-wide activities. The draft that would implement such measure and that is also connected with the need to increase the number of state prosecutors has been currently discussed by the Government of the Czech Republic.

The Ministry of Justice has been trying to comply with the above task by a creation of training programmes for state prosecutors and judges which arouse much interest. That's why a seminar focusing on vice crimes, pimping and human trafficking will be included in the programme of continuous training of the Justice Academy from September 2005. By the end of 2005 about 200 state prosecutors and judges will be trained in this issue. During the implementation of these training programmes, the cooperation between the Justice Academy and non-governmental organisations proved useful.

Training of state prosecutors and judges has to continually stress the gravity of human trafficking and, as such, the need to impose proportionate prison sentences and property sentences for such offences. Czech Republic has been often criticised on the international ground for the low number of convicted persons and low punishments imposed in connection with human trafficking²⁰. Training of state prosecutors and judges has to emphasize as well the role of the victim and possible protection and assistance provided by the Czech Republic to victims of human trafficking.

Measures proposed ad part 3.2.

Develop internal acts of the Ministry of the Interior for the operation of the national coordinating mechanism in the area of support and protection of the victims of trafficking in human beings in the new internal regulation act of the Police Presidium of the Czech Republic.

Responsible: MI

Deadline: 30/10/2005

²⁰ E.g. in the important "Trafficking in Persons Report 2005" of the US Department of State.

Update the “Police Performance Manual for Trafficking in Human Beings” and ensure its printed and electronic distribution within the Police of the Czech Republic.

Responsible: MI

Deadline: 30/04/2007

Innovate the curriculum of the police education programmes (preliminary, ongoing and specialising) in accordance with the new internal operational acts of the Ministry of the Interior.

Responsible: MI

Deadline: 31/12/2005

Increase the number of the systematised posts in the Human Trafficking Department of the Organised Crime Unit of the Criminal Police and Investigation Service Office of the Police of the Czech Republic.

Responsible: MI

Deadline: 30/11/2005

Organise round tables with the participation of the parties involved in the Programme of Support and Protection of the Victims of Trafficking in Human Beings in the regions of the Czech Republic according to the current need.

Responsible: MI

Deadline: on an ongoing basis (RD: 30/06/2006)

Implement a system of long-term education of state prosecutors and judges in the area of human trafficking, with the emphasis on the need to impose adequate punishments and the cooperation with non-governmental organisations.

Responsible: MJ

Deadline: 31/12/2006

3.3. Research

Criminology and Social Prevention Institute (“CSPI) organised a research in “Trafficking in Women from the View of the Czech Republic” published in August 2004²¹, within the United Nations project against human trafficking in the Czech Republic carried on as a part of similar global activities of the United Nations guaranteed internationally by IODCCP/CICP²² and methodically by UNICRI²³.

The solvers team of CSPI included in the research the analysis of media presentation of the issue of women trafficking in selected press during the second half of 2003, survey of development of penal law regulation of human trafficking in the Czech Republic, including the relevant international legal documents and analysis of the current penal law, survey of criminal and court statistics, analysis of 15 files from 1996 – 2001, 19 standardised interviews with state bodies experts (policemen, state prosecutors, judges etc.) and 8 standardised interviews with non-governmental bodies experts, 10 depth interviews with victims of women trafficking and investigation via questionnaires with the embassies of the Czech Republic in 8 countries.

²¹ Ivana Trávníčková a kol.: Trafficking in Persons from the view of the Czech Republic. CSPI, Prague 2004.

²² UN Office for Drug Control and Crime Prevention a UN Centre for International Crime Prevention.

²³ United Nations Interregional Crime & Justice Research Institute.

CSPI research was originally scheduled within the said international programme in a way that its conclusions could be used for the preparation of the *National Strategy* in 2003. Unfortunately, due to the delay in implementation of the whole project caused by ODCCP and delays in cooperation with UNICRI, the research results were published only in summer 2004. However, thanks to a close cooperation between the Ministry of the Interior of the Czech Republic and CSPI most conclusions and recommendations arising out of the research were taken into account in the *National Strategy* and form an integral part of the measures aimed at fight against human trafficking.

In accordance with the *National Strategy*, two more researches were assigned by the Ministry of the Interior focusing at a new issue: trafficking in people for other purpose than sexual exploitation²⁴.

The first research was performed by the International Organisation for Migration (IOM) under the tile of: Pilot Research on Environment of Trafficking in Human Beings on the Territory of the Czech Republic²⁵ for the period from December 2004 to February 2005. The research was carried on in the form of questionnaires for the employees of state institutions and non-governmental organisations, structured interviews with migrants – possible victims of human trafficking (20 interviews) and collective casuistics of La Strada (12 casuistics). The field data were complemented by a theoretical study titled “What is the Meaning of Organised Crime in the Environment of Labour Migration in the Czech Republic“ describing history and basic principles of organised crime in the Ex-Soviet Union countries, basic terminological concepts (e.g. protection / reket, “*kryša*” concept) and creation and development of the so-called “*client*” system in the Czech Republic, including a description of the individual actors, institutional practice and legislative background.

The analysis of the casuistics is mostly focusing on the problem of general functioning of labour exploitation of foreigners on the territory of the Czech Republic, description of the basic development trends in the field of such exploitation, in particular among foreigners from the former Soviet Union, Bulgaria and Mongolia, less among foreigners from some other Asian countries (Vietnam, China) whose communities could not be penetrated by the researches.

The research as a pilot project of a scope unseen so far in the Czech Republic brings about primarily a huge amount of data, further analysis of which may help to apply the definition of human trafficking newly introduced by the Penal Code to the police practice and penal proceedings. Although the research has been mapping mostly the environment of illegal employment of foreigners in the Czech Republic, such environment is connected with the issue of human trafficking, in particular in the field of forced labour. The research has uniquely clarified creation, existence and impact of “*client*” practices in a way which has no parallel in professional research.

The second research was carried on by the agency Intermundia, o.p.s., from February to April 2005²⁶. The research focused on description of the mechanism of trafficking in human beings for the purpose of forced labour. Specifically, it dealt with the existing forms of recruitment of workers,

²⁴ Both research reports are available at the web pages of the Ministry of the Interior at www.mvcr.cz or the web pages of the processing organisations: www.iom.cz and www.migrace.cz.

²⁵ Jan Černík, Tereza Hulíková, Roman Křištof, Vlastimil Vintr: Pilot Research on Environment of Trafficking in Human Beings on the Territory of the Czech Republic. IOM, Prague 2005.

²⁶ Daniel Topinka: Research on Human Trafficking Particularly for the Purpose of Forced Labour. Intermundia, Havířov 2005.

manners and circumstances of mediation of work, transportation of persons to the place of work, performance of the work itself and manner of termination of the “contracting” relationship, describing as well the consequences and potential risk moments in relation to human trafficking, inclusive of the individual cases.

The research was based on 20 interviews with migrants who had direct experience with illegal work on the territory of the Czech Republic and 7 experts familiar with the issue of human trafficking due to their direct working relationship to the migrants. Several other sources were used, for example wording of advertisements or internet discussions.

Apart from the theoretical and methodological part, the research report includes a thorough analysis of the results dealing in detail with the mechanism of labour mediation, living conditions of the clients (illegally employed foreigners), other forms of human trafficking, client strategies and typology of strategies and risks. The research describes the environment of illegitimate behaviour of job agents to migrants in the sphere of transnational informal economy reflecting specific institutional conditions of mutual relationship (the institution of clientelism) and material and social deprivation of the clients. The research scientifically describes the whole issue and offers a whole range of possible approaches and possible actions.

Both researches on human trafficking for the purpose of forced labour were drafted as pilot projects and though they provide valuable and unique information, the resulting picture of the actual situation should be perceived rather provisional due to time and financial restrictions. It is desirable that sociological researches on human trafficking environment be repeated in the future since they are a unique source of information necessary for revision of the adopted measures and continual evaluation of the situation.

Measures proposed ad part 3.3.

Ensure an ongoing sociological research on human trafficking environment in the Czech Republic. Responsible: MI Deadline: 28/02/2007
--

3.4 Prevention of human trafficking

The activities aimed at prevention of human trafficking were carried on in compliance with the intentions specified in the *National Strategy* in 2003. They are mostly based on systematic activity of non-governmental organisations and measures introduced by the Ministry of Education, Youth and Physical Training and rather partial measures of other departments.

The most active non-governmental in the field of prevention of human trafficking is La Strada the preventive activities of which focus both on wide public and its sensibility to the problem (in particular with the assistance of media and Internet) and specific target groups potentially endangered by human trafficking (young women and girls, foreigners working in the Czech Republic etc.) or

already living in the environment of human trafficking. It uses a whole range of leaflets and information materials, a telephone line and lectures as methods of prevention.

The Ministry of Education, Youth and Physical Training pays attention to the issue of human trafficking within prevention of socially pathological signs in the process of education. The issue of sexual exploitation has been dealt with in the General Programme of Education at Basic Schools and is also included in the prepared General Programme of Education at Grammar Schools and Secondary Vocational Schools. A number of other manuals and information materials for teachers is published at the web pages of the Ministry of Education, Youth and Physical Training.

The Ministry of the Interior has prepared the implementation of the pilot project on prevention of human trafficking focusing on sexual services clients. The clients have stayed aside many system measures, though human trafficking is de facto dependant on the demand for such services. The information campaign was carried on in the South-Moravian and West-Bohemian regions²⁷ with the aim to ask Czech and foreign sexual services clients for cooperation with non-governmental organisations (or the police) in search for victims of human trafficking using web pages, telephone lines and promotion objects. Detailed scheduling of the specific form of the campaign will be preceded by a pilot research in this field. The campaign will be financed by the Embassy of Great Britain in Prague, Embassy of Sweden in Prague and Phare funds and its launch is scheduled for the second half of 2005.

In 1999 – 2000 an extensive preventive campaign was carried on by the International Organisation for Migration in cooperation with La Strada, Ministry of the Interior, Ministry of Labour and Social Affairs and Ministry of Education, Youth and Physical Training²⁸. The effect of the campaign (sensibilisation of the public) has already faded away, other generations of children reached the risk age and, last but not least, the situation in the field of human trafficking has changed, including the occurrence of new groups of population endangered by human trafficking and new forms of human trafficking. Therefore, a similar campaign should be launched and funds of its implementation found.

At the same time, it is necessary to support a long-term awareness of the most endangered target groups in relation to human trafficking, the most endangered target groups including lower social classes, socially excluded communities and the unemployed. A leaflet has to be drafted in order to reach this goal informing in a simple and effective way about the risks of human trafficking, in particular when travelling to work abroad, and distributed in the relevant institutions of state and local administration which come into contact with the endangered social groups. These should include at least employment offices, social sections of local administration bodies, secondary schools and training institutions, departments of Foreign and Border Police of the Czech Republic and embassies of foreign countries in Prague. At the same time, it is proposed that the issue of human trafficking, including the forms of its effective prevention, is integrated in the educational systems of such institutions.

²⁷ They are “new regions”, higher territorial autonomous units.

²⁸ The accomplished aim of the campaign was to inform both the professional and non-professional public, including people interested in work abroad, about the possible risks and results connected with human trafficking. The project consisted in research, preparatory phase and phase of distribution of information to selected target groups through media and other communication channels (information materials, leaflets, billboards etc.).

The most important activity in the field of prevention of human trafficking in the source countries were the projects launched within the Foreign Development Assistance²⁹. Foreign Development Assistance in the competence of the Ministry of the Interior focuses in particular on the prevention of illegal migration, stabilisation of refugees in the critical areas, reintegration of unsuccessful and potential asylum seekers and assistance in creation of asylum infrastructure.

In 2004, for example, the Ministry of the Interior assigned tasks to execute such projects in the Ukraine, Moldova, Georgia and Armenia. The projects were implemented by IOM, Czech Catholic Charity Association and People in Need and their aim was to reduce illegal migration from such countries to the Czech Republic in the form of improving the awareness about migration reality in the Czech Republic, risks of illegal migration and assistance in improving the standards of living of the target groups (potential illegal migrants) and in stabilisation of economic and social situation in these regions (e.g. requalification and training courses, assistance in search for jobs and support).

The principle aim of Foreign Development Assistance projects controlled by the Ministry of the Interior was prevention of illegal migration. Though prevention of human trafficking was included in such project to a certain level, it was not its dominating topic. Nowadays, it is clear, that these issues are closely connected and that prevention of human trafficking (as a highly risky form of migration) should become an integral part and an important component of such project which should include preventative-informational elements on the risks of human trafficking.

Although the Czech Republic has not launched its own project aimed at prevention of human trafficking in the source countries, many other countries has done so (e.g. Sweden, the Netherlands, USA have been very active in this field) and there is a whole range of opportunities for the Czech Republic to join these international projects (e.g. on the EU level). This would be beneficial in the way that the Czech Republic would not have to bear the costs of such project by itself and the preventive effect could be comparable.

Czech Republic participates in the project under the patronage of the UN with Sweden as the major controller that should be aimed at prevention of human trafficking in Moldova. Though the preparation of the project started already in 2003, only two preliminary missions have been carried out so far; the project's delay has been caused by administrative problems on the side of the UN.

However, it has to be noted in relation to the preventive projects aimed at foreigners in source countries that the environment of labour exploitation and the connected organised crime activities, though illegal, react flexibly and promptly, do not lay any obstacles and offer complex service systems, whilst legal environment often excludes migrants with its practices and actions. As such, the fight against illegal employment of foreigners has to consider the existence of client systems of job mediation and the risk of organised crime and measures have to be proposed which could function as prevention in the form of elimination of the space for the activities of illegal job mediation.

²⁹ The scope of foreign development assistance (FDA) is specified by the *Concept of foreign development assistance of the Czech Republic for 2002 to 2007* acknowledged by the Government in its decision no. 91 dated 23 January 2002. The supreme coordination body is the Ministry of Health. FDC is further governed by the Principles of foreign development assistance after the Czech Republic's entry in the EU approved by the Government decision no. 302 dated 31 March 2004.

Measures proposed ad part 3.4.

Initiate preventative-informational campaigns in relation to human trafficking focused on the endangered population and the public.

Responsible: MI

Deadline: on an ongoing basis (RD: 31/05/2006)

Continue in the preventive influencing the endangered population by means of producing leaflets and their distribution in the relevant institutions of the state and local administration (employment offices, social sections of local administration bodies, secondary schools, training schools, Foreign Police Department of the Police of the Czech Republic, embassies of foreign countries in the Czech Republic etc.)

Responsible: MI, MLSA, MEYS

Deadline: on an ongoing basis (RD: 31/12/2005)

Carry out the pilot project of the information campaign in relation to human trafficking directed at its demand side.

Responsible: MI

Deadline: 31/12/2005

Include in the projects of the Foreign Development Assistance aimed at the migration also the element of human trafficking.

Responsible: MI, MFA

Deadline: on an ongoing basis (RD: 30/06/2006)

Initiate an active involvement of the Czech Republic in the international projects of human trafficking prevention in the source countries.

Responsible: MI

Deadline: on an ongoing basis (RD: 30/06/2006)

Use the results of the research of the environment of labour exploitation of migrants and human trafficking for a proposal of an action aimed at eliminating the activities of organised crime operating in the sphere of illegal employment.

Responsible: MLSA, MI

Deadline: 31/12/2006

3.5. Care for human trafficking victims

One of the most important aspects of the *National Strategy* was creation and institutionalisation of systematic care for victims of human trafficking. The aim of such measures was to provide the victims with support and guarantee protection of their human rights and dignity, motivate the victims to testify and thus help the bodies responsible for penal proceedings to identify, prosecute, convict and punish the offenders.

“The model of support and protection of victims of Human Trafficking” was originally prepared within the UN project to “Prevent, suppress and punish trafficking in persons, in particular in women and children“ and was tested from March 2003 to April 2004 when it was financed from the UN budget. From April 2004 it continued to be financed from the grants of the Ministry of the Interior determined for specific programmes of crime prevention officially called *Programme of Support and Protection of the Victims of Trafficking in Human Beings (Programme)*.

From April 2004 its institutionalisation and formalisation were prepared in the form of internal acts of the Ministry of the Interior, agreements between the Ministry of the Interior and non-governmental organisations participating in the *Programme* and legislative background of the whole *Programme*.

In relation to the institutionalisation of the *Programme*, the Ministry of the Interior prepared a draft of the “Instruction of the Minister of the Interior to Establish a National Coordination Mechanism in the Field of Support and Protection of Victims of Human Trafficking” specifying the following three tasks:

- to create an interdisciplinary group that will coordinate functioning of the *Programme* and create the conceptual background for the whole issue (however, it will not deal with the individual cases),
- to appoint the national coordinator of the *Programme*³⁰
- it imposes the obligation on the relevant sections of the Ministry of the Interior, including the Police of the Czech Republic, to secure functioning of the *Programme*.

The above Instruction is followed by the guidance notes of the First Deputy Minister of the Interior including a detailed description, relationships and organisation of the individual subjects of the *Programme*.

Prepared for execution are agreements between the Ministry of the Interior and non-governmental organisations participating in the *Programme* which received grants from the programme of crime prevention (La Strada, Czech Catholic Charity Association, Pleasure without Risk). Amendment to the “Protocol between the Ministry of the Interior and the International Organisation for Migration on implementation of programmes of assistance in voluntary return of unsuccessful asylum seekers in the Czech Republic and foreigners obliged to leave the Czech Republic” of 2001 has been prepared to include the activity which the IOM performs within the *Programme*, i.e. repatriation of victims of human trafficking.

The Ministry of the Interior further prepared draft amendment to the Act on Residence of Foreigners which provided the legislative background to certain particulars of the *Programme* (legalisation of residence of foreign victims, study, self-employment or employment, health care, financial contribution facility³¹). Act on Employment enables the victims of human trafficking placed in the *Programme*, to access the labour market in the Czech Republic³².

³⁰ In the draft it is the First Deputy Minister of the Interior, its secretary being the Crime Prevention Section of the Ministry of the Interior.

³¹ The Ministry of the Interior thus complied with the task originally assigned by the *National Strategy* to the Ministry of Labour and Social Affairs. The tasks consisted in provision of adequate social care and social benefits for victims of human trafficking in the relevant legislation relating to social security, material poverty and social exclusion. The Ministry of Labour and Social Affairs continues to be involved in the preparation of the Act on assistance in material poverty (expected effectiveness from 1 June 2006) specifying the scope of persons entitled to assistance; persons who will not comply with the

The *Programme* has been functioning so far in the form proposed by the *National Strategy*.

The application for placement of a victim in the *Programme* is filed by the organisation making the initial identification of the victim (police or non-governmental organisation) and such application must be subsequently approved by the national coordinator, now represented by the First Deputy Minister of the Interior (if the application is filed by a non-governmental organisation, the national coordinator will further request an opinion of the Police of the Czech Republic that will confirm on the basis of the available information whether the suspicion that the given person is a victim of human trafficking is relevant and creditworthy). The victim is placed in the *Programme* if it represents it is voluntarily interested (fills in the entry form), cuts off contacts with the criminal environment and agrees to accommodation in an asylum flat of the non-governmental organisation for at least one month of critical intervention.

The *Programme* itself is composed of three phases:

- deliberation period/critical intervention

It is the first 30 days from the identification of the victim (in exceptional cases may be extended). The victim has to decide in this term whether it will cooperate with the bodies responsible for penal proceedings³³. At the same time, it is provided basic critical intervention and psychological and social assistance. Entry in the *Programme* of a foreign victim, illegally resident in the Czech Republic, is accompanied by an application for granting of exit permit for 40 days. In case of foreign victims who chose cooperation, after the expiry of the first 30 days, the Police of the Czech Republic has another 10 days to verify whether the victim complies with the conditions for granting of visa for the purpose of toleration of residence pursuant to the Act on Residence of Foreigners. If the victim does not cooperate, after 30 days it is offered a programme of voluntary return. If the victim refuses it, it shall be expatriated after the expiry of its exit visa.

- Preparation for social reintegration

After termination of the first phase, the cooperating foreign victim will apply for visa for the purpose of toleration of residence under the Act on Residence of Foreigners and it will continue to receive social services. This procedure may be repeated during the term of penal proceedings and after its termination the victim will be offered a voluntary and safe return to its home country.

- Permanent residence granted on humanitarian grounds

In cases worthy of special consideration (e.g. when the victim faces significant risk in the country of its origin) and at the application of such victim, such person may be granted permanent residence on humanitarian grounds.

Thanks to the *Programme*, the victims of human trafficking (both the citizens of the Czech Republic and foreigners) may be offered a whole range of benefits which may help the victim to decide in the 30-day period for cooperation with the bodies responsible for penal proceedings. It is in

conditions of classification of a person in material poverty (e.g. permanent residence) but who will be endangered by a serious damage to health due to lack of funds will be entitled to immediate financial assistance.

³² For details on these legislative measures see the relevant Article.

³³ Placement in phase I of the *Programme* depends on willingness of the victim to cooperate with bodies responsible for penal proceedings. However, the Police of the Czech Republic ČR verifies on the basis of anonymous data whether such person could really be a victim of human trafficking. The purpose of such verification is to prevent possible misuse of the *Programme* by foreigners trying to use the opportunity to legalise their residence. However, cases were registered in practice when such deliberation period was not consistently applied and such victims were placed in the first phase with whom it could have been reasonably expected that they would cooperate with bodies responsible for penal proceedings.

particular immediate withdrawal from the criminal environment, critical intervention during one month, asylum accommodation and financial support, legal and psychological and social consultancy, medical care, requalification courses, long-term social intervention, placement in the programme of victims protection in accordance with Act 137/2001 Coll. Moreover, foreign victims may be offered legalisation of their stay in the Czech Republic, interpreting, assistance in voluntary return to the country of their origin, visa for the purpose of toleration of residence and, in cases worthy of special consideration, the possibility to be granted permanent residence on humanitarian grounds.

Victim’s participation in the *Programme* may be terminated at any time at the request of the victim on the basis of a lawful termination of penal proceedings conducted against the offender and, in case of foreigners, whenever they decide to return to the country of their origin. Apart from termination, obligatory exclusion from the *Programme* may occur under any of the following circumstances: the person continues to carry on prostitution, voluntarily returns to the environment in which he/she was exploited or contacts a person from the criminal environment, commits an intentional crime, breaches a rule of the asylum accommodation (e.g. leaves it wantonly), refuses cooperation with the bodies responsible for penal proceedings or his/her cooperation is fraudulent.

Coordination of the individual entities of the *Programme* may be summarised in the following table:

Organisation	Tasks
National Coordinator (First Deputy Minister of the Interior) Secretary of the National Coordinator (Crime Prevention Section of the Ministry of the Interior)	<ul style="list-style-type: none"> • Decides on placement and exclusion of victims to/from the individual phases of the <i>Programme</i> on the basis of the proposal raised by the Police of the Czech Republic or non-governmental organisation • generally coordinates the progress of cooperation with the victim • keeps the register of cases placed in the <i>Programme</i> • performs regular evaluation of functioning of the <i>Programme</i> and its effectiveness
CPO of the Czech Republic	<ul style="list-style-type: none"> • informs each potential victim of the possibility to be placed in the <i>Programme</i> • informs a non-governmental organisation about the victim as soon as possible • presents the national coordinator with proposals for placement and exclusion of victims to/from the <i>Programme</i>
Organised Crime Unit of CPO of the Police of the Czech Republic	<ul style="list-style-type: none"> • guarantees functioning of the information system “Victim” • in cases of material and local competence performs the tasks of CPO
Foreign and Border Police of the Police of the Czech Republic	<ul style="list-style-type: none"> • informs the relevant CPO unit of each suspicion relating to human trafficking • on the basis of applications of the victims filed through a non-governmental organisation and opinions of the National Coordinator and the relevant unit of the Police of the Czech Republic secures the residence particulars for an identified victim in accordance with the specific phase of the <i>Programme</i>

Public Order Police of the Czech Republic	<ul style="list-style-type: none"> • informs each potential victim of the possible assistance of non-governmental organisations • immediately informs the relevant OCU unit of possible suspicion of human trafficking
District Directorates of the Police of the Czech Republic	<ul style="list-style-type: none"> • in case of need provides a short-term protection to the victim or workers of non-governmental organisations taking care for such victims; OCU applies for such protection on the basis of the decision of the District Directorate of the Police of the Czech Republic
Non-governmental organisations:	<ul style="list-style-type: none"> • Informs the victim of its authorisation, offers the victim to join the <i>Programme</i>, informs it of the right and obligations arising out of its placement in the <i>Programme</i> and staying in it • Accepts in the <i>Programme</i> the victims identified by the police with the help of the telephone line or on the basis of cooperation with other non-governmental organisations • Presents the National Coordinator with proposals for placement and exclusion of victims to/from the <i>Programme</i> • Mediates contact with the police as soon as the victim decides to cooperate with bodies responsible for penal proceedings (within 30 days at the latest) • Provides an attorney for the victim in case of court proceedings • Provides services for the victim in accordance with the specific phase of the <i>Programme</i>
○ La Strada	
○ Czech Catholic Charity Association	
○ Pleasure without Risk	
International Organisation for Migration	<ul style="list-style-type: none"> • prepares and carries out voluntary return of the victims to the country of their origin; sees to their subsequent reintegration through its missions in abroad

After two years of its operation, the *Programme* proved to be a useful and viable mechanism. However, it has continually developing in reaction to the actual conditions and situation, in particular in case of ad hoc solutions of certain cases.

34 victims of human trafficking both for the purpose of sexual exploitation and forced labour have joined the *Programme* so far. All these victims were women, which was caused by the fact that human trafficking keeps to be perceived as a problem relating mostly to women. It is women at whom the information activities promoting the *Programme* and the activities of non-governmental organisations participating in the *Programme* which were originally profiled to provide help to women in need have been aimed.

It is difficult to sum up the effectiveness of the *Programme* due to the relatively short term of its functioning and a relatively low number of victims which were placed in it. However, the *Programme* proved beneficial for the Police of the Czech Republic in specific cases of human trafficking because all the registered victims cooperated with it and for the victims themselves because it helped to at least partially ease their harms and solve the difficult situation which they had to face. In spite of a good cooperation with the Police of the Czech Republic and increasing trust between the police and non-governmental organisations, the overall contribution of the *Programme* for the criminal prosecution of offenders can not be judged as only one unappealable judgement has been given (among the cases of human trafficking whose victims were placed in the *Programme*).

Due to a high latency specific for human trafficking, the amount of victims placed in the *Programme* can not be considered satisfactory. However, the amount of such victims depends not only on the capacity of the *Programme* but in particular on the ability of the Police of the Czech Republic,

other bodies of state and local administration, including the public, to identify victims of human trafficking and offer them a corresponding assistance, i.e. placement in the *Programme*. As such, increasing awareness of human trafficking among the mentioned subjects and of the *Programme* is one of the vital measures complementing the *Programme*³⁴.

The Ministry of the Interior in cooperation with the International Organisation for Migration, Charity and La Strada prepared a leaflet intended for the victims of human trafficking that gives them concise information in 16 different languages about what human trafficking is and in case they identify themselves as victims, it asks them to contact non-governmental organisations or the Police of the Czech Republic and offers them placement in the *Programme*. The leaflet was distributed, among others, to the relevant units of the Police of the Czech Republic which use it in case of dealing with potential victims. It will be necessary to arrange for continuous distribution of a sufficient amount the leaflets to all units of the Police of the Czech Republic and other bodies which may get in contact with the victims (in particular employment offices) and, possibly, an updating of such leaflets.

The methodology of how to proceed in case of getting in contact with a potential victim of human trafficking was also prepared for medicine doctors. The manual³⁵ was prepared and issued in May 2005 by the Czech Society for Protection of Children on the basis of the project of Medical Prevention of Crime assigned by the Ministry of Health. The doctor's manual informs about the issue of human trafficking, lists the signs on the basis of which the victim may be identified (including symptoms) and instructs them how to act in such cases. The manual, including a short leaflet, will be distributed among doctors and published in other internal materials of the Ministry of Health.

The Ministry of the Interior has also prepared a manual pursuing the issue of human trafficking for the employees of the embassies of the Czech Republic in the target and source countries³⁶. Embassies of the Czech Republic in target countries have several times engaged themselves in the *Programme* in the form of assistance to victims from the Czech Republic in their return home. Information materials of La Strada were distributed at consular meetings of the Ministry of Foreign Affairs to representatives of embassies of the Czech Republic, however, it is necessary to arrange for a larger distribution of such materials in the future.

Leaflets similar to those which were prepared for the needs of policemen and doctors have to be used by other institutions as well which may get in first contact with the victim (employment offices, social departments of municipal offices in municipalities with extended competence). At the same time, it is necessary to reflect the issue of human trafficking in the training systems of these institutions.

One of the facts which might negatively affect the motivation of victims to join the *Programme* could be its relative "unfavourableness" compared to the entry in the asylum procedure. An application for asylum filed in the Czech Republic secures not only legalisation of the stay (though only temporary) but also a right to social care and financial contribution³⁷. That is why the victims of human trafficking (as well as other foreigners) abused the asylum procedure (it is considered an abuse due to the fact that the institute of asylum is primarily destined for other situation

³⁴ For educational activities of the Ministry of the Interior and the Ministry of Justice see the relevant Article.

³⁵ Eva Vaničková a kol.: Trafficking in Human Beings for the Purpose of Sexual Exploitation. Manual for Doctors. ČSOD, Prague 2005.

³⁶ Negotiations between the Ministry of the Interior and the Ministry of Health have been conducted on the form of distribution of this material which should be carried out in the second half of 2005.

³⁷ Pursuant to Act 325/1999 Coll., on asylum, as amended.

than help to victims of criminal activity³⁸). In case of adoption of an amendment to the Act on Residence of Foreigners that is to stipulate the rights of the victims of human trafficking, including the possibility to apply for a financial contribution³⁹, the reason for the given form of abuse of the asylum procedure will expire.

With the gradual execution of the proposed measures (“promotion” of the *Programme*, identification of victims, involvement of other police units, increasing trust between the Police of the Czech Republic and non-governmental organisations, other forms of human trafficking etc.) and increase of their practical effectiveness, it may be expected that the number of victims interested to enter the *Programme* will increase. The importance of the *Programme* increases also for the conduct of penal proceedings as after the amendment to the Penal Code, the Police of the Czech Republic must prove to the offender that commitment of the offence of human trafficking was based on compulsion, misleading, deceit, pressure etc., which requires testimonies of the victims who have to be actively motivated to such cooperation.

In relation to this expected development, the progress of the individual cases placed in the *Programme* has to be monitored and its effectiveness systematically evaluated⁴⁰. For the purpose of the above, it seems suitable to assign preparation of a study of the motivation factors on the basis of which the victims of human trafficking decide to enter in the *Programme* whilst the other victims prefer to stay outside the *Programme* or withdraw from it. The products of such study should include an assessment of the number of potential victims which could enter the *Programme* in the nearest future.

It is also necessary to make preparations for possible partial changes to functioning of the *Programme* in particular in connection with the probable significant increase of the number of victims when the current institutional and financial background and capacity of the *Programme* conforming to the current relatively low amount of victims proves insufficient of non-flexible within 1 – 2 years⁴¹. As such, we have to try to achieve an extension of the institutional and financial background to strengthen the capacity of the *Programme*.

In order to find sufficient ways to guarantee corresponding social services for the victims, it is important to continually engage other non-governmental organisations in the *Programme*, including their financing for such purpose, in particular in the individual regions of the Czech Republic. From a long-term view, it is also necessary to look for better ways of financing of the *Programme* since currently the non-governmental organisations receive a grant once a year under the crime prevention programme and, as such, the number of victims which may be placed in the *Programme* for the given year is known in advance, which may prove to be inconvenient in the future for the needs of bodies responsible for penal proceedings.

Criminal organisations use a threat to family members which they know as a form of pressure on the victims of human trafficking. This form of influencing is very serious and may often spoil the

³⁸ However, the asylum procedure does not stipulate any covenants and obligations which could objectively prove the fact that the potential victim or foreigner abuses the asylum procedure just and only to legalise his residence in the Czech Republic.

³⁹ For details see the Article titled Legislative measures.

⁴⁰ After approval of the draft Instruction of the Minister of the Interior this obligation will be assumed by the National Coordinator.

⁴¹ It is for instance the capacity of non-governmental organisations which secure accommodation, social and other services, including their financing, for the *Programme*.

prosecution of offender since the victims are afraid to testify for fear for their relatives. In order to negate such pressure, the possibility and the conditions for provision of protection to family members of the victims of human trafficking, e.g. by granting residence permits to such foreigners, has to be considered.

Measures proposed ad part 3.5.

Ensure on an ongoing basis sufficient distribution of information materials for the victims in the offices of the Police of the Czech Republic and employment offices.

Responsible: MI, MLSA

Deadline: on an ongoing basis (RD: 30/06/2006)

Include the human trafficking themes in the educational systems of the employees of the social sections of local administration bodies and employment offices.

Responsible: MI, MLSA

Deadline: 31/01/2006

Assess yearly the Programme of Support and Protection of the Victims of Trafficking in Human Beings and propose relevant amendments.

Responsible: MI

Deadline: on an ongoing basis (RD: 31/01/2006)

Ensure the execution of the study on motivating and demotivating factors on the basis of which the victims of human trafficking decide to join or not to join the Programme of Support and Protection of the Victims of Trafficking in Human Beings.

Responsible: MI

Deadline: 30/06/2006

Increase the capacity of the Programme of Support and Protection of the Victims of Trafficking in Human Beings.

Responsible: MI

Deadline: on an ongoing basis (RD: 30/06/2006)

Develop an analysis of the system of financial coverage of the Programme of Support and Protection of the Victims of Trafficking in Human Beings and propose relevant measures.

Responsible: MI

Deadline: 30/05/2006

Analyse the possibilities of protection of the relatives of the victims of human trafficking - the foreigners in the Czech Republic and propose relevant measures.

Responsible: MI

Deadline: 28/02/2006

3.6. Financial measures

Execution of the measures proposed in this material requires reservation of reasonable funds.

A whole range of similar tasks was proposed already by the *National Strategy* in 2003, however, serious problems often appeared during their performance to find the corresponding funds for their implementation (e.g. preventive campaign, printing of the manual for the police and for the embassies). For a successful implementation of the proposed tasks and their effectiveness and, for a successful fight against human trafficking in general, it is necessary to reserve certain funds.

A very good opportunity to execute a part of the measures is provided by various funds, projects and grants on the EU level for which fight against human trafficking is one of the priorities. These opportunities should be made use in particular for implementation of all sorts of training activities (e.g. AGIS projects). EU's priorities include various social programmes focusing on integration of foreign communities, socially excluded communities or help to the unemployed, i.e. groups endangered by human trafficking (e.g. European Social Fund). An important field in which international cooperation has to be used are projects specialising on human trafficking prevention in source countries.

The managers of the individual tasks proposed by this material must be aware of the financial potential offered by the EU funds, search for them actively and try to use them preferentially, including securing of the funds necessary for financial participation of the Czech Republic.

Several measures which have to be executed exclusively in the Czech Republic and the purpose of which is not included in the purposes for which the EU funds have been determined have to be financed from the state budget of the Czech Republic under the chapter General Cash Administration (items "Strategy of Prevention of Crime on Local Level" and "Foreign Development Assistance"), from the funding of the programme of social prevention and crime prevention of the budget of the Ministry of the Interior and from the internal budgets of the managers of the individual tasks.

The measures (under the Schedule of Measures) are the following:

	Measures	Responsible	Deadline	Costs in 2006	Costs in 2007
2	Update the "Police Performance Manual for Trafficking in Human Beings" and ensure its printed and electronic distribution within the Police of the Czech Republic.	MI	30/04/2007	-	CZK 250,000
7	Carry out preventative-informational campaigns in relation to human trafficking focused on the endangered population and the public.	MI	31/05/2006	CZK 800,000	-
8	Produce an informational leaflet for the prevention of human trafficking for an ongoing distribution and use in the relevant institutions of the state and local administration (employment offices, social sections of local administration bodies, secondary schools, training schools, Foreign Police Department of the Police of the Czech Republic, embassies of foreign countries in the Czech Republic etc.)	MI MLSA MEYS	31/12/2005	CZK 250,000	CZK 200,000

12	Ensure an ongoing sociological research of the human trafficking environment in the Czech Republic.	MI	28/02/2007	-	CZK 800,000
13	Ensure on an ongoing basis sufficient distribution of information materials for the victims in the offices of the Police of the Czech Republic and employment offices.	MI, MLSA	Ongoing RD: 30/06/2006	CZK 150,000	CZK 100,000
19	Ensure the execution of the study on motivating and demotivating factors on the basis of which the victims of human trafficking join or do not to join the Programme of Support and Protection of the Victims of Trafficking in Human Beings.	MI	28/02/2006	CZK 150,000	-

Therefore, in total the execution of tasks of the National Strategy of Fight against Trafficking in Human Beings (for the period of 2005 - 2007) will require CZK 1.35 million in 2006 and CZK 1.35 million in 2007.

4. Conclusion

The analysis of the measures stipulated by the Action Plan to Implement the *National Strategy of the Fight against Trafficking in Human Beings in the Czech Republic* reveals that the responsible bodies of state administration paid extraordinary attention to this issue and a significant progress has been made.

Human trafficking in the Czech Republic remains a problem worthy of special consideration. The situation is serious both in the field of human trafficking for the purpose of sexual exploitation and the other forms of human trafficking, in particular for the purpose of forced labour, which have been newly introduced to the Czech legislation.

A priority for the future is to reserve enough capacity with the Police of the Czech Republic and other bodies for the issue of human trafficking considering high latency of such criminal activity identically confirmed by all information sources describing the situation in the Czech Republic. This priority is connected to the need of further education and training of policemen, state prosecutors, judges, medicine doctors, employees of employment offices, embassies of the Czech Republic in abroad and social sections of local administration in the field of human trafficking to develop their ability to identify a victim of human trafficking and provide it with the corresponding assistance, possibly reflecting the criminal prosecution of the offenders, the aim being to make this issue a standard part of educational systems of the relevant institutions.

Prevention of human trafficking both in the Czech Republic and in the countries which are source countries for the Czech Republic in the field of human trafficking remains a priority. In the Czech Republic prevention activities have to focus on populations endangered by human trafficking (socially excluded communities, economically weaker regions, etc.) but also on sensitization of wide public. Long-term preventive activities of the relevant state and local institutions (employment offices, schools, social departments of local administration bodies) have to be supported, however, it is also essential to repeat a more extensive preventative-informational campaign focusing on both the endangered population and the public (six years have passed from the last campaign of this kind). A new, very important subject of preventive activities is the demand side, the clients using the services of persons who are victims of human trafficking. It would also be suitable if the prevention of human trafficking in the source countries followed up the projects which the Czech Republic has been carrying out in the field of prevention of illegal migration. It is necessary to complement these activities by taking larger advantage of the common procedures of other EU countries and international organisations having the same objectives as the Czech Republic.

An important component of the nation-wide approach to suppression of human trafficking is formed by the measures aimed at assistance to and protection of the victims. In 2003 the *Programme of Support and Protection of the Victims of Trafficking in Human Beings* was launched under the supervision of the Ministry of the Interior and indispensable cooperation with non-governmental organisation. The *Programme* established itself successfully and it has been gradually formalised and institutionalised. In 2005 – 2007 the benefits of the *Programme* have to be “promoted”, i.e. the awareness about the *Programme* and its benefits increased among potential victims and employees of state and local administration. In connection to the above, the opportunities to increase the capacity of the *Programme* in relation to the expected increase of the amount of victims which will join the

Programme will have to be analysed and enforced, capacity meaning in particular long-term financing of the *Programme* from the state budget and increase in the number of non-governmental organisations engaged in the *Programme*.

A new field which has been analysed only recently are other forms of human trafficking than sexual exploitation, in particular forced labour. The research carried on so far mapped the environment of illegal labour migration in the Czech Republic, its organised intermediation and labour exploitation which form the background for and a potential risk from the view of human trafficking. Research and analysis conclusions have to be included in the measures which the Czech Republic has been introducing in the fight against illegal employment, provided that such measures should not be only restrictive but their pro-active nature should be aimed at narrowing the space for organised crime activities in this field through an offer of legal opportunities for labour migration.

5. Appraisal of the execution of the Action Plan to Implement the National Strategy of Combating Trafficking in Human Beings for the Purpose of Sexual Exploitation in the Czech Republic (GR no. 849/2003)

	Measure	Responsible	Co-responsible	Deadline	Evaluation
1	To determine the facility to assume responsibility for coordination of activities to combat trafficking in human beings for the purpose of sexual exploitation and to become the national reporter	MI		31/10/2003	Done.
2	To make trafficking in human beings for the purpose of sexual exploitation one of the priorities of the Crime Prevention Strategy for 2004-2007	MI	NCPC	31/03/2004	Done.
3	To implement the research part of the UN project focused on the current situation in the field of trafficking in human beings or the purpose of sexual exploitation in the Czech Republic	MJ (ICSP)	MI	30/04/2004	Done.
4	To analyze other forms of trafficking in human beings for the purpose of exploitation (for example forced labour etc.) and to propose, in the regular report, necessary measures.	MI	MJ (ICSP)	30/06/2005	Doneo.
5	To prepare an information campaign focused on the issue of trafficking in human beings for the purpose of sexual exploitation	MI	MLSA, MEYS	31/12/2004	Partially done.
6	To prepare information materials on trafficking in human beings for the purpose of sexual exploitation to be used by the Czech embassies and consulates in the source countries	MI	MFA	31/12/2004	Done.
7	To initiate prevention projects in the source countries	MI	MFA	Ongoing	Done on an ongoing basis.
8	To analyse the human resources available to the Organised Crime Unit and to consider modification of the number of scheduled posts of the relevant departments of the OCU	MI		31/12/2003	Not done.
9	To create, at the level of the Regional Headquarters of the Police of the Czech Republic, one position of a specialist on human trafficking.	MI	Police of the CR	31/12/2004	Not done.
10	During investigation of cases of trafficking in human beings to simultaneously detect, document, and seize proceeds from crimes of trafficking in human beings	MI	Police of the CR	Ongoing	Done on an ongoing basis.
11	To create Police Performance Manual to determine criteria for identification of cases of trafficking in human beings for the purpose of sexual exploitation	MI		30/06/2004	Done.
12	To support state prosecutors and judges specialized in prosecuting crimes of trafficking in human beings.	MJ	SPO	Ongoing	Done on an ongoing basis.
13	To provide further expert training to state prosecutors, judges, and policemen responsible for combating trafficking in human beings	MJ	MI	Ongoing	Done on an ongoing basis.
14	To develop long-term financing of the Model.	MI		30/06/2004	Partially done.
15	To implement, in cooperation with selected NGOs and international organizations, the Model of Victim Support and Protection.	MI	Police of the CR	Ongoing	Done on an ongoing basis.
16	To draft a package on human rights for the victims of trafficking in human beings for the purpose of sexual exploitation.	MI	Police of the CR	30/06/2004	Done.
17	To propose measures to provide adequate social care and welfare to the foreign victims of trafficking in human beings for the purpose of sexual exploitation.	MLSA		31/12/2003	Done.
18	To include support to the victims of trafficking in human beings for the purpose of sexual exploitation in the law guiding the material need and social exclusion	MLSA		01/01/2006	Done.
19	To support foreign victims of trafficking in human beings for the purpose of sexual exploitation in their efforts to find work	MLSA		31/12/2004	Done.

20	To create a standard procedure for general practitioners and gynaecologists in detecting victims of trafficking in human beings for the purpose of sexual exploitation.	MH	01/03/ 2004	Done.
----	--	-----------	------------------------	--------------