

**NATIONAL STRATEGY TO COMBAT
TRAFFICKING IN HUMAN BEINGS IN
THE CZECH REPUBLIC FOR THE
PERIOD 2012 - 2015**

Security Policy Department

Prague 2012



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THE EDITORIAL OF THE MINISTR OF INTERIOR JAN KUBICE



Combating human trafficking is a major challenge for today's globalized world and the reality of Europe without border. More than ever the social order allows committing a crime that is in its nature one of the most serious forms of violation of human rights and dignity. Requirements for services of all kinds at the lowest price are increasing. Therefore the today's concept of trafficking is not understood only in the context of sexual exploitation, as it was common several years ago, but increasingly involves other forms of exploitation such as forced labour, begging or removal of tissues or organs. It is important to keep in mind that although some forms of exploitation might be perceived as less serious they always interfere with the human dignity. Such behaviour cannot be tolerated in a modern democratic society. I myself have

experience in combating organized crime along the repressive line as a former head of the Unit for Combating Organized Crime of the Police therefore I appreciate my current role, where I am able to focus on other aspects of the fight against this phenomenon.

The current Strategy is the fourth document of its kind and I am very proud to be present at its birth and as a national coordinator to contribute to the fulfillment of its goals. The ambition of the present Strategy is to meet such targets so that in the coming four years those will radically affect the fight against trafficking in human beings in all its forms.

The Czech Republic provides assistance to victims of trafficking through a specific Programme on Support and Protection of Victims of Trafficking in Human Beings of the Ministry of Interior, where the effort of the government and the non-profit sector meet in synergy. This Programme has several times been praised at the international level. Certain reserves in the successful fight against trafficking in human beings in the Czech Republic may be seen in the absence of a final condemnatory judgement on trafficking for the purpose of labour exploitation. However, it should be noted that condemnatory judgements on this form of trafficking are rare in other countries of the EU as well. It is therefore important to constantly improve those tools that are already being used to tackle this criminal activity and work even harder in those areas where we are still not reaching our expectations.

It is my hope that the Strategy will contribute to the whole mosaic of activities to tackle this crime. I wish to all concerned parties all the best in implementing the ambitions set out in the Strategy.

SITUATION DEVELOPMENT IN THE PERIOD 2008 – 2011

1.1. *Situation overview*

This chapter provides an overview of the major developments and events in the period 2008 to 2011 in the fight against human trafficking in the Czech Republic (hereinafter referred to as "CZ"). This chapter will focus on key areas such as prevention, prosecution of offenders, partnership and protection and assistance to victims of human trafficking. In the next chapter this key areas will be further elaborated.

- In the last few years the CZ has been considered primarily a **target and a transit country, less a country of origin**. The CZ is mostly a country of destination for citizens of Ukraine, Slovakia, Russia, Vietnam, Moldova and Mongolia. Since 2010 citizens of Romania and Bulgaria have been increasingly registered as presumed victims of trafficking. For what regards African countries, cases involving Nigerian victims have been reported. Victims from more exotic countries such as Honduras or Brazil are not an exception. For the United Kingdom, Italy, Spain, Germany and Scandinavian countries the CZ is considered as a source country.
- The most common **forms of trafficking in human beings** in the territory of the CZ remain **sexual¹ and labour² exploitation**. Other forms³ of exploitation were not recorded in the police statistics.
- Since 2008 the described change of "**modus operandi**" used by offenders has developed in the last two years into a more sophisticated form. Subtle forms of coercion have prevailed as means of manipulation of victims (abuse of distress, poor knowledge of law and the language and so on) instead of violence or threat of violence (restriction of personal liberty, physical violence, the seizure of travel documents, etc).
- Electronic means of communication, especially internet, mobile phones etc. are more frequently used while committing this crime. Through internet, for example, recruitment in the country of origin occurs as well as communication within the criminal network.
- With regards to **victims of trafficking⁴** it is possible to state that their number is experiencing a downward trend and also that their composition is changing⁵.

¹ Under the term „human trafficking for sexual exploitation” is understood the offense of trafficking under § 168 (1) or (2) point a) Act No. 40/2009 Coll., Criminal Code, as amended by Act No. 306/2009 Coll. (hereinafter referred to as “CC”) or the offense under § 232a (1) or (2) point. a) Act No. 140/1961 Coll., old Criminal Code, as amended (hereinafter referred to as “oCC”), where the trafficked person is used for “sexual intercourse or other forms of sexual abuse or harassment, or the production of pornographic work” eventually for “sexual intercourse or other forms of sexual harassment or abuse”. This term is introduced in the text for simplification.

² Under the term „trafficking in human beings for labour exploitation“ is understood the offense of trafficking under § 168 (1) or (2) point e) CC or the under § 232a (1) or (2) point c) oCC, where the trafficked person is used for “forced labour or other forms of exploitation”.

³ As “other forms of exploitation” are understood the forms of exploitation which are listed in the CC under § 168 (1) or (2) point b) the removal of tissue, a cell or an organ from the human body, c) forced services in armed forces d) slavery or servitude, CC, or § 232a (1) or (2) point b) slavery or servitude, oCC.

⁴ The term trafficking equals trafficking in human beings, unless stated otherwise.

⁵ *Victims of trafficking* are always, unless explicitly stated otherwise, the presumed victims of trafficking in cases where there is suspicion of committing such an offense, but where the criminal/judicial proceedings might still be pending. In this context, the term “*victim of trafficking*” equals the term “*trafficked person*”. When talking about the victims of human trafficking in general, it regards the description of the overall situation and no distinction is made between the number of victims recorded in the Statistical Crime Recording System of the

- While at the beginning of the observed period **victims of trafficking for sexual exploitation prevailed**, in recent years there is an increase in cases, where there is suspicion that victims were trafficked for labour exploitation. In relation to the growing number of cases of presumed labour trafficking changes in gender composition are registered – men occur more frequently in the statistics. The findings of the Police of the CZ from larger cases confirm the trend that the victims are identified in greater numbers often in relation to labour exploitation.
- There is a development in the former **stereotypical profile** of a victim originally from the CZ going abroad (uneducated women from socially weak areas sexually exploited in Western Europe). Practical experience shows that persons from socially weak areas as well as those with high school education or holding a university degree are prone to become victims of trafficking. Same trend is registered with regards to victims trafficked into the CZ. The main handicap for these persons remains the lack of local knowledge and language of the destination country.
- From 2008 to 2011 a total of 54 persons entered the **Programme on Support and Protection of Victims of Trafficking in Human Beings of the Ministry of Interior of the CZ** (hereinafter referred to as „the Programme“). In this period mostly citizens of Ukraine, Romania and the CZ entered the Programme.
- NGO **La Strada Czech Republic, o.p.s.**, (hereinafter referred to as “La Strada”) and **Archdioceses Charity Prague** (hereinafter referred to as „Charitas“) remained in the observed period the main relevant **organizations providing assistance to victims of trafficking** – both NGOs were partners to the Programme.
- The number⁶ of detected **crimes of trafficking in human beings** oscillated from 29 in 2008 to 10 cases in 2009 then grew to 24 cases in 2010 to decrease slightly in 2011 to 19 cases.
- The number of **investigated and prosecuted persons** suspected of committing the crime of trafficking in human beings was in 2008 22 in total, a year later it regarded 32 persons, in 2010 the total number climbed up to 35 – the highest number of investigated and prosecuted persons since 2000. In 2011 29 persons were investigated and prosecuted.
- At present the Czech judiciary disposes of tens of **final judgements** in the area of trafficking for sexual exploitation (in the observed period 33 persons were sentenced for this particular crime), in the area of trafficking for labour exploitation it disposes of one acquitting judgment (in 2008⁷) and two condemnatory yet not final judgements (in 2010 and 2011).
- Since 2007 an information campaign entitled: **“Say it for her“** has been implemented, focusing on the target group – clients of prostitution and the wider public in the CZ.

Police and the number of trafficked persons assisted by the NGO or through the Programme on Support and Protection of Victims of Trafficking in Human Beings of the Ministry of Interior of the Czech Republic.

⁶ Detected crimes is a term used in the criminal statistics reporting: meaning, that certain evidence was found suggesting that the crime was committed, a criminal law definition was established, and the criminal proceedings were initiated. When using the general term cases of trafficking - it regards always cases of trafficking in human beings as defined under § 168 (1) or (2) of the CC that were detected, solved etc. by the law enforcement agency.

⁷ In 2011 another acquitting yet not final judgement on trafficking in human beings for the purpose of labour exploitation was issued.

- On the 20th of August 2008 on the basis of the Government Resolution n. 1006 the **Inter-ministerial Coordination Group** on the Fight Against Trafficking in Human Beings was established and its status approved (hereinafter referred as „ICG“). The ICG serves as a platform for information exchange and coordination activities in the fight against trafficking.
- Since 2008 attention is paid to the right of trafficked person for **compensation**, especially by the NGOs. The NGOs offer to the presumed victims of trafficking services of the special attorney of the injured party during the criminal proceedings free of charge.
- During the **Czech Presidency** of the Council of the EU in 2009 the representatives of the CZ initiated the foundation of the informal network of National Rapporteurs and Equivalent Mechanisms. Its establishment was supported by the Council Conclusions from the 4th June 2009 on establishing an informal EU network of National Rapporteurs. The informal meetings are currently held twice a year and attended by the representative of the majority of EU member states and international organisations. Another initiative during the Czech Presidency was the creation of a specialized web page⁸ as a platform for cooperation between EU member states. In 2010 the EU Commission set up an anti-trafficking EU gateway⁹. The content of the former web pages created during the Czech Presidency was, according to the agreement, reproduced and incorporated in the Commission’s web portal.
- A new member of the ICG the **Diaconate** of the Czech Brotherhood Evangelical Church (hereinafter referred to as the “Diaconate”) was welcomed in 2010.
- On the 1st of January 2010, Act No. 40/2009 Coll., the Criminal Code (CC) where the **definition of trafficking can be found under § 168** came into effect. The new paragraph incorporated few changes: in addition to “sexual intercourse or other forms of sexual exploitation or harassment” newly “the production of pornography” falls under the area of sexual exploitation; the new CC lists in addition to forms of labour exploitation “to slavery or servitude, forced labour or other forms of exploitation” also “the removal of tissue, a cell or an organ from a human body” and “forced service in armed forces”.
- In 2010 La Strada in partnership with the Security Policy Department of the Ministry of Interior (hereinafter referred to as “SPD”) and the Judicial Academy launched a three-year project entitled “**Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation**”. This project is supported by the EU Commission and the Open Society Institute in Budapest.
- **Prostitution endangering the morals of children** constitutes under Section 190 of the Criminal Code a new criminal offense. There is also a new provision relating to labour exploitation - the crime of **unauthorised employment of foreign nationals** incorporated under Section 342.
- The **new Directive** (2011/36/EU) of the European Parliament and of the Council on **preventing and combating trafficking in human beings and protecting its victims**, replacing the Council Framework Decision 2002/629/JHA (hereinafter referred to as „EU Directive against trafficking“) was adopted. This Directive constitutes the basic document to fight trafficking in the EU.

⁸ www.national-rapporteurs.eu.

⁹ <http://ec.europa.eu/anti-trafficking/index.action?breadCrumbReset=true>.

- As of 1st January 2012, **Act No. 418/2011 Coll. on criminal liability of legal persons** and proceedings against them (hereinafter referred to as "Act on the criminal liability of legal persons") came into effect. This law is central to the implementation of the EU Directive against trafficking, but also to the ratification of a number of relevant international documents.

1.2. Assessment of the situation according to the four pillars of the fight against trafficking in human beings

The National strategy to combat trafficking in human beings for the period 2008 – 2011 was approved by the Government Resolution No. 67 of the 23rd January 2008 concerning the National Strategy to Combat Trafficking in Human Beings (2008-2011) (hereinafter referred to as the "National Strategy"). At the same time it is the first four year strategy to combat this serious crime. The first Status report on the fight against trafficking in the CZ (hereinafter referred to as "Status report") was issued in 2008 as well.

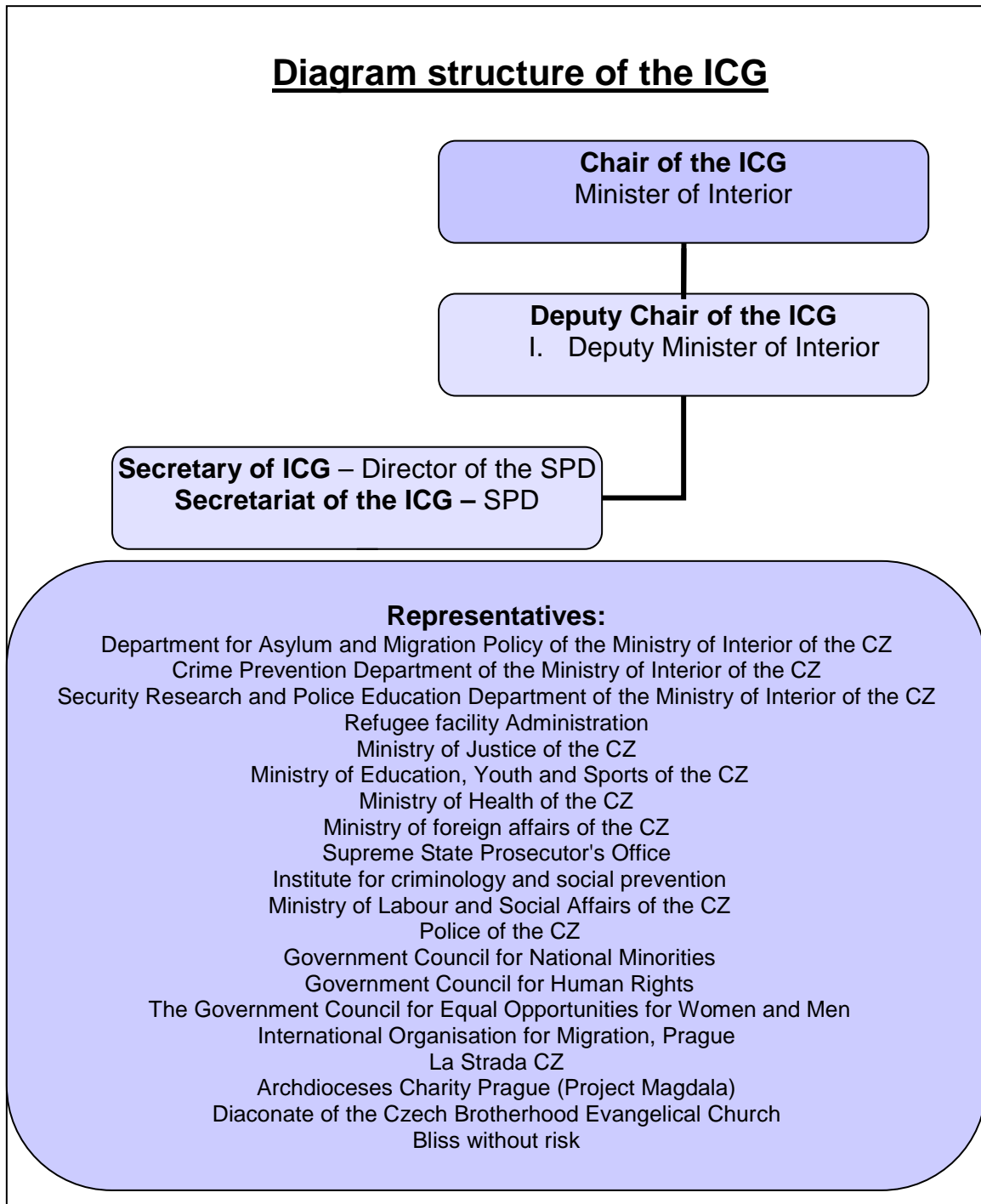
The Status report comprehensively monitors the situation in the fight against trafficking in the CZ, evaluates the priorities set out in the previous Status report and establishes new tasks for the upcoming year. The publication of yearly Status report and of the four years strategy ensures efficient monitoring of the situation in this area. At present there are four status reports namely for the year 2008, 2009, 2010 and 2011 available on the [web pages of the Ministry of Interior](#) (hereinafter referred to as Mol) in both Czech and English version.

1.2.1. PARTNERSHIP

1.2.1.1. Partnership at the national level

- The Minister of Interior is responsible for the coordination of anti-trafficking activities at the inter-ministerial level. This **coordination role** was delegated by the Minister of Interior to the SPD. The SPD apart from its coordination role acts also as the **National Rapporteur** for the fight against trafficking. This Department is therefore responsible for coordination of all relevant activities, drafting of the crucial strategic materials, the development of international partnership etc. Its tasks, as a National Rapporteur, include also analytical and conceptual work, publication of the Status reports, mapping of the situation, exchange of information between national and international stakeholders including those from the EU.
- The 2008 was a milestone in the history of coordination of the fight against trafficking and its institutionalisation. On the 20th of August 2008 on the basis of the Government Resolution n. 1006 the ICG was established. The ICG is chaired by the Minister of Interior and the SPD fulfils the role of the Secretariat. Since its establishment the ICG has met six times already and extended the range of its members. In 2010 NGO Diaconate was admitted as a new member of the ICG. Members of this group regularly report on the important changes regarding trafficking in their departments. They also contribute to the Status reports and comment on the crucial strategic documents regarding trafficking. It is the only anti-trafficking platform in the CZ where all stakeholders meet on a regular basis (See the Diagram structure of the ICG below). Members of the ICG serve also as contact points for individual ministries and relevant organisations thus enabling communication across the whole spectrum of stakeholders.

- In the period 2008 to 2011 the Crime Prevention Department of the Ministry of Interior (hereinafter referred to as “CPD”) convened the **coordination meetings** attended by the Programme partners to ensure the functioning of the Programme. The aim of the meetings was to inform about changes in the agenda of the Programme or to improve the quality of services provided to its clients. The coordination meetings dealt also with, at that time, current issues regarding the entry of a new victim in the Programme, cooperation between partners of the Programme or the immigration agenda.



- Another platform paying attention to the anti-trafficking agenda or related issues in the last four years was the **Analytical Centre for Protection of State Borders and Migration** (hereinafter referred to as “Anacen”), namely one of its forums – Migration. This forum dealt mainly with questions related to the labour law violations by employers or recruitment agencies regarding foreign workers. For example situation of EU workers in social need and labour exploitation of such workers, ways of helping them, as well as their return in the country of origin were discussed. The outcome of the analytical assessment of the above described issues was a set of recommendations to be implemented in the area of control activities, assistance to affected foreigners and prevention of negative consequences of the above mentioned infringements.

The coordinator of Anacen is the Department for Asylum and Migration Policy of the Ministry of Interior of the CZ. The role of Anacen is to ensure close cooperation and better information exchange of all stakeholders involved in borders protection and international migration management. Apart from relevant departments and units of the Mol and of the Police of the CZ other relevant bodies such as Ministry of Foreign Affairs (hereinafter referred to as „MFA“), Ministry of Labour and Social Affairs (hereinafter referred to as “MLSA”), Intelligence, Directorate General of Customs etc. participate in the activities of Anacen.

- **The Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals** was established in 2000 and gathers on regular basis under the coordination of the Ministry of Labour and Social Affairs (hereinafter referred to as “MLSA”), the body responsible for central coordination of the fight against illegal employment of foreigners. This topic regards trafficking especially in the field of labour exploitation.
- **The Inter-ministerial Working Group on Forced Labour and Other Forms of Exploitation** (hereinafter referred to as „Working group“) used to meet in 2008 and 2009. The Working Group was established to fulfil the task No. 2 of the National Strategy: „To analyse the situation and to submit a criminal law definition of forced labour or new constituent elements of offences such as ‘serious forms of labour exploitation’ and ‘serious forms of violations of labour law regulations’. New constituent elements were supposed to define the punishment of ‘illegal employment’ including the different length of sentences according to the gravity of exploitation of a worker by an employer (see chapter 1.2.3)“. The working group recommended to continue to focus on the training of relevant law enforcement agencies (hereinafter referred to as “LEA”) in the field of trafficking in human beings for the purpose of labour exploitation and suggested to the Supreme State Prosecutor's Office (hereinafter referred to as „SSPO“) to include this form of trafficking in the Status report on the activity of state prosecutor's offices in the past year. The activity of the Working group was suspended in 2009 due to lack of new findings from the practice of state prosecutors and courts in this field.

1.2.1.2. Partnership at international level

- In 2009 during the Czech Presidency of the Council of the EU initiated the establishment of the **Informal Network of National Rapporteurs and Equivalent Mechanisms**, that would meet regularly to discuss current issues in the field of trafficking. Its establishment was supported by the Council Conclusions of the 4th June 2009¹⁰ on Establishing an Informal EU Network of National Rapporteurs. The

¹⁰ <http://ec.europa.eu/anti-trafficking/entity.jsessionid=w1jJTqYGyPLmzpxVv8p5pGHvvX8B0vIQ3Qgt8h2yVDBJ2cf79Tz1!855818409?id=c9461c66-3687-47fa-a91e-00ee01d96c5d>.

informal meetings are currently held twice a year and attended by representatives of the majority of EU member states under the auspices of the EU Commission, representatives of international organisations such as the United Nations (hereinafter referred to as “UN”), Organisation for Security and Cooperation in Europe (hereinafter referred to as “OSCE”), the International Labour Organisation etc.

According to the newly adopted EU Directive against trafficking the main role of the **National Rapporteur** consists in monitoring of the implementation of activities aimed to combat trafficking at national level and in data collection and processing at international level. It is the responsibility of each state to decide who will be in charge of the role of the National Rapporteur. Some states chose to establish independent offices (Netherlands, Finland), other delegated the role within the state administration (CZ, Austria). However, there are still EU member states that have assigned this role to any entity yet (France, Italy). In the CZ the SPD fulfils the role of the National Rapporteur.

- In May 2011 a workshop on the second phase of the **Project Discovering Trafficking in Human Beings for the Purpose of Forced Labour and Labour exploitation** was held in Prague under the auspices of the SPD and organized together with La Strada and Judicial Academy. The main theme of this expert meeting was the evaluation of the preliminary results of the **collection of final and condemnatory judgements** regarding trafficking for labour exploitation in the EU. Apart from experts from the Police of the CZ, state prosecutors, judges and practitioners from the state administration and the non-profit sector the workshop was attended by representatives from Bulgaria, the Netherlands, Belgium and Spain. A wide range of topics was discussed during the workshop: the definition of trafficking itself – especially its interpretation in the countries that the experts came from. In the light of the preliminary results from the collection of judgements certain terms whose interpretation in practice is problematic such as “abuse of distress”, “other forms of exploitation” etc. were discussed. Other topics raised during the workshop were for example the adequacy of the penalties, ways of prosecuting offenders outside the criminal law or the forfeiture of proceeds of crime. The workshop conclusions emphasized the fact, that albeit the legal definition of trafficking differs from country to country, it seems that its formulation does not constitute an obstacle to successfully prosecute offenders of this crime. The importance of financial penalties – confiscation of proceeds of crime, application of financial sentences (imprisonment is not always the most efficient punishment) were also highlighted. The workshop was the initial impetus for the workout of a broader legal analysis regarding trafficking for the purpose of labour exploitation and forced labour. The analysis will be based on the collected judgements, Czech case law and other relevant documents.
- In the period 2008 to 2011 the Mol participated as a partner institution in two projects of the **International Centre for Migration Policy Development** (hereinafter referred to as “ICMPD”) “Supranational Referral Mechanism for Victims of Trafficking in Human Beings in Source and Target Countries” and “Data collection and Harmonized information system“. The main outcome of the first project was the establishment of the principles of assistance to victims of trafficking and their safe return to the country of origin, the second project regarded collection of personal data of victims of trafficking at international level¹¹.
- The CZ cooperated in the period 2008 to 2011 with a number of international organisations such as the **OSCE, Council of Europe, the UN** or the United Nations

¹¹ For more information see Status report on the fight against trafficking in the CZ in 2009 and 2010 and the web pages of the Mol

Office on Drugs and Crime (UNODC). The MoI contributed for example to the OSCE handbook „Police-Public Partnerships and the Identification of Potential and Presumed Victims of Trafficking in Human Beings“¹². The MoI also participated in the “Peer to Peer” project of the EU Commission and the Council of Europe that focused on the role of human right structures in the protection of victims of trafficking (“1st thematic workshop on Combating trafficking in human beings: the role of National Human Rights Structures in protecting the rights of victims”).

- In May 2011 the agreement on the implementation of **the international joint investigation team** – the so called JIT on the fight against trafficking¹³ was signed between the Unit for Combating Organised Crime of the Criminal Police and Investigation Service of the Police of the CZ (hereinafter referred to as “UCOC”) and its British counterpart. It was the first anti-trafficking joint investigation team where the CZ performed as a team partner. The JIT was established in relation to the investigation of a case of trafficking for the purpose of sexual exploitation known as “BOLERO”. The international cooperation reached its peak in July 2011 with the arrest of six persons originally from the CZ in the territory of Great Britain suspected of trafficking women and forcing them into prostitution or false marriages. Costs of the JIT were fully covered by EUROJUST that also provided essential technological equipment.
- From 2008 till 2010 **Project “ZERO”** supporting bilateral cooperation between Czech and Ukrainian Police Units was operational. The CZ was represented in the project by the UCOC. The cooperation consisted in reciprocal visits, joint investigations and operational activities in several cases. The project was launched in 2007, was financed by the Swedish government and coordinated by the International organisation for Migration (hereinafter referred to as “IOM”) Kiev. In the second half of 2010 the project, due to lack of funds, had to be closed down.
- In 2011 experts from the MoI together with specialized police officers took part in two **expert missions** focusing on trafficking in human beings for the purpose of labour exploitation. The first mission took place in October 2011 in Romania, the second in November 2011 in Ukraine. Both countries are considered main source countries for victims of labour exploitation in the CZ. The aim of the missions was to strengthen cooperation, establish contacts at operational and strategic level, exchange practical knowledge and discuss the possibilities to reduce labour exploitation of citizens from both visited countries.

Identified problematic areas:

The cooperation between relevant bodies active in the fight against trafficking in the Czech Republic is for many years set up in a way to ensure that all of them (Police, NGOs providing assistance to victims, governmental sector) are connected at national as well as local level. Same mechanism is applied to the cooperation at international level.

So far there is a missing link to key players operating in areas where people are particularly vulnerable to human trafficking - the **socially excluded areas** (the term is interpreted in line with the focus of the Agency for Social Inclusion in Roma Communities). In the observed period no project that would reflect current aspects of trafficking in relation to the socially excluded areas was implemented. Entities operating in such areas focus on a wide range of issues (including for example usury, which is very often considered as an

¹² Available in English and Russian at: <http://polis.osce.org/library/results?ca=SPM>.

important factor triggering trafficking in human beings), however activities primarily oriented on monitoring and prevention of trafficking were not implemented.

Trafficking in socially excluded areas was identified as one of the major issues in the Strategy on the Fight against Social Exclusion for the Period 2011 - 2015¹⁴. Attention will be paid also to trafficking in relation to other vulnerable groups such as persons with mental conditions or otherwise handicapped persons.

Another area that remained unnoticed in the last years is **the cooperation with the private sector**. It is worth saying that the non profit sector (namely NGO La Strada was the first to establish cooperation with one of the largest recruitment agencies in Europe) pioneered this field. The initial idea was that all the exploitation whether sexual or in labour occurs almost entirely in the environment of the private sector. Therefore many countries target, at least partially, also this area. For example some accommodation chains in cooperation with the public sector lead campaigns on compliance with working condition for foreign workers.

The need of such partnership is stressed also in the *Presidency Conclusions* from the Conference "Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims" number 5725/11. *The Presidency Conclusions number 18071/11 on the fight against trafficking* mention the need for preventive campaigns especially focusing on labour exploitation. These document also outline the role of private companies – as partners in implementing codes of conduct, as entities helping in the reintegration process or act in the destination countries as providers of vocational trainings or jobs. The Presidency Conclusions also emphasize the key role of trade unions promoting workers' rights.

When drafting a strategic concept on prevention of trafficking it is necessary to include the private sector and suggest efficient communication between state and private actors and the possibilities of the private sector participating in the process of prevention of trafficking. In the following period this topic will be introduced at the regular ICG meetings for discussion.

At the moment, the issue of trafficking is at the international level very popular – anti-trafficking projects are running, round tables within European and international forums are being organized, various initiatives by NGOs or individuals are being launched, however not all activities receive the necessary attention in the CZ. One such area is the implementation of JITs with the participation of the Czech Police. Only in 2011 the first anti-trafficking JIT involving the Czech UCOC was launched (fourth JIT overall). The JIT is a very efficient instrument of international cooperation in tackling serious criminal activities – as such it is insufficiently used despite the fact that the financial costs are completely borne by EU institutions not by participating countries. The fact, that the Czech Police does not exploit enough this opportunity cannot be seen *a priori* in the approach of the Police of the CZ. The involvement of the state prosecutor as well as the interest of the partner country can be problematic too. Nevertheless, in the context of international cooperation the implementation of the joint investigation teams should become a long term priority for the Czech Police.

Similar gaps can be identified in the cooperation with source countries both at strategic and operational level. Exceptions in this field are the activities of the SPD in relation to the Western Balkans countries. Since 2007 a Development Cooperation Programme run by the Mol focusing on the institutional capacity building of the LEA and on improving cooperation with the respective region in the field of combating serious crime has been operational. Activities supporting the fight against human trafficking have been a part of the

¹⁴ The document was approved by the Government Resolution no. 699 of 21st December 2011. The importance of connecting these two issues was highlighted in the report of the European Roma Rights Centre and People in need Slovakia entitled: „Breaking the Silence: Trafficking in Romani Communities“, (<http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>). The issue of Roma criminal groups and its victims is mentioned in the report of the Europol (KNOWLEDGE PRODUCT, Trafficking in Human Beings in the European Union, September 2011), similar conclusions can be found in the OCTA 2011 - EU ORGANISED CRIME THREAT ASSESSMENT, available at [Europol web pages](#).

security policy in this region ever since. In 2011 expert missions to source countries were organized with the aim to enhance partnership between the CZ as a destination country and Romania and Ukraine as countries of destination (for further information see page 12). It is essential for the CZ to establish exceptional relations with the EU member states; however the experience from the last period shows the indispensability of cooperation with countries of origin including non-EU member states.

The area of **international cooperation** is further elaborated in the forms of concrete measures¹⁵ set down in the [Strategy to fight organized crime \(2011 – 2014\)](#)¹⁶. Therefore other measures focusing on trafficking in relation to international cooperation were not laid down in this document, nevertheless this area is considered among the most important in the successful fight against such crime. Of course, anti-trafficking activities in the field of international cooperation will be implemented and reported on in the upcoming Status reports.

The CZ has been criticized several times at international forums for not having signed nor ratified the *Council of Europe Convention on Action against Trafficking in Human Beings* (opened for signature since May 2005) and for not having ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. The Ministry of Justice of the CZ (hereinafter referred to as „MoJ“) is the responsible body for the first international document, the second cited above is under the supervision of the MoI. The main reason for not signing the first one and not ratifying both conventions was the fact that the CZ's legal system lacked criminal liability of legal persons. As of 1st January 2012 the Act on criminal liability of legal persons securing this area entered into force. This legislation will enable to the CZ the accession and ratification of several important conventions including the two referred to above.

Strategic goals:

- **Focus on the issue of trafficking in the context of socially excluded areas and establish cooperation with organisations operating in this localities**
- **Support the accession and ratification of the relevant international conventions on fight against trafficking**

Task no. I:

Map the situation regarding trafficking in socially excluded areas.

Deadline: 2015

Performance indicator:

Analysis of the up to now implemented monitoring measures regarding trafficking in socially excluded areas

Implementation of a research in several selected socially excluded locations to find out about the real extent of trafficking, formulation of recommendations if necessary

Coordinator: MoI

Co-coordinator: Office of the Government, MLSA

¹⁵ For example: negotiation of an agreement on police cooperation with Vietnam, development and implementation of a methodology for the functioning of joint investigation teams, development of a plan for police cooperation with Nigeria.

¹⁶ The document was approved by the Government Resolution no. 598 of 10th August 2011.

Task no. II:

Convey to the relevant representatives of the Police of the CZ examples of good practice regarding functional instruments of international cooperation (joint investigation teams, EU operational teams, bilateral cooperation with source countries etc.) when investigating cases of trafficking.

Deadline: 2015

Performance indicators:

Presentation of examples of good practice (2013)

Assessment of the application of international instruments by the Police of the CZ (2015)

Coordinator: Mol

Task no. III:

Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Deadline: 2012

Performance indicator:

The proposal for the Ratification of the respective document submitted to the government

Coordinator: Mol

Task no. IV:

Sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

Deadline: 2013

Performance indicator:

The proposal for the accession and ratification of the respective document submitted to the government

Coordinator: MoJ

1.2.2. PROTECTION AND SUPPORT OF VICTIMS

1.2.2.1. Role of state organisations

Ministry of Interior and the Police of the CZ

- According to the **Statistical Crime Recording System of the Police** the number of victims of trafficking in human beings (§ 168 CC) shows a decreasing trend. In 2008 a total of 119 victims of trafficking was identified, of these 108 in groups (without reporting sex of the victims), 11 victims were identified individually, all of them women. In 2009 a significant decline in the number of victims was registered – a total of 42, only five identified individually, again all women. The year 2010 saw a slight increase, 76 victims reported, 62 identified in groups. It is the first year, in which the Recording System registered individual male victims – four in total. 51 persons were identified as victims in 2011, 11 individually with no male victims among them. The Statistical Crime Recording System does not provide a complete picture due to its limited reporting possibilities regarding victims that were identified in groups.
- The **Programme on support and protection of victims of trafficking of the Mol** is the continuation of the 2003 pilot project of the UNODC „Model of support and protection of victims of trafficking for the purpose of sexual exploitation“. Starting from

2005 the Programme was fully institutionalized and designed for the defined group – male and female victims of trafficking. The Programme is intended for foreigners exploited in the CZ or Czech citizens exploited abroad¹⁷. Partners to the Programme are NGOs, Asylum and Migration Department of the Mol, Police of the CZ, intergovernmental organisation IOM, all of them coordinated by the CPD.

- Since 2008 the Programme experienced **several changes** that were implemented through the updated internal acts. Thanks to the updates the process of legalisation of the stay of presumed victims was accelerated, the reflection period was extended to 60, in exceptional cases to 90 days (during the reflection period a victim has to decide whether he or she wants to cooperate with LEAs, all types of services and support are provided to the victim).
- During 2011 a new financial strategy regarding service providers (NGOs) was drafted. From 2012 on, new financing scheme of the Programme will be implemented in line with the Public Procurement Act. From 2008 to 2011 the provision of services was secured through a grant programme intended for NGOs (for further details see chapter 1.2.2.2.).
- In the period 2008 to 2011 a total of 54 persons entered the Programme. 24 persons entered the Programme in 2008 to fall to 13 only in 2009. In 2010 the decline continued to 7 persons to grow slightly to 10 persons in 2011. During this four year period most of the victims accepted to the Programme were originally from Ukraine, Romania and CZ.
- In the observed period victims of trafficking for the purpose of labour exploitation prevailed (gradually with decreasing difference) over those sexually exploited. The increase in sexually exploited victims can be seen only in 2011 (see table below). At this point, it is important to mention, that the number of victims registered through the Programme does not reflect the current situation in trafficking in the CZ. In this context the Programme constitutes only a segment of the total, hardly calculable, number of victims.

The number of victims included in the Programme according to forms of exploitation				
Year	2008	2009	2010	2011
Labour exploitation	16	8	4	3
Sexual exploitation	8	5	3	7

- The Programme also includes the **Voluntary Returns Programme** that enables safe and dignified return of the victims preferably in the country of origin through IOM Prague. The costs associated with the return are funded by the Mol. In the observed period 19 persons were returned through this mechanism. In 2008 it regarded 9 victims – one Czech citizen and 8 foreigners, in 2009 it concerned 2 persons – one foreigner, one Czech citizen. In 2010 five persons – 3 citizens of the CZ and 2 foreigners availed of this service. In 2011 two persons were returned – both foreigners.

Ministry of Labour and Social Affairs

- **MLSA** plays an important role in the fight against trafficking and is also a member of the ICG (since its foundation). The role of MLSA is defined by two areas – financing of social services and control activities carried out in compliance with the employment and labour law.

¹⁷ For further information see Annex 2 of the National strategy to combat trafficking in human beings for the period 2008 – 2011.

- MLSA allocated in 2008 a total of 5 670 000 CZE to social services intended to victims of trafficking. A year later MLSA assigned a total amount of 4 926 500 CZE, in 2010 5 700 000 CZE. In 2011 the allocated money amounted to 4 760 000 CZE. In 2009 MLSA submitted to the government a document entitled: Priorities in the development of social services for the period 2009 – 2012 where emphasis is placed on social prevention. Victims of trafficking are also one of the priority groups within the category focusing on addressing situations of persons at risk of social exclusion.

1.2.2.2. Role of the non-state sector

- From 2008 to 2011 **La Strada** and **Charitas** were, on the basis of cooperation agreements, partners to the CPD - providing services within the Programme.
- In 2009 **NGO Diaconate** joint the nonprofit organisations assisting victims of trafficking. In 2010 the organization was awarded a grant to support a secret shelter for male victims of trafficking (which can be considered an essentials service in the provision of assistance to this group of victims). In addition to this service, the NGO focused on field work in areas with higher risk of emergence of labour exploitation.
- A key role in the provision of services to victims of trafficking belongs also to **IOM Prague**. IOM Prague, which has an intergovernmental status, ensures the functioning of the Voluntary Returns Programme for victims of trafficking (see above).
- Other NGOs supported by the grants of the CPD in relation to the fight against trafficking were for example: NGO Bliss without risk, the organization for Aid to Refugees providing counseling services or field work. Other organisations worth mentioning are Association for integration and migration, SOZE, Counseling for integration, Archdioceses Charity Prague – Centre for Migration etc.
- NGOs who are also members of the ICG contributed, besides their participation in the group, to the creation of the Status reports, strategic documents and also made suggestions on how to improve the functioning of the Programme, the anti-trafficking policy or mutual cooperation.
- In 2007 the **Act on social services n. 108/2006 Coll., as amended** came into force (hereinafter referred to as „Act on social services“). This act fundamentally regulates the provision of social services and sets rights and obligations for the social services provider. Among other things the Act introduced registration for social services, on the basis of which the authorization to provide social services is issued. In January 2009 it was possible to find out, that 110 social services listed in the register were intended for victims of trafficking in the territory of the CZ. It regarded primarily the provision of professional social counseling, crisis intervention, asylum shelters, field work programmes etc. In January 2011 a total of 132 such services were registered. It should be noted that for the majority of organisations providing assistance the victims of trafficking constitutes a marginal group of potential clients – these NGOs provide services in the first place to other target groups (an NGO providing assistance exclusively to victims of trafficking is the already mentioned La Strada, significant are also Charitas and Diaconate).
- The activities of the NGOs were in the period 2008 to 2011 financed mostly by **MLSA** through funds designed for registered social services, partially also thanks to the **grant programme of the CPD** entitled “Prevention in the area of trafficking in human beings and assistance to victims of trafficking“. In the observed period the CPD distributed 14 078 927 CZE within the grant programme. If divided by single years, the CPD gave in 2008 a total of 3920 000 CZE, in 2009 it was 3 800 000 CZE. In 2010 the CPD distributed 3 832 480 CZE due to budget cuts only 2 526 447 were allocated through the grant programme in 2011.

- In addition to the provision of assistance to victims of trafficking the NGOs dealt with the implementation of various activities such as information campaigns, legal representation, publishing activities (In 2010 La Strada published „The Narrow Gateway to Human Rights – Identification of Trafficked Persons in the Czech Republic), lobby for the right of victims of trafficking and other vulnerable groups. Under their activities fall also several researches and surveys. For example in 2008 La Strada published a report *“Vietnamese workers in Czech Factories”*, in 2010 the same NGO mapped the situation in the environment of massage parlours where especially female Thai nationals are employed.
- Since 2010 La Strada has started the implementation of a system of **low-threshold services**, that lowers the threshold of services offered until now such as accommodation and subsequent services, while focusing on the aspects pertaining to labour legislation of trafficking and exploitation thus attracting more potential victims or persons at risk of labour exploitation.
- Since 2008 La Strada has been involved in the initiative of European NGOs and international organisations known as the European Action Pact for Compensation for Trafficked Persons (COMP-ACT EUROPE) paying attention to the **compensation for trafficked persons**. La Strada also participated in the project *„Assessment of the human rights impact of anti trafficking laws and measures“*. In 2010 the three-year project *“Discovering Trafficking for the Purpose of Forced Labour and Labour Exploitation”* has been launched by LA Strada. Partners to the project have been the SPD and the Judicial Academy (for details see the 2010 Status report). La Strada is also a member of *“La Strada International”* and *„Global Alliance against trafficking in Women“*. Caritas focuses its effort in the area of networking and launching cooperation. Caritas is a member of the association *„Christian Action against Trafficking“* and *„Christian Organisations against Trafficking Network“*.
- **IOM** Prague, besides its key role given within the Programme – the organisation of the **voluntary return** of the victim to the country of origin, is also active in the area of prevention activities. Since 2008 the organisation has focused on labour migration originating in Mongolia, in 2009 IOM created a documentary on the life of migrant from Mongolia living in the CZ. In 2008 preventive leaflets were distributed to consular executives of ten source countries that in 2007 were prepared by IOM. From 2007 to 2010 IOM Prague co-organized project ZERO based on bilateral cooperation of police units between the CZ and Ukraine (see chapter Partnership). In 2010 a project on awareness-raising on unaccompanied minors where IOM cooperated with MLSA and Mol was closed down.
- Since 2008 NGOs have been providing, within the framework of the rights of victims to compensation, funds for the **personal representative** of the injured party (for details see 2010 Status report). From the procedural point of view the personal representative is a specific party to the criminal proceedings, that according to § 51 of the Code of Criminal Procedure, is authorized to act on behalf of the injured party. A personal representative is empowered to submit proposals (propose new evidence) applications and remedies. The purpose of such institute is to safeguard the interests of the victims and provide psychological support during the criminal proceedings. The personal representative should act on behalf of the injured and in his/her interest and should do the best to ensure that the rights of the injured are duly secured.

Identified issues:

A timely and high quality provision of **support and protection of victims of trafficking** is, without any doubts, the condition for a successful functioning of the mechanism to fight human trafficking in the CZ. In the observed period the Programme was stabilized – the stakeholders knew their roles within the referral mechanism, channels to exchange information were established, the services offered by NGOs improved.

The NGOs usually emphasize, that **the Programme** was designed in the first place for the needs of citizens of non-EU countries. In the context of the frequent exploitation of citizens originating from the new EU member states in the CZ, according to the opinion of the NGOs, the Programme is not adequately adapted for the needs of such target group. The EU citizens, supposedly, cannot find enough of incentives to enter the Programme. This argument is presented by the NGOs to explain the decrease in number of victims entering the Programme in post-2008 period.

Apart from 12 trafficked persons from the CZ, 2 from the Slovak Republic, 6 from Romania and one citizen of Bulgaria that is a total of 21 persons, in the observed period 31 persons from non EU member states entered the Programme. The presented figures show that victims of trafficking from non EU member states outnumber those from the EU. It is also possible to state that the statistics of the Programme have shown since 2009 only one victim from Romania and Bulgaria (the new EU states), even though Romania and Bulgaria are viewed as the main source countries for victims of labour exploitation in the CZ and thus receive a lot of attention from Czech authorities and NGOs. The change in composition of victims might be another factor influencing the declining trend in the number of persons entering the Programme - in the observed period the victims of labour exploitation registered within the Programme outnumbered those sexually exploited. However, it seems that there are other factors besides those listed above that have determined the development of the last years. The downward trend might also be the result of the change in groups at risk of trafficking and their motivations to enter the Programme, the economic situation in the CZ and its declining appeal for EU citizens as a destination country. Simply – there might be many factors independent of the functioning of the Programme influencing the number of persons joining the Programme.

The fact remains that the Programme, including its range of services, was from its very beginning designed for persons originally from non EU as well as EU member states. The argument that EU citizens do not find enough motivation to enter the Programme or that this possibility is not offered to them by the NGOs does not mean a failure in the construction of the Programme. The Programme does not have the ambition to cover all groups of victims that find support out of its framework. An objective assessment of the functioning of the Programme - the support and protection of victims as well as other aspect such as its contribution to the criminal proceedings and the integration of victims into the society will be of interest in the following period¹⁸.

From 2008 to 2011 the need to clarify some problematic aspects of the functioning of the institute of the **personal representative** was identified. Therefore in 2011 the [Mol published the Opinion of the SPD with regards to the position of the special representatives of the injured and the cooperation with LEAs in representing clients](#) (available only in Czech). The document is expected to contribute to a better functioning of all parties to the criminal proceedings and to ensure the best possible standing of the injured. In the upcoming period this area will be, by the Mol, further monitored.

Another area worth attention is the issue of persons who have been exploited in the CZ but not necessarily trafficked for whom there is no support in solving their specific problems (especially legal counselling and one-off financial help in returning to the country of

¹⁸ The need to concentrate on the evaluation of the Programme is also mentioned in the 2010 Final Recommendations of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

origin). This area regards mostly EU citizens who have not been reported to stay in the CZ for longer than 3 months and are not employed or registered as job applicants. In such cases, NGOs might be forced to provide assistance to these persons from funds intended to other target groups. NGOs should, however, provide assistance to those target groups that they primarily receive money for and the state should possess funds for groups of foreign workers being at risk in the CZ. This problem was also identified in the document of Anacen “An Analysis on the situation of foreign workers from EU member states in the CZ” and a task in chapter n. 2.7. “Measures aimed to support and assist workers from EU countries” was proposed: to facilitate access to financial resources intended for projects/activities of legal counselling and assistance to migrant workers from EU countries.

Until now, no clear consensus on the possibilities to ensure assistance to this specific group of persons¹⁹ has been found. A proposal for an adequate solution and its implementation into practice will be the outcome of the following period.

If we focus on the presumed **victims of trafficking in the category of under 18** it is necessary to keep in mind the fact that statistical information regarding minors is possible to retrieve only from the category of victims identified individually²⁰. Nevertheless, we can identify some quite interesting findings, especially in comparison to the total number of identified victims. In 2011 76 victims of trafficking were identified, out of these 64 in groups and 14 individually. Seven out of these 14 were minors. Another option is to read this data from the statistics on committed crimes – where the crime was perpetrated under section one, it was committed on minors. Out of 19 detected crimes in 2011 12 were qualified under § 168 (1) CC. In 2010 out of 24 detected cases of trafficking 9 were listed under § 168 section (1) CC. For further statistics see chapter *Prosecution*. Even though it regards low numbers the proportion related to minors is not negligible.

The CZ has a special mechanism regarding the provision of assistance to child victims, however, the increasing number of victims under 18 should be a sufficient impulse to intensify the interest in this target group and generate proposals for measures focused on child victims. There are also little or no information regarding children forced in begging, pickpocketing, etc. The detected crimes usually regard sexual exploitation.

At the EU level the need to dedicate more attention to the issue of child trafficking was emphasized for example in the Presidency Conclusions regarding Trafficking in Human Beings adopted in December 2011. With regards to the fact that the issue of children as victims of crimes is dealt with in the National strategy to prevent violence on children in the CZ for the period 2008 – 2018 no measures were formulated in this strategic document, albeit attention will be dedicated to this issue in the following period.

Strategic goals:

- **Assess the functioning of the Programme**
- **Analyse the possibilities to provide assistance to citizens of the EU who were found in the CZ in a difficult situation in relation to their employment**

¹⁹ At the end of 2010 NGOs proposed at the meeting of the ICG a draft on action concerning a situation of a higher number of foreigners found in the territory of the CZ in difficult situation due to their undefined position at work who are also at risk of being exploited in labour or trafficked for the same reason. The NGOs were proposing as a solution an immediate deployment of the integrated rescue system. At a following meeting at the MoI it was explained that such deployment in situations described above is not possible.

²⁰ The Statistical Crime Recording System of the Police of the CZ in terms of predicative statistical data appears incomplete not only with regards to child victims but also to other characteristics of victims of this crime.

Task no. V:

Carry out a complex evaluation of the Programme on support and protection of victims of trafficking.

Deadline: 2015

Performance indicators:

Evaluation elaborated including possible draft measures

Coordinator: Mol

Task no. VI:

Analyse the possibilities to ensure assistance to citizens of the EU who were found in the CZ in a difficult situation in relation to their employment

Deadline: 2013

Performance indicators:

Analysis of the possibilities to assist citizens of the EU elaborated including draft measures and the process of their implementation

Coordinator: MLSA

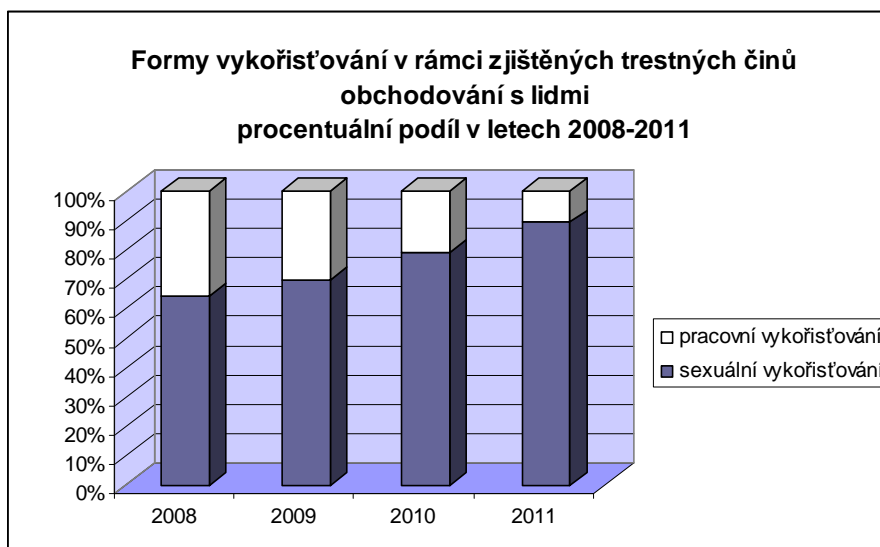
Co-coordinator: Mol

1.2.3. PROSECUTION

1.2.3.1. Police of the CZ

- The uniform procedure of the Police officers in tackling trafficking in human beings and vice crime was till 2010 ensured through the Binding Instruction of the Police President of the 2nd May 2006 n. 61. The new Binding Instruction of the Police President n. 93 issued on the 23rd June 2010 on Activities in the Area of Human Trafficking replaced the previous Instruction. The later was amended by the Binding Instruction of the Police President n. 16 of the 28th February 2011 (hereinafter referred to as “the Instruction”). The currently effective Instruction specifies duties of the Police specialists from Regional Departments, UCOC as well as from the Office of the Criminal Police and Investigation Service Office of the Police of the CZ (hereinafter referred to as “OCPIISO”). Newly, the Instruction contains the requirements of the Status report and lays down subjects that the specialists cooperate with.
- The statistics of the detected **cases of trafficking** showed until 2010 only two purposes - **sexual and labour exploitation**. Trafficking for the purpose of servitude or slavery was not reported. The new legislation effective from the 1st of January 2010 extends the purposes of trafficking to removal of tissue, a cell or an organ from a human body and forced service in armed forces. Data available from 2010 and 2011 do not show any detected cases of trafficking for this purposes. The same applies to slavery or servitude. Even though there are no cases of domestic servitude or labour exploitation occurring in the households registered in the CZ, this form of exploitation will be monitored (much attention to this phenomenon is paid to in the neighbouring countries).

The graph below shows the share of forms of trafficking (blue – sexual exploitation, white - labour exploitation) in detected cases of trafficking in the period 2008 - 2011



- According to the data available²¹ from 2008 to 2011 a total of 82 cases of trafficking was detected. In terms of number of investigated and prosecuted persons the number amounted to 118.

Numbers of crimes of THB detected and solved by the Police (under Sec. 232a of the Criminal Code, Sec. 168 of the CC, previously under Sec.232 of the old CC)				
Year	2008	2009	2010	2011
Detected	29	10	24	19
Solved in total²²	13	11	17	17
Investigated and prosecuted persons	22	32	35	29

- While the number of detected cases is in the observed period oscillating, when comparing the data with regards to solved cases, with the exception of 2009, the number of solved cases *per annum* in last two years has been increasing.

- When comparing the share of males and females within the category of investigated and prosecuted persons the result confirms the trend that has been registered in this field in last years - the share of females

Investigated and prosecuted persons for the crime of THB Males and females				
Year	2008	2009	2010	2011
Investigated and prosecuted persons	22	32	35	29
Out of these				
man	14	27	27	20
women	8	5	8	9

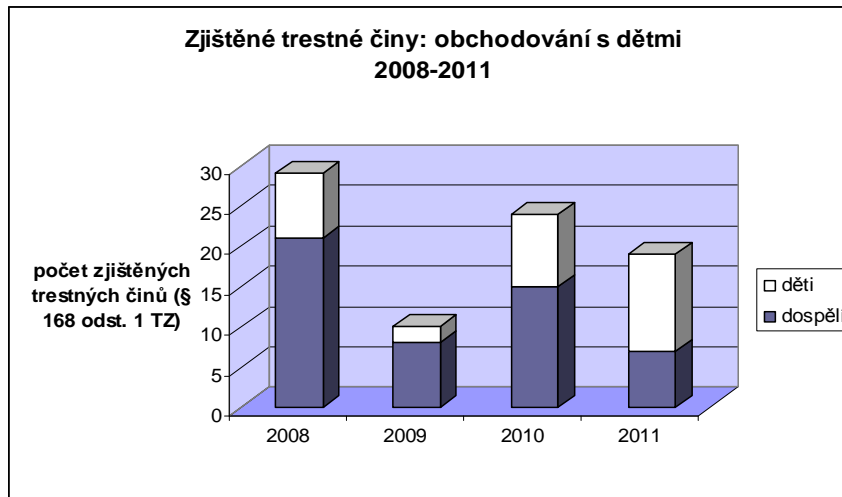
committing the crime of trafficking is higher than it is usual for other crimes. The highest percentage of women - offenders was registered in 2008 that is 36 %, in 2009 the percentage was the lowest in the observed period – 15, 6 %. In 2010 it reached

²¹ Data retrieved from the Statistical Crime Recording System of the Police.

²²Under term „Solved in total“ is understood the total number of solved crimes (where the perpetrator was identified) including crimes committed in previous years but solved in the given year.

22 %. In 2011 the share of women of the total number of investigated and prosecuted persons was 31 %.

The graph below shows the share of detected cases of trafficking committed on adults (blue) and children (white) in the period 2008 – 2011



- From 2008 to 2011 out of 82 detected cases of trafficking 31 were qualified under § 232a section (1) oCC or § 168 section (1) CC that is – **trafficking in children**. In 2008 up to 8 cases were qualified as child trafficking. In 2009 two cases were detected, increasing to 9 in 2010. In 2011 it regarded even 12 cases (out of 19 cases in total). Apart from two cases of labour exploitation, the rest were cases of trafficking for sexual exploitation.
- From 2008 a significant decrease in number of detected **cases of procuring** was observed - that is from 52 cases in 2008 to 37 in 2009 dropping to 33 in 2010. In 2011 a slight upward trend was reported – 44 detected cases of procuring. Same trend can be observed with regards to the number of prosecuted and investigated persons. 88 persons were investigated and prosecuted for the crime of procuring in 2008, in 2009 the number dropped to 35, to decrease again to 28 persons in 2010. 61 persons were investigated and prosecuted for procuring in 2011. The decline in the number of cases of procuring can be attributed to the general fall in the offer of sexual services in the CZ, especially in areas with rich history in the provision of such services – borderlands and Prague, but also to the increase in the number of cases of trafficking for the purpose of sexual exploitation especially since 2010.

Numbers of crimes of procuring detected and solved by the Police, numbers of investigated and prosecuted persons				
Year	2008	2009	2010	2011
Detected	52	37	33	44
Solved	43	28	26	32
Investigated and prosecuted persons	88	35	28	61

- As of 1st January 2010 the CC have introduced a new criminal offense consisting of **unauthorised employment of foreign nationals** (§ 342 CC). In 2010 three cases were detected, no one was investigated or prosecuted. In 2011 four crimes of

unauthorised employment of foreign nationals were detected, again no one was investigated or prosecuted.

- The new CC have introduced another new crime regarding the issue of trafficking especially for sexual exploitation **prostitution endangering the morals of children** (§ 190 CC). In 2010 only one case was detected and one person investigated and prosecuted. In 2011 no cases were detected.
- The Binding Instruction of the Police President n. 174 of the 12th September 2011 on the implementation of **financial investigation in criminal proceedings** made obligatory the constant identification and confiscation of criminal assets where property damage or property gains occurred. The obligation to conduct financial investigation regards also cases of presumed trafficking.

1.2.3.2. State Prosecutor's Offices and Courts

- The issue of partial overlap of constitutive elements of the crime of trafficking and of procuring persisted also in 2008. The new formulation of the crime of procuring (§ 189 CC) as amended in the new legislation was supposed to solve the partial overlap of the constitutive elements of the crime of trafficking and procuring thus eliminating the application issues. The definition of trafficking was amended in order to emphasize the “trafficking” nature of the crime – the **condition of the actual transfer** of the victim so as to be exploited by another person was laid down.
- The **amendment of the Code of Criminal Procedure** effective from the 1st of January 2010 shifted the competences of the court in the first instance in relation to the criminal offence of trafficking in human beings from the district courts to the regional courts. Precisely, the crime of trafficking was incorporated into the § 17 (1) point. a) Code of Criminal Procedure that determines the crimes in the jurisdiction of the regional courts. The crime of procuring remained within the competences of the district court. This amendment brought about complications with regards to the establishment of competences of the state prosecutor in charge of supervising of the preliminary proceedings in cases of procuring and trafficking for the purpose of sexual exploitation (where the qualification of the crime committed is not clear).
- Since 2008 the number of **persons accused of the crime of trafficking** has increased. Since 2010 substantial growth has been registered in the **number of persons sentenced** for this crime, this trend has continued in 2011. Similar figures are reported for persons who received unconditional sentence of imprisonment.

Numbers of persons accused and sentenced by a final judgement and sanctions imposed for trafficking in human beings (Sec. 168 CC and 232a oCC)				
Year	2008	2009	2010	2011
Persons accused	17	26	26	31
Persons sentenced	3	1	10	19
Unconditional sentence	3	0	9	18
Conditional sentence	0	1	1	1

- The CZ **does not as yet possess a final condemnatory judgement on trafficking in human beings for the purpose of labour exploitation**. In 2008 the first final

judgement on this form of trafficking was issued, however the accused were acquitted. Although in 2010 and 2011 offenders were sentenced for committing this crime, to date the decisions have not come into force.

- From 2008 to 2011 a total of 284 persons were accused of **committing the crime of procuring**, 256 were **sentenced** (to imprisonment or other penalties) - 71 to an unconditional sentence, 184 were convicted to a conditional sentence. Since 2008 the number of accused and sentenced persons for the crime of procuring has declined.

Numbers of persons accused and sentenced by a final judgement and sanctions imposed for procuring				
Year	2008	2009	2010	2011
Persons accused	119	89	33	43
Persons sentenced	60	82	64	50
Unconditional sentence	14	19	21	17
Conditional sentence	44	60	39	41

1.2.3.3. Ministry of Labour and Social Affairs

- MLSA plays an important role in the area of control – in the observed period its performance was divided between the Labour Office and the State Labour Inspection Office (hereinafter referred to as the “SLIO”) with its subordinated regional labour inspectorates. Controls were focused in particular on the adherence to the labour law regulations, activities of the recruitment agencies (employment agencies), unauthorised employment of foreign nationals, the reporting obligation of the employer etc.
- Since 2009 the Labour Offices as well as SLIO has paid attention to the controls of the recruitment agencies, their functioning was strengthened as of 1st January 2009. When comparing the 2009 and 2010 it is possible to state that the number of complaints on the violation of labour law regulations submitted by foreigners has increased. SLIO as well as the Labour Offices increased inspections regarding the recruitment agencies and the employment of foreigners. It was found that citizens of Slovakia, Ukraine and Vietnam were the most frequently illegally employed foreigners (or foreigners working undeclared). In comparison to the past years the number of cases of unequal treatment of agency employees has declined.
- On the 1st of January 2011 the **amendment of the Act on Employment** came in to force (n. 435/2004 Coll., as amended) which among other things further strengthened the functioning of the recruitment agencies (employment agencies). The measures adopted involve for example the obligation to poses (and submit it to MLSA) an insurance against insolvency (in the amount ensuring the payment of wages up to three times of the average monthly earning of all temporarily assigned workers). Also the conditions of the release of the binding opinion of the Mol regarding the permit to broker employment were tighten up.

Identified issues:

The situation in the area of **ruling of the courts** in cases of trafficking for the purpose of labour exploitation when compared to other countries with similar legislation does not show many differences. The CZ does not as yet possess a final condemnatory judgement on trafficking in human beings for the purpose of labour exploitation even though the criminal law definition of trafficking has in this form – according to the “Palermo definition” – been implemented since 2004²³. The main identified issues are in this regard the interpretation of some terms such as “abuse of distress” or “other forms of exploitation”, the complicated structure of the criminal law definition and its proving. In situations where it is not possible to prove the crime of trafficking due to the inability to fulfill all the merits of the crime, such cases are qualified for example as restriction of personal freedom, extortion or fraud (e.g. as crimes of lesser severity). Latency of the crime, the absence of a clear methodology for police specialists on the collection of evidence, change in the *modus operandi* of the offenders, use of subtle forms of coercion are just some other examples of the obstacles the LEAs has to overcome when prosecuting trafficking.

Nevertheless, not all LEAs are able to cope with the changing trends and reflect them when qualifying the crime and considering its seriousness in different phases of the criminal proceedings. This period can be characterised as a transitional stage where the publication of a final condemnatory judgement in cases of trafficking for the purpose of labour exploitation is awaited while the actual absence of such judgement is slowing down the effort of the courts to sentence offenders of this crime. This remark has been stressed by the SSPO several times especially in the 2009 and 2010 Status reports.

Another area currently worth attention is the **confiscation of criminal assets**. Relevant police departments estimate that the annual profit of the criminal organisations involved in trafficking reaches 100 million CZK. The question of confiscation of proceeds of crime is further elaborated in the forms of concrete measures in the already approved strategic documents – the Strategy to fight organized crime (2011 – 2014), the [Government Anti-corruption Strategy for the years 2011 and 2012](#)²⁴. Therefore measures regarding confiscation of criminal assets were not formulated in this document even though they are closely connected with the fight against trafficking.

Strategic goal:

- **Analyse the situation in the fight against trafficking – the legislative aspects as well as the practical implementation from the point of view of the judicial authorities**

Task no. VII:

Carry out a complex legal analysis of the tools to fight the crime of trafficking for the purpose of labour exploitation

Deadline: 2012

Performance Indicators:

Analysis including possible proposals for legislative changes elaborated

Coordinator: MoI

Co-coordinator: MoJ

²³ The CZ was repeatedly criticized for low numbers of detected cases of trafficking and therefore of having low numbers of judgements, especially with regards to labour exploitation. It was emphasized that there are no basis upon which it could be stated what the ideal number of detected cases and sentenced offenders is. Many cases presented as cases of trafficking are very often qualified as violations of labour law. Often they fulfil the merits of other crimes such as fraud, restriction of personal freedom etc. However, the absence of the final judgements with regards to cases of trafficking for the purpose of labour exploitation is worth attention. Such absence, actually, does not correspond with the activity of the Police of the CZ in this filed.

²⁴ The Strategy was approved by the Government Resolution no. 1 of the 5th January 2011.

1.2.4. PREVENTION

- In the observed period the core of the prevention activities was centralized within the educational activities focused on relevant groups of professionals. In the framework of professionalization of police officers continuous training was implemented according to the Binding Instruction of the Police President n. 93/2010, also police officers primarily not specialized in the fight against trafficking received the anti-trafficking training. The trafficking issue is an integral part of the schooling educational programmes of the police schools, the basic professional trainings of police officers and is also included in the specialized courses of the police schools and of the MoI. The Alien Police of the CZ also participates in anti-trafficking trainings. The educational activities in this field were also supported through international educational projects like European Police College (CEPOL), Mitteleuropäische Polizeiakademie (hereinafter referred to as „MEPA“)²⁵ or the already mentioned ICMPD.
- The CPD together with the SPD and UCOC organized in the fall of 2010 an anti-trafficking expert seminar with the emphasis on labour exploitation. The seminar was attended by police officers, 8 foreign experts among them also the FBI Legal Attaché for the CZ and Slovakia. The purpose of the event was to improve and accelerate the exchange of information at the investigation level through exchange of contact details on experts from the police and the justice field from all attending countries.
- In October 2011 a specialized course for police officers and state prosecutors focused on trafficking with the emphasis on labour exploitation was organized by the SPD together with the Police of the CZ. The course was attended by the specialized police officers and state prosecutors from the regional state prosecutors' offices. The first day of the event was dedicated to the current state of play in the field of trafficking. The programme of the second day focused solely on trafficking for the purpose of labour exploitation and other forms of exploitation. It was the very first course that brought police officers and state prosecutors together. The event was evaluated as successful and will be repeated in a two years horizon.
- In the observed period advanced professional education of state prosecutors, judges and other persons active in the field of justice was ensured through the **Judicial Academy**. State prosecutors and judges attended courses that dealt with trafficking as a single topic or where trafficking was incorporated as a part of a larger topic (organized crime, vice crime, amendments of the criminal code etc.)
- Since 2008 cooperation with MFA has been intensified. **Consular officers** have been since then regularly introduced to the issue of trafficking and the need to monitor the situation in trafficking with regards to their work. A year later the issue of trafficking and the identification of potential victims became a separate topic in the consular training designated for employees of the MFA scheduled to work abroad. The training is intended for diplomats as well technical-administrative staff and is organized five to six times a year. The trafficking lectures were delivered by experts from MoI and the IOM, in 2011 La Strada and Charitas contributed too. In 2010 the trafficking block was also incorporated in the advanced training for consular officers.
- In the period 2008 – 2011 training events with the emphasis on the identification of potential victims were organized for example for employees of the **Refugee Facility Administration**.

²⁵ MEPA = is the Central European Police Academy founded in 2011 on the basis of the statement of Ministers from Austria, Germany, Switzerland, Hungary, Slovenia, Poland, Slovakia and the CZ.

- In 2008 cooperation between the CPD and the University of Defense in Brno was launched. The aim of the cooperation is the organization of seminars focused on prevention of trafficking in human beings for students of the University of Defense and Army officers based on the requirements stated by the University of Defense.
- In the framework of **mapping the situation with regards to trafficking** in the CZ it is also worth mentioning some research activities in this area. For example the Institute for Criminology and Social Prevention paid attention to topics closely related to trafficking in human beings such as organized crime, sexual exploitation etc. The Mol as the body responsible for national security research, development and innovations dealt with selected aspects of the organized crime, violent sexually oriented crime or the confiscation of criminal proceeds.
- In 2007 the **campaign “Say it for her”** was launched and a hotline established. The information campaign was run by IOM Prague and focused on customers of prostitutes and wider public of the CZ. La Strada and Charitas were also involved in the campaign. In the period 2008 – 2010 the campaign was handed over to Charitas that until 2010 run the hotline and administrated the web pages.
- Field work played an important role in the area of preventive activities. La Strada, Diaconate, Charitas and Bliss without risk were the key players in this regard. Field work was targeting groups of vulnerable foreigners in difficult life situation close to trafficking or exploitation.
- An important project in the field of prevention of child trafficking constituted the project “Where to go” implemented by Diaconate. In the framework of the project a manual for lectures and a set of utilities for the prevention programme setting as a goal the mediation of information regarding prevention of trafficking for labour and sexual exploitation for young people between 11 – 19 years of age was created. Within the project a short educational movie was published and incorporated in the educational programme of some elementary schools in Prague and Pilsen.
- In 2010 La Strada together with the company ŠIK²⁶ created a short video focused on prevention of trafficking and the risks associated with travelling abroad for children and young people. The project was joined already by 269 elementary and high schools. The CPD contributed actively to the video, financed it and is also presented in the video.
- In order to prevent trafficking in children a manual “**Trafficking in Children – Recommendations for Procedures of the Public Administration**”. The document was created with the contribution of the public authorities together with the non-governmental organisations and is a reaction to the developing trends in the area of committing crime of trafficking in children. The aim of the manual is to describe in detail the recommended procedures of the state authorities in cases where a minor is the perpetrator of a crime (especially property crime). The document stresses the fact that a minor may be a victim forced by the real perpetrator into committing such crimes. Therefore the manual pays attention to the problematic aspects in the identification of a potential child victim of this crime. The [manual](#) was distributed to all relevant bodies and posted on the web site of the Mol.
- On the basis of the **Binding Instruction of the Minister of Interior n. 14** of the 15th of February 2010 establishing the functioning of the national referral mechanism to support and protect victims of trafficking in human beings a *Basic Instruction* containing information on selected NGOs in the CZ was created. The *Basic Instruction* is intended to potential victims of trafficking for whom the procedure

²⁶ ŠIK CZ is a company that through large screens installed in schools strives to find new ways of communication with young people.

according to § 42e and § 33 (1) point b) of the Act n. 326/1999 Coll. on the Residence of Foreign Nationals in the CZ as amended (hereinafter referred to as “the Act on Residence of Foreign Nationals”) or according to the Guidelines of the First Deputy Minister of Interior of the 7th June 2010 concerning the functioning of the Programme on Support and Protection of Victims of Trafficking in Human Beings and Its Coverage by Institutions is irrelevant. *The Basic Instruction* is officially called the “**Basic Information on selected helping organisations for potential victims of trafficking**”. In 2011 the material was translated into 8 foreign languages²⁷ of those countries that are the main source of potential victims for the CZ. In 2012 the Basic Information will be distributed to the relevant bodies as specified in the Instruction.

- A range of preventive activities targeting source countries was implemented, however not all of them were primarily intended to prevent only trafficking. In the period 2008 – 2011 **expert missions** of the representatives of the MoI and the Police of the CZ focusing on the fight against serious organized crime were arranged to **countries of the Western Balkan region**.
- In 2011 MLSA in collaboration with NGO META implemented a project entitled “**Social translation for foreigners**” aimed to enhance awareness and self-sufficiency of foreigners who are vulnerable thanks to the absence of the knowledge of the Czech language, environment and the legal system of the CZ. Other information regarding services of the translators (from 2012 their services are not free of charge) are available at www.cizinci.cz.
- Efficient prevention can be ensured also through improving the quality of legislation concerning the area in question. On the 1st of January 2010 the **new CC** came into effect extending the forms of trafficking of removal of tissue, a cell or an organ from a human body and of forced service in armed forces. The Act on Residence of Foreign Nationals was also amended because of the transposition of the EU Directives²⁸ into the Czech law.
- At the EU level the EU Directive against trafficking establishing minimum standards in the prevention of trafficking and protection of its victims was adopted. At this moment in time it is possible to state that the CZ complies with the majority of obligations stated in the Directive.
- The draft Act on Victims of Crime and Amendments of Certain Laws was finalised in 2011 and will be submitted to the government in February 2012. The Act should significantly enhance the standing of the victim during the criminal proceedings and therefore have a positive impact also on victims of trafficking. The respective Act should among others eliminate some long term deficiencies in the implementation of the Framework Decision of the Council 2001/220/SVV of the 15th March 2011 on standing of victims in the criminal proceedings.

²⁷ Namely: English, Ukrainian, Russian, Vietnamese, Mongolian, Romanian, Bulgarian and French.

²⁸ DIRECTIVE 2009/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals; DIRECTIVE 2008/115/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals; COUNCIL DIRECTIVE 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

Identified Issues:

Even though the complex system of prevention was set by the previous strategic document, a more detailed focus on some areas will be needed. Sufficient **training of relevant groups of professionals** regarding trafficking in human beings, the possibilities of identification of victims and their protection reasonably leads to a more efficient detection of cases of trafficking.

The main identified problem in the area of further training of judges and state prosecutors is the fact that continuing professional education is not obligatory for this group of professionals and therefore attendance at lectures is usually low. Further, we still register some groups of professionals that might get in touch with a potential victim of trafficking when at work but lack any training regarding identification of potential victims and how to help them – namely labour inspectors, army and police officers participating in missions abroad.

In the observed period the CZ had to deal with another issue – cases of foreigners exploited while working in the framework of public contracts were registered. In this regard measures should be adopted in order to minimize the risk of exploitation of foreigners through for example adjusting the specifications of the contract. The aim is to reach a state, where the contracting authority (a public institution or body) will, under relevant regulations and contracts, enforce effective liability of the contractor or subcontractor during the whole engagement. Ensure a wider liability of the contractor is one of the recommendations listed in the aforementioned document of Anacen. The material recommends to lay down specific requirements of the contracting authority in the agreement on implementation of the contract (for example that the contractor agrees with the fact that the contracting authority may withdraw from the agreement in cases of proven violation of labour-law regulations by the contractor or sub-contractor)

Strategic goals:

- ***Ensure trainings with regards to trafficking for those groups of professionals that might get in touch with potential victims of trafficking***
- ***Ensure the process of implementation of public procurement in order to minimize the risk of foreign as well as Czech workers being exploited at work***

Task no. VIII:

Ensure mandatory training for candidate judges with regards to the issue of trafficking in human beings.

Deadline: 2013

Performance indicators:

Inclusion of the trafficking issue in the training system of candidate judges

Coordinator: MoJ

Co-coordinator: Mol

Task no. IX:

Ensure training for labour inspectors with regards to the issue of trafficking in human beings and the identification of potential victims of trafficking.

Deadline: 2013

Performance indicator:

Inclusion of the trafficking issue in the educational system of labour inspectors

Coordinator: MLSA

Co-coordinator: Mol

Task no. X:

Ensure training for police officers participating in missions abroad with regards to the issue of trafficking in human beings and the identification of potential victims of trafficking.

Deadline: 2012

Performance indicator:

Inclusion of the trafficking issue in the pre-departure training system of police officers

Coordinator: Mol

Task no. XI:

Ensure training for army officers of the Army of the CZ participating in military missions abroad with regards to the issue of trafficking and the identification of potential victims of trafficking.

Deadline: 2012

Performance indicator:

Inclusion of the trafficking issue in the pre-departure training system of army officers of the Army of the CZ

Coordinator: Ministry of Defense of the CZ

Co-coordinator: Mol

Task n. XII:

A) Identify sectors/areas where there is a potential risk of emergence of labour exploitation and where the performance of work is implemented through public contracts.

B) On the basis of the identified problematic areas develop a set of recommendations on how to eliminate the risk of emergence of labour exploitation.

C) Implement the set of recommendations in the internal acts regulating the process of implementation of public contracts.

Deadline:

A) September 2012

B) December 2012

C) 2013

Performance indicators:

A) Completion of the list of sectors at risk of emergence of labour exploitation, including detailed description

B) Completion of the set of recommendations

C) Adjustment of the respective internal acts

Coordinator:

A) MLSA

B) Ministry for Regional Development of the CZ (hereinafter referred to as "MRD")

C) All ministries

Co-coordinator:

A) Mol

2. EVALUATION OF TASKS FROM THE PREVIOUS STRATEGY

I.

To give formal status to and to institutionalise an Inter-ministerial Coordinating Group (ICG) to coordinate activities relating to trafficking in human beings (representatives of individual ministries and relevant NGOs and inter-governmental organisations) and to be responsible for the operations of the current national coordination mechanism. Submit to the Government of the CZ the Statute of the ICG and regulate its Rules of Procedure by an internal act of the Mol.

Coordinator: Mol in cooperation with other ministries

Deadline: 30th June 2008

Commentary:

In the observed period the ICG was institutionalised and formal status given. On the 20th of August 2008 on the basis of the Government Resolution n. 1006 the ICG was established and its Status approved. The governmental resolution acknowledged to the ICG the main coordination role in the fight against trafficking at national level. The Rules of Procedure entered into force on the 16th of December 2008 upon approval by the ICG members and is available at [the internet webpages of the Mol](#).

Current status: FULFILLED

Draw up, submit and publish on an annual basis a Report for the Minister of Interior on the state of trafficking in human beings in the CZ, including a description of the situation and measures adopted in the area of prevention and in the framework of the Programme in question.

Coordinator: Mol in cooperation with other ministries

Deadline: Annually by 30th of March

Commentary:

The first Status report reflected the period from the 1st of January to the 31st of December 2008 since then the Status reports are published regularly on the annual basis. Their complete versions are available at [the internet web pages of the Mol](#). The Status report describes the situation in trafficking in the CZ including related international trends. The document is drawn up on the basis of the information provided by members of the ICG.

Current status: FULFILLED CONTINUALLY

Develop a central system of data collection on trafficking in human beings.

Coordinator: Mol in cooperation with other ministries

Deadline: 30th June 2008

Commentary:

The lack of comparable data on potential victims, numbers of detected crimes of trafficking and their perpetrators is continuously in the centre of attention of the EU member states. In the CZ data are collected annually for the purpose of issuing the Status report on the situation in trafficking in the CZ in the previous year.

In 2008 a project plan for the programme „Information system Trafficked person“ was approved. It regards a software database intended for collection of personal data of clients who enter the Programme. The information system will run in accordance with the certification scheme for the collection of personal data issued by the Office for Personal Data Protection. The aim of the system is to comprehensively collect data regarding victims of

trafficking included in the Programme or data on those victims that used the Voluntary Return Programme to return home. The database should be fully operative in 2012.

Current status: FULFILLED partially

II.

Analyse the situation and submit a criminal law definition of forced labour or new constituent elements of offences such as 'serious forms of labour exploitation' and 'serious forms of violations of labour law regulations'. New constituent elements should define the punishment of 'illegal employment' including the different length of sentences according to the gravity of exploitation of a worker by an employer.

Coordinator: Mol in cooperation with MLSA and MoJ

Deadline: 31st July 2008

Commentary:

In 2008 and 2009 a working group on trafficking for the purpose of forced labour and other forms of exploitation was established to fulfil the aforementioned task. The working group recommended to further focus on the specific training of LEA in this area and to the SSPO to include the issue of trafficking in the annual Report on the activities of the prosecutor's offices. Because of lack of evidence from the practice of state prosecutors and judges and the absence of the case law the working group was suspended in 2009.

The already mentioned project „Discovering trafficking in human beings for the purpose of forced labour and labour exploitation“, which is a reaction to the current situation, seeks inspiration from abroad. The outcomes of the project are expected to fulfil the above described task. The National strategy expects this topic to be a priority in the upcoming period (see task. n VII.).

In the observed period attention was paid to the need of prosecuting unauthorized employment. The new CC, effective from the 1st of January 2010, introduced a new criminal offense: **unauthorized employment of foreign nationals** (§ 342 CC). The criminal offense targets those who constantly, repeatedly or under particularly exploitative conditions or on a larger scale employ or facilitate employment of a foreigner (including a person under age of 18) illegally staying in the territory of the CZ or of a foreigner without a valid work permit if this requested.

Current status: FULFILLED partially

III.

Consistently use legal means in order to eliminate negative consequences of prostitution. Draw up, on annual basis, information for the Mol on measures adopted and their outcomes.

Coordinator: all ministries

Deadline: 28th February 2009

Commentary:

The National Strategy acknowledged that even though attempts to regulate prostitution were not successful, the current legislation already provides broad power to the public administration and the municipalities.

Along the criminal law line this role is delegated to the LEAs and regards in particular the prosecution of trafficking, procuring, disorderly conduct or where appropriate endangering the upbringing of children. The new CC introduced the criminal offense of prostitution endangering morals of children. Since the new CC entered into force only one case of this crime has been detected and solved. The 2010 Binding Instruction of the Police President imposed the obligation to monitor the prostitution scene to police officers specialized in trafficking in human beings and vice crime. The information regarding the

situation in prostitution and the activities of the public administration in this field are included in the annually published Status report.

Along the administrative line it is worth noting that some municipalities took advantage of the possibility to eliminate the negative consequences of prostitution through generally binding regulations. Regulations lay down the prohibition of offering and provision of prostitution sometimes also the demand for such services, while such conduct is punished as misdemeanor.

Current status: FULFILLED continually

3. SUMMARY OF TASKS FOR THE PERIOD 2012-2015

Strategic vision 2012-2015:					
The fight against trafficking in human beings in the CZ is a coordinated efficient activity based on balanced cooperation between relevant professionals and respect for human rights and the needs of victims					
Pillar	Task	Performance indicator	Coordinator	Co-coordinator	Deadline
Partnership	I. Map the situation regarding trafficking in socially excluded areas.	<ul style="list-style-type: none"> Analysis of the up to now implemented monitoring measures regarding trafficking in socially excluded areas Implementation of a research in several selected socially excluded locations to find out about the real extent of trafficking formulation of recommendations if necessary 	Mol	MLSA, Office of the Government	2015
	II. Convey to the relevant representatives of the Police of the CZ examples of good practice regarding functional instruments of international cooperation (joint investigation teams, EU operational teams, bilateral cooperation with source countries etc.) when investigating cases of trafficking.	<ul style="list-style-type: none"> Presentation of examples of good practice (2013) Assessment of the application of international instruments by the Police of the CZ (2015) 	Mol		2015
	III. Ratify the Protocol to	<ul style="list-style-type: none"> The proposal for the Ratification of 	Mol		2012

	Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.	the respective document submitted to the government			
	IV. Sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings.	<ul style="list-style-type: none"> The proposal for the accession and ratification of the respective document submitted to the government 	MoJ		2013
Protection and support of victims	V. Carry out a complex evaluation of the Programme on support and protection of victims of trafficking.	<ul style="list-style-type: none"> Evaluation elaborated including possible draft measures 	Mol		2015
	VI. Analyse the possibilities to ensure assistance to citizens of the EU who were found in the CZ in a difficult situation in relation to their employment.	<ul style="list-style-type: none"> Analysis of the possibilities to assist citizens of the EU elaborated including draft measures and the process of their implementation 	MLSA	Mol	2013
Prosecution	VII. Carry out a complex legal analysis of the tools to fight the crime of trafficking for the purpose of labour exploitation.	<ul style="list-style-type: none"> Analysis elaborated including possible proposals for legislative changes 	Mol	MoJ	2012
Prevention	VIII. Ensure mandatory training for candidate judges	<ul style="list-style-type: none"> Inclusion of the trafficking issue in the training 	MoJ	Mol	2013

	with regards to the issue of trafficking in human beings.	system of candidate judges.			
	IX. Ensure training for labour inspectors with regards to the issue of trafficking in human beings and the identification of potential victims of trafficking.	<ul style="list-style-type: none"> • Inclusion of the trafficking issue in the educational system of labour inspectors 	MLSA	Mol	2013
	X. Ensure training for police officers participating in missions abroad with regards to the issue of trafficking in human beings and the identification of potential victims of trafficking.	<ul style="list-style-type: none"> • Inclusion of the trafficking issue in the pre-departure training system of police officers 	Mol		2012
	XI. Ensure training for army officers of the Army of the CZ participating in military missions abroad with regards to the issue of trafficking and the identification of potential victims of trafficking.	<ul style="list-style-type: none"> • Inclusion of the trafficking issue in the pre-departure training system of army officers of the Army of the CZ 	Ministry of Defense	Mol	2012

	<p>XII. A) Identify sectors/areas where there is a potential risk of emergence of labour exploitation and where the performance of work is implemented through public contracts B) On the basis of the identified problematic areas develop a set of recommendations on how to eliminate the risk of emergence of labour exploitation. C) Implement the set of recommendations in the internal acts regulating the process of implementation of public contracts</p>	<ul style="list-style-type: none"> • A) Completion of the list of sectors at risk of emergence of labour exploitation, including detailed description • B) Completion of the set of recommendations • C) Adjustment of the respective internal acts 	A) MLSA B) MRD C) all ministries	A) Mol	A) 2012 B) 2012 C) 2013
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LIST OF ACRONYMS AND ABBREVIATIONS

Anacen	Analytical Centre for Protection of State Borders and Migration
Diaconate	Diaconate of the Czech brotherhood Evangelical Church
Charitas	Archdioceses Charity Prague
EU	European Union
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
La Strada	La Strada Czech Republic
MEPA	Central European Police Academy (Mitteleuropäische Polizeiakademie)
ICG	Inter-ministerial Coordination Group for Combating Trafficking in Human Beings
JHA Council	Justice and Home Affairs Council
MRD	Ministry for Regional Development of the CZ
MLSA	Ministry of Labour and social Affairs of the CZ
MoJ	Ministry of Justice of the CZ
Mol	Ministry of Interior of the CZ
National Strategy	National Strategy for Combating Trafficking in Human Beings (2008-2011)
NGO	Non-governmental Organization
SSPO	Supreme State Prosecutor's Office
SPD	Security Policy Department of the Mol
OCSE	Organization for Cooperation and Security in Europe
LEA	Law Enforcement Agency
CPD	Crime Prevention Department of the Mol
UN	United Nations
Programme	Programme on support and protection of victims of trafficking in human beings
SLIO	State Labour Inspection Office
OCPIISO	Office of the Criminal Police and Investigation Service
	Office of the Police of the CZ
UCOC	Unit for Combating Organized Crime of the Criminal Police and Investigation Service of the Police of the Czech Republic