

<b>Crime prevention policy</b>	
<b>EU- priority</b>	Trafficking in Human Beings
<b>Country</b>	Czech Republic
<b>Year</b>	2018

## 1. Overview of the field

### Definition of the crime

The factual definition of trafficking in human beings is provided in Sec. 168 (1), Act No. 40/2009 Coll., Criminal Code, as amended:

(1) Whoever forces, procures, hires, incites, entices, transports, conceals, detains, or consigns a child to be used by another for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for production of pornographic works,
  - b) extraction of tissue, cell, or organs from his/her body,
  - c) service in the armed forces,
  - d) slavery or servitude, or
  - e) forced labour or other forms of exploitation, or
- who profits on such a conduct, shall be sentenced to imprisonment for two to ten years.

(2) The same sentence shall be imposed to anyone who forces, procures, hires, incites, entices, transports, hides, detains, or consigns a person other than referred to in Sub-section (1) by using violence, threat of violence or other grievous harm or deceit, or by abusing his/her error, distress, or addiction in order to use him/her for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for the production of pornographic works,
  - b) extraction of tissue, cell, or organs from their body,
  - c) service in the armed forces,
  - d) slavery or servitude, or
  - e) forced labour or other forms of exploitation, or
- who profits on such conduct.

(3) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property if he/she

- a) commits then act referred to in Sub-section (1) or (2) as a member of an organised group,
- b) exposes another person to a risk of grievous bodily harm or death by such an act,
- c) commits such an act with the intention to gain a substantial profit for him-/herself or for another, or
- d) commits such an act with the intention to use another person for prostitution.

(4) An offender shall be sentenced to imprisonment for eight to fifteen years or to confiscation of property if he/she

- a) causes grievous bodily harm by the act referred to in Sub-section (1) or (2),
- b) commits such an act with the intention to gain extensive profit for him-/herself or for another, or

c) commits such an act in connection to an organised group operating in several states.

(5) An offender shall be sentenced to imprisonment for ten to eighteen years or to confiscation of property, if he/she causes death by the act referred to in Sub-section (1) or (2).

(6) Preparation is criminal.

### Assessment of trends and developments

The Czech Republic is considered mainly a target and a transit country, however at the same time, it can still be deemed as a source country as well. Compared to the previous years, the criminal activity connected to trafficking in human beings has not undergone any major changes; neither in the detected forms of trafficking in human beings, nor in the modus operandi used by the perpetrators. Conduct and behaviour of offenders appears to be sophisticated, what was confirmed also by the predominant use of deceit, abuse or dependency from the side of the perpetrators.

As regards countries of origin of victims identified in the Czech Republic, mainly countries with a lower standard of living have been identified (Romania, Bulgaria, Ukraine, Slovakia, the Philippines, Vietnam, Thailand and Hungary). Czech Republic is also source country, Czech citizens are trafficked mainly to the United Kingdom, but also to another countries or within the country.

The most common forms of trafficking in human beings in the Czech Republic remain trafficking in human beings for the purpose of sexual exploitation, and in statistical data less represented, THB for the purpose of labour exploitation. However, the criminal proceedings conducted by the Police of the Czech Republic ascertained by international police and judicial cooperation in 2017 confirmed the increase in cases, where the perpetrators searched women from socially and educationally disadvantaged environment in the Czech Republic and lured them abroad under pretext of getting married, which resulted in trafficking. These marriages are labelled as, "marriages of convenience", and this conduct is undoubtedly a newly emerging and alarming trend in exploitation of victims.

### Recent overview of statistics and research

According to the police statistics there were 16 offences of trafficking in persons recorded in the Czech republic in 2017. Also the number of persons brought into formal contact with the police because they have been suspected of, arrested for or cautioned for trafficking in persons was 24. Prosecution for trafficking in persons was commenced against 16 persons in 2017.

In 2017, 14 victims of THB were recorded in the police statistics; 2 victims were younger than 15 years of age, 8 victims aged 15 – 17 years and 2 victims aged 18 – 30 years. Two victim fell into the category of 31-40 years of age.

In the framework of Programme on Support and Protection of Victims of Trafficking in Human Beings of the Ministry of the Interior, that is designed for probable adult victims of THB, i.e. EU citizens trafficked within the Czech Republic, for third country nationals trafficked within the Czech Republic, and for Czech citizens trafficked within the Czech Republic or abroad, in total 24 probable victims entered the Programme in 2017. Victims came from Moldova (5), Ukraine (5), Nigeria (1), Philippines (2), Vietnam (1), Slovak republic (1) a Czech republic (9). In total 17 cases concerned THB for the purpose of labour exploitation and 7 concerned THB for the purpose of sexual exploitation. 12 probable victims were women and 12 men. Also the statistical records of the Programme show that the most

prevalent forms of THB in the Czech Republic are THB for sexual exploitation and THB for forced labour/labour exploitation. Other forms of exploitation were not reported.

## 2. Crime strategy and coordination

### Objectives of the crime strategy

#### **Priorities of the National Strategy for Combating Trafficking in Human Beings in the Czech Republic for the period 2016–2019:**

- Combating labour exploitation and punishment of offenders  
Priority goals in the fight against labour exploitation
  - to analyse the shortcomings contained in the labour and criminal legislation, including the possibilities of legislative amendments to these regulations
  - provide examples of good practice from abroad and publish guidelines for cases of trafficking in human beings for the purpose of labour exploitation by law enforcement agencies in the light of current developments in this area
- Combating trafficking in children  
Priority goals in the fight against child trafficking are:
  - review the key guidelines and documents on cooperation of public authorities in the field of child trafficking and repatriation of unaccompanied minors - their possible update

### Role of prevention in the crime strategy on state/regional/local level

#### **State level:**

The Czech Republic has acceded to the Protocol of ILO Convention No 29 on Forced labour, which deals inter alia with the issues of prevention of forced labour and protection of victims rights, especially in criminal law proceedings, as well as claims for their social rehabilitation and assistance.

In 2015 the project Optimization of interdisciplinary cooperation in the protection of trafficked persons and took place, extending to 2016. Within the project an analysis was conducted using interdisciplinary approach to the prevention of human trafficking, which focused on the evaluation of the situation in preventive activities and identified problematic aspects of cooperation of individual actors in helping victims of trafficking.

One of the main tools in the area of prevention of THB is dissemination of awareness through:

- Training of professional groups who, in the course of their work, could come into contact with trafficked persons
- Prevention targeted at people at risk of trafficking, as well as in potentially risky areas
- Long-term partnership of the state and non-profit sector
- Wide-ranging preventive activities to increase the awareness of the whole society

Priority goals for disseminating awareness of trafficking in human beings are:

- disseminate awareness of trafficking in human beings among relevant professional groups in the so-called first line
- mediation of prevention campaigns in the field of trafficking in the general public

### Implementation of the policy (which level is responsible for the implementation and how is the implementation coordinated?)

In Czech Republic there is cooperation at government level. The Minister of the Interior is in charge of the role of the National Coordinator for Combating Trafficking in Human Beings.

### Stakeholders (working groups, specialised agencies, partners, etc)

- **The Minister of the Interior** is in charge of the role of the National Coordinator for Combating Trafficking in Human Beings and the Department of Crime Prevention has been entrusted with the task of performing this function. This department also acts as a National Rapporteur for the European Commission and participates in the platform of National Rapporteurs and equivalent mechanisms at this institution.
- **Inter-ministerial Anti-Trafficking Coordination Group**
- **Platform of the Analytical Center for the Protection of National Borders and Migration**
- **Interdepartmental Authority for Combating Illegal Employment of Foreign Nationals**

### Participation in European/ international networks, working groups, etc.

**EU Network of National Rapporteurs or equivalent mechanisms**

## 3. Good practices

### Overview of recent good practices, prevention programs, etc.

#### **Program for the Support and Protection of Victims of Trafficking in Human Beings**

Victims of trafficking are among the most vulnerable victims of crime. The Ministry of the Interior, in cooperation with the Police, specialized NGOs and the International Organization for Migration, has been implementing the „Program of support and protection of victims of trafficking.“ It includes measures that aim to provide victims of trafficking with support and adequate protection based on an individual risk assessment. Under the programme, victims of human trafficking are guaranteed suitable and adequate housing, health care, legal assistance, legal representation, psychological and social support and retraining. The programme also offers safe and free of charge voluntary repatriation of the victims.

#### **Roundtables on Opportunities for More Effective Cooperation between Regional Labour Inspectorates and the Czech Police in Combating labour Exploitation**

The project was implemented in the form of "roundtables" that supports active discussion. The Ministry of the Interior cooperated with the Organized Crime Investigation Unit of ÚSKPV (hereinafter referred to as "OCIU") And the non-profit organization La Strada, o.p.s,

whose representatives informed the participants of the round tables about their activities and services provided to victims of trafficking. Representatives of the NGO La Strada also handed over to the regional labour inspectorates (hereinafter referred to as “RLI”) on site the information leaflets they use in their fieldwork. Representatives of the Mol and partner organizations visited all 8 RLIs from March to October 2015, where it can be said that, especially on the part of labour inspectors, this project was perceived very positively, also because they had the opportunity to become acquainted current trends in violations of labour law. A total of 140 inspectors of regional labour inspectorates attended round tables. Although there are no specific statistical data on the amount of RLI information submitted to the Police, we can see the strengthening of the mutual relations in the individual regions, where there is a close cooperation between these entities and the number of co-operative events was also increased. In addition, round tables significantly contributed to strengthening monitoring of developments in the given regions and established communication channels between the Police, Mol, RLI and NGOs.

### **Cooperation between Facility for Children-Foreigners and Police**

Cooperation between the Police and Facility for Children-Foreigners is to be considered effective and pro-client oriented. The system for the transmission of information between these entities is set up in such a way that the information supporting the detection of organized crime is received in time by the competent employee of the Facility, who is usually informed sufficiently in advance about the necessity of interviewing the client. The professional employee of the Facility then accompanies the client for questioning and can thus provide immediate professional intervention. The Facility also requires feedback from the Police so that the client can be protected from the risks of potential contacts with unwanted persons. Case-based conferences are also organized as part of a case-by-case approach. If necessary, the experts involved in the work with the client participate directly from the Facility or from the other professional workplaces the client has gone through. An employee of Child Protection Department, who is appointed as the client's guardian, is also always invited. This approach appears to be very effective tool for coordinating stakeholders and, due to its pro-client setting, prevents secondary victimization of the minor. The pro-client approach will also be reflected in publications and oncoming manuals in the oncoming period.

### **Training of consular officers of the MFA**

A key role in identifying victims originating from the Czech Republic abroad and ensuring the return of probable victims is played by consular officials at the embassies' offices (hereinafter referred to as the "Embassy") of the Czech Republic abroad. For this reason, the Ministry of the Interior has established long-term cooperation with the Ministry of Foreign Affairs, specifically with the Consular Conception and Methodology Department. Consular officers traveling to foreign missions are regularly trained within the system of so-called pre-departure training for the staff of the Ministry of the Interior in the identification of potential victims of trafficking in human beings, the system of assistance and protection, as well as contacts with relevant institutions and NGOs. Successful completion of pre-departure training and the final exam is a condition of posting a consular staff to run the agenda at embassies. This practice proves to be very effective, as consular officials abroad provide a program of voluntary returns as well as information about the possibilities of assistance, while these cases are reported by the CR and the MOI. Around 70 consular officers are trained each year, both in regular training and in ad hoc individual training. Since the interest of both the Ministry of the Interior and the Ministry of Foreign Affairs continues in the light of good practice, these institutions will strengthen these activities in the future.

### **Working with the Judicial Academy**

The training of professions that may come into contact with trafficked persons, as well as the training of law enforcement authorities, prosecutors and judges, was part of the National Strategy for Combating Trafficking in Human Beings in the Czech Republic for the period

2012 - 2015. In the case of public prosecutors and Judges are doing so primarily through the Judicial Academy. It is the Judicial Academy and its seminars organized on issues related to trafficking in human beings are a unique platform for meetings of judges, prosecutors, the Czech Republic, representatives of the Ministry of the Interior and NGOs. In the framework of the seminars, on the basis of new cases, the procedures of individual constituents for the prosecution of offenders are described, both with regard to the collection of evidence and legal reasoning. This platform will therefore also serve to discuss and share current trends in new forms of trafficking in the future.

### **The Czech-British conference on human trafficking**

In response to the growing number of Czech victims trafficked to the UK and also the situation when the Czech Police identified a number of new trends, which needed adequate and coordinated response, the Ministry of Interior organized Czech - British conference on human trafficking. The conference also responded to the problem identified by the Police, regarding communication with British partners, transfer of information as well as the need for specific contacts on the GB. The conference is a collaboration with the Embassy of the United Kingdom of Great Britain and Northern Ireland in Prague and UIOC and aimed to strengthen ties between the Czech and British Police and other actors involved in the prosecution of serious crime, thus also helping organizations that provide support and protection victims. Conference participants were assessed very positively, especially because of its size and its practical focus. Following the conference to improve the situation in specific cases where previously lacked effective communication and information on the competent authority in the UK, as well as the contacts made during the conference are Czech Police and other state authorities used to continue.

### **La Strada campaign**

In December 2017, La Strada CR launched another campaign focused on trafficking in human beings and labor exploitation in construction, agriculture and sex business. The campaign was supported by the Ministry of the Interior of the Czech Republic, Leo Burnett, Philip Morris International, the National Cafe and the Prague Public Transit Company . As part of the campaign, almost 70 citylights with a total of 7 motifs were placed in Prague (mostly in metro stations), 4 motives focused on trafficking in human beings in general, and 3 on the target group of potentially trafficked persons.