



MINISTERSTVO VNITRA
ČESKÉ REPUBLIKY

2016 STATUS REPORT ON TRAFFICKING IN HUMAN BEINGS IN THE CZECH REPUBLIC

**Security Policy and Crime Prevention Department
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INTRODUCTION

Status report on trafficking in human beings in the Czech Republic is a document of informative nature, presented by Ministry of the Interior of the Czech Republic (hereinafter referred to as “Mol”), and based on the Czech Government Resolution No. 67 of 23 January 2007 in relation to the National Strategy to Combat Trafficking in Human Beings (2008-2011). 2016 edition is the ninth consecutive Status Report on Trafficking in Human Beings in the Czech Republic (hereinafter referred to as “CR”).

The objective of the Status reports on trafficking in human beings in the Czech Republic is to provide detailed information on the situation in the area of trafficking in human beings in the Czech Republic from 1 January to 31 December of the given year. The reports have traditionally paid particular attention to the description of the situation in the Czech Republic. In connection to this, the reports also marginally refer to selected foreign cases and situation in trafficking in human beings connected to the Czech Republic.

2016 Status report on trafficking in human beings in the Czech Republic (hereinafter referred to as “Report”) pays most attention, as is customary, , to trafficking in human beings (hereinafter referred to as “THB”), particularly within the meaning of the definition provided for in Section 168 (2) of Act No. 40/2009 Coll., the Criminal Code, as amended (hereinafter referred to as the “Criminal Code”) – trafficking in persons older than 18 years of age - and Section 168 (1) of the Criminal Code - trafficking in persons under 18 years of age. The Report, as in previous years, also pays attention to phenomena closely related to THB.

Based on the Czech Government Resolution No. 360 of 27 April 2016 in relation to the National Strategy to Combat Trafficking in Human Beings (2016 – 2019), the government has passed National strategy to Combat Trafficking in Human Beings (2016 – 2019) (hereinafter referred to as “Strategy”), which sets tasks to members of the government to implement the measures resulting from the Strategy and falling within their competence. The government ordered Minister of Interior to present draft of strategy for the consecutive period of time and evaluation of the current Strategy at the same time. Strategy, as well as 2015 Status report on Trafficking in human beings in the Czech Republic include detailed evaluation of the situation and the state of fulfilling the given tasks. The Report follows the above mentioned documents, however unlike the previous Report it does not state any particular tasks for the subsequent year as the fulfilment of tasks stated by the National strategy is in place since April 2016.

The Report is traditionally drafted by Security policy and crime prevention department, Mol, mainly on the basis of information provided by the members of Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings (hereinafter referred to as the “IMCG”) along with partners from abroad that provided the Mol with supporting documents, data and information for drawing up the Report. All of the provided information are of great value for the drafters of the Report within continuous monitoring of the situation in THB and subsequently to the role of National rapporteur, respectively equivalent mechanism¹ for combatting human trafficking. **We would like to express our gratitude to all of the above mentioned.**

¹ https://ec.europa.eu/anti-trafficking/national-rapporteurs_en.

Notes to the text:

Gender equality: The term “a foreign national” is understood in the text of the Report as either a male or female foreigner, unless the concrete case indicates otherwise. The same applies to the use of terms such as migrant, employee, citizen/national, worker and other and of course the same applies to members of different nationalities (for example Vietnamese means both male and female Vietnamese). Moreover, the text strictly distinguishes males and females if the same was done by permanent members of the IMCG in their supportive documents for drawing up this Report.

Proofreading: The text did not go through language or stylistic proofreading.

1. SITUATION DESCRIPTION

- It can be stated that the situation in THB in the Czech Republic is **comparable to the situation in 2015**. State, structure, and dynamics of criminal activity in the area of THB did not undergo any major changes throughout the last years.
- The Czech Republic can be considered mainly a target and transit country; however, at the same time, it can still be deemed as a source country as well.
- Compared to the previous year, the criminal activity connected to THB has not undergone any major changes in 2016; neither in the detected forms of THB, nor in the modus operandi used by the perpetrators. THB for the purposes of sexual² exploitation and labour³ exploitation have remained **the most prevalent forms of THB, even though the police statistics report only cases of THB for the purpose of sexual exploitation**. Other forms of THB⁴ have not been reported in the statistical records.
- Despite the above mentioned information, members of the Inter-ministerial coordination group agreed that it is important to pay attention to **other forms of exploitation** in the upcoming years, mainly with the accent to marriages of convenience, and to trafficking in adults and minors for the purpose of forced criminality and forced begging⁵.
- In 2016, the attention was paid to possible application of **§ 168 of the Criminal code on cases of luring women abroad to get married, what served as pretext for the perpetrators to exploit them; the purpose of such conduct is to marry EU citizens to persons of third countries (usually for fee) with the purpose of legalising the stay of the foreigners in the particular country. Analytical and legislative department of Supreme Public Prosecutor's Office issued a statement regarding such phenomenon (for more details see Section 11.1)**.

² Under the term “trafficking in human beings for the purpose of sexual exploitation” we understand a criminal offence of THB pursuant to Sec. 168 (1) (a) or (2) (a) of Act No. 40/2009 Coll., the Criminal Code, as amended where a trafficked person is forced into sexual intercourse or other forms of sexual abuse or harassment or the person is used for the production of pornography” including qualified elements of crimes. However, the term does not include conduct under previous legal regulations such as Sec. 232a (1) (a) or (2) (a) of Act No. 140/1961 Coll., the Criminal Code, as amended (hereinafter referred to as the “old Criminal Code”), pursuant to Sec. 246 – trafficking in women – which defined the purpose of trafficking only for forced sexual intercourse with other persons and was effective until 2004. This term is used in the text only for simplification purposes.

³ Under the term “trafficking in human beings for the purposes of labour exploitation” we understand a criminal offence of THB under Sec. 168 (1) (e) or (2) (e) of the Criminal Code or Sec. 232a (1) (c) or (2) (c) of the old Criminal Code where a trafficked person is used for “forced labour or other forms of exploitation” or for “slavery or servitude” (pursuant to Sec. 168 (1) (d) or (2) (d) of the Criminal Code including corresponding definition of the old Criminal Code.).

⁴ “Other forms of exploitation” mean the forms of exploitation referred to in Sec. 168 of the Criminal Code (1) or 2 (b) “removal of tissue, cells or an organ from a human body”, (c) service in armed forces and (d) slavery or servitude or the definition of Sec. 232a of the old Criminal Code (1) or 2 (b) concerning slavery and servitude can apply.

⁵ In this context, we consider important mentioning material focusing, among others, on the field of trafficking in human beings for forced begging: Myria: 2016 Annual Report on Trafficking in Human Beings and Trafficking in Human Beings, Beggars in the Hand of Traffickers, Brussels, October 2016, www.Myria.be and the outputs of the Hestia project: https://Ec.europa.eu/anti-trafficking/eu-projects-and-funding/hestia-against-human-trafficking_en.

- As in the previous years, it can be stated that the situation in **illegal trafficking in human tissues and organs remains satisfying**. There is no information on this illegal activity in the Czech Republic⁶. Ministry of Health contributes this to strict regulation and to dissuasive sanctions set out in the legislation.
- Given the evaluation of detected cases by the Czech Police (hereinafter referred to as “the Police”) in 2016, it can be stated that physical assault as a means used to coerce the victims and force their obedience remained marginal. There is no doubt that this factor increases the latency of this criminal activity.
- 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. From this perspective, it can be stated that the criminal activity of THB detected in the Czech Republic is similar, and shows same features, as in the EU countries, and it also correlates with actual “European” trends in this type of criminal activity. This conclusion is driven, inter alia, from the information obtained during the expert meetings under the EMPACT THB (European Multidisciplinary Platform against Criminal Threats), which took place under the auspices of EUROPOL.
- As far as the **countries of origin** of victims identified in the Czech Republic are concerned, as in the previous years, the following countries have been identified as source countries in 2016: Romania, Bulgaria, Ukraine, and Slovakia. Furthermore, in 2016, La Strada organisation reports cooperation with victims coming from Hungary, Slovakia, the Philippines, Vietnam and Thailand. The fact that Czech nationals are trafficked also **within the country** cannot be overlooked. The Czech Republic remains to be **source country** for the United Kingdom (hereinafter referred to as “the UK”) and Germany, a case of trafficked Czech persons in Portugal was mentioned by partner institutions. However, information on Czech citizens being trafficked abroad remains fragmented despite the apparent effort of all of the actors involved.
- In total, **38 victims of THB were identified by the Police**. 14 alleged victims from Romania, Bulgaria, Ukraine, Slovakia, and the Czech Republic entered the Programme on Support and Protection of Victims of Trafficking in Human Beings (hereinafter referred to as the “Programme”) in 2016. 5 cases concerned THB for the purpose of sexual exploitation and 9 cases concerned THB for the purpose of labour exploitation.

2. TRENDS IN TRAFFICKING IN HUMAN BEINGS

- The most common **forms of human 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 (in police statistics of 2016 even not represented at all), THB for the purpose of labour exploitation. However, the criminal

⁶ In the Czech Republic, this criminal activity can be subsumed under the following provisions of the Criminal Code: Sec. 164 Unauthorised Removal of Tissues and Organs, Sec. 165 Illegal Handling of Tissues and Organs, Sec. 166 Collection of Tissue and Organ and the Performance of Transplantation for a Fee, Sec. 167 Illegal Handling of Human Embryos and the Human Genome – for all these crimes the police statistics and statistical reports of the MoJ consistently indicate, in 2016, in total, 0 detected, resolved, and committed crimes. Only in case of Sec 164, 1 detected case was reported, however none was resolved in 2016.

proceedings conducted by the Police of the Czech Republic ascertained by international police and judicial⁷ cooperation in 2016 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 already mentioned, “marriages of convenience”, and this conduct is undoubtedly a newly emerging and alarming trend in exploitation of victims.

- Despite the statistical disproportion in the number of cases of trafficking in human beings for the purpose of sexual exploitation, and other forms of trafficking, based on monitoring, data received from members of IMCG, and partners abroad, or Czech Embassies abroad, **it can be assumed that also the issue of THB for the purpose of labour exploitation, respectively labour exploitation itself, is still equally topical issue⁸**. At the same time, it is evident that trafficking in human beings for the

⁷ As in the past, it is necessary to mention Eurojust, respectively its activities aimed at combating human trafficking. The fight against trafficking remains a priority for Eurojust. The Czech representation in Eurojust actively participates in the activities of Task Force, which deals, among other things, with the issue trafficking in human beings. In 2016, the National Member continued to participate in the activities of the anti-trafficking team while also chairing this team and being Eurojust contact point for trafficking in human beings at the same time. Czech member was involved in the preparation of the final report drafted within the framework of the Eurojust Human Trafficking Project for 2012-2016. The report was approved by the Board in January, and is published on the website of Eurojust (http://www.eurojust.europa.eu/press/PressReleases/Pages/2017/2017-02_03.aspx). The aim of the project was to make the fight against THB more effective mainly by enhancing the exchange of information on human trafficking investigations, increasing the number of investigations of this crime, improving coordination and education, improving cooperation with third countries, implementing multidisciplinary procedures, and last but not least, intensifying the seizing of proceeds of crime. The outputs of the final report are based primarily on the analysis of selected cases processed by Eurojust. The report quite accurately identifies the problems connected to combating this type of crime. Despite some partial setbacks, Eurojust managed to meet its aims. National member also regularly participated in Eurojust workshops for contact points for the issue of THB organised by EU agencies for the area of justice and home affairs. Czech representative in Eurojust also assisted in the establishment of two joint investigation teams established for cases of THB in 2016 Joint Investigation Teams (JITs) should be assessed as an important instrument of judicial cooperation in investigating serious organized and cross-border crime.

⁸ For example La Strada organisation states in its report that: „In the sectors where there is predominance of migrant workers, the trend of employing people from EU countries through labour agencies, that sometimes work across borders. However, the share of third-country nationals, especially from Ukraine, has risen at the same time. In case the company, agency or provider operates in the source as well as destination country, it is common that contract of brokerage or „pro forma“ employment contract is signed, which may contain provisions which are inconsistent with the Czech legal environment. The terms stated in such contract are usually better than they are in reality after their arrival to the Czech Republic using a variety of coercive methods, the perpetrators force them to sign contracts which are far less favourable for them. These contracts generally do not contain the already listed provisions (mostly various sanctions), which were stated in the original contract and which would be illegal in the Czech Republic. These practices are used by agencies employing both non-EU and EU Member citizens. In many cases, such agencies have permit to broker employment and these frauds are perpetrated repeatedly and in long term. The most frequently registered forms of recruitment were advertisements and recruitment campaigns of agencies and intermediaries in source countries. As potentially risk factors may be perceived the fact that many newcomers from non-EU countries are young men and women, who typically lack experience of living abroad, do not know the mechanisms of safe search and change of work, have no contacts and social background, or are reliant on a single person, the one with whom they arrived. In this regard, their situation resembles the situation approximately twenty or more years ago when the Ukrainian community in the Czech Republic was more isolated and reliant on the services provided to the employees of the so-called clients. During the period of economic boost, the risk of exploitation of these people may appear to be relatively marginal, however in case the situation changes and recession of economy will be in place there may be severe deterioration in the situation of a large group of people and, combined with their lack of information and dependence on intermediary structures, also a significant increase in the number of trafficked persons.”

Diakonia also reports: „The most prevalent problems are payment of only part of the salary (as a result of deductions for alleged damage done to the employers, for accommodation or work equipment); at the end of the employment not paying out the salary for the last month. Sometimes the employees faced threats of physical violence from the part of the agency if cases they were are trying to assert their rights. Sometimes the confusion is caused only by the miscommunication or due to language barriers. In most of the cases the employment contracts are not in accordance with the Labour Code. When a standard employment contract is concluded, it usually contains provisions that the Labour Code does not allow. Most often it regards the possibility of immediate

purpose of labour exploitation is only the so-called "peak of the iceberg" and it is often the escalation of rights' violations in the area of "employment" of foreigners.

- Priority No. 4.1 "Combating labour exploitation and prosecution of perpetrators" of the Strategy, mainly the task No.1 "Analysis of labour law and criminal law deficiencies in relation to their influence on the occurrence and prosecution of exploitative working conditions" (MLSA primarily responsible, and secondarily MoI) focus on the issue of labour exploitation. In connection to solution of situation of security in industrial zones, and in response to unsatisfactory situation related to the employment of foreigners in such areas, the Ministry of the Interior prepared the material "**Measures to address security and public order in industrial zones and their surroundings due to the increased employment of foreigners**" which was approved by the Government of the Czech Republic on 27 February 2017. In this document there is, among others, task No. D6: To submit to the Government of the Czech Republic a draft of legislative solutions related to the employment and accommodation of foreigners by 30 April 2017. Within this task, among other things, it was set: "in case of necessity / appropriateness it is also possible to submit amendments to the already discussed relevant legislation in the Parliament of the Czech Republic".
- Also within the round tables, which were held in 2015 and 2016 in cooperation between the Security policy and crime prevention department and the State Labour Inspectorate Office (hereinafter referred to as "SLIO"), it was stated that **massive abuse of the institute the agreement to complete a job** is taking place in the CR.
- Employers often use, or rather abuse, the fact that there is no legal obligation to inform the respective state authorities about the conclusion of an agreement to complete a job, there is also no obligation for employers to keep records of employees' timesheets of hours at work. During the control activities, labour inspectors then receive untrue information about the length of the work, and the

termination of employment for offenses which certainly cannot be classified as misconduct of particularly gross manner (the employers want to cover any damage caused by an employee to equipment hostels, in disturbances, etc.), alleged theft of tools, material. It is a common phenomenon to penalize employees (deducting the amount of salary) for alleged offenses. Employers often argues the fine was imposed for the alleged theft of material or damage the business or hostels (which often cannot be verified, allegations of employee and employer are entirely contradictory). Exorbitant amounts for accommodation and transport are also charged. Unreported employment is quite often, without documents, without issuing pay-outs (max. envelopes with salary written by hand, amount and height of deduction for individual services and the net wage of the employees). Other detected forms of employment were agreement to perform work and agreement to complete a job. Another problem is that foreign workers, who got into troubles in the Czech Republic usually, do not inform about negative experiences in their home country (they do not want to admit their failure). Therefore, the job seekers have distorted ideas about the labour market situation in the Czech Republic, they expect unrealistic wages and living conditions, reports of risks are not taken seriously. The prevailing form of recruitment is through the advertising servers in the country of origin. Spreading information about a job offer between friends and acquaintances is also taking place. Social networks and individual groups on these networks, which focus on work abroad have also big impact. The common phenomenon is that a broker accepts only those new applicants who are in their home country and uses the services provided by the broker (for example, those who are already on the Czech territory have no chance to be admitted). The brokers apparently want to have complete control of the applicant and collect commissions from all the services that are provided to them (transportation, accommodation, etc.). Transportation mediation is part of a "tempting" job offer, where people interested in working abroad get information on well-paid work, in this case in the Czech Republic, together with advantageous offer of covering travel expenses to the given destination. The transport providers cooperate closely with job brokers (those being either official transport companies or unofficial carriers with minibuses). Representatives of the brokers are also operating at bus stations where they directly contact the job seekers. Frequent are situations where the job seekers come to the Czech Republic without having a job agreed before, or the working position was described clearly enough (consequently, the job seeker can be placed virtually almost anywhere)."

working hours from the side of the employers, but at the same time the falsity of this information cannot be proven as the labour inspectorate as, in this respect, the control (administrative) body has limited powers. This situation is further enhanced by the fact that employees (often foreigners) are afraid to provide testimonies about the practices of their employers. It is also observed that the use of so-called chaining of agreements to complete a job, which brings with it considerable tax evasion, is another way to circumvent the legislation in force from the side of the employers.

- Another identified problem is **hidden (fraudulent) agency employment**, which leads to the circumvention of legal regulation of employment agencies. Mandatory authorization to brokure employment ("employment agency permit") is circumvented by trade companies with the help of the conclusion of contractor agreement and lease contracts. Specifically, the situation is that employer who needs to "outsource" his production does not conclude an employment contract with the employment agency, but rents part of his production premises (e.g. one track line) to other trade company with whom he also concludes a contractor agreement, in the end the product is produced within standard production in the course of his business activity. Such conduct also leads to the circumvention of the obligation, which consists of the prohibition of the employment agencies to conclude contracts for work with its employees (Section 307a of the Labour Code), this leads to further weakening of workers' rights and creation of exploitative working conditions. For solution of the problem outlined see Chapter No. 9 - Legislative changes and the practice of the courts in cases of human trafficking.
- As in the previous years, the cases of suspected trafficking in human beings for the purpose of forced labour or other forms of exploitation, the typical way of conducting crime of THB remained the same. Both law enforcement and non-governmental partner organizations confirm the existence of a persistent **significant actor, the so-called "agency employment"**, or related activity of legal entities licensed by the MLSA to mediate work. As the countries of origin of those interested in employment, in 2016, the most represented countries were from the Balkan region, in particular Romania, Bulgaria. The number of employees from Ukraine remained unchanged, but especially in the second half of 2016 they were very often holders of Polish visas.
- Both the CR and non-governmental organizations operating directly in the field registered again the recruitment of persons from a risky environment (homeless and other socially disadvantaged persons) for work carried out in the UK. However, in many cases the actions taking place on the territory of the Czech Republic lacked the features listed in the legal definition of THB in the Criminal code, in particular, "the use of violence, threat of violence, or a trick, by using an error, or by abusing another's distress or dependence", this is because people from such environments do not know the future working conditions and accommodation in the UK before their departure. Only after arriving to different cities in the UK where in some cases they were accommodated in family houses, where these people were locked and guarded, their personal documents were taken under pretext of dealing with administrative matters at the offices of the United Kingdom that in many cases were not returned to their owners. These persons were then working in places like car washes, fruit and vegetable sorting machines, poultry farms and various other manufacturing plants. The perpetrators then took all, or majority, of their wage. In many cases, the victims

were under psychological pressure, and in some of the cases even physically attacked and forced to live in the aforementioned conditions.

- A continuing trend, where abuse of social benefits and credit fraud, occurs at the same time in the UK. The Roma community from the Czech Republic and the Slovak Republic was primarily involved in this area of illegal and criminal activities.
- In response to the aforementioned conduct of „marriages of convenience“ within the EU, the European Commission presented a handbook named „**Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens**“. The handbook considers alarming the fact that the marriages of convenience frequently show features given in the definition of trafficking in human beings, it refers to EU rules that apply when marriages show elements of trafficking in human beings. Specifically, reference is made to the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (hereinafter referred to as „Directive 2011/36/EU“) and it states that marriages of convenience are typically human trafficking (e.g women brought to an EU country and forced to marry there), moreover the organised groups may use the a position of vulnerability or disadvantageous situation of the EU "bride" (such as poverty, extra debts, homelessness, abuse of drugs, unemployment or psychological vulnerability)“.
- Given the fact that among persons from which the demand for women in the Czech Republic arises, predominantly citizens of Bangladesh, Pakistan and Afghanistan, this trend also closely **connected to the issue of the movement and residence of third-country nationals in EU countries, which may be currently risky in terms of terrorism**. Organization of such conduct takes place mainly on the territory of the UK, and Ireland; and it also involves nationals of the Czech Republic living in these countries.
- Similarly, in terms of both long-term demand and supply, the regional incidence of **sexual exploitation** is very close to areas of voluntary prostitution spots; for this reason the annual Status reports briefly map also the prostitution scene.
- In the area of voluntary prostitution, which means the consensual provision of sexual services for pecuniary consideration, has not shown any substantial changes. As regards the forms of prostitution in the Czech Republic, we can see mainly prostitution in night (erotic) clubs, provision of sexual services in private flats or as an escort service. Street prostitution is on a decline in the long-term. It appears only in specific localities; social and educational level of street prostitutes is at the lowest level. To large extent, they are the most risky prostitutes in terms of health and hygiene, using narcotic and psychotropic substances. Numbers of night erotic clubs remain the same, their number is still decreasing especially in the border areas. On the other hand, the same, or slightly increasing, quantitative level of the provision of sex services in private flats remained. Prices for services provided in private houses were significantly lower than in erotic night clubs, which is a logical result of comparing the factors of direct operating costs and the number of clients.

- Information from the **Police** confirms that in the context of high number of persons offering sexual services, majority of cases involve voluntary prostitution. Large number of people actively operate as "occasional" prostitutes and respond to the offers of erotic work presented in press or on the Internet.
- Based on the Annual Reports of the Supreme Public Prosecutor's Office and the reports of MoJ, it can be stated that the number of persons charged (in total 19 in 2016 compared to 18 in 2015) as well as of those conclusively sentenced (in total 7 in 2016 compared to 19 in 2015) for the crime of THB, remains very low. The roots of this lie in the fact that a large proportion of crime remains latent, there are persistent problems in proving this form of criminality and it is hard to find enough credible witnesses as well as other necessary evidence.
- Based on the Annual Reports of the Public Prosecutor's Office from the years of 2009 to 2013, it can be concluded that the crime of **THB remains one of the priorities of the law enforcement agencies** (hereinafter referred to as "LEA"). There is consensus on the fact that THB is characterised by three main features – transport to the Czech Republic, enforcement of work, and associated exploitation. In this context it is difficult to prove knowledge of the trafficked persons about the future conditions of their existence at the destination. **The specificity of these criminal cases is also the fact that the victims tend to be very distrustful to the law enforcement authorities and thus cautious in their statements. This particular criminal activity shows a very high latency rate, which is also amplified by problematic, respectively, vulnerable position of victims**, who are not always willing (due to reasons that are generally well known – language barrier, unfamiliar environment, social cohesion, fear of revenge on themselves or family members) to cooperate with the LEA, the cooperation is problematic particularly in later phases of "formalised" criminal proceedings. Perhaps more than in other types of criminality, we can speak of persisting lack of evidence, either at the beginning of the criminal proceedings or at the very end of it.
- Statistics collected by the Ministry of Justice show that there has been a significant decline in the number of convicted persons for THB in 2016 (8 persons convicted in 2016 compared to 19 in 2015). From long-term perspective it is evident that the ratio of unsuspended sentences (6) to suspended sentences (2) is changing - the courts more frequently decide to give **unsuspended sentences of imprisonment**.
- **For the year 2017, we may expect persistent trends in the trafficking and exploitation of citizens from the Czech Republic and the Slovak Republic in Great Britain.** It concerns forced labour of men who are lured to the UK by the prospect of good working conditions. Another group consists of women from the Czech Republic and Slovak Republic that are forced by their acquaintances or family members to get married in the UK or Ireland. For the year 2017, we also expect an increase in the number of persons coming from the EU coming to the Czech Republic for seasonal work.
- As trafficking in human beings is concerned, **there is no presumption of fundamental changes in the manner and forms of committing this crime.**

- THB for the purpose of sexual exploitation or harassment, or for the purpose of forced prostitution committed by organised groups, will probably remain realm of Roma population. High number of Romanian nationals involved in this criminal activity can also be expected as citizens of this country make use of free movement of EU citizens. Among the EU countries, Romania is a major source country of victims of THB.
- **The trend of labour brokers focusing on EU citizens** with free access to the labour market in the Czech Republic will probably continue, in such cases the employers have a sole obligation of reporting such situation to the state administration body and at the same time, there is no need to apply for visa in such cases. It will involve citizens of Romania and Bulgaria in particular as they usually have weak social backgrounds and it is difficult for them to communicate abroad, consequently they find themselves in difficult situation especially in terms of labour relations, in which they consequently get into unfavourable position.
- **In the area of prostitution, it is assumed that the form of provision of sexual services in night clubs and privates will remain unchanged.** An important factor will be growth of the economy as well as demand for such services. The current situation in this area appears to be constant. Only those businesses that are owned by the operator and that either offer sexual services or affordably low prices are in business.

3. CRIMINAL STATISTICS

3.1 Number of detected crimes

Throughout the last ten years, the number of both **detected**⁹ and **resolved criminal offences** of THB has oscillated around tens of cases every year. It is clear that while in 2000 this type of criminality showed lower numbers, since 2010, the number of detected as well as resolved criminal offences of THB has increased; only in 2015 there has been a certain drop in the number of resolved cases (and additionally) in the number of crimes.

In 2016 compared to 2015, there has been an increase in the number of both detected and resolved criminal offences of THB to the level of numbers in the period from 2010 to 2014. It can only be assumed that a factor influencing it may be the deterioration of the socio-economic and security situation in the countries of origin.

22 cases of the crime of THB were recorded in the Czech Republic in 2016 (2015: 18), moreover 15 were resolved (2015:7) and 2 were resolved additionally from the previous years (the police authorities have thus **resolved 17 cases of THB in 2016**). As mentioned above, this is an increase in all of the reported numbers; by more than half in the case of resolved cases.

The data on who **initiated the criminal proceedings** seem to be interesting as, besides police units, criminal proceedings were in 7 cases **initiated by citizens**. Other cases concerned predominantly police units (National centre for combatting organised crime of the Police of the Czech Republic – hereinafter referred to as “NCOC” in 12 cases, other police units in 4 cases).

⁹ The term “detected criminal offences” is taken from criminal statistical records: it means that facts indicating that a criminal offence was committed were ascertained, criminal law classification was specified and criminal proceedings were commenced.

3.2. Perpetrators in criminal proceedings

The share of foreigners committing this crime has practically not changed. They were mostly nationals of Romania and Slovakia. In cases where foreign nationals were the perpetrators of the offenses, it often concerned foreign nationals already settled in the Czech Republic, who committed the crimes together with Czech citizens. It can be stated that the nationality or the country of origin of the perpetrators is largely identical to the nationality of the victims of trafficking.

In 2016 there has been a significant increase in the number of persons investigated by the Police – in total 23 persons (2015: 12), out of which 6 were women and 17 were men (totally 1 foreign national, citizen of Slovakia).

Out of the reported 23 persons, **9 were repeat offenders** (2015: only 2). Majority of the perpetrators were older than 30 years of age (11 persons), 3 persons were aged from 15 to 18 years, and 9 persons fell into the category of 18 – 30 years of age. None of the perpetrators was younger than 15. All of the above mentioned were involved in suspected cases of THB for the purpose of sexual exploitation (see the Table 1a in the Section of graphs and tables).

According to **data registered by Ministry of Justice, 19 crimes of THB according to Sec. 168 of the Criminal Code were detected (2015: only 9)** for which 19 persons were charged in 2016 (see the Table 2a in the Section of graphs).

In total 8 persons were convicted for 11 crimes (2015: 7 persons), one person was convicted for THB according to Sec. 223a of the former Criminal Code (hereinafter referred to as "FCC"). Out of the 8 convicted persons, 2 were convicted to suspended sentences and 6 to unsuspended sentences (two of them in the range of 1-5 years, four of them in the range of 5-15 years). In none of the cases were the sentences absolved. Furthermore, according to the statistics provided by the MoJ, a total of four victims were children, i.e. persons under the age of 18¹⁰ (see Tables 2c, 2d, 2e in the Section of graphs).

In general, it can be stated that even though the statistics of the years 2011, 2013 and 2014 showed increased number of convicts for the crime of THB (in all the mentioned years they numbered 19), in 2016, there has been a slight decline, however given the specifics mentioned in the introduction as well as low indicative value of reported numerical series, deviation of offenders from committing such criminal activity cannot be either concluded or evaluated.

3.3 Illustrative case studies

3.3.1 Sexual exploitation

For better idea of the current modus operandi, we provide brief description of selected cases.

Local branch office (Brno) of NCOC has launched criminal prosecution of 4 persons for the crimes of THB for the purpose of sexual exploitation, procuring and production and other handling of child pornography within two criminal files under code names „PRATR“ and „PRATR I“ during 2016 on the territory of city of Brno. The charged individuals who were of Roma nationality, searched for persons older than 18 years, as well as juveniles who were in

¹⁰ Sec. 126 CC – "A child is a person under the age of 18, unless the CC states otherwise."

most cases on escape from youth detention centres. These persons subsequently procured or forced them to engage in prostitution. For this purpose they is transported them to Vienna, the Republic of Austria. These procured and transported girls were then forced by the charged offenders to hand over all the money they earned, or at least a substantial part of it. In several cases, the charged persons took naked photos of the juvenile girls in various sexual positions, and the photographs were placed by them to publicly accessible web portals intended to offer sex services.

In 2016 Department on human trafficking and illegal migration, NCOC, with the Brigade for investigation of Organized Crime and Terrorism (D.I.I.C.O.T.) performed within JIT under code name **LEON/CABARET** action against perpetrators in Prague and Romania that were committing crime of THB for the purpose of sexual exploitation in prostitution. Since 2014, in the Czech Republic and Romania, an organized group of offenders of Romanian citizenship have been using deceit to procure girls, mainly from the region Dambovita, Romania, and under promise of brokering lucrative work abroad, they transported them to Prague, where they abused their dependency on them, and forced them to prostitution in selected night clubs. Within the action in Prague, house searches were performed and 9 people (witnesses and potential victims) were interviewed. In Romania, 8 suspects were detained. Based on the financial investigation it was found out that in the period of 1 January 2015 to 5 October 2016 the girls sent to Romania through different financial companies at least Euro 86,95, USD 2,260, and CZK 1,639,462, earned by prostitution.

Mrs. M. contacted the NGO at the end of August 2016 in the afternoon. She stood with her six-year-old son in a town in West Bohemia, the night was coming and they had nowhere to spend the night. She briefly described her situation and how she escaped from her partner. The organisation managed to react quickly and Mrs. M. was accommodated the same day. Mrs. M. has been diagnosed with congenital hearing loss since childhood, one of her two sons suffered from severe mental retardation. Together with her partner, they had financial problems and in the end she was forced into prostitution by him. Mrs. M.'s partner forced her into prostitution, he used the money earned by her for alcohol, beat her and locked her. He also used to spend/lose the money on vending machines or he used them to buy a new car. Consequently, they were not able to pay the rent. He was convinced that she enjoys the prostitution and allegedly he was jealous, this was his excuse for beating her every time he brought her home. He did not let her go anywhere alone, he did not let her see the doctor, or go to school and kindergarten for her sons, or let her arrange the necessary documents at the Social department even though she was asking that repeatedly. After one incident, Mrs. M. called the Police. The Police arrived, tried to call the shelter for children by phone, but there was no place to stay, so Mrs. M. was advised to stay in the apartment till the morning, and solve it the next day. Even though the policemen took the partner to sobering-up facility he returned sooner than Mrs. M. managed to leave to the intended institution. The partner knew very well that a control from Authority for social and legal protection of children (hereinafter referred to as "ASLPC"), so he just threatened Mrs. M. that he will cut her throat if she says anything. She was afraid, therefore she denied all her previous statements and dropped the charges. During moving from the apartment the partner left the door unlocked once again. Mrs. M. quickly packed her things and left with her children to the social worker at social department, where they did not know what to do with her, so they called her partner. He spoke to their superior and they agreed that he will keep the younger son in his care as he had a flat (unlike Mrs. M.). The social workers offered Mrs. M. that they will help her and her older son to find proper accommodation. Until they find something, they told her to return to the apartment, where the partner appeared few minutes after her return. He threatened her. He did not beat her as he knew the social workers will come to control them. She dropped the charges, she was afraid. He threatened to pinch her throat by a knife if she does not do so. He humiliated her. Mrs. M. was depressed and stressed all the time, she slept or ate only a little. She lost 12 kg. of weight in half a year. In August 2016, after a fight her partner sent her to provide sexual services without a condom. That day she decided to tell

about her situation to the first German customer that would stop and to ask him to take her to some place with a train station. She did so and got to a city where she went directly to ASLPC, but nobody was there at that time, so she went to a social care organisation that she knew but no one was there either. Thus she went to her siblings, a brother and sister to whom she told about her situation. They convinced her to go to the Police and they accompanied her. They interrogated her that day and also the next morning. Social workers went to the partner's flat to bring the children. But because the younger son was had listed the partner in his birth certificate as father, they took only the older son. She was shaken, she was afraid. They spent few nights in lodging houses and she was searching for asylum house but without success. When she went into an NGO for food, she was given a contact for a partner NGO. Mrs. M. called immediately and the same day she arrived to Magdala counselling facility, and afterwards she was accommodated in asylum house on a hidden address. With the help of the facility Mrs. M. filed complaint to deny the fatherhood and also a proposal to get her younger child into care. She managed it and as a result she stabilised and also established a friendly relationship with the father of her children. At the beginning of her stay in the asylum house she found out she was pregnant with her partner. It was very hard for her to cope with that and she was considering interruption. In the end she decided to keep the baby. It was high-risk pregnancy, she even stayed for several days in hospital. Mrs. M. was referred to the Programme. Mrs. M. was also subjected to expert opinions and the so-called battered woman syndrome was proved. The result of this relationship is also a tattooed name of the partner. However, she has no means to remove it. She is currently waiting for a court to prove that she is a victim of forced prostitution.

Employees of the Refugee Facilities Administration (hereinafter referred to as "RFA")
In the reception centre "Zastávka u Brna" identified a probable victim of THB, a client from Nigeria, that was forced to prostitution in Italy and subsequently transported by a truck to the Czech Republic, where she was offered to pay her debt again through prostitution, the illiterate client claimed that she no longer wants to engage in prostitution. After relocating her to Kostelec nad Orlicí, she left the facility. Information on this case was immediately handed over. The RFA considers all women coming from Nigeria to be vulnerable.

3.3.2 Labour exploitation and other forms of exploitation

In this part of the report, one case of conclusive conviction, as well as some case studies provided for this report by non-governmental organizations are introduced. One of the cases described below is interesting as it involved form of domestic trafficking in human beings and the scheme of the case differed to a certain extent from "classical trafficking" cases. The case was classified according to Sec. 168(2)(e) CC, i.e. trafficking in human beings for the purpose of forced labour and other forms of exploitation with identified use of threats and severe harm as a means of coercion, abusing the victim's distress and dependence. The offender was sentenced to 2 years of imprisonment and 3 years of suspended sentence; and was also ordered to compensate the damaged party for non-material damage.

The merits of case were as follows: The convict abused submissive character of his business associate, with the help of various absurd bets or fictitious misconducts, forced him to sign a bill of exchange for the amount of CZK 20 million. He then used the signed bill of exchange for further threats and pressure - including signing a contract for the future purchase of his parents' family home or transferring the victim's business share for the amount of CZK 1. Over time, the business associate became a personal servant of the convict who performed various kinds of work of free of charge - in the company, at home (dog walking, ordering women's escorts) or in the garden. The convict also introduced a system of sanctions for not fulfilling the imposed task, including penalties of a monetary nature. The victim developed a mild form of posttraumatic stress disorder.

As already mentioned in the introduction of this report, there are no cases of trafficking in human beings for labour or other forms of exploitation in police statistics for 2016. Below are therefore the case studies provided by non-governmental organizations. In these cases, it is not possible, without examining the files and the available evidence, to identify cases of human trafficking that meet the requirements of the legislation in force, for such a qualification can be carried out exclusively by the law enforcement authorities. Nevertheless, we believe that these cases can be used to illustrate the situation of the "vulnerable" status of foreigners working in the Czech Republic, and the relatively frequent practices of their "employers", as well as the situations called "marriages of convenience".

Mrs. L. is a Slovakian woman. She has four children that are entrusted to her mother's care that lives in Slovakia. Two other children are in foster care. She is currently in the 8th month of pregnancy. Mrs. L. has two sisters, one is 2 years younger and the other is four years younger. Their mother is addicted to alcohol. She does not speak about her father. When she was 18 she left the educational institution where she was placed, and returned to her mother. Her family lives in a trailer, without any sanitary facilities, without water, in dirt. Mrs. L. is afraid of her mother but she did not resist her because she was beating and tormenting her. One day her Mother announced her that she will go to London. Mrs. L. was afraid oppose her so she went to London by bus. The mother received a payment for that what she later told Mrs. L. In London, a younger man of Arabian origin was waiting for her on the platform. Mrs. L. learned from him that he had bought her from a Slovakian Roma, who then payed the money to her mother. In London she lived with him for 1.5 years, they had a wedding at registry, her husband cared for her, and he was also buying her food and dress. Mrs L. worked in the household. They agreed that she will go to visit her parents to Slovakia. After her arrival her mother took all her money, jewellery and her phone that she got from her husband. She spent there a week. Then her husband sent her money for a ticket to London. When her husband discovered that Mrs. L. had no wedding ring, jewellery, and other things he had given her, he told her that their marriage ended and that should go home. Mrs. L. left to the Czech Republic. She lived six years in Prague. She tried to do part time jobs with the help of various social services. In spring 2016 Mrs. L. arrived to Slovakia. Her mother was very rough with Mrs. L. She was beating her and wanted her to bring home money she earns. She was taking her things and sold them. She agreed with a man that she Mrs. L. will sell her to a man from Pakistan for sham marriage, she will live in Ireland. Her mother was boasting of earning 200 euros for her and she forced Mrs. L. to marry him. She told her that if she does not, she will have to pay the money herself. Mrs. L. states that her mother shared the money with a man with whom she agreed the marriage. This man took her to a bus and she left to the UK, where she was picked up by his relatives and she spent there a night. In the morning they took her to the airport to fly to Ireland. Her mother did not give her anything with her and she had only torn clothes that she was wearing. Another man of Pakistani origin was waiting for her at the airport. He took her to his home. Immediately after her arrival he took all the documents from her, including her birth certificate. They had a small wedding attended by few friend of the man and a wedding registrar. They lived alone in his house. He was mean, aggressive and he did not give her any money. She could not go anywhere, he watched her all the time. She did not know how to get to the city and she did not speak the language either. She could not leave the house without him. She spent there approximately five months. She found out she was pregnant. In summer she started seeind the gynaecologist. For the third visit, a friend of the husband took her there, he was waiting in front of the hospital in his car. In the hospital, she met a woman speaking Czech that was working there. Finally she could tell someone all about her situation. She told her that she was sold to a Pakistani man, and how he behaved to her. The woman then translated it to the doctors into English that called the police. With the police assistance, she picked up the documents in the house where she lived with the man, and they then took her to a crisis shelter in Dublin, where she spent few days. They gave her clothes and paid her a ticket to the Czech Republic. She returned from the UK in autumn 2016. After her arrival she spent few days living on the street before she sought help in Salvation Army, they contacted a specialised NGO. She was accommodated in an asylum house on a hidden address, she

was provided with food, help and sanitary facilities. Mrs. L. was confused, she did not remember the dates or the details of the situation at the beginning of the cooperation, but later, during questioning and asking for clarification, together with Mrs. L. her story was put together in the end. She was in seventh month of pregnancy, her last control at the doctor was in Dublin, and she had a pregnancy card. Her medical insurance in the Czech Republic was expired. For this reason, it was necessary to cover all her controls at the hospital. Mrs. L. had not undergone any pregnancy testing. She was registered at the hospital for delivery and she went there for all the controls. The controls revealed that Mrs. L's pregnancy is high-risk. It was also necessary to resolve her health insurance and a number of other documents. From the beginning, Mrs. L. did not orientate at the place where she lived, she got lost several times, and was unable to go back to the asylum house without assistance. For this reason Mrs. L was accompanied by a social worker on her ways to groceries and elsewhere in order to teach her the way to the asylum house. Mrs. L. was able to go shopping on her own at the end of her stay, but accompaniment was still necessary when dealing with official matters. Mrs L. did not understand the staff at the offices, she did not know what the workers wanted. The organisation managed to arrange for Mrs. L stay in a shelter where mothers are provided with more support even for the child's upbringing. Before Christmas Mrs. L. gave birth to a boy and she still lives in the shelter.

In spring 2016 a **man from Bulgaria** contacted staff of an NGO by phone and asked for help. He arrived to the Czech Republic in autumn 2015 and worked at three different places. He expected to receive the rest of his payment from an employment agency (he did not remember the name and he threw away the contract) for which he worked in a factory 3 weeks ago; he was also accommodated there. He does not know the reason for terminating the contract, he claimed that it would be terminated even sooner if it was not for his Bulgarian coordinator that defended him (at least the coordinator explained him so). The only contact he had, was the one of the coordinator. His primary need was to get help in order to return to Bulgaria. He said he would pay for the travel (as he assumed) from the money that will be paid to him on the due date, i.e. the 25th day of the following month. Because the client did not have any funds or another accommodation, he was granted a stay in the asylum house after arriving to Prague. By joint efforts, we managed to find the employment agency and contact a relevant employee. The agency acknowledged the client's requirements and a joint meeting was arranged at the pay-out date at the headquarters of the agency in Prague. The accountant then handed over the rest of his wage to the client. The amount, according to client's statement, agreed with his records of hours worked. The client then decided to look intensively for other job opportunities. He got several contacts, for example he agreed together with another client of the asylum house to visit a selected employment agency at Florenc bus station. He decided to keep aside CZK 3,000 from the earned money from the previous job for unexpected expenses (for example for a ticket back to Bulgaria). He really visited a job broker, a certain lady at Florence, but she did not make a good impression on him, for example, she demanded € 30 for establishment of a bank account, which she indicated as necessary if she were to secure the job for him. He decided not to use the services offered by her. In the end, through collaboration with non-governmental staff, the man managed to find another job offer from an agency; after a period of time after he started to work there, he was contacted by field workers of the non-governmental organization, to whom he confirmed that he was content both with the working conditions, and with the help he had previously received from the NGO.

A woman working in Prague contacted by phone a Bulgarian speaking member of staff. She received the contact from another client of crisis help, a family acquaintance. At a joint meeting, the worker learned the following story. The client and her friend worked as salespersons in a shoe store and leather haberdashery in Prague, first for one company that paid their salary without any problem. Since December 2015, both of them were transferred to a new company's employment contract, they were working there until mid-February 2016, when they left, due to the fact that their wages were not paid since December. For December 2015 and January and February 2016, they did not receive any salary or advance of salary,

but they have a Certificate of Taxable Income from Dependent Activity issued by the new business's accountants for December 2015 and January, February 2016. This is the amount they claim at minimum. Copies of the documents - employment contracts with the new firm from December 1, 2015, along with the salary contract, were provided. The job was brokered by a certain woman from Bulgaria that also brought them the new contracts to be signed in December of the last year. They did not know anyone else from the company and they did not have any contacts either. It was arranged that at the next meeting a joint approach will be determined. The client suggested that she will contact another (3rd) colleague which allegedly also did not receive her salary. For the next consultation, the pre-litigation appeal was prepared to be sent to the company's agent, with a total amount of debt. It was agreed that the client would send this call to pay the salary to the address of the company's registered office. Over the next three weeks the client said that she and her friend contacted the agent, who acknowledged their demands and sent them the full amount of their salaries to their accounts. The client thanked for the help and support of the NGO.

3.4 Victims of Trafficking in human beings

- **The Czech Republic as a target country**

3.4.1 Victims identified in criminal proceedings

The information on victims of crimes published in this sub-chapter is collected predominantly in the Police Statistical Crime Recording System. It has to be noted that the word "victim" in this context does not mean the damaged party as stipulated by criminal law but refers to a category created for the purposes of police statistical records¹¹.

In 2016, **38 victims** of THB were recorded in the police statistics (2015: 50); 2 victims were younger than 15 years of age, 6 victims aged 15 – 17 years and the biggest group was 18 – 30 years old. One victim fell into the category of 31-40 years of age. All of the identified victims were trafficked for the purpose of sexual exploitation; in total 4 of them stated that they were inmates of children's home facility.

3.4.2 Probable victims of THB and Programme on Support and Protection of Victims of Trafficking in Human Beings

In the framework of **Programme on Support and Protection of Victims of Trafficking in Human Beings** of Mol¹², 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 **14 probable victims entered the Programme in 2016**.¹³

Compared to 4 probable victims that entered the Programme in 2015, it is an increase. Victims came from Romania (7), Bulgaria (1), Ukraine (2), the Czech Republic (2) and Slovak Republic (2). **In total 9 cases concerned THB for the purpose of labour exploitation and 5 concerned THB for the purpose of sexual exploitation. 6 probable victims were women and 8 men** (see Tables 4a and 4b in the Section of graphs) 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. In can be stated that in the last 4 years probable

¹¹ The term victim embodies victims of violent and immoral offences and selected cases of property related crimes (e.g. pickpockets).

¹² For more information on the Programme see the web pages of the Ministry of the Interior <http://www.mvcr.cz/clanek/obchod-s-lidmi-pomoc-obetem.aspx>.

¹³ The statistics in the table do not reflect the overall situation in the area of trafficking in the Czech Republic. The program must be perceived as one of the possible measures for victims of trafficking in human beings.

victims coming from the EU countries trafficked for the purpose of labour exploitation prevailed.

In total, 204 probable victims of THB entered the Programme since 2003.

The age of the victims oscillated **between 20 to 40 years**. The victims were provided especially with the subsequent services within the Programme like accommodation, psychosocial services, health care, interpretation, legal assistance and services of a lawyer. Emphasis was also put on assistance in searching jobs.

In 2015, all the victims in the Programme agreed to **forward information to investigate their cases** to the relevant department of the Police.

2 voluntary returns were carried out through the Programme of voluntary returns in 2016, this being returns back to the countries of origin. In total, **96 voluntary returns** were realised, **out of this 23 back to the Czech Republic** since the beginning of the existence of the programme of voluntary returns.

- **Czech Republic as the country of origin**

Information on Czech victims of THB are fragmented and they are collected from various sources, thus they cannot be considered as complex. The information are taken majorly from the Czech Police and also from the statistics of victims that entered the Programme. Furthermore, the information are collected by the authors of the Report in cooperation with Ministry of Foreign Affairs, from partners abroad and from partner NGOs. It is important to take into account the fact that these findings are of a different nature, that is to say, they includes cases which were not dealt with by the competent authorities in the field of trafficking in human beings.

We consider that the statistical data, which are, for the reasons mentioned above, fragmented and of little value, the chapter will rather focus on other essential information such as the way of recruiting Czech victims of trafficking or the ways of their coercion, and exploitation.

Driven from the available information, trend of increasing number of victims trafficked to the UK is prevalent, one victims was reported by the police in Germany¹⁴ and two in Portugal.¹⁵

Information that will be assessed in the upcoming year was provided by the Embassy in Luxemburg. The Embassy reported that even though it has not registered any case of THB that would match the legal definition in relation to Czech citizens – not being a source or target country. The Embassy reported cases from the area of labour exploitation – from time to time they are contacted by citizens that started to work for an employer (usually of Yugoslavian origin) that does not pay them their salary. In most of the cases, the persons do

¹⁴ Interesting information was provided by the Consulate General of the Czech Republic in Munich, which recorded in 2016 a case of a Czech citizen who was detained in April 2016 on the basis of an arrest warrant issued by the Munich State Attorney and consequently placed in custody on suspicion of a crime of trafficking in human beings for the purpose of sexual exploitation, fraud and blackmail. More detailed information on this case is currently unavailable.

¹⁵ According to the information provided by the Embassy of the Republic of **Lisbon** that states that according to statistics provided by the Centre for Combating Trafficking in Human Beings (valid on 22 November 2016), **2 cases of victims of trafficking in Czech citizenship were recorded in Portugal this year**. Both cases were reported by non-governmental organizations or other entities, one assigned (after assessing the victim's situation) status "Unconfirmed" and the status of the second case being assigned as "Registered by NGO", i.e. there are indications of criminal activity. However, one of the cases was not reported to the Portuguese police nor the Embassy of Lisbon was informed. The Centre for Combating Trafficking in Human Beings did not provide more detailed information about victims with the status "Registered by NGO" due to statistical confidentiality. The Embassy was nevertheless informed that this victim was offered help.

not have either work contract or residence permit. The same is for a small number of women prostitutes that came to the country fully aware of their future job. As both the groups came to Luxemburg for the jobs voluntarily and from own initiative, they are given passports by the Embassy and in case they wished to leave the territory of Lichtenstein or Switzerland, they are not considered as victims of THB.

According to information provided by the Embassy in Paris¹⁶, General Directorate of the French Police registered one case that involved provision of sexual services from the side of a Czech prostitute¹⁷ and a case of a victim of severe procuring in 2016. In short comment the French Police states that the Czech Republic is neither source, transit nor target country for France. French institution have not registered any victims of THB that would come to the country upon Schengen visa for third countries on the basis of Czech visa. Neither French nor Czech institutions contacted the Embassy in concrete case of THB. No such case was registered by the Embassy itself. Even though the Embassy registered two cases of people smuggling to the UK, it does not have any information it would be anyhow connected to THB.

Detailed information was provided by the Embassy in Podgorica, Montenegro, even though there were no registered case of THB. Information here is meant mainly for presentation of good practice¹⁸.

The organisation La Strada also reported a growing trend, where predominantly trafficked women are most often recruited abroad by friends, acquaintances or family

¹⁶ On 10 March 2016, the National Human Rights Advisory Commission published the first assessment report on the fight against and trafficking in human beings.

The full version of the National Human Rights Advisory Board report is available for download in the link: http://www.cncdh.fr/sites/default/files/cncdh_traite_des_etres_humains_vdef.pdf. It is an extensive material of almost 400 pages. The report stresses the absolute necessity of supporting this fight and is very critical in relation to the French authorities. The criticism begins already with the methodology of collecting and evaluating statistics on trafficking in human beings. The Czech Republic is listed in the statistical table on p. 109, which provides a summary of the sentenced persons in France in the years 2009 to 2013. From the overview it is clear that although 19 citizens of the Czech Republic were sentenced in France in the given period of time, none of them was convicted of trafficking in human beings. It is also worth mentioning that the report highlights the idea that the current migration wave and human trafficking are two different phenomena. Illegal migration is a criminal offense against the state's residence regime and its essential feature is the voluntary nature and the fact that the initiative is on the side of the migrant. Trafficking in human beings means violation of the victim's rights and is done against her/his will. The relationship between the two phenomena is only due to the fact that refugees can become more easily victims of THB because of their vulnerability. The legal system now perceives to a greater extent persons providing sexual services as victims. The emphasis is therefore put on creating conditions for prostitutes to escape from the system of trafficking. The crime of offering sex services on a public places (racolage) has also been abolished. Conversely, the client who is buying the sexual services can now be prosecuted. For this, a fine of up to EUR 1500 may be imposed (in case of a recidivism of up to EUR 3750). However, they failed to enforce a provision allowing to block websites with content contrary to French laws which are operated abroad.

¹⁷ However it is possible that it is the same case as reported in 2015.

¹⁸ The Embassy in Podgorica is in an ad hoc ad hoc contact not only with international organizations active in the area (mainly IOM or UNHCR) but also with the local government office for combating trafficking, incl. Montenegro's Interior Ministry. With all the representatives of relevant institutions, including consular service of the MFA, there exists an informal agreement since its establishment, that in case of registry of any case of THB in connection to the CR, the Embassy will be informed in a timely manner. This was confirmed at all the meetings that took place. Cooperation in this field can be evaluated as operative and traditionally excellent. Generally and rather only theoretically, potential cases such as sexual exploitation and, above all, prostitution, especially during the summer tourist season, can be anticipated. In connection with the preparation of this information, the Embassy provided information that is based on qualified estimates, information from the media and other available sources. Previously, the following institutions were contacted in this area: IOM (International Organization for Migration, www.iom.me), local office of UNHCR, and government office for combating trafficking (Kancelarija za borbu protiv trgovine ljudima, www.antitrafficking.gov.me, Zoran Ulama, head of the office, Office of the National Coordinator for Fight against Trafficking in Human Beings). At the last meeting, it has been repeatedly said that in Montenegro the greatest problem has long been the begging of children (often of Roma origin). As in the last report on this issue, we can reiterate that a forecast for the development of situation in human trafficking during this year 2016, there are no expected major and far-reaching shifts.

members. In two cases referred to the organisation the women were recruited by mothers, and several women took advantage of offers from advertisements. Family members and acquaintances recruited also several male victims for work in the UK. Other victims were recruited directly through advertisements; 3 men were recruited by an unknown person near organizations providing help to homeless people.

La Strada organisation registered trend of forced marriages of women from the Czech Republic and Slovakia (in total 4 cases). In all cases, they concerned forced marriage on the territory of Great Britain and Ireland. In 2016, most men who were exploited in the UK were working in households, combined with jobs in trade, food industry, waste sorting or warehouse operations.

The most common forms of coercion in Great Britain were taking documents away from the victims, restriction of personal freedom, denial of food; psychological pressure and physical punishment occurred too.

In conclusion, although the registered numbers of victims of trafficking from the Czech Republic do not reach high numbers in 2016, according to information from the NCOC and other partners, it is highly probable that the problem is more widespread. The typical latency of this form of crime, as well as identification and reporting of victims from the UK remain problematic.

3.5 Trafficking in persons and social services

The system of social services is regulated in the Czech Republic by Act No. 108/2006 Coll. on Social Services, as amended (hereinafter referred to as the 'Social Services Act'). This Act regulates the conditions for provision of assistance and support to natural persons in adverse social situations by means of social services, and the conditions for contributions for care, for the issuing of licences to provide social services, the execution of state administration in the area of social services, inspection of how social services are provided, the form and method of funding, prerequisites for performing social services¹⁹ and so forth.

In accordance with the Social Services Act it is possible to provide services only after the particular organisation intending to provide social services is registered by the relevant Regional Court. The list of registered providers of social services is publicly accessible in the Register of Social Service Providers (hereinafter referred to as the "Register"), online at <http://iregistr.mpsv.cz/socreg/> (available only in Czech).

Through a grant on support of the provision of social services (social services are subjects registered according to Sec. 78 of the Social Services Act) Ministry of Labour and Social Affairs supports organisations that provide social services primarily to target group of "victims of trafficking in human beings". Thus it can be said that these organisations (La Strada Czech Republic, and Diaconia) specialise on help to this target group. The grant support provided to these organisations from the side of MLSA in 2016 is provided in Tables 6a and 6b in the Section of Tables. The registered organisations provide services to clients regardless their age, thus the clients may be also victims of THB under 18 years of age. According to the Table 6a, the amount of money granted to the organisations in 2016 amounted to **CZK 8,574,103**.

Furthermore, it is important to note that the services may be provided also by other subjects apart from NGOs. Even though the majority of service providers is represented

¹⁹ Social services include social counselling, social care services and social prevention services. Social services are provided as residential, outpatient or outreach services.

mainly by ecclesiastical and religious societies, and community-based organizations, also public service organizations established by territorial municipal bodies and some others are involved.

3.6 Long-Term Residence Permit for the Purpose of Protection in the Czech Republic

Act No. 326/1999 Coll. On the Residence of Foreign Nationals in the Czech Republic and on Amendments to Certain Acts, as amended (hereinafter referred to as the " Act on the Residence of Foreign Nationals"), stipulates the conditions of admission of a foreigner to the territory of the Czech Republic (hereinafter referred to as the "territory") and the departure of a foreigner from the territory, stipulates the conditions of residence of a foreigner in the territory, and defines the competence of the Police, the Ministry of the Interior and the Ministry of Foreign Affairs in this area of state administration. Article 42 specifies the conditions under which the Ministry of the Interior issues a long-term residence permit for the purpose of protection on the territory.

Long-term residence permits for the purpose of protection on the territory shall be issued upon request by the Ministry of the Interior to a foreigner, who is likely to be a victim of a trafficking offense, or to a person for whom an illegal crossing of the state border has been organized or allowed or by a person assisting the unauthorized stay on the territory, whose testimony is relevant for the detection of an offender or organized group involved in organizing or enabling illegal crossing of a state border or facilitating unauthorized residence on the territory provided that cooperates with law enforcement authorities in criminal proceedings and does not cooperate with suspected offender.

The Ministry of the Interior shall also issue a long-term residence permit for the purpose of protection on the territory, to a foreigner whose cooperation with the LEA is important for the prevention, detection, investigation or prosecution of a crime or other intentional crime, the prosecution of which is subject to a promulgated international treaty, upon condition that he/she cooperates with the LEA and does not cooperate with the suspect of such crime.

As in the previous years, it is important to say that the Department of Asylum and Migration Policy of the MoI as an administrative authority does not record in its statistics whether the person is a victim of THB specifically, since this information is irrelevant for the needs of the administrative proceedings. Furthermore, it is necessary to emphasise again that the overview is not authoritative for the unambiguous determination of the number of witnesses – “trafficked persons” and the number of witnesses – “persons who were assisted in illegal immigration” because these issues could, depending on the circumstances, be interconnected. The same applies to the next category of authorised persons, which was included as Sec. 42e on the 1 January 2011. These are foreign nationals, whose cooperation with the law enforcement authorities is important for the prevention, detection or investigation of crime or any other intentional offence, the prosecution of which is mandatory under an international agreement.

Of the total number of applicants, 3 were nationals of Vietnam, and others of Ukraine, Pakistan, and Russian federation. Of the **total number of 11 proceeding, 4 related to women and 7 to men** (see Table 4e of The Section of Graphs).

In 2016, one citizen of Algeria obtained citizenship after successful completion of cooperation with law enforcement authorities and after being in the Czech Republic upon long-term residence permit for the purpose of protection on the territory.

3.7 Cases of THB and Financial Investigations

According to information from the NCOC, the situation in financial investigations pertaining to the area of THB is comparable with the previous period. It is difficult to find proceeds arising from criminal activities due to conduct and behaviour of offenders. The vast majority of offenders operate through cash transactions and do not use bank transfers and/or other banking services.

In these cases, in fact, higher amount of money is confiscated in cash, especially during house searches, than with the help of other institutes in accordance with the relevant provisions of the Criminal Procedure Code (mostly in terms of securing funds in the bank).

During seizure of the proceeds, the unit faces problems that the properties no longer belong to the perpetrators but to companies that are operated through the so called white horses instead, and they are just lending them to the perpetrators. In those cases, it is not possible to confiscate the properties. Moreover, it is impossible to calculate precisely the amount of proceeds of the crime of THB and procuring as the victims either do not cooperate with the Police or they simply do not remember how much the perpetrators were earning.

On the basis of criminal proceedings for the crime of prostitution and trafficking in human beings Unit for combatting organised crime (UCOC) and subsequently NCOC (since 1 August 2016) confiscated **CZK 150.000 in cash**, and **CZK 580.000** was confiscated in **value of land in** form of proceeds from crime.

4. RELATED CRIMES AND PHENOMENA

4.1 Prostitution scene

As THB for the purpose of sexual exploitation may be closely linked to prevalence of prostitution, the Ministry of Interior monitors also the prostitution scene. In this context, the crime of procuring is monitored as well.

Information on the situation regarding prostitution in the Czech Republic can be obtained from the findings of the Police of the Czech Republic and municipal police and it is necessary to mention the importance of specialised non-profit organisations operating in this area. Bliss without risk (hereinafter referred to as the "R-R organisation") is specialised on this issue.

According to information from the **Police**, the area of voluntary prostitution, which means the consensual provision of sexual services for pecuniary consideration, has not seen any substantial changes. As regards the forms of prostitution in the Czech Republic, we can observe mainly prostitution in night (erotic) clubs, the provision of sexual services in private flats or as an escort service. Street prostitution is on decrease in long-term perspective and it can be detected only in lesser extent and only at specific locations, provided that the social and educational level of street prostitutes is at the lowest level. To large extent, they are the most risky prostitutes in terms of health and hygiene, they are using narcotics and psychotropic substances. Numbers of night erotic clubs remain the same, however, their number is still decreasing especially in the border areas. On the other hand, the same, or slightly increasing quantitative level of the provision of sex services in private flats remained. Prices for services provided in private houses were significantly lower than in erotic night clubs, which is a logical result of comparing the factors of direct operating costs and the number of clients.

Information from the Police confirm that in the context of a big number of persons offering sexual services, in majority of cases it concerns voluntary prostitution. Large number

of people actively operate as "occasional" prostitutes and respond to the offers of erotic work presented in press or on the Internet. It is clear from the investigations that a wide range of people in terms of social, age, educational backgrounds engage in provision of sexual services. In 2016, in the framework of the control actions carried out, predominantly women prostitutes of the Czech and Slovak nationalities were detected.

In the border area of Jihočeský region, in particular in the area of Dolní Dvořiště, České Velenice and Strážný an increasing trend of **girls moving from street prostitution to nightclubs, or to private apartments**, where they continued to provide sexual services was been detected. Partial factor that affected this move was, among other things, the activities of security agencies hired by some of the municipalities. There was an influx of girls from Romania, whose citizens have easier travel and stay on the territory of other Member States due to EU membership. **The number of Ukrainian girls with Polish visas also increased.** Due to structure of girls in the prostitution environment (Roma community, socially and educationally disadvantaged), this **environment is also risky in connection to narcotics and psychotropic substances.** Number of nightclubs in Pilsen and Karlovy Vary region has slightly decreased, only long-established clubs are in function. A similar situation is also to be found in Ústí nad Labem Region, while the area around borderline with Germany has been affected by the high supply and demand for prostitution services in the long-term.

In the border regions of the South Moravian Region, especially in the vicinity of Znojmo, clients were majorly foreigners. Among visitors of night clubs, there was **a slight increase in clients coming from Austria. These were citizens of Turkey, Syria, Afghanistan, Iraq, and Pakistan, who were mostly applicants for some of the types of permits of residence in Austria and were not allowed to leave the country.** Due to the increased number of border checks by the Police they used smaller border crossings on their way to the territory of the Czech Republic, where the controls were not being carried out.

In the field of voluntary prostitution, i.e. consensual provision of sexual services for remuneration, NGO **Bliss without risk** has absolutely unique insight into the situation of the prostitution scene. **Below you can find some of the information we received from this NGO for the purpose of drafting this report.**

R-R organisation is constantly encountering the **trend of closing nightclubs** (for example due to police raids or changes in operating staff), and, on the contrary, with **their reopening** in different localities. In the long run, the organisation has seen a decline in the number of women in nightclubs and their shift to the so-called private scene. The decline in the number of women voluntarily offering sexual services have also occurred in a number of locations, where the supply of sexual services is prohibited by a decree (eg. In the Jihočeský Region, Středočeský Region and in the City of Prague). In some locations, women stay on the outdoor spots, but move to another part of the city or change their work strategies (they do not stand on the edge of the road and do not stop the cars, but walk more or wait in adjacent bars), what complicates their search and providing comprehensive services from the side of R-R organisation.

National composition of the R-R organisation's clients is highly varied, but it does not differ much in its representation in individual regions. The clients are predominantly women from the Czech Republic and foreigners from Slovakia, Ukraine, Romania, Bulgaria and, to a limited extent, from Zambia, Croatia, Belarus, Korea, Moldavia and Russia, Nigeria, the Philippines and Hungary. There is a greater variation in the national composition of the field program clientele and a slight increase in sex workers - migrants, which in 2016 accounted for app. 18% of all clients of the organization. Most migrants are, according to findings of R-R organisation, in Jihočeský and Ústí nad Labem regions.

While providing services to its clients, the staff of R-R organisation did not register any case of prostitution of minors. However the organisation received information from organisation People in need, that detected such conduct in the region of Ústí nad Labem, in

particular in socially excluded area of Přeblice. However, during the monitoring of the street scene in this location, this presumption was not confirmed. The workers of the R-R organisation are avoided by some women working on the street, either because of their distrust to institutions in general or because they are under 18 years of age. Despite the fact that the organization did not encounter child prostitution in any of the regions, it is constantly trying to cooperate with the Police and other non-profit organizations, because it believes that if there is a woman in a club or elsewhere under the age of 18, they are not allowed to come into contact with R-R organization.

Prostitution endangering moral development of children

In terms of prostitution endangering the moral development of children (Sec. 190 of the Criminal Code), **1 crime was detected and resolved by the end of the year, in which 1 person was investigated and prosecuted.** As part of the monitoring of the development of this crime since 2010, it can be stated that the number of cases is rather low but not rare. (see Section of tables, Table 3b).

According to Ministry of justice data, no one was convicted for the crime of **Prostitution endangering the moral development of children** Sec. 190 of the Criminal Code (see Section of tables, Table 3f).

Situation in Attempted Regulation of Prostitution

The legislation concerning regulation of prostitution has **not undergone any significant changes in 2016.** It is important to note that prostitution is neither regulated nor prosecuted in the Czech Republic. Criminal law regulation is aimed at prosecution of certain criminal activities that are related to prostitution. Nevertheless, attempts to regulate prostitution have been intensified during the previous years – resulting in two draft laws that were proposed in 2013. A revised version of a draft law proposed by the Prague City Hall was approved by the Prague City Assembly in June 2013, but was refused by the government in August 2013. The second draft law was inspired by German regulations; however, it faced the same destiny.

As early as January 30 2014 the Prague City Assembly submitted a **bill on regulation of prostitution** to the Chamber of Deputies, which is still in the phase of 2nd reading (1st quarter of 2017) after negative statement of the petition committee. Non-profit organizations are very critical to this bill and draw attention to the negative impact on security and the overall situation of people working in sex business.

Based on the ongoing discussions within the **EU** member states, it is possible to identify 3 distinctive approaches towards prostitution: states regulating prostitution (e.g. Germany, Austria), states not regulating prostitution, and the so called „Swedish model“ (e.g. Sweden, Iceland, Norway), where the states criminalize clients of prostitutes.

4.2 Situation in the crime of procuring

Police statistics indicate **36 detected crimes of procuring in 2016** in accordance with Sec. 189 CC. In 2016, 33 cases were resolved, 35 persons were investigated and prosecuted (see section of Graphs and tables, table 1d).

According to information provided by MoJ it is apparent that there has been decline in the number of detected cases and persons charged for crime of procuring according to Sec. 189

CC (formerly Sec. 204 FCC), 72 detected crimes (2015: 82) and 53 persons charged (2015: 73) (see Section of tables, Table 2b).

Mol reports totally 57 conclusively sentenced persons in 2016 (1 of them for the crime according to Sec. 204 OCC) for 61 criminal acts in total. Trend in types of sentences ruled has remained unchanged also in 2016, suspended sentences (45) exceed in number of sentences unsuspended (9). The most frequent punishment for unsuspended prison sentences imposed ranged from 1-5 years (6 persons in total), 2 sentences were imposed ranging 5-15 years. Victims of procuring are most frequently women (13 reported persons in total); children were indicated as victims in 2 cases (see Section of tables, table 2d).

4.3 Situation in the crime of unauthorised employment of foreign nationals

The Criminal Code which came into effect on 1 January 2010 introduced a new criminal offence – **unauthorised employment of foreign nationals** (Sec. 342 of the Criminal Code).

In 2016 a total of 6 criminal offences of the unauthorised employment were detected and lead to the prosecution of 2 persons (Table 5c). Concerning this crime, it is important to mention that its application in practice is very limited. The reason for the limited applicability is the fact that it is bound to illegal stay of the person on the Czech territory, thus it can be applied only on cases of third country nationals residing in the Czech Republic without proper residence permit.

Inspections and Further Activities Carried out by the Ministry of Labour and Social Affairs

Labour exploitation may be closely linked to poor working conditions in general or to illegal employment. An important player in this area is the **Interdepartmental Authority for Combating Illegal Employment of Foreign Nationals**, under the leadership of the Ministry of Labour and Social Affairs, it serves as a platform for the coordination of all activities in this area. It is crucial to monitor the situation through labour inspections, given that labour inspectors, from their position of first line professionals, may indicate cases of THB. As indicated in 2011/36/EU Directive.

From 1 January 2012, it is the **State Labour Inspection Office** (hereinafter referred to as “SLIO”), instead of the Labour Office of the Czech Republic, that is responsible for inspections in compliance with Act No. 435/2004 Coll. on Employment, as amended (hereinafter referred to as the “Act on Employment”). In addition to their powers in the area of inspections focusing on how the legal provisions of the Labour Code and other legal provisions regulating labour and remuneration conditions and how legal provisions pertaining to the area of occupational health and safety are respected, since 2012 the SLIO has performed **inspections of the area which regulates conditions for work carried out by foreign nationals in the Czech Republic.**

In 2016, SLIA undertook a total of **26 620 inspections** in all areas of its control activities, out of which **9 308 focused on compliance with the provisions of the Employment Act, aimed at illegal employment.** 760 out of total 2,290 illegally employed persons were Czech nationals, 193 were third country nationals and 1,137 were EU nationals. **Compared to 2015, there has been an increase in the number of illegally employed foreigners – third country nationals.**

In addition to the deficiencies identified in the area of illegal employment, **1 645 deficiencies in the area of labour law and 2 075 deficiencies in the field of employment control were identified within the inspections focused on this area.**

For overview of the number of inspections carried out in the field of illegal employment and the number of persons detected see Section of tables, Table 5b). For violations of the laws relating to the control of illegal employment in 2016 a total of **714 fines were imposed, totalling CZK 73,152,500.**

The figures showing the number and amount of fines for selected administrative offenses according to the Employment Act imposed in 2016 are provided in the Section of tables (see Section of tables, Tables 5c and 5d).

Control activities are often carried based on **the incentives for controls.** In 2016 the State Labour Inspection Office received a total of **7,351 incentives for inspections.**

2,254 of them were aimed at the area of illegal employment in 2016, 4,915 complaints were directed to the field of working relations and conditions, and 876 concerned controls of health and safety conditions at the workplace, some of them included incentives for inspections in several areas at the same time. Complaints referring to unauthorised employment in 1702 cases concerned suspected illegal work of Czech citizens, in 306 cases the illegal work of citizens of other EU countries, and in **449 cases the illegal work of foreigners - citizens of third countries.** Some of them were directed to several areas at the same time. On the basis of the received initiatives, in total 5,664 controls were realised, out of which 1,460 controls were in the field of illegal employment.

Increasingly, during the control activities, we encounter abuse of agency employment. For this reason, special control actions aimed at the control of illegal employment included controls of job brokering without authorization. SLIO engages in control of agency employment in long term.

In the year 2016, a total of 399 inspections focused on compliance with obligations connected to agency employment and 277 inspections aimed at detecting unauthorised employment brokering. Altogether, 535 subjects were inspected. These controls revealed 1,098 deficiencies, of which 375 deficiencies were in the area of agency employment, 91 persons were found to be illegally employed and 121 entities were found to broker employment without authorisation. Another 54 such entities were revealed during controls of labour inspection authorities. In total 175 entities engaged in unauthorised brokering of employment were detected in 2016.

For violations of legal regulations in the area of agency employment and obligations in the area of employment brokering, by 31 December 2016, the labour inspection authorities **imposed 310 fines totalling CZK 15,658,500.**

Statements of the Ministry of the Interior in the procedure for issuing a permit for brokering employment

The Ministry of the Interior issues binding opinions in accordance with Sec. 60a of the Employment Act, on the basis of requests from the Directorate-General of the Labour Office. When issuing the binding opinion, the Mol assesses the granting of authorization to broker employment in terms of public order protection, security and protection of third party rights. The Mol evaluates the information obtained from the Police and intelligence services. It focuses on verifying the existence of the applicant legal and natural persons at the place of their headquarters and workplace and on establishing the criminal integrity of the directors and authorised agents.

Since January 2016, the agenda of issuing binding opinions on applications for job brokering was assigned to Security Policy and Crime Prevention Department of MoI, specifically to Municipal Police, Weapons and Traffic Engineering Section. At the beginning of 2016, the procedure for issuing binding opinions was adjusted in order to simplify it and increase its effectivity.

In total, the MoI processed 1,119 applications in 2016. Out of these 47 applications were submitted by natural persons, 1,072 related to legal persons. After evaluating the information obtained in cooperation with the Police and the intelligence services, 174 opinions issued were negative, 10 were suspended (from March the practice of issuing opinions issued with conditions was cancelled) and 935 were positive. Appeals were assessed in total of 46 cases.

5. INFORMATION ON TRAFFICKING IN PERSONS UNDER 18 YEARS OF AGE

Trafficking in persons under 18 years of age can be understood in **narrower** sense, where it is strictly and exclusively concerning cases according to Sec. 168 (1) CC, or in **broader** sense taking in account also related criminal activity. This chapter thus includes brief information on the related issues. At the same time, in accordance with priorities set by National strategy to combat trafficking in human beings for the period 2016-2019, specifically its fourth part (4.2.) Combating trafficking in children is one of two priorities for the given period, appropriate attention will be paid to this issue in the following period of time.

When **criminal** statistical records are taken into account, out of 38 recorded cases, **6 were classified as sexual exploitation of persons 15 – 18 years old, 3 cases involved persons younger than 15 years of age.** One person from the group younger than 15 years of age was male, the rest of the victims under 18 years of age were females (see Section of tables, Table 3a).

Since 1 August 2014 there are two new crimes defined in the Criminal Code: Sec. 193a Participation at pornographic performance and Sec. 193b Establishment of unlawful contact with a child. While the crime of participation at pornographic performance (Sec. 193a CC) has not been detected by the Police since 2014, the crime of establishment of unlawful contact with a child (Sec. 193b CC) shows an increasing tendency in the number of detected crimes (2016: 20) as well as of investigated and prosecuted persons (2016: 15) (See Section of tables, Table 3c and 3d).

Also in the case of the crime of Entrusting a child to the powers of another person (Sec. 169 CC, formerly trafficking in children Sec. 216a FCC), the police statistics do not report any detected or resolved case (in 2015: 2 detected and one resolved case). However, as can be seen from Table 3e (see Section of tables, Table 3e), the year 2016 does not show any significant deviations from the figures reported in recent years.

A detailed overview of the selected statistical data provided by MoJ for the above-mentioned offenses is listed in the Section of tables, Table 3f. Trends described in the above-mentioned text relating to the number of detected and resolved cases of selected crimes and investigated and prosecuted persons are further confirmed by statistics provided by MoJ.

In addition to law enforcement, an important role is played by the ASLPC, which protects the rights and defends the interests of vulnerable children, in addressing the situation of child victims of trafficking in human beings. From the point of view of SLP agenda, child trafficking victims can be viewed as children at risk according to the provisions of Section 6(e) of Act No. 359/1999 Coll., On Social and Legal Protection of Children, as

amended (hereinafter referred to as the "SLPC Act" i.e. children to whom a criminal offense threatening their life, health, freedom, human dignity, moral development or property was committed, or committing such crime is suspected. Based on assessment of their situation, in case the children meet such criteria, they are among the children who are provided with the SLP.

MLSA reports data on children who have been abused for child prostitution or for production of child pornography in the Annual Report on Social and Legal Protection (see Section of tables, Table 3g and 3h). **However, unlike police statistics, these cases, were not always classified as trafficking in human beings.** Despite this fact the collection of such data is important because of their high relevance. The annual report can be downloaded from the website of the ministry (link <http://www.mpsv.cz/en/7260>).

The figures in Tables 3g and 3h indicate that in 2016 there was an increase in the number of children abused for child pornography compared to 2015 (66 children in 2016 compared to 57 cases in 2015). **Similar increase was also observed in the number of children abused for child prostitution** (23 cases in 2016 compared to 15 cases in 2015). The fact that the public is better informed about the occurrence of these negative phenomena and there is a greater willingness to report to the cases to ASLPC workplaces may have impact on the increase in the number of the cases detected. The statistics also show that from the perspective of gender, girls are more often abused for child prostitution than boys. In terms of age of the victims, children abused for child pornography are mostly aged 6 to 15 years, while victims of child prostitution are predominantly aged 15 to 18 years.

System of ASLPC work while performing socio-legal protection is as follows. If the case of an abused child is notified to the ASLPC, the case is investigated in collaboration with law enforcement agencies, as well as other experts, in order to assess the situation of the child and his / her family. In case it is concluded that the child belongs to the category of vulnerable victims according to Sec. 6 of the law ASLPC, the ASLPC, in cooperation with other agencies (the Police, state prosecutors office, health care facilities), performs further steps in order to solve his/her situation. ASLPC staff are available at the level of the municipal "ORP" offices available for children 24 hours a day in the framework of emergency service, so that they can help them in cooperation with other stakeholders.

In order to effectively address the situation, and coordinate co-operation with all relevant partners, case conferences are convened together with close family members of the child, who are in difficult life situation, and with other experts, assessing the situation of the child and the family, planning measures and coordinating their practices in order to meet the needs of the endangered child. On this basis, the ASLPC staff develops an individual child protection plan setting out the objectives and concrete steps for their fulfilment, including setting of a deadline and responsibilities for fulfilling the plan. The plan is then fulfilled by the responsible persons and it is being reviewed continuously.

ASLPC staff also, if necessary, mediate professional psychological and therapeutic assistance, which constitutes a standard form of help for children at risk. The ASLPC staff of the "ORP" offices can use funds from a special purpose subsidy from the state budget for the performance of the SLP to provide this assistance, which is reallocated by the Ministry of Labor and Social Affairs, so that this assistance for children can be free of charge.

Since 1 January 2015, while performing the social and legal protection, the ASLPC is furthermore obliged to meet the quality standards, which are set out in Annex No. 1 to Decree No. 473/2012 Coll., On Implementation of Certain Provisions of the SLPC Act. One of the requirements is that ASLPC staff must be specialised for the protection of abused and tormented children. These workers do not address the situation of children in isolation, they apply a multidisciplinary approach as they actively develop co-operation with other institutions and connect the family with specialized service providers. Moreover, their duty is

also to continuously educate themselves in this field in line with the established career goals set out in their individual plans for further education.

In the context of standardization, the ASLPC workplace must implement preventive activities in line with timely resolution of the situation of children at risk, and develop multidisciplinary cooperation with other natural and legal persons, public authorities - especially local authorities, authorized persons, providers of social services, representatives of schools and school facilities, the Police, Probation and mediation service, courts, Public prosecutor's office, or health service providers according to local needs and conditions. Their duty is to acquaint the clients with available services and motivate them to use other services that will lead to solution of their complicated life situation, or as the case may be, mediate such services.

ASLPC of municipalities "ORP", which implement the largest range of activities within the SLP and most often also deal with the solution of abused and tormented children (i.e. child victims of human trafficking), are provided with an already mentioned special subsidy from the state budget for SLP providers. This subsidy was greatly increased since 2015 in connection with the standardization of SLP performance, which has contributed to the individualization of support for vulnerable children and to the specialization of ASLPC staff. In 2016, within the subsidy of the Ministry of Labour and Social Affairs, the municipalities of "ORP" and the city of Prague **spent a total of CZK 1,164,320,270 on the SLP agenda, which is a slight increase compared to the previous year** (CZK 1,098,205,450 in 2015).

Children who are not adequately cared for or if they have been removed from their family for being abused or tormented, may be placed in a facility for children in need of an immediate help within the management of crisis situation, the facilities function as SLP providers, according to act on SLPC, continuously for 24 hours a day. The facility provides as a form of assistance (besides accommodation, meals, clothing, educational activities, help in leisure time, etc.) care of a social worker and a psychologist providing psychological assistance.

Within the system of SLP, another form of help provision to children in crisis situation, that were left without adequate care from the side of their families or other relatives, is temporary foster care. It is provided by foster parents - professionally prepared foster parents to perform this form of alternative family care. This form of care may last for no more than 1 year. The advantage of this measure is, in contrast to the placement of a child in facility for children in need of an immediate help or in institutional care, that the child grows up in family environment.

Already in 2015 a new model of work with unaccompanied minors was set, Facility for children of foreign nationals, under the Ministry of Education, became a methodological institution for other facilities providing further social services. This system should enhance cooperation and information sharing among the actors involved in care of children and it should also make monitoring of the situation of the children easier, which is important also from the point of view of victim detection. The system is well set for help to (probable) victims of THB.

The Facility collects information about presumed cases of trafficking in human beings of foreigners under 18 years of age that are gathered by specialists during the receiving procedure, from the Police, social workers; or after their placement (Embassies). In sporadic cases, the information is provided by the children, who share their stories during the provision of services and consultancies. The information is further processed in cooperation with the Police and social workers. In cases where the Police is not informed on the situation of the children and their possible trafficking situation, the Facility does so immediately after taking the child into its care.

In case the children are placed outside the Facility upon the decision of a court, it is complicated to follow their situation and gather further information about them from the side of the Facility as they have neither any chance nor any authority to monitor their situation. Mostly, the children return to the country of origin and thus the Facility definitely loses its authority to gather further information.

For the year 2016, the Facility reports in total 51 unaccompanied minors in its care (a significant decline compared to 2015, when 132 unaccompanied minors were placed in Facility), **out of which 12 persons were younger than 15 years.** There were 46 boys and 5 girls, of which 15 asylum seekers. Most unaccompanied minors came from Afghanistan (19), Vietnam (6), Romania (4), Iraq (3), Pakistan (3), Syria (2), Ukraine (2), Slovakia (2), one from Algeria, Nigeria, Guinea, Eritrea, Turkey, Iran, the Gambia and Libya. In 45 cases the unaccompanied minors were placed to the Facility directly from the street, in 6 cases from another facility.

Additionally, child victims of human trafficking can be included in the category of tormented, abused and neglected children, and registered service providers play an important role in providing help to this target group. Each year Ministry of Labour and Social Affairs issues a subsidy proceedings to support the provision of social services to such providers, regardless of their legal form. The total allocation depends on the condition of the state budget, in recent years it oscillated around CZK 8 billion. This subsidy procedure is implemented on the basis of Sec. 101a and Sec. 104 of Act No. 108/2006 Coll., on social services, as amended.

Within the framework of the above-mentioned subsidy procedure for support of the provision of social services, the types of social services listed in Table 3i, whose clients may be also child victims of trafficking in human beings, were supported in 2016. **In total, 67,888,553 CZK** was spent of provision support.

Ministry of Labour and Social Affairs further supports organizations and institutions specialised on support of families with children within the grant program Family and protection of rights of children, in which total of 292 projects were supported in 2016, amounting to CZK 99,965,027 (see Table 3j). The aim of the program is to provide comprehensive assistance to the family as a whole.

In terms of working with endangered children, including child victims of trafficking in human beings, the area II. Support for work with children and families in the area of social and legal protection of children is particularly important.

Below, we offer a description of selected cases, which were dealt with in the Facility last year (for the purpose of child protection the data are generalized).

A girl from an African country that was under the age of 18 was admitted to the Facility at the end of 2016. The girl's testimony revealed that she had been raped in her country of origin, after she arrived to Italy, the girl was probably held by unspecified people in unsuitable conditions and she was forced to sexual intercourse; subsequently she had to undergo involuntary abortion and came into contact with drugs. She is very grateful for secure environment in the Facility and she wants to stay in the Czech Republic.

A girl from a Balkan country, younger than 15 years of age resided in the Facility in summer 2016. She ended her stay when she was entrusted to care of her father upon cancelation of preliminary injunction. Report of ASLPC states that she was repeatedly seen begging in the Prague subway; in the past, her mother was deported from the Czech Republic for this activity. At the time she came into contact with state authorities she was already in the 5th month of pregnancy, which was not detected until her placement in the

Facility. Based on the recommendations of the Romanian Embassy, the minor were returned to her parents' care.

6. SUPPORT FROM THE SIDE OF ASSISTING ORGANISATIONS

6.1 La Strada Czech Republic, o.p.s

6.1.1 Basic Information about the Organisation

La Strada Czech Republic, o.p.s. (hereinafter referred to as “La Strada”) has been active in the field of THB in the Czech Republic since 1995. It is a founding organisation of the International Alliance of La Strada²⁰ together with eight member organisations in another eight European countries²¹. In the Czech Republic, La Strada is part of the association of legal entities – Consortium of Migrants Assisting Organisations in the Czech Republic and the Association of Sheltered Houses (SAD). The aim of the organisation is to contribute to the elimination of trafficking in human beings and human exploitation and to provide support and protection to exploited and trafficked persons as well as to persons who are endangered by exploitation and trafficking.

La Strada provides social services to the target group, pays attention to prevention and training, and through legal activities this organisation strives to achieve systemic changes or legislative amendments with a view to preventing trafficking in human beings and preventing the exploitation of such persons, and to protecting the rights and interests of the target group.

La Strada provides the following **4 types of social services** for trafficked and exploited persons:

- Professional social consultancy services²² – Sec. 37 of the Social Services Act,
- Crisis aid - Sec. 60 of the Social Services Act,
- Asylum/sheltered houses - Sec. 57 of the Social Services Act,
- Telephone crisis aid.²³

As regards **prevention**, the dissemination of information leaflets and the mapping-out of trends, the organisation is continually developing a specific work method to be used in the field. This activity has been financially supported by the Mol for several years. For more information about the organisation see <http://www.strada.cz/en>.

6.1.2 Services provided

In total **84 clients** started the cooperation in 2016, either through outpatient or residential social services. Compared to the year 2016 slight increase in the number of clientele can be observed (2015:75). When practice is taken into account, the people who used the services of La Strada can be divided into the following 2 groups:

1. Trafficked and exploited persons that use one or more social service within the assistance. This means that they are interested in engaging in cooperation with the organisation in a complex manner and they regularly attend sessions. They

²⁰ <http://lastradainternational.org/>.

²¹ Other member states are Belarus, Bulgaria, FYROM, Moldova, Netherlands, Poland and Ukraine.

²² Consultancy is also provided to persons who have undergone or who find themselves in a situation close to trafficking in human beings or exploitation and persons who are closely related to trafficked or exploited persons, people who are seeking jobs or travel abroad, as well as to other people who might be interested in information on how to avoid or subvert the risk of trafficking in human beings or exploitation.

²³ According to Act on Social Services.

can use the service of specialised social consultations, crisis aid – with/without accommodation and the services of asylum houses. These services are called as **„complex of social services“**. In 2016, **59 clients** used the complex of social services.

2. Persons that use consultancy of their situation within the specialised social consultancy without solving their situation as a whole and without the use of accommodation. The reason may be lack of interest to solve their situation in a complex manner, need of one-off consultancy to orientate in their life situation or they need social or legal consultancy as a result of their exploitation but they cannot be provided with accommodation due to objective reasons. This group is called as **„contact consultancy“**. This service was provided to **25 clients** that were predominantly exploited for the purpose of labour or they were in situation close to trafficking or exploitation in 2016.

Characteristics of clientele that started cooperation with La Strada in 2016

In total, 59 persons (30 men and 29 women) used the complex of social services. This is the total number that includes both newly accepted clients and clients who started cooperation in the previous year(s). Since 2012 the organisation registers increasing need for complex of social services from the side of its clients. In 2016 there has been a slight increase that is related to the higher number of persons from EU countries that are trafficked for the purpose of labour exploitation in the Czech Republic.

As regards the composition of nationality of the clients, **23 were male clients (10 and female clients (13) of Czech citizenship, the rest of the cases (36) concerned men (20) and women (16) of foreign nationality**. Although the total number of foreigners prevails, men and women of Czech nationality are the most numerous group when it comes to the division into individual nationalities.

Among the most represented foreign nationalities were citizens of **Bulgaria (15 men and 7 women)**. This is different from the last year, when most people were from Romania. In terms of representation of other nationalities, the organization worked with clients from Slovakia, Romania, Ukraine and the Philippines.

Characteristics of women

In 2016, the composition of women which used complex services of the organization was similar to the previous year 2015. In most cases, women were forced into prostitution or forced labour and other forms of exploitation. However, increase was recorded in trend of forced marriages of women from the Czech Republic or the Slovak Republic. In all cases, it concerned forced marriage on the territories of Great Britain and Ireland. Most of the recruitment was done by friends, acquaintances, or family members. In two cases, the recruitment was organised by mother of the victim. Several women used an offer from an advertisement. The most common means of coercion were restriction of personal freedom and threatening. In two cases, people were threatened with cancellation of the residence permit. Three cases involved physical attacks. In addition, psychological pressure and seizure of documents was used by the perpetrators. In one case, social benefits were being taken away from the victims. The most common form of exploitation was forced prostitution in private flats and nightclubs. In four cases, women were forced to provide sexual services on the street. In the context of labour exploitation of women, they worked in different factories, warehouses, in the food industry and worked in households. We also recorded 4 cases in which women were forced to marry abroad in 2016.

Characteristics of men

As in the previous year the trend of increased number of male clientele of Czech origin continued. These were men who decided to use offers to work in the UK from the side of their acquaintances or family members. In 3 cases, recruiting took place directly in front of the assisting organization where the victims used to go. In 2016, we also registered an increase in the number of men from the EU who were exploited in the Czech Republic. In many cases, those were couples or entire families who, due to the situation of trafficking, found themselves without means and without adequate background. For men exploited in the United Kingdom, most of the time the recruitments were organised through friends or acquaintances. In three cases, recruiting was made by an unknown person around organizations for help to homeless people. In contrast, in cases male EU citizens, the recruitment was done through an advertisement or job agency (13 men). In cases of use of advertisements, most of them were in the countries of origin. The means of coercion in cases where male victims exploited in the United Kingdom were most frequently seizure of documents, restriction of personal freedom, denial of food, but also psychological pressure and physical violence as means of punishment. Most men from the EU were threatened not only personally but threats were made also to their family members. Threats and psychological pressure have also been used in connection to cancellation of legal residence permits in the Czech Republic. In cases where men were exploited in the UK they were used mainly for domestic work combined with work in shops, food industry, waste sorting or warehouse operations. On the territory of the Czech Republic these were various factories, warehouses, construction, and seasonal work. In many cases, there were different types of employment combinations.

La Strada also continues to provide info and SOS help line. At the end of 2016 operating time of the line was extended by Friday (10.00 to 14.00 hours), so the organisation managed to cover all working days in a week and more cases can be detected in a timely manner, for example, or cases requiring emergency assistance. In total 633 operations were performed in benefit of 283 persons that contacted La Strada this way. Compared to the year 2015 the number of performances has decreased by 42. The service is provided to everybody regardless their country of origin or their residence status. The service can also be provided anonymously. Currently the line covers the following languages: Czech, English, Russian, Romanian and Bulgarian. Also in 2016, the majority of migrant callers were from EU countries (116). However, this dominance is not as strong as in the previous year, persons with citizenship of the Czech Republic (84) were second most represented, this year their number exceeded non-EU countries.

Since 2014 the organisation started to keep record of age of the callers. The age structure of callers in 2016 was as follows: most calls were realised with persons from 18 to 35 years (69 persons), people aged 35-60 years (53 persons) were on the second place. There were 4 callers aged under 18 years and 5 over 60 years. However, in case of 152 callers the age was not known.

In 2016 La Strada continued realisation of **accredited service of provision of legal information** according to Law No. 45/2014 Coll., on victims of criminal offenses (accredited by Mol since January 21, 2014).

In this regard, La Strada provides the following legal information:

- to victims of trafficking (§168 CC)
- victims of THB related crimes – procuring (§189 CC), deprivation or restriction of personal freedom (§170 and 171 CC), extortion (§175 CC), oppression (§177 CC) and sexual coercion (§186 CC)
- persons endangered by the above-listed

Legal information were provided on the issues of rights of victims according to Law No. 45/2014 Coll., on victims of criminal offenses, further more on rights and obligations of the damaged party according to Criminal Procedure, and last but not the least information on

position of the damaged party, respectively witness in criminal proceedings. As an accredited organisation, La Strada provided support to **354 persons**. The biggest number of clients were informed within outreach work (253 persons). Through the help line, La Strada informed 76 people about the rights of victims of crime. Longer-term cooperation with clients in providing legal information takes place within complex social services and within low-threshold counselling (25 persons).

In 2016 the outreach work focused predominantly on rather neglected segments of the organisation's target group, this being homeless persons exploited and trafficked by organised groups or individuals and women-migrants working in hidden sectors (domestic work etc.). Consequently the structure of the groups of contacted persons changed to a certain level, and combined with the more difficult accessibility, their number decreased as well. However, field work was also being carried out in traditional environments, especially in locations where seasonal farming was taking place. As in previous years, most of the contacted persons were from EU Member States, although the ratio of EU and third-country nationals was almost equal this year. The persons contacted mainly came from **Ukraine, Bulgaria, the Czech Republic, Romania, Hungary, Slovakia, the Philippines, Vietnam and Thailand**. People from **Poland, Mongolia, Russia, Moldova and individuals from China, Pakistan, India, Indonesia, Macedonia, Cameroon, and Serbia** were also contacted. In the sectors where the migrant workers prevail, the trend of employing people from EU countries through employment agencies, which sometimes also works across borders, has continued to be evident. However, the **share of third-country nationals, especially from Ukraine, has risen. A total of 627 people from the target group were contacted in the field in the year 2016, of which 290 were women (46.2%), and 165 were close persons of the victims (persons from the area of target group and persons in work or personal relation to persons from the target group), of which 73 women (i.e. 44.2%).**

6.2 The Caritas of the Archdiocese of Prague, Magdala Programme and Prevention of THB Programme provided by Migration centre of Caritas

6.2.1 Basis information

The Caritas of the Archdiocese of Prague deals with the issue of trafficking in human beings within two programs. **Magdala** programme focuses on help to female and child victims of THB or domestic violence. **THB Prevention Programme provided by Migration centre of Caritas** offers counselling and support to migrants and refugees. Magdala network performs its activities throughout the territory of the Czech Republic.

Magdala Project staff provide comprehensive services to victims of human trafficking, that include social and legal counselling, psychosocial counselling, assistance at state institutions, direct help, and sheltered housing on hidden address. For more information see <http://praha.charita.cz/en/>.

6.2.2 Provided services

In 2016 Magdala provided complex services including accommodation and counselling to 1 victim from the Czech Republic (2 children, a pregnant woman), 1 victim from Slovakia (a pregnant woman) and 3 victims from Romania (family – 4 children). These victims were provided with accommodation on a hidden address, professional social counselling, legal counselling, socio-therapeutic counselling, food and material aid, during their cooperation within the Magdala project. They were the so called “new clients” from 2016. Also in 2016 Magdala worked with clients that had psychiatric or other diagnosis, then with women who were in a situation of prostitution and domestic violence and were resolving their current situation. **Caritas recorded 731 contacts, of which 543 were via phone.** Among the

clients, the vast majority of women came from the Czech Republic, Slovakia, Romania, Ukraine and Nigeria. The average age of these people was 30 years. Magdala counselling service was funded by the Ministry of Labour and Social Affairs.

Caritas Migration Advisory Centre provided services to 58 persons who were trafficked or exploited. Legal and social counselling was provided through preventive activities in detentions and within outreach work. **In 2016, the staff of the centre provided services to people from Afghanistan, Iraq, Nepal, Pakistan, Turkey, and Vietnam.** Workers met with people for whom unlawful crossing of state borders, unauthorized residence and irregular work were organized. The recruitment was done through a third party. People contacted the smugglers to whom they paid for the journey from € 3,000 to € 10,000 per person. Afterwards, these persons had to be dealing with indebtedness. The debt was further increased by lending money for accommodation and food. Trend of 2016 was that they paid part of the money in their country of origin then another part in Turkey and then they paid in every subsequent country to different smugglers. The smugglers took away their documents, they faced violence in case they did not want or were not able to pay the next repayment. Migrants were not legally represented in the criminal proceedings. Only one client decided to cooperate with the LAE, however the information provided by her were not found as relevant for initiating the criminal proceedings. Funding was provided by the Program for Combating Illegal Migration, the contract was signed for 4 years. Of course, the situation changed through that period of time and the funding was not sufficient. For the next period the centre asks for increase in funds.

Caritas provides also outreach work services in the regions of dioceses of Brno and Litoměřice. The field workers realised outreach to persons involved in sex business a provided them with crisis intervention, basic social counselling, spiritual support and they distributed information on sexually transmitted diseases. Caritas received app. 600 phone calls to their crisis aid nonstop line (including cases of domestic violence).

Magdala project helped hundreds of potential victims through its hot lines, educational movie and preventive programmes. In 2016 it finished and successfully realised preventive project "Faces of love" that was intended to children and youngsters placed in orphanages and reformatories. Participants of the programme are informed about the issue of THB, domestic violence and prostitution. 155 children and teenagers participated in the long-term project. Project staff provided the victims of THB with comprehensive services, which include social and legal counselling, psychosocial counselling, assistance at offices and state institution, direct aid and housing on a hidden address.

6.3 Diaconia of the Evangelical Church of Czech Brethren

6.3.1 Basic Information on the Organisation

The Diaconia of the Evangelical Church of Czech Brethren (hereinafter referred to as the "Diaconia") is the second largest non-profit organisation providing social services in the Czech Republic. The Diaconia is a member of the Eurodiaconia (the European federation of organisations, institutions and churches) and cooperates with partners from all around the world. The Diaconia was established by the Evangelical Church of Czech Brethren.

Since 2008 the Diaconia has been involved, thanks to its central project, in activities relating to the provision of services to trafficked and exploited persons. Firstly, the project focused mainly on monitoring of the state of THB in the Czech Republic, and creation of programme of primary prevention aimed at education of children in the field of THB related risks and labour exploitation. The outcomes of this project subsequently lead to extension of the services provided by Diaconia in order to include also victims of THB. In 2009 a project "**No to Violence**" was created under the auspices of the headquarters of this

organisation, in order to provide assistance to trafficked persons and persons endangered by THB in other ways. Since 2012 the Centre of Western Bohemia (hereinafter referred to as the "Diaconia West") provides social services to trafficked persons, too. For more information see <http://www.diakonie.cz/en/>.

6.3.2 Provided Services

Diaconia continues to implement the social service of Shelter housing for men, couples, and women, who are trafficked on the labour market, and exploited for labour. In 2016, the shelter house was moved to another appropriate location, which made it possible to increase the number of beds from 9 to 13 beds. The shelter house remains a place with a secret address for the sake of safety of the clients.

From 2015, the organisation provides support through Crisis outreach aid, which reacts to the needs of clients in the field without having to place them in the shelter house. **The service is intended for adults aged 18 and more, who are exploited on labour market, have become victims of exploitation, trafficking, and those potentially endangered by such conduct. In particular, these are people who cannot be provided with the service of Shelter House due to capacity insufficiency, and those who are directly at risk of losing their homes, and need support in the enforcement of their rights in the area of labour law.**

Provision of asylum housing and emergency assistance is also possible in relation to connection to the IOM, which ensures the realisation of voluntary returns to the victims' country of origin. Furthermore, Diaconia cooperates with all key NGOs and state institutions (the Police, Alien Police, Department of asylum and migration Mol, regional labour inspectorates etc.). The staff of these services take part in all important thematic discussions on this issue, working closely with La Strada.

Service of sheltered housing was granted to **33 persons** in total. Out of these were 6 women and 27 men, with the average age of 37 years. Most people were from Bulgaria (26) and then from Romania (6), and a Czech citizen also used the service (1).

Workers of the Shelter house carried out a total of **40 outreach trips** in 2016 in the following regions: the Capital City of Prague (2), the South Bohemian Region (5), the South Moravian Region (4), Karlovy Vary Region (1), Královéhradecký Region, Moravskoslezský region (2), Pardubice region (3), Plzeň region (1), Central Bohemian region (13), Vysočina (1), Ústí nad Labem region (4), Zlín region (1). In total 553 persons were addressed and 2,300 leaflets were distributed within the outreach work. In 2016, we began distributing new leaflets in multiple language versions.

Service of outreach crisis aid was provided to **112 clients**. Out of these 21 were women and 91 men, of the average age of 29 years. Most people were from Bulgaria (85), followed by Romania (18), Moldova (4), Czech Republic (2), Slovakia (1), Russia (1), and Ukraine (1).

Staff of Diaconia are trying to solve the problems of trafficked people through a comprehensive approach, and an integral part of this work is assistance in exercising their rights - obtaining documents, mediating legal assistance and if needed also assisting in criminal proceedings. Financing of services Diaconia is multi-source and is supported by subsidies of the Ministry of Labour and Social Affairs, partly by foreign church partners, last but not the least by donations of natural and legal persons; these are fundamental sources of financing.

Outreach Programmes of Diaconia West

The service of Centre in Plzeň is connected to the Diaconia in Prague, through which it is also possible to use the subsequent service of the asylum house. The Centre in Plzeň also provides extended services to foreigners residing in the Czech Republic who do not fall into the category of THB. In 2016 the service was provided to a total of **114 users falling into the category of human trafficking and labour exploitation**, especially from the following localities: Plzeň, Přeštice, Horsovsky Tyn, Rokycany, Nýřany, Klatovy and Tachov.

Problem areas relating to the category of THB are stable in long-term and the addressed topics remain unchanged. In recent months, Diaconia service has reached increased success rate in dealing with unpaid wages from employment agencies.

During the individual contacts with the clients, the **unpaid wages** of employees, **violations of labour regulations** by the employer and **informing the clients** about the regulations of the labour market in the Czech Republic, and about legal regulation of the stay of foreigners in the Czech Republic, were addressed. In the vast majority of cases, these are fraudulent practices of employment agencies that can be directly linked to transporting people to the Czech Republic.

6.4 International Organisation for Migration

6.4.1 Basic Information on the Organisation

The International Organisation for Migration (IOM) is an inter-governmental organisation established in 1951 with its principal registered seat in Geneva. IOM had 170 member states and today it has 440 field locations all over the world. IOM is a leading international organisation in the field of migration – it helps migrants and governments through supporting human migration. It closely cooperates with a wide range of international and local NGOs. The IOM mission in Prague was established in 1998.

Scope of activities of IOM:

- provision of help in cases of sudden migration waves;
- return and reintegration programmes;
- facilitating labour migration;
- health programmes;
- information and educational programmes;
- research on migration management and migration policy;
- training of state administration and capacity building in migration management;
- **programmes aimed at combating and preventing trafficking in human beings.**

6.4.2 Provided services

As in previous year, IOM did not have any active anti-trafficking project in the Czech Republic in 2016, but it participates in related activities in the form of provision of voluntary returns and in the field of prevention, mainly by training of consular officers, who are nominated for new posts abroad.

IOM participated in the **Programme of Voluntary Returns also in 2016**. Even though the capacity of the IOM office was decreased, it is still important to aim at foreigners through a strong informational campaign on the possibilities of voluntary assisted return. Such campaign is being prepared from AMIF funds in 2017. **The total number of foreigners**

returned from the Czech Republic was 207 migrants in 2016 (see Section of tables, Table 4c). A total of 8 persons were returned from or to the Czech Republic as identified victims of human trafficking (see Section of Tables, Table 4d).

As far as **nationalities** are concerned, IOM mostly assisted in returns of citizens of Ukraine (93), Vietnam (20), Uganda (13), Moldova (14) and others. As AMIF funds are still not open for voluntary returns, IOM Prague still does not have the enough capacity of community advisers, which is reflected in lower numbers of motivated foreigners to return.

IOM Prague cooperates closely with all the Program's actors and is linked to the Programme to help victims who wish to return to their country of origin. The IOM network of offices in the world is informed about the Programme on Support and Protection of victims of THB, due to which the victims return to the Czech Republic or use funds to help them return home. This program is unique in Europe, and was highly appreciated as an opportunity for Czech victims at the IOM European Directors' meeting. It is clear that within the framework of "sustainability", the Program can be evaluated as positive.

7. FINANCIAL RESOURCES

7.1 Funds Provided by the Ministry of Interior

The funding method of the MoI allows the awarding authority to maintain precise records of the services provided, to make immediate checks on respective irregularities, and to request their removal, such method also enabled to react flexibly to the needs of clients within the services provided. An important component of this method is the support of preventive activities, especially fieldwork, awareness raising activities and social counselling. **In total CZK 1,175,568 was provided in order to secure funding of those activities in 2016.**

7.2 Funds Provided by the Ministry of Labour and Social Affairs of the Czech Republic

MLSA, namely the Department of Social Services and Social Security, offers grants every year to provide subsidies from the state budget to legal and natural persons who provide social services (social services providers). Tenders to receive subsidies from the MLSA are published in compliance with Sec. 101 and Sec. 104 of the Social Services Act and Act No. 218/2000 Coll. on Budgetary Rules, as amended and on the amendments to other acts. The Regions also decide on public support for social services in its territory pursuant to Section 101 (2) of the Social Services Act. The Ministry of Labour and Social Affairs also announces annually the subsidy procedure for support of social services with supra-regional and nation-wide scope in connection to Sec. 104 of the of the Social Services Act.

Ministry of Labour and Social Affairs supports the provision of social services (social services are entities registered under Section 78 of the Social Services Act), which provide social services predominantly to the target group of "victims of trafficking in human beings". Thus it can be noted that such organisations (La Strada Czech Republic and Diaconia) are specializing on this group of people. For the overview of the financial means provided to these organizations in 2016 see the Sections of tables, Tables 6a and 6b.

It should be noted that the Department of Social Services in the framework of the subsidy procedure for the provision of social services also supports a number of other organizations, which are by their very nature also aimed at supporting victims of trafficking in human beings (indicating these persons as one of the target groups), but it cannot be said

that they would specialize directly to these people (see Section of tables, Table 6c for an overview of the number of these services).

As part of the **support to the performance of social work, the Ministry of Labor and Social Affairs established a grant title**, which supports social work provided by municipal authorities of municipalities with extended powers, and regional authorities. **In 2015 this subsidy was granted for the first time and CZK 250 million were distributed, in 2016 the amount reached CZK 300 million.** This conceptual and strategic measure is aimed at bringing in and providing sufficient personnel for the performance of social work, in particular by searching and providing social counselling in a timely manner and as close as possible to the people, i.e. within the administrative districts of the municipal and regional authorities.

7.3 Other Financial Resources

Other sources used to finance the listed providers include the budgets of regions/municipalities or individual projects of regions, the European Social Fund, independent foundations, partner organisations, international organisations (for example OSCE), other international funds, embassies, and so on. Last but not least, some NGOs, especially church based NGOs, mentioned individual donations from natural and legal persons as a source of funding.

8. PREVENTION AND TRAINING

The following chapters offer insight into educational activities, research, awareness raising activities, campaigns and coordination activities both at the national and international level.

8.1 Training

In order to prevent THB, training seminars and lectures concerning the issue of human trafficking continued also in 2016. Seminars and lectures were held not only in cooperation with state institutions and NGOs working in the Czech Republic but also in cooperation with international partners. The aim was to provide information on the activities of the Mol pertaining to the area of THB, and on the functioning of the Programme in order to make it more effective. Training also focused on the possibilities of how to support and protect victims of THB. Among the crucial topics were also methods of identifying potential victims to be used by the relevant professional groups which, when performing their jobs, might encounter potential victims of THB.

Police training in general

As regards **police training** it can be said that the issue of combating THB is based on the required competencies which are developed within the syllabus of the educational programmes of qualification courses as well as in specific professional training held within the system of life-long learning for police officers.

The issue of combating trafficking in human beings is included within different subjects of police schools of secondary vocational education, higher vocational education and education at the Police Academy of the Czech Republic in Prague; furthermore within basic vocational training and follow-up qualification training

Within **Criminal Police and Investigation Service of the Police, there are assigned specialist on the issue of THB** (both in general crimes departments of regional

police directorates and in relevant departments of UCOC (including its regional offices) are trained through special instructive and methodical seminars. Besides the methodical and coordinative guidance of the general crimes department, UCOC plays major role in this field – it organised several training sessions or at least participated in their organisation (for example lectures on the issue of THB were given in a specialised course for police officers from the National Drug Unit, a lecture on THB was held within a specialised course for Alien Police officers (also within pre-departure preparation of police officers who are being trained for immigration officers).

As regards the Alien Police Service, officers from individual groups of documentation working within Regional Police Directorates and the Department of Criminal Offences and Documentation of the Directorate of the Alien Police Service located in Prague Ruzyně – the Group of Documentation/ the Group of Criminal Prosecution. These policemen are regularly provided with information about the issue of THB by workers of Aliens Police Directorate Department of Crime Investigation and Documentation (these are also partners within ICG) during methodological training for police officers and during methodological training-realizations. Furthermore, as part of the regular educational activities during the professional development of the RPD.

Before a measure was taken or security operation of the Alien Police began, the basics of THB were recalled and it was emphasized that investigation of this type of crime was crucial, that it is typically hidden within the security action or measures being implemented in the phase of preparation. Most of the bigger security operations and controls were prepared by or in cooperation with the officers from the groups of documentation of the departments of Alien Police of the Regional Police Directorates. These officers are very well aware about THB and are therefore considered focal points in such cases, where THB is identified, they are considered as liaison officers for further realization of the possible occurrence of this issue. These officers are provided with all necessary contact details of officers working at the aforementioned police units for methodical guidance in cases of suspected case of THB. Such activities took place all around the Czech Republic during the entire year. Emphasis was placed especially on measures related to migration wave going through the Czech Republic.

Since 2013 the Police President has been implementing a training project aimed at sharing experience and knowledge on THB to Alien Police officers who work on the first and second control line within the outside borders of the EU based on FRONTEX manual. The scope of targeted officers was subsequently broadened to include also other units of Alien Police officers.

Since 2015, after finalisation of a pilot phase, a qualification **course „APS – Combatting trafficking in persons“** is taking place at police school in Holešov upon request of Public Order Police Directorate. The course is specially designed educational activity focusing on the issue of trafficking in human beings.

Within the framework of police training, a **number of specific training events** (e.g. specialization courses for National drug squad officers, specialized courses for so-called vice criminality specialists in individual regions, and international educational events) were carried out in 2016.

Judicial training

There is more than a decade of tradition in judicial education in this field, it is realized mainly through regular events of the **Judicial Academy**, i.e. educational events for judges and prosecutors. The training of judicial and legal trainees through the Judicial Academy is not obligatory.

Pursuant to Decree No. 303/2002 Coll., On the Selection, Adoption and Training of Judicial and Legal trainees and the Professional Judicial Examination and Professional Final Examination of Legal Trainees, the trainees are obliged to deepen his / her professional knowledge and skills, however this does not imply his / her duty to undergo a specific training at the Judicial Academy within the traineeship. The decision on the participation of the judiciary trainee at the individual seminars of the Judicial Academy (and hence the selection of the theme of the educational event) is entirely on the chairs of the courts. In order to fulfil the task set out by the National Strategy to Combat Trafficking in Human Beings (in order to bring the issue of combating trafficking in human beings to the system of training for judges at the Judicial Academy), **the chairs of individual courts have been asked to fulfil this obligation last year.** In this context, it was recommended that judicial trainees should be sent to such educational events of the Judicial Academy in the area of trafficking in human beings.

In 2016, the Academy of Justice brought up the issue of human trafficking within the following topics:

On 14 January 2016 and 24 November 2016, seminars were held on **Crimes Against Human Dignity in Sexual Field.** They focused on the assessment of crimes of rape and sexual abuse in the Supreme Court's decision-making practice, the crimes against human dignity in the sexual field conducted through IT, the abuse of children for the production of child pornography, in terms of the findings of the prosecutor's practice. They also focused on the issue of sexual coercion and other related crimes conducted through the Internet, expert opinions in the assessment of offenders of moral crimes committed to children and the assessment of child pornography.

On April 20, 2016, a seminar was held on **Asylum procedures and related issues aimed at asylum proceedings related to the Ministry of the Interior** - the regulations, the course, status of proceedings, status of asylum seekers, judicial reassessment of international protection decisions, current issues related to the influx of refugees from the point of view of the Supreme Public Prosecutor's Office (the following crimes were assessed: organising and facilitating illegal state border crossing, facilitation of Unauthorised Residence in the Territory of the Republic, possibly even unauthorised Employment of Foreigners).

On April 21, 2016, an international conference on **Trafficking in Human Beings and Crimes Related to the Refugee Crisis** was held, focusing on the above-mentioned issues from the point of view of the entry, transit and destination countries.

Two training events for 2017 are already planned in the training plan of Judicial Academy: A seminar on **Human Trafficking and other crimes against freedom and the rights to protection of personality and privacy** will be held on 14 March, 2017 and it will be focused on current legal practice in Germany, and in the second half of 2017, a seminar on **Human Trafficking, Migration and Illegal Migration** will take place.

Other training activities

Also **The Ministry of Foreign Affairs** implements a **new model of consular training** on the basis of the approved concept of consular training from year 2010. Within the MFA, the Department of Consular Strategies and Guidelines is responsible for the training of the diplomatic staff. The seminar is divided into several levels. The basic type of consular education, the so-called **pre-departure training**, which is realized in the form of three-week courses with a fixed schedule, in which the other ministries of the state administration of the Czech Republic, which are responsible for the respective area belonging to the consular competence, are actively involved. Consular pre-departure training is completed by passing the final test. This pre-departure training is an obligatory condition for any consular official scheduled to work abroad. In extraordinary cases, where the consular officers are sent to the embassies in special dates (not correspondent with the given schedule), they attend

individual training, even in such cases the other ministries of the state administration of the Czech Republic, which are responsible for the respective area belonging to the consular competence, are actively involved.

Within the framework of pre-departure training, the MFA cooperates with the Security Policy and Crime Prevention Department of the MoI, which is responsible for the lecture on THB. As in the previous years, the lectures on this topic were prepared also by representatives of IOM. The lectures were focused on getting the officers acquainted with: 1) forms and manifestations of trafficking in human beings, 2) the possibilities of helping victims of trafficking in human beings, 3) the support systems for these victims, and 4) the ways of handling the information and findings about trafficked persons. Consular officers were also informed about the possibilities of cooperation between their Embassies and relevant organizations dealing with human trafficking which could provide follow-up assistance to victims, if necessary.

In 2016, **3 regular pre-departure training sessions** were held, attended by **50 future consular officials** that were about to be sent abroad to perform consular agenda at Embassies of the Czech Republic. **10 officials were trained individually.**

8.2 Other preventive activities

Every year, extensive **preventive and informative activities** on human trafficking are regularly carried out with the financial **support of MoI**. As a part of the prevention activities of the Programme, it offers **counselling for potential victims of trafficking provided through low-threshold services of specialized NGOs and crisis aid through which partner non-profit organizations provided help to a total of 17 Bulgarian citizens**. The service included provision of accommodation, food, psychosocial and legal services for the necessary time. During the last 3 years, attempts to raise awareness about the Programme have been successful mainly through outreach work and consequently, access to specialised services of the Programme was enhanced throughout the Czech Republic. **In total 60 outreach actions were realised in 2016.**

In order to support the networking of services provided for vulnerable children, i.e. for children - victims of trafficking in human beings, **the MLSA project entitled "System Development and Support of Social and Legal Protection Instruments"** (hereinafter referred to as "MLSA IP") is funded by the Operational Program Employment with a total budget of CZK 326 million, which is implemented between 1 January 2016 and 30 June 2019. IP MLSA consists of two key activities:

1) Support and development of services in the area of social and legal protection of children. The aim is to support the networking of services intended for work with children and families working with the Authority, with emphasis on the systematic character, continuity and interconnection of the services and their preventive character, further defining and pilot testing of innovative and preventive services intended for endangered families and children in order to solve their situation in timely manner. Examples of good practice from abroad will also be used in this respect, they will be tested as pilot, to find out whether they will be successful in the Czech environment too. Within the network of services, interdisciplinary cooperation should be enhanced with all actors at the local level, who are involved in addressing the situation of children at risk. Thus it is not only about development of a network of social services and the activities provided by authorized persons for exercising social and legal protection (hereinafter referred to as "SLP"), but also with the development and closer links between services in the field of health care, education and security.

2) Lifelong education of workers of authorities for the social and legal protection of children and authorized persons. Rapid and effective intervention to address the situation

of child victims of trafficking depend largely on the professionalism of workers in the care system for vulnerable children. It is the development of their competencies on which the key activity of IP MLSA focuses on.

In order to increase and deepen the professional competencies of social workers and workers in social services, the MLSA **accredits educational programs. Among others, new courses dealing with trafficking and exploitation were accredited in 2016.**

As already mentioned, within the competence of MLSA in the issue of combating THB for the purpose of labour exploitation and in situations that may result in such exploitation, an important partner is **Inter-ministerial Group for Combating Illegal Employment** (hereinafter referred to as "IMGCIE"). MLSA, IMGCIE submits to the Czech government for information, each year a summary report, in mid-2016 **Summary Report for 2015 on the activities implemented by relevant departments in combating illegal employment of foreigners** was submitted.

In 2016, two regular meetings of the platform **Inter-ministerial Group for Combating Illegal Employment** (30th and 40th consecutive meetings) .Within the meetings the following issues were presented: information on the performance and outcomes of the control activities of individual member institutions, area of legislation and trends in areas related to illegal employment, European Platform for Tackling Undeclared Work, social security and dispatched workers within the EU in the context of illegal employment, revision of employers' information obligations toward state institutions and the possibilities of the state administration to share and use this information with regard to the fight against trafficking in human beings and illegal work, and the experience of proceedings in the area of illegal employment.

During the year, **a working group on dispatched workers on behalf of their foreign employer to the Czech Republic** was set up, which began to address the issue of the increase in the number of Ukrainian workers dispatched by Polish employers.

Another area of activity of the Ministry of Labour and Social Affairs is preventive action against trafficking in human beings on the territory of the Czech Republic and abroad, in particular through raising public awareness, about the rights and obligations, the risks and possibilities of dealing with unfavourable living situations related to employment (and foreign workers) in the Czech Republic. It is done mainly through internet portals, such as the Integrated Portal of the Ministry of Labour and Social Affairs, the MLSA website / the State Labor Inspection Office of the Czech Republic (hereinafter referred to as "SLIO", web www.cizinci.cz, and others.

In 2016 representatives of MLSA participated in seminars, conferences and trainings for professionals and if necessary provided also consultations. In connection to potential occurrence of trafficking in human beings, the provision of personal, telephone and written advice and information to the public by State Labour Inspection Office inspectors is essential.

The authorities of the Ministry of Labour and Social Affairs also participated in the **updating of information materials with a preventive function**, such as SLIO leaflet Basic information on labour law in the Czech Republic.

On the web page www.prace-v-cr.cz, there is an interactive map of life situations created within the framework of the project Foreigners - Development of Counselling provided by the CP of the Czech Republic to Foreigners, implemented by the Fund for Further Education, by the Ministry of Labour and Social Affairs.

In 2016, the inspectors of the SLIO and the staff of the employment office of the CR participated at trainings that included the topics of illegal labour and trafficking in

human beings. There was also a joint meeting of SLIO inspectors of the Czech and respective Polish parties with the aim of uniting the procedures for combating illegal work and the abuse of third-country workers by some employers. The purpose of the SLIO and the Employment office (EURES) activities was to prevent illegal work among long-term jobseekers, also in view of the possible illegal work on the territory of another EU Member State. Emphasis was placed on the most effective work with job seekers in the form of highly intensive individual and group counselling aimed at employment the registered job seeker. Attention and care provided to applicants was primarily focused on developing the awareness of the consequences of illegal employment, education in the field of labour law, financial and social legal issues, personal accompaniment to employers, etc., or arrangement of employment.

In terms of prevention, **The Facility for children of foreign nationals** emphasizes in its activities related to THB linguistic abilities of its clients through special courses of Czech language, therefore the Facility organizes regular tutoring of the Czech language. In addition to an increased subsidy for lessons in the Czech language, the Facility organizes regular tutoring of clients according to their individual needs in cooperation with non-profit organizations. The Facility also provides therapeutic services, sociocultural abilities training, a preparation programme for those who are about to leave the Facility, and other services based on individual needs of its clients.

In 2016, **La Strada** aimed its educational activities on two target groups:

- 1) **Training of health care personnel** in the identification of trafficked persons in Prague, Plzeň, Jihočeský, Karlovy Vary and Ústí na Labem Region (Project: Increasing the ability of health care personnel to identify trafficked persons, supported by the Ministry of Health care of the Czech Republic, and the project: Improvement of the ability of health personnel to identify trafficked persons supported by the Office of Government of the Czech Republic; Government Council for Equal Opportunities for Women and Men);
- 2) **Primary prevention at secondary schools in Prague** (in total, 326 students were trained in 2016). At the same time, the **“SAFE” application** was developed in cooperation with IOM Bratislava, which aims to provide students with information about trafficking in human beings and the risks of seeking work abroad. The application was presented to the target group within trainings taking place in Prague (Project: Prevention of Trafficking in Human Beings Through Raising Youth Awareness to Supported by the Prague City Hall) and the project: SAFE - smart, aware, free, enjoy - information campaign to prevent trafficking in human beings supported by International Visegrad fund).

In addition, La Strada **carried out research and analysis in the framework of the project "DemandAT"** supported by the Seventh Framework Program of the European Commission (FP7) and participates in research on trafficking in human beings (Project: Addressing demand in anti-trafficking efforts and policies).

Last but not least, La Strada launched a campaign in **December 2016 that focused on work in construction sector**, and further concepts have been developed for other areas of trafficking. The campaign was supported by the Mol, Leo Burnett, Philip Morris International, the National Cafe and the Prague Public Transport Company.

Other projects launched by La Strada in 2016 include project called **"Finding ways of contacting migrant women working in closed environments"** (a project supported by the Daphne program of the European Commission and which is aimed at finding appropriate ways to ensure women working in closed environments, households, hotels, restaurants and other hard-to-reach places, information on their rights and the possibilities of using the social

and legal services of La Strada, an international project with partners from Austria (LEFO) and Germany (Ban Ying).

The Bliss without risk organization summed up results of the research carried out among sex workers in a comprehensive publication **"NOT this! Analysis of Violence in Sex Business and its Solutions"**, published in 2016 (<http://www.rozkosbezrizika.cz/ke-stazeni/soubory/publice-r-r-tak-tohle-ne/detail>). The research helped to better mapping of the problems and needs of clients of the organization. It has been confirmed that sex workers can be considered as particularly vulnerable as they are very often victims of various crimes (trafficking in human beings, physical and psychological abuse, etc.) due to the nature of their profession. Based on the above mentioned findings, the organisation implemented project **"Providing legal information to women with experience in sex business"**. The aim was to inform victims of crime about their rights, to provide them free legal counselling and the necessary support from the side of specially trained social workers in solving the situation, Followed by therapeutic care in dealing with all the consequences or subsequent therapeutic care aimed at coping with all the consequences. Among others, the organization seeks to prevent situations where women are victims of structural violence; this area was mapped in 2016 and the results were summarized in a comprehensive publication **"It can be done in a different way! Analysis of relations among sexual work, law, and the Police"** (<http://rozkosbezrizika.cz/ke-stazeni/knihy/soubory/knihy/publice-r-r-jde-to-i-jinak/detail>).

Diaconia successfully finished preparation phase of **an e-learning module** that is a part of project "Prevention of THB and exploitation in the EU". The e-learning will provide basic information from labour-law area and draw attention to potential risks in Bulgarian and Romanian. Target group is potential labour migrants in their home countries.

Project Magdala realised a new preventive programme **"Faces of love"**, aimed at **children and adolescents in orphanages and reformatories**. This target group is being acquainted with the issues and risks associated with human trafficking, prostitution and violence.

9. LEGISLATIVE CHANGES AND DECISIONAL PRACTICE OF COURTS IN CASES OF THB²⁴

For the sake of greater clarity, we divide this part into national and international law.

National legislation:

On 1 December 2016, **Act No. 183/2016 Coll. Amending Act No. 418/2011 Coll. On criminal liability of legal persons and proceedings against them, as amended**, came into force. The Act changed the way of defining the range of criminal offenses for which legal persons can be criminally liable (instead of a positive list of criminal offenses for which a legal person can be prosecuted, the law contains a negative list of crimes that cannot be attributed to the legal person).

According to the current regulation, legal persons can be prosecuted for the crime of trafficking in human beings (Section 168 of the Criminal Code), unauthorized handling of human tissues and organs, the human embryo and human genome (Section 164-167 of the Criminal Code.); and for the offense of prostitution endangering the moral development of children in accordance with Section 190 of the Criminal Code. Act, and the offense of unauthorized employment of foreigners (Section 342 of the Criminal Code), for which the legal persons were not criminally punishable under the previous regulation.

²⁴ The materials for the report in this section were updated to date of February 6, 2017.

The government bill is waiting for signature of the President of the Czech Republic **amending Act No. 45/2013 Coll., On victims of crime and amending certain acts, as amended by Act No. 77/2015 Coll. and other related laws**, issued as **Chamber of Deputies Print No. 658**, resp. **Senate print No. 32** (The bill was passed by the Senate on 19 January 2017). This proposal enhances the existing level of implementation of the European Parliament and Council Directive 2012/29/EU of 25 October, 2012, establishing minimum standards of the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA, while responding to practical experience. According to the amendment adopted, the proposal entitles the legal representative to provide free legal assistance to all particularly vulnerable victims, i.e. not just to children, as at present.

On 19 January, 2017, the Senate also approved a **Government bill on the use of funds from property criminal sanctions imposed in criminal proceedings and on amending certain laws (Chamber of Deputies print No. 650, Senate print No. 31)**. The main objective of this bill is to remove the current undesirable situation, where victims of crime, who have been granted a claim for damages or non-pecuniary damage do not receive it, because of the lack of property of the offender, even though such property and belongings have already been confiscated during the criminal proceeding. The proposed legislation empowers the position of victims in satisfying their property claims, as it allows the use of the confiscated property for such purpose. Consequently, the funds obtained from the penalties imposed on property in the criminal proceedings will not constitute state budget revenue, but they will be collected on the special account of the Ministry of Justice and used for the above-mentioned purposes.

In the coming days, the **government bill No. 141/2009 Coll., Criminal Code, as amended, Act No. 141/1961 Coll., On Criminal court proceedings (Criminal Procedure Code), as amended, and other related acts, which was dealt with as Senate print No. 34** will be delivered to the President for signing. This Act brings the Czech legislation into line with Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union and in accordance with the requirements of this Directive, comes up with a proposal to introduce new freezing measures prevent part of the property that may be imposed on the offender if he / she was convicted of any of the offenses he committed or attempted to obtain property, and if found, additional facts on the basis of which the court considered that certain assets of the offender have its origins in criminal activity (in particular the gross disproportion between the statutory income and the total sum of property of the offender over a period of up to 5 years before committing the offense, including the property transferred by the offender to other persons, the previous conviction of the offender for a profit-generating crime, contacts with criminal persons, acting as member of organised criminal group, transfers of money solely in cash, etc). This protective measure may also be imposed in relation to a matter that is part of the community property under marital property regime or if the offender placed it into a fund trusteeship or to a person other than the offender, if the legal conditions are met.

In the area of employment ,several amendments to laws were processed and prepared as well.

Amendment to Act No. 435/2004, Coll., on Employment, as amended (hereinafter referred to as „Employment act), which introduces a substantial change in the conditions for issuing a permit for brokering of employment by an employment agency, including the introduction of a deposit facility, an obligation to appoint a commission for the granting of authorization to mediate employment of the General directorate of Labour Office as an advisory body, but also to amend the legal regulation in the area of administrative punishment. It is not only the legal regulation of "entry-level" for employment agencies, such as the demonstration of financial capacity, but it is a complex and interlinked system of existing measures and new measures that employment agencies will have to comply with,

among other things, Introduction of a deposit facility for employment agencies (deposit for legal and natural persons amounting to CZK 500,000). Currently²⁵, the bill is being discussed in the Chamber of Deputies of the Parliament of the Czech Republic.

Bill amending Act No. 435/2004 Coll. On Employment, as amended, Act No. 251/2005 Coll., On Labor Inspection, as amended, and Act No. 262/2006 Coll., Labor Code, as amended, which has been prepared For the purpose of transposing the Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'). The aim of the so called enforcement directive 2014/67/EU is to improve the practical application of the rules on posting of workers in order to prevent fraud, circumvention and to improve cooperation between national authorities responsible for posting, to increase the awareness of posted workers and companies about their rights and obligations. Currently, the bill is being discussed in the Chamber of Deputies of the Parliament of the Czech Republic.

Bill amending Act No. 326/1999 Coll., On the residence of foreigners in the Czech Republic and amending certain Acts as amended, and other related laws, one of its aims is to transpose the Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers and Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. The amendment to the Act on Employment, which is one of the amended acts, stipulates a new duty of the Czech Labour Office to provide the foreigner with the issue of a work permit also with written information on the rights and obligations of the seasonal employee, including information on the procedure for filing a complaint for violation of labour law. Furthermore, the definition of illegal work will be refined, the introduction of new measures aimed at protecting a potential foreign worker, namely the failure to include a vacancy in the central register of vacancies occupied by the employee card holder, or to the central register of vacancies occupied by blue card holders of the Employee and Blue Cards in cases where the employer does not consent to the inclusion and publication of this place for at least 30 days from its notification to the Regional Office of the labour, further when on the assets of this company was on the basis of a final court decision declared bankrupt and the bankruptcy has not yet been cancelled, or when in the last 3 months the employer was lawfully imposed a fine of more than CZK 50,000 for breach of obligations arising from employment legislation or breach of obligations arising from other legal provisions, the controls of SLIO or regional labour inspectorate, which results in the inability to issue employment or blue card. The same reasons for not issuing (bankruptcy and a fine of 50,000 CZK see above) will also apply to work permits. The process of obtaining a job abroad by foreigners is associated with time-consuming, and for some of them also costly procedures. If the Czech Republic allows the issuing of an employee card, a blue card or a work permit, the alien should have at least some level of assurance that such work place is provided by a reliable employer. In addition, it proposes to introduce so-called fictions of a work permit upon renewal of a work permit and to allow that in case the foreigner submits his application for an extension properly, ie within the statutory time limit, the employment after the expiry of the original work permit for a period up to decision to extend the work permit. It is also proposed to replace the term of a valid residence permit with a valid authorisation of residence permit. In addition to unifying terminology, this change should ensure that holders of short and long-term visas are no longer in legal uncertainty about the possibility of performing work on the basis of different types of residence permits. Similarly, problems should be eliminated in cases of persons who have free access to the labour market in the Czech Republic and travel to the Czech

²⁵ To date of 6 February, 2017.

Republic only on the basis of a valid travel document. At present the bill is discussed in the Chamber of Deputies of the Parliament of the Czech Republic.

Amendment to Act No. 198/2009 Coll., On Equal Treatment and Legal Protection against Discrimination and on Amendment to Certain Acts (Anti-Discrimination Act), as amended, and other related acts. The reason for submitting this bill is the need to implement the Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers into Czech legal system. The proposed regulation, based on Directive 2014/54 / EU, is designed to ensure adequate protection of the rights of EU citizens working in a Member State other than their home Member State and of their family members, and it only regulates institutes to support the practical protection of such rights such as judicial protection, support for professional non-state actors in legal proceedings, a ban on persecution for the exercise of rights and steps to protect them, or the establishment of independent bodies to promote equal treatment and support for EU workers and their family members, given the rights of EU workers and their family members and the prohibition of their discrimination on grounds of nationality in selected areas. At present the bill is discussed in the Chamber of Deputies of the Parliament of the Czech Republic.

From the point of view of the Ministry of Health, there is a significant amendment to **the Tissue and Cells Act and the Amendment to the Transplantation Act transposing the Directive Commission Directive (EU) 2015/565 of 8 April 2015** amending Directive 2006/86/EC as regards certain technical requirements for the coding of human tissues and cells and Commission directive (EU) 2015/566 of 8 April 2015 implementing Directive 2004/23/EC as regards the procedures for verifying the equivalent standards of quality and safety of imported tissues and cells. The directives set uniform rules for the import of tissues and cells from third countries into the EU and introduce a single European code that will facilitate traceability of human tissues from donor to recipient and vice versa. This will also contribute to combating trafficking in tissues and organs of human origin. The proposals were submitted by the Resolution of the Senate of the Czech Republic No. 122 of 7 March 2017 with the amendments proposed by the Chamber of Deputies of the Czech Republic (Parliamentary press No. 810 and No. 811).

International legislation:

Council of Europe Convention on Action against Trafficking in Human Beings – The Convention was signed by the Czech Republic on 2 May 2016. Subsequently it was submitted to the Parliament for issuing approval to the ratification. The relevant committees of both the Senate and the Chamber of Deputies, as well as the plenum of the two chambers, agreed to ratify the Convention during 2016 (the last approval was granted at the Senate meeting on 14 December 2016). On 31 January 2017 the President of the Republic signed the instrument of ratification.

Convention against Trafficking in Human Organs – the Convention was signed by the Czech Republic on 25 March 2015 (it has not yet entered into force as it has not been ratified by sufficient number of states). Nevertheless, it was considered appropriate to make two reservations before the ratification. For this to be possible, it was necessary to repeat the inter-ministerial remark procedure with a proposal to supplement the government resolution. I

Inter-ministerial remark procedure was closed on 14 December 2016, the remarks were settled and the material was submitted to the Government without any disputes. The Government approved the proposal to supplement /change the resolution by its Resolution No. 39 of 16 January 2017. Subsequently, the Convention will be submitted to Parliament for consent to ratification.

Protocol of 2014 to the Forced Labour Convention, 1930 - Adopted at the 103rd Session of the General Conference of the International Labour Organization in Geneva on 11

June 2014. The Protocol focuses on the prevention of forced labour and protection of victims in terms of their rights, particularly in criminal law proceedings, as well as social rehabilitation and assistance claims. It also emphasizes the need for international cooperation in the fight against trafficking in human beings, which is often part of a chain that ends with forced labour of illegal migrants in the target country. The proposal for its ratification was approved by the Government Resolution No. 492 of 24 June 2015. Parliament's consent was pronounced by the Resolution of the Chamber of Deputies No. 1122 of the 42nd meeting on 10 March 2016 and by the Senate Resolution No. 265 of the 14th meeting of 11 November 2015. The instrument of ratification was signed by the President of the Republic and the Prime Minister of the Czech Republic on 9 May 2016 and deposited with the International Labour Organisation on 9 June 2016. The Protocol, which entered into force on 9 November 2016, for the Czech Republic in accordance with Article 8 2 will enter into force on 9 June 2017.

Within the system of European legislation, in March 2016, the European Commission (hereinafter referred to as „Commission“) submitted a proposal to revise the Posting of Workers Directive, which **substantially amends the scope of the rules on the remuneration of workers posted temporarily to the territory of another Member State in the framework of cross-border provision of social services**. Proposal for a revision of the directive is justified by the need to create transparent conditions and ensure fair competition in the EU internal market in the context of the rapidly growing cross-border movement of services. From the Commission's point of view, after the enlargement of the EU in 2004 and subsequent years, wage disproportions in the EU have grown significantly, thus disrupting the balance between the objectives of promoting and facilitating cross-border provision of services with adequate protection for posted workers and fair competitive conditions between domestic and foreign service-providers.

In June 2016, the Commission presented a draft directive of European Parliament and Council on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the so called „blue card“); this is an adjustment for the entry and residence of third-country nationals for the purpose of pursuing highly qualified employment.

2016 Decisional practice of courts in cases of THB:

Ruling of the Constitutional court from 3 November 2016, file I. ÚS 1860/16 on Trafficking in Human Beings - expresses the views of the Constitutional court on the requirements of a fair trial on the counter-hearing of a witness in the case of his/her absence. The question whether the admission of an absent witness as evidence does not violate the right of the accused to interrogate witnesses is assessed in three steps. The following aspects must be assessed: 1) whether the reason for the absence of the witness is sufficiently legitimate 2) what importance does the proof have - whether it was the only or decisive proof with considerable value 3) whether there were sufficient countervailing factors in the proceeding, including strong procedural safeguards that compensated for the admission of absent witness evidence as evidence against the accused.

The right to interpretation and translation in criminal proceedings is assessed in the Supreme Court resolution dated 19 October 2016, file 4 Tdo / 1178/2016.

Already in December 2015 **ruling of Constitutional Court II ÚS 3626/13** was issued, it reflects the progress of police investigation and work of Public Prosecutor's Office in **the case “Tree workers”** (Stromkaři) from the years 2009-2010, namely, the extensive exploitation of foreign workers in the Czech woods. The Constitutional Court annulled the decision of the police authority (Praha I) and the Public Prosecutor's Office to defer the case and described the procedure of LEA as incomplete and inconsistent. The case was therefore returned back for investigation. The monitoring of the Tree workers case was one of the

priorities set for monitoring in 2016 by the Status Report on trafficking in human beings in the Czech Republic (2015). See Section 11.1. "Evaluation of the priorities set for 2016".

10. PARTNERSHIP

10.1 Partnership within the Czech Republic

This chapter contains examples of cooperation at both strategic and operative levels.

- The Minister of the Interior, as the body responsible for the coordination of activities in the fight against THB at the national level, is the chair of the **Inter-ministerial Coordination Group for Combating Trafficking in Human Beings (IMCG)** that met twice in 2016, presided by 1st Deputy Minister of the Interior for section of internal security. Apart from to evaluating the tasks from the previous meeting, the IMCG focused on introducing the activities of the participating organizations since the last meeting. The presentation of the basic outcomes of the 2015 Status report on Trafficking in human beings in the Czech Republic highlighted the issue of trafficking in children, labour exploitation and other less accented forms of exploitation. Furthermore, the attention of all IMCG members focused on defining the objectives and effective setting of tasks for the National Strategy to combat THB in the CR for the years 2016 -2019. The group also paid attention to monitoring of trends and formulation of appropriate measures to combat them. IMCG is the only platform in the area of combating THB in the Czech Republic that gathers together relevant actors across the state institutions, LEA, NGOs and an international organisation (IOM).
- In 2016 regular meetings of different platforms within **ANACEN platform** (Analytical Centre for Border Protection and Migration) took place.
- **Cooperation between relevant offices of the Czech Police, NGOs and IOM Prague** continued in 2016. It mainly concerned cases where an identified victim of THB took part in the Programme. In such cases cooperation concerned securing smooth progress of the criminal procedure. When needed, ad hoc meetings were organised in order to further enhance mutual cooperation and to agree on future proceedings. As well, meetings and exchange of information took place within coordination meetings of Security policy and crime prevention department Mol.
- **The Alien Police Service** was also involved in the active search of victims of trafficking in human beings in **2016**; although APS documentation officers mainly dealt with cases related to the detection of criminal offenses in connection with the provision of Sec. 341 of the CC " Facilitation of unauthorized residence on the territory of the republic", they also focused on the possible connection with the provision of Section 168 of the CC " THB "and on organized groups involved in this criminal activity. After evaluating the detected findings, it is proceeded in cooperation with the employees of the Criminal Police and Investigation Service or National Central against Organised Crime or individual regional branch offices. In connection with trends in migration that were observed in the Czech Republic in 2016, the main control actions were associated with the possible occurrence of trafficking in human beings thus the control actions organized by the SCP took place where it was supposed that this criminal activity might occur. Long-term control and security measures took place on the roads in the border area and on the main highways (D1, D5, D7 etc.) and focused on the control of truck transport and vans, controls of Bus lines, which was done also in cooperation with general directorate of customs (mobile X-ray workstation), with Mobile Units of Supervision of the Customs Administration and the locally competent departments of the Czech Police (Transport Service, Highway Department, Local Departments, etc.). Another place where specialized actions were carried out were measures taken at international airports where

attempts of illegal entry to the Czech Republic as well as supervision of departures from the territory of the Czech Republic. Regular inspections on international train connections continued (Hungary-Austria-Czech Republic-Germany).

10.2 International cooperation

The list of activities included in this chapter cannot in any case be taken as exhaustive and complete. Representatives of the MoI (including representatives of the Czech Police) participate in a range of platforms within the EU as well as in meetings of international organisations where the Czech Republic is a member, or other bilateral or multilateral or regional meetings with partner organisations. Furthermore, Czech representatives attended conferences where information was exchanged and cooperation at both the strategic and operative levels was discussed, moreover international cooperation in 2016 included hosting international delegations in order to discuss the topics in question.

- In the context of the **subproject ETUTU THB, exchange of information and its sharing between specialised units of selected countries were taking place under the auspices of EUROPOL**. The cases concerned THB organised by Nigerian OCG that operated on Czech territory. Based on requests sent via international police cooperation vetting, screening and investigation of persons and things of interest were conducted.
- In April 2016, the so-called "**Action Day**" focusing on the monitoring of Nigerian criminal groups involved in prostitution on the territory of selected EU Member States, took place, involved 178 police officers of the UCCZ of SKPV and Alien Police. Controls were carried out throughout the Czech Republic, vetting, screening and investigation of persons and things of interest were conducted. In total, 275 people, including 19 Nigerian women, were screened in prostitution.
- **NCOC participated in EMPACT THB project**, and its "Action Day" under the code name „Ciconia Alba“ held in October 2016, a European control action. The action day was held under the auspices of EUROPOL, matter of interest were criminally relevant information, identification data, visa types and numbers, telephone numbers, photographs, motor vehicles. In the Czech Republic, it was carried out in Prague, in the South Bohemia Region, Ústí nad Labem, Hradec Králové, Pardubice, Olomouc, South Moravia and Silesian regions. The action involved 180 police NCOC and APS officers. In course of the control action, 50 nightclubs and total of 528 people were checked, of this number, 190 were foreigners. In cases where the controlled persons were linked to a criminal environment, exchange of information followed.
- **As a key step towards successful international cooperation of law enforcement agencies, we evaluate the work of the National Correspondent to combat trafficking in human beings, abuse of women and children, illegal migration and employment, gender, domestic and sex-motivated violence, and the protection of victims' rights under Supreme Public prosecutor's office**. Its tasks include the gathering of relevant knowledge from legislation and jurisprudence, participation in seminars devoted to this issue. In addition, the Public Prosecutor's Office has established a mandatory specialization of prosecutors for the field of illegal migration and trafficking in human beings. This specialization is established at the Regional Prosecutor's Offices, the Chief Prosecutor's Offices and the Supreme public prosecutor's office.
- In the framework of international police cooperation in the field of education, the following CEPOL educational activities were carried out in 2016 in connection to the area of trafficking in human beings based on priorities defined within the EU Policy

Cycle: webinar 2 June 2016 "**Trafficking in Human Beings - Labor Exploitation**" and Webinar September 26, 2016 "**Severe Forms of Labor Exploitation**".

- Within the Central European Police Academy (MEPA) framework main course: **MEPA** – the issue of human trafficking was part of the thematic content of the main course on 14 March - 29 April 2016 in all MEPA member countries.
- As in the previous years, two meetings of **National rapporteurs and equivalent mechanisms** on human trafficking were held in Brussels, where representatives of SPCPD Mol were present. First part of both the meetings was dedicated to „tour de table“, where the member states share their updates and important developments in their countries. Among the discussed topic dominated the following: Transposition of Directive 2011/36/EU by Germany as the last EU country (deadline for the transposition was April 2013), discussion on active promotion of criminalization of using trafficking services (see Article 23 of the Directive). Furthermore, Member States reported on the growing number of identified victims from Nigeria.
- On 20 September 2016, a **delegation of state and non-state institutions from Turkmenistan was hosted at the Mol**. Study visit of the Turkmen representatives to the Czech Republic was carried out within the framework of the project for coordinated assistance and help focused on the interests of victims of trafficking in human beings carried out by the International Organization for Migration (IOM). Following the approval of the 1st Action Plan to Combat Trafficking in Human Beings by the President of Turkmenistan the aim of the project is to obtain information on settings in European countries and then effectively set up their own mechanisms.
- On 21 September 2016, the Ministry of the Interior held meeting on **application of the principle of non-punishment** in cases of victims of trafficking, convened by SPCPD Mol following the evaluation report of the OSCE Special Representative and Coordinators for Combating Trafficking in Human Beings and also based on discrepancies in the interpretation of this institute, the implementation of which the Czech Republic has committed itself in international documents. Representatives of the Ministry of the Interior, the NCOC, the Police Presidium, the Supreme Public Prosecutor's Office, the Ministry of Justice and the Office of the Government attended the meeting.
- **The Ministry of health care has appointed a national contact point for the coordination of the fight against trafficking in organs of human origin, based on a requirement stemming from the Council of Europe** Convention on Combating Trafficking in Organs, signed by the Czech Republic last year in Santiago de Compostela. In December 2016 in Madrid a workshop for national contact persons was held, which was attended by our representative. The first tasks include the collection of data and information for the CoE on this issue on the national level.

11.PRIORITIES

11.1 Evaluation of the activities in the fight against human trafficking in the light of the priorities set for 2016

The first of the priorities set for 2016 was monitoring of developments in so-called new forms of trafficking in the Czech Republic. As can be observed from the individual chapters of this report, all actors involved in the National Referral Mechanism within the IMCG paid particular attention to the phenomenon of the so-called marriages of

convenience. An important step that contributes to the unification of interpretation of the phenomenon, particularly for LEA was issuing of: "**Opinion of Supreme prosecutor's office on the phenomenon of luring women to foreign countries under the pretext of marriage for the purpose of trafficking**"²⁶, which is primarily intended to the use of specialists from NCOG.

Below, we offer a brief summary of the above-mentioned Opinion, resp. of National correspondent involved in this field:

- Luring women to foreign countries under the pretext of marriage of convenience may include features of human trafficking.
- Cases of marriages of convenience should receive extraordinary attention from the side of law enforcement agencies.
- The procurement of a person over the age of 18 for marriage of convenience or forced marriage could be classified as a criminal offense of human trafficking under Section 168 of the Criminal Code, the offender's conduct would then fulfil the character of „other forms of exploitation“ under para. 2 e) Sec. 168 CC.

The second priority was set to **monitor the development in the Tree workers case**. Although it is labelled as Tree workers case, it is probably more precise to speak separately of the Vietnamese and Romanian parts of the case (according to the nationality of the damaged parties).

Already in December 2015 **ruling of Constitutional Court II ÚS 3626/13** was issued, it reflects the progress of police investigation and work of Public Prosecutor's Office in **the case "Tree workers"** (Stromkaři) from the years 2009-2010, namely, the extensive exploitation of foreign workers in the Czech woods. The Constitutional Court annulled the decision of the police authority (Praha I) and the Public Prosecutor's Office to defer the case and described the procedure of LEA as incomplete and inconsistent, among other things, the Constitutional court stated: "In the cases where there exists suspicion of committing a particularly serious crime of trafficking in human beings or other serious crimes against freedom and human dignity, to prosecution of which the Czech Republic is bound by international obligations, it is possible to infer from the constitutional law the positive the duty of the state authorities to effectively resolve the criminal matters. Breach of this obligation constitutes an interference with the constitutionally guaranteed fundamental rights of persons, who claim to be victims of such crimes and who seeking to file a complaint to the authorities of the state and to be provided with protection and satisfaction. It must be assumed that victims of trafficking in human beings are protected in the context of criminal proceedings by the immediate and most effective means of securing their fundamental rights under Article 8 (1), Article 9 and Article 10 (1) of the Charter of Fundamental Rights and Freedoms, and Article 4 (1) and (2) and Article 5 (1) of the Convention for the Protection of Human Rights and Fundamental Freedoms. The purely formal or grossly incorrect and ineffective procedure of law enforcement bodies therefore fails to stand in the face of constitutional law appeals and requires an appealing decision on the termination criminal proceedings by postponing the case.

In the second part of the case, in January 2016, the Constitutional Court ruled II ÚS 3436/14, inter alia, that: "Criminal proceedings are the relationships

²⁶ The Supreme Public Prosecutor is entitled to issue only interpretative opinions pursuant to Section 12 (2) of Act No. 283/1993 Coll., On Public Prosecutor's Office, as amended, which may exclusively aim at unifying the different interpretations of laws and other legal regulations in the exercise of the competence of the prosecutor's office. Therefore it can be issued exclusively for the system of public prosecutors offices, as a non-binding opinion. However, in the context of promoting the protection of the public interest, the Supreme Public Prosecutor's Office may provide a general insight of the analytical and legislative department of the NSZ on the possible criminal lawfulness of a particular conduct which is issued solely for the purpose of exercising the competence of the public prosecutor's office.

between the perpetrator and the state, which also means that the rights of a third party (e.g. the person filing the complaint, the victim) that another person will be prosecuted and convicted, are not guaranteed constitutionally. However, at the same time, it cannot be overlooked that it is the positive obligation of the State to ensure the protection of fundamental rights, which among others include provision of effective criminal proceedings. However, the right for an effective investigation is "only" a procedural duty of the so-called due diligence, and not a duty in relation to the outcome of the proceedings. Consequently, effective investigation does not guarantee any specific outcome, only the orderly procedure of the agencies involved. The Constitutional Court builds on the doctrine of the European Court of Human Rights regarding the positive obligations of the State in relation to the right to life. It considers that it is not the case for all crimes that are, by definition, intervening in the rights of individuals, that it has the right to intervene in the activities of the authorities involved in criminal proceedings. This entitlement - and even an obligation - is given when it is the case of the most serious crimes, when the significance of its impact comparable to the already mentioned right to life. It does so also in the presented case, where personal freedom, and human dignity are the subjects of the proceedings, and where the party has been claimed the gravity of the conduct approaching use of persons for slavery, servitude, forced labour or other forms of exploitation. Therefore, it is necessary to examine whether the law enforcement agencies have carried out effective investigations and thus have fulfilled their positive obligations to protect the before mentioned fundamental rights.

The first of the divided parts of the case is currently supervised by the District Public Prosecutor's Office Prague 4, which provided the following information: Currently the matter is still in screening, none of Vietnamese workers is the Czech Republic, the Police communicates only with the law firm, which is involved in the case and which is trying to convince at least some of the Vietnamese workers to provide testimony to the Police. The police authority wants to hear the suspects in timely manner, to find whether they have successfully claimed their damage in civil proceedings. In the prosecutor's opinion, the matter has been a case of civil-law since from the beginning, the workers had secured accommodation and food - if they refused to eat certain types of food, such as pork, requiring only chicken - it was the sole problem of employees. The workers had their documents all the time. The case should have not been "torn down" into several separate proceedings and proceeded as one."

The second part of the case is currently supervised by the District Public Prosecutor's Office Prague 1. As in the first part of the case, there was no significant shift in the matter proceeded in 2016. An attempt has been made, through international judicial cooperation, to identify persons who were involved in the case as damaged parties (Slovaks, Romanians, and Vietnamese) but identification could not be done because the damaged are a) on the move in the EU, b) live as homeless, c) are unknown where. For this reason, the prosecutor identified persons whose identification should be successful. These people will be questioned then. The case is still being proceeded for suspected crime of fraud.

We will continue to monitor the Tree workers case also in the following period of time. Even though it is not a case, that would, through its legal qualifications, fall into the matter of this Status report, we consider it as important because it clearly illustrates the difficulties of providing relevant evidence in situations in which violations of rights and abuse of the status of foreigners and illegal or quasilegal employment occur.

11.2 Priorities for 2017

After careful consideration, especially in the context of approval of the National Strategy by the Government of the Czech Republic in mid-2016, the authors of this report decided not to set any partial priorities for 2017. The Strategy defined a total of 13 tasks, including sub-activities within each of the tasks. Within the scope of these tasks, the activities of all relevant actors will be performed in 2017. Yet it can be said that particular emphasis will be put on the area of labour exploitation and so-called marriages of convenience.

SECTION OF TABLES



1. STATISTICAL REPORT OF THE POLICE OF THE CZECH REPUBLIC

1a – DETECTED, INVESTIGATED AND PROSECUTED CRIMES OF THB IN THE CR IN THE YEARS 2010 - 2016 (Sec. 168 of the Criminal Code), (the POLICE)								
		2010	2011	2012	2013	2014	2015	2016
Detected crimes in total		24	19	24	18	20	18	22
Out of which:	resolved	13	11	18	11	14	7	15
	committed in previous years but resolved in 2014	4	6	4	5	5	2	2
Crimes committed								
	under the influence (of drugs and alcohol)	1	0	0	0	0	2	0
	Out of which it was alcohol	0	0	0	0	0	2	0
	Repeat offenders	11	10	3	11	8	3	7
	minors (up to 15 years of age)	0	0	1	0	0	1	0
	minors (15 -18 years of age)	2	0	6	0	4	1	7
Investigated and prosecuted persons – in total		35	29	22	25	16	12	23
Out of which:	Repeat offenders	12	9	5	10	6	2	9
	minors (up to 15 years of age)	0	0	0	0	0	1	0
	minors (15 -18 years of age)	1	0	1	0	3	1	3
	18 - 30 years of age	9	7	13	10	4	1	9
	30 years of age and more	25	22	8	15	8	9	11
	Men	27	20	15	20	8	6	17
	women	8	9	7	5	8	6	6
	Citizens of the CR	21	22	19	23	13	8	22
	Foreign nationals	14	7	3	2	3	4	1
Committed in organised group								
z toho:	detected	10	5	6	3	2	3	0
	resolved	3	5	4	4	0	2	0
	Investigated persons	14	27	8	18	0	5	0
	men	11	18	6	14	0	3	0
	women	3	9	2	4	0	2	0
	Citizens of the CR	4	15	7	16	0	1	0
	Foreign nationals	10	12	1	2	0	4	0
	Age of investigated persons							0
	Up to 15 years	0	0	0	0	0	0	0

	15-18 years	0	0	0	0	0	0	0
	18-30 years	4	6	2	9	0	0	0
	over 30 years	10	21	6	9	0	0	0

1b – VICTIMS OF THE CRIME OF THB (according to Sec. 168 of the Criminal Code) IN THE CR BETWEEN 2010 – 2016 (the POLICE)				
Year/Age	men	women	Number of persons detected in groups	Total
2010	4	10	62	76
up to 15 years	2	1		
15-17	1	3		
18-30	0	6		
31-40	0	0		
41-60	1	0		
unknown	0	0		
2011	0	11	40	51
up to 15 years		5		
15-17		4		
18-30		2		
2012	3	11	38	52
up to 15 years	2	6		
15-17	1	4		
18-30		1		
2013	1	5	51	57
up to 15 years		2		
15-17	1	2		
31-40		1		
2014	3	9	55	67
up to 15 years		2		
15-17		4		
18-30		1		
31-40	1	1		
61 and more	2			
unknown		1		
2015	7	4	39	50
up to 15 years	1	1		
15-17	4	1		
18-30	2	1		
31-40	0	1		
2016	1	37		38
up to 15 years	1	2		

15-17	0	6		
18-30	0	28		
31-40	0	1		
2005 - 2016 in total				694

1c - VICTIMS OF THE CRIME OF THB (according to Sec. 168 of the Criminal Code) IN 2016 ACCORDING TO REGIONS (the POLICE)

	men	women	Total sum
Prague	0	6	6
Ústí nad Labem region	0	2	2
Hradec Králové region	0	10	10
Jihomoravský region	0	15	15
Vysočina region	1	1	2
Pardubice region	0	2	2
Liberec region	0	1	1
Total	1	37	38

1d – CRIME OF PROCURING (formerly Sec. 204 of the old Criminal Code; from January 1, 2010 Sec. 189 of the Criminal Code), (the POLICE)

YEAR	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
detected	83	123	85	46	52	37	33	44	42	52	57	50	36
resolved	83	119	79	39	43	28	26	32	36	46	49	50	33
investigated and prosecuted persons	105	119	98	66	88	35	28	61	46	44	72	63	35

1e - CRIME OF UNAUTHORISED EMPLOYMENT OF FOREIGN NATIONALS 2010 - 2016 (Sec. 342 CC), (the POLICE)

Year	2010	2011	2012	2013	2014	2015	2016
Detected	3	4	3	2	3	3	6
Resolved in total	0	0	2	3	2	2	2
Investigated and prosecuted persons	0	0	2	12	3	2	2

2. STATISTICAL REPORT OF MINISTRY OF JUSTICE

2a - NUMBER OF PERSONS CHARGED FOR THB – YEARS 2004 – 2016 (MoJ) (formerly Sec. 246 or 232a of the old Criminal Code; from January 1, 2010 Sec. 168 of the Criminal

Code)													
Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Charged	0	0	14	20	17	26	26	31	31	30	25	18	19

2b - NUMBER OF PERSONS CHARGED FOR PROCURING (Supreme Prosecutor's Office) – YEARS 2004 – 2016 (formerly Sec. 204 of the old Criminal Code; from January 1, 2010 Sec. 189 of the Criminal Code)

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Charged	118	205	136	72	119	89	33	49	65	49	77	73	53

2c - Number Of Convicted Persons And Sentences For THB (MoJ) (formerly Sec. 246 or 232a of the old Criminal Code; from January 1, 2010 Sec. 168 of the Criminal Code)

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Convicted persons	12	20	2	4	3	1	10	19	11	19	6	19	8
Unsuspended sentence	3	8	0	3	3	0	9	18	10	17	4	12	6
Suspended sentence	9	12	2	1	0	1	1	1	1	2	1	7	2

2d - NUMBER OF CONVICTED PERSONS FOR SELECTED CRIMES in 2016 (MoJ)

		§ 164	§ 165	§ 166	§ 167	§ 168	§ 232a ²⁷	§ 189	§ 204 ²⁸	§ 342
Total number of crimes		0	0	0	0	9	2	60	1	0
Total number of convicted persons		0	0	0	0	7	1	56	1	0
victim	Child	0	0	0	0	4	0	3	0	0
	Woman	0	0	0	0	0	0	13	0	0
sentence	suspended	0	0	0	0	2	0	45	0	0
	unsuspended	0	0	0	0	5	1	8	1	0
	Up to 1 year	0	0	0	0	0	0	1	0	0
	1 - 5 years	0	0	0	0	2	0	6	0	0
	5 - 15 years	0	0	0	0	3	1	1	1	0
absolved sentence		0	0	0	0	0	0	1	0	0

²⁷ Sec. 232a former CC.

²⁸ Sec. 204 former CC.

3. VICTIMS OF THB YOUNGER THAN 18 YEARS OF AGE (the POLICE, MoJ, MLSA)

3a - VICTIMS OF THB YOUNGER THAN 18 YEARS OF AGE IN 2016 – By age (the POLICE)				
03 under-aged 15-18 years	04 persons 18-30 years	05 persons 30-50 years	children 0 - 15	Victims in total
6	28	1	3	38

3b – OFFENSE OF PROSTITUTION ENDANGERING MORAL DEVELOPMENT OF CHILDREN (the POLICE) (Sec. 190 CC)							
Year	2010	2011	2012	2013	2014	2015	2016
Detected	1	0	7	1	1	3	1
Resolved in total	1	0	6	1	0	3	1
Investigated and prosecuted persons	1	0	6	1	0	3	1

3c - OFFENSE OF PARTICIPATION IN PORNOGRAPHIC PERFORMANCES (Sec. 193a CC), (the POLICE)			
Year	2014	2015	2016
Detected	0	0	0
Resolved in total	0	0	0
Investigated and prosecuted persons	0	0	0

3d - ESTABLISHMENT OF UNLAWFUL CONTACT WITH A CHILD (Sec. 193b CC), (the POLICE)			
Year	2014	2015	2016
Detected	2	7	23
Resolved in total	1	6	20
Investigated and prosecuted persons	1	4	15

3e - ENTRUSTING A CHILD TO THE POWERS OF ANOTHER PERSON (Sec, 169 TZ, FORMERLY TRAFFICKING IN CHILDREN Sec.216a FCC), (the POLICE)													
Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Detected	5	0	2	0	0	1	0	1	3	1	1	2	0
Resolved in total	4	0	1	0	0	0	0	0	3	0	0	1	0
Investigated and	0	0	3	0	0	0	0	0	4	0	0	0	0

prosecuted persons														
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3f – CONVINCED PERSONS – SELECTED CRIME IN RELATION TO BROADER DEFINITION OF THB FOR THE YEAR 2016 (MoJ)							
		§ 169	§ 190	§ 193	§ 205b ²⁹	§ 193a	§ 193b
Total number of crimes		0	0	71	0	0	6
Total number of convicted persons		0	0	38	0	0	6
victim	child	0	0	67	0	0	6
	woman	0	0	2	0	0	0
sentence	suspended	0	0	25	0	0	5
	unsuspended	0	0	10	0	0	1
	Up to 1 year	0	0	0	0	0	0
	1 - 5 years	0	0	5	0	0	1
	5 - 15 years	0	0	5	0	0	0
absolved sentence		0	0	2	0	0	0

3g – NUMBER OF DETECTED CASES OF ABUSE OF CHILDREN FOR THE PURPOSE OF PRODUCTION OF CHILD PORNOGRAPHY AND OF CHILD PROSTITUTION IN 2015 – 2015 (MLSA)V								
age of the child	2016				2015			
	Child pornography		Child prostitution		Child pornography		Child prostitution	
	boys	Girls	boys	girls	boys	girls	boys	girls
Up to 1 year	0	1	0	0	0	0	0	0
from 1 to 3 years	0	0	0	3	0	0	0	0
from 3 to 6 years	1	0	0	0	2	1	0	0
from 6 to 15 years	11	43	1	3	6	37	0	4
from 15 to 18 years	3	7	3	13	2	9	2	9
In total	15	51	4	19	10	47	2	13
Total number of children by categories	66		23		57		15	

3h – NUMBER OF DETECTED CASES OF CHILDREN IN THE YEARS 2016 - 2013 (MLSA)		
Year	Child pornography	Child prostitution
2016	66	23

²⁹ Sec. 205b FCC correspond to Sec. 193 CC.

2015	57	15
2014	87	17
2013	33	17

3i – NUMBERS OF SOCAIL SERVICES INTENDED FOR TORTURED, ABUSED AND NEGLECTED CHILDREN AND THE AMOUNT OF PROVIDED FUNDS BY MLASA IN 2016 (MLSA)

TYPE OF SERVICE	NUMBER OF SERVICES	FUNDS PROVIDED
Asylum houses	213	CZK 315 257 234
Halfway houses	32	CZK 25 984 793
Interventional centres	18	CZK 17 998 836
Low-threshold facilities for children and youth	245	CZK 218 127 272
Professional social counselling	523	CZK 278 685 194
Social-activation services for families with children	260	CZK 212 027 144
Crisis aid via telephone	37	CZK 50 098 624
Field work programmes	205	CZK 172 017 837
Early care	74	CZK 67 888 553

3j – NUMBER OF PROJECTS SUPPORTED BY GRANT FAMILY AND CHILDREN RIGHT PROTECTION AND THE ALLOCATION FOR YEAR 2016 (MLSA)

Section	Number of projects	Total allocation
Preventive Family Support Activities	213	CZK 71 264 868
Support of work with children and families in the field of social and legal protection of children	79	CZK 28 700 159
Celkem	292	CZK 99 965 027

3k - POTENTIALLY TRAFFICKED CHILDREN IDENTIFIED IN THE CZECH REPUBLIC IN 2015³⁰ (FACILITY FOR CHILDREN OF FOREIGN NATIONALS)

Total	
boys	0
girls	2
Up to 15 years of age	1
Over 15 years of age	1
Countries of origin	
Nigeria	1
Romania	1
Form of exploitation	
Theft, forced begging	1

³⁰ The data for 2016 were not available at the time of drafting the Status report.

Prostitution	1
Way of termination of stay	
Other facility in their country of origin	1
Still in care of the Facility	1
Average length of stay	16 days

4. STATISTICAL REPORT OF MOI AND IOM PRAGUE

4a - PROGRAMME – NUMBERS AND COUNTRIE OF ORIGIN (Mol)															
YEAR	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	TOTAL
Country of origin	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	TOTAL
Czech Republic		2	3	4	5	4	3	3	2		2	1	2	2	33
Slovakia		3		1	1	1	1				6	1	1	2	17
Moldova	3								1						4
Ukraine		1	6	3	3	7	8		1				1	2	32
Bulgaria		2	4		1				1			2		1	11
Vietnam	1		3	3	2			1	1		1				12
Romania				3		6					14	39		7	69
Macedonia					2										2
Russia	1	1			3	1									6
Kyrgyzstan		1			1	1									3
Latvia		1	1												2
Uzbekistan						1									1
Brazil						3									3
Thailand							1								1
Honduras								2							2
Nigeria								1	2						3
Sri Lanka									1						1
Philippines										1					1
N/A									1						1
Total	5	11	17	14	18	24	13	7	10	1	23	43	4	14	204

4b - PROGRAMME – FORMS OF EXPLOITATION OF VICTIMS IN 2016 AND VICTIMS BY GENDER (Mol)

THB for purpose of Forced Labour/Labour Exploitation	THB for purpose of Sexual Exploitation	men	women
9	5	8	6

4c – PROGRAMME OF VOLUNTARY RETURNS - TOTAL (IOM Prague)

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Number of returned persons	635	617	297	315	312	399	214	-	224	214	202	223	146	175	200	207

4d - PROGRAMME OF VOLUNTARY RETURNS – VICTIMS OF THB RETURNED TO/FROM THE CR IN 2016 (IOM Prague)

Citizenship	Men	Women	Total
Bulgaria	2	2	4
Czech Republic	1	2	3
Ukraine		1	1
Total	3	5	8

4e - ADMINISTRATIVE PROCEEDINGS EXECUTED IN 2016 FOR ISSUING LONG-TERM RESIDENCE PERMITS FOR THE PURPOSE OF PROTECTION IN THE CZECH REPUBLIC (Mol)

Granting Residence Permit	5	Granted	5
		Discontinued	0
Extending Residence Permit	6	Extended	6
		Refused	0
Cancelling Residence Permit	0	Cancelled	0
		Halted	0
Total number of proceedings	11		

5. STATISTICAL REPORT FOR UNAUTHORISED EMPLOYMENT OF FOREIGN NATIONALS (MLSA)

5a – NUMBER OF PERMITS ISSUED TO EMPLOYMENT AGENCIES (MLSA)					
Year	2012	2013	2014	2015	Total (2012 - 2015)³¹
Received applications for authorization	923	711	759	995	3388
Granted permits	737	543	636	618	2534
Refused of permissions, because of the negative opinion of Mol	140	48	87	166	441
Revoked permits	78	33	330	120	561

5b - NUMBER OF INSPECTIONS ON COMPLIANCE WITH LEGISLATION ON EMPLOYMENT IN AND NUMBER OF PERSONS DETECTED (MLSA)					
Year	Number of controls	Number of detected illegally working persons			
		Czech citizens ČR	EU citizens	foreigners	total
2012	35 557	2 675	430	1 471	4 576
2013	36 101	1 394	295	1 481	3 170
2014	15 911	1 238	184	650	2 072
2015	9 583	1 913	294	858	3 065
2016	9 308	760	193	1 337	2 290

³¹ The data for 2016 were not available at the time of drafting the Status report.

5c - NUMBER AND AMOUNT OF FINES IMPOSED FOR NON-COMPLIANCE WITH THE ACT ON EMPLOYMENT IN 2016 (MPSV)³²		
Legal basis of the fines	Number of Imposed Fines – not in force	Total Amount of Imposed Fines
Sec. 139(1)(c) - administrative offence (natural persons), illegal work	17	51 000
Sec. 139(1)(d) - administrative offence (natural persons), enabling illegal work as provided for in Sec. 5(e)(1) or (2)	2	155 000
Sec. 139 (1)(f) – administrative offence – - misdemeanour, enabling illegal work as provided for in Sec. 5(e)(3)	1	70 000
Sec. 140(1)(c) - administrative offence (legal persons), enabling illegal work as provided for in Sec. 5(e)(1) or (2)	449	65 073 000
Sec. 140(1)(e) - administrative offence (legal persons), enabling illegal work as provided for in Sec. 5(e)(3) (foreigner without residence permit)	42	4 573 000

5d – NUMBER AND AMOUNT OF FINES FOR NON-COMPLIANCE WITH THE ACT ON EMPLOYMENT IN DETECTED BY CONTROLS CONDUCTED 2016 (MLSA)³³		
Legal basis of the fines	Number of Imposed Fines – not in force	Total Amount of Imposed Fines
Sec. 139(1)(c) - administrative offence (natural persons), illegal work	2	17 000
Sec. 139(1)(d) - administrative offence (natural persons), enabling illegal work as provided for in Sec. 5(e)(1) or (2)	1	75 000
Sec. 139 (1)(f) – administrative offence – - misdemeanour, enabling illegal work as provided for in Sec. 5(e)(3)	0	0
Sec. 140(1)(c) - administrative offence (legal persons), enabling illegal work as provided for in Sec. 5(e)(1) or (2)	126	16 495 000
Sec. 140(1)(e) - administrative offence (legal persons), enabling illegal work as provided for in Sec. 5(e)(3) (foreigner without residence permit)	19	2 659 000

³² Note: These are all fines imposed between 1 January and 31 December 2016 that includes, in part, fines for infringements, as well as inspections carried out in previous periods.

³³ Note: These are the fines imposed to the date of preparation of this report for the infringements detected by the controls carried out in 2016; a significant proportion of the fines for findings from the 2016 controls are still in the proceedings.

6. FINANCES PROVIDED BY MLSA TO SPECIALISED NGOs (MSLA)

6a- FINANCES PROVIDED BY MLSA IN 2016 TO ORGANISATIONS PROVIDING SERVICES PREDOMINANTLY TO TARGET GROUP „VICTIMS OF TRAFFICKING IN PERSONS“ (MLSA)³⁴	
Diaconia - Centre of national programs and services	2 463 000
Asylum houses	1 629 000
Crisis aid	834 000
Diaconia West	1 236 103
Field programmes	1 236 103
LA STRADA Czech Republic, o.p.s.	4 875 000
Asylum houses	1 604 000
Crisis aid	1 612 000
Professional social counselling	1 050 000
Crisis aid via telephone	609 000
Total sum	8 574 103

³⁴ The MLSA administers the register of social service providers. It is possible to find the number of social services to the current date, not an overview of all services that were provided over a certain period. Therefore, information on the figures was submitted to 25 January 2017.

6b- FINANCES PROVIDED BY MLSA IN 2016 TO ORGANISATION PROVIDING SERVICES PREDOMINANTLY TO TARGET GROUP „VICTIMS OF TRAFFICKING IN PERSONS“ (MLSA)				
SERVICE PROVIDER	TYPE OF SERVICE	NAME	REGION	SUBSIDIES IN 2015 (CZK)
La Strada Czech Republic	professional social counselling	Counselling to trafficked and exploited persons	Czech Republic	988 000
La Strada Czech Republic	Crisis aid	Crisis aid to trafficked and exploited persons	Czech Republic	1 518 000
La Strada Czech Republic	crisis aid via telephone	Info and SOS line of La Strada	Czech Republic	143 000
La Strada Czech Republic	Asylum houses	Accommodation for trafficked and exploited persons	Czech Republic	1 613 000
Diaconia West	field programmes	Field programme	Region of Pilsen	420 000
Diaconia Centre of national programs and services	Asylum houses	Apartment of asylum	Czech Republic	1 390 000
TOTAL:				6 072 000

6c – NUMBER OF SOCIAL SERVICES THAT REGISTERED AS TARGET GROUP „VICTIMS OF THB“ AND OF THOSE PROVIDING SERVICES TO „PERSONS UNDER 18 YEARS OF AGE“ (2016)		
TYPE OF SOCIAL SERVICE	NUMBER OF SOCIAL SERVICES	OUT OF WHICH SERVICES THAT FOCUS ON PERSONS UNDER 18 YEARS OF AGE
Asylum houses	26	21
Crisis aid	8	6
Low-threshold facilities	6	6
Professional social counselling	72	61
Social activation services for families with children	2	2
Social rehabilitation	3	2
Crisis aid via phone	10	10
Field programmes	16	15
Total sum	143	123

LIST OF ACRONYMS AND ABBREVIATIONS

ADCH Praha	Caritas of the Archdiocese of Prague
ASLPC	Authority for social and legal protection of children
CC	Act. Number 40/2009 Coll., the Criminal Code
CR	Czech Republic
DAMP	Department of Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic
Diaconia	Diaconia of the Evangelical Church of Czech Brethren
EU	European Union
ECHR	European Court of Human Rights
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
IMCG	Inter-ministerial Coordination Group for Combating Trafficking in Human Beings
IMGCIE	Inter-ministerial Group for Combating Illegal Employment
ILO	International Labour Organisation
IP MPSV	MSLA Project „Systemic development and support of social and legal protection instruments“
RPD	Regional Police Directorate
La Strada	La Strada Czech Republic
LEA	Law enforcement agency
MEPA	Middle European Police Academy
MoF	Ministry of Finance of the Czech Republic
MSLA	Ministry of Labour and Social Affairs of the Czech Republic
MoJ	Ministry of Justice of the Czech Republic
Mol	Ministry of the Interior of the Czech Republic
MoH	Ministry of Health of the Czech Republic
MFA	Ministry of Foreign Affairs of the Czech Republic
National strategy	National strategy to combat human trafficking in the Czech Republic (2016 – 2019)
NCOC	National Centre against Organised Crime, Criminal Police and Investigation Service of the Police
NGO	Nongovernmental organisation
NDS	National Drug Squad
OSCE	Organization for Security and Cooperation in Europe
OHS	Occupational Health and Safety
Program	Programme on support and protection to victims of human trafficking
SPPO	Supreme Public Prosecutor’s Office
SPCPD Mol	Security Policy and Crime Prevention Department, Ministry of the Interior
RLI	regional labour inspectorate
R-R	Organization Bliss without risk
APS	Alien Police Service
SLIO	State labour inspectorate office
SCRS	Statistical Crime Recording System of the Police of the Czech Republic
CPIS	Criminal Police and Investigation Service of the Police
The Facility	Facility for children of foreign nationals
THB	Trafficking in Human Beings
(the) Register	Register of Social Service Providers
The Police	Police of the Czech Republic
UCOC	Unit for Combating Organized Crime of the Office of Criminal Police and Investigation

LEGAL REGULATIONS

Act on the Residence of Foreign Nationals	Act No. 326/1999 Coll. on the Residence of Foreign Nationals and on the Amendment to Some Other Acts, as amended
EU Directive on THB	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
former Criminal Code	Act No. 140/1961 Coll. the Criminal Code, as amended
Code of Criminal Procedure	Act No. 141/1961 S Coll. the Code of Criminal Procedure, as amended
Criminal Code	Act No. 40/2009 Coll. the Criminal Code. as amended
Social Services Act	Act No. 108/2006 Coll. on Social Services, as amended
Act on Employment	Act No. 435/2004 S Coll. on Employment, as amended
ECPHR	European convention on protection of human rights
ASLPC Act	Act No. 359/1999 Coll., on social and legal protection of children

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