

Trafficking in children for sexual purposes

Country report

Czech Republic

Inge Bell
Aleš Pickar

Edited by Muireann O'Briain

The Joint East West research project on trafficking in children for sexual purposes in Europe: the sending countries, has been co-financed by the European Commission STOP II programme and the OAK Foundation

Contents

Foreword	2
Methodology	3
List of Interviewees	3
Bibliography	4
A Children and adolescents in prostitution and the trafficking process	8
B Legislation and Law enforcement	24
C Child care and Protection	39
D General Observations	42
E Organised Crime: network, perpetrators and methods	51
F Appendix	55

Foreword

Officially it is accepted that the Czech Republic is a sending, transit and receiving country for *adult* victims of trafficking destined for sexual exploitation.

Officially it is also accepted that the Czech Republic is a country where (so called) *voluntary child prostitution* exists to a certain extent: boys and girls between the ages of 15 and 18, from the Czech Republic and other countries, prostitute themselves within the borders of the country or leave to prostitute themselves abroad. We use the word 'voluntary' because 15 is the age of consent to sexual intercourse in the Czech Republic.

But officially there is no evidence that the Czech Republic is a sending, transit and receiving country for *underage* victims of trafficking for the purposes of sexual exploitation.

The aim of this report is not only to examine whether and to what extent there is trafficking in children for the purposes of sexual exploitation in the Czech Republic, but also to have a closer look at *why* talking about child prostitution and trafficking in children in the Czech Republic is such a delicate issue, as it turned out to be in the course of our research.

When we - the researchers - made contact with our interviewees - politicians, police officers, officials from the prosecutor's offices and representatives both of NGOs and state authorities - we were astonished by the fact that most of them agreed to talk to us, but wanted to remain anonymous in the written report. They expressed themselves freely and openly. This open and often informal communication gave us not only a deep insight into the problem; we also consider this attitude to be the perfect image of a young democracy that is still a two-faced society.

Due to its geopolitical location and its unregulated prostitution, the Czech Republic became in the last decade a paradise for brothels, night clubs, gambling pubs (called "*herna*") and street prostitution. There is a 30 km wide and hundreds of km long "brothel belt" all along the borders with Germany and Austria. This is a well-known fact. Also trafficking in young women from all over Eastern Europe to the Czech Republic is a known fact which is not denied either by police or politicians. But *children* as victims of trafficking...? This could create a serious image problem for the Czech Republic, a country, which will become a member state of the EU within a few months....

We found out that trafficking in children exists: to, within and from the Czech Republic. It seems to be a phenomenon that is still small in terms of numbers, but is growing. We found out that it is difficult to prosecute trafficking in children because of the existing laws. We found out that it is often neither detected nor pursued by the police. We found out that ethnic minorities play a crucial and growing role. And we found out that the official position of the Czech Republic in this issue is moving from a relatively hardened position to a more moderate one - it is moving slowly and mainly due to international pressure. But it is moving.

Methodology

We held personal talks and interviews with officials from people involved in politics, police personnel, officials from the prosecutor's offices, and representatives both of NGOs and state authorities in the Czech Republic, mostly in Prague, but also in the border regions with the western neighbouring countries, Austria and Germany, and in Germany itself. We recorded all the interviews, so that the quotations we give in this report are word for word. We tried to keep to our questionnaire, but slightly modified according to the specialisation of our interviewees. Most of the interviewed specialists agreed to meet and talk to us only on condition that they would remain anonymous.

We did a lot of media and Internet research, in the Czech Republic, Germany and Austria: the newspaper archives are a valuable source of information, since the media have been focusing on child prostitution and forced prostitution in the Czech Republic for years now. We talked to German and Austrian TV-journalists who have specialised on the topic of child prostitution from the year 2000 to date.

We also managed to talk to juvenile male prostitutes in Prague.

Being journalists with a specialisation on trafficking in women we also used our own archive material: we referred to an interview we did last year with a Czech/Slovak victim of trafficking, a Roma woman in a shelter in Germany (now adult, but a minor when trafficked). The same is true of an interview we did two years ago with a then 14 year old Bulgarian girl (now in a closed shelter until she becomes 18) who had been trafficked from Bulgaria via the Czech Republic to Germany and Belgium when she was 12.

List of Interviewees:

NGOs:

Zuzana Baudyšová, *"Naše Dítě" (Our Child Foundation), Prague*

Bronislava Cesnáková, *La Strada, Prague*

Mgr.Zora Dušková, *"Detské Krizové Centrum" (Child Crisis Centre), Prague*

Cath Moss, *ENYA (Ecumenical Network for Youth Action), Prague*

Pavel Kozler, *Social worker with "Projekt Šance", Prague*

Cathrin Schauer, *Social worker with KARO, Plauen, Germany*

Klára Skrivánková, *La Strada, Prague*

László Sümegh, *Social worker with "Projekt Šance", Prague*

Dr. Eva Vanícková, *"Ružová Linka", Prague*

State authorities:

Böhm, JUDr. Viktor, *regional prosecutor, Cheb*

IKSP, a Criminologist from "Institut pro kriminologii a sociální prevenci", i.e. "The Institute for Criminology and Crime Prevention"

MCSSP, a staff member of the "Municipal Social Care Centre"

Security Policy Department, an employee of the Ministry of the Interior, Prague

ÚOOZ, a staff member of the Special Police Unit for the Detection of Organised Crime

Vice Squad, a staff member of the Police Headquarters in Prague

Others:

Altenburger, Robert, TV journalist, ORF (Austrian Broadcasting Company), Austria

'Dolores', a female pimp in the Cheb region

Gladišová, Lucie, IOM Prague, International Organization for Migration, Prague

Hagman, Ulrich, TV journalist, ARD (First German Television), Germany

Kahofer, Gerhard, TV journalist, ORF (Austrian Broadcasting Company), Austria

Smit, Rebecca, TV journalist, ARD (First German Television), Germany

Zverina, Dr. Jaroslav, Head of the Sexology Institute, University of Prague, Member of Parliament of the Czech Republic

Bibliography

"Ein neuer König für die tschechischen Roma" (Neue Zürcher Zeitung, Aug 31 2001)

"Romové chtějí po Karo a nemeckých médiích dukazy o prostituci" (CTK, Nov.11, 2003)

"Znackové cigarety? Spíše padelky." (Mlada Fronta DNES, Aug 19, 2003)

Bartoníček, Radek: "Korupce: Cesko je opet mezi nejhoršími" (Mladá Fronta DNES, 8.10.2003)

Bartoníček, Radek: "Vláda bojuje proti korupci jen na papíre" (Mladá Fronta DNES, Oct.2, 2003)

Bell, Inge: Interview with a Czech-Slovak Roma victim of trafficking for the purpose of prostitution in Germany, 2002

BIS: "3. Report on the activities of the Security Information Service (1996-1997)"

BIS: "Annual Report of the Security Information Service (1998 – 1999)"

BIS: "Annual Report of the Security Information Service - 2000"

BIS: "Annual Report of the Security Information Service - 2001"

BIS: "Annual Report of the Security Information Service - 2002"

Blažková, Jana: "Pres 20.000 dětí v Česku je týráno" (Mladá Fronta DNES, 23.9.2003)

CSÚ: "Stručný pohled na predbežné výsledky SLDB 2001" (Český statistický úřad, 2001)

Doležalová, Jana: "Motýlci" (Reflex, 2003)

Doležalová, Jana: "Zpráva OSN o osudu dětí v České republice" (Reflex, 2003)

Drda, Adam: "Gross vysílá vojsko" (Respekt, 20.-26.10.2003)

Dubnová, Ivana: "Stát chce pomáhat ženám nuceným k prostituci" (Mladá Fronta DNES, 4.9.2003)

EKD, Decisions of the EKD , the Protestant Churches in Germany, November 2003

Freisler, Eduard: "Praha je Bangkok strední Evropy" (Mladá Fronta DNES, 27.4.2001)

Imrišková, A. & Mathé, R.: "Etické aspekty psychiatricko-psychologickej praxe v problematike sexuálneho zneužívania detí" (Česká a slovenská psychiatrie, No.1, 2002)

IOM Brussels: Report "Trafficking in UAMs for the purposes of sexual exploitation in the EU", 2000

Kabrt, Tomáš: "Devetadevadesát prostitutek ze sta je obětí kuplíru" (Mladá Fronta DNES, 17.4.2001)

Kedron, Radek, Jan Gazdík: "Mel bych odejít? Premýšlím o tom." (Interview with the chief of police, Jirí Kolár, Mladá Fronta DNES, Sept. 24., 2003)

Komárek, Michal: "Děti v ulicích, nebo spiknutí?" (Interview with Cathrin Schauer, Reflex, 49/2003)

Kucerová, Lenka: "Obchod se ženami: realita 21. století" (Mladá Fronta DNES, 8.4.2003)

Kutálková, Petra: "Výsledky mapování situace obchodu s lidmi a práce v terénu v lokalitě Ostravsko" (LA STRADA, Prague, June 2003)

La Strada: "Final Report 1998-2001" (La Strada, 2002)

Langer, Ivan: "Černá kniha policejních hříchu" (ODS, September 2003)

Link, Petr: "Razie celníku v Libuši skončila" (Mlada Fronta DNES, Sep 4, 2003)

Ministry of the Interior of Czech Republic: "Návrh opatření k řešení problému souvisejících s prostitucí" (2000)

Ministry of the Interior of Czech Republic: "Zpráva o plnění Národního plánu boje proti komerčnímu sexuálnímu zneužívání dětí a jeho aktualizace na další období", 2003 ("National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic", July 2003)

Ministry of the Interior of Czech Republic: "Národní plán boje proti komerčnímu sexuálnímu zneužívání dětí" ("National Plan for Combating the Commercial Sexual Exploitation of Children"), July 2000

Ministry of Justice of Czech Republic: "Evaluation Report on the preparedness of the Czech Republic to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.", February 2003

Pašmík, Jaroslav: "Sto milionu ročne a pořád nic" (Respekt, 15.-21.9.2003)

Penas, Pavel: "Starostové z pohranic protestují proti tvrzením o dětské prostituci" (Právo, 30.10. 2003)

Pokorný, Marek & Cápová, Hana: "V Litvínově vládou gangsteri" (Respekt, 15.-21.9.2003)

Prokopová, Michaela: "Vdej se v patnácti, platí u olašských Romů" (MF DNES, Nov.5 2003)

Schauer, Cathrin: Kinder auf dem Strich - Bericht von der deutsch-tschechischen Grenze. Hg: UNICEF Deutschland, ECPAT Deutschland, Horlemann-Verlag, Bad Honnef, 2003

Schwarz, Karl-Peter: "Prostitution ist Privatsache" (Frankfurter Allgemeine Zeitung, 23.10.2003)

Senková, Zita & Kedron, Radek – "Vydelám si 25 eur, nebo jen bonbon" (Mladá Fronta DNES, 30.10.2003)

Spurný, Jaroslav: "Čistka v hnízde mafie" (Respekt, 20.-26.10.2003)

Spurný, Jaroslav: "Policie na šikmé ploše" (Respekt, 22.-28.9.2003)

Šídlo, Jindřich: "Stanislav Gross: ministr rychlé reakce" (Mladá Fronta DNES, p.3, Oct. 3. 2003)

Tvarůžková, Lucie & Steiner, David: "Jednu malou, prosím" (Týden, 46/2003)

v.c. – "Dětské domovy: zákon se musí pomenit" (Mladá Fronta DNES, 11.7.2003)

Vaca, Jan: "Divoká prostituce se už v Dubí schovává" (Mladá Fronta DNES, 11.4.2003)

Vaca, Jan: "Bývalý prokurátor vraždil, rozhodl soud" (Mladá Fronta DNES, Oct 23., 2003)

Vaca, Jan: "Příběh krále kuplíru Cvetomíra Belceva" (Mladá Fronta DNES, Dec 4, 2003)

Vrbová, Vrbová: "Situace Vietnamců v České republice" (Radio Praha, 28.12.2001)

Wiedemann, Erich: "Krähen am Königsweg" (Der Spiegel, Nr.43, 2003)

Zverina, Dr. Jaroslav: "Proc zákon o prostituci nepomuže" (Právo, 30.6.2003)

List of TV reports:

ARD (First German Television), "Report" - March 2003: "Child Prostitution in Cheb"

BR (Bavarian Broadcasting Company), "quer" – different reports on Czech-German border child prostitution 2000/2001

BR (Bavarian Broadcasting Company), "Glasklar" – different reports on Czech-German border child prostitution 2001/2002

ORF/3SAT (Austrian Broadcasting Company, "Thema" – October 2003: "Child Prostitution in Cheb"

Pro 7 (Private Channel), "Spiegel Extra" – February 2003: report on an agency in Leipzig trading in legal child pornography

ZDF (Second German Television), "Mona Lisa" – February 2003: report on an agency in Leipzig trading in legal child pornography

A. Children and adolescents in prostitution and the trafficking process

1. Introduction

The **UN Convention on the Rights of the Child** was signed by the Czech Republic in 1989 and is in force since 1991. This is the key document for protection, care and assistance to all children under the age of 18 who are temporarily or permanently homeless.

The **UN Convention on Transnational Organised Crime** and the so-called Palermo Protocol, the **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, were signed by the Czech Republic at the end of 2002. Both documents are not yet ratified by the Czech Government.

According to the Palermo-Protocol "Trafficking in persons" is defined:

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

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

At present Czech legislation concerning trafficking in persons does not fully conform to the Palermo Protocol. Although §246 of the Czech Criminal Code was amended in July 2002 (for details see section B. Legislation), it still refers to "transnational trafficking":

§ 246 Trafficking in persons for the purpose of sexual exploitation:

"Whosoever seduces, hires or transports a person to or from a foreign country in order to exploit them for providing sexual services, shall be punished by one to five years of imprisonment"

We will see in the further analysis that this is a crucial point when talking about police or justice statistics and attitudes towards children as victims of trafficking. What in our understanding is defined as "Trafficking in Children" is in the Czech Republic often referred to as "simply prostitution".

An **example** given by JUDr. Viktor Böhm, regional prosecutor in Cheb, a town in the German border region is an actual case: 2 Vietnamese men are accused of pimping 2 underage girls (under 18, but over 15 years). The ÚOOZ (a special police unit for combating organised crime) was investigating the case and they found out that the girls had been sold for money and brought from their home town in the north of the Czech Republic to Cheb, where they were forced into prostitution. To the Czech justice system, this cannot be a case of trafficking, because there is no transnational aspect to it. Sold, forced, exploited underage girls – this could be classified as "pimping", "wilful corruption of young people", "sexual abuse", whatever – but not as "trafficking". Therefore no police statistics, no justice statistics, will record the case as trafficking, and no judge can sentence the "trafficker" to the significantly higher sentences. And if later on in the trial the girls should decide not to testify against their pimps (as often happens due to pressure or fear), they will be seen simply as young prostitutes, because having sexual intercourse and prostituting over the age of 14 on a voluntary basis is not illegal. JUDr. Viktor Böhm's personal opinion on the case is: "Of course this is not transnational trafficking according to the Criminal Code, but to me personally it is still trafficking, regardless of whether the girls are sold across borders, across city limits or across the street."

This is to illustrate that first of all we must have a closer look at **Child Prostitution** in the Czech Republic in order to find out where there is "hidden" trafficking in children which the Czech authorities cannot name as such, because

- a) in the Czech Republic a clear distinction is made between trafficking (i.e. always transnational) as a crime and in-country selling or purchasing of human beings, which could be prosecuted as pimping or some other criminal offence (rape, kidnapping etc.) - and
- b) in the Czech Republic prostitution is not regulated and therefore anybody who has reached the age of 15 can voluntarily prostitute themselves. So children between 15 and 18 years often declare, out of fear or because of pressure, that they are prostituting themselves voluntarily, even if they are in forced prostitution - and therefore it is impossible for the authorities to prove pimping or (transnational) trafficking.

2. Analysis of the interviews

2.1. Regional aspects

2.1.1. Border regions Czech Republic - Germany/ Austria

Mainly in the Czech-German or Czech-Austrian border regions, thousands¹ of prostitutes work on the streets or in brothel-like establishments to satisfy the demands of foreign clients – a lot of them are **child prostitutes** "starting from the very little dwarfs to those who are 18

¹ A police officer from the Vice Squad tells us that estimates vary between 15,000 and 20,000 prostitutes in the Czech Republic, most of them in Prague and the border areas. Figures from other documents show: In Western Bohemia 300 sex establishments, in Northern Bohemia 120, in Southern Bohemia 81 – each club with between 2 and 30 girls/women. Nationwide, 880 sex establishments with 2 to 30 prostitutes in each, but no statistical data on street prostitution. These are the estimates provided by the Czech government in the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic", Draft Resolution of the Government of the Czech Republic, 3.9.2003, No. 849, Appendix No. 2 "Prostitution in the Czech Republic", p. 5

years old – most of them over 12 years old" as Cathrin Schauer, street social worker from the NGO KARO, put it during our interview. KARO is doing prevention work in the prostitution scene in the Cheb area, the Czech-German border region, and is at present the only NGO in the Czech Republic which also targets *underage* prostitution². In October 2003 UNICEF published a book by Cathrin Schauer, where she describes the **growing child prostitution** scene in Western Bohemia³. From 1996 onwards, together with her Czech street worker colleagues, she monitored the border region and recorded over 500 cases of children in prostitution in and around the cities of Cheb, Aš and Sokolov, both on the streets and in sex establishments.

Talking to the children, she found out that a lot of them had been **trafficked** - forced into prostitution after being sold by friends or family members. "The Czechs don't see this as trafficking because it happens within the country, but for us it is trafficking: a 14 year old girl told us that her father handed her over to his sister, she gave him money in return and took the girl to the border region. Another girl told us she was sold by her father to acquaintances – it turned out to be a ring, which brought her to the border." (Cathrin Schauer)

The Czech-German and Czech-Austrian border region seems to be targeted **for trafficked children**, not only of Czech nationality, but also children "not much younger than 18" (Cathrin Schauer) from Slovakia, Ukraine, Republic of Moldova, Belarus, Lithuania. They mostly come legally (but in rare cases are also illegally trafficked) over the borders to end up in prostitution in Western Bohemia: "They tell us about lots of men and transit places. They travel by bus or train or in the traffickers' cars. They come with visas and valid passports which they never hold in their own hands, and then immediately they end up in brothels or on the streets. The visa may turn out to be forged. We freed a victim aged 19, but she had come to the Czech Republic at 16." (Cathrin Schauer)

CASE STUDY ACCORDING TO CATHRIN SCHAUER⁴

An underage girl at a bus stop in the Cheb region tells the street worker her story: she comes from Eastern Moravia. A family friend came to visit the family and took her with him to the German-Czech border area. There she stayed with other 12-14 year old girls in a room. The man gave her a forged passport, according to which she was 19 years old. He brought her to the street where she was offered to German sex tourists. He and other middlemen/women brought her to the clients' hotels or other border villages. The street worker did not see her again. When asking other prostitutes on the street about her – their answer was: Sold!

The **border regions seem to be far more receiving areas than transit or sending ones** for all kind of trafficking activity, especially trafficking in adult women. Because of the huge "incoming sex tourism" there is no need to traffic the prostitutes on to Germany or Austria. So the women and **children remain** in the Czech Republic, right beside the border, while the **clients cross the borders**. This is cheaper, safer and less risky for pimps and traffickers. The number of cases of children trafficked over the borders is very small by comparison: "But we know from the minor girls or from sex tourists or from adult prostitutes that girls cross the

² Since KARO is the only NGO in the Czech Republic to include, in its streetwork, contact with and analysis of *children* in prostitution, and therefore can provide first-hand information on possibly trafficked children, we allow ourselves to quote Cathrin Schauer in more detail later.

³ Cathrin Schauer: *Kinder auf dem Strich - Bericht von der deutsch-tschechischen Grenze*. Hg: UNICEF Deutschland, ECPAT Deutschland, Horlemann-Verlag, Bad Honnef, 2003

⁴ Cathrin Schauer: *Kinder auf dem Strich - Bericht von der deutsch-tschechischen Grenze*. Hg: UNICEF Deutschland, ECPAT Deutschland, Horlemann-Verlag, Bad Honnef, 2003, p.83.

borders - with their pimps or in taxis, or by train and bus in order to stay in Germany with their clients for a weekend or even longer. This is prearranged. Sometimes they have forged passports, sometimes they cross the 'green' border. Sometimes they tell us they can cross the border legally, but without any passport, I don't know how this can happen. But we heard this from various people, also from clients or from adult prostitutes recounting their experiences of when they were underage and were trafficked abroad. Some girls tell us about Hamburg or Cologne; they were in flats there, not in brothels. We were told by other girls who came back that they had been brought to the French-German border region, especially to Kehl and Strasbourg, where obviously whole rings of pimps from Cheb live as brothel owners, and forced them into prostitution. Every day the children were brought over the border from Kehl to Strasbourg to make money." (Cathrin Schauer)

The Czech Government writes in its recently published "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" (September 2003) that in **Western Bohemia** the ethnic make-up of street prostitutes is "mainly Czech and Slovak women (a majority of them are **Roma aged 15-50**)", while "in **Southern Bohemia** we find Roma and foreign women, **aged 13 to 50**."⁵ No figures are given and no comment is made on the part *trafficked minors* possibly play in this kind of street prostitution close to the borders.⁶ But since in the Czech Government's "National Strategy" it is also said that "Many women are sold (from abroad into the Czech Republic and vice versa), coerced into prostitution, abused and exploited"⁷ – one can assume that this is also true for underage prostitutes who may be trafficked victims.

In sex establishments all along the borders with western neighbouring countries there seem to be far less children, but according to the National Strategy "the police have found thirteen-year-old prostitutes working in a night club in Tábor"⁸. Cathrin Schauer from KARO has never met a child working in a sex club. According to her, child prostitution disappeared not only from the clubs but in the last year reduced on the streets as well. Instead, adult prostitutes or pimps work as agents, and guide clients to the children living in flats or back rooms. "When a client wants a minor, then he gets one. The children are brought by the pimps to back rooms. They bring them by taxi, or in the pimp's own car, from the places where they are hidden or where they live" (Cathrin Schauer, KARO).

According to the regional prosecutor JUDr. Viktor Böhm **only one case of a minor victim of trafficking in the Cheb region** was detected in the last 3 years (prosecuted under §246 "Trafficking in human beings"). But he admitted that in his jurisdiction there were about 10 cases of minor prostitutes in the last 8 years in which trafficking was obvious, but because the girls were Czech, it couldn't be identified and prosecuted as "trafficking", as it happened *within the country*. So these cases were prosecuted and sentenced under the "pimping" article § 204 - if at all –and not under the trafficking article §246. The prosecutor stressed as well

⁵ "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic", Draft Resolution of the Government of the Czech Republic, 3.9.2003, No. 849, Appendix No. 2 "Prostitution in the Czech Republic", p.2 f.

⁶ This is not surprising, because in general it is extremely difficult to give any figures or statistics on children in prostitution or as victims of trafficking. We will have a closer look at this problem later on in this report – see chapter B. Legislation and Law Enforcement.

⁷ National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic", Draft Resolution of the Government of the Czech Republic, 3.9.2003, No. 849, Appendix No. 2 "Prostitution in the Czech Republic", p.5

⁸ National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic", Draft Resolution of the Government of the Czech Republic, 3.9.2003, No. 849, Appendix No. 2 "Prostitution in the Czech Republic", p.6

that in the border regions the Roma minority is involved in this "trafficking within the country", selling children from one brothel to the other, or across the street.⁹

2.1.2. Prague – capital of the Czech Republic

Trafficking in women and the prostitution of children/adolescents is **concentrated** in the **Czech-German/Czech-Austrian border regions and in Prague**, the Czech Republic's capital and most visited tourist attraction. This is because of the demand from incoming clients, according to a police officer, staff member of the Special Unit for Detection of Organised Crime.

And wherever there is *child prostitution* there is a probability of *trafficked children* being involved as we have seen above.

Homosexual child and adolescent prostitution is an exception to the rule that "where there is child prostitution, there can be trafficking in children". This scene seems to be totally immune to trafficking issues. In bigger cities throughout whole Czech Republic but mainly in Prague, at the Central Railway station and in gay clubs, homosexual prostitution is taking place – the clients are foreigners, sex tourists, and paedophiles. Most of the boys – up to 2/3 of them, according to László Sümeĝh from Projekt Šance - are under 18, but one can also find boy prostitutes under 15. Only 10% of these boys are homosexual by nature. A lot of the underage boys come from other East European countries, from Slovakia, Ukraine, Romania, Russia. Or they may be run-aways from the notorious Czech children's homes.¹⁰ But, according to the street workers, trafficking (transborder *and* in-country) is not a feature. Most of the boys just dream the dream of the golden west, and catch a train or bus from their poor home country and end up in Prague. Or they try to go further west after their Czech stopover. Often they have no documents, and cross borders illegally, but there is no purchasing or forced prostitution aspect to it. The street worker would not exclude the possibility that there are **occasional cases of trafficking**, but since the homosexual scene is so chaotic, it seems that organised crime cannot take root, and therefore plays only a fringe role. "We have a few cases, a lad running away from a children's home - and suddenly he found himself abroad. It happens as well – even if it's denied - that children with no documents are brought across the borders." (László Sümeĝh from Projekt Šance)

This observation is shared by Cath Moss from the NGO, ENYA. ENYA works with boys in homosexual prostitution, when they have been picked up and brought to a detention centre. Such boys have experience of the so-called "gay-friendly family houses", where sex tourists can rent rooms (e.g. via the Internet), and along with the room they get a juvenile prostitute. More than a few boys then go away with the tourists from Austria, Germany, Greece and other countries for a weekend, a week, a month. The word is spread from friend to friend. "We are not aware of big criminal structures. We aren't aware of someone being forced, we haven't heard of things like that. Some of the boys know where they will go, because they have already been working in these gay-friendly family houses." (Cath Moss, ENYA)

⁹ We will address the role of minorities in detail later on in this chapter.

¹⁰ We will address the role of children's homes in detail later on in this chapter.

The homosexual prostitution scene obviously is not relevant to **trafficking** structures, although male prostitutes have the same poor social background as trafficked girls¹¹ (parents addicted to alcohol or drugs, domestic violence, sexual abuse, etc.)¹² and may therefore be vulnerable to trafficking.

2.1.3. Situation in the Czech Republic as a whole – Sending, transit, receiving country?

To what extent is the Czech Republic a sending, transit or receiving country in terms of trafficking in children? According to the statements of Cathrin Schauer (KARO) and staff members of ÚOOZ (Special Unit for Detection of Organised Crime) and the Vice Squad, the Czech Republic has changed in the last decade from a sending country to a receiving country.

a) Sending aspects

There seems to be less sending nowadays than receiving: "Of course you find people who take kids away with them. But sending kids abroad to Germany or Austria for the purposes of sexual exploitation does not happen. I refer to children up to 15 years of age. It is a little bit different with adolescents from 15-18. Girls in that age range are allowed to travel abroad on their own. But in those cases, organised groups lure them with promises: 'You can work behind the bar...', 'You will be a dancer...', lucrative promises. They go abroad, their passports are taken away and they are told: 'You work as a Go-Go-Girl'. And they end up in forced prostitution. This happens. But not on a big scale." The police officer from the Vice Squad refers to *Czech* children and adolescents, but denies that children under 15 can be victims of trafficking out of the country, for the simple reason that they are not in possession of legal travel documents. The street worker experience is different. According to László Sümegh, a street worker in Prague and his colleague in the border area, Cathrin Schauer¹³ (KARO) there are definitely a few cases of children under 15 who go or are sent abroad (see also p.8). Yet both street workers emphasise at the same time that the **receiving aspects outweigh** the sending ones. We could sum it up in the words of a police officer from ÚOOZ, the Special Unit for Detection of Organised Crime: "The problem (of sending underage children abroad) surely exists but not to an alarming extent."

CASE STUDY:

A criminologist tells us: "I am aware of a case where a girl from the countryside was lured: she thought she was going to a job abroad working with horses, but then was forced into prostitution. So it happens not only with the common promises of becoming a dancer, bar-woman, waitress... I am also aware of another case: a girl was lured with the promise of improving her language skills and living with a family. When she then refused to work in prostitution she was turned out on the street. But you cannot say these are children, they had to be at least 15 in order to get valid travel documents. Under 15 no one is allowed to travel alone."

¹¹ We will address the social background of children in prostitution/trafficked children later in this chapter.

¹² According to László Sümegh from Projekt Šance, Cath Moss from ENYA, and to a staff member of vice squad at police headquarters: "The boys mostly run away from home or come from deprived families. It doesn't matter to the parents that the boy leaves home; often they are even happy he leaves. So they don't have to care about him."

¹³ "We know from the children that they cross borders with tourists – for a weekend or longer. We know it also from adult prostitutes who told us they went with tourists when they were 14 or 15."

b) Transit aspects

The use of the Czech Republic as a transit country for trafficking in women also seems to have diminished in the past years. "We were a transit country. Everybody wanted to go to Germany and France. The last years have shown that obviously it is not so bad here. And so they stay here and develop their structures." (Police officer, Vice Squad) This conclusion can be adapted to trafficking in children. Children from abroad are still trafficked through the Czech Republic with the intention of exploiting them sexually afterwards in western countries (according to the street worker Cathrin Schauer, KARO), but those who stay in the Czech Republic seem to outnumber those who are trafficked on. Unaccompanied minors seem to play a special role in the trafficking process as underage asylum seekers. A certain percentage of them disappear in the asylum-seeking process – and either end up in a trafficking cycle or illegally travel on for the purpose of reunification with the rest of their families abroad.¹⁴ Yet the transit of non-Czech children (from Romania, Bulgaria, Republic Moldova, Ukraine, Russia) who are destined for sexual exploitation beyond the Czech borders still exists, as the following case study shows (from Inge Bell's archives):

CASE STUDY:

The 13 year old Bulgarian girl Daniela from Varna (on the Black Sea coast) was lured by her lover-boy. He went out with her for a few weeks, made her fall in love with him - and one day sold her off to his friends, "who were looking for girls to sell them for sex, but I didn't know then that my boy-friend was doing this too". The boys abducted her, threatened "to break my knee caps if I cried" and brought her, together with other girls, illegally over the borders of Bulgaria, Romania, Hungary, Slovakia, Czech Republic, Poland – and then to Berlin. Here Daniela stayed for a week, was raped over and over again and then was trafficked on to Belgium. After spending 10 months in Western Europe (being sold on from Belgium to France (Strasbourg) and then to Luxemburg) she was caught in a raid in spring 2001 and expelled to Bulgaria. Since then she lives in a closed shelter for underage girls between 8 and 18 years of age – all of them victims of trafficking throughout the whole of Europe. Daniela is 17 years old now.

c) Receiving aspects

As we have seen above (p.7 ff.) that the **border regions** can clearly be declared **receiving regions for trafficked women and children**- because of their unique geopolitical situation and the strong demand from beyond the borders: the clients being from Germany, Austria and other western countries who cross the borders to get themselves a prostitute – and they don't mind whether she is trafficked or not, whether she is underage or not (unless they are deliberately looking for children).¹⁵ What is true for the border regions can be related to **Prague (and the rest of the Czech Republic**, although here prostitution and the connected aspects of trafficking don't play as big a role as they do in Prague and the border regions, due to the demand from sex tourists): "We are far more a **receiving country** than a sending country and most of the victims of trafficking come from countries other than the Czech Republic. The percentage of those who are trafficked here is incomparably higher to the number of those trafficked out of the country." (Staff member, ÚOOZ, Special Unit for Detection of Organised Crime). The police officer is referring to victims of trafficking in general, regardless of whether they are underage or adults.

¹⁴ We will address the role of the Unaccompanied Minors later in this chapter.

¹⁵ We will address the demand side in Chapter D.

He would not exclude the possibility that in the Czech Republic there are underage victims of trafficking for the purposes of sexual exploitation, but: "The thing is that *I don't have information* about that except with cases of underage victims in the Vietnamese community, where I have encountered such cases. I think on the street you will find cases of this kind. But this is not my field of work. Ask the Vice Squad." This answer reveals a **problem within the structure of the Czech police** related to the passing on of information and the **lack of information**.¹⁶ The Special Unit for Detection of Organised Crime (a relatively new and very effective instrument) starts an investigation only when informed by the community police or other police units (foreign or border police). If such police are not aware of cases of trafficking – because they simply can't see the signs, or are not interested in seeing them, or are susceptible to corruption¹⁷ – they cannot give any information to the ÚOOZ. The ÚOOZ is not entitled to start investigations spontaneously or on the basis of vague suspicions.

In the Ministry of the Interior the receiving aspect is seen in relative terms, but it is seen: "If you have a look at the Czech Republic as a receiving country, I would not talk about a widely spread phenomenon concerning the little ones.¹⁸ But 16-17 year old girls from Slovakia do come here... When talking about nationalities, there was a case of a Vietnamese girl, otherwise they come from Moldavia, Ukraine. The ones from Slovakia and the Czech Republic are mostly 16-17 year old Roma." (Staff member, Ministry of the Interior).

2.2. Social Aspects

2.2.1. Social background of children in prostitution/ trafficked children

Poverty, the lack of future prospects, and poor family circumstances play the mayor role when it comes to child prostitution and trafficking in children. In these respects the phenomenon is not very different from the situation of adult victims of trafficking.

Most of the children in prostitution (whether forced or "voluntary") come, according to prosecutor JUDr. Viktor Böhm, from poor family circumstances or a **dysfunctional family background** (domestic violence, alcoholism, drugs, sexual abuse), and either run away from home or from a children's home. "They may have no other way to earn a living and therefore can very easily become victims of that type of crime" (JUDr. Viktor Böhm), namely forced prostitution/trafficking.¹⁹

This is confirmed by Cathrin Schauer of KARO: "Often the children are sold by their families, or their relatives. In most cases the family structures are rotten, this is a frequent situation. So children run away from their families or from children's homes, where they

¹⁶ The same is true for the sending aspects of the problem: due to the lack of information, the ÚOOZ has no detailed evidence: "In all the investigated cases of trafficking women *out of* the country we were not aware of any case of a woman under 18. This does not mean that it does not exist. But we had no such case on our desk. The problem surely exists but not in alarming numbers." (Member of staff, ÚOOZ, Special Unit for Detection of Organised Crime)

¹⁷ We will address this in detail later on in the chapter on statistics.

¹⁸ The staff member of the Ministry of the Interior refers to children under the age of 15.

¹⁹ When speaking about trafficked children the prosecutor makes no difference between Czech and non-Czech children (see also p.8)

often have been raped at an early age, perhaps 6 or 7 years; they flee and end up in prostitution.²⁰

CASE STUDIES ACCORDING TO CATHRIN SCHAUER²¹

- Sixteen year old Marcella came by chance into prostitution. "I was like 12 and always on the streets. Then Germans came and talked to me, and so I went with them. They gave me money. Then my step father wanted this money. We are 7 children and I have a baby."
- Twelve year old Stanislav was raped by a family friend at the age of 11. Since that time German men come and want to have sex with him.
- "When I was 12, I was raped in the children's home. After that my uncle put me on the street" says 16 year old Alena.

The special role the Roma minority plays in child prostitution and trafficking should be mentioned. There are both national and international aspects to it. Whole Roma families migrate within the Czech Republic or from Slovakia into the Czech Republic. They are always motivated by the constant rumours about a better life in a western country. Often they are not welcome to return, explains a staff member of the Vice Squad: "They are told [by other Roma] to go to Czechia - that you live better there, and so they do. And they can't go back, because meanwhile in Slovakia their poor huts are destroyed [by the government or real estate companies]". And so they try to survive by any means, including prostitution and by selling family members²² – especially women and children, due to their secondary position in comparison to male clan members (in Roma society).²³

2.2.2. The role of the minorities: Juvenile prostitution within the Roma community

General view

The role of the Roma in trafficking in minors/juveniles and child prostitution in general is very difficult to discuss in the Czech Republic. On the one hand, there is a huge lack of information on that topic, and on the other, there is a strong "taboo" about it. Traditionally, prostitution was strongly resisted in Roma society. While it has now become a serious problem within their community, the Roma themselves are very unwilling to discuss it. The question is not whether there is prostitution within the Roma community. Even if there is child and juvenile prostitution amongst the Gypsies, that is not the point. Anyone who lives in the areas with a lot of prostitution can see that there is a strong presence of Roma women and girls. They are often aged 16 or 17 years of age, which is of no concern to the police, due to the legislative situation.

Pimping or trafficking of people under 18 is strictly forbidden and severely punished in the Czech Republic. But from the age of 15 upwards, people in the Czech Republic have the right of sexual contact with any age over 15 - and there is no law regulating prostitution. So technically speaking, as long as a case of pimping or trafficking cannot be proved, nobody worries about a 15 year old prostitute. And as all the statistics show, evidence of a pimping

²⁰ We will address the role of children's homes in detail later on in this chapter.

²¹ Cathrin Schauer: Kinder auf dem Strich - Bericht von der deutsch-tschechischen Grenze. Hg: UNICEF Deutschland, ECPAT Deutschland, Horlemann-Verlag, Bad Honnef, 2003, p.48

²² Staff member, Vice Squad: "The gypsies are ready to sell the children for money, for sexual purposes or for filming... I was aware of cases in Ustí nad Labem where gypsies offered their 12 year old children – also for photos of all kinds."

²³ Staff member, Ministry of the Interior

relationship between an adult (or another minor) and a prostituted child hardly ever shows up. It completely depends on the testimony of the minor, which especially in the Roma community is never available. In many cases members of the child's own family are involved.

The reasons

It would not be right to stigmatise the Roma as an unwitting source of child prostitution. There are many Roma who condemn juvenile prostitution and even prostitution in general. There are very different lifestyles amongst the Roma these days. Generalisations, so typical of Czech society, are not helpful. But there is also a strong tendency to pimping in this community. The reasons are various:

- The Roma are definitely socially disadvantaged within the Czech Republic. The history of their discrimination goes back through the ages. But the worst oppressions were in the 20th century. During the Third Reich, only around 10% of Czechoslovak Roma survived the genocide of the concentration camps and deportations. And after World War II, in the communist period between 1948 and 1990, there were countless failed efforts to "socially integrate" the Roma, creating irretrievable damage to their already decimated community. The communists built huge concrete suburban towns where they wanted to "teach" the Roma to live in society. Their traditional lifestyle, especially nomadism (in the Czech language: "kocování") was forbidden in 1958. Today many Roma live on the edge of society. Drug problems, violence and theft have increased since the '90s, and, of course, prostitution as a way of making fast money has appeared.

- The presence of minor prostitutes is frequently justified with the explanation that earlier sexual maturity is a "part of their culture or mentality".²⁴ It is impossible to say whether this explanation is put about more by the Roma themselves or by Czech/Slovak sociologists. But marriages at the age of 15 are not uncommon within the Roma community. There is no attention to the definition of "child" in the UN Convention here. In some parts of the community it is even expected that young people will marry early, because the families with daughters are interested in getting the traditional "ransom".²⁵ They simply do not go the "official" way, and only inform the town-hall about the marriage years later, after the young person has reached the legal age for marriage. Another reason for early marriage may be the refusal of priests to baptise a child born out of wedlock. But it is obvious that young men take over responsibility within Roma society at an early age, especially for their younger brothers and sisters.

- In some places, Roma society has extreme patriarchal structures. The value of a girl is less than the value of a boy. While Roma women appear outwardly self-confident, the final decisions in family matters lie with the male head of the clan, or the male members of the family.²⁶

- Although it is only speculation resulting from discussions with street workers and other social workers, it seems that prostitution among the Roma happens mostly within families that

²⁴ In 2002 the periodical "Czech and Slovakian Psychiatry" reported a case of a Roma family who brought a 13 old boy to a psychologist asking for help. They complained about his inability to have sex with the "third girl they had bought for him" (obviously also a minor) - a situation that not only created a major shame for the family, but also a big financial loss.

²⁵ In traditional locations where a ransom is still paid, the bridegroom's family has to pay up to 4,000 Euro to the bride's father.

²⁶ However, it should not be forgotten that within traditional Roma groups, prostitution is still regarded as very dishonourable and shameful - as it always was in Roma history. Girls and women trafficked away from their families often refuse to return to their own place, due to the shame attached to prostitution.

are not intact, those who have lost their traditional roots. Such families are the result of the "social integration" disaster of the second half of the 20th century, which deprived them of their lifestyle, but completely failed to make "*gadjo*" (non-Gypsies) out of them. While family life is so essential and strong among the traditional Roma, in broken family structures anything is possible. Roma children especially those who have spent time in homes for Czech minors (so called "diagnostic institutes" which have an extremely low pedagogical and preventive value) are in danger of ending up on the path of criminality.

The relevance of trafficking in children

The Roma structures around the prostitution of minors can sometimes be described as "organised crime", although only at a very basic level, and not to be compared with the Russian or Ukrainian organised criminal networks operating in the Czech Republic. The structure is very clan-oriented, more a kind of "family business", combined with the drug trade or theft. Especially in the business of Roma prostitution there is a very strong "pull" factor to other forms of criminality. Cases are known of prostituted girls focusing on paedophiles in order to rob them, knowing that a potential customer of child prostitution would not go to police and report the theft. An official from the Ministry of the Interior told us that it seems that Roma prostitutes have less of a tendency to "satisfy" a client, compared to other prostitutes. So other forms of criminal activity - especially theft and robbery - are frequent.

Czech Roma girls and women are rarely part of a classical trafficking operation; if it happens, it is not connected to their origin as Roma. In other words, there is no predestined path whereby Roma become victims of international trafficking in women or girls, except by reason of their weak social position. There are no specifically Roma trafficking routes.

However, there are exceptions. And they may not be as rare as is usually presumed. There are cases of Czech Roma being trafficked out of the country, especially with the promise of non-sexual work with distant relatives,²⁷ which turn out to be a fraudulent, of course.

At the "receiving end" (Non-Czech Roma trafficked to the Czech Republic), there is a trafficking movement from Slovakia to the Czech Republic. We have talked to a Roma victim who originally came from Slovakia, and was trafficked to the Czech Republic and later to Germany. There she worked in various brothels, and after giving birth to a child, she tried to return to the Czech Republic or Slovakia - which failed, because both countries refused to confirm her citizenship. As a "persona non grata" on the double, she eventually found shelter with the German organisation, SOLWODI.

But in observing the situation, there is a continuing problem in distinguishing between transborder and non-transborder trafficking. Roma girls get sold in other places, often in the north and west of the country, while en route, for instance, from Moravia (East Czech Republic). Because of Art.246, it is not possible for prosecutors to prosecute the crime of trafficking in minors when a girl is sold from one part of the country to another. The traffickers can only be prosecuted under §204 (pimping), §217 (endangering morals) or §242/243 (sexual abuse) - if one of these laws applies. The sentences are not much lower than for trafficking in women and minors, but of course the legislative situation limits the possibilities for police and prosecutors. And it is definitely corrupting the statistics. Right now in the Czech Republic there is political discussion about cross-border and non-cross-border situations. There is a chance that the law will be extended once again, after an amendment of §246 already in 2003.

²⁷ As the Czech special police unit ÚOOZ confirmed to LA STRADA in an interview.

A massive phenomenon?

The question whether the prostitution of minors has reached alarming proportions within the Roma community cannot be answered in one sentence, just like it cannot be answered for the whole of Czech society in general. There are alarming reports by the German NGO KARO and corresponding denials from the Ministry of the Interior and the Czech police. Because of the fact that there are no statistics relating to Czech Roma, statements about their presence within the prostitution and child prostitution scene are speculative. But as long as the Czech Republic regards children over 15 years of age as child prostitutes, despite the requirements of the UN conventions and protocols to protect everyone up to the age of 18, this incongruity will continue.

While all Roma spokespersons deny that there is anything other than a very limited number of pimped minors within their community, a staff member of the Vice Squad told us: "You know, with Gypsies it's always: 'our children, our children, above everything'. But I know they are ready to sell them for money, for film shots and stuff."²⁸

Since 1991 it is not permitted to keep any separate information and statistical records on the Roma. This is in order to prevent discrimination. These days even the demographic number of Roma within the Czech Republic is only a vague estimate (a figure of 300,000 is often used). The police, when recording a crime, cannot record if the perpetrator or the victim is Roma.

While all the statistics on the Roma are based on estimates, many social workers and police confirm that the number of Roma involved in criminal activities is high compared to their demographic presence in the country. It is absurd that this reality is regarded as a political taboo. But this is nothing new, and it happens in every country in the world which pushes minorities to the fringes of society. The obvious presence of Roma girls in prostitution (especially in street prostitution) is of course alarming, considering the fact that they represent only a small minority since 1945.

The general role of prostitution in the Roma community only reflects the cultural destruction going on within this minority. And although, in the context of international trafficking in girls and women, the Czech Roma are not the major supply source (compared to the fate of Ukrainian, Romanian or Moldavian girls and women), there is a huge tendency towards the involvement of socially disadvantaged and dysfunctional families. There is a failure within the community itself to respect the rights of children.

Conclusions

There will be no progress in addressing the criminal activities of the Roma as long as both sides treat the problem as taboo. Our questions on Roma society and its involvement in prostitution have been more than once denied as "political questions difficult to answer". But in so far as the fate of a child can be tragically affected, it makes no difference whether the question is a political one or a social one. Discussions between Roma and non-Roma are extremely fraught in the Czech Republic. The arguments are always the same: The Roma accuse the government and the Czech people of discrimination and disadvantage (a reality you can witness every day in the Czech Republic), while the others accuse the Roma of

²⁸ On November 11, 2003 representatives of Czech Roma groups called a public press conference where they denied accusations that people from their community might be involved in a massive child prostitution racket. Their protests were targeted at Cathrin Schauer and the organization KARO.

getting endless financial support (this year the Czech government donated 100 million CZK for Roma social development) without showing any effort on their side to change their situation. These stubborn positions have brought very few results during the last 14 years in relation to social and criminal issues.

2.2.3. The role of Children's Homes ("Pastáky")

A significant group at risk seem to be children and adolescents running away from children's homes, the so called "Pastáky" (a slang word). These notorious homes date back to communist times, when they were established to "educate" orphans, and abandoned or unwanted children. Parents then could easily abandon their children, for whatsoever reason, and leave the responsibility for them up to the communist state. The Pastáky are still there, although the Czech Republic nowadays denies that parents can still dissociate themselves so easily from their children. Yet the children's homes seem to "incubate" young criminals and children at risk in general.²⁹ Locked away without pedagogical/psychological assistance, without the supportive background of a family-like structure, and without any prospects of a normal life in the future, most of them develop survival strategies with results resonant of social evolutionary theories. Violence and rape are an everyday experience for these children. When they finally come out, or when they run away from the Pastáky – which happens very often - they are neither prepared for life outside the walls of the home, nor trained to adapt to society, and therefore can become very easily criminals, prostitutes,³⁰ or the victims of trafficking.

Cath Moss from ENYA gives an example from her experience: "We have talked to young girls from kids' homes who start getting involved in normal sex life with boy friends and hanging around in the bars. They meet older boy friends who urge them to run away from the home, and then they easily get involved in forced prostitution. It starts when the boy friend asks: 'Maybe you could be with Jack for tonight?' The police try to arrest them and put them back." Cath Moss also confirms the high levels of violence and of previous sexual abuse which seem to dominate among children placed in the Pastáky.

Another example given by a police officer from the Vice Squad: "In the town of Dubí everything [i.e. the prostitution scene] was under the control of the gypsies. When we found Czech girls there they mostly were on the run from a Pasták, they found a hiding-place and worked the game for them."

Cathrin Schauer from KARO suggests that pimps and traffickers, and sometimes even sex-tourists, wait in front of the Pastáky for children. She was told so by an employee of a children's home. "Then we met some girls who were looking for a job as kitchen helpers, but ended up in prostitution. Our experience is that they don't get involved in prostitution from reading newspaper ads; they are recruited directly out of the children's homes or via their families."

²⁹ An Employee with MCSSP, a Municipal Centre for Social Care: "These institutions have a very negative effect here. This must change. We are world leaders in the size of the population of these institutions. And this turns out to be a big MINUS, because the children receiving this so-called training to improve their behaviour show a significant inclination to criminal offending... It seems that we want these children not to be integrated in intact families or alternative programmes or Foster families, or, so to speak, out of these homes."

³⁰ In the homosexual prostitution scene in Prague most of the underage prostitutes come from children's homes according to a street worker: "They are traumatized for life".

2.2.4. The role of Unaccompanied Minors (UAMs)

Every year hundreds of children, mainly from Eastern Europe or China, ask for asylum in the Czech Republic. There have been over 1,100 in the past 4 years. These Unaccompanied Minors (UAMs) migrate into the country without their parents or other legal caregiver. According to research done by IOM, 75% of these children seeking asylum in the Czech Republic leave the asylum shelters without anybody knowing where they have gone. Lucie Gladišová from IOM Prague: "We know from our own experience, but also from abroad, that a significant part of these disappeared children are the victims of trafficking. For different purposes: sexual exploitation, forced labour, criminal activities. In the Czech Republic there is no evidence about it. That does not mean that the phenomenon does not exist, but there is no evidence. My personal opinion is that it exists. But the Czech Republic seems to be for these children – also referring to trafficking – far more of a transit country. They want to go to the west. They leave the asylum process here, make contact with traffickers who help them to cross the next border – into Germany or other states. And now the question is: do these children end up there with their relatives (who may as well be illegally in the country) or in the hands of traffickers?"

Though it is difficult to estimate how many UAMs become the victims of trafficking in the Czech Republic, or abroad when trafficked on, it is obvious that this group is at high risk. The research study "Trafficking in UAMs for the purposes of sexual exploitation in the EU", published by IOM Brussels in 2000, speaks about trafficking in UAMs for the purpose of sexual exploitation or forced labour as a growing phenomenon.³¹

In the Czech Republic, only UAMs who ask for asylum are registered. The Alien and Border police do not take into consideration other UAMs on the basis that the numbers are irrelevant.

It is mostly children from Eastern Europe (the classic country is Romania) and the former Soviet Union that ask for asylum in the Czech Republic. According to IOM Prague they are the ones who often stay in the country, having already established contact with members of their community who settled here. A large group of underage asylum seekers are children from India or China – but they mostly want to travel on. "But I know that in the Chinese community boys are often abused for labour in the restaurants. It is the way to pay off their travel debts. Sometimes the boys must agree to work for 3 years without a salary until the debts are paid off." (Lucie Gladišová, IOM Prague)

According to a staff member of ÚOOZ, the Special Unit for Detection of Organised Crime, the ÚOOZ is aware of a big discrepancy between UAMs entering and those leaving the country. He would not exclude the possibility that the gap could relate to children that had become victims of trafficking. But he also stressed that there is too much speculation and not enough evidence for the time being.

2.3. The problem with figures and statistics

³¹ A country report focusing on UAMs in the Czech Republic is currently in preparation and will be published soon by IOM Prague.

When it comes to figures and statistics, the main problem is the **definite lack of reliable data** both on children in prostitution and on children as victims of trafficking for the purposes of sexual exploitation or labour.

- There is no data available on children in prostitution. Only two NGOs in the Czech Republic deal with the problem on a regular basis, namely KARO, which operates in the border region, and Projekt Šance in Prague.³² Neither staff members of Projekt Šance nor Cathrin Schauer from KARO can give any exact figures, although Cathrin Schauer, in her book (published by UNICEF), mentions more than 500 children in prostitution that she and her colleagues talked to in the last 7 years in the border areas close to Germany.
- No statistical data is available on minority groups. The police and officials in the judicial system do not collect such data for reasons of non-discrimination,³³ but it is obvious that Roma children, and an increasing number of children from the Vietnamese minority, are victims of trafficking and child prostitution.³⁴
- As we have seen above, the Alien and Border Police do not collect data on children crossing borders if they are not seeking asylum.
- According to IOM, 75% of those children requesting asylum³⁵ disappear in the asylum process, and their destiny is unknown. According to IOM and some NGOs, trafficking is a major reason for their disappearance.
- Trafficking in human beings *within* the country is not considered trafficking at all, according to §246 of the Criminal Code.³⁶ But victims of internal trafficking may be "hidden" in other statistics: the Police collect data on offences linked to pimping, wilful corruption of young people, sexual abuse, rape, kidnapping, imprisonment etc. and within those statistics they provide the figures on underage victims. But it is impossible to "extract" from these "accompanying" offences even an approximate number of how many Czech or non-Czech children could have become victims of trafficking for the purposes of sexual exploitation *within* the country.
- The Vice Squad only recently started collecting data on children as victims of sexual abuse. A staff member: "Since the beginning of 2003 we have something new in our statistics: sexual abuse of children. We have only one case. But this is due to the fact, how can I say it, that we have not yet interiorized it. You know, filling in the forms and so on. I think this will improve in the future." So

³² In Prague the Child Crisis Centre DKC (Detské krizové centrum) is also involved from time to time with children in prostitution, but these are rare cases. Their focus is mainly on sexual abuse by family members, not for the purposes of commercial exploitation (according to Mgr.Zora Dušková, Director of DKC).

³³ According to the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" (p.3) members of the Romany ethnic group "have not earned a distinct place in police statistics, but NGOs consider them a high-risk group."

³⁴ As we have seen in Chapter A 2.2.2. about the Roma, and will see in Chapter D about the Vietnamese. Prosecutor JUDr. Viktor Böhm told us that this is crucial for statistical purposes, because prosecutors are not allowed to distinguish in the official statistics, but in his words their everyday experience is of a much higher criminality rate in the Roma communities (both as perpetrators and victims.)

³⁵ In the past 4 years 1,100 underage UAMs asked for asylum in the Czech Republic.

³⁶ Compare Chapter A.1 Introduction, and Chapter B.

introducing and dealing with new statistical standards seems to be a problem which influences data collection.

- As for Trafficking as a criminal offence under §246: there was an amendment in July 2002. §246 formerly dealt with "trafficking in women" only but is now defined as "trafficking in persons" for the purpose of sexual exploitation,³⁷ regardless of sex or age - but still with a transnational aspect. It may take some time before this new statistical standard is properly applied by the local police and provides reliable data on children. So the Criminal Police statistics for the year 2001 show, for example, 27 cases of trafficking in women, 26 victims, 5 of them underage girls (1 of them under 15).³⁸ But these figures do not give a national perspective, nor do they take into account the numbers of boys who are victims of trafficking. So this number has to be understood circumspectly. Especially since the police prosecute only those trafficking cases that come to their attention, and that can be pursued under the current provisions of the Criminal Code.
- Prosecution or court statistics show a different picture: many of the cases prosecuted by the police as trafficking cases end with suspended sentences, or are struck out, or end in acquittal.
- There are certainly a lot of undetected or unreported trafficking cases. Community police often regard the prostitution of children over 15 simply as voluntary prostitution, and do not look into it properly, because the children are beyond the age of protection, or are nearly 18 - or because another unsolved case of trafficking/pimping/etc. might spoil the good statistical record of the local police, and are therefore not reported to the ÚOOZ (Special Unit for Detection of Organised Crime).
- On the political stage a heated discussion is going on about the quality of statistics. Ivan Langer, the opposition spokesman for the Interior Minister, Stanislav Gross, says: 'Our police measure their success with statistics. The police chiefs like to show them, and so does the Minister of the Interior, as long as the results are right. What they do not mention is how the conclusions drawn from these statistics are sometimes distorted, without including the endemic, hidden criminality. They can be manipulated in many ways, even forged. And some of these cases of forged statistics came to light in 2002. The police say that this happens all the time. The reason for these frauds lies in a false method of analysis, where only the detection of crime is the measure of success.'³⁹

³⁷ § 246 Trafficking in persons for the purpose of sexual exploitation: "Whosoever seduces, hires or transports a person to or from a foreign country in order to exploit them in the provision of sexual services, shall be punished by one to five years of imprisonment."

³⁸ Statistics from the Ministry of the Interior. Interestingly enough, an Internet version of the same statistics show totally different figures: 23 cases of trafficking in women, 26 victims, 16 of them underage girls (1 of them under 15).

³⁹ Ivan Langer: "Cerná kniha policejních hrůchu" (ODS, September 2003)

B. Legislation and Law Enforcement

1. Political will: The National Plans – a short history

1.1. The "National Plan for Combating Commercial Sexual Exploitation of Children" 2000 and the state of its implementation in 2003

After quite long period when there was a lack of public awareness about the problem of child prostitution and trafficking in children for the purposes of sexual exploitation, and due to the constant and increasing pressure from both international and national NGOs, government organisations and the media, the various ministries in the Czech Republic managed to overcome their jurisdictional disputes and united under the auspices of the Ministry of the Interior in 1999 to draft the "**National Plan for Combating Commercial Sexual Exploitation of Children**", which was approved by Government resolution No.698 in July 2000.

In this **National Plan of 2000** the

- Ministry of Justice,
- Ministry of Labour and Social Affairs
- Ministry of Education, Youth and Physical Culture,
- Ministry of Health, and above all
- Ministry of the Interior

decided to take widespread action within their individual spheres of responsibility to combat trafficking in children and child prostitution. The National Plan was based on a report and data which were collected both by state authorities and NGOs. In this National Plan 2000, the Czech government openly refers to some 290 trafficking cases in 1999 under §246 (trafficking in women), in which 15 of the victims were underage girls and there was one girl who was under the age of consent of 15 years. It is also clearly admitted that the commercial aspect of trafficking in children "based on existing data is impossible to prove in a satisfactory manner" – therefore it was also decided to improve the gathering of statistics. However, this has not yet happened.

The tasks elaborated in the National Plan sounded like an ideal solution to the problem, but today it is still lacking implementation in crucial parts. Before going into detail, it can be said that the Czech government and the state authorities had, and still have, difficulties in recognising child prostitution and trafficking in children as a priority. The problem is still seen as marginal - if it is recognised as a problem at all.

Effective implementation of the National Plan was also hampered by problems within the Ministry of the Interior: The crime prevention department responsible for the National Plan was not only renamed recently and switched to another department (to the inner security department within the Ministry of the Interior), but it also underwent changes in personnel. All this is likely to slow the actions, and dilute the energy (maybe even the political will) for implementation.

The following tasks need to be undertaken:

- a) In the field of legislation and law enforcement:

- Amendment to the guidelines to **§205** of the Czech Criminal Code "**threat to morals**": import and export of pornography and its possession is subject to criminal sanctions. Stricter sanctions are needed for the distribution of hard pornography.

- Amendment of §246 (trafficking in women): **§246** has been renamed "**trafficking in persons**" and protects both sexes and children. It sanctions not only a person in the Czech Republic who tricks, hires or transports another person abroad with the intention of using him/her there for sexual intercourse but also to a person who does this from abroad. Here is the full wording of the new §246

§ 246 Trafficking in persons for the purpose of sexual exploitation:

"Whosoever seduces, hires or transports a person to or from a foreign country in order to exploit them for providing sexual services, shall be punished by one to five years of imprisonment"

b) In the executive:

- **Regular international co-operation was planned** in the National Plan to increase the efficiency of criminal prosecutions connected with the commercial sexual abuse of children, as well as intensified contacts with police units in other states through Interpol Prague.

Indeed bilateral cooperation has been established with the Federal Republic of Germany. Border controls are regularly carried out by **mixed units of Czech and German (Bavarian/Saxony) border police**. This cooperation seems to work well. But still the international police contacts through Interpol Prague are far from effective, as we were told by Czech police officers.⁴⁰

- In **2001** the Ministry of the Interior established a **Consultative Commission** to oversee action against the problem of trafficking in women and the commercial abuse of children. Members of the commission are police from all level and regions and representatives of other relevant ministries and NGOs working in the field of child protection and assistance. This commission meets from time to time, but NGO and other **members complain independently about its ineffectiveness**.

c) In the field of prevention and re-integration:

- In the National Plan, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Education and the Ministry of the Interior had **planned to monitor sexually abused children, to provide educational programmes in schools, to inform** the public, to raise awareness in seminars and teaching, to enable record-keeping and statistics. The results of these plans can be described as **non-existent**. Apart from a video tape prepared in cooperation with IOM in limited numbers, there are no special seminars for pupils, students, teachers, no reliable data, and no monitoring statistics.⁴¹ It is still left to the NGOs to raise awareness and hold information seminars.

- In the National Plan, the Ministry of Labour and Social affairs, the Ministry of Health and the Ministry of the Interior announced that they would pay special attention and provide

⁴⁰ See later in this chapter.

⁴¹ See chapter A 2.3. Figures and Statistics

money for **assistance to persons at risk of prostitution, as well as assistance to victims of violence**. Money was allocated by the ministries, and money obviously was spent or declared spent. But in talks with some NGOs dealing with child prostitution and listed on the ministerial payroll, we were told that some of them were never in receipt of money from the ministries, or received less than the amount promised.⁴²

1.2. The "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic", September 2003

The above mentioned "National Plan for Combating Commercial Sexual Exploitation of Children" from 2000 failed in many ways to achieve the expected results. But it is still in force, and operates on a long term basis. Now it has been reinforced by a new instrument, drafted in summer of 2003, and entitled the **"National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic"**, which was approved by Government Resolution No.849 in September 2003. The key aspects of this comprehensive strategy are to develop and implement preventive, information and educational campaigns, to prosecute and punish trafficking in human beings on a consistent basis, to set up a programme of assistance to victims, and to improve international co-operation.

In this "National Strategy" trafficking in children for the purposes of sexual exploitation is also mentioned, although it says that "the strategy is primarily about supporting and protecting women who fall victim to trafficking in human beings for the purpose of sexual exploitation". The strategy document quotes the "National Plan" of 2000 but does not comment on the status of its implementation, which demonstrates the continuing lack of action in relation to the National Plan.⁴³

Again, this is a document in which the Czech Government clearly expresses its will to "find answers to many practical questions concerning victims and witnesses of this particular type of organised crime" (National Strategy, see p.1), namely, trafficking in human beings for the purpose of sexual exploitation.

The National Strategy's appendix **"Action Plan to Implement the National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic"** is again a masterpiece of a comprehensive approach to the problem.⁴⁴ It repeats most of the targets already provided in the National Plan, i.e. organisational, information, repressive and preventive measures, research, and above all, victim support. But although in the Action Plan the term "human beings" is used, the victim support programmes focus clearly on adult women.⁴⁵ It is the same with the measure: "to support foreign victims of

⁴² This is according to different representatives of Czech NGOs who want to remain anonymous. It must be said that those NGOs assisting sexually abused children in one way or another are still not getting the attention they deserve - either in terms of money or recognition.

⁴³ It is written: "Public education and prevention should be achieved..." or "The Agenda also aims at improving the effectiveness..." (National Strategy, p 8 f.) But it does not say what achievements have already been made.

⁴⁴ The full text of the Action Plan is given at the end of this report.

⁴⁵ This is not surprising, given the fact that the NGOs La Strada and Caritas, and the IOM did a lot of research for the National Strategy and together developed a pilot model for a victim assistance scheme, which is funded under a UN project (more in chapter C). Neither of those NGOs focus on children.

trafficking in human beings for the purpose of sexual exploitation in their efforts to find work". (Action Plan p. 3) – which is irrelevant when talking about child victims.

1.3. Nota Bene

In the elaboration of these two crucial national action plans - the "National Plan for Combating Commercial Sexual Exploitation of Children" of 2000 and the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" of 2003 **neither of the only two NGOs dealing with children in prostitution/trafficking in children were involved – neither the transnational social assistance project, KARO, nor Projekt Šance in Prague.**

2. Current legislation and Law Enforcement

2.1. The laws

At present Czech legislation concerning trafficking in persons does not fully conform with the Palermo Protocol. Although §246 of the Czech Criminal Code was amended on 1 July 2002, it still refers to "transnational trafficking":

§ 246 Trafficking in persons for the purpose of sexual exploitation:

"Whosoever seduces, hires or transports a person to or from a foreign country in order to exploit them for providing sexual services, shall be punished by one to five years of imprisonment"

Before the amendment, §246 referred only to trafficking in women, and to trafficking abroad – not from abroad as is the case now.⁴⁶

Also the sanctions have become stricter since the amendment: in less serious cases imprisonment from 1-6 years; in aggravated cases (i.e. victim under 18) imprisonment from 3-8 years; in serious cases imprisonment from 5-12 years.

Due to the fact that §246 does not cover trafficking *within* the country or cases where trafficking cannot be proved, the prosecution **may use other articles of the Criminal Code:** such as

§ 204 Procuring and soliciting prostitution ("Pimping")

Procuring and soliciting prostitution means the engagement, coercion or seduction of persons into prostitution, or profiting from the prostitution of another person. Sentences can be more severe if violence is used or threatened, if advantage is taken of the other person's distress or dependence, or if substantial profit is made or if organised crime plays a role.

⁴⁶ Prosecutor Victor Böhm explained the confusion in interpreting the laws prior to the amendment: does "abroad" mean abroad viewed from the perspective of the victim – as many prosecutors/judges put it, or does it simply mean "not in the Czech Republic"? This confusion is now in the past.

According to

- §204 (3c) a more severe punishment is provided, if the victim is under 18 years of age: 2-8 years imprisonment.
- §204 (4) provides for more severe punishment if the victim is under 15 years of age: 5-12 years imprisonment.

§ 205 Threat to Morals

Another amendment in 2002: import and export of pornography and its possession is subject to criminal sanctions. Stricter sanctions are provided for the spreading of hard pornography, including child pornography: a fine or imprisonment for up to 1 year.

§ 216 Kidnapping

§ 216 a) Trafficking in children for the purposes of adoption, child labour or other purpose. Fine or imprisonment up to 3 years. (This paragraph is currently not used for sexual exploitation, as it deals specifically with bribing for the purpose of purchasing a child).⁴⁷

This law was amended in accordance with the Palermo Protocol, to raise the protection age to persons under 18.

§ 217 Wilful Corruption of Young Persons

"Whosoever exposes a person under 18 years of age to the danger of moral dissoluteness by inducing him/her to lead an idle or immoral life, or seducing him/her to lead an idle or immoral life" commits a criminal offence.

§ 241 Rape

§ 242 Sexual Abuse of minors

§ 242 (1) victim under 15 years old, imprisonment for 1-8 years.

§ 243 Sexual Abuse of persons under 18 and dependants.

Imprisonment for up to 2 years.

Witness protection programmes

There are various provisions in the Rules of Criminal Procedure which address the protection of witnesses, including children. A witness may testify anonymously or by means of audio-visual transmission or by exclusion of the public. Since July 2003 a new legislative instrument is in force: Act No. 137/2001 Coll. on the **special protection of witnesses and other persons involved in criminal proceedings**. This Act was especially designed for witnesses involved in organised crime cases, who are in immediate danger not only while testifying but even after that. The special protection is an extreme and radical solution for witnesses – changing their entire lives. So far the scheme has not been used for cases of trafficking in human beings.

⁴⁷ As prosecutor JUDr. Viktor Böhm puts it: "This is a dead article".

Position of victims in criminal proceedings

Victims of trafficking may be witnesses or injured parties. But only Czech nationals are entitled to make a claim for compensation, according to Act No 209/1999 Coll. on the provision of financial support to victims of crimes. Foreign nationals who are victims of trafficking (and therefore may be illegally resident in the Czech Republic) do not have this option. The Law would have to be amended. In the Foreigners Act, however, there is an option to legalise the residential status of a foreigner (i.e. a victim of trafficking) by granting him/her a temporary residence visa – for a maximum of 365 days. Children without permanent residence can be provided with social assistance, if not assisted under the asylum laws (Act no. 482/1991 Coll. on social need. This act does not apply to adult victims of trafficking.)

2.2. Analysis of the interviews: is the current Legislation and level of Law Enforcement adequate?

2.2.1 Comments on Legislation

According to most NGO interviewees, the current/amended legislation on Trafficking/ Pimping/ Wilful Corruption of Youth is considered far more effective than before. Cath Moss of ENYA, sees a big improvement, "Really major changes. In the case of trafficked young boys, you couldn't prosecute anybody for violation, because in the law it was written only 'women' or 'young women'. But now they have changed that."

Still there is much to wish for: firstly, almost all NGO representatives, police and prosecutors complain about the **transnational aspect** of Article §246. A staff member of ÚOOZ: "Trafficking in women *within* the country is a loophole. For the time being, it cannot be prosecuted – although there would be higher sanctions than with the classical pimping article."

This is true as well for trafficking in children. We would like to draw attention once again to the actual case above quoted (p.8) of regional prosecutor JUDr. Viktor Böhm: 2 Vietnamese men are accused of pimping 2 underage girls (under 18, but over 15 years). The ÚOOZ Special Police Unit for the Detection of Organised Crime was investigating the case and found out that the girls were sold for money and brought from their home town in the north of the Czech Republic to Cheb, where they were forced into prostitution. To the Czech justice system this cannot be a case of trafficking, because there is no transnational aspect in it. Sold, forced, exploited underage girls– this may be "pimping", "wilful corruption of youth", "sexual abuse", whatever – but not "trafficking". Therefore no police statistics, no justice statistics will register the case as trafficking and no judge can sentence the "trafficker" to the significantly higher sentences.

So, according to regional prosecutor JUDr. Viktor Böhm, in the last 3 years there was only one case of a trafficking victim under 18 recorded in the Cheb area. But "there are more cases of trafficked minors, only that you cannot prosecute them, because it is of no importance, it is local girls. This is then pimping or wilful corruption of youth. Of course it is not international trafficking, but it is trafficking, *national* trafficking. This law, this definition, doesn't comply 100% with the Palermo Protocol."

Klára Skrivánková of La Strada mentions other inadequacies in the current legislation: "The level of punishment is low compared to the crime [she refers to §246 trafficking]. The penal code is the only legal regulation that talks about trafficking, *Czech* women who have been trafficked. But when they have no Czech ID they will have no social benefits. **Foreigners are not entitled by law to any kind of assistance** based on being a trafficking victim." She says that the Czech criminal legislation is more favourable to the perpetrator than to the victim. The court decisions often end up with suspended sentences, sometimes even in the worst cases; the link to other offences cannot be proved and therefore the offender is not given the highest possible punishment.⁴⁸

According to Klára Skrivánková, another crucial point is the special witness protection programme, which has not yet been applied to victims of trafficking. In her opinion the witness **protection programme is not even suitable** for trafficked adult victims, and children are even more vulnerable. Lucie Gladišová from IOM Prague mentions that in the migration context two laws apply: The Foreigners Act and the Asylum Act. UAMs are only mentioned in the Asylum Act. According to Lucie Gladišová it would be desirable to have **a special law for foreign children**, where the rights of children in the migration process are explicitly written down. "But it doesn't look like something will be amended." Klára Skrivánková of La Strada also considers that these two Acts as problematic for a victim of trafficking from abroad: "There aren't any possibilities for the victim to remain if she is unable to return. There is some discussion about giving the victim **a reflection period**. She can recover and decide if she wants to testify. In the future. But at present it is a very big problem."⁴⁹

Yet the amendments in legislation seem to be a step in the right direction. To quote prosecutor JUDr. Viktor Böhm, trafficking can already be targeted quite effectively with the current legislation: "Realistically, the legislation is no impediment, the laws are good, but the practice is not efficient yet."

2.2.2. Comments on Law Enforcement

Prosecution

In practice Czech legislation seems to have the same problem that all former communist countries face: when formulating new laws or rules of criminal procedure, since the fall of the iron curtain, a far too **philanthropic approach** was chosen – which is now often criticised by the same western advisors who back then insisted on "making it better", paying more attention to the human rights of a criminal, and not considering the consequences and disadvantages. From these mistakes much has been learned in the past 14 years, lots of amendments have been planned or made everywhere in the former communist countries, but still the right balance seems to be missing between the uncompromising enforcement of a law and the often "soft" rules of criminal procedure.

Prosecutor JUDr. Viktor Böhm gives an example of the difficulties the prosecution faces every day when dealing with Organised Crime: "Lets have a look at the tapping of telephones:

⁴⁸ Klára Skrivánková stresses that La Strada has not much experience with underage victims (only 2 cases) since it is not the focus of their work, but the gaps in legislation and law enforcement are the same for underage and adult victims of trafficking, since there is no special legislation concerning children (except in the level of penalties in §246 if the victim is a child.)

⁴⁹ We will see the results of that "discussion" later in Chapter C when talking about the special victim assistance scheme provided in the National Strategy and funded under a UN project.

here in the Czech Republic only judges are allowed to decide that, not as in Germany where police and prosecution decide rapidly if danger is ahead. But you see - now with the abundance of mobile phones this is very problematic. For every new mobile phone there must be a new application made to the judge. And you know how rapidly the organised criminals change mobile phones! So here the pendulum is still in the direction of human rights." To put it simply: to prove that there is an organised crime element, one has to prove at a minimum that there is an organised group, of which the members are in contact with each other, co-ordinating the trafficking in whatever way – for example by mobile telephone.

Criminal procedure rules that are stricter on the suspected criminal would therefore significantly improve law enforcement in cases involving organised crime.

Another problem according to the prosecutor is the **lack of staff**. For the amount of cases to prosecute, most prosecutors' offices throughout the country have an insufficient number of employees. "The number of prosecutors would have a positive influence on the number of cases won, because there would be more time for investigations, which is crucial at the very beginning of a case." ⁵⁰

Police

The same is true for the **Police**. Especially the ÚOOZ, the Special Unit for the Detection of Organised Crime, is struggling with an **insufficient number of employees**. The above mentioned "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" in autumn 2003 said: "Considering that the department is responsible for dealing with the issues of trafficking in persons for sexual exploitation, sexual and commercial exploitation of children and minors, and the illegal trade in human organs nation-wide, the increase [is] still insufficient." (National Strategy, p.18) One of the priority measures in the attached Action Plan therefore is: "To analyse the human resources available to the Unit for the Detection of Organised Crime and to consider hiring new experts." (Action Plan, p.2)

While the ÚOOZ is a department with specialised and highly qualified investigators and detectives, and is trained to detect organised crime nation-wide, the other local/municipal police departments who must notify the ÚOOZ where they suspect trafficking in human beings, are far from adequately trained on the issue of trafficking. The interviews showed that a **lack of training and/or sensitivity** in the local police structures often leads to a failure to detect a trafficking crime and to identify the victims of trafficking.⁵¹ In the "Action Plan to Implement the National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" which the Czech Government formulated in September 2003, one of the measures envisaged is "to develop Police guidelines for the identification of cases of trafficking in human beings for the purposes of sexual exploitation" (Action Plan, p.2)

Klára Skrivánková of La Strada: "The ÚOOZ, the Criminal Police, the foreign and border police, the local police – all of them have a very different level of knowledge and skills." A

⁵⁰ In the Cheb Regional Prosecution service there should be 13 prosecutors. But there are only 7. Prosecutor JUDr. Viktor Böhm: "No one likes to come here."

⁵¹ Even if the victim is identified, she/he mistrusts the police. As a staff member of ÚOOZ puts it: "The lack of trust in the ability of the police to help them is a big problem for us. We are confronted with this problem more with Czech women who were trafficked abroad than with foreign girls trafficked here. The Czech girls hardly ever testify; they don't want to accuse anybody and rarely co-operate with us."

staff member of the ÚOOZ confirms that: "It frequently happens that we have to explain to the police that the prostitute is often not the bad girl who hurts the children – that she may be a victim. It is a big problem that people see it that way, even the police... But I think slowly this is changing. In our special unit, for example, it has already changed."

Lucie Gladišová from IOM Prague mentions the attitude of the foreign/border police when dealing with UAMs: "Until recently these police officers only took persons up to the age of 15 for children... Over 15 they were treated as adults and put into detention centres until let out under the standard procedures... But this is changing now. There is a clear message being sent that children are to be treated as such until they reach the age of 18." As we have seen above (chapter on statistics) the Community police often regard the prostitution of children over 15 as simply voluntary prostitution, and they do not investigate the case properly because the children are beyond the age of protection, or nearly 18 - or because another unsolved case of trafficking/pimping/etc. may spoil the positive statistical record of the local police, and it is therefore not reported to the ÚOOZ.⁵²

So to put it simply: detection of cases not only needs increased numbers of staff, and better equipment. It is the *ability* to identify a victim (and then to treat her/him in an adequate way) and the *will* to do so which are crucial. At this point it should be pointed out that in the Czech Republic a very lively discussion on **corruption in the police** is currently taking place which is attracting the attention of the whole population:

Corruption in the Police – a lively Czech discussion

We wrote earlier in this report that the Special Unit for Detection of Organised Crime (a relatively new and very effective instrument) will only begin an investigation on the basis of information from the community police or other police units (foreign or border police). If they are not aware of trafficking cases – because they simply can't see the signs, or are not interested in seeing them, or are susceptible to corruption – then they are not in a position to give any information to the ÚOOZ. The ÚOOZ is not entitled to start investigations on their own initiative or on the basis of vague suspicions.

A staff member of the "Security Policy Department" denies the above statement: "This is not true. The ÚOOZ is allowed to strike whenever and against whoever they want. They do not need to wait for input from the criminal investigation department". This is technically correct, and it is known that the Prague-based ÚOOZ has its own operating procedures, and works with special methods far removed from the usual police work practices. Which is one of the reasons the group is so successful. But on the other hand, it is not their business to control the 900 brothels in the Czech Republic – and these are most definitely part of organised criminal networks. This is the job of the local police forces, the local criminal investigation department, the "Foreign and Border Police". But the work of these police forces is viewed with mixed feelings by social workers, journalists and the majority of the population, while it is commended by the Ministry of the Interior and, of course, the Vice Squad.

It is no secret that the discussion about corruption in the police reached boiling point this year and has been clearly identified as a **very serious national problem**, not only by many journalists, but also by the Minister of the Interior, Stanislav Gross, and the chief of police, Jirí Kolár, themselves.

⁵² According to a staff member of the Ministry of the Interior, the work of the border and foreign police related to trafficking in human beings is "disastrous, a total lack of awareness, and understanding of the problem."

Kolár said in an interview in September 2003 that he believes that 10-15% of all traffic police (this means 'street traffic', not 'human traffic') take bribes. The question is why should the criminal police be any more reliable? Cities like Karlovy Vary (a famous tourist city with a strong presence of Russians and Ukrainians) are frequently mentioned as problem areas (with cases of policemen involved in bank robberies, blackmail, and with connections to the Russian Mafia).

Minister Stanislav Gross said in September on Czech television: "I cannot put my hand into the fire for each of the 50,000 policemen. But I am quite angry lately because there is so much trouble. But I have faith in many people, and we will try our best to do something about it. However it is true that there are many difficulties, and I won't sweep them under the carpet."⁵³

His political opponent, Ivan Langer, who is the opposition shadow Minister of the Interior uses harsher word: "...without exaggeration it can be said that the police here has about the same credibility as the Sicilian Mafia."⁵⁴ In his "Black Book of police offences" he points out that 444 policemen were accused of criminal activities in the year 2002 alone. This is a high figure for such a small country and is on a level with the charges against perpetrators of organised crime offences. More detailed statistics show a high number of cases in Prague and the Czech-German border region – which are also the areas with the biggest prostitution infrastructure.

"Sometimes people really don't know whether they are protected by the police or the Mafia", argues Ivan Langer. "Even blackmail, frauds and embezzlement are not rare. But many perpetrators of these criminal acts remain on police duty."

A woman from the region who is just setting up her own small brothel told us: "Last week there was a 'police raid' in my favourite bar, when I was just sitting there. They stormed in, loaded, fucked the girls and stormed out. Next day they came back looking for their guns. Five of them had lost them there. The girls had taken them away while they were drunk and hid them under the bar. I guess those guys were in trouble..."⁵⁵ We ask her about child prostitution, telling her that the police deny that juvenile prostitution is a problem. She replied: "Just yesterday, I was sitting here with a friend of mine. She had knocked back a few rum and cokes and got talkative. She told me about her childhood some years ago, and about her twin brother who, as a youngster, was used as a sex toy by adult men. Yes of course he was not an adult himself. It's the handwriting of your family, it shows up in how we turn out....If you get no love at home, everything is shit..."

So there is a contradiction in the discussion about child prostitution, because, on the one hand, the work of the local police in following up on trafficking cases and in prosecuting traffickers and pimps is very good, but on the other hand, there are reports in the press every day about police corruption and their involvement in bribery and criminality. Even if the Ministry of the Interior and the Vice Squad were right in their assessment of police work on prostitution, it cannot change the fact that the police have lost a lot of credibility in the past years.

⁵³ Jindrich Šídlo: "Stanislav Gross: Ministr rychlé reakce" (Mladá Fronta DNES, p.3, Oct.3. 2003)

⁵⁴ Ivan Langer: "Cerná kniha policejních hříchu" (ODS, September 2003)

⁵⁵ The author of this report was at an 'outdoor shooting practice' a few years ago with an extremely drunk small town policeman, not far from Prague. After the party the officer handed over his gun to a group of young people and let them 'shoot at bottles' in the woods.

So for Stanislav Gross it has become difficult to clap with only one hand – to declare (as he did officially in 2003) an era of important police reforms to wipe out corruption, and at the same time to express his belief in the vigorous confirmation by the police that there is no child prostitution problem in the Czech Republic (and they mean under 15 years of age, of course). This is a typical example of the complex nature of the Czech mentality when it comes to revealing the truth.

On the international level, the work of the ÚOOZ is always held up as a proof of quality policing. But it is ridiculous to take the best part of the system as a measure of the whole structure. The ÚOOZ is not the issue. The discussion is about the local community police and the "Foreign and Border Police". There is no doubt but that these have their moral difficulties. It is not even denied by officials – it is in the newspapers. But for a researcher it is nearly impossible to have an open and detailed discussion on corruption with a policeman or ministerial employee, because it is considered 'internal affairs'.

We have talked with a male prostitute in Prague, who started to prostitute himself at the main train station ("Hlavní nádraží") while he was still a minor. He showed us a fresh gap between his teeth, explaining that a policeman had broken his tooth during an interrogation in a police station just few days before. Of course the police would argue that this story is a lie and that the boy made it up. Probably. We cannot prove the validity of such statements, and hear them with certain reservations. But it is interesting that all the boys living and prostituting themselves in the area around the train station call the local police station "the Stomatology", and they are certainly not referring to the medical practices of the policemen. It is not exactly the law enforcement methods to be expected of a new EU member state.

The discussion about the extent of corruption and incompetence among the Czech police is on-going in the media. It is a major political discussion that will have an impact on the next national elections. So the 'pro's and 'con's should be regarded with a certain equanimity. It is difficult to figure out the truth. But this riddle is like the public question about whether there is child prostitution in the Czech Republic or not. The official answer may be the same: yes, but only in a few cases.

Difficulties in national co-operation among the law enforcement authorities

Co-operation between the police, the prosecution services and judges seems to be a problem. Klára Skrivánková of La Strada: "They should find better ways of communication and should learn more about each other's work." For the time being, this wish seems unrealistic. A drastic example given by a staff member of the ÚOOZ: "Very often a person gives evidence in court as a 'secret witness'. She doesn't show up in the courtroom. The judge can question her through a microphone from another room. The judges should follow the recommendations of the police – if the police say it's about safety and they have an undercover witness who needs protection – but the judge says he sees no reason for keeping the witness secret. The police can protest, but it's useless. If the judge insists on the victim's presence in the courtroom, the police are helpless. It happens that the police have kept the identity of a witness secret for a year, and a judge changes that protection within a second."

When detecting and prosecuting trafficking in human beings it is crucial, in the opinion of the police/Ministry of the Interior⁵⁶ and NGO representatives, that not only the police⁵⁷ but also **prosecutors specialise**. Prosecution of the rare trafficking cases, and dealing with the difficult issue of trafficking as part of organised crime, requires specialist training – which is confirmed by the General Prosecutor's office, and which is a specific measure in the "Action Plan to Implement the National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic".⁵⁸ Again the lack of prosecutors is a problem.

Although prosecutor JUDr. Viktor Böhm, along with many of his colleagues, does not necessarily see the need to specialise ("Why specialise? We know or guess how the business [organised crime] works, but we must solve the theoretical problems with the tools of practical jurisdiction"), he admits that in court often **cases of organised crime fail for lack of proof**. The frustration is on both sides - a police officer from ÚOOZ: "It happens very often that after two years of police investigation, which we know has been done very well, no one is sentenced, or the penalty is very low, because we could not prove the element of organised crime. And then organised crime trafficking is only pimping or individual cases of trafficking. Prosecutors will tell you it's the poor work by the police. But the problem remains the same: as long as they don't specialise, every single prosecutor will have a different way of looking at the case, at the interpretation of the law, at the evidence."

The police blame the prosecutors, the prosecutors blame the police or the judges blame both of them.⁵⁹ The classical problem of not working together between the police, the prosecutors, and the judges, prevents law enforcement to tackle trafficking in human beings from being effective.

International co-operation between law enforcement authorities

International co-operation between police or prosecution personnel and their foreign counterparts seems to work out better than the cooperation at national level. According to a staff member of ÚOOZ there is regular and good contact, mostly on a personal relations basis, **between the ÚOOZ, the Special Unit for the Detection of Organised Crime and the Police of the EU member states and the US**. Nevertheless it is astonishing to hear that instruments like Europol or "Interpol for me is an institution which translates things from Czech into another language. This for me is Interpol...Certainly it happens that I send a request to Interpol or Europol, to see if they have data on a certain person, or I give them some

⁵⁶ Staff member, Ministry of the Interior: "The ÚOOZ complain that their investigators, as elite personnel, do not have adequate partners in justice. Their headquarters are in Prague; they do investigations throughout the whole country, but they will have to hand the case over to a local prosecutor, who maybe has never heard of trafficking. How can he deal with the evidence? There is specialization of prosecutors in financial crime, and we should seek the same level of specialisation in relation to organised crime".

⁵⁷ This has already been done with the setting up of the Special Unit for the Detection of Organised Crime in 1998.

⁵⁸ "To support the idea of state prosecutors and judges specialized in prosecuting crimes of trafficking in human beings." (Action Plan, p.2)

⁵⁹ UOOZ staff member: "There was a special training held by the US Ministry of Justice. Not only our police units but also prosecutors were invited. The Americans were pretty dismayed, because the prosecutors said that this training is superfluous for them, that only the discussion with judges was relevant, not with the police forces. The police should aim for better communication with prosecutors, but I had the impression that we are not equal partners to them. It is the judges."

information. But concrete co-operation on cases does not exist. For us, Interpol is a translation service." (ÚOOZ staff member)

Although this comment may sound strange – Interpol/Europol as translation services – such a function should not be underestimated, due to the fact that in the Czech Republic most employees in positions of responsibility still have massive problems with speaking foreign languages. In the border area things might be a bit better, but in general it must be said that **the lack of language skills** is enormous, and at the same time such skills are crucial for effective international co-operation. However, the joint German-Czech police border controls, or the recently established co-operation between the Czech local police on one side of the border, and the Bavarian and Saxony police on the other side, obviously function quite well.

The same is true for cross-border co-operation with the prosecutor's office in the border region. Prosecutor JUDr. Viktor Böhm stresses the uncomplicated and often informal ways the German (Bavarian and Saxony) and the Czech counterparts co-operate: "When it comes to cross-border observation, we had a lot of cases where there was wonderful co-operation. 'Who owns this car?' Two years ago, applications for assistance in law enforcement from Weiden, a German town right across the border, were sent all the way to Prague or Brno through Plzen - now they come directly to us." Close, personal and informal contacts play a big role in this transborder co-operation.

3. Visions for the future – legislation and law enforcement

3.1. Future legislative amendments

Neither of the international documents concerning trafficking in human beings has been ratified yet - the **UN Convention on Transnational Organised Crime** and the so-called Palermo Protocol, the **UN Protocol** to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which were signed on behalf of the Czech Republic at the end of 2002. An Evaluation Report on the preparedness of the Czech Republic to ratify the Protocol was published by the Ministry of the Interior in February 2003. The Report said "that the Czech Republic is capable of observing the obligations stemming from the Protocol without any problem." (Evaluation Report, p.12). So the ratification of the instruments should be only a matter of time.

The National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic clearly mentions **a re-codification of the Criminal Code**: "the new bills [...] are now being circulated for comments" (p.16) Although a possible amendment to §246 concerning trafficking *within* the country is not mentioned in either the National Strategy nor in the Evaluation Report, a staff member of the Ministry of the Interior told us explicitly that "in this extensive re-codification - where even the numbering of the articles will be changed - it is planned to consider in-country trafficking as well. This should be no problem."⁶⁰ A staff member of ÚOOZ welcomes the amendment: "In the last amendments of the trafficking article there was no provision for trafficking within the country. But this is to come. I think in the new version it will be possible to prosecute the whole issue."

The planned re-codification provides stricter sanctions for perpetrators according to §246 (5-12 years with no possibility of a suspended sentence) as well as for other acts related to

⁶⁰ §246 will then be renamed as §146.

trafficking in human beings (unlawful detention, abduction, imprisonment).

The adoption of the new Criminal Code should be completed by January 2005.

In the above mentioned Evaluation Report of the Ministry of the Interior, proposals are made for the amendment of Criminal Code §246 (Trafficking in human beings), §216a ("Trafficking in children" – but only applied to date in adoption cases), the Aliens Act, laws and regulations on Socials Benefits - with the objective of granting trafficking visas to non-Czech victims as well as to Czech ones,⁶¹ reflection periods, certain social benefits,⁶² assistance.

3.2. Future Law Enforcement

The Czech Republic is participating, together with Poland, in a **UN Global Program** Project for combating trafficking in human beings. Partner countries are Austria, Germany, The Netherlands, and Finland. Within this programme, **better international co-operation among specialists** in the countries of origin, transit, and destination is planned, and will be implemented by joint training operations.

This project also seeks to improve the prevention, investigation and prosecution of trafficking in human beings. An already developed **witness protection scheme** is therefore a central part of the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic."

The "**National Strategy**" stresses the need to increase the capacity of the prosecution authorities, e.g. by putting in place educational programmes for judges, prosecutors, police, but also by improving their staffing levels, and by supporting them with material assistance.

A **PHARE-Programme** Project for the Czech Republic (approved in 2003) will provide not only equipment to the ÚOOZ, but also training for police and public administration authorities, to bring them up to European standards and to establish co-operation in the investigation and prosecution of trafficking offences. The UK was chosen as a twinning partner for this project on 1 October 2003, but will operate with strong support from The Netherlands. The Ministry of the Interior stresses the crucial role of the planned training, especially within the local police, and the foreign and border police: "The biggest problem is the level of knowledge in the local police not in the ÚOOZ. The local police, in most cases, handle trafficking in human beings cases as voluntary prostitution cases."

3.3. The new bill concerning prostitution – can it make a difference?

The discussion of how to deal with prostitution in the Czech Republic is a never-ending story – both in the country and abroad. Up to now prostitution is neither legal nor illegal in the Czech Republic; it is simply regarded as a private matter – as long as the protection age of 15 is recognised. But since the border regions in particular between Germany and Austria have become "open air brothels" since the fall of the Iron Curtain (due to the fact that licensing of

⁶¹ In theory a victim of trafficking may also apply for a permanent residence permit on humanitarian grounds.

⁶² At present a bill on material distress and social exclusion is being prepared in the Ministry of Labour and Social Affairs.

brothels and clubs is easy) the authorities have given way to public pressure and try instead to punish accompanying petty offences, such as vehicular traffic violations.

Up to now the government has made no attempt to deal with the huge problem⁶³ – either from ignorance or from prudish attitudes. Now, under international pressure and pressure from Prague's Town Hall, a bill on regulating prostitution is under consideration, and should be put before parliament by the end of 2003. By then, the Ministry of the Interior will have been preparing this bill for more than 3 years.

The provisions in the bill propose the **legalisation of prostitution**: prostitutes will be able to get a **licence**, if they can prove that they are citizens over the age of 18, and undergo monthly health checks. The licence is valid for one year and then has to be applied for anew. By this means the **registration of prostitutes** will also be assured: not only for tax reasons but also for social insurance.

The bill prohibits secret prostitution, both for prostitutes and for clients. Brothels will also have to be licensed by the local authorities which can decide whether or not they want to have a brothel in the neighbourhood. Prostitution near schools, churches, hospitals etc. will be prohibited.

Of course this bill will be subjected to close political scrutiny. The German daily newspaper "Frankfurter Allgemeine Zeitung" comments: "The bill of the Ministry of the Interior is so reasonable that one must expect strong political opposition." (FAZ, 23.10.2003, p.9).

Whether the proposed new law on prostitution will have **any effect on trafficking in children** is a philosophical question. The ÚOOZ is convinced that it will help to combat trafficking in human beings: "We tie our hopes to the legalisation of prostitution. At least as regarding trafficking. We hope that there will be less possibilities to hide from the police."

On the other hand, trafficking in human beings used to be, is, and will be, a part of Organised Crime. The illegal and shady nature of this crime will not change because of new laws (as can be seen from the German example, where prostitution is legal, but trafficking continues). As Dr. Jaroslav Zverina, Head of the Institute of Sexology at the University of Prague and a Member of the Czech Parliament puts it: "I think that regulating prostitution cannot influence this 'wild' prostitution. [...] I am afraid that regulating prostitution will lead to an 'illegal prostitution' we will then have to combat."

At least the fact that *there is* a bill, and that *there is* a discussion starting shows us that there is the beginning of a political will to deal *seriously* with the problems of prostitution and trafficking in the Czech Republic.

⁶³ An estimated 15,000–25,000 prostitutes produce an estimated turnover of approximately €190 million p.a. (Ministry of the Interior). No official statistics and figures are available, because prostitution is a private matter and prostitutes are not currently registered.

C. Child Care/ Protection

1. Status quo: Prevention, Rehabilitation, Repatriation

For the time being rehabilitation or repatriation programmes for children as victims of trafficking are non-existent - since officially there is no trafficking of children or adolescents in the Czech Republic.

1.1. Prevention

Now and then some **poor and inadequate prevention programmes** are tackled by various NGOs.⁶⁴

The NGO, La Strada, specialises in the care of adult women who are victims of trafficking. But they do some prevention programmes for underage persons: "They are a target group for prevention activities; we do lectures for girls in their last years at elementary school, high school and secondary school. It is basically seminars on what is trafficking, and what can happen when they are thinking about going abroad. It is an interactive dialogue. We want to empower them, actively and proactively. We also have a booklet with frequently asked questions. They can call the hot-line when they go abroad and have questions. We also have a special Roma project. It is a variation of the prevention lectures for girls. It is more interactive, different from the school things." (Klára Skrivánková, La Strada).

Two years ago, IOM together with La Strada, held a public prevention campaign. In a website "Children in a Trap" (www.detivpasti.cz), IOM provided information about the issue, and also carried out some workshops together with the NGO, Projekt Šance.

Cath Moss of ENYA also offers programmes in the form of seminars on prevention: "It is for combating trafficking, forced prostitution and sexual abuse of children, youth and women. For 5 years now we do capacity training programmes with care givers, social workers, we bring together young people, sexually exploited persons, and we offer a special programme on working with young people in children's homes, as well as a special orientation for Roma young people."

In the Czech-German border region around Cheb and Aš the NGO, KARO, is doing prevention work with street prostitutes: "The task of our social work project in the beginning was to do prevention work in the streets and brothels with prostitutes, *adult* prostitutes of course, as no one could guess we would meet *children*. But soon to our big surprise we came in contact with underage girls. Now we talk to them on a regular basis and try to help them." (Cathrin Schauer, KARO)

1.2. Repatriation

Repatriation programmes for children (though not specific to victims of trafficking) are theoretically and practically provided by IOM: "We carry out repatriations of children in co-

⁶⁴ Even when talking about *adult* victims of trafficking, the prevention or re-socialization work is very poor and inadequate. The NGO La Strada provides crisis intervention for up to 6 months to women (medical assistance, housing...). After that no housing will be provided in the shelter (apartment for 4 persons). La Strada would facilitate accommodation in some other place if long term assistance is needed. Czech Caritas also provides housing in a network of anonymous shelters.

operation with the IOM offices in the respective countries of origin. Of course we take care that they won't go back in a vacuum. But this is a topic on which we should have more discussion, because there are no European standards on how to repatriate children. This is a very sensible topic, because you have to be sure that the children return to someone who will have custody of them, so that they won't travel on again." (Lucie Gladišová, IOM). But even IOM seem to have financial problems now and then to tackle the issue of repatriation of *adult* victims, as its co-operation partner, La Strada, knows: 'No-one has financial resources for repatriation. It should be IOM, but they haven't got any resources at the moment. We have clients who sold their necklaces and mobile phones to return to Ukraine.' (Klára Skrivánková, La Strada).

1.3. Reasons and ways to address these needs

The **main reason** for the lack or insufficient number of prevention, rehabilitation and repatriation programmes is, according to the interviewed organisations, firstly a lack of **finance**, and then the problem that the Czech Republic does not yet have a functioning system of **co-operation** between all the organisations involved in helping victims of trafficking. Some NGOs also complain about the lack of networking structures among the NGOs themselves.

Public sensitisation on the issue was also identified in the interviews as a crucial point. The provision of information to foreigners at risk, and international networking, should be improved so as to raise awareness in countries of origin. Above all, combating poverty in sending countries was considered important.

2. Future plans: Shelters, Special Programmes

As officially there are no children who are victims of trafficking in the Czech Republic there are no plans for programmes that would focus on the rehabilitation or repatriation of such children. However, there are plans that are more or less connected to that topic.

2.1. The National Strategy Project: a Victim Support Scheme

In the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" dating from July 2003, and in force since September 2003, a Model for support and protection of victims of trafficking in human beings for the purpose of sexual exploitation was approved and set up on a pilot basis (National Strategy, p.37 ff).

Theoretically, this includes of course child victims of trafficking, although the Strategy avoided directly mentioning children as victims of trafficking for sexual purposes, and in the first test phase of the Model project, children are not targeted at all: "The target group for this Model are the victims of trafficking in human beings for the purposes of sexual exploitation. So far, this has been the most extensively explored form of trafficking in humans in the Czech Republic. The Model will have to be tested in practice [...] and possibly expanded to include other groups of trafficked victims (victims subjected to forced labour, slavery, servitude or removal of organs). The broader Model will also include male and child victims." (National Strategy, p.39).

The pilot testing of the Model victim support scheme is funded by the UN and has already started (the end is scheduled for May 2004). In co-operation with La Strada, IOM and Czech Caritas, 10 female adult victims of trafficking are "granted a legal permission to stay in the Czech Republic and go through a month-long crisis intervention programme in a La Strada shelter. If they decide to co-operate with the authorities in relation to criminal proceedings, they will be granted a temporary residence visa pursuant to the Foreigners Act, and given any help they may require. After three months, La Strada will refer them to the care of Caritas. If any of the victims decide to return to their home country at any time during the crisis intervention or in the course of the programme, IOM will organise their return and assist them in integrating back into society, in co-operation with other non-governmental organisations working in the Czech Republic." (National Strategy, p.48.)

2.2. The (planned)⁶⁵ shelter for UAMs

Unaccompanied Minors (UAMs) seeking asylum (who often disappear and in many cases end up in the cycle of prostitution and organised crime)⁶⁶ used to be brought to children's homes or juvenile detention centres. Later on, special places for children were set up within the (adult) asylum shelters. Now the Ministry of Education, following a decision of the Czech government (dating from 2001) has established a shelter for UAMs, as well as for foreign children who are not necessarily asking for asylum but who are without care, such as children who are living on the streets. Social assistance is provided in this shelter, there are social workers and psychologists, and training will be given.

This could become also a centre for child victims of trafficking, where they could be rehabilitated, or where it would be decided whether to integrate the child into Czech society or to repatriate him/her to the home country – depending on what is in the best interests of the child.

2.3. Two NGO Projects - Dum Šance and the ENYA shelter

The NGO Projekt Šance is continuing to fundraise for their "Dum Šance" project ("House of Chance"): a community centre focusing on street boys, who are prostituting themselves in the centre of Prague (see chapter A 2.1.2). In this centre, effective prevention takes the form of specialised social assistance. According to all the NGOs interviewed, the centre could be an excellent means to prevent child prostitution and possible trafficking. However, financing is a problem, although the project already has a house.

The NGO ENYA is planning a shelter which will be built in Prague in the summer of 2004. It will be a mixed centre for children and young adults, a place for returned victims or for victims of sexual exploitation. Between 6 and 12 persons would be able to live in the flats that will be built, including young mothers with children. The initial period of stay would be a maximum of 2 years. ENYA will manage the financing of the project, but they are still fundraising.

⁶⁵ At the time of finalising this report the shelter had not yet started operating (December 2003). It was only a question of weeks, so by the time the report is published, the shelter will certainly be in operation.

⁶⁶ See chapter A 2.2.4

D. General observations

1. The demand side: clients, costs, and child pornography

According to police officers from the Vice Squad and from the ÚOOZ, the Special Police Unit for Detection of Organised Crime, most clients of children in prostitution are **German and Austrian**. This is due to the geographical position, and the economic differences between, those countries and the Czech Republic: "Most of the clients are from Germany, particularly from Saxony, I would say. In western Czech Republic they are Bavarians, in southern Czech Republic they are Austrians." (Staff member, Vice Squad). The clients seem in most cases to be 'normal' citizens, the **average man** – according to Cathrin Schauer, a street social worker from the NGO KARO who works in the western Czech border region around Cheb and As: "They come from all social classes. But if you judge from the cars, there are more middle class people. Local clients we don't know. Only Germans. In the child prostitution market, only Germans. Even in adult prostitution we only rarely hear about locals."

A special group are **paedophiles**. They seem to come from all over the world, regardless of the distance: "We had cases of Englishmen and men from the US – every paedophile does research as to where he could become active, and off he goes. For some a journey right around the globe is not a problem. But it is logical that most of them are German, because of the proximity." (Staff member, ÚOOZ, Special Police Unit for Detection of Organised Crime).

Little is known about **prices**. According to the Vice Squad "very high" prices are paid by paedophiles for under 15 year old prostitutes, but as this happens secretly, no precise figures could be given.⁶⁷ Cathrin Schauer reports from her everyday experience on the streets: "It differs. Children are paid with sweets or toys. A pimp once complained that clients only pay with sweets. Children report differently: 30 to 50 Deutschmarks, for special demands 2,000 to 3,000 Deutschmarks, bondage, porn, hotels. Lately I heard of purchasing a child for €20,000. If it is little ones, up to 6 years old." TV reports dating from October 2003 name prices of between €20 and €30 for underage girls in the Cheb area – demanded directly by the girls or by middlemen (Roma women),⁶⁸ or pimps.

How do clients get the information? The electronic media should not be underestimated: "Internet, chat-rooms, word-of-mouth" (Cathrin Schauer, KARO). Getting and giving information goes hand in hand. There seems to be a close link with **child pornography**: "Of course children who are abused for sexual exploitation often appear in pornographic material. Lots of paedophiles film their sexual intercourse with minors. Frequently this is then exchanged or uploaded on the web..." (Staff member, ÚOOZ, Special Police Unit for Detection of Organised Crime). According to Cathrin Schauer of KARO, children in street prostitution report that they are asked quite often if they would do pornography. "A client can link the one with the other once he is here."

In the past years several transnational child pornography rings were detected. At the

⁶⁷ To keep it secret, paedophile sex tourists often come on foot, according to Cathrin Schauer of KARO, and contact middlemen or pimps to get what they want in flats or the back rooms of clubs/brothels.

⁶⁸ "I had evidence that in Ustí nad Labem, for example, there were cases of Roma selling their 12 year old children for sex and for photos of all kinds." (Staff member, Vice Squad)

beginning of 2003 a dubious agency in Leipzig trading in pornographic images of young girls was discovered. The agency, named 'Germany Models', was offering photographs over the Internet of so called "German Dream Teens" to paedophile members all over the world. The owner of the agency confessed to undercover TV reporters in secret TV-shootings that he had often taken photos of underage Czech girls (Leipzig being close to the border) or he had taken the girls for the shootings over the border to the agency in Leipzig. The German Bundeskriminalamt (Federal Criminal Authority) followed up on the case, but could not pursue a prosecution because of limitations in the definition of child pornography in the German legislation. However, the revelations in the TV report caused a scandal which put an end to the agency's activities.

2. Supplying children: the role of minorities

As we have seen above,⁶⁹ minorities are involved in child prostitution and trafficking. A lot of children who are offered and sold into prostitution come from the **Roma community** both in the Czech Republic and abroad (mainly Slovakia). The big Roma family clans are often involved in trafficking operations.

But there is a new phenomenon on the supply side:

2.1. The Asians – new players in child prostitution

2.1.1. General view

The most enigmatic minority within the Czech Republic are the Vietnamese. Since the '60s and '70s there has been a constant influx of Vietnamese into the country, due to bilateral contracts between the two communist regimes. After the fall of the Iron Curtain and the end of the communist era, the Vietnamese started to operate their "famous" markets with counterfeit products (especially textiles, cigarettes, perfumes) and pirated music. They continue to dominate the black market. During the '90s it was always taken for granted that the Vietnamese were not involved in drugs or prostitution. At least, there were no known police actions against them in that sector. This situation is changing.

2.1.2. The background – an opaque community

The police and the Ministry of the Interior complain about the difficulty of penetrating the Vietnamese community, describing it repeatedly as "closed and isolated".

The Vietnamese started to enter the country in 1956, after the Czechs signed a bilateral contract on post-war support to Vietnam. This agreement expired in 1990, but the Vietnamese found ways to get residence rights in the Czech Republic, and to keep their businesses running, so the influx still continues, both through legal means, as well as through illegal immigration. Since the '50s there has been no cultural interaction worth mentioning between the two nations. The Czechs showed very little readiness to accept the Vietnamese who have established a complex and, until now, unknown community. It is not wrong to say that the Czechs definitely do not regard the Vietnamese as part of Czech society.

As with all minorities in the Czech Republic, the exact number of Vietnamese is not known. A controversial public opinion poll in 2001 gave a number of around 17,600 Vietnamese in

⁶⁹ See chapter A 2.2.2. Juvenile prostitution within the Roma community.

the Czech Republic. Other sources suggest 22,000, and according to statements by Vietnamese themselves, the numbers could be three times higher.

Their illegal activities, which focused on tax evasion and the sale of counterfeit and smuggled goods, have been tolerated by the police and the government, because in the new post-communist administration, not too much was known about how to deal with such an autonomous community. Not all Vietnamese business is illegal.⁷⁰ It's more that there is a huge 'grey' area. An extremely high level of reticence and discretion makes it quite impossible to find Vietnamese giving evidence against other Vietnamese. The police even notice that the community itself has established its own kind of paralegal security body to deal with problems, trouble or offences within their society – regardless of the Czech law and constitution, of course, and with the objective of preserving peace within their social and legal environment. So the trade in cheap products has been running under the government's helpless nose for 14 years now – much welcomed by German tourists in the border region, and even by the Czechs themselves. The products of the famous "Vietnamese markets" are an appreciated antidote to the disproportion between wages and prices in the shops which trouble many Czech citizens.

The only method of law enforcement here are the "traditional" raids. These have increased in recent years. However, the black market has even more blatant. Goods like cigarettes and alcohol are the new targets of the Vietnamese merchants. Secret factories where no-brand cigarettes were packed under famous brand names were even discovered right beside the market-places. The same kind of discovery was made with alcohol, but no-one can say where the counterfeit liquid was made.

Of course not all Vietnamese participate in illegal activities, although most of them focus on different kinds of trade, where the boundaries between legitimate and illegal business are not so clear. Their activities were tolerated because they (at least at first sight) seemed to stay out of any business connected with violence, organised crime, threats or murder.

2.1.3. The new players

As the police are beginning to admit, this belief was misplaced. During the last four years there has been a strong increase in Vietnamese activity in the prostitution sector, the drug trade and human trafficking. These activities also include people from China, who the police were not always able to distinguish from the Vietnamese. Both nationalities have already established very loyal and highly complex criminal structures.⁷¹ The Czech Security Information Service Report for 2001 and 2002 does not mention prostitution and pimping in relation to the Vietnamese or Chinese. In a short description of their criminal activities it says: "They mainly engage in blackmail and extortion (collecting protection money), are involved in the organisation of illegal migration, commit customs and tax fraud."

All information we received about a connection between the Vietnamese/Chinese and juvenile prostitution came from personal discussions with a member of the police force, and with a

⁷⁰ For instance the biggest Vietnamese market called "Dragoun" in Cheb is rented by the town administration to the Vietnamese company "Lanzaro" for over a million Euro per year. This makes the company one of the most powerful payers into the town's cash-box. Yet this market-place is the biggest supplier of counterfeit goods in the region.

⁷¹ This is an interesting contradiction to their legal and social status: the Vietnamese community in the Czech Republic is not strictly organised; there are no significant representational interests, or political parties, or social groupings. But there are five Vietnamese language magazines that circulate news from Vietnam.

prosecutor, and they relate to events that took place this year. It is regarded as a new phenomenon. The Vietnamese involvement in prostitution, however, seems to be older than was previously thought – but it included women and girls from "traditional" supply countries such as Ukraine and Moldova, as well as Czech girls. In the past the prostitution business seemed to be only for supply within their own community, which was the reason it remained so completely undiscovered by the police. Cases of explicit child prostitution have not come to official attention, (there is not much known about the Vietnamese structures anyway), which does not alter the fact of an extremely high tendency towards the prostitution business within this community.⁷²

The Vietnamese have slowly extended their business to other client groups by taking over or creating new night clubs in the border region. Being already the owners of many shops and gambling pubs (in the Czech Republic called "herna") they started to expand their activities by buying new rooms and using them as brothels, catering mainly to (German) sex tourists.

2.1.4. The Triads – not just a 'Far East' cliché

The Czech Security Information Service reports on Chinese criminal structures in the country in their annual report for the years 1996/1997:

"The principal players in Asian organised crime are the Chinese groups whose activities have so far been aimed at the Chinese community itself. Chinese criminal groups have been increasingly engaging in the smuggling of people across Czech frontiers. A considerable problem is the closed nature of the Asian community and the language barrier which make it difficult for the intelligence service to penetrate the management structures of the organization."

The report of 1998/1999 mentions *"members of Chinese triads and other criminal organizations sometimes coming with a wave of migrants"*. And *"ties and links between the Chinese and Vietnamese communities have been noted."* As the report of 2001 explains, Chinese criminals have also specialised in forged documents allowing people from Asia to travel and stay in the country, which demonstrates the clear growth of the Czech Republic's attraction as a migrant destination country, rather than its former dominant role as a transit country for all kinds of transmigration business.

The Security Information Service report for 2001 also mentions for the first time criminal groups from North Korea.

2.1.5. Conclusions

The role of Vietnamese and Chinese criminal organisations within the Czech Republic is not clear or well-known. It is not yet clear, either, how well-informed the Ministry of the Interior and the police are about the situation. But it seems that they are beginning to map the problem. So nothing very concrete can be said so far about the involvement of the Chinese and Vietnamese in the prostitution of minors, except that the first cases have been discovered, which could be the tip of an iceberg. It is also obvious that the strong involvement of Asian groups in migration criminality, and the transparency of the country's border after entering the European Union in 2004, may lead to an increase in illegally operated prostitution.

⁷² In fact, during the interviews for this project, a prosecutor reported to us that a trial against a group of Vietnamese men is going on in the Czech Republic; this is a case which involves a prostituted minor under 15 years of age.

3. The role of society and institutions in combating trafficking in children

3.1. The Police

According to most interviewees (NGOs and police) the police could play a more significant role, not only in detecting trafficking as a crime and arresting the traffickers, but also in understanding a victim's needs and to be aware of the fact that a victim is not a perpetrator. International, cross-border, co-operation between Germany and the Czech Republic could also be better. According to Cathrin Schauer (KARO) there would be a significant improvement if, for example, the German police could investigate in Cheb. But legally this is impossible for the time being.

Still, the joint Czech-German border controls seem to work well. But there appears to be a lack of co-operation at international ministerial level. A trilateral working group at the level of the Czech, Polish and German Ministries of Interior was established to combat and prevent smuggling of and trafficking in human beings, and especially to protect children from being sexually exploited. This trilateral working group is only a sham, according to various NGOs who were interviewed [see B. 1.1.b]) – and, according to a member of the Czech Ministry of the Interior, the co-operation is indeed slow: "Indeed this is true. Because of the pressure from the media, which created scandals in relation to child prostitution? The Czech authorities don't need a kick in the butt to get them moving. That's not it. There are formal arrangements on the Czech and German sides for police co-operation across the Schengen borders. This co-operation is very active and applies to all the German-Czech border regions. The investigations arising from it are very concrete and successful."

3.2. The NGOs

It is the NGOs who should definitely play a more crucial role in combating trafficking in children. Not only in prevention, where at least something is done (see chapter C1.1.), but especially on concrete work with the victims, which is lacking. Apart from the organisation KARO in western Czech Republic and Projekt Šance in Prague, no NGO in the Czech Republic deals with children who are victims of trafficking or involved in prostitution. According to Klára Skrivánková of La Strada it is necessary to push for change, to insist on assistance for victims, to monitor: "NGOs should be the watchdogs."

3.3. The Customs Service

...could be an effective means to find more pornographic material according to Cathrin Schauer of KARO. Together with the border police, customs officers could easily detect more cases of trafficked children. But technically the customs have no role in combating trafficking in children, and in the light of forthcoming membership of the EU, this situation is not expected to change.

3.4. The Justice system

...does not necessarily focus on the two aspects of trafficking cases. According to Klára Skrivánková of La Strada, judges and prosecutors should be more victim-friendly. Specialised prosecutors would be a welcome solution to the problem that traffickers are hardly ever sentenced, according to Cathrin Schauer of KARO.

3.5. The Education system

... is considered to be central and essential to an effective combating of trafficking. According to a staff member of ÚOOZ, a Special Unit for the Detection of Organised Crime, the victims of trafficking hardly ever know about the issue. They are easily taken in by dubious job offers, or travel agencies, or believe the lies in Internet advertising. According to La Strada, it would be desirable to include the issue in the school curriculum. For the time being it depends on the goodwill of teachers or school directors. School social workers or psychologists should be integrated into the awareness raising work (Cathrin Schauer, KARO).

According to a criminologist from the "Institute pro kriminologii a sociální prevenci" (i.e. "The Institute of Criminology and Social Prevention"), co-operation among all the authorities concerned could be improved. "The police and the Ministry for Education should work together to give the children concrete and easy to understand information about actual cases, in order to show them what can happen to them." Sex education in schools does not seem to be adequate; they do not target sexual abuse and the criminal nature of abuse. Prevention could be integrated into sex education or biology. "It is not the fault of our teachers, but of the whole school system. A socio-pathological issue is simply not targeted unless it is abundantly visible."

3.6. The children themselves

According to most interviewees, little can be done by children themselves. Underage victims of trafficking show hardly any initiative, because they are afraid – afraid of their parents or afraid to give evidence against them (according to Cathrin Schauer, KARO). They will not co-operate with the police having had bad experience of them. A staff member of ÚOOZ, a Special Unit for the Detection of Organised Crime, confirms: "Mistrust is a big problem for us. Czech victims who have been trafficked abroad hardly ever co-operate". An important reason is the pressure the traffickers put on the family back home, in villages, where everyone knows every one else.

According to a Criminologist from the "Institut pro kriminologii a sociální prevenci" (i.e. "The Institute of Criminology and Social Prevention") children could play a role in prevention, e.g. through peer education, which works successfully in drug prevention.

3.7. Parents and family

According to most interviewees, families hardly ever talk freely about sex. Therefore trafficking is not a topic for discussion, apart from cases where the families have had experience of trafficking. Very often it is family members themselves who are involved in the trafficking cycle (e.g. in Roma communities, see chapter A2.2.2.). And victims often come from dysfunctional family structures, where they have already been raped or abused by family members at an early age (according to Cathrin Schauer, KARO).

Of course parents could play an important role in raising awareness. But they are also the products of the former communist system.

3.8. Media

... plays a very important role in raising awareness, both about prostitution in general and trafficking in adults and children in particular. Klára Skrivánková of La Strada confirms that even prevention programmes have been the subject of reports, and the NGO hotline number

has been broadcast. But according to Cath Moss of ENYA, "we have never seen a case of a minor victim of trafficking reported in the Czech media." In the opinion of most interviewees the sensational reporting of the issues linked to prostitution and trafficking should be replaced by more information that would raise awareness.

3.9. Churches

...have hardly any role in the Czech Republic, a post-communist state which is atheistic. Caritas, though, is focusing on the issue. Together with La Strada and IOM they are collaborating in the pilot project for a victim support scheme mentioned above, which is funded by the UN (see chapter C2.1.), and which is also a key component of the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" of July 2003 and in force since September 2003. So far only adult victims of trafficking are targeted in the test phase. ENYA, as an ecumenical network organisation also works on prevention and - to a certain extent - rehabilitation (see above, chapter C1.1. and C2.3.) but stresses the need for the churches to become even more involved in the issue.

After the publication of the UNICEF book⁷³ in Germany in October/November 2003, the issue of children in prostitution and their German clients became a big media scandal. The EKD – the Protestant Churches in Germany - reacted immediately and decided to set up a German-Czech Commission on the problem of sexual abuse of children and women at the German-Czech border. The churches should not close their eyes to this problem but "should look at the difficult social, moral, economic and political problems and should clarify and name the options for action."⁷⁴ The conclusions of such a commission could then be applied to other European border regions.

4. Difficulties in the work of the interviewed institutions

As we have seen above (see chapter B), the police and prosecution services lack staff. Investigation and prosecution could be far more effective, if there were more and better trained staff – a fact which is confirmed in the Ministry of the Interior's "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" dating from July 2003 and in force since September 2003. So the level of knowledge within the different police forces is very different. There is no specialisation in trafficking in the prosecution service or among the judges.

KARO

NGOs face enormous difficulties as well. This is especially true for those that deal with children in prostitution and trafficked children. The German NGO, KARO, which operates in the Czech-German border region, especially in and around Cheb, faces serious obstacles ever since it began its work 6 years ago. The mayors of the towns and villages do not appreciate the importance of prevention work, and they worry about damage to the image of their region because of the immense media interest in the work of KARO, and in the topic of prostitution in general. A counselling centre in the Czech Republic had to be closed after public opinion turned against KARO. KARO also faces difficulties with the Czech police, although co-operation with the German police seems to work much better. In October 2003, the

⁷³ Cathrin Schauer: *Kinder auf dem Strich - Bericht von der deutsch-tschechischen Grenze*. Hg: UNICEF Deutschland, ECPAT Deutschland, Horlemann-Verlag, Bad Honnef, 2003.

⁷⁴ Decisions of the EKD, the Protestant Churches in Germany, November 2003.

publication of Cathrin Schauer's book⁷⁵ caused an uproar, not only in the Czech-German border region but in Czech government circles as well. Cathrin Schauer describes the work of the NGO over the past 6 years and more than 500 contacts with children in prostitution, among them many trafficked children. The Czech Government claims that the contents of the book are untrue. (At the time of writing this report it was not clear whether the Ministry of the Interior would be taking a legal action against KARO).

It is a very interesting 'coincidence' that less than three weeks before Cathrin Schauer's book appeared, the Minister of the Interior, Stanislav Gross, sanctioned the undercover operation "Fantine", named after a prostitute character in a French novel. Over 4,000 police stormed a large number of brothels, followed by TV-cameras in a nationwide coordinated operation. This giant operation (which did not involve the ÚOOZ or even the local police forces) was criticised as an 'image campaign' by the newspapers and described as a huge disaster. Indeed only a dozen or so people were prosecuted after this raid, which is a little odd, considering the fact that under §204 **every pimp** is committing a crime in the Czech Republic, as long as there is no new law regulating prostitution. From this point of view, the raid was really a poor example of effective law enforcement. Especially since the efforts to keep the operation secret until the showdown totally failed (the TV stations reported it before the raid had even started). But the conclusion of Stanislav Gross, which followed a week later, is interesting: there was no discovery of child prostitution in the brothels. This was two weeks before anybody asked about it.

As the prosecutor JUDr. Viktor Böhm confirms: "The time for loud, stormy raids is over. The way they did it brings no useful results and only costs money. You must fight trafficking in women and children with subtle methods and tricks. Just the way the ÚOOZ does - with bugs, undercover agents and lengthy investigations." As the Czech media remarked cynically, just a few days after the "Fantine" operation, prostitution in the red light district was operating as before.

Projekt Šance

The second NGO that works in the Czech Republic on the issue of children in prostitution also faces major difficulties: Project Šance in Prague (see chapter C2.3.) has problems in financing their everyday prevention work, as well as in fund-raising for their community centre for male underage prostitutes in the centre of Prague. According to the street social workers there, as well as to other NGOs and the Czech media, the prevention work done here is very much appreciated, but it does not get enough attention (either financial or moral) from the government. Co-operation with the local police (in the centre of Prague) also seems very difficult⁷⁶.

While each party accepts that there is a certain amount of prostitution of children in the Czech Republic, most of the time seems to be spent in discussion about whether the problem is serious, or if it is just the fouling of one's own nest. Meanwhile paedophile clients seek out the Czech Republic to satisfy their needs, and it is mostly the press and TV that expose this situation in ways that are not always helpful. The Czech government shifts its discomfort

⁷⁵ Cathrin Schauer: *Kinder auf dem Strich - Bericht von der deutsch-tschechischen Grenze*. Hg: UNICEF Deutschland, ECPAT Deutschland, Horlemann-Verlag, Bad Honnef, 2003.

⁷⁶ Boy prostitutes often show up at the Centre having been beaten up by police. They call the police station at the Central Station "the stomatology" because police officers beat the boys and even break their teeth. Here it is visible what the ÚOOZ complains about: there are very different levels of knowledge and awareness among the different police units.

about these reports (massively produced for German TV) back onto the NGOs, who brought the subject up. But it is logical that NGOs target these issues, and the reactions they get from "above" are sometimes not fair.

Other NGOs also face financial problems, or complain about a lack of co-operation among themselves (which is also a result of financial problems and competition for funds).

All interviewees confirm that a lack of awareness of trafficking issues in general in Czech society is a major problem. As one interviewee put it: "It is very difficult in this country. The line between forced and voluntary prostitution is not very clear. We have problems with that, for prostitution to be seen as a reality at all. Most Czechs think these people are human waste. No one asks about the reasons and the backgrounds to their situation."

5. Researches and National Plans on Trafficking in Children

As we have seen **already in Chapter A**, reliable data on children as victims of trafficking are unavailable – as a result of statistical problems, but mostly due to a lack of political will.

a) IOM is preparing a research on Unaccompanied Minors in the Czech Republic which will be published by the end of 2003⁷⁷ (within the framework of an IOM research on Unaccompanied Minors in Central Europe). According to this research, 75% of children seeking asylum in the Czech Republic disappear in the asylum process and their destiny is unknown. Trafficking is supposed to be a major reason. (See chapter A 2.2.4.)

b) After a quite long period when there was no awareness about the problem of child prostitution and trafficking in children, various ministries in the Czech Republic managed in 1999 to overcome their jurisdictional disputes and united under the auspices of the Ministry of the Interior to elaborate the "**National Plan to Combat the Commercial Sexual Exploitation of Children**". This National Plan from 2000 is now reinforced by a new instrument: the "**National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic**" of July 2003, approved in September 2003. The key aspects of this comprehensive strategy are to develop and implement preventive, information and educational campaigns, to prosecute and punish trafficking in human beings on a consistent basis, to set up a victim support programme, and to improve international co-operation. The National Strategy's appendix "**Action Plan to Implement the National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic**" duplicates most of the targets the National Plan already contained, namely organisational, information, repressive and preventive measures, research, and above all victim support. (For a detailed description and critical comments see Chapter B.1. ff.)

⁷⁷ At the time of finishing this report, the IOM research had not yet been published.

E. Organised Crime: networks, perpetrators, methods

1. Networks

Trafficking in children is, **not always but in most cases, part of Organised Crime and international mafia structures**. There are cases of individuals selling or purchasing children for the purpose of sexual exploitation and there are cases of Unaccompanied Minors (UAMs) who, after being smuggled into the Czech Republic, end up in a trafficking cycle. According to IOM and to ÚOOZ, a special Unit for the detection of Organised Crime, "The trafficking is not always carried out by organised criminal groups. It can be individuals. Trafficking is sometimes the same as the smuggling of human beings. The smuggler might leave the child at the airport, in a totally strange environment and without language skills. Then the trafficker appears on the scene. He talks to the child in its mother tongue and therefore is trusted. A child doesn't need much to attach himself to another person. Such children can then be abused by being made to sell drugs or other stuff." (IOM staff member)

But in most cases networks operate from the very beginning of a trafficking process on a national or transnational basis. According to a staff member of ÚOOZ: "There are small networks, but they are somehow linked to a bigger network. In every case you can draw an information line to another network. What we know is that there is a lot of profit out of this trafficking business that ends up via various banks in countries of the former Soviet Union. As for the Vietnamese-Chinese community we cannot say yet. It is most of all Russia and Ukraine."

2. Traffickers

According to ÚOOZ, and a staff member of the Ministry of the Interior, perpetrators in over 50% of cases are persons of **Slavic origin** and Czech citizens, but the Czechs fulfil the subordinate functions or are middlemen. 25% of the perpetrators are of homogeneous origin, Vietnamese, Chinese, Albanian. Especially in the Vietnamese community, the number of perpetrators has grown rapidly in the past years (see chapter D2.1.) 25% are pure Czech structures. This is confirmed by Cathrin Schauer, street social worker of KARO: "We know that brothel managers in Aš may have something like 'branch' brothels in Rozvadov. Or they know each other and exchange their stock. The real owners we don't know, but the managers in most cases are Czech. In Aš there are a few Turks, and in Mokriny as well. But in most cases Czech citizens run the club, maybe because of the cheaper rents. Sometimes we saw Russians coming in: 5 times bigger than the table we are sitting at. Then bank notes go over the table and they leave again. Probably no one has ever seen the whole structure."

Czech citizens play a secondary role – as in smuggling of human beings. According to a ÚOOZ staff member: "If a Czech happens to own a night club, eventually someone will come in who speaks a foreign language and tells him: either you pay me for your protection or you give me part of your profit, or you won't have a club here. Czechs controlling part of an area here or owning night clubs – definitely not! Sooner or later there will be a cover organisation whose members speak another Slavic language."

According to information from ÚOOZ and the Ministry of the Interior, Russian speaking traffickers and pimps are the most brutal; they use violence, blackmail, threats. A staff

member of IOM: ‘Children can be blackmailed easily. That is what IOM Brussels found out in their research on UAMs. They can easily be controlled with threats like their parents back home will be killed if they do not obey. I have no doubt that these traffickers behave in a very cruel way, both psychologically and physically.’

Entering the trafficking cycle to free a child is therefore very risky and dangerous: "I don't think a single person, a client, for example, can help much. If people want to develop initiatives, they should get involved in NGOs. If a client wanted to help a trafficked victim to escape, what would happen is that the traffickers would catch them. In the best scenario they would beat him up, in the worst they would kill him and bury him. It is always risky. He could turn to the police, but even here danger lurks, if it became known that he was the squealer..." (Staff member of ÚOOZ)

3. Other forms of trafficking: drugs, weapons...

When talking about children in prostitution pimps sometimes start by making the victims addicted to drugs to keep them obedient. The consumption of and dealing in drugs play an enormous role in street prostitution: "In the brothels drug dealing is low, but on the streets it's a catastrophe. The kids we know for years, who are 15 now, are all drug addicts." Children in prostitution are also used for drug dealing and drug trafficking, according to Cathrin Schauer of KARO. This seems to happen at the local level too, but not in big numbers. According to a staff member of ÚOOZ: "I would never say never. But believe me, drug traffickers are a different sort of people. It is true that people who are ready to make money with every kind of crime turn to trafficking in human beings because it is lucrative and not very risky. And I believe as well that the profit from trafficking in human beings is higher than in drug trafficking. At least in the Czech Republic. But we never found anyone who was both a drug trafficker and a trafficker in human beings. We have a drug trafficking department. But in investigations we don't cross paths; things are not linked."

Since little is known about trafficking in children and there are no statistics, no reliable information can be given here on a link between trafficking in weapons or car smuggling and trafficking in children. Cathrin Schauer of KARO tells us that, from what she hears from the children in her everyday street work, car theft, drug dealing, "every crime" is somehow connected with the pimping and trafficking of children. But this couldn't be confirmed by the prosecution service.

Conclusions

1. There is child prostitution in the Czech Republic. More than is known about and more than is admitted by the authorities.
2. The Czech Republic has an enormous problem with children's homes, which are practically incubators for underage criminals and potential victims of prostitution and trafficking.
3. The Czech Republic has a problem with disappearing UAMs (unaccompanied minors, some of whom are seeking asylum): a large number of them are potential victims of trafficking.

4. There are no statistics or reliable data on children in prostitution or trafficked children or trafficking as a part of Organised Crime.
5. Police work is lacking in awareness and efficiency; their knowledge on the issue of trafficking differs greatly from unit to unit, and from region to region. Corruption among the police is a frequent topic of discussion in the Czech media.
6. The Prosecution service lacks specialisation and awareness. The knowledge of prosecutors and judges on the issue of trafficking differs greatly.
7. Co-operation between the law enforcement authorities suffers from classic interface problems, i.e. could be much better.
8. Criminal activity in the trafficking field in the Czech Republic therefore is a worthwhile endeavour for criminals, given the current legislation that excludes in-country trafficking and classifies children over 15 as voluntary prostitutes. Current legislation is more favourable to traffickers than to victims.
9. Only a few cases of trafficking in children are officially admitted. In these few cases, organised crime is said to play a subordinate role (as it is said that child prostitution plays a marginal role). But if it does happen, it can be said that trafficking in children for the purpose of sexual exploitation is very similar to trafficking in adult victims. Trafficking networks, cruelty by traffickers, the mechanism of selling the victims over and over again, and of exploiting them to the maximum.
10. Organised crime is not in the hands of Czech citizens. It is dominated by Russians and other former Soviet citizens. The prosecution service is more than one step behind these organised crime structures.
11. Bilateral/multilateral police co-operation is still lacking. Apart from a few success stories in Czech-German border police co-operation. International agencies such as Europol and Interpol are used and seen as translation services. The Czech police complain about a lack of material resources (cars, weapons, IT-technology...), but it seems to be more a question of education, mentality, awareness, professionalism.
12. There are not enough NGOs dealing explicitly with the problem of child prostitution and trafficking (in fact there are many groups dealing with children in trouble, like there are enough groups dealing with adults in prostitution, but only very few cover both children and prostitution). The two actually working on the issue face extreme difficulties in their work from the authorities and on a political and financial basis.
13. There are no support schemes for child victims of trafficking, no re-socialisation programmes, not enough prevention programmes.
14. In the Czech Republic the government elaborated two national action plans, the "National Plan for Combating the Commercial Sexual Exploitation of Children" of 2000, and the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" of 2003. When drawing up these plans, neither of the only two NGOs dealing with children in prostitution/trafficking in children was involved.
15. In spite of the two action plans at government level, the Czech Republic still has difficulties recognising that there is a problem in relation to child prostitution and trafficking in children for the purpose of sexual exploitation. However, these two action plans, especially the "National Strategy for Combating Trafficking in Human Beings for the Purposes of Sexual Exploitation in the Czech Republic" of 2003, give reason for hope that this stubborn thinking is in the process of change.
16. It is important that the Czech government changes its policy on the Roma minority and that representatives for the Roma people accept an open discussion about the problems and their solutions.

17. While the UUOZ is an example of law enforcement that functions and is without corruption in the Czech Republic, there are other structures needed within the police that have the same standards.
18. The government has to look more carefully at its financial support to NGOs and the manner in which funds are apportioned, in order to achieve better efficiency and equity in the allocation of such funds.

F. Appendix

ACTION PLAN TO IMPLEMENT THE NATIONAL STRATEGY OF COMBATING TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF SEXUAL EXPLOITATION IN THE CZECH REPUBLIC

<u>Measure</u>	<u>owner</u>	<u>co-owner</u>	<u>deadline</u>	
Organizational Measures				
1.	To determine the responsibility for coordination of activities to combat trafficking in human beings for the purpose of sexual exploitation and to become the national rapporteur	Ministry of Interior	31.10. 2003	
2.	To make trafficking in human beings for the purpose of sexual exploitation one of the priorities of the Crime Prevention Strategy for 2004-2007	Ministry of Interior	Members of the National Crime Prevention Committee	31.3. 2004
Research				
3.	To implement the research part of the UN project focused on the current situation in the field of trafficking in human beings for the purpose of sexual exploitation in the Czech Republic	Ministry of Justice(IKSP)	Ministry of Interior	30.4. 2004
4.	To analyze other forms of trafficking in human beings or the purpose of other exploitation apart from sex (e.g. forced labour, etc.) and to propose, in the regular report, necessary measures	Ministry of Interior	Ministry of Justice(IKSP)	30.6. 2005
Preventive Measures				
5.	To prepare an information campaign focused on the issue of trafficking in human beings for the purpose of sexual exploitation	Ministry of Interior	Ministry of Labour and Social Affairs, MŠMT	31.12. 2004
6.	To prepare information materials on trafficking in human beings for the purpose of sexual exploitation to be used by Czech embassies and consulates in the source countries	Ministry of Interior	Ministry of Interior	31.12. 2004

7.	To initiate prevention projects in the source countries	Ministry of Interior	Ministry of Interior	continuous
8.	To analyse the human resources available to the Unit for Detection of Organized Crime and to consider hiring new experts	Ministry of Interior		31.12. 2003
9.	To create, at the level of the Regional Headquarters of the Police of the Czech Republic, one position of a regional drug enforcement coordinator	Ministry of Interior	Police of the CR	31.12. 2004
10.	To detect, document, and seize proceeds from crimes of THB	Ministry of Interior	Police of the CR	continuous
11.	To create Police guidelines to determine criteria for identification of cases of trafficking in human beings for the purpose of sexual exploitation	Ministry of Interior		30.6. 2004
12.	To support the idea of state prosecutors and judges specialized in prosecuting crimes of trafficking in human beings	Ministry of Justice	Supreme Prosecution Office	continuous
13.	To provide further expert training to state prosecutors, judges, and policemen responsible for combating trafficking in human beings	Ministry of Justice	Ministry of Interior	continuous

Victim Support

14.	To develop long-term financing of the Model	Ministry of Interior		30.6. 2004
15.	To implement, in cooperation with selected NGOs and international organizations, the Model of Victim Support and Protection	Ministry of Interior	All ministries involved and the Police of the CR	continuous
16.	To draft a package on human rights for the victims of trafficking in human beings for the purpose of sexual exploitation	Ministry of Interior	Police of the CR	30.6. 2004
17.	To purpose measures to provide social care and welfare to the foreign victims of trafficking in human beings for the purpose of sexual exploitation	Ministry of Labour and Social Affairs		31.12. 2003
18.	To include support to the victims of trafficking in human beings for the purpose of sexual exploitation in the law guiding the material need and social exclusion	Ministry of Labour and Social Affairs		1. 1. 2006
19.	To support foreign victims of trafficking in human beings for the	Ministry of Labour and		31.12. 2004

	purpose of sexual exploitation in their efforts to find work	Social Affairs	
20.	To create a standard procedure for general practitioners and gynaecologists in detecting victims of trafficking in human beings for the purpose of sexual exploitation	Ministry of Interior	1. 3. 2004