

Summary

On the basis of the data collected and analysed in the survey, trafficking in human beings, as a form of organised crime, has the following characteristics in the Czech Republic.

According to § 246 of the Criminal Code of the Czech Republic (Czechoslovakia), resulting from the ratification of international conventions, trafficking in women is a criminal offence, but in the past cases prosecuting this offence hardly appeared before Czech courts.

A radical change took place in the 1990s when, along with the transformation of the social situation and a liberalisation of laws, it became possible to travel abroad, a free market economy was introduced, and the social welfare system was reduced. At the same time, the incidence of some social problems (especially drug abuse and prostitution) increased. According to statistical data, crime rates increased and cases connected with organised crime appeared (for details, see chapter „Statistical Survey“). In recent years, the Czech courts have annually convicted between 15 and 20 persons (the highest number, 25 persons, in 1999).

Cited cases of trafficking in persons in the Czech Republic always refer to trafficking for sexual purpose (prostitution), because, according to the current law, only trafficking in persons for this purpose is punishable.¹

Together with crimes connected with the production and distribution of drugs and trafficking in weapons, trafficking in women is a traditionally „paramount“ article of international organised crime (this follows, *inter alia*, from a longitudinal study undertaken by the IKSP since 1995).

The generally acknowledged constants which influence the existence of this specific form of organised crime include: imbalance of international economic relations, economic weakness and political instability in the countries of origin, violation of human rights, gender inequality in the legislation and in the practice (i.e., the feminization of poverty, gender discrimination, scarce access to education and occupational opportunities), constant demand for „sex for sale“ and restrictive migration policies.

Although these aspects are not prevailing in the contemporary Czech society, a few similar trends can be detected.

Belated legislative reaction to the growth of social problems (particularly prostitution), excessive reliance on the principles of market economy, social insecurity and inability to attain self-fulfilment, a general tendency to pay lesser wages to women, high unemployment rates in some districts, lack of public awareness, distorted system of values and scarce legal

¹ § 246 of the Criminal Code (Trafficking in persons for sexual purpose).

culture, low self-esteem and under estimation of health risk, women's desire to break away from a poor lifestyle without no perspectives and the social control of their original environment: all these are incentives that facilitate the growth of sexual exploitation.

Other factors, such as the myth of an easy and calm life in the „West“ show considerable *naiveté* in the women looking for „a lucrative job abroad“ or for „a well-off partner/spouse“, etc.

Traffickers make use of gender inequality, utilizing the sort of „traditional“ stereotype which sees women as sexual objects.

The principal source of Czech victims of trafficking are areas with high unemployment rates and tourism cities with an increased demand for (and supply of) all kinds of sexual services. According to the experts, Northern Bohemia, Western Bohemia, Northern Moravia, Southern Moravia, Prague and Brno are the main origin localities. Potential victims are sought among women dissatisfied of their income, in difficult life situations or already engaging in prostitution. In cases of minors, their mental immaturity and social *naiveté* are often exploited.

The experts stated that women trafficked from abroad mostly come from Ukraine and other ex-USSR countries, Slovakia, Romania, and Bulgaria; a number of women also come from Vietnam, the Philippines, Thailand and the former Yugoslavia. They usually enter the Czech territory either as tourists, or using a counterfeited letter of invitation.

Ways of recruiting victims of trafficking

In essence, ways of hiring Czech victims are quite informal. The contact between the woman and the recruiters is often established through common friends or acquaintances, or, in some cases, „from hearsay“. The contact may even be mediated by a member of the victim's family. The first contact occur in the place of residence, in a restaurant or a bar, in a hotel, at a disco, or in the street.

Institutional mediation, i.e. a contact established through (job, marriage, travel) agencies, is not very frequent. Adverts are usually placed by individuals, or by the owners of sex establishments.

The analysis of the files pertaining to cases heard by Czech courts over the last four years revealed that Czech women in the Republic are usually enticed abroad under the pretence of a well-paid and attractive job, such as barmaid, dancer, hostess, lady companion. However, traffickers plan from the start that the woman's main (if not only) activity will be

prostitution. In most cases, women accepting these offers are sold to sex establishments, or to procurers that employ them in street prostitution.

If the contact is mediated by an entity, it is most often an employment agency rather than a dating- or a travel agency or any other type of institution. Persons and agencies that get in touch with, and hire the women often use deceptive and fraudulent techniques.

The agencies sign contracts promising a legal employment. The contracts are valid, and the subsequent treatment of the women abroad is not punishable by the Czech law.

The crime takes place, even if the transport of a woman abroad is not forcible. Most of the women are lured by the prospect of an easy and comfortable life connected with high retribution, and leave the Czech Republic voluntarily deluded by the traffickers as to the kind of situation they will find.

The prevalence of an economic motivation is also related to the high proportion of victims of trafficking who were already engaged in prostitution, mostly on the street or in night clubs in the border areas. According to the information from the court files, Czech women who offer their sexual services to wealthy or foreign clients in hotels, high-class sex parlours or top-quality private clubs do not become victims of trafficking.

It has been confirmed that also under-age girls are trafficked abroad. From the criminological point of view, women offering their sexual services (particularly on the street) are an extremely high-risk group of persons in terms of victimization.

Depending on the ways of recruitment, we can divide the victim of trafficking according to the degree of victimization:

- women who went abroad to engage in prostitution there, but had no idea of the working conditions;
- women who accepted a job close to prostitution (striptease dancers, masseuses in sex clubs) and might have expected to engage in prostitution;
- women who were deceived by the promise of a work as waitress, hostess, babysitter, and had no idea that they would be obliged to become prostitutes;
- women who were trafficked abroad by force, and coerced into engaging in prostitution there.

Routes of trafficking

As with other forms of organised crime, the patterns and routes of trafficking in women are very flexible and change rapidly. The exact route of a victim depends on specific

conditions in transit countries, and sometimes in the destination country. Route changes are most frequently caused by police controls. Only the origin place where the victim was recruited and the final destination are usually known.

According to our survey, Germany and Austria, followed by France, Italy, Spain, the Netherlands, Switzerland, Belgium and the USA, are the main destination countries of the women trafficked from the Czech Republic.

Our data also confirm that, in addition to being a country of origin and transit, the Czech Republic is becoming a destination country, especially for women from the former Soviet Union.

According to the experts, en route to the destination country, physically dangerous situations occur only if the transport is time-consuming or the victim is transported across the border illegally, usually against her will.

Trafficked victims often acquire and use authentic travel documents cross the border; afterwards, they disappear or exceed the visa permit. Traffickers also use counterfeit papers to acquire travel documents, or use altered or forged documents. Most frequently they replace the photo on a stolen passport, even if cases of forging a whole document have recently somewhat increased.

Involvement of organised crime

In only two cases (out of 15 analyzed case files), the defendants (offenders) were convicted as members of an organised group. In one case, of three offenders who knew each other had established a loose network; with no division of roles.

In the other case, six offenders jointly participated in trafficking seven women. The leader of the group involved in the crime his brother and other acquaintances from his place of residence. The structure of the group was loose, with little differentiation of individual roles set by mutual agreement.

In three cases, a married couple committed the criminal offence of trafficking in women. In one case, the perpetrators were two experienced women directly engaged in prostitution abroad. In another case, the crime was committed by two women who had a long experience of exploiting prostitution in the Czech Republic. In eight cases, trafficking in women abroad was performed by one individual.

So far, the experience of the investigative, prosecuting and adjudicating bodies shows that, although small-scale activities performed by small groups of individuals occur, a more

important role is by far played by large corporate bodies and transnationally inter related networks of offenders, which make up the elaborate and very well-organised „sex industry“.

At present, mixed groups of Czech and foreign nationals prevail in human trafficking from the Czech Republic. Citizens of the following states and territories are involved: Russian Federation, Ukraine, Chechnya, Dagestan, Moldova, Germany, Switzerland, Italy, Austria, Slovakia, Bulgaria, Rumania, Vietnam, Kosovo, Serbia and Croatia.

According to the analyzed data, Romany clans also take part in trafficking in persons from the Czech Republic (focusing particularly on Northern Moravia).

According to most experts, the small groups of traffickers are linked to larger international organisations.

The experts estimate that the group are formed by 6-10 persons (or up to 20 persons). Higher numbers of persons involved in the same criminal group have not been recorded. Experts' estimates on the numbers of persons involved at the various stages of trafficking in persons differed considerably. Apparently, the number of persons involved in recruiting and procuring documents would not exceed 5 persons. A larger number of persons (no more than 10) participate in the transport, and, possibly, in the placement in the destination country. This figure appears to comprise all the successive „owners“ of the victims and/or the premises where prostitution takes place.

A number of experts agree that organised criminal groups involved in human trafficking in the Czech Republic employ „specialists“ for specific services: most frequently, lawyers, followed by accountants and civil servants (to the same extent), bankers and foreign police officers.

In their search for women, criminal groups do not focus on specific sectors of the labour market.

Threats of violence are mostly used by Russian-speaking criminal groups (consisting of Chechens, Russians and Ukrainians), and also groups comprising Romanies.

If a criminal organisation controls the whole trafficking process, from hiring the women to their sexual exploitation, its influence on the victim is very strong.

More than one third of the experts believe that traffickers use territorial control, for the purposes of recruiting trafficked persons. According to the experts, territorial control may frequently lead to violence against recruiters from other groups. The geographical scope of the criminal groups depends also on the specific place where the leaders originate from, or on the place where they settled.

The most frequent form of modification is the redeployment of victims in localities within one country, which, according to the experts' statements, takes place often or nearly always, or in different countries. The redeployment of victims among various organised criminal groups takes place particularly if there are problems with the victim, or if the police become increasingly interested in the activity of the group.

This means that the traffic in women is not merely a transnational process of migration, but it can (and does) take place also within the territory of one state.

The opinions on how frequently organised criminal groups furnish the traffic victims with a new identity are contradictory. A quarter of the experts believe that this phenomenon does not take place, another 11% say that it happens only occasionally, and the same number of respondents stated that the offenders frequently change the identity of persons by altering their papers.

The experts estimate that up to 30% (at the most) of the trafficking cases in the Czech Republic involve a hidden corruption.

An organised criminal group fastens together various forms of crime as a protective measure and to multiply the proceeds. The preferred combination is, of course, human trafficking and exploitation of prostitution; in addition, the experts mention trafficking in persons and illicit manufacturing and distribution of narcotic and psychotropic substances, and so-called „money laundering“.

The experts who commented on the traffic recent changes and present trends in the Czech Republic emphasized that changes originated from the involvement of organised crime groups. Groups originally involved in different types of crimes have merged. Continual mergers have taken place between Russians and Romanies, Slovaks and Romanies and Ukrainians, or Russians and Bulgarians. The experts estimate that the various stages of the criminal activity of these organised groups have become more elaborate.

As for the profile of victims, the decrease in their age has been a distinctive change. Women with social problems and eager for economic rewards usually continue to be sought out. Systematic attention is also paid to women who have already offered sexual services, be it voluntarily or under pressure.

In this context, the experts often mentioned that the most usual initial agreement between the „trafficker-mediator“ (procurer) and the „victim“ (prostitute) may be one of the reasons for the high latency of this crime; in most cases, this is a mutual voluntary agreement for the purpose of gaining an economic benefit.

When a case of trafficking in persons is detected through the initiative of the investigative, prosecuting and adjudicating bodies, the victims show considerable unwillingness and reluctance to testify against their „employers“ in the course of the investigation, because this means the loss of a „job“ (prostitution) and, consequently, of a source of financial means.

A small number of women are stunned by the tough reality and attempt to withdraw from the „contract“. However, even in these cases, the victims are often unwilling to initiate criminal proceedings or to act as witnesses in court, because they have justified apprehensions on receiving a protection sufficient to guarantee a secure existence for them. This problem relates, above all, to foreigners trafficked to the Czech Republic, particularly those who have no legal visa. If they are detected, they face unconditional expulsion, virtually no assistance or support from the Government, and, at the same time, the risk of being trafficked again; in the worst cases, their health and life are in danger.

This crime is sometimes detected thanks to reporting from the victims. The criminal information lodged by the women is motivated by various reasons; the majority of them strive to get away from their present „employer“ and an escape is usually difficult to carry out. Another frequent motivation is revenge on the present „employer“ for instance because of uneven distribution of the profits. At a given moment, the victim is willing to cooperate with the investigative, prosecuting and adjudicating bodies and give testimony.

It follows clearly from the experts' comments that the victims of trafficking in women can be divided into two main groups: women who engage in prostitution quite voluntarily, and women who are forced to engage in prostitution by physical or mental violence, enticed by deceit or by abuse, etc. Nevertheless, it is quite obvious that the women in both groups have a scant motivation to cooperate in solving the cases of trafficking in human beings, although the reasons in each group differ.

In investigating, solving and detecting the cases of trafficking in persons, the results greatly depend on the willingness of the „victims“ (if they are discovered and identified) to testify against the traffickers in the course of criminal proceedings.

Factors influencing trafficking in women in the Czech Republic

Social factors:

- excessive reliance on the principles of market economy;
- inability of young women and girls to attain self-fulfilment;

- social insecurity and high unemployment rates in some districts of the Czech Republic;
- general tendency to offer lower wages to women;
- constant demand for „sex for sale“
- under-estimation of the health risks connected with prostitution
- distorted system of values and low self-esteem (easy, quick and „unearned“ profit; abundance of „operating capital“)
- significant *naïveté* of women in their search for „a lucrative job abroad“, a well-off partner – spouse, etc.
- strong economic pressure from the close social environment
- high economic disproportion between the various European countries

Legal factors:

- lack of legal provisions regulating the offer of sexual services
- lack of criminal liability of legal persons – i.e., it is impossible to sanction the exploitation of prostitution in night clubs, massage parlours, etc.
- insufficient legislation gives the offenders a feeling of relative impunity
- slim protection of witnesses inducing aggrieved women to change or revoke their testimonies
- difficulty in locating witnesses for the purposes of criminal proceedings
- difficult and often time-consuming collection and validation of the criminal evidence (i.e., evidence proving that an organised criminal group was involved)
- slight cooperation of victims with the investigative, prosecuting and adjudicating bodies; this is often related to fear of a criminal sanction and subsequent deportation of the woman to her country of origin or to fear of moral condemnation by the social environment.