

**Defining trafficking and labour exploitation in the context
of trafficking prevention and protection services
in the Czech Republic, 1998-2012**

MA Thesis

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1 Introduction

1.1 Questions and background

Restrictive emigration policy during communism did not prevent people from leaving the Eastern Bloc. However, the scale of migration from, within and to the region was negligible. After the collapse of the Eastern Bloc and communist regimes in the late 1980s, state borders opened up and people started crossing them extensively. Central and Eastern Europe's migration patterns and scale changed significantly.¹

Multiple factors pushed people from their homes and pulled them towards new places with prospective work opportunities. One of the side effects produced by the new migratory movements was trafficking in human beings. Public attention was drawn to the trafficking from Eastern to Western Europe as soon as the 'Iron Curtain' fell. It took significantly longer for the general public to recognize that trafficking also happened within Eastern Europe or from Eastern to Central Europe. It has taken time to develop an understanding of the term trafficked human beings and realize who the term excludes and the difference between sexual exploitation and other forms of trafficking. Inspired by the degree of attention trafficking in human beings has received and by the number of questions raised by alternative views and critical voices due to a lack of material on the topic, this thesis examines the development of the trafficking phenomenon in the Czech Republic from 1998 to 2012, with the trafficking of women for sexual exploitation being the centre of attention. The following section clarifies in which way this thesis broadens the current trafficking discourse.

The migration profile of the Czech Republic changed from being only a country of origin to a country of origin, transit and destination. Czech migration policy switched from restrictive emigration to restrictive immigration. This did not happen out of the blue. In the first half of 1990s, the Czech Republic had a liberal immigration policy and exemplified the continued cooperation of countries within the former Communist Bloc. In the second half of 1990s, the growing number of immigrants coincided with the economic downturn and political crisis and caused a need for stricter immigration measures in the Czech Republic. In 1998 the last of the migrants came from the liberal immigration policy and since 1999 stricter rules were enforced. During the second half of 1990s, the Czech Republic has experienced changes in perception of migration in positive to a negative light. In 1998, a restrictive

¹ While the Cold War divided Europe into western and eastern parts, after the war's end the East divided once more into Central European countries, which developed successful reforms that lead to European Union membership, and Eastern European countries. These current regional boundaries are based on historical divisions, and I use the terms 'Central' and 'Eastern' Europe to differentiate between migrant workers' origins and their destinations, a distinction central to this thesis.

migration legislation was passed, the Czech branch of International Organisation for Migration (IOM) was established, the nongovernmental organisation (NGO) La Strada Czech Republic (La Strada) was officially registered and in 1999 IOM launched the first big anti-trafficking campaign.² The late 1990s meant the start of problematisation of migration in the Czech Republic and by considering the events described above I chose the year 1998 for the beginning of my research with the year 2012 as the last year for which there is available data, making the time span of my research fifteen years.

My leading question is: How and why did the Czech NGOs' approach towards trafficking change between 1998 and 2012? There are two complementary questions to be answered: What does it show about the limits of NGOs' trafficking prevention and protection roles? How does the overall focus on trafficking limit the solutions for exploited migrants?

To answer these questions several factors need to be considered. In this first place that is the end of the Cold War and the emergence of new migratory patterns, which activated the expansion of trafficking and interest in the phenomenon in Central Europe. There are two main factors that had an impact on the modification of the trafficking phenomenon itself and consequently on the way NGOs approach it. One factor is political, the two enlargements of the European Union (EU) in 2004 and 2007, and one economic, the economic crisis. Another two aspects important for the development of the NGOs services are the growth of professionalisation in the nongovernmental sector and the degree to which the nongovernmental sector interacts with the governmental sector in the Czech Republic.

Because of the assumed composition of the people trafficked to the Czech Republic and the nexus with the new migratory patterns in the region both trafficking for sexual exploitation and trafficking for labour exploitation are related to the labour migration, the most common type of migration in the post-communist Czech Republic.³

I have already specified my interest in trafficking in women for sexual exploitation, which has motivated me to orient my research outside of the dominant trafficking discourse. While I read the literature on the subject, I noticed the disproportionate attention the trafficking discourse dedicates to women and the sex business, which caused new questions to

² La Strada is the major NGO in the Czech Republic dealing with trafficked and exploited persons.

³ When using the term trafficking alone, without further specification, I mean either trafficking for sexual or labour exploitation.

emerge and open spaces for research.⁴ I started paying attention to the definition of trafficking, the changes in the trafficking discourse in the Czech Republic since the Velvet Revolution and to the roles different actors play within the discourse. These observations brought me to the relation between trafficking and exploitation. Exploitation is a key element of trafficking but not every exploited person is trafficked. For instance what are migrants, who have been promised a job by the recruiter but are abandoned after arrival? In practice, the question targets, for instance, migrants whose recruiter promises them a job in a certain destination but abandons them after the arrival instead. It is the exploitative employer who, without direct link to the recruiter, profits from the arisen situation. The other case involves migrant workers transported to perform arranged jobs for agreed wages. The deception lies in the fact that after the agreed period of work, the real wage paid is either significantly lower than the previously agreed upon one or none at all. The exploitative behaviour is represented by the work without wage compensation against the initial (oral) agreement and will of the workers, and it comes from the deception based on weak agreements and the lack of knowledge of the workers. The fact that the workers are not physically coerced and are even free to leave the job makes the case too weak to fit the definition of trafficking. The relatively short distances and low cost of transportation across Europe keep the supply of migrant workers high. Meaning that they are easily replaceable, their recruitment requires more deception than coercion and the actual situation of migrants trafficked for labour and/or sexual exploitation recedes from the generally accepted and known image of trafficking. The difference between practice and theory of trafficking is discussed by Rutvica Andrijasevic and Bridget Anderson in *Anti-trafficking campaigns* as the difference between the administrative and descriptive conception of the term trafficking.⁵ The aim here is not to discuss the difference as such but how the gap between administrative and descriptive conceptions of the term is handled by the nongovernmental sector that has to take into account both positions. The decision to examine how the Czech NGOs handle the disparity between trafficking in theory and in practice led me to define the research topic as the role and limits of the NGOs' assistance to the trafficked and exploited migrant workers. Both administrative and descriptive interpretations of the term trafficking changed and the same applies to the

⁴ Christien van den Anker, 'Trafficking and Women's Rights: Beyond the Sex Industry to "Other Industries"', *Journal of Global Ethics*, 2:2 (2006) 163-182. Christien van den Anker and Ilse van Liempt, 'Introduction: The Wider Context of Trafficking for Forced Labour', in Christien van den Anker and Ilse van Liempt (eds.), *Human Rights and Migration: Trafficking for Forced Labour* (New York 2012) 1-14. Julia O'Connell Davison and Bridget Anderson, 'The trouble with "trafficking"', in Christien van den Anker and Jeroen Doomernik (eds.), *Trafficking and women's rights* (New York 2006) 11-26.

⁵ Rutvica Andrijasevic and Bridget Anderson, 'Anti-trafficking campaigns: decent? honest? truthful?', *Feminist Review* 92 (2009) 151-155, 153-154.

nongovernmental organisations' (NGOs) practices in the Czech Republic between late 1990s and present. Therefore I consider the analyses of the transformation in trafficking discourse and the role NGOs played between 1998 and 2012 to be crucial in understanding the current situation and to see the development that led to it. Then I will use findings about the Czech NGOs' assistance to trafficked and exploited migrants to demonstrate how too much attention on trafficking hinders any constructive development and interest to deal with labour exploitation. Here I will start introducing the trafficking discourse, terminology and key literature and material as the essentials to build on.

1.2 Trafficking discourse and debate

The contemporary phenomenon of trafficking in human beings emerged from similar concepts of slavery and later indentured labour. The settings and characteristics have changed over different time periods but the principle of trafficking still remains. Kevin Bales and other authors classify certain forms of trafficking as contemporary slavery.⁶ Comparison between slavery and trafficking reveals one key difference in the theory. Slavery discourse focuses on the state of enslavement with the traffic of slaves not being crucial for the existence of the institution itself. Trafficking discourse on the other hand deals with the whole process from the recruitment to the exploitation and the classification of trafficked human beings to complete the process. This is the interpretation the definition of trafficking gives and the dominant trafficking discourse follows.⁷ Here I present the dominant trafficking discourse and the recent debate that has contested it.

The existence of trafficking of human beings was recognised as a problem long before Eastern Europe opened its borders at the end of 1980s and the beginning of 1990s. But only as a consequence of the collapse of communist regimes in Eastern Europe did trafficking discourse spread across Europe, from the West to the East. While the problem of trafficking grew, the evidence remained weak. Since there have been no hard numbers measuring the scope of Eastern Europeans being trafficked westwards the real size of the phenomenon of trafficking in Europe can only be estimated. As evidence increased in the 1990s so did the attention dedicated to trafficking with attention from the media, academic circles, nongovernmental and public sectors. It targeted exclusively trafficking of women for sexual exploitation, dominating the trafficking discourse with topics on migrant women, prostitution,

⁶ Kevin Bales, *Understanding global slavery: a reader* (Berkeley 2005). Orlando Patterson, 'Trafficking, Gender and Slavery: Past and Present', in Jean Allain (ed.), *The Legal Understanding of Slavery: From the Historical to the Contemporary* (Oxford 2012) 322-359.

⁷ UN General Assembly, *Protocol to prevent, suppress and punish trafficking in persons especially women and children, supplementing the United Nations convention against trans-national organized crime* (New York 15 November 2000) available at: <http://www.refworld.org/docid/4720706c0.html> (accessed 9 June 2013).

forced prostitution, consent to prostitution and constructs as victimisation and vulnerability. There is no empirical back up for the dominant discourse identifying trafficking as concerning primarily women and prostitution. It is supported only by hypothesis, however the hypothesis is based on a real picture though the picture does not capture the full scope of the problem.

The connection between prostitution and trafficking also affects the content of definitions of trafficking. From the first anti-trafficking convention in 1904 until the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Trafficking Protocol) from 2000, the definitions focused principally on women, children and prostitution. The definition stated in UN Trafficking Protocol broadened the interpretation of trafficking to other areas outside sex business, but it preserved the focus on women and children.⁸ The UN Trafficking Protocol definition is important for policy making. It serves as a model definition for state anti-trafficking policies hence it influences the official discourse. The positive impact of the definition has caused partial unification of states' positions on trafficking in human beings. The strong influence of the definition however also resulted in such rigid definitions of these positions that eventually the evolving real situation did not comply anymore with the definition. First, only recently did the official discourse started to turn from exclusively focusing on trafficking for sexual exploitation to trafficking for labour exploitation.⁹ Second, even when considering labour exploitation the content of trafficking definitions remains about the patterns and characteristics for trafficking for sexual exploitation.

While the dominant focus on women, prostitution and sexual exploitation within the trafficking discourse has prevailed, its critique and alternative views also started to emerge. The academic sphere (concrete academic work to be discussed below), sporadically followed by media, started to pay more attention to the areas of exploitation outside of sex business and outside of the label reserved to the selected few who meet the official definitions of trafficking. It relates to the assumption that due to the economic crisis trafficking for labour exploitation increased but also that the focus on trafficking for sexual exploitation has for a long time overshadowed the other forms of exploitation. This is indirectly linked to the critique on how trafficking is approached. The actors creating the trafficking discourse orient

⁸ Adrienne A. Reilly, 'Slavery Legislation vs. Trafficking Legislation in Prosecuting the Crime of Female Sexual Slavery: An International Law Perspective', in Christien van den Anker and Jeroen Doomernik (eds.), *Trafficking and women's rights* (New York 2006) 89-117, 104-108.

⁹ For instance, both the Netherlands and the Czech Republic included the exploitation outside of sex business into its trafficking definitions in 2005. Exploitation itself got into the Czech Criminal Code only in 2010. Van den Anker and Van Liempt, 'Introduction: The Wider Context of Trafficking for Forced Labour', 7. Ministry of the Interior of the Czech Republic, Security Policy Department, *National Strategy to Combat Trafficking in Human Beings for the Period 2005-2007* (Prague 2005) <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

more on the process than on the parties involved hence they learn how the process works but little about why is it so. Moreover they tend to remain stuck within the artificial categories without trying to understand what terms like trafficking or exploitation mean to those who are exploited and trafficked and that sexual exploitation can actually be subordinated to labour exploitation. This critique raised by migration and political scholars such as Ilse van Liempt, Bridget Anderson and Christien van den Anker still belong to the minority voice within the trafficking discourse but it still wins an audience.¹⁰

The continuing attempts, especially by policy makers, to define trafficking and adhere to the definition divert the attention from dealing with migrant workers' rights' abuses since the mere construction of categories that divide migrants as either victims or others without any specification. The gap between definitions and the actual exploitation the migrant workers are confronted with brings me to the NGOs, another important actor for the trafficking discourse formation. Although not fully independent on state policies the direct contact they maintain with the exploited and trafficked migrants makes them one of the important sources to discover what consequences the construct of trafficking has had on exploited migrants and the assistance provided to them. Framing the research on the role and limits of the NGOs assistance to the trafficked and exploited migrants in the Czech Republic within a wider theoretical debate enables me to demonstrate that the case has further meaning for the trafficking discourse.

1.3 Definitions

There is not a universal definition of trafficking in human beings. In 2000 the UN Trafficking Protocol), supplementing the United Nations Convention against Transnational Organized Crime, was signed in Palermo. It includes the most cited and widely used definition of trafficking in human beings. Compared to the earlier definitions the UN Trafficking Protocol broadens the perception of trafficking on the official level from almost exclusive trafficking in women to trafficking in persons and sheds light on trafficking for forced labour other than prostitution.¹¹ However the expansion of the definition has been criticised for being too open and as the definition's title suggests the focus remains on women and children. It defines trafficking as:

¹⁰ Ilse van Liempt, 'Trafficking in Human Beings: Conceptual Dilemmas', in Christien van den Anker and Jeroen Doomernik (eds.), *Trafficking and women's rights* (New York 2006) 27-42, 27-31. van den Anker, 'Trafficking and Women's Rights'. van den Anker and van Liempt, 'Introduction: The Wider Context of Trafficking for Forced Labour'. O'Connell Davison and Anderson, 'The Trouble with "Trafficking"'.
¹¹ van Liempt, 'Trafficking in Human Beings: Conceptual Dilemmas'.

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.¹²

The UN Trafficking Protocol's definition serves as the basis for the policies and practices this thesis examines. It is also necessary to note that this thesis deals with the disparity between trafficking in theory and in practice, therefore requiring reflection on that definition and how to delimit the place of exploitation within the definition of trafficking.

In the article *You can find anything you want*, Liz Kelly argues that the connection between the recruitment phase and exploitative employment in trafficking for sexual exploitation does not usually apply to trafficking for labour exploitation. The intermediaries or agencies that facilitate migrant workers' travel to the destination usually do not coordinate their activities with the exploitative employers who take advantage of the migrant workers' vulnerable position. Kelly claims that the trafficking definition fails to clarify if "broken trafficking chain" still qualifies exploited labourers to be considered victims of trafficking.¹³ There is no clear answer on how connected and if the recruitment and the exploitation phases are supposed to be perceived as trafficking. The same vagueness applies to the definition of exploitation.

In contrast to sexual exploitation, the meaning of labour exploitation is rather vague.¹⁴ UN Trafficking Protocol does not specify labour exploitation, but according to Conny Rijken the part defining the exploitation as 'forced labour or services, slavery or practices similar to slavery, servitude' should be understood as labour exploitation.¹⁵ The forced labour definition from 1930 Forced Labour Convention provides some explanation: 'The term forced or compulsory labour shall mean all work or service which is exacted from any person under the

¹² UN General Assembly, *Protocol to prevent, suppress and punish trafficking in persons especially women and children, supplementing the United Nations convention against trans-national organized crime*, available at: <http://www.refworld.org/docid/4720706c0.html> (accessed 9 June 2013).

¹³ Liz Kelly, "You Can Find Anything You Want": A Critical Reflection on Research on Trafficking in Persons within and into Europe', *International Migration* 43:1-2 (2005) 235-265, 246.

¹⁴ UN defines sexual exploitation as: 'Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another'. UN General Assembly, *Special measures for protection from sexual exploitation and sexual abuse: report of the Secretary-General*, 18 February 2010, A/64/669, available at: <http://www.refworld.org/docid/4bb453582.html> (accessed 9 June 2013).

¹⁵ Conny Rijken, 'Introduction', in Conny Rijken, *Combating Trafficking in Human Beings for Labour Exploitation* (Tilburg 2011) i-v, ii.

menace of any penalty and for which the said person has not offered himself voluntarily'.¹⁶ Nevertheless, considering the present-day conditions the Forced Labour Convention does not provide an adequate answer to what labour exploitation is, mainly because forced labour is not the only form of labour exploitation we encounter today. To complicate things even more, the UN Trafficking Protocol includes exploitation of the prostitution in sexual exploitation, but if prostitution is perceived as work the exploitation happening in prostitution can refer to both sexual exploitation and labour exploitation. My point goes back to Rijken's argument only with the modification that instead of understanding "forced labour or services, slavery or practices similar to slavery, servitude" as labour exploitation I see them as a mere part of the whole category of labour exploitation. Therefore, the explanation for the exploitation within the definition of trafficking from the UN Trafficking Protocol does not fully correspond with trafficking for sexual and labour exploitation in the Czech Republic, as it is approached in this thesis, so for this thesis, the single terms sexual exploitation and labour exploitation fit better. I am aware of the fact that both sexual exploitation and labour exploitation are loose terms, but setting any threshold on what is and what is not exploitation seems too exclusionary for a discourse, in which definitions change all the time.

Since the definition of trafficking from the UN Trafficking Protocol is also considered open, the identification of the situation as trafficking depends on the particular interpretation. Here I present two interpretations of 'broken trafficking chain', and its relation to trafficking. First, the indirect connection between recruiters and exploitative employers of migrant workers is not a matter of coincidence. The employers rely on the recruiters and transport facilitators who bring and abandon migrants in the destination. Therefore, even without direct cooperation the chain of trafficking can be detected in such cases. Second, even though this thesis relates trafficking in the Czech Republic to the new migration phenomenon, after the collapse of the communist regimes, trafficking itself does not happen only across borders. Recruitment and exploitation phases of human trafficking can occur within the same state. In the migration context, the broken trafficking chain means that the migrant was smuggled from the country of origin to the destination, and later he or she was trafficked for labour exploitation within the destination.

I mentioned two interpretations detecting trafficking for labour exploitation. However, in reality interpretations based on the UN Trafficking Protocol's definition of trafficking leave the majority of the cases of exploitation out of the trafficking box. Discussion on the obstacles

¹⁶ ILO, *Forced Labour Convention, C29*, 28 June 1930, C29, available at: <http://www.refworld.org/docid/3ddb621f2a.html> (accessed 9 June 2013).

that the adherence to the definition poses to the trafficking prevention and protection practice is one of the aims of this thesis.

1.4 Literature on trafficking

Trafficking in human beings is studied from security, legal, political, historical, gender and migration perspectives and every discipline approaches it from a different angle. I present here only the most influential and important perspectives.

It was already mentioned that traffic in human beings has a long history. The best known analysis of differences and continuations between the contemporary and past forms of human beings trafficking were published by Kevin Bales.¹⁷ Compared to the past the contemporary form of trafficking lies in illegality and is considered a crime. Criminology and security studies have become the most involved in the issue of trafficking. They approach trafficking as a process and primarily focus on how the process of trafficking functions and what we know about it. The publications *Human trafficking* by Louise Shelley and *Human trafficking, human misery* by Alexis A. Aronowitz represent a compacted source to understand contemporary trafficking.¹⁸ Besides the global perspective that Shelley presents in the above mentioned book she has also published articles focusing on trafficking from and within Eastern Europe.¹⁹

The attempts to measure the scale of trafficking are unreliable, but the dominance of women over men in the estimates goes hand in hand with the general congruity that women are more vulnerable to trafficking than men. There has been vast literature on trafficking written by feminist and gender scholars. Their voice is frequently heard in the connection with sex business and trafficking for sexual exploitation. The debate led by feminist scholars on victimisation of women trafficked for prostitution and on the voluntariness and optionality of the women's work in sex business is core to the work of Jo Doezema and Kamala Kempadoo in *Global sex workers*, Laura María Agustín in *Sex at the Margins* or *Who gets to choose? Coercion, consent, and the UN Trafficking Protocol* by Jo Doezema.²⁰ The theme of victimisation also permeates through the discussion over the anti-trafficking campaigns

¹⁷ Bales, *Understanding global slavery*. Kevin Bales, *Disposable people: new slavery in the global economy* (Berkeley 1999). Kevin Bales, *The slave next door: human trafficking and slavery in America today* (Berkeley 2009).

¹⁸ Alexis A. Aronowitz, *Human trafficking, human misery: the global trade in human beings* (Westport 2009). Louise Shelley, *Human trafficking: a global perspective* (New York 2010).

¹⁹ Louise Shelley, 'The trade in people in and from the former Soviet Union', *Crime, Law & Social Change* 40:2 (2003) 231-249. Louise Shelley and Robert Ortung, 'Russia's efforts to combat human trafficking: Efficient crime groups versus irresolute societies and uncoordinated states', in William Alex Pridemore, *Ruling Russia: Law, Crime and Justice in a Changing Society* (Lanham 2005) 167-182.

²⁰ Laura María Agustín, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry* (London 2007). Jo Doezema, 'Who gets to choose? Coercion, consent, and the UN Trafficking Protocol', *Gender & Development* 10:1 (2002) 20-27. Jo Doezema and Kamala Kempadoo, *Global sex workers: rights, resistance, and redefinition* (New York 1998).

presented in *Beautiful Dead Bodies* by Rutvica Andrijasevic and *Anti-trafficking campaigns* by Rutvica Andrijasevic and Bridget Anderson.²¹ In this thesis, I will discuss the feminist literature dealing with the anti-trafficking campaigns as a part of NGOs agenda, but mainly I will build on the last mentioned article written by Andrijasevic and Anderson and on the work of Liz Kelly *You Can Find Anything You Want*.²² Both articles overcome the feminist studies interests' area by adding the human rights and migration components and by opening up the challenge to approach trafficking on the interdisciplinary basis.

Trafficking is usually examined as part of one particular discipline but the complexity of trafficking means that when you include only one perspective there will always be something missing to solve the puzzle. As Kelly indicates, there has been sufficient country and descriptive case studies on trafficking. What is needed is the interdisciplinary research, which questions the given but disputable differences between trafficking and smuggling, which being the unclear level of exploitation needed to fit the definition of trafficking or the too narrow definition of trafficking excluding most of the cases of labour exploitation.²³ This thesis aims to fit within the interdisciplinary approach to trafficking. Besides the above mentioned articles by Kelly, Andrijasevic and Anderson the theoretical part of the thesis builds primarily on the arguments offered in *Trafficking and Women's Rights* by Christien van den Anker, *The Globalisation, Migration and Trafficking Nexus* by Jeroen Doomernik and *The trouble with 'trafficking'* by Julia O'Connell Davison and Bridget Anderson.²⁴ These studies examine the nexus between trafficking and migration and the limited applicability of the trafficking definition on the various cases of migrants' rights abuses.

I narrow down the problem to the Czech NGOs working with trafficked and exploited migrants. This environment is partly dependent on state policies and definitions of trafficking but also deals with the actual problems of the exploited migrants. I examined the leeway the NGOs have left between state's priorities to identify and fight trafficking and the demand for the assistance from exploited migrant workers. The aim of this thesis is to apply the assumed gap between definitions and real cases of trafficking and exploitation to the concrete situation and examine the consequences of the gap. The reason I highlight the migration perspective is

²¹ Rutvica Andrijasevic, 'Beautiful Dead Bodies: Gender, Migration and Representation in Anti-Trafficking Campaigns', *Feminist Review* 86 (2007) 24-44. Andrijasevic and Anderson, 'Anti-trafficking Campaigns', 151-155.

²² Kelly, "'You Can Find Anything You Want'", 235-265.

²³ *Ibid.*, 255-258.

²⁴ van den Anker, 'Trafficking and Women's Rights'. Jeroen Doomernik, 'The Globalisation, Migration and Trafficking Nexus: European Outcomes', in Christien van den Anker and Jeroen Doomernik (eds.), *Trafficking and Women's Rights* (New York 2006) 201-218. O'Connell Davison and Anderson, 'The Trouble with "Trafficking"'

first, that I focus only on exploited and trafficked foreigners and second I do not approach the trafficked and exploited people as victims but as migrant workers.

From the geographical point of view, this thesis belongs among the studies on labour migration and trafficking from and within Eastern Europe after the collapse of the Eastern Bloc. It deals with westward migration, though from Eastern to Central Europe not Western Europe, and migration within the former Eastern Bloc. The literature on migration in the Czech Republic after the fall of the Communist regime focuses mainly on labour migration, particularly from Ukraine and Vietnam.²⁵ Especially studies on Ukrainian labour migration touch the topic of exploitation in the context of middlemen system.²⁶ Specific research on migrant workers' exploitation, trafficking and rights abuses in general is limited to the studies carried out under the IOM or governmental projects.²⁷ This thesis looks at trafficking and exploitation of migrant workers in the context of the NGOs' assistance between 1998-2012, by which it addresses the developments and changes both the NGO sector and trafficking situation undergo in the Czech Republic during the researched period of time and the restraints the general preoccupation with fighting trafficking means for exploited migrant workers, who struggle to defend their own rights.

1.5 Material and method

My research is based on the analyses of nongovernmental and governmental sources. The former are materials documenting the activities of selected NGOs. I analyse the annual reports, the information campaign material and other available material such as leaflets or brochures from three NGOs that are part of the Inter-ministerial Coordination Group for Combating Trafficking in Human Beings (IMCG) and participate in the Programme on Support and Protection of Victims of Trafficking in Human Beings (Programme) coordinated by Ministry of Interior of the Czech Republic (MoI)²⁸. These NGOs are La Strada, Caritas of the Archdiocese of Prague (Caritas Prague) and Diaconia of the Evangelical Church of Czech Brethren (Diaconia ECCB). There are four NGOs in IMCG but the main working domain of the fourth, Rozkoš bez rizika, is the social and medical assistance to the sex workers thus I

²⁵ Dušan Drbohlav, 'Immigration and the Czech Republic (with a Special Focus on the Foreign Labour Force)', *International Migration Review* 37:1 (2003) 194-224. Dušan Drbohlav (ed.), *Nelegální ekonomické aktivity migrantů (Česko v evropském kontextu)* (Praha 2008).

²⁶ Dita Čermáková and Michal Nekorjak, 'Ukrainian Middleman System of Labour Organisation in the Czech Republic', *Tijdschrift Voor Economische En Sociale Geografie* 100: 1 (2009) 33-43. Michal Nekorjak, 'Klientský systém a ukrajinská pracovní migrace do České republiky', *Sociální studia* 1 (2006) 89-109.

²⁷ IOM Prague, Publikace výzkum, <http://iom.cz/publikace-vyzkum> (accessed 19 June 2013).

²⁸ Ministry of the Interior of the Czech Republic, Mezirezortní koordinační skupina pro oblast boje proti obchodování s lidmi (MKS), <http://www.mvcr.cz/clanek/mezirezortni-koordinacni-skupina-pro-oblast-boje-proti-obchodovani-s-lidmi-mks.aspx> (accessed 9 June 2013). Ministry of the Interior of the Czech Republic, Obchod s lidmi - Pomoc obětem, <http://www.mvcr.cz/clanek/obchod-s-lidmi-pomoc-obetem.aspx> (accessed 9 June 2013).

cover its activities only briefly.²⁹ The annual reports are available from 2002 for La Strada, 2003 for Caritas Prague and 2009 for Diaconia ECCB, when their relevant project started. To assess prevention activities, in particular information campaigns, I also use the material from the Association for Integration and Migration (AIM).

The second type of source are national strategies to combat trafficking in human beings and annual status reports on trafficking in human beings in the Czech Republic, the first being released since 2003 and the second since 2008.³⁰ These governmental policy documents serve as a supporting source. I do not analyse them into depth and only focus on the main pillars which the state policy is built upon. Their place in the thesis lies in showing the dependency and connections between governmental and nongovernmental approaches towards trafficking.

Besides these sources I use the material published by International Organisation for Migration (IOM).³¹ It is the most important international organisation with trafficking agenda present within the Czech Republic and is a member of IMCG. Since its establishment in the Czech Republic in 1998 IOM cooperates with Czech authorities and NGOs in the field of trafficking in human beings. The best known cooperation was the anti-trafficking campaign conducted by IOM and La Strada in 1999-2000. This thesis is interested in this cooperation and works with the campaign's material.

Along with these sources, I conducted interviews with social workers working with exploited and/or trafficked persons in La Strada, Diaconia ECCB and AIM. I also conducted three interviews with Ukrainian migrant workers who came to the Czech Republic between 1998 and 2007. Based on the mutual agreement with the three interviewed migrant workers, I replaced their real names in this thesis with pseudonyms. I conducted all the interviews in Czech and translated them for this thesis. I use these interviews to support my findings and document them on actual situations.

1.6 Thesis structure

The thesis is divided into seven chapters, including an introduction and conclusion. The second chapter after the introduction opens the topic of trafficking in human beings from and within Eastern Europe. It does so in the context of new migration patterns in the Czech Republic after the collapse of Eastern Bloc. It provides the overview of the types of migration present, migrants' characteristics, sectors attracting migrant workers, and migrants' legal

²⁹ The English translation of the name „Rozkoš bez rizika” is ‘Passion without any risks’.

³⁰ Ministry of the Interior of the Czech Republic, Obchod s lidmi – dokumenty, <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 18 June 2013).

³¹ IOM Prague, <http://iom.cz/home> (accessed 9 June 2013).

statuses and their influence on migrants' working and social conditions. It pays attention to the problematisation of migration and the consequent emergence of trafficking discourse in the Czech Republic. It scrutinises the situation of trafficking in the Czech Republic during its twenty years history (1993-2012) with a brief overview of the first five years and a deeper look at the 1998-2012 period. The third chapter follows up the actors involved in the creation and practice of the trafficking prevention and protection measures in the Czech Republic. It looks at the establishment and development of the Czech official policies on trafficking and the activities of nongovernmental and intergovernmental organisations. The fourth chapter centres on the anti-trafficking campaigns in the Czech Republic. It does so in relation to the literature criticising anti-trafficking campaigns and it tries to place the campaigns within a wider context of the NGOs' work. The fifth chapter works with the already given information and uses it to present an argument. It assesses the focus on sexual exploitation compared to labour exploitation and its relation to the actual situation. It also assesses the cooperation and dependencies between the nongovernmental sector and the authorities of the public sector. That includes the assessment of the Programme and especially its outcomes compared to the NGOs' annual number of clients. Such appraisal enables me to address the limits the NGOs' assistance faces. It discusses the limits in relation to the role these NGOs have, conflict of governmental and nongovernmental interests and it also outlines what obstacles the trafficking definition put in a way of handling labour exploitation.

2 End of Cold War, new migration and trafficking in the Czech Republic

In the end of 1980s and beginning of 1990s the Eastern Bloc collapsed and the region plunged into the transformation period. The transformation was primarily economic and political. The system started to transform from a planned economy to market economy and from communist party rule to democracy. The End of Cold War led to many partial transformations. One of them changed the character of migration within, from and to the region.

The incorporation of Central Europe to the Eastern Bloc happened in late 1940s. In Czechoslovakia communist party seized the power in 25 February 1948.³² Until 1989, for more than forty years, migration remained restricted. In that time the main type of movement concerning Eastern Bloc was emigration, including asylum seekers.³³ The immigration was limited. During 1970s and 1980s Czechoslovakia accommodated a number of workers, apprentices and students through intergovernmental agreements. They allowed temporary stay and brought migrants from other socialist countries, particularly from Poland, Vietnam, Hungary, Mongolia, Cuba, Angola and Korea. After the Velvet Revolution in 1989 those agreements were terminated.³⁴ Liberal migration policy of the Czech state towards former Eastern Bloc countries marked the replacement of labour migration based on intergovernmental agreements by independent migrant workers. The number of foreigners with long-term residence status in Czechoslovakia (later the Czech Republic) grew steeply, especially after 1993.³⁵ The number has little relevance on how many foreigners actually resided and/or worked in the Czech Republic, but it gives the idea about the increase. The main relevance of the year 1993 lies in the separation of Slovakia and the Czech Republic, which provides an essential base for studies focusing on only one of the republics. The graphs 1 and 2 show the top citizenships of foreigners legally residing in the Czech Republic between 1994 and 2011.

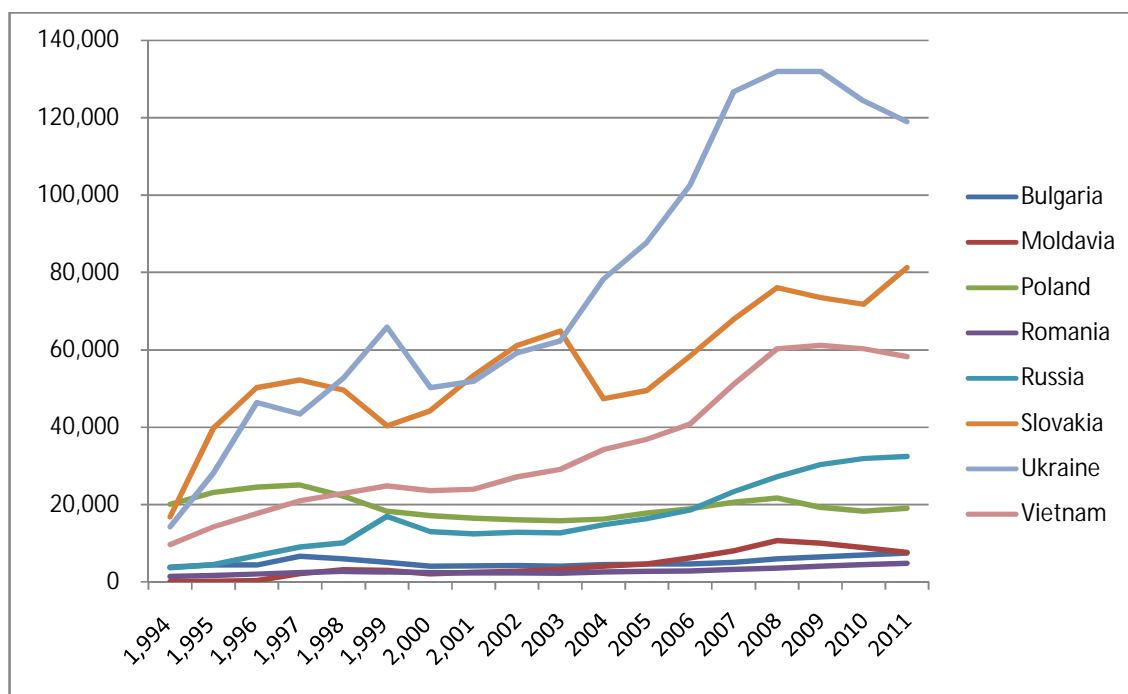
³² Jiří Vykoukal, Bohuslav Litera and Miroslav Tejchman, *Vznik, vývoj a rozpad sovětského bloku 1944-1989* (Praha 2000), 123-159.

³³ The events in Hungary 1956, Czechoslovakia 1968 and Poland 1980 and 1981 created the biggest departures of refugees leaving Eastern Bloc. See Claire Wallace and Dariusz Stola, 'Introduction: Patterns of Migration in Central Europe', in Claire Wallace and Dariusz Stola (eds.), *Patterns of Migration in Central Europe* (New York 2001) 14.

³⁴ In 1980s the number of foreigners residing in Czechoslovakia based on intergovernmental agreements culminated on ca 60 thousands. See Dušan Drbohlav, 'Mezinárodní migrace v Česku s důrazem na legální pracovní migraci', in Dušan Drbohlav (ed.), *Nelegální ekonomické aktivity migrantů (Česko v evropském kontextu)* (Praha 2008) 57-62, 57-58. Drbohlav, 'Immigration and the Czech Republic', 197.

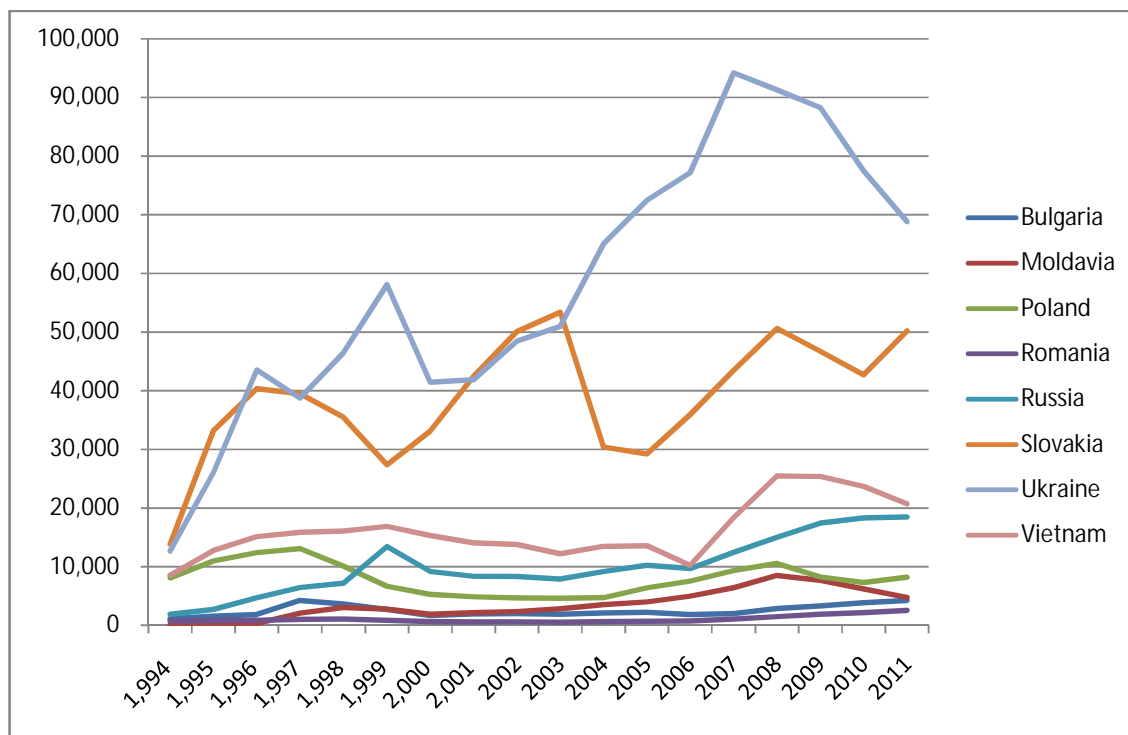
³⁵ Czech statistical office, Cizinci: Počet cizinců (Cizinci bez azylantů), http://www.czso.cz/csu/cizinci.nsf/tabulky/ciz_pocet_cizincu-001#.Uclm2PmGF-I (accessed 9 June 2013). Czech statistical office, Cizinci: Počet cizinců, http://www.czso.cz/csu/cizinci.nsf/kapitola/ciz_pocet_cizincu (accessed 9 June 2013).

Figure 1. Foreigners in the Czech Republic 1996-2011 (by citizenship, total number)



Source: Czech Statistical Office, Cizinci: Počet cizinců (Cizinci bez azylantů), Cizinci v ČR podle státního občanství 1994-2011 (31.12.).

Figure 2. Foreigners in the Czech Republic 1996-2011 (by citizenship, long-term stay)



Source: Czech Statistical Office, Cizinci: Počet cizinců (Cizinci bez azylantů), Cizinci v ČR podle státního občanství 1994-2011 (31.12.).

In the Czech Republic, the majority of migrants holding the long-term stay residence permit are either employed or have a business.³⁶ They particularly come from Ukraine and Slovakia and in general from post-communist countries. Migrant workers concentrate in the big cities, mainly in Prague, and in the regions with low rates of unemployment. Sectors interested in migrant workers are constructions, retail, textile and processing industries, agriculture, forestry and services. They represent the main sectors operating within the shadow economy. Although migrant workers constitute only a marginal part of workers on the black market due to media representation and repressive activities by the state, they are the most visible part.³⁷ The participation on the black market economy does not necessarily mean that the migrant worker has illegal status in the country. Most of the migrant workers from post-communist countries in the Czech Republic have, as Dušan Drbohlav calls it, quasi-legal status. They hold residence permits and work permits or trade licences but the economic activities they pursue do not cope with the purposes of the permits or the licences.³⁸ Measures restricting the possibilities to obtain work permits push migrant workers towards trade licences. Such a situation creates ‘hidden employees’ who use trade licences to cover their economic activities as regular employees.³⁹ The interviewed migrant worker, Nadija, also confirmed me of this practice:

In the beginning my husband had a visa for business. It worked like that, there existed one company and it had some 25 owners, but each of them worked independently, outside that company. Now he has the trade licence. There is no other way to obtain visa. To be here we (Ukrainians) have to either do business or be employed but since your state stopped giving us work permits we all do business now.⁴⁰

The long time practice of employing migrant workers includes labour agencies. Migrants have work permits to hold the legality status but in reality they work for the agency without an employment contract. The amendment to Czech Labour Code and Employment Law effective from 1 January 2012 prohibits labour agencies to lend their foreign employees to the third

³⁶ In the history of the Czech Republic, there have been three variations in the name of the residence permit for long term stay over 90 days (long-term stay, visa over 90 days, long-term stays over 90 days). Instead of using all of these variations when discussing this temporary residency permit, I use only one term, ‘long-term stay’, for the entire 1993-2012 period.

³⁷ Drbohlav, ‘Mezinárodní migrace v Česku s důrazem na legální pracovní migraci’, 61. Martin Fassmann, ‘Charakter trhu práce na černo a situace v Česku’, in Dušan Drbohlav (ed.), *Nelegální ekonomické aktivity migrantů (Česko v evropském kontextu)* (Praha 2008) 68-81, 68 and 80. Drbohlav, ‘Immigration and the Czech Republic’, 214.

³⁸ Dušan Drbohlav, ‘Terminologické, konceptuální a metodické pojetí zkoumané problematiky’, in Dušan Drbohlav (ed.), *Nelegální ekonomické aktivity migrantů (Česko v evropském kontextu)* (Praha 2008) 19-29, 22-24.

³⁹ Martin Rozumek: ‘In the Czech Republic number of employed foreigners keep decreasing. By 31 December 2008 128.934 foreigners from the third countries held valid work permit. At the end of 2011 it was only 36.792 foreigners from third countries (minus 88 thousands). In the same period of time 16 thousands trade licences were given to foreigners, majority of whom lost a job recently.’ See Martin Rozumek, ‘Český “boj proti nelegálnímu zaměstnávání cizinců”’, *migraceonline.cz*, available at: <http://www.migraceonline.cz/cz/e-knihovna/ceskv-boj-proti-nelegalnimu-zamestnavani-cizincu-2> (accessed 13 June 2013). Drbohlav, ‘Immigration and the Czech Republic’, 211.

⁴⁰ Nadija Shevchenko, interview, Prague 20 March 2013.

parties, companies where they perform the job.⁴¹ As explained in the interview with Pavel Duba, the Head of Social Department & Counsellor at AIM, the efficacy of the amendment is questionable. Duba explained to me some of the loopholes which the amendment does not solve:

From the beginning of the last year the labour agencies cannot lend a non-EU workforce. Therefore, they learnt how to get around the restrictions saying we only arrange the work. But in fact the workers are their own employees and the salary goes through the agency to the workers. In the case it concerns the work for instance at the assembly line they say that they rent the whole assembly line from the factory, hence their workers work for them and they do not lend them to anyone else. It means that the agencies get around the restrictions and they negatively affect only the migrant employees who have less rights, less chance to be heard and their wage fallen because the employer knows that out there are many people searching jobs and willing to work in even worse conditions. ... It (the amendment) is not effective but it fits in the actual economic situation, the worsening employment situation in the Czech Republic. It is hard to criticise it this soon. We (the organization) criticised it as an inappropriate measure and its problematisation because many Czech companies depend on the migrant labour.⁴²

In the Ukrainian community legal, illegal and quasi-legal economic activities plus other related arrangements function based on the 'client system'. 'Client system' refers to organised employment of migrant workers. Besides Ukrainian community, from which it originated, it has expanded to other migrant communities, those originating from post-communist countries. Migrant workers use the clients' services that spread from mere employment organisation to all-inclusive arrangements of work and residence permits, accommodation and employment. It is a form of middleman services.⁴³ 'Clients' come from either the same country as the migrants do or other post-communist country. The system is dominated by Ukrainians. 'Clients' treatment varies from professional to exploitative. The more services the migrant worker utilizes, the higher the risk of dependency and exploitation.⁴⁴

2.1 Periodisation

Because the research questions change over time, I divide the history of the Czech Republic into three time sections based on the development of the approach towards trafficking. The three periods of time are 1993-1997, 1998-2006 and 2007-2012. The first period is characterised by positive notion about migration and liberal migration policies. It preceded the

⁴¹ The restriction applies to the third country nationals and to the low-level jobs. See Ministry of Labour and Social Affairs (MLSA), Agenturní zaměstnávání má nová pravidla, <http://www.mpsv.cz/cs/7445> (accessed 11 June 2013).

⁴² Pavel Duba, interview, Prague 5 February 2013.

⁴³ Michal Nekorjak: 'In the context of the Ukrainian migration the term 'Clients' refers to the person that organises Ukrainian workforce and based on its own economic interests offers it on the Czech labour market.' See Nekorjak, 'Klientský systém a ukrajinská pracovní migrace do České republiky', 90.

⁴⁴ Ibid., 89-107. Drbohlav, 'Terminologické, konceptuální a metodické pojetí zkoumané problematiky', 24.

formation of the interest in trafficking in the Czech Republic, therefore I have excluded it from this research on trafficking and labour exploitation.

From 1993 to 1997 the Czech Republic opened its doors and labour market to foreigners. The liberal migration policy was related to the aim to preserve a good relationship with the former Eastern Bloc, to establish the same positive relationship with Western Europe, and to free themselves from the restrictive policies of the past. Therefore, the number of foreigners residing in the country significantly increased and reasons for migration diversified. At the same time, limited job opportunities at home marked the dominance of labour migration and short-term mobility surpassed permanent emigration.⁴⁵ The 1992 Aliens Act did not aspire to restrict migration and enabled foreigners to apply for a residence permit at the Czech territory. Foreigners could enter on a tourist visa or invitation and then apply for a residence permit once inside the country to legalise their stay. Because of the visa-free policy towards the citizens of post-communist countries, the options to monitor foreigners and their economic activities were limited.⁴⁶

The 1997 currency crisis signalled the economic downturn and led to the political crisis. During the economic and political crisis of 1997-1998 the living standards of Czech households worsened and the unemployment rate increased. Working opportunities shrank not only for citizens but also for migrant workers, and their presence on the labour market started to be perceived as a threat and problematic. Restrictive immigration policies started to emerge. Since 1998 the labour offices imposed stricter measures for issuing work permits. The 1999 Aliens Act, implemented in 2000, changed the practice of applying for residence and work permits. Citizens of post-communist countries lost their free-visa status and those wishing to stay and work in the Czech Republic had to apply for the permits from their home countries.⁴⁷ The 1999 Aliens Act strengthened the position of MoI's control over migrants and legitimised the restrictive measures as necessary for security reasons.⁴⁸

The Czech Republic became part of the European Union (EU) in 2004. Central Europe remained being the migratory space between Western and Eastern Europe, but since being part of the EU, the relation to both Western and Eastern Europe modified. After 2004 migrants were able to reach the EU by crossing borders to Central Europe, but the actual

⁴⁵ Wallace and Stola, 'Introduction: Patterns of Migration in Central Europe', 14-16.

⁴⁶ Andrea Baršová and Pavel Barša, *Přistěhovalectví a liberální stát: imigrační a integrační politiky v USA, západní Evropě a Česku* (Brno 2005) 221-222. Andrea Baršová, 'Potírání neoprávněných ekonomických aktivit migrantů v Česku – právní a politický rámec', in Dušan Drbohlav (ed.), *Nelegální ekonomické aktivity migrantů (Česko v evropském kontextu)* (Praha 2008) 82-90, 83.

⁴⁷ Baršová and Barša, *Přistěhovalectví a liberální stát*, 223-224.

⁴⁸ Tereza Kušniráková and Pavel Čížinský, 'Twenty Years of Czech Migration Policy: Liberal, Restrictive or Something Different?', *Geografie* 116:4 (2011) 497-517, 500-501.

admission to Central European countries became harder. Authorities passed policy documents supplementing the 1999 Aliens Act. In 2004 an Action Plan on Illegal Immigration was implemented. In 2003 the first Czech national strategy to combat trafficking in human beings was released. In 2000 the Inter-ministerial Group for Combating Illegal Employment of Foreign Nationals was established.⁴⁹ The period from 1998 to 2006 marks the beginning of restrictive migration policies connected to the implementation of the EU rules, problematisation of migration in the Czech Republic and the emergence of trafficking as an issue of public interest.

The year 2007 marks the beginning of the financial crisis that led to global recession in the following years. In the same year Bulgaria and Romania joined the EU and the Czech Republic joined the Schengen area. Global recession as well as the enlargements of the EU and Schengen impacted the course of migration and trafficking.

2.2 Trafficking from and within the post-communist Europe

The use of cheap foreign labour for the 3D's (dirty, dangerous and difficult) jobs is a prevalent aspect of the economy. The link between migration, labour and exploitation lasts throughout history because, unlike citizens, foreigners are not automatically protected by welfare state and civil rights of the host country. In present-day Europe to reach those rights they need to have legal residence status and legal employment. Trafficked migrant workers do not necessarily have to have illegal status to make them more subjected to exploitation. Even a small form or mere notion of illegality, accompanied with the disconnection from their familiar environment, makes labour migrants vulnerable and more willing to accept work conditions they would not normally agree upon in different circumstances. This is what has happened to the migrant workers since the early 1990s who were coming through the newly open borders from Eastern Europe to the West.

Western Europe has been the main market for trafficking from Eastern Europe. For a long time, the only form of trafficking that was winning public attention was trafficking in women. Before the collapse of the Eastern Bloc, women trafficked into prostitution in Western Europe originated mainly from Asia, Philippines and Thailand.⁵⁰ Since the beginning of 1990s, Western Europe has become the main destination for people trafficked from Eastern

⁴⁹ Ministry of the Interior of the Czech Republic, Security Policy Department, *National Strategy to Combat Trafficking for Sexual Exploitation for the Period 2003-2005* (Prague 2003) <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013). Dušan Drbohlav, 'Nelegální migrace a neoprávněné ekonomické aktivity migrantů v Evropě – koncept a současná realita', in Dušan Drbohlav (ed.), *Nelegální ekonomické aktivity migrantů (Česko v evropském kontextu)* (Praha 2008) 30-46, 42-43. Baršová, 'Potírání neoprávněných ekonomických aktivit migrantů v Česku', 83.

⁵⁰ Donna M. Hughes, 'The "Natasha" Trade: The Transnational Shadow Market of Trafficking in Women', *Journal of International Affairs* 53:2 (2000) 625-651, 625. UNODC, *Trafficking in Persons: Global Patterns*, April 2006, 26-29 and 90-95, available at: http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf (accessed 13 June 2013).

Europe.⁵¹ The main countries of origin of trafficked victims are Albania, Bulgaria, Lithuania, Romania, Belarus, Moldova, the Russian Federation and Ukraine.⁵²

2.2.1 Eastern Europe and its economic and social transformation

Closed borders and controlled movement of citizens, full employment and accessible social benefits prevented people's migration and enabled the majority of its citizens relatively satisfactory living.⁵³

With the collapse of communist system all around Eastern Europe the borders opened up, the job and social security disappeared. While the opening of borders was a political act, the spread of unemployment and the diminishing of social benefits were connected with the economic transition. The transition from planned to market economy bore the declining GDP, hyperinflation, massive privatization of state property that moved state wealth to the private hands. The capital was flowing out of Eastern European countries. Dramatic decrease in state budget resources resulted in cuts on spending. It affected payment of salaries for state employees, payment of pensions and all social services. Two important benefits that citizens profited from during socialism and in 1990s shrank to minimum were free health care and child care including after-school and summer activities.⁵⁴

Before the collapse of the Communist Bloc the societies in its individual countries were compared to Western Europe poor but owing to the wide welfare system socially secure. Coinciding with the transition after the collapse, poverty spread throughout the region.⁵⁵ According to Abbott and Wallace sociological study there emerged small new elite as “winners” of the transformation but majority of the population were “losers”.⁵⁶

In the context of economic transformation of Eastern Europe the term “feminization of poverty” appears. It refers to the growing unemployment that hit more women than men due to their dominance in uncompetitive industries as textile or food industries that went widely bankrupt. They also largely occupied state sector, particularly education and health sectors where the salaries shrank the most.⁵⁷ Even though the situation of women deteriorated and the transition period made them more socially and economically vulnerable than men it is same

⁵¹ UNODC, *Trafficking in Persons*, 26-28, available at: http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf (accessed 13 June 2013).

⁵² The information is from 2006, hence the patterns could have changed for some countries especially for Romania and Bulgaria in relation to their accession to the EU. Ibid.

⁵³ Shelley, 'The trade in people in and from the former Soviet Union', 231-232.

⁵⁴ Ibid., 233.

⁵⁵ Ibid., 231-232. Pamela Abbott and Claire Wallace, 'Explaining Economic and Social Transformations in Post-Soviet Russia, Ukraine and Belarus', *European Societies* 12:5 (2010) 653-674, 670-71.

⁵⁶ Abbott and Wallace, 'Explaining Economic and Social Transformations in Post-Soviet Russia, Ukraine and Belarus', 653-654.

⁵⁷ Ibid.

true that the society as such got poorer and both man and women got into subsistence problems. In Abbott and Wallace words, “losers” were both men and women because it was primary the society as whole that lost.

2.2.2 Push factors and a weak labour market in Eastern Europe

Different stages of development and economic growth among world regions produce both push and pull factors that provide the supply for cheap vulnerable labour in general and trafficking in particular.

Push factors are largely related to bad economic situation. However, the poorest households do not prevail among potential migrant workers. Their socio-economic background is more often burdened by relative deprivation less by poverty. But because the category of potential migrant workers encompasses both successful migrant workers and trafficked persons when it comes only to trafficked persons the ratio between relative deprivation and poverty is almost balanced.⁵⁸

According to the survey done in Belarus, Bulgaria, Moldova, Romania and Ukraine, all considered to be the main sources for trafficking from Eastern Europe, the prime motives driving people to search jobs abroad are first low income, second lack of job opportunities in the home country and third desire to earn quick money.⁵⁹ From the first look, all the reasons are related to the bad economic situation and weak labour market in the country of origin. According to local International Labour Organisation’s (ILO) officer the official approach toward trafficking has gradually shifted from criminal perspective towards a broader one including and stressing the labour migration aspect.⁶⁰

In 2003 Ukraine, which leads in number of trafficked victims, had an unemployment rate of 9.1 percent. The best situation is in the big city centres like Kyiv or Odessa, the worst in the countryside.⁶¹ Besides these centres, where the rate of trafficking is less significant, people are trafficked from all parts of Ukraine. The situation is similar in all Eastern European countries, where except the big cities working opportunities are missing. Even employed

⁵⁸ Beate Andrees, *Forced labour and trafficking in Europe: how people are trapped in, live through and come out*, Working Paper 57, ILO (Geneva February 2008) 11-13, available at: http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_090548.pdf (accessed 19 June 2013).

⁵⁹ IOM Kyiv, *Human trafficking survey: Belarus, Bulgaria, Moldova, Romania, and Ukraine* (Kyiv December 2006) 8, available at: http://www.hks.harvard.edu/cchp/isht/study_group/2010/pdf/HumanTraffickingSurveyBelarusBulgariaMoldovaRomaniaUkraine.pdf (accessed 19 June 2013).

⁶⁰ Ramona Vijayarasa, ‘The Cinderella syndrome: Economic expectations, false hopes and the exploitation of trafficked Ukrainian women’, *Women’s Studies International Forum* 35:1 (2012) 53–62, 59.

⁶¹ Tetyana Kiryan and Mariska N.J. van der Linden (2005), *Trafficking of migrant workers from Ukraine: Issues of labour and sexual exploitation*, Working Paper 39, ILO (Geneva November 2005) 1, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_082022.pdf (accessed 19 June 2013).

people have problems to get by. In 2003 in the Ukraine the minimum monthly salary formed 60 percent of the minimum monthly subsistence rate that is stipulated by Ukrainian law. The average monthly salary climbed to constitute 154.8 percent of the minimum monthly subsistence rate.⁶² It corresponds with people's discontent about the insufficiently low incomes in the survey.

Besides the three most cited reasons directly connected to labour market low level of social services forms an additional push factor.⁶³ Illegal work abroad does not bring access to the welfare in the destination but no social security at home means one reason less to stay. Other push factor to add is unstable political situation, lack of social order and rule of law.⁶⁴ It mostly applies for Moldova with the breakaway territory of Transnistria but it also refers to Ukraine with the ongoing political turmoil, to Belarus with the authoritarian rule of Aleksandr Lukashenko, to Albania, to parts of Russian Federation and parts of former Yugoslavia.

2.2.3 Pull factors

The identified pull factor for migrant workers in destination countries include higher salary, more opportunities on labour market and one general factor to reach higher standards of living.⁶⁵

There is no doubt that West and Western Europe in particular have higher standards of living, but the lack of information and the generally accepted vague idea promoted by the media through TV series and movies that show a picture of the attractive Western lifestyle, creates a false notion of rich Western countries having an endless stream of opportunities. The anecdotal imagery about alleged work opportunities abroad also plays an important part in migrants' decisions to leave and try their luck beyond the borders of their homelands. The narratives that the allegedly successful migrants tell when they visit or return home bolster the picture of a rich and welcoming West. All of these influences combined, make it almost impossible to decide if a story is true, exaggerated or completely false.⁶⁶

Someone goes abroad, comes back and says, I married a German and now they are a German citizen. So they come back and parade around their village as a success story. Or they were

⁶² Ibid, 1.

⁶³ Vijayarasa, 'The Cinderella syndrome', 60.

⁶⁴ Kiryan and van der Linden, *Trafficking of migrant workers from Ukraine*, 1-2, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_082022.pdf (accessed 19 June 2013).

⁶⁵ Shelley, *Human trafficking*, 37.

⁶⁶ Vijayarasa, 'The Cinderella syndrome', 54 and 60.

lucky and the agency was honest and they were able to remit thousands of dollars back to their home” (Anon., Inter-governmental organisation, 13 August 2009).⁶⁷

A similar picture applies to Central European countries as alternative destination for Eastern European migrant workers. Although poorer than Western Europe, the given perspective of awaiting jobs and good salaries creates sufficiently strong pull factors, and thus the motivation to leave. Focusing on the Czech Republic compared to the restrictive migration policies of Western European countries, there was no barrier to enter the country until 2000. And even after the 2000 Aliens Act, Czech residence and work permits remained more accessible for post-communist migrant workers than further west. These pull factors were also mentioned by the three Ukrainian migrant workers I interviewed. The reasons why they migrated to the Czech Republic were a mixture of coincidence, possibility to enter the country and obtain the necessary documents and the prospects of well paid job opportunities. Marija arrived in 1998:

My friend did not have a job and needed money for her child. I had a job but the situation in the company kept deteriorating and I suspected it would not take long until I lose it. My dad was drinking a lot and the whole situation around seemed hopeless. So we decided to go abroad to work. One day we found an advertisement offering seasonal jobs in the Czech Republic. They promised jobs in hotels and agriculture for minimum 500 dollars per month. It was lots of money for us. We went to the agency. They promised us a three month job, likely cleaning in the hotels, and we paid for the package. That we left for the Czech Republic was a pure coincidence, if we had found an offer for Germany or Scandinavia instead we would have gone there, we did not care.⁶⁸

Nadija entered the country in 2007:

My husband’s brother and two sisters were already here. And at that time, it was still relatively easy to get the visa to the Czech Republic. For instance, we (Ukrainians) cannot work in England, for there the visa is unobtainable. In Poland, on the other hand, we would earn much less money.⁶⁹

2.3 Problematisation of migration and trafficking in the Czech Republic

While migration to the Czech Republic from other post-communist countries started in the beginning of the 1990s, the impulse provoking public debate about pros and cons of migration came only in the second half of the decade. The economic downturn in 1997 and 1998 did not

⁶⁷ Ibid., 60.

⁶⁸ Marija Potapenko, interview, Prague 22 March 2013.

⁶⁹ Nadija Shevchenko.

bring only restrictive immigration policies but raised public interest and discussion on topics as illegal immigration, criminality of foreigners and trafficking.

Until then within the trafficking discourse, the Czech Republic was perceived as a country of origin of women trafficked to Western Europe for prostitution. As Wallace and Stola argue, the emigration from Central to Western Europe peaked in the first half of 1990s and has gradually fallen since then. For the Czech Republic (Czechoslovakia), the emigration numbers were especially low peaking in 1992 but never crossing 50 thousand emigrants. Supported by other indicators as GDP per capita, unemployment rates and satisfaction with living standards, the trend switched from more migrants entering than leaving the Czech Republic after 1993. Consequently, the same switch happened within the trafficking debate.⁷⁰ In late 1990s, trafficking in the Czech Republic started to be addressed but primarily as an issue of women trafficked to Western Europe. Attention towards trafficking to the Czech Republic turned only in the first half of the 2000s.⁷¹

Labour migration to the Czech Republic has grown since the beginning of 1990s. Prostitution has flourished since the 1990 nullification of the criminal offence of parasitism. Therefore it can be presumed trafficking for sexual and labour exploitation existed already in the Czech Republic in 1990s. Until the second half of 2000s, the attention paid to trafficking was primarily related to prostitution.⁷² During 2000s, trafficking for labour exploitation has also been recognised as a problem. Trafficking for labour exploitation entered academic research, official documents and strategies, but public interest in trafficking remained occupied with prostitution and sexual exploitation. Media is an important source influencing public awareness, focusing primarily on trafficking for sexual exploitation and prostitution. I looked through the article archives of three of the largest Czech daily newspapers and one weekly journal from 1996 to 2012 and found out that most of the articles that mentioned trafficking concerned prostitution. Records about trafficking for labour exploitation start appearing in 2006.⁷³ The link between prostitution and trafficking suggests that women tend

⁷⁰ Wallace and Stola, 'Introduction: Patterns of Migration in Central Europe', 3-13.

⁷¹ This trend is apparent from the IOM campaign 1999-2000. No information was found on trafficking in the Czech Republic in 1990s.

⁷² Three most common nationalities of prostitutes in the Czech Republic are Czech, Slovak and Ukrainian followed by the rest of former Soviet Union citizens. See Tereza Hulíková and Jiří Kocourek, *Zpráva z projektu: Pilotní výzkum mezi zákazníky komerčních sexuálních služeb ve dvou příhraničních regionech České republiky*, IOM (Prague October 2005) 18.

⁷³ Records found for the term "Human trafficking" from 1996 to 2012: Weekly magazine Respekt (47 records: fifteen relevant, two general, eleven about trafficking for sexual exploitation and two from 2011 and 2012 about trafficking for labour exploitation), daily newspaper Mladá fronta DNES (245 records: 69 relevant, 27 general, 34 about trafficking for sexual exploitation and eight from 2008, 2007 and 2006 about trafficking for labour exploitation), daily newspaper Právo (192 records: 94 relevant, 36 general, 51 about trafficking for sexual exploitation and seven from 2006, 2009, 2011 and 2012 about trafficking for labour exploitation), daily tabloid Blesk (out of 35 records 11 general and 24 about trafficking for sexual exploitation).

to be more trafficked than men but based on IOM's *Pilot Research on Environment of Trafficking in Human Beings on the Territory of the Czech Republic (Pilot Research)* trafficking happens equally to men and women in productive age.⁷⁴ The following quotation captures the difficulty to assess if and who has been trafficked:

The issue of trafficking in human beings should not be confused with illegal migration, even though in many cases illegal migration occurs alongside trafficking. This phenomenon is very broad, and we cannot say that it touches only a certain age group or gender. This problem is most often associated with forced prostitution, but it is starting to appear in the domain of forced labour as well. Because there was no such programme providing assistance to victims of forced labour, it was harder to uncover and identify the victims. The victims are afraid to speak up for their rights. Another aspect of the issue is that the general media tend not to cover the issue of forced labour, therefore sidelining the problem. But in the end, it is exploitation when someone is paid twenty Czech crowns for performed work without the right to a break.⁷⁵

There is a relation between trafficking and illegality, trafficking and prostitution, sexual exploitation and labour exploitation, 'client system' and trafficking. None of these relations are essential for trafficking to exist but were named in the *Pilot research* as being present in the Czech environment.⁷⁶ The nexus between 'client system' and labour exploitation of migrant workers has existed since 1990s. What has changed over time is the nature of the system. Un-organised labour migration dominated the 1990s period before the currency crisis. Until the citizens of post-communist countries used visa-free regime, labour agencies emerged as 'clients' made a living from labour organisation. After 1997, stricter measures for migrant workers started to be formed and 'clients' reoriented on documents arrangements. To organise documents legalising the stay of migrant workers, 'clients' needed good relations with authorities and eventually a more serious platform for their activities. Since the second half of 1990s 'client system' moved from an amateur to a professional level represented by formal companies. It formed organised system providing the access to the labour market to migrants with legal, quasi-legal and illegal statuses.⁷⁷ The interviewee, Marija, narrated about the 'client system' in late 1990s:

To get a job in the hospital the agency asked me to get a trade licence. I handed the passport – luckily – to good hands. This acquaintance was a client but just recently started to do papers as he realised that it could be a profitable field. Unlike me many of my friends never saw their

⁷⁴ Černík, Jan c.s., *Pilotní výzkum prostředí obchodu s lidmi na území České republiky (prosinec 2004 - únor 2005)*, IOM (Prague 2005) 36-37, available at: http://aa.ecn.cz/img_upload/79a33131c9c4293e0fcef50bfa263ef/IOM_pilotni_vyzkum_obchodu_s_lidmi_CZ.pdf (accessed 20 June 2013).

⁷⁵ *Ibid.*, 36.

⁷⁶ *Ibid.*, 32-41.

⁷⁷ Čermáková and Nekorjak, 'Ukrainian Middleman System of Labour Organisation in the Czech Republic', 33-35.

passports again. It was the period when Czech authorities decided that any foreigners caught without the papers would be sent back home. I stayed almost half a year without the passport but got a trade licence for a year. It cost fifteen thousand crowns, two or three wages. Later I learnt the real cost of trade licence was no more than two thousand crowns.⁷⁸

The other interviewed migrant worker, Tatjana, talked about vanished documents, also in late 1990s:

I needed to renew my papers and did not know how to manage without the client. I did not have any official sufficient reason to stay and as a cleaner I was not indispensable. So I handed my passport to the client for the papers' renewal. He did not return it and it took half a year until I saw my passport again. Fortunately my cousin, lawyer in Kiev, had some connections in Prague and used them to find the people with my passport. I did not know what to do since I was afraid to go to police. I had already paid for the renewed visa but I did not know where my passport was, if someone had not exploited it and if the visa had been renewed at all. Because if not I would have been illegal and the police could have deported me. Finally after half a year, thanks to my cousin, they returned the passport with the renewed visa.⁷⁹

Ina Avramioti, La Strada's coordinator of low threshold services, describes the present-day practice of seizing documents:

They (the migrants) approach someone, it happens especially within the Ukrainian community, give him the money to extend the residence permit and the person takes the money and disappears. It means that the migrant ends up without papers, hence easy to exploit. In other words, without papers the quality of working conditions and wage sink.⁸⁰

The seizure of documents, delay or deduction of wage payments when migrants do not cooperate, and withholding of one to two month wages to prevent migrants from leaving are means by which 'clients' influence migrants to conform to their rules. This practice is described in the AIM's documentary *Lepší život (Better Life)*. My interviewee, Marija, narrated it as a part of her working experience in late 1990s and beginning of 2000s:

If I quitted the job, for the last month and half at work, they (the labour agency) would not pay me my wage. It was set that the payday for one month fell on the end of the following month. It kept people at work. It was risky to leave and they (the labour agency) knew that even when someone left for home (home country), they had a guarantee that the person would come back eventually, because of the withhold money.⁸¹

Coercion is not a condition for the operation of 'client system' and vice versa, but the fact that 'client system' has grown through the organisation of labour from Ukraine and other post-

⁷⁸ Marija Potapenko.

⁷⁹ Tatjana Kovalenko, interview, Prague 8 February 2013.

⁸⁰ Ina Avramioti, interview, Prague 8 February 2013.

⁸¹ Marija Potapenko.

communist countries and that a vast majority of migrant workers in the Czech Republic come from post-communist countries depicts this relation as a common phenomenon.

In this case, coercion serves as a way to make migrants accept their working and living conditions. According to the *Pilot Research*, the five most common exploitative conditions are inadequate or no wage, hard and dangerous labour, long working hours, dissatisfactory safety measures, unhygienic conditions and giving part of the wage to the 'client'.⁸² All of them are against the Czech Labour Code. Many foreigners however agree to these conditions because they represent an improvement compared to their home country situation and/or because their only goal is to earn as much as possible regardless of working conditions. My interviewee Tatiana said:

I worked fourteen hours during the weekdays and ten during the weekend, no days off and I was happy. In the beginning when I came they did not give me a job during the weekends. It felt like a punishment. First, you do not earn anything when you are not at work and second, there is nothing to do. I did not want to go out because I did not come to spend but to save money. I used to sit at home – I shared one tiny room with my friend where were two beds and one wardrobe and that was it – and did nothing but eat and smoke.⁸³

Consequently, how strictly should the Labour Code be followed in the case of cheap foreign labour? And in what cases do we dismiss strict application of the Labour Code and what is the line for labelling certain conditions as exploitation? These questions lead to the fragility of terms as trafficking and exploitation. The *Pilot Research* characterised trafficking in the Czech Republic as a hidden, hardly recognisable problem. In general, the extent of trafficking is unknown and the known part is often described as only the tip of the iceberg. The hidden extent of the problem and fragility of the term(s) come from unsatisfactory definitions and lack of will to reappraise given truths about trafficking and exploitation. It is the approach of all actors involved that influences and defines the development of the real situation. The aim of the next chapter is to analyse and assess policies, activities and positions of these actors towards trafficking over 15 years time period in the Czech Republic.

⁸² Jan Černík c.s., *Pilotní výzkum prostředí obchodu s lidmi na území České republiky (prosinec 2004-únor 2005)*, 33-34, available at: http://aa.ecn.cz/img_upload/79a33131c9c4293e0fcef50bfa263ef/IOM_pilotni_vyzkum_obchodu_s_lidmi_CZ.pdf (accessed 20 June 2013).

⁸³ Tatjana Kovalenko.

3 Actors involved in trafficking prevention and protection services in the Czech Republic

3.1 International organisations

Different UN agencies have prevention of trafficking and exploitation on their agendas. The UN's influence on the debate and fight against trafficking in the Czech Republic comes through legal means. The most important is the UN Trafficking Protocol.⁸⁴ In 2003 the United Nations Organisation for Drugs and Crime (UNODC) in cooperation with the MoI launched a Model on Supporting and Protecting Victims of Trafficking in Human beings for the Purpose of Sexual Exploitation ('Model'). The Model proved to be successful and the MoI took over its funding and developed a proper stable programme that I look at in next subchapter. During a period of fifteen years, there were a couple of projects the UNODC and the United Nations Children's Fund (UNICEF) cooperated on with local NGOs.⁸⁵ Central Europe, however, does not belong among the regions in which these organisations conduct their major projects on human trafficking. Outside of the UN, the Global Alliance against Traffic in Women (GAATW) is represented in the Czech Republic by the NGO La Strada. Besides being associated with the GAATW, La Strada is part of La Strada International.

The most important international organisation actively operating in the Czech Republic is the IOM. The Czech branch of the IOM opened in 1998. The theme of migration connects all of its activities, and prevention and combating of trafficking is one of them. In 1999 the IOM launched the first Czech anti-trafficking campaign. However, since then it has focused more on research and, since 2001, on assisted voluntary returns.⁸⁶ The already mentioned IOM anti-trafficking campaign ran from April 1999 to June 2000. It remains the biggest information campaign prepared by the IOM in the Czech Republic. The main implementing partners were La Strada, MoI and Ministry of Education, Youth and Sports (MEYS). It targeted the general public, professional public and potentially trafficked women. It responded to the practice of trafficking Czech women to Western Europe and insufficient awareness about migration issues including trafficking among the general public. The IOM made and distributed posters, leaflets, brochures, advertisements and TV spots. During the

⁸⁴ Czech legal system adopted the UN definition of trafficking. The Czech Republic signed the UN Trafficking Protocol but has not ratified it yet. Its ratification is a priority of the *National strategy to combat trafficking in human beings for the period 2012-2015*.

⁸⁵ La Strada Czech Republic, Annual Report 2002, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocnizpravy> (accessed 20 June 2013). La Strada Czech Republic, Annual Report 2004, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocnizpravy> (accessed 20 June 2013).

⁸⁶ The Programme of Assisted Voluntary Returns encompasses not only trafficked individuals but also other types of migrants.

campaign the IOM conducted several interviews, published articles and produced a documentary film and educational documentary video for educational purposes.⁸⁷ Especially thanks to the media support and explicitly shocking nature of the presentation, the IOM anti-trafficking campaign reached targeted its audience and was evaluated as successful. It won the Effie Award.⁸⁸ I discuss its impact on the awareness and understanding of trafficking in the Czech Republic together with other campaigns in chapter four.

After the campaign the IOM offered educational seminars and conducted research, including *Pilot Research on Environment of Trafficking in Human Beings on the Territory of the Czech Republic* and *Pilot Research among Customers of Commercial Sex Services in Two Border Regions of the Czech Republic*. Concerning trafficking, its main activity relates to the MoI's Programme for trafficked persons, whom the IOM provides with assisted voluntary returns to their countries of origin.

3.2 Governmental approach

In the 1990s human trafficking did not find its way into Czech legislation. In 1999 the MoI co-funded the IOM's anti-trafficking campaign. Since then the governmental activity in the field has increased in relation to the problematisation of migration in the country and primarily in an attempt to catch up with the EU legislation. The Czech Republic joined the EU in 2004. The implementation of the two most important EU documents on human trafficking, Council Framework Decision on Combating Trafficking in Human Beings (Framework Decision) and later Council Directive on Residence Permit for Victims of Human Trafficking, was obligatory for EU members.⁸⁹ In 2011 the Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (Directive) replaced the Framework Decision. Among other policies the Directive introduced the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016.⁹⁰

In 2003 the MoI first published the National Strategy to Combat Trafficking in Human Beings for Sexual Exploitation in the Czech Republic (2003-2005 Strategy). This 2003-2005

⁸⁷ IOM Prague, *Final Progress Report to Donor: Czech Anti-Trafficking Campaign (April 1999-June 2000)* (Prague 2000) 5-7 and 13-14.

⁸⁸ IOM Prague, Realizované projekty, <http://iom.ecn.cz/projekty-detail.shtml?x=226971> (accessed 19 June 2013).

⁸⁹ EU: Council of the European Union, *Council Framework Decision 2002/629 on Combating Trafficking in Human Beings*, 19 July 2002, 2002/629/JHA, available at: <http://www.refworld.org/docid/3ddcfb7b2.html> (accessed 19 June 2013).

EU: Council of the European Union, *Council Directive 2004/81/EC of 29 April 2004 on the Residence Permit Issued to Third-Country Nationals Who are Victims of Trafficking in Human Beings or Who Have Been the Subject of an Action to Facilitate Illegal Immigration, Who Cooperate With the Competent Authorities*, 6 August 2004, 2004/81/EC, available at: <http://www.refworld.org/docid/4156e71d4.html> (accessed 19 June 2013).

⁹⁰ EU: Council of the European Union, *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*, 15 April 2011, 2011/36/EU, available at: <http://www.refworld.org/docid/50ec1e172.html> (accessed 19 June 2013).

Strategy focused on trafficking for sexual exploitation with particular interest in prostitution. It defined better foreknowledge and capacity building among its main targets. The other forms of trafficking outside of the sex business figured only in the research plan of the strategy. The Model, initiated by UNODC, was part of the 2003-2005 Strategy. In 2004 the MoI transformed the Model into the Programme. The MoI established a partnership with the nongovernmental sector and the IOM within the Model and defined cooperation with nongovernmental and intergovernmental organisations as one of its goals.⁹¹ The 2004 amendment to the Criminal Code introduced a new definition of human trafficking that corresponded to the UN Trafficking Protocol.⁹² The new definition was part of a policy change formulated in the National Strategy to Combat Trafficking in Human Beings for the Period 2005-2007 (2005-2007 Strategy). It extended the reach of the 2005-2007 Strategy to include other forms of trafficking outside of the sex business in accord with the UN Trafficking Protocol. It linked illegal labour migration and trafficking. Alongside prevention and personnel capacity increase, the 2005-2007 Strategy targeted illegal labour migration as a potential bridge to trafficking.⁹³ The 2006 amendment to the Act on the Residence of Aliens in the Czech Republic enables the government to grant long-term residence for the purpose of protecting a trafficked person if he/she cooperates with legal authorities in criminal proceedings.⁹⁴ In 2005 the Interdisciplinary Working Group on Support and Protection of Victims of Trafficking in Human Beings was established. In 2008 it was incorporated into the newly established IMCG. Representatives of governmental, nongovernmental and intergovernmental bodies participate in IMCG meetings. Better cooperation on national (through IMCG and the Programme) and international levels was part of the 2008-2011 National Strategy to Combat Trafficking in Human Beings (2008-2011 Strategy). The 2008-2011 Strategy initiated the annual publishing of status reports on the trafficking of human beings in the Czech Republic. Both the 2008-2011 Strategy and the following reports acknowledged the disparity between the legal definition of trafficking and the gradual

⁹¹ Ministry of the Interior of the Czech Republic, Security Policy Department, 'Action Plan', in *National Strategy to Combat Trafficking for Sexual Exploitation for the Period 2003-2005*, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

⁹² Ministry of the Interior of the Czech Republic, Security Policy Department, *2008 Status Report on Trafficking in Human Beings in the Czech Republic* (Prague 2009) 11-12, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

⁹³ Ministry of the Interior of the Czech Republic, Security Policy Department, *National Strategy to Combat Trafficking in Human Beings for the Period 2005-2007*, 41-42, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

⁹⁴ The amendment incorporates the Council Directive on Residence Permit for Victims of Human Trafficking into the national law. See Ministry of the Interior of the Czech Republic, Security Policy Department, *National Strategy to Combat Trafficking in Human Beings for the Period 2008-2011* (Prague 2008) 12, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

changes in the types of coercion accompanying human trafficking. The 2009 Status Report on Trafficking in Human Beings in the Czech Republic revealed a trend of moving away from the physical violence present in the beginning of 2000s and toward psychological coercion.⁹⁵ The 2008-2011 Strategy stated a need to define forced labour and related offences, including illegal employment, in the national legislation. The 2009 Criminal Code came into effect on 1 January 2010 with only small changes in the definition of the crime of trafficking of human beings.⁹⁶ It introduced the unauthorized employment of foreign nationals as an offence. In accordance with the 2008-2011 Strategy, the offence criminalises employment of foreigners without residence or work permits. The related goal of better defining forced labour and exploitation has not been met yet.⁹⁷

While the 2008-2011 Strategy acknowledged the shift from physical violence to psychological coercion, the newest 2012-2015 National Strategy to Combat Trafficking in Human Beings (2012-2015 Strategy) mentioned even less visible forms of coercion. These new forms involve manipulation and profiting from a trafficked person's poor knowledge of the environment, law and language. Compared to the period before 2008, in which trafficking targeted mostly women for the purpose of sexual exploitation, the 2012-2015 Strategy showed that in official Czech statistics trafficked men surpassed trafficked women. It also revealed a steep increase in the number of labour exploitation trafficking cases during the 2008-2011 period. Furthermore, it mentioned a growing number of trafficked persons from Bulgaria and Romania during the 2008-2011 period.⁹⁸ Research into strategies and status reports shows that references to changes in the nature of trafficking have recently found their way into official documents. It also shows that the acknowledgement of the changes printed in those documents neither caused an increase in the number of detected or solved cases (Figure 3), nor led to an increase in prosecutions of cases of trafficking for labour exploitation. Until

⁹⁵ Ministry of the Interior of the Czech Republic, Security Policy Department, *2009 Status Report on Trafficking in Human Beings in the Czech Republic* (Prague 2010) 11, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

⁹⁶ For the matter of trafficking it introduced new regulation of failure to obstruct or failure to report a crime of trafficking in human beings as punishable offences. This regulation complicated the assistance to the trafficked persons. It restricted the assistance for persons who were not willing to report their situation to police. It also put the supporting organisations into legally vulnerable position. Only in 2011 the amendment to the 2009 Criminal Code annulled the obligation to report a crime of trafficking in human beings for persons engaged in the assistance to the trafficked persons. See La Strada Czech Republic, *Annual Report 2011*, 14, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocnni-zpravy> (accessed 20 June 2013).

⁹⁷ Ministry of the Interior of the Czech Republic, Security Policy Department, *National Strategy to Combat Trafficking in Human Beings for the Period 2012-2015* (Prague 2012) 34, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

⁹⁸ By 2012 trafficking for sexual and labour exploitation were the only cases officially recorded by the authorities in the Czech Republic. See Ministry of the Interior of the Czech Republic, Security Policy Department, *National Strategy to Combat Trafficking in Human Beings for the Period 2012-2015*, 4-5, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

now, there have been three effective convictions in cases of trafficking for labour exploitation: two occurred in 2012 and one in 2013.⁹⁹

Figure 3. Numbers of crimes of trafficking in human beings detected and solved by the Police

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Detected	13	27	15	10	13	16	16	11	29	10	24	19
Solved*	13	25	10	12	12	11	13	11	13	11	17	17
Investigated and prosecuted persons	21	26	12	19	30	18	11	20	22	32	35	29

* Total number of solved crimes including additionally solved crimes from previous years

Source: MoI, Security Policy Department, *2011 Status Report on Trafficking in Human Beings in the Czech Republic*.

3.2.1 Programme on Support and Protection of Victims of Trafficking in Human Beings in the Czech Republic

The launch of the Model as part of the UNODC project in 2003 and its transformation into a stable Programme run by the MoI were already mentioned. It filled the gap where a comprehensive programme working with trafficked persons was missing. On one hand it has offered assistance to trafficked persons, but on the other hand the support has been conditional on the cooperation of the person with police and authorities during the prosecution of the traffickers. The first year tested the functionality of the Model and focused entirely on trafficking for sexual exploitation. This test year was successful, and in 2004 the project's name was changed to the Programme. Its concept was also modified to include other forms of trafficking. The Programme was institutionalized in 2005. In the same year, the MoI signed the Agreement of Cooperation with two participating organisations, La Strada and Caritas Prague.¹⁰⁰ To be included in the Programme, a person has to be identified by the police, a nongovernmental organisation or another institution as victim of trafficking. The position of the police is key. The person identified as a victim of trafficking has 60 days to decide to cooperate with police or not. During the first 60 days participating NGOs provide crisis assistance. Once the person decides to cooperate with police and enter the Programme, he/she receives complex social services, including sheltered accommodation, provided again by NGOs. The complex social support services operate through cooperation between police, authorities and the Programme participant. When the cooperation terminates, the participant has the right to assisted voluntary return to his/her home country, organised by IOM.

⁹⁹ La Strada Czech Republic, Aktuality, <http://www.strada.cz/cz/aktuality> (accessed 13 June 2013).

¹⁰⁰ Diaconia ECCB participates via the IMCG. See Ministry of the Interior of the Czech Republic, Security Policy Department, *2009 Status Report on Trafficking in Human Beings in the Czech Republic*, 48-49, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

Alternatively the participant can request a permanent residence permit for humanitarian reasons. Permanent residence permits are granted on a sporadic basis, usually when the traffickers are convicted. The possibility of gaining a permanent residence permit can strongly motivate trafficked persons to participate in the Programme.¹⁰¹ In relation to the recent increase in trafficking from Bulgaria and Romania, as well as labour exploitation of these and other EU citizens, various bodies question the effectiveness of the Programme. Ina Avramioti explained it to me:

The trial must conclude with the effective conviction of the crime of trafficking in human beings. For instance, if the traffickers are convicted but the crime is reclassified as a crime other than trafficking in human beings, the trafficked persons lose the chance to receive a permanent residence permit. There is a slight chance they could still receive the permit, but this chance is, in reality, too small. This especially applies to non-Europeans. I doubt that EU citizens profit from the Programme. Because the main advantage of participation in the Programme is the legalisation of one's stay, I do not see any reason persuading EU citizens to participate in it.¹⁰²

The number of participants and number of effective convictions prove critics right (Figure 4).

Figure 4. Numbers of participants in the Programme from 2003 to 2011

	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Ukraine		1	6	3	3	7	8		1	29
Czech Republic		2	3	4	5	4	3	3	2	26
Vietnam	1		3	3	2			1	1	11
Romania				3		6				9
Bulgaria		2	4		1				1	8
Slovakia		3		1	1	1	1			7
Russia	1	1			3	1				6
Moldova	3								1	4

Source: MoI, Security Policy Department, *2011 Status Report on Trafficking in Human Beings in the Czech Republic*.

3.2.2 The “Tree Workers’ Case”

The largest unresolved case of labour exploitation involves as many as two thousand migrant workers hired for a forestry work in the Forest of Czech Republic (a state-owned company). Between 2009 and 2010, the subcontractor Less and Forests, the forest company supplying labour to the Forest of Czech Republic, hired workers from Vietnam, Ukraine, Romania,

¹⁰¹ Ministry of the Interior of the Czech Republic, Security Policy Department, *National Strategy to Combat Trafficking in Human Beings for the Period 2008-2011*, Annex 2, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

¹⁰² Ina Avramioti.

Bulgaria and other countries, giving them minimal to no compensation for their work. In 2011 Less and Forests won three quarters of public tenders requested by Forest of Czech Republic. Their bargaining power is in low prices compared to competitors. The low prices were achieved through labourers' wages being lower than the minimum wage. The workers either did not sign contracts or signed training contracts in Czech without receiving proper translations. By the end of 2012, the case was divided into separate proceedings and reached an impasse. Criminal prosecution has not yet been initiated.¹⁰³

The “Tree Workers’ Case” resembles the common practice of labour exploitation on a large-scale, as described to me by Alena Fendrychová, Diaconia ECCB’s coordinator of Work with migrants, and Ion Avramioti, No to Violence’s coordinator of fieldwork programmes. Workers are recruited in their home countries, brought to the Czech Republic and promised wages. At the end of the month, or other agreed period, the company does not pay the wages. It promises to pay later and warns workers that they will not be paid at all if they quit. After a couple of months of working for free, most labourers give up and return home at the same time new workers are already coming to replace them.¹⁰⁴ This practice especially happens with EU citizens who do not need a residence permit, and thus making the recruitment process fast, cheap and smooth.

They (the recruitment agency) go to Romania. They arrive in a small village, say that they have work – for instance in Pilsen - here is the bus and let’s go. And the only thing the workers need is the personal ID. They do not need to register at police, arrange insurance and so on. For the recruiters it is easier and faster. And there were cases when the workers signed a contract that they did not understand. They did not know the content of the contract and later it was revealed that the contract was for a three months training. Therefore according to the contract they had a three months training with no right for compensation. The agency deceived them, they worked for free and after the three months the agency dismissed them and brought a new group.¹⁰⁵

In the “Tree Workers’ Case”, only a minority of the aggrieved workers stayed and demanded compensation. None of them were included in the MoI’s Programme for victims of trafficking. There was not enough proof that trafficking occurred.¹⁰⁶ But does this mean that the behaviour was not exploitative and coercive enough to gain the attention of the authorities and the Czech legal system? The “Tree Workers’ Case” is a concrete example demonstrating

¹⁰³ Martina Křížková, ‘Bez ochrany v lese: vývoj a shrnutí kauzy “stromkaři”’, *migraceonline.cz*, 30 January 2012, available at: <http://www.migraceonline.cz/cz/e-knihovna/bez-ochrany-v-lese-vyvoj-a-shrnuti-kauzy-stromkari> (accessed 20 June 2013). The Three Workers Case, <http://thetreeworkerscase.com/> (accessed 20 June 2013).

¹⁰⁴ Alena Fendrychová and Ion Avramioti, interview, Prague 21 March 2013.

¹⁰⁵ Alena Fendrychová and Ion Avramioti.

¹⁰⁶ Křížková, ‘Bez ochrany v lese’, available at: <http://www.migraceonline.cz/cz/e-knihovna/bez-ochrany-v-lese-vyvoj-a-shrnuti-kauzy-stromkari> (accessed 20 June 2013).

that while official documents (strategies and status reports) have acknowledged changes in the nature of trafficking, this acknowledgement has not yet had any influence on the practice.

3.3 NGOs

The four NGOs participating in IMCG are the most involved in working with trafficked persons. Only La Strada focuses solely on trafficked and exploited persons. Caritas Prague and Diaconia ECCB encompass a much bigger scope of activities and their projects on assistance to trafficked and exploited persons are part of their repertoire. Diaconia ECCB is the latest addition to the IMCG, joining in 2009. The NGO Rozkoš bez rizika's target group is women working in the sex business. Considering the long-time connection between prostitution and trafficking, there is a great probability of contact between the organisation and trafficked women. Rozkoš bez rizika offers medical, social and therapeutic services, emphasising the health and social position of sex workers in the society. In relation to trafficking it cooperates with La Strada, using the organisation's proximity to the risk environment to disseminate information and learn about any potential cases of trafficking. In cases of trafficked women who want to better their situations Rozkoš bez rizika refers them to La Strada.¹⁰⁷ Because Rozkoš bez rizika focuses specifically on sex workers and not on trafficked persons, the following text focuses on the three remaining NGOs.

3.3.1 Caritas Prague, the Magdala Project

In 1997 the Union of Catholic Women established the Magdala project. Caritas Czech Republic took the project over in 1998 and since 2005 it has been run by Caritas Prague. The project originated from the idea of providing assistance to trafficked women, a service that was until then unavailable. In the 1990s prostitution in the Czech Republic flourished, especially in borderland areas near Germany and Austria. Trafficking did not emerge as a topic of interest in Czech society until late 1990s, and therefore no hard evidence existed to confirm the connection between prostitution and trafficking in that decade. Nevertheless, the assumption of this connection led to the creation of the Magdala project. In the beginning, it targeted trafficked women in search of aid and offered them crisis assistance. The crisis assistance included sheltered accommodation with basic food, medical, social and psychological assistance. Through these services, the project provided a safe starting point for securing necessary documents, finding a job or returning to the client's home country. The project was designed specifically for women seeking help. Besides crisis assistance and sheltered accommodation, the project covered advisory services, as well as social and

¹⁰⁷ Ina Avramioti.

psychological assistance and helpline. In 2003 it started its lasting cooperation on the Model, later Programme, with the MoI. It informs its clients about the possibility to cooperate with police and join the Programme. In 2004 it launched a street-work programme. The demand for field work and direct contact with the risk environment arose from an increase in trafficking in the Czech Republic and also corresponded to the activities of the MoI. This street-work concentrated on the borderland with Austria. It aimed to spread preventive information and knowledge about its main services.¹⁰⁸

The background provided by Caritas CR secures the nationwide operation. The potential clients can search assistance and asylum in sheltered houses in different regions. A wide geographical reach differentiates the Magdala project from the other two NGOs based only in Prague. All three NGOs pursue field work across the country, but only Magdala is able to provide complex services outside Prague. Magdala also differs from La Strada and Diaconia ECCB because of its clients' profiles. Since its beginning, Magdala has targeted women trafficked for sexual exploitation. The important note is that it accepted women with children or pregnant women. Although the phenomenon of trafficking has changed during the duration of the project, the focus on women and women with children remains.¹⁰⁹

3.3.2 La Strada Czech Republic

La Strada was originally a project launched in 1995 by the proFem organisation. It registered its services and became an independent organisation in 1998. It is the only organisation in the Czech Republic that specialises exclusively in trafficking and exploitation issues.¹¹⁰ In 1999 and 2000, it cooperated on the information campaign created by the IOM. In its early years of existence, the campaign illustrated the organisation's focus on trafficking for sexual exploitation to and from the Czech Republic. The campaign paralleled general attention toward prostitution and its link to trafficking for sexual exploitation in late 1990s. The motives behind the La Strada foundation match those of the Magdala project story described above.

¹⁰⁸ Caritas Czech Republic, Annual report 2003, available at: <http://old.charita.cz/Data/files/vyrocka2003.pdf> (accessed 20 June 2013). Caritas Czech Republic, Annual report 2004, available at: http://old.charita.cz/Data/files/VZ_2004_barva.pdf (accessed 20 June 2013). Caritas Czech Republic, Annual report 2005, available at: http://old.charita.cz/Data/files/vyrocka2005/VZ_2005_1-15.pdf (accessed 20 June 2013). Caritas Prague, Annual report 2009, not accessible online anymore. Caritas Prague, Annual report 2011, available at: <http://praha.charita.cz/res/data/011/001395.pdf?seek=1336059083> (accessed 20 June 2013).

¹⁰⁹ Besides trafficking the Magdala project works also with people experiencing domestic violence. See Caritas Prague, Poradna projektu Magdala, <http://praha.charita.cz/sluzby/magdala/> (accessed 13 June 2013).

¹¹⁰ Ministry of the Interior of the Czech Republic, Security Policy Department, *2011 Status Report on Trafficking in Human Beings in the Czech Republic* (Prague 2012) 27-28, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

La Strada offers three types of social services: counselling, crisis aid and sheltered accommodation. It also distinguishes between short-term and long-term cooperation. Short-term cooperation usually occurs through crisis aid. The long-term cooperation lasts a maximum of two years, and the client receives comprehensive social services. In cases of long-term cooperation, sheltered accommodation can last up to one year. In 2000 La Strada opened its first sheltered accommodation flat. Until 2005 it was available only to women, due to capacity limits.¹¹¹

Throughout the history of the organisation, the majority of clients have been women. The focus on women arose more from meeting clients' needs than from fulfilling a programme priority. Men have started approaching the organisation only in last couple of years, with noticeable growth during the second half of 2000s (Figure 5 and 6). Throughout the 2000s, the number of clients using both contact counselling and comprehensive social services expanded. However, this growth was not steady. The number of men asking for comprehensive social services has increased significantly in the past three years (Figure 5). Some of the clients receiving comprehensive social services cooperate with police and are part of the MoI's Programme for trafficked persons. The social aspects of the Programme's services are delivered through cooperating NGOs. La Strada joined the Programme and developed a deeper cooperation with the MoI in 2003.

In 2011, the La Strada Info and SOS helpline marked its fifteen-year anniversary. It started operation in 1996. It serves as a point of entry into the organisation and as a first step toward receiving assistance. Helpline records indicate a change in the gender composition of clients between 2003 and 2012 (Figure 6). The helpline is also one of the channels of cooperation between La Strada and Diaconia ECCB. It serves as a common point of contact for those seeking help, and Diaconia ECCB refers to the helpline in the information materials it disseminates.¹¹²

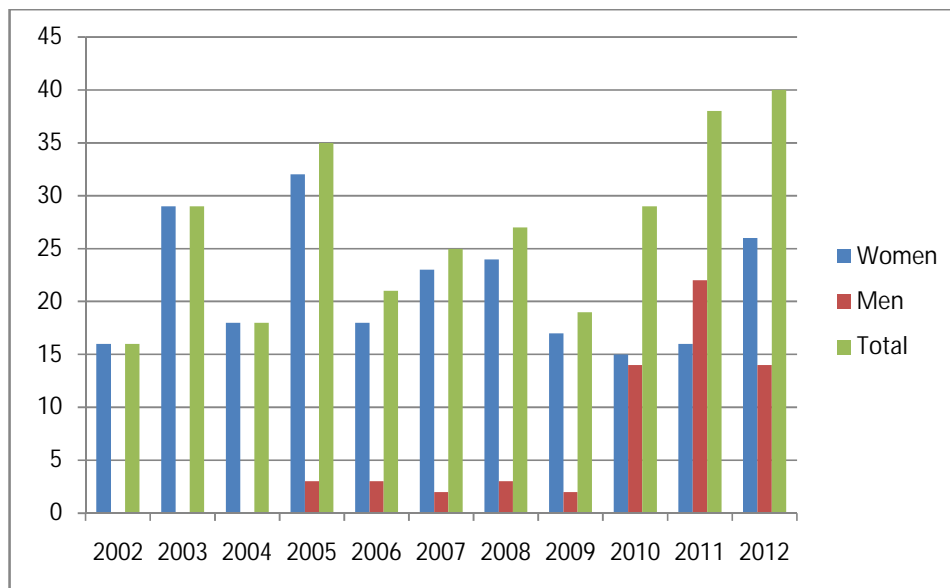
Clients primarily contact La Strada through the helpline. Information about the organisation and how to contact it can be found through several channels. Potential clients can reach the organisation through other NGOs, the police, referrals from the public community, information material and through fieldwork efforts. Fieldwork can include material dissemination and consultations. In the past, fieldwork and informational materials more often

¹¹¹ La Strada Czech Republic, Annual Report 2004, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocní-zpravy> (accessed 20 June 2013). La Strada Czech Republic, Annual Report 2005, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocní-zpravy> (accessed 20 June 2013). La Strada Czech Republic, Annual Report 2008, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocní-zpravy> (accessed 20 June 2013). La Strada Czech Republic, Annual Report 2011, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocní-zpravy> (accessed 20 June 2013).

¹¹² Alena Fendrychová and Ion Avramioti.

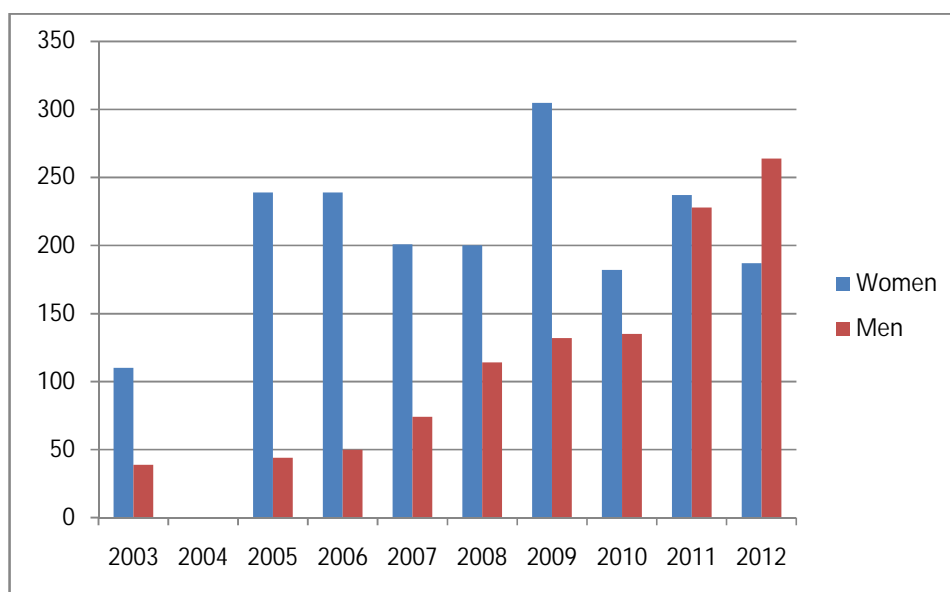
targeted the sex business. Recently, the target group has enlarged, along with the scope of fieldwork trips. The most common topic for consultations, in and out of the field, concerns unsettled wages for performed work.¹¹³

Figure 5. Complex social services: Number of clients 2002-2012



Source: La Strada Czech Republic, Annual Reports 2002-2011. La Strada Czech Republic, Podklady pro zprávu o stavu obchodování s lidmi v roce 2012.

Figure 6. Number of women and men calling the La Strada Info and SOS helpline 2003-2012



The data for the year 2004 were not available.

Source: La Strada Czech Republic, Annual Reports 2003. La Strada Czech Republic, Podklady pro zprávu o stavu obchodování s lidmi v roce 2012.

¹¹³ La Strada Czech Republic, Annual Report 2011, 10, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocní-zpravy> (accessed 20 June 2013).

3.3.3 Diaconia ECCB, the No to Violence project

In 2009 Diaconia ECCB established the No to Violence project to offer its own answer to trafficking and exploitation. It initially aimed to help trafficked women for sexual exploitation, but services for this group offered by La Strada and Caritas Prague appeared to be sufficient. Conversely, the same services for trafficked and exploited men were not offered. The implementation of the No to Violence project coincided with a growing number of men seeking assistance in relation to trafficking or exploitation. The trajectory of the project therefore changed and focused on men. The work with men differs from the work with women. First, it covers different areas of exploitation. Organisations working with women more often encounter sexual exploitation, while organisations with male clients usually deal with labour exploitation. Second, male clients cope with their situations differently than women. Men struggle more than women to accept social services because they view these services as unacceptable acts of charity. They leave their home countries to earn money and support their families, and accepting charitable support is not part of their plans. When they face exploitation they first tend to approach it as their personal failure.¹¹⁴ In practice, this means that men tend to limit the assistance they receive to advocacy and consulting services in situations women would be willing to receive complex social assistance:

Social needs of men who were exploited in the labour market differ from social needs of women. Men want to stay in social services for a short period of time. Their primary aim is to find legal work so that their negative experience will not be repeated. Although they are suffering from physical or psychological trauma they usually refuse medical care and in particular they reject any psychological assistance. They often underestimate their fear of offenders or they refuse to admit it. They feel guilty for experience they have had.¹¹⁵

Like the other two NGOs, Diaconia ECCB offers complex social services with sheltered accommodation and crisis assistance. It recently opened a second sheltered accommodation flat. The second flat serves as a location for short two to three week stays in crisis assistance situation. The rules for acceptance to the second sheltered accommodation flat are more flexible. It offers assistance to men (in case of couples woman can be accepted too) who do not meet the criteria to be considered trafficked, but still need assistance.¹¹⁶

The No to Violence project includes fieldwork as well. In the field, the project team cooperates with the regional Diaconia ECCB branch in Pilsen. Besides educating on

¹¹⁴ Alena Fendrychová and Ion Avramioti.

¹¹⁵ Ministry of the Interior of the Czech Republic, Security Policy Department, *2010 Status Report on Trafficking in Human Beings in the Czech Republic* (Prague 2011) 54-55, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

¹¹⁶ Alena Fendrychová and Ion Avramioti.

prevention and disseminating materials, field workers provide immediate advisory service when possible.¹¹⁷

During the short existence of the No to Violence project, the predominating nationalities among clients are Bulgarian and Romanian.¹¹⁸ This matches the assumption that these countries' accession to the EU simplified the recruitment process for employing these people in the Czech Republic, but it did not solve or reduce their possibility of exploitation.

¹¹⁷ Diaconia ECCB, Zpráva o činnosti Diakonie ČCE za rok 2012.

¹¹⁸ Alena Fendrychová and Ion Avramioti.

4 Campaigns on trafficking and information dissemination

Campaigns and information material serve as a source of information and prevention. The target audience differ according to the type of information the campaign contains. During the examined 15 years organisations created campaigns and material for primary, secondary and tertiary prevention. In this disseminated material broader audience and more types of prevention were addressed. The campaigns and material presented here are not only meant to document the change in the nature of trafficking in the Czech Republic and in the approach and activities of the NGOs. The aim of campaigns in general is to inform and spread a message. I discuss to what extent the move from deterrent images to the more balanced rights oriented picture makes a difference in the dispatched message and for the target audience.

Out of the seven campaigns, I interpret three represented in the text with concrete illustrations. I selected them as examples of how the Czech NGOs' approach toward trafficking influenced campaign material during the researched period.

The 1990-2000 IOM campaign, created in cooperation with La Strada, was one of the first attempts to introduce the issue of trafficking to the broad public and highlight the risks connected to labour migration. The campaign was already analysed by Andrijasevic in the article *Beautiful Dead Bodies*. She framed it in the context of similar campaigns launched through the post-communist countries.¹¹⁹ Taking into account the international trafficking policies in 1990s and that the international organisation was in charge of the campaign, I did not limit the design of the campaign to the Eastern European context but rather considered it as a worldwide trend in depicting trafficking as a danger tied to migration.

The poster in Figure 7 shows a silhouette of naked women behind a glass wall. The yellow box at the top left corner contains fictive advert searching young girls for jobs abroad. The main title states: 'The way to freedom can end up in its complete loss'. Then follows a list of advises the girl should do before and after the departure and the number to La Strada helpline. The poster, similar to the other pictures in the campaign, gives oppressive and dismal impression.

¹¹⁹ Andrijasevic, 'Beautiful Dead Bodies'.

Figure 7. IOM information campaign 1999-2000

The poster is divided into two main sections. The left section has a yellow header with the text: "Agentura Free Way zajistí studentkám a mladým dívkám práci v zahraničí. Informace P. O. BOX 000". Below this is a black silhouette of a woman standing with her hands raised to her head, suggesting distress or fear. The right section has a black background with white and yellow text. At the top, it reads "Cesta za svobodou může skončit její naprostou ztrátou". Below this is a yellow box with the text: "Máš zajímavou nabídku na práci v zahraničí? Možná se ti budou hodit následující body." This is followed by a list of bullet points in Czech, detailing various risks and conditions of labor migration. At the bottom, it says "Opravdu si myslíš, že lobě se nic stát nemůže?" and provides contact information for La Strada - infolinko: "02-57 31 31 32 (Po-Pá 10^h-18^h) www.iom.cz". There is also a logo for IOM and some smaller logos at the very bottom.

Source: IOM Prague

The campaign had to approach society with marginal trafficking knowledge, only about emerging trafficking policy and aimed to present information about the possible danger related to labour migration. The need to fill the information void and enable potential migrants to make informed decisions could have been one of the reasons for the urgency present in the campaign. Also, one way adverts frequently use to catch attention is to portray a shocking, unusual or funny motive. The IOM chose a shocking deterrent one. Andrijasevic argues the campaign discourages informal labour migration and supports women's immobility, and does so by linking labour migration to forced prostitution.¹²⁰ I disagree with the immobility argument. It could discourage someone from migration, but it primarily brings

¹²⁰ Ibid., 27-32 and 41-42.

negative experiences into light and provides a more balanced idea about pros and cons of labour migration. It is also important to remember the idealized image Eastern Europeans had about Western Europe in 1990s. Moreover ascribing that much influence to the information campaign over an individual's decisions to migrate or stay home suppresses one's agency along with other factors.

Where I see a weak point in the campaign is the biased focus on trafficking in women for forced prostitution. On one hand it reacted to the period of booming prostitution in the Czech Republic and growing concern about trafficking in women from Eastern Europe to the West. In that sense, its specific orientation followed given logic. On the other hand the fact that the information produced about trafficking in 1990s in general drew all the attention towards trafficking in women for forced prostitution helped to create a correlation between trafficking and women's labour migration as a path to prostitution. As a result, the problem was not identified as sexual and labour exploitation of sex workers but as 'something more'. Here the disparity stretches between the aim of states to fight trafficking as a crime and danger for their societies, and the aim of workers to enjoy good working conditions and escape exploitation. It means that the workers' interests were addressed only partially and limited to only one sector with expected problems. Consequently, those exposed to different forms of exploitation or trafficking could not directly identify with either the awareness raising campaigns or with the messages the campaigns disseminated.

The 2003-2005 Strategy expressed need for a new anti-trafficking campaign. In 2004 and 2005 La Strada cooperated with the MTV channel on MTV EXIT anti-trafficking campaign and its implementation in the Czech Republic. Besides printed material, Prima Television broadcasted a documentary *Inhuman Traffic* hosted by Angelina Jolie.¹²¹ The campaign informed about trafficking for forced prostitution in the Europe, including Czech Republic where part of the documentary was shot.

In 2004, UNODC engaged in prevention activities in several countries and, together with La Strada, prepared information materials for the Czech Republic. One of the outcomes of prevention activities in 2004 was the poster in Figure 8. The title says: 'Border is not a game. Human trafficking is not a trade.' The subtitle follows: 'To go abroad to work or to travel you need to prepare ...' In the bottom part it gives basic information about human trafficking worldwide as well as from and to the Czech Republic. It also mentions that

¹²¹ MTV Exit: End Exploitation and Trafficking, MTV Exit Videos, *Inhuman Traffic*, 2005, available at: <http://mtvexit.org/videos/> (accessed 13 June 2013). La Strada Czech Republic, Annual Report 2005, available at: <http://www.strada.cz/kdo-jsme/vyrocní-zpráva> (accessed 20 June 2013).

migration brings both risks and opportunities, lists factors to recognise trafficking and provides the La Strada helpline number that offers help.

Figure 8. La Strada information campaign 2004



Source: La Strada Czech Republic.

In contrast to the 1999-2000 campaign, the text tried to give balanced information about trafficking and labour migration. Graphically, the poster did not evoke oppression and gloomy prospects as the IOM poster did. The chosen picture is rather neutral. It associates labour migration and trafficking with the city life. It offers positive aspects of the city and migration as a variety of choices, opportunities and dynamics of the city life. It also depicts negative aspects related to the cities and possibly migration as anonymity, rush and indifference. The manner it serves the information is not offensive. Rather it aimed to encourage making informed and responsible decisions related to labour migration. However, it still stuck to the

rhetoric of trafficking and slavery like conditions that were too abstract to fit the actual problems of exploitation migrants face at work.¹²²

In 2007, IOM in cooperation with La Strada and the Magdala project launched countrywide information campaign targeting customers of sex services. The campaign lasted for two years and focused on cities and two border regions with sex tourists from neighbouring Germany and Austria.¹²³

In 2011 at the occasion of fifteen years anniversary of the La Strada helpline the organisation came with new campaign named ‘Every work has its value. Yours as well.’

Figure 9. La Strada information campaign 2011



Source: La Strada Czech Republic.

¹²² Translation (Figure 8): According to the estimates of the international organisations there are more than 4 million persons trafficked worldwide. Human trafficking happens also in the Czech Republic. Czech women, men and children are trafficked abroad and persons from other countries are trafficked to the Czech Republic. Tens to hundreds of people are forced to work in slavery like conditions or in prostitution in the Czech Republic. We all have the right to change our lives. Not all the people travelling abroad end up as victims of trafficking. Work abroad is a chance. It can also be a risk. La Strada gives you few tips how to make your journey safer. *Have they forced you to work in humiliating conditions or to prostitute? Have they hurt you? Have they denied you your wage? Have they controlled your movement? Have they threatened you? Have they held you by force?* Has something happened to you? You have the right for help.

¹²³ La Strada Czech Republic, Annual Report 2007, 9, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocnizpravy> (accessed 20 June 2013).

The campaign uses images of different professions typically performed by foreigners. It pictures both men and women working in construction site, agriculture, sex industry and cleaning. It depicts the low social status these jobs and foreigners often performing them enjoy in the Czech society. The fact that it uses simple and illustrative pictures makes the campaign transparent and legible to the target audience. By depicting white figurines, it avoids stigmatisation of concrete groups of people. It focuses on potentially exploited (migrant) workers and accents the aspect of rights and working conditions before the trafficking rhetoric.

The connection between the type of information and who the information is addressing is the key mechanism to the use of the term trafficking. From the three posters shown above, the oldest one targeted potentially trafficked women, the second one potentially trafficked and trafficked persons and the third one trafficked and exploited persons. The two older posters and campaigns functioned more as a general awareness raising programmes. They presented their concept of trafficking and warned about the danger of being trafficked. Based on my research, the abstract notion of trafficking does not apply to most, usually minor, exploitative situations that migrants get into. Especially the 1999-2000 IOM campaign created a narrow explanation on what, where and to whom trafficking happens and did not provided an alternative solution to those who did not fit that delimitation. The third 2011 campaign sent a clearer and more transparent message and though a form of simplification, the pictures enabled a relatively easy identification with the problem. The emphasis on the rights and fair labour conditions rather than on the nexus between migration and trafficking brought it nearer to the migrants' daily issues.

Campaigns do not have to target only the vulnerable group. The 2007-2008 campaign focused on costumers of sex services. Although AIM does not concentrate on trafficking, their last two campaigns have touched the issue of exploitation. The 'Domestic Workers Campaign' launched in 2011 and followed by 'Equal Opportunities on the Threshold of Czech Homes' have targeted both the vulnerable group and their customers. They have focused on the only emerging phenomenon of domestic work in Czech households and came with spots exposing society's tendency to downgrade and disrespect the foreign domestic help.¹²⁴

¹²⁴ AIM, Equal Opportunities on the Threshold of Czech Homes, <http://www.migrace.com/en/work/rovne-sance-na-prahu-ceskych-domacnosti> (accessed 20 June 2013). AIM, Doyou know who cleans your place?, <http://www.migrace.com/en/work/kulate-stoly> (accessed 20 June 2013).

Campaigns turning to customers or employers of the trafficked and exploited are in minority. They aim to raise awareness and eliminate indifference to the problems trafficked and exploited persons face. Campaigns targeting groups that are vulnerable to trafficking well document the NGOs' approach development, inclusion of men into the programmes, retreat of prostitution from the limelight or increase of cases of labour exploitation. Since they spread information and are one of the connections between the potential client and NGOs' assistance their message has to be clear and relevant to the workers' needs. In this sense, the move from late 1990s campaign conception and early 2010s conception was positive. Their influence on trafficked and exploited persons and their situation is limited to the information delivery phase. When the information reaches the audience, it is the protection and prevention abilities of the NGOs to be assessed.

5 Different perspectives to approach trafficking

In the previous chapter I concluded that over time campaigns on trafficking in the Czech Republic changed their target audience, form of expression and content. This observed transformation happened between 1999's first big campaign and 2011. The target group moved from Czech women potentially trafficked for sexual exploitation abroad to primarily foreigners in risk of trafficking and exploitation in the Czech Republic. Regarding the content, trafficking for sexual exploitation stepped aside as trafficking for labour exploitation grew. Labour exploitation outside of the trafficking concept got on the campaigns as well. The form of expression abandoned shocking features and gained a more informative and balanced character. Because the campaigns are part of the whole trafficking discourse, their development reflects changes within the discourse as such. However, considering the actors behind the campaigns - mainly NGOs - the reflection is not absolute. The NGOs' activities have a further reach than the campaigns do. Therefore, this chapter looks at the changes in NGOs' approaches in a wider context.

5.1 Interaction between governmental and nongovernmental sectors

Interaction between NGOs and state authorities happens on several levels and concerns both individual NGOs and the whole nongovernmental sector. The most visible interactions are the cooperation on the Programme and the joint effort within the IMCG. The cooperation started in 2003 with the Model, which set the basis for the shared protection scheme for trafficked persons in the Czech Republic. The IMCG has coordinated activities to combat trafficking. It has served as a platform for sharing information, analysing the situation, presenting proposals for activities in the area and preparing the material for yearly status reports. Regardless of the variety of actors involved and in spite of the aim of the IMCG to share constructive critique, the Programme did not catch up to changes in the trafficking discourse recorded since its establishment in the first half of 2000s. The critique of the Programme, outlined in Chapter 3.2.1, refers to its inability to match its aim of fighting trafficking with the needs of the exploited persons, which change alongside the shifting nature of trafficking and changing nationalities of trafficked persons.

The NGOs also provide protection outside the Programme. Interested in the cooperation, the authorities have been involved in NGOs' activities through providing grants (through the MoI and Ministry of Labour and Social Affairs (MLSA), among others). The grants are assigned to concrete projects or services. Some are more strictly earmarked for specific activities or groups of clients than others. For instance, out of the two sheltered flats

run by Diaconia ECCB, one is co-funded by the MLSA. In accordance with the Social Services Act, the accommodation there is restricted to men whose situations match the authorities' idea of trafficking and exploitation. The second recently opened sheltered flat is funded through a different source and serves those whose exploitation does not qualify for sheltered accommodation under the Social Services Act.¹²⁵ It indicates that the grants provided by the government primarily target trafficking as state authorities understand it, while other donors balance the funding so that services treating more subtle forms of exploitation are also available.

The connection between governmental and nongovernmental sectors made by the grants is less explicit compared to cooperation on the IMCG level, but nonetheless important to acknowledge. Although NGOs receive funding from several sources, governmental funding quantitatively provides resources for their key services. Governmental funding of the NGOs' services implies that the governmental and nongovernmental sectors have parallel interests. These interests and views also meet at the IMCG platform, where policies and upcoming laws are discussed and commented on. The interests and remarks of the NGOs do not, however, necessarily project onto trafficking policies and laws. For instance, the Criminal Code, effective since 1 January 2010, implemented the notification requirement on crimes of trafficking. NGOs objected this measure starting in 2009, but this did change the law. Only in 2011 was an amendment added to correct the measure, exempting those providing aid to trafficked persons from the notification obligation.¹²⁶

The ten-year history of the Programme illustrates the level of interaction between governmental and nongovernmental sectors. Although the presence of cooperation and mutual dialogue cannot be denied, it has not been enough to merely adjust the form of the Programme to fit the current state of trafficking.

5.2 The gap between defining, describing and facing trafficking

In the *Anti-trafficking campaigns*, Andrijasevic and Anderson make a distinction between trafficking as a descriptive term and an administrative category. On one hand, they use civil society actors' (the NGOs, the media) definition of trafficking, and on the other hand they use the state authorities' definition.¹²⁷ In this section, I further explore the perspectives different

¹²⁵ Alena Fendrychová and Ion Avramioti.

¹²⁶ The NGOs claimed that this notification requirement complicated their work as it challenged the confidentiality of the shared information. Therefore it weakened the trust between the trafficked person and the organisation. La Strada Czech Republic, Annual Report 2010, available at: <http://www.strada.cz/cz/kdo-jsme/vyroeni-zpravy> (accessed 20 June 2013). La Strada Czech Republic, Annual Report 2011, available at: <http://www.strada.cz/cz/kdo-jsme/vyroeni-zpravy> (accessed 20 June 2013).

¹²⁷ Andrijasevic and Anderson, 'Anti-trafficking campaigns', 151-155.

actors consult to define trafficking. The interaction between individual perspectives has affected changes in NGOs' approaches.

5.2.1 Trafficking as administrative category

Andrijasevic and Anderson describe the administrative concept of trafficked persons as a category of people who fulfil the state measures defining victims of trafficking and hence have the right to receive state protection.¹²⁸ Applied to the Czech environment, this means that the person must fit the UN Trafficking Protocol's definition of trafficking. This definition leaves space for interpretation. However, the facts that the number of trafficking crimes detected and solved by the police (Figure 3) was seldom more than twenty cases per year, and that the number of persons included in the MoI's Programme (Figure 4) was never higher than twenty persons per year, show that the definition's flexibility works in an exclusive rather than inclusive way. This means that the administrative interpretation includes only exemplary cases of trafficking. The disparity is demonstrated by comparing the number of La Strada's clients that used the organisation's complex social services in 2011, 38 (Figure 5), to the six participants in the MoI's Programme in the same year. The total number of clients who used La Strada's social services in 2011 was 88, and still more made use of services provided by the other two NGOs.¹²⁹

What is interesting is that the administrative category does not fully comply with the MoI's strategies and status reports. The 2012-2015 Strategy, 2010 Status Report on Trafficking in Human Beings in the Czech Republic (2010 Status Report) and 2011 Status Report on Trafficking in Human Beings in the Czech Republic (2011 Status Report) acknowledged the presence and dominance of subtle forms of coercion:

Since 2008 the described change of "modus operandi" used by offenders has persisted. Subtle forms of coercion have prevailed as means of manipulation of victims. Victims can leave their workplace as well as the place of accommodation and they even, in some cases, receive advance payments. Physical violence has occurred very rarely and it tends to be the result of skirmishes and disputes between employees and their employer rather than a tool of coercion. Contrary to this, psychological pressure is quite frequent and the same applies to threats and similar practice on the edge of legality (payment of wages delayed but still within the legal time limit, demand for overtime work, non-payment under the guise of enforcing repayment schemes for nonexistent debts, unsuitable hygienic conditions, punishment for fabricated

¹²⁸ Ibid., 153.

¹²⁹ La Strada Czech Republic, Annual Report 2011, 12, available at: <http://www.strada.cz/cz/kdo-jsme/vyrocnizpravy> (accessed 20 June 2013).

violations of rules and conditions and so on); poor knowledge of law and the language is also frequently abused.¹³⁰

The “Tree Workers’ Case” appeared in the 2010 Status Report and 2011 Status Reports, but for prosecution purposes failed to qualify as trafficking.¹³¹ Therefore acknowledgement of subtle cases presented in the status reports remains disconnected from relevant legislation and the identification and investigation of trafficking cases. It indicates how the government employs both the administrative and the descriptive concept of trafficking. While the descriptive concept continues to evolve, the administrative one does not.

5.2.2 Trafficking as a descriptive term

The descriptive concept of trafficking confronts society through anti-trafficking campaigns and the media. It encompasses more situations than the administrative concept. Andrijasevic and Anderson claim: ‘there is a lack of fit between administrative and descriptive categories’.¹³² When we look at the campaigns and approaches of NGOs presented in the chapters three and four and compare them to the government’s approach to trafficking, the disparity is noticeable. The gap between the two concepts seems to grow larger over time. The NGO campaigns demonstrate this phenomenon the best. In the first half of the 2000s campaigns corresponded to the UN Trafficking Protocol’s definition of trafficking. However, especially after 2007 they started emphasising labour exploitation and the aspect of human rights over the aspect of crime. This was a reaction to the changing character of the problems the NGOs’ clients dealt with. At the onset of the economic crisis, more people were confronted with subtle forms of exploitation on the labour market. The 2007 EU enlargement brought more Bulgarians and Romanians to the EU labour market, and therefore their number among the population of exploited workers increased. It prompted the NGOs to pay more attention to labour exploitation both within and outside the definition of trafficking. Conversely, the administrative concept of trafficking remained tied to the UN Trafficking Protocol’s definition.

¹³⁰ Ministry of the Interior of the Czech Republic, Security Policy Department, *2010 Status Report on Trafficking in Human Beings in the Czech Republic*, 5, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

¹³¹ Ministry of the Interior of the Czech Republic, Security Policy Department, *2010 Status Report on Trafficking in Human Beings in the Czech Republic*, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013).

Ministry of the Interior of the Czech Republic, Security Policy Department, *2011 Status Report on Trafficking in Human Beings in the Czech Republic*, available at: <http://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-982041.aspx> (accessed 13 June 2013). Křížková, ‘Bez ochrany v lese’, available at: <http://www.migraceonline.cz/cz/e-knihovna/bez-ochrany-v-lese-vyvoj-a-shrnuti-kauzy-stromkari> (accessed 20 June 2013).

¹³² Andrijasevic and Anderson, ‘Anti-trafficking campaigns’, 153-154.

5.2.3 Trafficking as exploitation

The administrative and descriptive concepts define trafficking from two perspectives that deal with the phenomenon from different angles. The article *Anti-trafficking campaigns* assumes that it is the descriptive definition that influences the idea the general public conceives of trafficking.¹³³ This makes sense because most of the information the public receives is from the media or alternatively from informational campaigns. Does this also mean that the vulnerable group of potentially trafficked persons adopt the descriptive concept of trafficking? The three migrant workers I interviewed ascribed their ideas about trafficking to the information they received from the media, and two also mentioned informational campaigns they encountered at home in Ukraine in their narratives. They also directly associated trafficking with the sex business. The link between trafficking and forced prostitution was present for both the two migrant workers who arrived in 1998 and the one who arrived in 2007.¹³⁴ Because the interviewees were all women, this evidence is biased and could be different if men opinion was included. Still, their narratives illustrate what notion Eastern European migrants working in the Czech Republic have about trafficking. But what does such foreknowledge mean for a trafficked person? When such a person, usually a migrant worker, approaches the NGO or searches for help elsewhere, it is because he/she is caught in an exploitative situation. Based on the interview with Avramioti and Fendrychová from Diaconia ECCB and the 2010 Status Report, men identify their situation with trafficking less often than women:

(It is compared with La Strada's female clients.) The men we have here in the sheltered flat never identify themselves as victims of trafficking. Women yes. For a woman it is somehow easier. I do not know why but it is. For a man it is too humiliating to admit to be a victim of trafficking, at least this is the common knowledge. It undermines their dignity. For the Eastern Europeans values differ, self-esteem is very important. For instance, in the case of a man, they took away his documents, beat him, did not pay him the wage and what he wants is the money, the rest is ok. He does not want to be seen as a victim.¹³⁵

People misled during recruitment who experience some form of labour exploitation fit the descriptive concept of trafficking used by NGOs, promoted by the latest informational campaigns and acknowledged in the latest status reports. This recognition, however, does not necessarily matter to the person in question. Besides the factor of self-esteem ascribed to men, I argue that self-conceptualisation also relates to the connection the general public continues

¹³³ Ibid., 151-155.

¹³⁴ Nadija Shevchenko. Tatjana Kovalenko. Marija Potapenko.

¹³⁵ Alena Fendrychová and Ion Avramioti.

to make between prostitution and trafficking. Self-conceptualisation also leads women exploited in prostitution to identify their situations with trafficking. Narrowly oriented information campaigns support such trend:

For instance, in Moldova, La Strada Moldova run a countrywide campaign, I participated on that for some time. But that campaign exclusively targeted prostitution, sex business. It was big but it was not focused on men.¹³⁶

This shows that the identity of the trafficked person depends more on outside effects than on his or her actual experience. I argue that both exploited persons who identify with trafficking and those who do not, seek assistance for the same reason: to deal with exploitation. Most often they aim to settle wages for performed work. In general terms, they ask for assistance to gain rights and achieve fair working conditions. That they escape from trafficking is more of a construct created by NGOs, the state and the media, all of which further influence the general public. My argument originates from the situation in the Czech Republic researched in this thesis, but also fits the general argument made by Davidson and Anderson in *The trouble with "trafficking"*:

The concept of trafficking focuses our attention on situations in which abuses at the point of destination are linked to the use of force or deception within the migration process. This may sometimes be important from a crime control perspective, but from the viewpoint of the individual who is subject to exploitative and slavery-like practices, it makes precious little difference whether her exploiter is in cahoots with the person who recruited her or not, The point for her is that she cannot quit or escape, is denied basic freedoms, is not getting paid, is forced to live and work in bad conditions, has no control over her work pace, hours of work or job content, and/or is subject to physical violence or its threat.¹³⁷

The point to take away from this is that exploitation in any form matters to the exploited and/or trafficked person, regardless of whether it happens within or outside the concept of trafficking. This is relevant, for instance, to the viability of the MoI's Programme. Its purpose is to fight trafficking as a crime and provide protection to cooperating victims of trafficking. It does not deal with exploitation. It does not address the actual problems the exploited and/or trafficked persons want help with. Because protection services are also available outside of the Programme, the only reason for cooperation is the possibility of receiving permanent residence. When that ceases to be a benefit, as in the case since 2007 of EU citizens from Bulgaria and Romania, the Programme has nothing else to offer.

¹³⁶ Ibid.

¹³⁷ O'Connell Davison and Anderson, 'The Trouble with "Trafficking"', 22.

5.3 Trafficking for sexual exploitation, trafficking for labour exploitation

Above I presented three concepts of trafficking. These concepts represent the perspectives of state authorities, civil society actors (with major influence on the public) and trafficked and exploited persons. I suggested that while the key issues for migrant workers facing exploitation are accessing their rights and achieving fair working conditions, for a state it is more important to deal with trafficking from a legal perspective, seeing it as a package of crimes linking fraudulent recruitment with labour exploitation. There are two forms of exploitation that policy documents acknowledge as part of trafficking in the Czech Republic: sexual exploitation and labour exploitation. The presence of trafficking for labour exploitation was acknowledged only in the 2005-2007 Strategy. Although Czech authorities accepted the existence of trafficking for labour exploitation, they continued to recognise and prosecute trafficking cases based on features typical of trafficking for sexual exploitation.¹³⁸ In the Czech Republic, trafficking for sexual exploitation principally addresses prostitution. Trafficking for forced prostitution predominantly concerns women. The gender and labour sectors affect the type of threats and violence used against trafficked persons. Women trafficked for different types of labour are all threatened with having to work as prostitutes. Both men and women experience threats concerning violence or deportation.¹³⁹ Ina Avramioti mentioned deportation threats in connection to the forced prostitution and ‘client’ system in the Czech Republic:

A situation can occur in which residence and work permits are not renewed and a ‘client’, who used to arrange, for instance, cleaning jobs, offers even this kind of job (prostitution). And, it happened in the past, women are threatened that in case they would not do it (prostitution), they would be reported to the police for not having the valid permits.¹⁴⁰

My interviewee, Marija, narrated her experience with a threat of forced prostitution:

My friend found a cleaning job at school. She got it through the ‘client’. He promised her to pay at the end of the week, then in two weeks, in three.... In that time I was still searching for a job and we had no money left to pay the lodging house so I encouraged her to ask the employer for the money directly. She did but instead of getting the money, some guys came to the lodging house, beat her and told us we had two days to leave the place. Otherwise they would take us to a brothel in Germany and nobody would ever find us again. Therefore we had to leave.¹⁴¹

¹³⁸ Czech authorities judge the presence of trafficking according to the UN Trafficking Protocol’s definition of trafficking, which was created in 2000 with special attention paid to trafficking in women and children.

¹³⁹ van den Anker, ‘Trafficking and Women’s Rights’, 172.

¹⁴⁰ Ina Avramioti.

¹⁴¹ Marija Potapenko.

In *Trafficking and Women's Rights* van den Anker argued that the connection between research on trafficking for prostitution and trafficking for forced labour in other industries was needed in order to understand their common root causes and characteristics. Van den Anker focused exclusively on women.¹⁴² I draw on her idea, leaving aside the focus on women. Women indeed tend to be exploited in different sectors than men. From the rights perspective, however, the place and form of coercion used have little influence on the fact that labour exploitation affects both men and women.

When the exploitative practices in prostitution include unsettled wages, debt-bondage, bad working conditions or employers' control over workers' job content or working hours, does a practical example of treating such cases as trafficking for labour exploitation exist in the Czech Republic? This question arises because the attention trafficking for sexual exploitation receives is disproportionate to its actual extent, a phenomenon especially present since the second half of the 2000s. The strong interest in trafficking for sexual exploitation turns both public and policy makers' attention from what trafficking and exploitation affect the most: the rights of trafficked and/or exploited migrant workers. In this spirit, the 2011 La Strada informational campaign (Chapter 4, Figure 9) depicted exploitation in the sex business alongside exploitation in other sectors and within the framework of labour rights. It also presented the convergence of civil society's conception of trafficking (the descriptive concept of trafficking) with the interests and perceptions of migrant workers facing exploitation.

5.4 The role of trafficking prevention and protection services

... The beginnings of social interventions aimed at helping people considered needy and unable to help themselves. In today's Europe, non-European migrants may be the group perceived as most needy, problematic, threatening and in need of control (and the subgroup 'migrant prostitutes' most of all). In the nineteenth century, "the poor" were perceived this way and 'prostitutes' perhaps most of all.¹⁴³

In today's Europe, the welfare system protects needy citizens. This protection is not extended to migrants, who are considered non-citizens by the host state. In the words of Doomernik: '... either you are in and enjoy full citizenship rights, or you are out and have no rights at all.'¹⁴⁴ This explains the shift described by Agustín (quotation above) of the nongovernmental sector from "the poor" to migrants. The services offered by nongovernmental sector partly subsidise the welfare of those excluded from its benefits. It is paradoxical that the state supports NGO

¹⁴² van den Anker, 'Trafficking and Women's Rights', 164.

¹⁴³ Agustín, *Sex at the Margins*, 96

¹⁴⁴ Doomernik, 'The Globalisation, Migration and Trafficking Nexus: European Outcomes', 216.

activities that help migrants cope with their vulnerable position, yet the migrants' vulnerability originates from their status determined by the law of the same state.

I focus on the Czech setting and my research findings to further develop ideas about NGOs, their social services, the limits of those services, and the involvement of the state. NGOs with trafficking agendas engage the most in social services. Social services represent the protection role of NGOs. The social services that protect and assist trafficked and exploited persons include various consultation services, complex social services, and sheltered accommodations.¹⁴⁵ The NGOs offer their services either independently, in cooperation with other organisations, or within the MoI's Programme. The protection within the Programme is intended exclusively for those willing to cooperate with the police and identified as victims of trafficking. The protection and social services outside the Programme are less exclusive but still limited by the size and purpose of funding. For instance, the aforementioned MLSA's grants for social housing for trafficked persons are governed by strict rules determining who can and cannot be admitted to such funded accommodations. The NGOs' social services and consultancy address clients' problems with exploitation and/or help them leave an exploitative environment. The NGOs' protection services deal with the consequences of exploitation and trafficking.

The preventive measures address the causes of exploitation and trafficking. Prevention in this context means awareness raising activities as well as activities that lead to the reduction of the cases of exploitation and trafficking that are immune to the punishment and thus prove to be expedient. Prevention concerns governmental, nongovernmental and intergovernmental agendas. The Czech anti-trafficking policies come under the MoI's competence. The analyses of the national strategies and the status reports revealed two findings: first, the commitment and effort to fight trafficking and second, the very small numbers of the prosecuted and convicted cases of trafficking. From the convicted cases, only three concerned trafficking for labour exploitation. This indicates that the plans, stated in the MoI's documents, do not correspond with the policies in practice. This approach does not prevent exploitative behaviour.

Prevention by means of information dissemination and awareness raising is carried out by the NGOs. This assumes that a person ends up in an exploitative position due to lack of information and poor knowledge of the law and language. Although this is partially true, even informed migrant workers face restrictive immigration policies and regulations that

¹⁴⁵ See subchapter 3.3.

hinder their paths to the labour market, therefore still making them vulnerable. Three interviewed migrant workers confirmed that migrant workers from Eastern Europe usually work without contracts because ‘that is how it works’.¹⁴⁶ Outside the welfare system and usually with quasi-legal status even good information does not protect migrant workers from the possible consequences of unclear working conditions. In *The Trouble with “Trafficking”* Davidson and Anderson write about the hypocrisy evident in policymakers actions:

It is the woolly and imprecise nature of the term ‘trafficking’ that allows EU governments to state a commitment to combating the abuse and exploitation of migrant women and children while simultaneously setting in place an immigration system that can actually create opportunities for employers legally to subject migrant workers to conditions that, if imposed by ‘criminal gangs’, would often be deemed a form of ‘trafficking’.¹⁴⁷

The disparity between pledges to deal with trafficking and actual results demonstrates the gap between the administrative conception of trafficking, applied by authorities, and the actual exploitative situation. Effective trafficking prevention is limited to spreading information and raising awareness, which happens under the direction of the NGOs. As the research shows, both the prevention and protection roles of the NGOs with trafficking agendas fulfil the purposes of social intervention out of the reach of welfare system. This limits the protection and prevention activities of NGOs.

5.5 Labour exploitation inside and outside the “trafficking label”

From my research on trafficking for labour exploitation, it is clear that there is a distinct difference between the ideas and politics concerning trafficking for labour exploitation and the concrete actions taken to deal with labour exploitation in the Czech Republic. I base my delineation on the administrative and descriptive conceptions of trafficking used in the Czech Republic, the picture of the working environment migrant workers have enjoyed in the Czech Republic, and the type of clients that the NGOs have had. The idea Czech authorities and society have about labour exploitation often differs from what migrant workers’ perceive to be acceptable working conditions. For example, as described in chapter 2.3, migrant workers often agree to extensive working hours. Their working day is longer than the Czech Labour Code allows but as the interviewed migrant workers noted, they did not come to spend but to

¹⁴⁶ Two interviewed women came to the Czech Republic in 1998 and one in 2007. They all spoke about their working experience as cleaners. Although two spoke about the end of 1990s and the third women about late 2000s the practice of the employment of migrant workers for cleaning services almost did not change. See Chapter 2. Nadija Shevchenko. Tatjana Kovalenko. Marija Potapenko.

¹⁴⁷ O’Connell Davison and Anderson, ‘The Trouble with “Trafficking”’, 23.

earn.¹⁴⁸ Because of this and other differences in standards, trafficking for labour exploitation should be investigated when the affected person does not agree with the exploitative conditions he/she faces and when the working conditions differ from what was promised during the recruitment. It does not matter where the person was recruited. This interpretation is, of course, subjective. However, it includes the main signs of trafficking: deceptive recruitment and exploitative behaviour. In such cases, one would expect an attempt to tackle the exploitation. The history of trafficking and its predecessors, such as indentured labour or slave trade, prompts that the profit made during the final phase of exploitation drives trafficking for labour exploitation. Therefore, to focus on the exploitative practices when dealing with the causes of trafficking seems reasonable. Yet, the majority of time is spent on detecting the crime of trafficking. The time used to decide which case does and does not fulfil the definition's criteria takes attention from the exploitative behaviour itself. The "Tree Workers' Case" serves as an example. The police concluded that it was not a case of trafficking and the investigation froze. None of the migrants exploited within the "Tree Workers' Case" received any compensation by the end of 2012.¹⁴⁹ This practice leads to the belittling of subtle forms of exploitation in an effort to detect more serious cases. It is not clear as to whether a case that police define as trafficking is more important than one excluded from the trafficking category. It is relevant from the crime perspective though less from the rights perspective.

Labour exploitation flourishes because it is profitable. This relates in particular to the economic crisis, when cheaper services rose in demand because an easy solution was to cut expenditures on the workforce. The beginning of the economic crisis coincided with the Bulgarian and Romanian accession to the EU in 2007. The accession played into the hands of exploitative employers since recruiting and employing EU citizens with the right to work in the Czech Republic proved to be cheaper and easier than recruiting non-Europeans. Therefore, trafficking for labour exploitation started to thrive in the second half of 2000s. To tackle the causes of trafficking for labour exploitation, one has to make exploitation less advantageous. According to research, the significance of exploitation has been consistently downplayed. When the case does not fit into the administrative conception of trafficking (based on the UN Trafficking Protocol's definition), the chances for a punishment approaches zero and interest in the case declines.

¹⁴⁸ Nadija Shevchenko. Tatjana Kovalenko.

¹⁴⁹ Křížková, 'Bez ochrany v lese', available at: <http://www.migraceonline.cz/cz/e-knihovna/bez-ochrany-v-lese-vyvoj-a-shrnuti-kauzy-stromkari> (accessed 20 June 2013).

NGOs assistance to exploited and/or trafficked migrants covers social services and consultancy. In individual cases, the NGOs can help with settling wage issues, although this depends on the accessibility and willingness of employers and labour agencies. Nevertheless in individual cases, it is sometimes in the agencies best interests to accommodate these individual cases and pay appropriate wages, especially when there is a threat of negative publicity.¹⁵⁰ The described NGO assistance is one way in which the consequences of trafficking for labour exploitation are handled.

The most effective way to deal with the causes of trafficking for labour exploitation is to curtail the extent of labour exploitation migrant workers face in the Czech Republic. The extent of labour exploitation depends on the benefits that labour agencies reap from exploiting migrant workers. During the observed period, there were many advantages to such exploitation, one of which is the lack of consequences. Based on an interview with Avramioti and Fendrychová from Diaconia ECCB, it is clear that the labour inspectorates are aware of the exploitative behaviour the labour agencies practise but lack the instruments to intervene:

Their working agreement (between the migrant worker and the labour agency) can be valid, they may adhere to it, but it contradicts what the agency told the migrants in the beginning and this kind of deception is hard to prove. We accompanied our clients to the labour inspectorate. They told us that they could go to the agency but that they could not inspect the workers only the agency. But all their documents are in order. Only a detail, they (the workers) earn 1000 Czech crowns per months but that corresponds with their working agreement. According to that agreement they earn twenty Czech crowns per hour and there is no minimum wage for the short-term employment agreement they have. The labour inspectorate also claims they are not happy about the situation but they do not know how to deal with it. They can fine them but for the labour agencies it does not matter. They pay the fine, for instance one hundred thousand Czech crowns, and the exploitative behaviour still pays off.¹⁵¹

When it comes to the prosecution, the three effective convictions in cases of trafficking for labour exploitation and the impasse in the investigation of the biggest case of trafficking for labour exploitation in the Czech Republic, the “Tree Workers’ Case”, confirm the lack of ability to penalise trafficking for labour exploitation.

In summary, the urge to compartmentalise the cases based on whether they correspond to the definition of trafficking or not has led to an impasse in handling trafficking for labour exploitation. While the consequences of trafficking for labour exploitation have been approached from the rights perspective, too much attention has been paid to the causes of

¹⁵⁰ Alena Fendrychová and Ion Avramioti.

¹⁵¹ Alena Fendrychová and Ion Avramioti.

such actions from the crime perspective. I argue that trafficking for labour exploitation should be approached from the regulations and hardships imposed on exploited migrants. It is the perspective trafficking for labour exploitation is approached from that limits the solutions for exploited migrants.

6 Conclusion

This thesis has addressed what mark the fifteen years period left on the phenomenon of trafficking and the assistance services provided to the trafficked persons in the Czech Republic. In 1998 in the Czech Republic the NGOs assisting trafficked persons emerged. The Magdala project was established in 1997 and in 1998 La Strada changed from a project to an independent organisation. Fifteen years later, in 2012, there were three organisations with projects focused on human trafficking and involved in IMCG. In the researched time period, the NGOs' prevention and protection services transformed following the developments in the trafficking discourse and reflecting the changing needs of their clients. The trafficking discourse and the NGOs' assistance moved from the narrow focus on trafficking of women for forced prostitution to a more encompassing approach of men and women trafficked for labour exploitation. These changes were related to the economic and political factors that had an impact on trafficking in the Czech Republic. The economic crisis pressed companies to reduce expenses, mostly by saving on the workforce. With decreasing job opportunities, migrant workers, excluded from the welfare system, became more vulnerable to the bad working conditions and labour exploitation. In 2004 the Czech Republic joined the EU. The EU enlargement, however, complicated the migration of the third country nationals to the Czech Republic. In 2007 the Czech Republic became part of the Schengen area and Bulgaria and Romania joined the EU. Their accession coincided with the beginning of the economic crisis. European citizenship made it easier for Bulgarians and Romanians to enter the Czech labour market but compared to the third country nationals they also became cheaper to recruit and easier to exploit. The assistance to the trafficked and exploited persons developed not only in relation to the economic and political factors but also reflected the growth of the involved NGOs and the interaction between governmental and nongovernmental sectors.

Although the development happened gradually, the fact that the beginning of the economic crisis coincided with the 2007 EU and Schengen enlargements suggests that the year 2007 roughly marks the division between the two different parts of the researched period. Whereas before 2007 the attention to trafficking of women for forced prostitution in the Czech Republic prevailed, after 2007 more cases of trafficking for labour exploitation emerged and both governmental and nongovernmental sectors acknowledged its presence.

The key outcome of this thesis is that the economic and political factors led to the changes in the practice of trafficking in the Czech Republic and consequently increased the attention of trafficking for labour exploitation and the increased number of exploited men. But

what do these changes say about the assistance services offered to the trafficked and exploited persons? Also, does the change in the NGOs' approach or the official acknowledgement of the problem mean anything for how the causes of trafficking and labour exploitation have been handled?

The protection services offered by NGOs continued to widen throughout the researched time period. Since 2003 the nongovernmental and governmental sectors have cooperated on the protection offered to the trafficked persons through the Programme. The protection provided by state within the Programme has been accessible to persons trafficked for both sexual and labour exploitation, but the conditions according to which the state of trafficking is assessed have not taken into consideration the changing nature of the phenomenon of trafficking. The Programme was also created to provide witnesses and to help prosecute the cases of trafficking, but because its protection format was tailored to the third country nationals' needs, nowadays it overlooks an important group of exploited European citizens and their needs. While the shift towards subtle forms of labour exploitation has not affected the format of the Programme yet, the NGOs' protection services offered outside the Programme have already taken the shift into account. The NGOs adjusted their approach to the changing characteristics of their clients and the problems they had. At the same time, it is good to acknowledge that it is the availability of the service and its promotion and circulation that draw the clients to the NGOs. Therefore, the change in the NGOs' approach and in the type of assistance clients are asking for is a two-way process.

In the case of prevention, the information material and other awareness raising activities aim to influence the foreknowledge of the target audience. A change in the content of the disseminated information gives an impulse for a change in the public foreknowledge. Since the information material also links potential clients to the NGOs' services, the change in the disseminated information leads to the change in the type of persons approaching the NGOs' assistance.

In conclusion, the NGOs' assistance services expanded to serve a larger scope of clients. In addition to the women trafficked for forced prostitution, the assistance became available to men and women trafficked to and exploited in variety of sectors. One reason for the expansion was the increase in labour exploitation in the Czech Republic. Another reason concerns the growth of the NGO sector involved in trafficking prevention and protection services. In relation to the interaction between governmental and nongovernmental sectors, more NGOs involved means tougher competition for the funding, which produces a need for opening new topics that broaden funding sources. Trafficking once primarily associated with

sex business became linked to many other sectors. The situation on the Czech labour market has changed from the late 1990s to the present-day, but not in the way that labour exploitation of migrant workers would be something new. What is new is the fact that it started receiving the attention previously reserved to the trafficking for sexual exploitation. The economic crisis and the EU enlargement increased the incidence of labour exploitation, but did not create it. While the nature of trafficking for labour exploitation makes it hard to prove its occurrence in 1990s and early 2000s, based on my research I argue that it is even more difficult to contradict it. The point to draw here is that mix of factors – the economic crisis, the EU enlargement, the growth of the NGO sector, and also the developments in the debate about trafficking – made trafficking for labour exploitation come to the surface in the second half of 2000s.

In this thesis I used the Czech case study to demonstrate that the consequences of trafficking for labour exploitation are approached from the rights perspective while the causes are viewed from the crime perspective. First, the assistance offered to already exploited persons focuses on the abuses of one's rights and the ways to gain those rights back. Second, instead of addressing the causes of trafficking for labour exploitation the time is spent on the identification of the exceptional cases of trafficking. The widespread presence of the subtle form of labour exploitation is overshadowed by investigations of dreadful but only singular cases. The limited ability to punish cases of trafficking for labour exploitation sustains the advantages exploitative behaviour has for the employers and therefore the reasons for the expansion of trafficking for labour exploitation. In terms of prosecution, the fact that present-day cases of trafficking are assessed by the same measures as the cases ten year ago shows that the changes in the nature of trafficking did not affect the well-established *modus operandi*. The only, though indirect, means that address the causes of trafficking for labour exploitation remain the awareness raising campaigns. While toothless against the practice of exploitation, the information they disseminate aims to give migrants the capacity to be able to recognise and avoid shady and potentially exploitative situations.

The majority of migrants facing exploitation at work do not seek professional help. They accept the exploitative conditions or return back home. Only a fraction of the exploited migrant workers approach NGOs and ask for assistance. The services NGOs offer to trafficked and exploited persons are always limited. First, their assistance deals with the consequences and not with the causes of the exploitative behaviour. While one migrant worker recovers, the symptoms of the problem at the labour market endure and new exploited migrants continue to enter the market. Second, as already mentioned, the assistance reaches

only marginal number of trafficked and exploited migrants. An unknown number of migrant workers continue to be recruited to perform jobs under exploitative conditions. On one hand, they are willing to accept worse working conditions than local workers do. This relates to their exclusion from the welfare system and also to the comparison they have with the opportunities in their home countries. On the other hand, with issues such as unsettled wages for performed work, it is clear that no migrant worker, who was recruited on the basis of promised wage, will accept working for free. When authorities start applying definitions on what is and what is not trafficking (for labour exploitation), such cases demonstrate that the gap is widening between theoretical concepts and their applicability to actual situations where exploitation occurred. What it means is that the access to one's rights depends on the interpretation of the now thirteen-year-old UN Trafficking Protocol definition. Thus, attention should redirect from the preoccupation with the definition towards addressing the reasons behind the flourishing labour exploitation that profits from the vulnerable position of migrant workers.

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