T-THO BU (2024) 02

Committee of the Parties to the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216)

(SANTIAGO DE COMPOSTELA COMMITTEE)

Questionnaire for the 1st thematic monitoring round:

Prevention and awareness mechanisms to counter trafficking in human organs (THO)[1]

As adopted by the Santiago de Compostela Committee on the 3rd December 2024

Replies should be addressed to the Santiago de Compostela Committee Secretariat (organtrafficking@coe.int)

[1] Theme adopted by the Committee at its plenary meeting on 26 October 2023.

NAME OF THE COUNTRY	Czechia

Please specify which state bodies/authorities (and, at the discretion of the country, where relevant, civil society and external contributors) contributed to responding to this questionnaire.

- **Body/authority responsible for collecting the replies**:
  Ministry of Justice of the Czech Republic

- **State bodies/agencies (where relevant, civil society and external contributors) that contributed to responding to this questionnaire:**

  Ministry of Justice of the Czech Republic
  Coordination Centre for Transplantation
  Ministry of Interior of the Czech Republic
  Police of the Czech Republic

Introduction

1. The Council of Europe Convention against Trafficking in Human Organs (the Convention) which entered into force on 1 March 2018, requires the criminalisation of offences set out in the Convention in Sections 4-8. It sets out that states, in Europe and beyond, shall adopt specific legislation to prevent and combat the trafficking in human organs by criminalising certain acts, protecting the rights of victims of the offences established under the Convention, and promoting national and international co-operation.

2. The Committee of the Parties to the Convention (also known as the "Santiago de Compostela Committee"), established to monitor whether Parties effectively implement the Convention (Rule 26 of the Committee's Rules of Procedure), decided that:

> *"3. The monitoring round shall be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time limit set by the Santiago de Compostela Committee."*

3. As prevention and awareness is key to preventing and combating the trafficking in human organs the Santiago de Compostela Committee decided that the first monitoring round would focus on the "Prevention and awareness mechanisms to counter trafficking in human organs".[2]

[2] Committee of the Parties of the Convention against Trafficking in Human Organs (Santiago de Compostela Committee), *List of decisions*, 4th Plenary Meeting (25-26 October 2023), T-THO (2023) LD2, paragraph 6.2.

4. On 3rd December 2024, the Santiago de Compostela Committee adopted this thematic questionnaire. Its purpose is to collect specific information on how Parties implement the Santiago de Compostela Convention with respect to the prevention and awareness mechanisms to counter trafficking in human organs. The replies to the questionnaire will be assessed against the related background information provided by the Parties when answering the "General Overview" questionnaire on the implementation of the Santiago de Compostela Convention (hereinafter "Country Profile Questionnaire" or "CPQ"), and any other relevant information from reliable sources.

5. It is recalled that, in accordance with Rule 27 of the Committee's Rules of Procedure:

> *"(…) 2. The secretariat shall address such questionnaires to the Parties through the member in the Santiago de Compostela Committee representing the Party to be monitored and who will act as "contact point".*
> *3. Parties shall coordinate with their respective domestic authorities to collect replies, which shall be submitted to the secretariat in one of the official languages of the Council of Europe within the time limit set by the Santiago de Compostela Committee. The replies to the questionnaires shall be detailed, as comprehensive as possible, answer all questions and contain all relevant reference texts. The replies shall be made public, unless a Party makes a reasoned request to the Santiago de Compostela Committee to keep its reply confidential.*
> *4. The Santiago de Compostela Committee may also receive information on the implementation of the Convention from non-governmental organisations and civil society involved in preventing and combating trafficking in human organs, in one of the official languages of the Council of Europe and within the time limit set by the Santiago de Compostela Committee. The secretariat transmits these comments to the Party or Parties concerned.*
> *5. The secretariat may request additional information if it appears that the replies are not exhaustive or are unclear. Where warranted, with the consent of the Party or Parties concerned and within the limits of budgetary appropriations, the Bureau may decide to mandate an on-site visit to the Party or Parties concerned to clarify the situation. The Bureau shall establish guidance as to the procedure governing the on-site visits pending any official guidelines agreed by the Santiago de Compostela Committee."*

PRELIMINARY REMARKS

6. The questions in this questionnaire are grouped around Section 21, paragraphs1 and 2 of the Santiago de Compostela Convention concerning issues of preventive actions, data collection and exchange of information, training to healthcare professionals and relevant officials, and promotion of awareness-raising campaigns addressed to the general public.

7. This thematic questionnaire does not seek to collect information on the general legislative and institutional framework established by Parties to implement the Convention. Section 21, paragraphs 1, and 2 are aimed at providing for transparency in domestic transplantation systems of human organs, equitable access to transplantation services for patients, and adequate collection, analysis and exchange of information related to the offences covered by this Convention in cooperation between relevant authorities. This article also aims at strengthening the training of healthcare professionals and relevant officials and at the promotion of awareness-raising campaigns addressed to the public. This questionnaire focuses more narrowly on practical measures taken to prevent and combat against trafficking in human organs and includes highlighting protocols to identify and report trafficking in human organs,

training programmes aimed at preventing this activity, and raising awareness for patients and other groups.

8. Responses to this thematic questionnaire will be understood against the background information submitted by Parties in reply to the CPQ. Whenever warranted, Parties are invited to refer to such information. Where questions overlap between the CPQ, and this questionnaire, the replies to the latter will be assessed by the Committee to prepare its implementation reports of the Convention concerning the monitoring theme.

9. If there are differences with the information provided in response to the CPQ and the 1st monitoring round, Parties are kindly requested to specify which State bodies/agencies and, where relevant, NGOs, contributed to responding to this questionnaire.

10. Parties are kindly requested to specify whether the measure in criminal law, administrative law, and/or whichever other measure is involved when responding to each question and each part of the question.

11. Parties are kindly requested to:

    a. answer the questions regarding central, regional and local levels, to the extent possible. Federal states may, with respect to their sovereign entities, answer the questions in a summarised way;
    b. provide the relevant text for the relevant provision (or a summary thereof), in English or French only, whenever questions/answers refer to legislation or other regulations.

Chapter V – Prevention measures

Section 21 – Measures at domestic level

1. Each Party shall take the necessary legislative and other measures to ensure:

    a. the existence of a transparent domestic system for the transplantation of human organs;

    b. equitable access to transplantation services for patients;

    c. adequate collection, analysis and exchange of information related to the offences covered by this Convention in co-operation between all relevant authorities.

2. With the aim of preventing and combatting trafficking in human organs, each Party shall take measures, as appropriate:

    a. to provide information or strengthen training for healthcare professionals and relevant officials in the prevention of and combat against trafficking in human organs;

b. to promote awareness-raising campaigns addressed to the general public about the unlawfulness and dangers of trafficking in human organs.

Explanatory Report

Chapter V – Prevention measures

Section 21 – Measures at domestic level

125. The purpose of Section 21 is to prevent trafficking in human organs by obliging Parties to address some of its root causes. Hence Parties shall in accordance with paragraph 1 ensure the existence of a transparent domestic system for the transplantation organs; equitable access to transplantation services for patients, and finally, adequate collection, analysis and exchange of relevant information pertaining to trafficking in human organs between all relevant domestic authorities. Parties may wish to consider the provisions of Sections 3 – 8 of the Additional protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin, when reviewing their current transplantation systems in the light of this Section.

126. The issue of "transparency" is important, because it reduces the risk of illicitly removed organs being introduced into the legitimate domestic transplantation system. "Equitable access to transplantation services" means that Parties should ensure a "level playing field" in terms of the allocation of organs for all patients awaiting implantation. Ensuring a strong cooperation between the many different competent authorities involved in combatting trafficking in human organs is a prerequisite for achieving any measure of success. In this respect, the negotiators decided to put special emphasis on the collection, analysis and exchange of information between these authorities, thus enabling them to take timely action to prevent the crimes set out in the Convention.

127. Paragraph 2, letter a, obliges Parties to take measures, as appropriate, with regard to providing information and strengthening training, e. g. on how to detect indications of trafficking in human organs, for healthcare professionals and relevant officials. According to letter b, Parties are furthermore obliged to promote, as appropriate, awareness-raising campaigns addressed to the general public on the unlawfulness and dangers of trafficking in human organs.

Introduction to the Answers provided by the Czech Republic

For the Czech Republic, the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216) functions primarily as a preventive instrument. Although there have been no recorded cases of trafficking in human organs (THO) on the Czech territory since 2005, the ratification of the Convention reflects the country's commitment to addressing emerging threats proactively, in alignment with international standards.

By adopting this legal framework, the Czech Republic aimed to ensure preparedness, strengthen its existing legal and institutional systems, and promote ethical and transparent transplantation practices. The Convention provides the necessary tools to criminalize potential illicit activities, protect vulnerable individuals, and cooperate effectively with other states, even in the absence of current domestic cases.

This preventive approach underlines the Czech Republic's recognition that THO, while not presently observed in its territory, is a serious human rights and public health concern that requires international vigilance and coordination.

Given that there are presently no known cases of THO in the Czech Republic the issue is not commonly perceived as an independent phenomenon. Instead, within the Czech context, it is generally viewed and discussed primarily in connection with trafficking in human beings (THB).

This perception stems from the absence of real-life examples and cases involving THO as perceived by the Convention on the Czech territory. As a result, public awareness, professional discourse, and legislative considerations tend to associate the topic with broader crimes such as trafficking in human beings, particularly for the purpose of organ removal. Consequently, organ trafficking is yet not commonly seen as a separate category of criminal activity but rather as a possible aspect or consequence of trafficking networks that exploit vulnerable individuals.

In legal and institutional frameworks, as well as in preventive and awareness-raising efforts, the Czech Republic thus primarily addresses THO under the broader umbrella of combating THB.

The one recorded Czech case

The only recorded case of trafficking in the Czech Republic dates back to 2005, when the specialized organised crime police unit uncovered a network of 6 skin graft traders from the tissue bank of the Faculty Hospital in Brno. The indictment accused them of trafficking human skin to the company EURO SKIN BANK in the Netherlands for transplants in the treatment of burns and possibly also for research purposes.

Whereby from 1 September 2002 to 8 October 2004 at least 26 shipments containing at least 597,225 square centimetres of human skin (skin grafts) were sent to EURO SKIN BANK, despite as employees of the tissue bank they all knew that they were acting in violation of Act No. 285/2002 Coll., on the donation, collection and transplantation of tissues and organs (Transplantation Act), Section 28 of which prohibits trading in tissues and organs and financial gain or other advantages, the source of which is the human body or its parts.

In doing so, the medical professionals circumvented the basic rule – that tissues can only be transported abroad to a specific recipient. The Dutch company paid 600 euros for one skin graft. The group thus earned almost seven million Czech crowns (around 280 000 euro) from the skin graft trade.

During the investigation of the case, there was very close cooperation with the police services of the Netherlands, Slovakia and Estonia (exchange of information, financial investigation including monitoring of bank accounts, legal assistance).

The Brno City Public Prosecutor's Office decided on the matter, file number 2 ZT 571/2005, a total of 6 people were prosecuted, and the public prosecutor filed an indictment against all 6 of the suspects.

The prosecution was initiated on 4.11.2005 and the public prosecutor filed an indictment on 16.5.2007 (i.e. 649 days later).

The Brno City Court ruled on the case, file number 1 T 122/2007, and all 6 persons were finally convicted. A total of 5 main trials with evidence were held.

The case was contested in court on 15 August 2007 and the judgment entered into force on 13 May 2008. The duration of the court proceedings was therefore 272 days.

The perpetrators left the court with suspended and fined sentences.

Preventive Measures -
Identifying and reporting of THO

This section aims to collect information on internal protocols to identify trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation.

Question 1.

Which legislative, policy, strategic, and other measures have been taken to develop and implement protocols to facilitate the identification of trafficking in human organs and other forms of illicit removal and illicit transplantation[3]:

The situation in the area of illegal trafficking in human tissues and organs in the Czech Republic remained very satisfactory in the recent years. According to available information, this form of human trafficking does not occur in the Czech Republic. The transplantation system in the Czech Republic is so regulated that illegal handling of organs and tissues would be very difficult to keep secret. This is mainly due to the establishment of rules to ensure traceability at every stage of the process from collection to transplantation, as well as the traceability of both the organ donor and the organ recipient. Act No. 285/2002 Coll., on the donation, collection and transplantation of tissues and organs and on amendments to certain acts (Transplantation Act) sets out obligations regarding traceability, which are ensured by health service providers when providing health services in connection with the donation and transplantation of tissues and organs. These include transplant centers, health service providers performing tissue collection and transplantation, and tissue banks. An important role in ensuring the traceability and traceability of donors and recipients of tissues and organs is played by the Kordinační středisko transpalntací (KST, also Coordination Centre for Transplantation) which, among other things, maintains National Registers related to the donation, collection and transplantation of tissues and organs. The KST also selects the most suitable recipients for the collected organs and for tissues intended for direct transfer to the recipient's body. This selection is made exclusively from the National Register of Persons Waiting for Organ Transplantation based on a written, predefined allocation algorithm. The KST also ensures and coordinates international cooperation in the exchange of organs intended for transplantation and performs tasks related to the exchange of organs between the Member States of the European Union and between Member States and third countries. All these measures lead to the fact that illegal trafficking in human tissues and organs in the Czech Republic is practically impossible.

By those involved in the supply, procurement and transplantation programmes (both public and private agents

40/2009 CRIMINAL CODE

Section 164 Unauthorised Extraction of Tissues and Organs

(1) Whoever performs extraction of tissue, cell or organ from body of another contrary to other legal regulations, shall be sentenced to imprisonment for two to eight years.
(2) The same sentence shall be imposed to anyone who contrary to other legal regulations for him-/herself or for another obtains, mediates, offers, imports, exports or transits human tissue, cell or organ withdrawn from the body of a living human, or in other ways disposes with such tissue, cell or organ.

[3] "Other forms of illicit removal and illicit transplantation" has the meaning provided by paragraph 20 of the Explanatory Report and by Section 4, paragraph 4, and Section 6 of the Convention.

(3) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property, if he/she a) commits the act referred to in paragraph (1) or (2) on a child, b) commits such an act with the use of violence, threat of violence or threat of another grievous injury, c) commits such an act while abusing distress, addiction or dependency of another, d) commits such an act on at least two persons, e) commits such an act repeatedly, f) commits such an act as a member of an organised group, g) causes grievous bodily harm by such an act, or h) gains substantial profit for him-//herself or for another by such an act.
(4) An offender shall be sentenced to imprisonment for eight to sixteen years or to confiscation of property, if he/she a) commits the act referred to in paragraph (1) or (2) on a child under 15 years or age, b) commits such an act in connection to an organised group active in several states, c) causes death by such an act, or d) gains for him-/herself or for another extensive profit by such an act.
(5) Preparation is criminal.

Section 165 Illicit Disposal with Human Tissues and Organs

(1) Whoever contrary to another legal regulation extracts tissue, cellule or an organ from the body of a dead person, shall be sentenced to imprisonment for up to two years or to prohibition of activity.
(2) The same sentence shall be imposed to anyone who contrary to another legal regulation disposes with extracted human tissue, cellule or human organ with the intention to obtain profit for him-/herself or for another.
(3) An offender shall be sentenced to imprisonment for one year to five years or to confiscation of property if he/she a) commits the act referred to in paragraph (1) or (2) repeatedly, b) commits such an act as a member of an organized group, or c) gains for him-/herself or for another substantial profit by such an act.
(4) An offender shall be sentenced to imprisonment for two to eight years or to confiscation of property if he/she a) gained for him-/herself or for another extensive profit by the act referred to in paragraph (1) or (2), or b) commits such act in connection with organized group operating in several states.

Section 166 Extraction of Tissue, Organ and Performing a Transplant for a Fee

(1) Whoever contrary to another legal regulation offers, promises, or provides a fee to another or for another for performing extraction of tissue, cellules or organs from their body, or for performing a transplant, shall be sentenced to imprisonment for up to five years.
(2) The same sentence shall be imposed to anyone who by him-/herself or through someone else contrary to another legal regulation requests, accepts, or accepts a promise of a fee in connection to extraction of tissue or organs or performance of a transplant for him-/herself or for another.
(3) An offender shall be sentenced to imprisonment for three to ten years or to confiscation of property, if a) he/she commits the act referred to in paragraph (1) or (2) as a member of an organised group, b) grievous bodily harm occurs in connection to such an act, or c) such an act is committed on a child.
(4) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property, if a) he/she commits the act referred to in paragraph (1) or (2) as a member of an organised group operating in several states, b) death occurs in connection with such an act, or c) such an act is committed on a child under fifteen years of age.

285/2002 THE TRANSPLANTATION ACT

Section 3 Acceptability of Procurement of Organs and Tissues from a Living Donor

(1) If not stipulated otherwise below, procurement of tissues and organs (hereinafter only as "the removal") from a living donor may only be performed, if
a) it is performed exclusively for the medical benefit of the recipient,
b) at the time of removal there is no suitable tissue or organ from a deceased donor available, and there exists no other therapeutic method of comparable effectiveness,
c) the donor is a person capable of giving a free, informed and concrete consent (Section 7) and such a consent has truly been expressed by him/her, and
d) the tissues are regenerative, or the organ is one of the functioning pair organs.

Section 11 Inadmissibility of Procurement from a Deceased Donor

(1) A procurement from a deceased donor shall be prohibited if
a) the deceased person during his/her lifetime, or a legal representative of the deceased person who was a minor or a legally incompetent person, has objected demonstrably to post-mortem removal of tissues organs.

Section 28 Prohibition of Financial Gain or Other Inducements and Prohibition of Organ and Tissue Trafficking

(1) Human body and its parts as such shall not give rise to financial gain or other advantage; this does not impinge on matters stipulated by Sections 28a thru 28d.
(2) Donor and other person shall not rise any claims towards the recipient.
(3) Advertising and promotion for the purpose of demand or offer of organs are prohibited. Activities performed according to Section 27 shall not be considered advertising and promotion.
(4) Commercial trade in tissues and organs for the purpose of transplantation shall be prohibited.

Question 2.

Specify legislative, policy, strategic, and other measures that have been taken to ensure transparency and fairness in the domestic system for the transplantation of organs:

285/2002 THE TRANSPLANTATION ACT

Section 25 Coordination Centre for Transplantation (Koordinační středisko transplantací or KST)
(2) Coordination Centre for Transplantation shall fulfil the following tasks:
e) appointing the most suitable recipients for removed organs; selection is performed solely from the National Registry of Persons Waiting for Organ Transplantation based on written previously defined allocation algorithms.

a. Please state if there is an audit of the donation and transplants, and the transplantation system.

   KST regularly performs an internal audit of procedures governing the transplantation activities in the Czech Republic.

b. If so, is this an independent audit, whether internal or external to the organisation?

   It is an independent internal audit.

c. Does the audit have as an aim the identification of weaknesses in systems that hinder or do not facilitate the detection and reporting of suspected offences contained in articles 4 to 8, and 9 in this Convention?

Inter alia, yes. The audit has as an aim the identification of weaknesses in systems that hinder or do not facilitate the detection and reporting of suspected offences.

d. Please state the frequency of such audits.

The internal independent audits are being carried out once per year. They are based on internal management directive. KST previously used ISO 9001 certified quality management system. The current internal management directive follows most of the requirements of ISO 9001.

e. Are the audits mandatory or voluntary?

These internal independent audits are mandatory and cannot be avoided.

Data Collection, Analysis, and Exchange of Information

This section concerns the effective collection, collation, and analysis of data, and exchange of information related to the offences covered by this Convention between all relevant authorities that support the identification and prevention of trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation.

Question 3.

a. Which legislative, policy or other measure mandates and supports the collection, collation, analysis of data and the exchange of information between authorities in order to enable them to take timely actions to prevent the crimes set out in this Convention?

As regards the exchange of information between authorities in order to enable them to take timely actions to prevent crimes, Section 8(1) of the Criminal Procedure Code provides that public authorities are obliged to immediately notify the public prosecutor or police authorities of facts indicating that a criminal offence has been committed. This obligation also concerns information on criminal offence unauthorised extraction of tissues and organs including its preparation which is punishable (Section 164 of the Criminal Code). Furthermore, Section 367 of the Criminal Code criminalizes failure to prevent (to thwart) certain criminal offences including unauthorised extraction of tissues and organs. According to Section 367(3) of the Criminal Code the obligation to thwart a criminal offence may also by met by timely reporting it to a public prosecutor or a police authority.

Regarding the data collection, to our knowledge, there is no specific legislative or policy measure directly mandating the collection, collation, analysis, and exchange of data specifically related to trafficking in human organs. However, the collection and exchange of judicial statistics in the Czech Republic are supported by broader legal frameworks and practices aimed at ensuring transparency and accountability in the judicial system. These frameworks facilitate the collection and exchange of statistical data among relevant authorities to support informed decision-making and actions, particularly in the context of criminal justice and prevention of crime. Specifically, Act No. 89/1995 Coll. on the State Statistical Service establishes the framework for the collection, processing, and provision of statistical data in the public interest and this legislative can be applied here.

b. Please indicate if there is a system in place to collect, collate and analyse data relating to offences covered by this Convention. When did this system begin to operate?

All recorded crimes in the Czech Republic are analyzed and evaluated as standard, including established methods and mechanisms of cooperation between law enforcement agencies and other interested legal and natural persons.

Law enforcement agencies use a crime statistics recording system for their activities, which, in addition to the performance of their duties, is also crucial for comprehensive analytical activities in any area of internal state security.

The Ministry of Justice collects and collates data from courts and public prosecutor's offices in so-called statistical sheets, which are filled after the court decision in the case becomes final and binding or after the prosecutor's final decision.

This includes information on the number of prosecuted and convicted persons, as well as other relevant data, such as imposed sentences and the length of proceedings.

The data are available for all sections of Czech Criminal Code 40/2009 Coll. This includes Criminal Offences Connected to Illicit Disposal with Human Tissues and Organs, Human Embryo and Human Genome. The data are available since the Criminal Code came into effect in 2010.

It must be noted that, according to data no person has been prosecuted in the Czech Republic since the Czech Criminal Code came in force more than 15 years ago for Criminal Offences Connected to Illicit Disposal with Human Tissues and Organs, Human Embryo and Human Genome.

c. Which authority has the primary responsibility for the collection, collation and analysis of data specific to offences covered by this Convention?

As stated earlier, the Ministry of Justice collects and collates data from courts and public prosecutor's offices. However, it must be noted it does not collect data from other authorities and it is not responsible for their collection.

When it comes to law enforcement, there is a specialized police unit that deals with the investigation of organized crime, including human and organ trafficking, is the National Centre against Organized Crime SKPV (address: PO BOX41/NCOZ, 15680 Prague 5 – Zbraslav, tel.: +420 974 842 683).

d. Which authority is responsible for the preparation and dissemination of such reports?

The Ministry of the Interior (Crime Prevention Department) is responsible for coordinating government policy in the area of combating human trafficking and is responsible for preparing strategic documents approved by the government (the regularly published National Strategy for Combating Human Trafficking), as well as analytical materials, such as the above-mentioned Report on the Status of Human Trafficking in the Czech Republic. As previously mentioned, organ trafficking – phenomenon luckily to date non-existent in the Czech Republic as per the data collected by the law enforcement authorities – is also regularly considered in the National Strategy.

The Ministry of Justice also prepares and publishes reports based on data collected from courts and public prosecutor's offices. However, it is not responsible for the preparation and dissemination of reports based on data from other authorities.

e. Are reports shared with all relevant authorities? Please also include the frequency of such reporting.

Materials for the annual Report on the Status of Trafficking in Human Beings in the Czech Republic are supplied by the members of the interministerial group. The report is subsequently processed and published on the website of the Ministry of the Interior – see point a).

Furthermore, number of reports and dashboards is publicly available on the Ministry of Justice's website. The Ministry of Justice is also prepared to share more detailed data upon request. New data for the previous year are usually available in February or March. As previously stated, up to date there are no judgements on crimes covered by the Convention available since the Criminal Code coming into force in 2010.

f. Which authorities are involved in the exchange of information and reports?

Permanent members of the interministerial group on trafficking are representatives of:

- Ministry of the Interior,
- Administration of Refugee Facilities,
- Ministry of Justice,
- Ministry of Education, Youth and Sports,
- Ministry of Health,
- Ministry of Foreign Affairs,
- Supreme State Prosecutor's Office,
- Institute for Criminology and Social Prevention,
- Ministry of Labor and Social Affairs,
- State Labor Inspection Office,
- Police of the Czech Republic,
- Council of the Government of the Czech Republic for National Minorities,
- Council of the Government of the Czech Republic for Human Rights,
- Council of the Government of the Czech Republic for Gender Equality,
- Council of the Government of the Roma Minority,
- Non-governmental non-profit organizations dealing with the issue of trafficking in human beings,
- International Organization for Migration.

Furthermore, the Ministry of Justice is prepared to share data with any authority or even the public if such data are requested and available. The Ministry of Justice has not received any requests for statistical data regarding trafficking in human organs.

However, as stated earlier, the information is publicly available, so anyone can access it. Currently, there are no persons convicted in the data for crime regarding trafficking in human organs, thus there is nothing to analyse at this date.

g. Do any relevant authorities not share data? If so, please specify the legal reason for not doing so.

There should be no legal reasons preventing the sharing of aggregated or anonymized data and statistics. Sharing data containing personal information may be more complicated. However, this does not seem necessary for statistical reporting and/or data analysis. Therefore, the data on trafficking is generally shared by all relevant and competent public authorities as well as representatives of NGOs.

h. Do the measures and systems permit the exchange of information with relevant authorities in different countries (at both the national and international levels)? If so, please indicate whether there is a designation of a single contact point for this exchange.

The Czech Republic is involved in all relevant anti-trafficking activities, both within the EU and in the wider international context. On the civilian side, a representative of the Ministry of the Interior of the Czech Republic (Crime Prevention Department) is part of the European Commission's Network of National Reporters and Equivalent Mechanisms (NREM), and on the police side, representatives of the National Centre against Organised Crime SKPV are part of EUROPOL, where the PHOENIX system is used to exchange information.

Prevention and Training

This section aims to collect information on policies, strategies, plans and activities to prevent the trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and transplantation. The questions concern all those whose responsibilities it is to procure and supply human organs for human transplantation and those whose responsibilities it is to prevent and combat the aforementioned activities.

Question 4

Which legislative, policy, strategic and other measures have been taken to provide training to prevent the trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation to:

a. those involved in all the stages included in the process of the procurement, supply, and transplantation programmes (both public and private agents)?

b. Specialist doctors who monitor and treat recipients whose transplant has been performed in another country outside their usual place of residence?

c. Other immunology services that perform donor-recipient histocompatibility studies for human organ transplantation?

d. other logistical services, including transportation, for human organs for transplantation?

e. allied healthcare professionals and officials, law enforcement, customs/border surveillance services, and the regulatory authorities providing oversight of the human organ transplantation authority?

There are currently no separate courses or training on this topic. However, the issue of transplantation is included in some fields of specialized education (e.g. intensive care, nursing care in surgical fields), or certified courses (e.g. artificial pulmonary ventilation, blood purification methods), but always only with a focus on what legal norms in the Czech Republic relate to the issue of transplantation and how to proceed in accordance with our legal regulations.

f. Specialised criminal investigation units/bodies in the investigation of offences covered by this Convention?

The National Centre against Organised Crime SKPV (address: PO BOX41/NCOZ, 15680 Prague 5 - Zbraslav, tel.: + 420 974 842 683) is a specialised police unit dealing with the investigation of organised crime (including trafficking).

When it comes to prosecution the specialization of prosecutors on this crime is not mandatory. If necessary, it could be established optionally as stated in Section 2 of the Organizational Regulation.

Section 2 of the Organizational Regulation – Specialization

1) The prosecutor usually handles cases according to his specialization. The list of mandatory specializations is given in Appendix No. 1 and their breakdown in relation to the given level of the public prosecutor's office is given in Appendix No. 2 of this general instruction. If this is justified by the handling of the agenda within the competence of the public prosecutor's office of which he is the head, the head public prosecutor may establish other specializations listed in Appendix No. 1 or may establish other specializations.

Furthermore, training for justice professionals is organised by the Czech Judicial Academy (JA). Czech JA provides between 800 and 900 training events each year to justice professionals including judges, prosecutors, court staff, and trainees. JA also provides training to prevent the trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation.

In the area of trafficking in human organs, JA organises an annual one-day seminar entitled "Trafficking in Human Beings" for judges and prosecutors (and, if there is free capacity, for judicial assistants, trainees and court staff), new legislation in this field and new patterns of behaviour in the Czech Republic and Europe (sexual and labour exploitation, trafficking in pregnant women for the purpose of selling their new-born children, trafficking for the purpose of removing organs or human tissue, etc.) from the perspective of the Public Prosecutor's Office, the Police of the Czech Republic and the National Centre for Combating Organised Crime. The different forms of exploitation are also be presented to the participants in the form of case studies, with an emphasis on evidence or the use of a joint investigation team. It is worth noting that the number of participants present in person in the seminar regularly ranges between 15 and 18. Each year, with the consent of the lecturers, the seminar is streamed, and a recording of the individual lectures is also available for viewing by interested members of the judiciary who log on to the Judicial Academy's online training platform. The training events organised by the Judicial Academy for judges and prosecutors are not compulsory.

Based on a thorough needs analysis, the Czech Judicial Academy also provides training in the above-mentioned areas to the Czech judiciary in cooperation with European partners, in particular the European Judicial Training Network (EJTN).

In 2023–2024, the Czech Judicial Academy, in cooperation with the EJTN, offered Czech justice practitioners the following training events in the area of trafficking in human beings including trafficking in human organs: 1) "Investigation and prosecution of human trafficking cases in the EU" (16. - 17. 11. 2023; the one-and-a-half day training focused on practical evidentiary challenges in the investigation, prosecution

and trial of human trafficking cases. This training brought together judges and prosecutors from different EU Member States to exchange views and best practices and to learn more about the impact of investigations in human trafficking cases, challenges for investigations and trends in this field); 2) "Human Trafficking - Current Issues" (25 - 26. 3. 2024; the focus was on the Council of Europe Convention on Action against Trafficking in Human Beings, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA, international law through the Palermo Protocol - Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, current legislation in this field and national legislative developments); 3) "Judicial Cooperation in Criminal Matters: Practical case-based simulation (Trafficking in Human Beings case).

Question 5

Are there any oversight programmes to assess the frequency and effectiveness of the training provided? If so, are there revision programmes to ensure remedial actions for any deficiencies identified?

Please see answer to Question 4. Separate courses or training on this topic are currently not implemented for healthcare professionals and law enforcement agents, this is due to the rigid and transparent national transplantation system which simply does not allow for THO to occur on the territory of the Czech Republic. Healthcare professionals, law enforcement agents, judges, prosecutors and other professionals do receive various trainings on THB which may also include parts on THO.

Awareness Raising

This section concerns awareness-raising programmes aimed at identifying measures for educating the general public, and civil society, on the risks and unlawfulness of trafficking in human organs.

Question 6

Please elaborate on the strategies, policies and other measures that have been planned or implemented:

a. To educate the general public on risks associated with the trafficking in human organs.

b. To encourage civil society, including patients' associations, academia, publishers, media, online platforms, industry, and other relevant organisations, to engage in

    a. raising public awareness campaigns, and, or

    b. the promotion of awareness-raising measures provided by public authorities

    on the unlawfulness and dangers of trafficking in human organs for human transplantation.

c. To raise awareness of media, including social media and e-commerce platforms, and other virtual sites that facilitate information linking potential donors and recipients of human organs for transplantation of the illegality of illicit solicitation, recruitment, offering and requesting of undue advantage, including the making of a financial gain or other comparable advantage.

    Jointly for question 6:

    Since, according to the statements of law enforcement authorities and other competent bodies, the THO has not occurred in the Czech Republic for many years, there is, at this time no reason to create such a narrowly specific strategic document, prevention or awareness-raising campaigns, or any awareness-raising on this topic in the above-mentioned manner. The Government of the Czech Republic has long been approving and evaluating the current National Strategy for Combating Trafficking in Human Beings, which is adopted for a period of 4 years.

    The current National Strategy for Combating Trafficking in Human Beings for the period 2020-2023, which is still in force, is available on the Ministry of the Interior website: https://www.mvcr.cz/clanek/obchod-s-lidmi-dokumenty-924305.aspx. Its validity has been extended until 30 September 2025, by which date the National Strategy for the next period will be adopted.

Question 7

Are there national oversight measures adopted to assess the effectiveness of awareness campaigns carried out by the institutions/organisations, whether public or private? If so, please specify.

Currently, there are no such measures adopted. This is due to the lack of cases in the Czech Republic.