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USDOS – US Department of State

2021 Trafficking in Persons Report: Czech Republic

CZECH REPUBLIC: Tier 1

The Government of the Czech Republic fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Czech Republic remained on Tier 1. These efforts included approving a new national strategy to guide the government’s anti-trafficking efforts and increasing efforts to prevent labor trafficking, including through temporarily waiving a 2019 requirement that foreign workers remain with their employer for at least six months. In response to the pandemic, the government created hotlines to provide information on labor issues and provided bonuses to social workers to encourage their continued engagement during the pandemic. Although the government meets the minimum standards, it did not effectively screen vulnerable populations for trafficking, and officials expressed concern regarding the difficulty in prosecuting and convicting trafficking cases where coercion was the means of exploitation. Observers had previously noted concern that not all relevant officials seemed to understand the elements of the crime, which may have continued to result in trafficking crimes being prosecuted under the pimping statute with a lack of significant prison sentences for convicted offenders. The government had an official program to provide services to victims but did not maintain comprehensive victim identification and assistance statistics.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute suspected offenders of both sex and labor trafficking using the anti-trafficking statute, and sentence convicted traffickers to significant prison terms. • Increase efforts to effectively screen vulnerable populations, including asylum-seekers and children in institutional care. • Improve and reform law enforcement data collection efforts, including by disaggregating sex and labor trafficking case data, and comprehensively report victim data, particularly on those who do not participate in the Ministry of Interior (MOI) program. • Streamline identification procedures and specialized crisis and long-term case management, including for children. • Increase training for prosecutors and judges on the severity of the crime and on applying the anti-trafficking statute to protect victims and ensure convictions result in significant sentences. • Train a wider range of prosecutors and judges on recognizing subtle forms of coercion, on the irrelevance of a victim’s initial consent when proving a trafficking crime, and on how to utilize victim protection programs for trafficking victims. • Continue training first responders, including labor inspectors, police, and state contracting officers, on sex and labor trafficking victim identification criteria and on evolving trends in labor trafficking. • Enhance collaboration between the labor inspectorate and police in order to effectively identify potential labor trafficking cases. • Improve victims’ ability to access court-ordered restitution in criminal cases and compensation through civil proceedings.

PROSECUTION

The government maintained law enforcement efforts. Section 168 of the criminal code criminalized sex trafficking and labor trafficking and prescribed punishments of two to 10 years’ imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government may have prosecuted some sex trafficking offenses as pimping crimes under Section 189 of the criminal code and prescribed penalties ranging from imprisonment of six months to four years, a ban on business activities, or a sentence of forfeiture of property. These penalties were significantly lower than the penalties prescribed under Section 168.

In 2020, police initiated 18 trafficking investigations involving 20 suspects (20 investigations involving 24 suspects in 2019). Authorities prosecuted nine defendants under Section 168 (21 in 2019 and 18 in 2018), eight for sex trafficking and one for labor trafficking. Courts convicted eight traffickers – seven for sex trafficking and one for labor trafficking (nine convictions, all for either sex trafficking or for both sex and labor trafficking, in 2019 and 16 convictions, all for sex trafficking, in 2018). Two of the convicted traffickers were children from institutional care convicted for sex trafficking another child. Courts sentenced three traffickers to up to five years’ imprisonment and two traffickers to prison terms ranging from five to 15 years. Judges suspended the prison sentence of three convicted traffickers. Government officials attributed two of the three suspended sentences to the Act on Juvenile Judiciary, which allows for lower penalties for juvenile perpetrators. The conviction of multiple perpetrators from a November 2019 case into a Czech trafficking operation in the United Kingdom (UK) involving both sex and labor

trafficking was under appeal at the end of the reporting period. The court had sentenced one trafficker to 18 years’ imprisonment, the highest trafficking sentence ever issued, and the court awarded victims 5 million koruna (\$240,920) in restitution, the highest amount ever granted in a trafficking case. Police investigated 19 cases (37 in 2019) of pimping; although the government did not provide details so it was unknown whether any involved sex trafficking. The government did not report any seized assets from suspected traffickers but reported temporarily seized properties in the amount of 62 million koruna (\$2.99 million). Authorities collaborated with foreign governments on four transnational investigations (one new and three ongoing). In one ongoing case, UK authorities arrested nine suspects in 2019 for exploiting Czech victims in the food service industry; the trial was still ongoing in the UK at the end of the reporting period. In another case in which traffickers exploited multiple victims from the Czech Republic in the UK from 2009-2017, Czech prosecutors brought additional charges in May 2020, including trafficking for the purposes of slavery, and in December 2020 charged three new suspects. This was the first time prosecutors charged a suspect with trafficking for the purposes of slavery. A liaison police officer assigned to the Czech Embassy in London collaborated closely with host government officials on several trafficking cases involving Czech citizens and often trained and assisted consular officers in screening for trafficking indicators among Czech citizen services applicants.

The Trafficking in Human Beings Division continued to be the lead investigative agency for trafficking within the national police and oversaw trafficking cases involving organized crime; regional police were responsible for smaller-scale cases. The Supreme Public Prosecutor’s Office’s specialized prosecutor for trafficking and domestic violence oversaw specialized trafficking prosecutors in the regional prosecutorial offices. Regional police directorates sometimes chose to devote their limited resources to fighting other types of crime, especially crimes deemed easier to solve and achieve a conviction, as well as crimes related to the pandemic or the enforcement of state of emergency rules. Law enforcement officials said they more easily identified sex trafficking cases than labor trafficking cases. Judges and prosecutors continued to note it was difficult to prove some instances of labor trafficking were more than cases of simple fraud, as traffickers often used subtle coercive practices. Observers reported prosecutors and judges pursued trafficking cases unevenly, at least in part due to lack of familiarity with the elements of the crime; GRETA noted Article 168 did not explicitly state the irrelevance of the victim’s initial consent to the subsequent exploitation, which may lead to uneven implementation of the law. The government provided training for law enforcement officials, labor inspectors, consular officers, prosecutors, and others in investigating and prosecuting trafficking cases and identifying victims. As a result of the pandemic, the Judicial Academy offered an online course for prosecutors and judges. The State Labor Inspection Office held a virtual workshop in September 2020 for labor inspectors from each region; in addition to training labor inspectors, the workshop facilitated cooperation between police and labor inspectors. Experts reported inconsistent collaboration between regional police and labor inspectors, as well as a need for enhanced training for inspectors on labor trafficking indicators. Inspectors conducted 5,557 inspections in 2020 (compared to 8,532 in 2019) and identified 3,110 illegally employed persons, but the government did not report identifying any trafficking victims. The national labor inspectorate did not perform routine workplace inspections due to the pandemic but did respond to reports of suspected violations. In September 2020, the national labor inspectorate conducted an “extraordinary” inspection aimed at detecting illegal employment. During the month, authorities carried out 321 inspections targeting 1,418 persons. Law enforcement used information collected to conduct further preliminary investigations but did not identify any victims of trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The MOI’s Program of Support and Protection of Victims of Trafficking in Human Beings (the Program) remained the only official source of data on victim identification and protection, although the 2020-2023 national strategy included data collection reform as a key objective. The government did not officially recognize victims who did not participate in the Program, although it provided support to NGOs who identified and helped potential or unidentified victims. Police data collection focused on perpetrators rather than victims; an overly broad definition of a victim according to police regulations further hindered data accuracy. In 2020, 13 new victims (six men and seven women) entered the Program, a decrease from 15 in 2019 and 17 in 2018. Police referred three victims to the Program and NGOs referred eight, while two victims were reported jointly. In 2020, government-funded NGOs provided services or other support to 317 victims or potential victims, a significant increase from 259 in 2019 and 180 in 2018. The MOI distributed an electronic manual that described trafficking indicators among vulnerable populations to assist government officials in identifying victims and began work with representatives from socially excluded localities on a new, more inclusive list of trafficking indicators. However, observers noted the manual lacked a clear systematic procedure for identifying victims or referring them to the correct services. The agency also continued distributing a card-sized version and a manual outlining best practices in handling child trafficking cases to regional police. While the government made some effort to identify foreign victims of labor trafficking among the increasing number of illegally employed foreigners from non-EU countries, observers noted there were persistent weaknesses.

The Program provided medical care, psychological and crisis counseling, housing, legal representation, vocational training, and other specialized services to officially recognized foreign and Czech adult victims of sex and labor trafficking regardless of their immigration status. The MOI provided funding and administrative oversight and selected one NGO to be the primary implementing partner and to manage subcontracts to other NGOs for additional specialized services. Victims with children were generally placed in an NGO-run shelter, or into other MOI-funded housing. Participants in the Program were granted a 60-day reflection period, after which they were required to assist law enforcement if they wanted to stay in the Program, unless subject to a serious health issue. As assisting in the

criminal case was a prerequisite for participation in the Program after the 60 days, only victims whose traffickers faced criminal charges were therefore eligible for these MOI-funded services. The MOI drafted procedures that would allow victims to remain in the Program even after termination of the criminal process against the trafficker, thus granting victims easier access to free legal representation in civil compensation proceedings. Victims could voluntarily withdraw from the Program at any time and would remain eligible for services under the Ministry of Labor and Social Affairs (MLSA); all victims in the Program during 2020 chose to cooperate with law enforcement. Victims who chose to cooperate with law enforcement were eligible for a free legal advocate and, in some cases, the option to choose the gender of the judge or to testify via videoconference. Foreign victims accepted into the Program could receive temporary residence and work visas for the duration of relevant legal proceedings. Victims could receive assistance to return to their country of origin at any time or, upon completion of the Program, could apply for permanent residency; the government granted permanent residency to two victims in 2020 (eight in 2019 and two in 2018), extended immigration relief to one victim, and granted one long-term residence permit to a victim due to pandemic-related travel restrictions.

Victims unwilling to assist law enforcement through the Program were eligible to access MLSA-funded welfare benefits, including housing, in-person and telephone crisis help, counseling and social rehabilitation, drop-in centers for children, and social services for families with children. Although the government did not provide specialized centers specifically for child trafficking victims, there was a unique national referral mechanism for child victims and social workers developed individualized support plans for potential child trafficking victims, who received welfare benefits, such as shelter, food, clothing, and medical and psychological counseling. An NGO noted the government increased the number of mental health service providers for child victims during the reporting period. Nevertheless, observers reported identification procedures, crisis support, and long-term services for child trafficking victims remained insufficient. The 2020-2023 national strategy included a plan to study child trafficking in the Czech Republic and to create educational materials for first responders on the identification of and assistance to child victims.

The MOI allocated approximately 1.6 million koruna (\$77,090) for the victim assistance program and voluntary returns, the same amount as in 2019 and 2018; the Program did not spend the full allotment. An international organization used some of this funding to repatriate one victim (three in 2019) and an NGO worked with the government to repatriate one potential victim. The MLSA increased its funding to NGOs to provide social services, including to trafficking victims not in the MOI program. MLSA funding for NGOs increased during the reporting period. NGOs reported sufficient funding for short- and long-term activities and believed the ability to use MLSA funds for purposes other than the standard social services they already provided, such as public transportation tickets, telephone, medical checks, and psychological therapy, allowed them to offer more holistic services, which were limited in previous years due to regulations on use of these funds. Nevertheless, NGOs reported the MLSA’s funding structure inhibited long-term planning, as funds were only allocated one year at a time and did not arrive until after the beginning of the fiscal year. To guarantee victims’ access to social services during the pandemic, the government increased funding to provide monthly bonuses for social workers to encourage their continued engagement.

While there were no reports of victims penalized for unlawful acts traffickers compelled them to commit, border police and asylum and migration officials occasionally failed to recognize trafficking indicators among asylum-seekers and did not always proactively screen migrants, including those in detention, for indicators of trafficking. Additionally, the government did not report case details of the two children in a government institution convicted for sex trafficking another child. According to an NGO report, Czech police operating in North Macedonia participated in violent pushbacks of migrants into Greece, which discouraged victims from cooperating and self-identifying. Experts noted some courts declined to recognize victims in migration detention facilities as such if they did not self-identify as victims in their initial asylum claims. Some experts criticized the Refugee Facility Administration (RFA) for charging a daily fee to some migrants for stays in transit zones; such fees could increase the vulnerability of potential victims to debt-based coercion. The RFA maintained a system where potential victims and other members of at-risk groups that were identified in an entrance interview for asylum-seekers would be voluntarily housed in a guarded facility or, if in immediate danger, referred to NGOs for services; the RFA did not identify any victims in the transit zones in 2018, 2019, or 2020.

Victims had the legal option of seeking court-ordered compensation from their traffickers through civil suits; however, compensation was rare, as victims could not afford attorney fees for a civil suit. To seek civil damages, the law required a finding of criminal misconduct against the defendant. The law also allowed victims to obtain restitution in criminal proceedings, although courts rarely issued restitution to victims in criminal cases. An NGO reported one victim received 300,000 koruna (\$14,460) as restitution for a forced labor case in 2020. During the reporting period, the November 2019 court judgment awarding a record 5 million koruna (\$240,920) to the victims in a case involving a transnational trafficking operation went under appeal.

PREVENTION

The government increased prevention efforts. The MOI chaired the Inter-Ministerial Coordination Group (IMCG), which included representatives from various government ministries and agencies, as well as three NGOs and an international organization. Due to the pandemic, the IMCG met only once (twice in 2019) to coordinate national efforts, but successfully approved the 2020-2023 national strategy. A unit in the MOI served as the national rapporteur and prepared a comprehensive annual report on trafficking patterns and programs. The government funded several NGO-run hotlines to identify and assist both potential and officially recognized victims; NGOs

reported a significant increase in calls in 2020 due to the pandemic. Hotlines operated on weekdays, and the government provided training to operators on how to advise victims. One NGO reported receiving 1,700 calls and chats on its hotline in 2020 and subsequently identified seven victims. MOI funds from the victim assistance program were available for prevention campaigns and fieldwork; the government funded an NGO to conduct an online public awareness campaign highlighting real cases of trafficking that occurred in the country or that affected Czech citizens. Another NGO received funding to conduct 43 monitoring and awareness trips to areas with a high potential for labor trafficking and exploitation, while a third NGO received funds to conduct an awareness-raising lecture as well as outreach to women in commercial sex. The government and the EU provided funding for an NGO to conduct a research project exploring ways to more effectively assist victims.

The MLSA and labor inspection office websites published information in multiple languages about foreign workers' rights, laws governing the employment of foreigners, and information on the Czech labor system and requirements for work permits. During the pandemic, the national labor inspectorate set up free information lines for the provision of counseling on labor issues at each regional inspectorate. Likewise, the MOI and MFA regularly updated websites with information regarding the waiver of immigration enforcement for foreigners during the pandemic-related state of emergency. The law did not specifically criminalize confiscation of workers' passports. The labor code prohibited charging workers recruitment fees. Section 342 of the criminal code criminalized the illicit employment of foreign workers under especially exploitative conditions. Labor inspectors had dedicated staff to focus on illegal employment and verify requirements for conditions of work. They conducted inspections of employment agencies and identified 98 illegal “pseudo-agencies” in 2020; most suspected cases of labor trafficking were arranged via these types of agencies. MLSA proposed several measures to increase oversight and potential sanctioning of these agencies, which were in various stages of implementation during the reporting year. In November 2020, the government waived for the duration of the second pandemic-related state of emergency the 2019 requirement that employer-sponsored foreign workers must remain with the same employer for a minimum of six months. The government also passed legislation in August 2020 to allow holders of employment permits that expired between March and November 2020 due to the pandemic, to remain in the country if they secured new employment or extended in a previous position. The government reported these measures reduced the number of foreign workers in potentially vulnerable situations. In May 2020, the government fully resumed issuing authorizations for domestic employees of accredited diplomatic personnel in the Czech Republic, subject to new rules and requirements to safeguard against the exploitation of domestic workers by foreign diplomats. The government issued one new authorization in 2020. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Czech Republic, and traffickers exploit Czech victims abroad. Traffickers exploit women, girls, and boys from the Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam in sex trafficking in the Czech Republic and also transport victims through the Czech Republic to other European countries for sex trafficking. The UK has been a significant destination in recent years for Czech female and male victims of trafficking. Men and women from the Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Moldova, Mongolia, Nepal, Nigeria, Philippines, Russia, and Vietnam are exploited in forced labor in the Czech Republic, typically through debt-based coercion or exploitation of other vulnerabilities, in the construction, agricultural, forestry, manufacturing, food processing, and service sectors, including in domestic work. Most identified victims in the country are Czech. Law enforcement reported an increase in non-EU victims. NGOs report labor trafficking is more prevalent than sex trafficking. Traffickers exploit Romani men from the Czech Republic in forced labor and Romani women from the Czech Republic in sex trafficking and forced labor internally and in destination countries, including the UK; many such traffickers operate as family groups. Most traffickers are Czech citizens; foreign traffickers often recruit victims from their home countries and work in cooperation with local Czech citizens. Law enforcement continue to report an increase in cases of “marriages of convenience” where Czech women are recruited through sham marriages with non-EU men, often of South Asian descent, and then exploited in sex trafficking and/or forced labor. The commercial sex industry increasingly operates out of private residences, complicating efforts to identify sex trafficking victims. Private, unregistered labor agencies often use deceptive practices to recruit workers from abroad as well as from inside the country. Some agencies sell their registration to unqualified recruiters.

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