

Document #2077695

USDOS – US Department of State

2022 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 prosecuting and convicting more traffickers, requiring human trafficking training for all entry-level police officers, and increasing funding for victim services. Additionally, a new law entered into force and introduced fines for employers who outsourced hiring to illegal employment agencies. Although the government meets the minimum standards, it consistently identified a low number of “official” trafficking victims due to the government only counting victims who entered the governmental program for trafficking victims and the lack of other unified data collection that could capture accurate victim numbers and trafficking trends. Furthermore, observers expressed concern authorities did not effectively screen vulnerable populations for trafficking, particularly among asylum-seekers, migrant workers, and detainees in immigration detention facilities. The government had an official program to provide services to victims but did not maintain comprehensive assistance statistics.

PRIORITIZED RECOMMENDATIONS:

- Proactively identify victims and increase efforts to effectively screen vulnerable populations, including children in institutional care, asylum-seekers, migrant workers, and detainees in immigration detention facilities.
- Increase training for labor inspectors on labor trafficking victim identification criteria, recognizing subtle forms of coercion, and evolving trends in labor trafficking.
- Improve and reform law enforcement data collection efforts, including by disaggregating sex and labor trafficking case data and comprehensively reporting 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 for child victims.
- Increase training for local and regional police on victim identification and the non-punishment of victims for unlawful acts traffickers compel them to commit.
- Train a wider range of prosecutors and judges, including civil and administrative judges, on the severity of the crime, 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.
- Enhance collaboration between the labor inspectorate and police 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 increased 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. In 2021, police initiated 13 trafficking investigations involving 21 suspects, similar to 18 investigations involving 20 suspects in 2020. Authorities prosecuted 21 suspected traffickers under Section 168 (nine in 2020 and 21 in 2019), nine for sex trafficking, eight for labor trafficking, and four unspecified. Courts convicted 16 traffickers—13 for sex trafficking and three for labor trafficking, an increase compared with eight convictions in 2020. Courts sentenced six traffickers to up to five years’ imprisonment and eight traffickers to prison terms ranging from five to 15 years. Judges suspended the prison sentences of two convicted traffickers. One of these traffickers was a child when she exploited another girl for commercial sex, and one was a woman who had lived under institutional care as a child. The government reported screening both of these individuals for trafficking indicators before proceeding with the prosecutions. In May 2021, an appeals court upheld the conviction of multiple traffickers from a November 2019 case regarding a Czech trafficking operation in the United Kingdom (UK) involving both sex and labor trafficking. The court confirmed the 18-year sentence for one of the traffickers, the highest trafficking

sentence ever issued in the Czech Republic, and upheld the award of 5 million koruna (\$233,460) in restitution, the highest amount ever granted in a trafficking case. The government did not seize any assets from convicted traffickers and reported the seizing of assets was difficult because the majority of traffickers used cash payment and did not own traceable property.

Authorities collaborated with foreign governments on four transnational investigations (two new and two ongoing). In one ongoing case in which suspected traffickers exploited Czech victims in the food service industry in the UK, Czech authorities charged four Czech suspects in April 2021; additional suspects in the UK were awaiting trial 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 to 2017, Czech police recommended in October 2021 that a regional prosecutor file an indictment against seven suspects. This case represented the first time police had charged suspects for trafficking for the purpose of slavery; the suspected traffickers had allegedly exploited a relative with disabilities from Slovakia, who they moved to the UK after he was required to leave an institutional care center upon turning 18. A liaison police officer assigned to the Czech Embassy in London continued to collaborate closely with UK officials on several trafficking cases involving Czech citizens, including an investigation that led to charges filed against five suspects for labor and sex trafficking. The liaison officer also trained and assisted consular officers in screening for trafficking indicators among Czech citizens being assisted by the Czech Embassy.

Police data collection generally focused on perpetrators rather than victims; an overly broad definition of a victim according to police regulations further hindered data accuracy. During the reporting year, the government took steps to fulfill its data collection reform objective in its 2020-2023 national strategy and initiated an analysis of all available statistical systems across ministries and launched technical, legislative, and financial analyses to explore the creation of a unified database. The Trafficking in Human Beings Division was the lead investigative agency for trafficking within the national police and oversaw trafficking cases involving organized crime; regional police were responsible for other trafficking cases. The Supreme Public Prosecutor Office’s 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 report 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 have led 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. The government mandated trafficking training for entry-level police officers and in January 2022, all such officers joined a one-day training. Police and prosecutors began creating a specialized training for prosecutors and judges on labor exploitation to ensure greater consistency among judicial outcomes. Observers noted the Judicial Academy focused on providing anti-trafficking training to criminal judges, leaving civil and administrative judges with little training, even though civil and administrative judges made decisions affecting the status and rights of potential trafficking victims, particularly with regards to foreign victims’ legal status and right to remain in the country. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes.

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 and was conditioned on a victim’s cooperation with the criminal justice process. The government did not officially recognize victims who did not participate in the Program, although it provided support to NGOs that identified and helped potential or unidentified victims or victims who preferred not to cooperate with police. In 2021, 11 new victims (six men and five women) entered the Program, compared with 13 in 2020, 15 in 2019, and 17 in 2018. Five of the victims were Czech nationals who were exploited in the UK, and six were Mongolian nationals. Police concluded there was insufficient evidence to refer the Mongolian victims’ case to prosecution and removed the victims from the Program after two months, although the government continued to fund their care. Police referred three victims to the Program, and NGOs referred eight; one victim was reported jointly. In 2021, government-funded NGOs provided services or other support to 250 victims or potential victims—some of whom had received services for a year or more (compared with 317 in 2020 and 259 in 2019). Observers noted the high level of cooperation between the authorities and civil society on victim identification and protection efforts; in February 2021, the police created a trafficking liaison position to coordinate efforts among law enforcement and other government authorities, as well as with international organizations and NGOs. The MOI continued distributing an electronic manual that described trafficking indicators among vulnerable populations to assist officials in identifying victims and collaborated with representatives from localities with large minority populations to draft 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 MOI also continued distributing a card- sized version and a manual outlining best practices in handling child trafficking cases to regional police. Observers expressed concern that many victims and potential victims went unidentified, attributing this to authorities’ difficulty in identifying labor trafficking victims among migrant workers or detainees in immigration detention facilities; the government’s strict anti-migration policies and insufficient screening of asylum-seekers; and

inadequate training and high levels of turnover of front-line responders, particularly local police. Observers reported some police officers were not aware that traffickers often compelled victims to commit unlawful acts, leading officers to mistakenly identify victims as criminals. Moreover, experts reported that the commercial sex industry’s operational shift in the last five years from clubs to private residences and online had hindered law enforcement’s identification efforts.

The Program provided medical care, psychological and crisis counseling, housing, legal representation, vocational training, and other specialized services to officially recognize 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 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. Victims unwilling to assist law enforcement through the Program and victims whose cases authorities did not pursue were eligible to access comparable Ministry of Labor and Social Affairs (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; all victims in the Program during 2021 chose to cooperate with law enforcement. Victims could voluntarily withdraw from the Program at any time and would remain eligible for services under the MLSA. Victims in the Program 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. MOI-drafted procedures to allow victims to remain in the Program even after termination of the criminal process against the trafficker remained under inter-ministerial review during the reporting period; this change would grant victims easier access to free legal representation in civil compensation proceedings. 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 extended seven long-term residence permits to Program participants and reported there were no requests for new permits as all new victims were Czech nationals or legally present in the country. The government did not repatriate any trafficking victims in 2021.

Although the government did not provide specialized centers specifically for child trafficking victims, there was a separate 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. Observers reported the government had paid significant attention to combating child trafficking in recent years, especially to prevent trafficking among children from institutional care. Nonetheless, 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 government did not report progress on completing this study.

The MOI allocated approximately 1.6 million koruna (\$74,710) for the Program, the same annual amount since 2018; the Program did not spend the full allotment. The MLSA increased its funding to NGOs to provide social services, including to trafficking victims not in the Program. In 2021, the MLSA increased funding for the main NGO providing services to trafficking victims by 6.2 percent compared with the previous year. Another NGO reported a 16.7 percent increase in MLSA funding from 2020 to 2021. 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.

Border police and asylum and migration officials occasionally were unable to recognize trafficking indicators among asylum-seekers and did not always proactively screen migrants, including those in detention, for indicators of trafficking. 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. Moreover, observers expressed concern the Foreigners’ Residence Act, which regulated the detention of foreigners prior to deportation did not define a “vulnerable person,” leading authorities to occasionally detain potential foreign national trafficking victims. 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 could be voluntarily housed in a guarded facility or, if in immediate danger, referred to NGOs for services. However, observers noted that due to data privacy regulations, the MOI office in charge of assessing asylum applications did not share with the RFA information that could identify potential victims; the RFA only learned of this information through victim self-disclosure. The government reported MOI officials advised potential victims of available resources and their right to report trafficking to the RFA. The RFA did not identify any victims in the transit zones in 2021, nor in recent prior years.

Victims and witnesses were granted short-term protection when needed, including physical protection, access to safe houses, and security monitoring for up to 60 days; this protection could be extended with approval from the regional police director. The government funded an NGO’s website and chat room revisions to better protect victims during counseling sessions. Victims had the legal option of seeking court-ordered compensation from traffickers through civil suits; however, compensation was rare, as many 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. An NGO reported a court

awarded a victim 100,000 koruna (\$4,670) in civil court for trauma-related health injuries. The law also allowed victims to obtain restitution in criminal proceedings, although courts did not consistently issue restitution to victims in criminal cases. In May 2021, an appeals court confirmed the November 2019 court judgment awarding a record 5 million koruna (\$233,460) to the victims in a case involving a transnational trafficking operation.

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. In 2021, the IMCG met twice virtually to coordinate national efforts and accepted the State Labor Inspection Office (SUIP) as a new permanent member. The government continued implementing the 2020-2023 National Strategy Against Trafficking. The inter-governmental Committee for the Rights of Foreigners also included trafficking prevention in its mandate. The MLSA led an interagency coordination group focused on combating illegal employment of foreign nationals; the group's efforts included collecting and sharing information on potential labor exploitation. 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 multilingual hotlines to identify and assist both potential and officially recognized victims; NGOs reported an increased number of calls in 2021 compared to pre-pandemic levels, although the number of calls decreased from 2020 to 2021. One NGO reported receiving 1,444 calls and chats on its hotline in 2021, a decrease from 1,700 in 2020. Hotlines operated on weekdays, and the government provided training to operators on how to advise victims. Funds from the Program were available for prevention campaigns and fieldwork; the MOI funded one NGO to conduct 41 monitoring and awareness trips to areas with a high potential for labor trafficking and exploitation. The government provided funding for the development of a smartphone application containing trafficking information and resources for professionals working with vulnerable populations. The government and the EU continued to provide funding for an NGO to conduct a research project exploring ways to more effectively assist victims; the project was scheduled to be completed in 2022. The government and the EU also provided funding to NGOs from the Czech Republic, France, Italy, Ireland, and Belgium to create a toolbox with best practices on victim identification and referral and protection measures for authorities who may encounter trafficking victims during the asylum process.

The MLSA and SUIP 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. In 2021, the MLSA initiated several awareness raising campaigns and joined an EU campaign to inform seasonal workers of their rights and ensure fair labor conditions. 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 199 illegal “pseudo-agencies” in 2021, a significant increase from 98 in 2020; most suspected cases of labor trafficking were arranged via these types of agencies. In August 2021, a new law entered into force, introducing fines of up to 10 million koruna (\$466,920) for employers who allowed or benefitted from “disguised employment,” a system in which companies outsourced hiring to a “pseudo-agency;” the government did not report if any such fines were issued before the close of the reporting period. Due to the pandemic, SUIP did not hold its annual seminar for inspectors specializing in foreign employment, nor did labor inspectors conduct large routine inspections. Labor inspectors did not identify any potential trafficking victims in 2021. Experts reported inconsistent collaboration between regional police and labor inspectors, as well as a need for enhanced training for inspectors on labor trafficking indicators. In 2021, the SUIP conducted three “extraordinary” inspections aimed at detecting illegal employment; law enforcement used information collected to conduct further preliminary investigations but did not identify any victims of trafficking.

In 2021, the government supported an EU project in Niger focused on counterterrorism and the prevention of migrant smuggling and human trafficking, and it continued to contribute to an EU regional program that provided assistance to trafficking victims in Algeria, Chad, Egypt, Libya, Morocco, Niger, and Tunisia. To safeguard against exploitation, the MFA and SUIP interviewed domestic employees of accredited diplomatic personnel in the Czech Republic upon registration and reviewed documents for compliance with Czech labor laws; labor inspectors also had the authority to conduct random checks of the employee's workplace, and the MFA limited the number of domestic workers per foreign diplomat. 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, the Philippines, Vietnam, and former Soviet countries 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. NGOs report labor trafficking is more prevalent than sex trafficking. Many victims of forced criminal activity are Vietnamese nationals exploited in cannabis production. Most identified victims in the country are Czech; however, law enforcement reported an increase in non-EU victims. One NGO reported an increase in the number of LGBTQI+ victims. 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. Traffickers target individuals with drug dependencies, debts, and criminal records, as well as individuals experiencing homelessness, children in foster care, and senior citizens. More than 300,000 refugees from Ukraine, predominantly women and children, have crossed the Czech border seeking sanctuary and are vulnerable to trafficking. Traffickers increasingly use online platforms to recruit victims. 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.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2021 to March 2022)

Country:

Czech Republic

Source:

[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2022-trafficking-in-persons-report/czech-republic/>

Document type:

Periodical Report

Language:

English

Published:

29 July 2022

Document ID:

2077695

Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
Imprint & Disclaimer
F.A.Q.
Data Protection Notice

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

