



Trafficking in Persons Report 2017 - Country Narratives - Czechia

CZECHIA: Tier 1

The Government of the Czechia, or 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; therefore, Czechia remained on Tier 1. The government demonstrated serious and sustained efforts by approving a new action plan, providing comprehensive care for victims, obtaining victim cooperation with law enforcement, and implementing a multitude of public awareness campaigns, particularly in areas with vulnerable populations. Although the government meets the minimum standards, judges and prosecutors continued to enforce trafficking legislation unevenly. While progress was shown, in a minority of cases, the courts suspended the sentences of convicted traffickers weakening the deterrent effect of the penalties. The government did not have sufficient collaboration and coordination between labor inspectors and police, or training to improve victim identification and evidence gathering in labor trafficking cases.

RECOMMENDATIONS FOR CZECHIA

Vigorously investigate and prosecute suspected offenders of both sex and labor trafficking, using the anti-trafficking statute; sensitize judges to the severity of this crime to ensure convictions result in proportionate and dissuasive sentences; increase training for prosecutors and judges on applying the anti-trafficking statute; enhance collaboration between the labor inspectorate and police on investigating potential labor trafficking cases; improve victims' ability to access court-ordered restitution; train first responders, including labor inspectors, police, and state contracting officers, on labor trafficking victim identification criteria and evolving trends in labor trafficking; disaggregate sex and labor trafficking data in both law enforcement and victim protection efforts and consider the creation of a central database for trafficking data.

PROSECUTION

The government improved its law enforcement efforts. Section 168 of the criminal code criminalizes all forms of trafficking and prescribes punishments of up to 16 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, police initiated 22 investigations into suspected trafficking cases, compared with 18 cases in 2015. Authorities prosecuted 19 defendants for trafficking crimes under Section 168 of the penal code in 2016, compared with 12 in 2015 and six in 2014. In 2016, eight cases resulted in convictions (19 in 2015 and six in 2014). Of the eight convictions in 2016, courts sentenced six individuals to prison time: four received sentences of five to 15 years, and two received five-year sentences. In two cases, judges fully suspended the sentences of two convicted

traffickers. This is an improvement from the last reporting period when more than one-third of convicted traffickers received suspended prison sentences. The government did not disaggregate sex and labor trafficking data. The government seized 150,000 koruna (\$5,989) and land valued at 580,000 koruna (\$23,158) from suspected traffickers; this was a decrease from 36,673,000 koruna (\$1,464,284) in assets seized in 2015. Authorities collaborated with foreign governments on three transnational investigations.

The organized crime branch of the police was the lead law enforcement investigative agency for trafficking; regional police were responsible for smaller-scale cases. The government trained more than 200 law enforcement officials, labor inspectors, and prosecutors involved in investigating and prosecuting human trafficking crimes, on par with training efforts in 2015. Authorities reported the need for better collaboration between the police and labor inspectors, as well as enhanced training for inspectors on labor trafficking indicators. Observers reported prosecutors and judges pursued trafficking cases unevenly due to lack of familiarity with the law, unfamiliarity with labor trafficking, and a preference to prosecute traffickers for non-trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government maintained victim protection efforts. Police identified 38 victims during the reporting period, one man and 37 women (92 victims in 2015 and 67 in 2014). Authorities referred all victims to services. Of the victims identified in this reporting period, 14 chose to cooperate with law enforcement and entered the Ministry of Interior's (MOI) program for victim services (four victims entered the program in 2015 and 43 in 2014). In 2016, government-funded NGOs provided services to 139 newly identified potential victims, of which 125 victims were identified by NGOs; this compared to 171 newly identified potential victims in 2015, 79 of whom were directly identified by NGOs.

The MOI program for victim services was available to both foreign and Czech adult victims of sex and labor trafficking regardless of their country of origin or legal status. There was a different national referral mechanism for children and youth, in which identified child victims received care outside of the MOI's program through publicly funded NGOs that provided shelter, food, clothing, and medical and psychological counseling. Those victims who enter the MOI program must cooperate with law enforcement; all victims are encouraged to cooperate with Czech authorities. Authorities provided victims with a 60-day reflection period, in which victims received care and determined whether to cooperate with law enforcement; victims with a medically recognized disability, including trauma, received an additional 30 days. Under the law, a victim cannot be deported during this period. Victims unwilling to cooperate with law enforcement were still eligible to receive services via NGOs, but these were located outside of the MOI's victim services program. However, to be eligible for these alternative short-term victim services, trafficking victims must reside legally in Czechia; victims not participating in the MOI program were ineligible for long-term assistance. The government provided medical care, psychological and crisis counseling, housing, legal representation, vocational training, and other specialized services to victims. Victims could voluntarily withdraw from victim services at any time.

The MOI funded the costs for the victim assistance program, and the Ministry of Labor and Social Affairs (MLSA) provided additional funding for actual day-to-day social services provided by

NGOs. In 2016, the MOI allocated approximately 1.2 million koruna (\$47,914), comparable to the 1.18 million koruna (\$47,115) allocated in 2015. An international organization also received additional funding from the MOI for repatriation costs. Some experts noted a lack of funding for victim housing, especially female victims with more than one child, and a lack of expertise among counselors providing services. In 2016, the MOI changed how it provided services to victims. Rather than granting funds to multiple NGOs to provide services, the MOI released a tender inviting NGOs to submit bids; one NGO was selected to serve as the prime agent to manage victim services. NGOs and government stakeholders reported this new funding mechanism worked well.

During legal proceedings, victims were eligible to receive free legal aid. A witness protection law allows the government to conceal the identity of the witness, provides a new identity to the victim, and can assign bodyguards. Foreign victims who cooperated with investigators could receive temporary residence and work visas for the duration of the relevant legal proceedings. Upon conclusion of court proceedings, victims could apply for permanent residency; one victim received permanent residency in 2016, compared with no victims in 2015, and one in 2014. Victims had the legal option of seeking court-ordered compensation from their traffickers in both civil and criminal proceedings, although such restitution was rare as victims often feared retribution from their traffickers during criminal cases and could not afford attorney fees for a civil suit. To seek civil damages, the law requires a finding of criminal misconduct against the defendant. The government did not report any victims received compensation during the reporting period. There were no reports the government penalized identified victims for unlawful acts committed as a direct result of being subjected to trafficking. The MLSA created working groups focused on forced labor. The government-funded anti-trafficking training to 70 health practitioners and to 20 members of an international organization.

PREVENTION

The government maintained prevention efforts. The MOI chaired an inter-ministerial body that coordinated national efforts and approved the 2016-2019 national strategy in April 2016. A unit in the MOI served as the national rapporteur and prepared a comprehensive annual report on patterns and programs, which it released publicly. The government continued to fund an NGO-run hotline to identify victims of trafficking and domestic violence, which received approximately 600 calls in 2016. The law did not criminalize confiscation of workers' passports. MOI funding was also available to support trafficking prevention campaigns; the government-funded NGOs to conduct 60 public awareness and prevention campaigns across regions in Czechia. The new national action plan approved in April 2016 included a new focus on gathering data on trafficking vulnerabilities and, based upon the data, developing a list of recommendations to eliminate these risks. The government did not maintain a central database that would allow it to better analyze data about traffickers and victims. To increase foreign workers' awareness regarding their rights, the MLSA and the State Labor Inspection Office published information on its website in multiple languages about laws governing the employment of foreigners. The government did not make any efforts to reduce the demand for commercial sex acts or forced labor during the reporting period. The government provided anti-trafficking training for its consular and diplomatic staff, and military personnel participating in international peacekeeping efforts.

TRAFFICKING PROFILE

As reported over the past five years, Czechia is a source, transit, and destination country for women and children subjected to sex trafficking and a source, transit, and destination country for men and women subjected to forced labor. Women, girls, and boys from Czechia, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam are subjected to sex trafficking in Czechia and also transit through Czechia to other European countries where they are subjected to sex trafficking. Men and women from Czechia, Ukraine, Romania, Bulgaria, Moldova, Mongolia, the Philippines, Russia, and Vietnam are subjected to forced labor in Czechia, typically through debt bondage, in the construction, agricultural, forestry, manufacturing, and service sectors, including in domestic work. They may also transit through Czechia to other countries in Europe where they are exploited. Most identified victims in the country are Czech, although law enforcement reported an increase in European Union victims. Romani women from Czechia are subjected to forced prostitution and forced labor internally and in destination countries, including the UK. Most traffickers are Czech citizens, and foreign traffickers often recruit victims from their own home countries and work in cooperation with a local Czech citizen; women comprise a large percentage of sex trafficking perpetrators. Law enforcement have seen an increase in “marriages of convenience” among Czech women that involve sex trafficking. Private, unregistered labor agencies often used deceptive practices to recruit workers from abroad as well as from inside the country.
