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2019 Trafficking in Persons Report: Czech Republic

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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; therefore Czech Republic remained on Tier 1. These efforts included convicting more traffickers, issuing significant prison terms to most convicted traffickers, providing comprehensive care for victims, and enhancing coordination among law enforcement and officials at regional and local levels. Although the government meets the minimum standards, judges and prosecutors continued to enforce the trafficking law unevenly and sometimes prosecuted trafficking crimes under the pimping statute, which resulted in no prison time for the majority of convicted offenders under that statute. The government did not obtain a labor trafficking conviction. The government did not effectively screen vulnerable populations for trafficking and failed to adequately identify domestic or foreign victims. Data collection by law enforcement was insufficient; police reported the lowest number of victims identified since 2008. In some cases, the courts suspended the sentences of convicted traffickers, weakening the deterrent effect of

the penalties. Labor inspectors remained underutilized in victim identification efforts.

PRIORITIZED RECOMMENDATIONS

Increase efforts to effectively screen vulnerable populations and identify domestic and foreign victims and refer them to services. • 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. • 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. • Improve and reform law enforcement data collection efforts, including by disaggregating sex and labor trafficking case data, and comprehensively report victim data, particularly on victims who do not participate in the Ministry of Interior (MOI) program. • Streamline identification procedures and specialized crisis and long-term case management and increase availability of services 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 prosecutors and judges on the irrelevance of a victim's initial consent when proving a trafficking crime and utilize victim protection programs for trafficking victims. • 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 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. The government prosecuted some sex trafficking offenses as pimping; this occasional misapplication of the law was inconsistent with its international commitments. Section 189 prescribed penalties ranging from six months' to four years' imprisonment, a ban on business activities, or a sentence of

forfeiture of property, which were significantly lower than the penalties prescribed under Section 168. Section 204 of the old criminal code prescribed penalties for at most three years, which were significantly lower than the penalties prescribed under Section 168.

In 2018, police initiated 13 trafficking investigations (16 in 2017 and 22 in 2016). Authorities prosecuted 18 defendants under section 168 (16 in 2017 and 19 in 2016). Courts convicted 16 traffickers—all for sex trafficking (nine total convictions for sex and labor trafficking in 2017, eight in 2016, and 19 in 2015); 15 perpetrators were Czech and one was Slovak. Courts sentenced three traffickers to prison terms ranging from one to five years and 10 traffickers to prison terms ranging from five to 15 years. Judges suspended the prison sentences of three additional convicted traffickers (three for three years' imprisonment with five years' probation); two of these also had to pay financial penalties of 500,000 koruna (\$22,790) and 200,000 koruna (\$9,120) respectively. Courts convicted 48 perpetrators (23 in 2017) of pimping; it was not clear whether any of these cases involved sex trafficking crimes. Three convicted perpetrators received prison sentences (one sentence of one to five years and two of five to 15 years). Two received no sentence and 43 received suspended sentences (42 under section 189 and one under sections 204). The government seized 26,000 koruna (\$1,180) in assets from suspected traffickers, compared to 630,000 koruna (\$28,710) in 2017. Authorities collaborated with foreign governments on four ongoing transnational investigations. The government trained approximately 300 law enforcement officials, labor inspectors, prosecutors, and judges on investigating and prosecuting trafficking crimes, on par with training efforts in 2017.

The organized crime branch of the police was the lead investigative agency for trafficking; regional police were responsible for smaller-scale cases. Regional police directorates generally chose to devote their limited resources to fighting other types of crime, especially crimes deemed easier to solve and achieve a conviction. Law enforcement officials said they more easily identified sex trafficking cases than labor trafficking cases. Observers reported prosecutors and judges pursued trafficking cases unevenly due to lack of familiarity with the elements of the crime. Judges were apt to view labor cases as simple fraud, given the subtle use of coercive practices by perpetrators. The MOI had an online version and distributed 1,200 copies of an

updated manual with indicators for identification and available services to police and labor inspectors. MOI organized a meeting of 150 law enforcement, asylum and migration officials, minority liaison officers, and state prosecutors to encourage collaboration and share information on trafficking cases and trends in specific Czech regions. The national labor inspectorate conducted 8,300 inspections, and identified approximately 4,580 illegally employed persons (2,900 in 2017), but did not identify any trafficking victims. The government amended the law to expand the authority of labor inspectors to go beyond inspection of labor documents. Experts reported inconsistent collaboration between regional police and labor inspectors, as well as a need for enhanced training for inspectors on labor trafficking indicators. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. Police had chronic weaknesses in data collection. The national police changed its data collection methodology in 2017 making it difficult to compare data on victims. Police reported identifying 11 victims (14 in 2017, 38 in 2016, and 92 in 2015, and 67 in 2014), all female children, representing the lowest number of identified victims reported by the police since 2008; it was unclear whether the children were referred for services. However, the MOI reported a different set of police data; according to the MOI, the police referred 10 adult victims to the assistance program, the largest number since 2013. NGOs referred seven (19 in 2017 and 13 in 2016). There were 17 new victims total (five labor trafficking, two sex trafficking, and 10 both sex and labor trafficking) in the program for victim services (24 in 2017, 14 victims in 2016, four in 2015, and 43 in 2014). Of the victims in the program, nine women were from the Philippines, one woman from Sierra Leone, one man from Romania, and six people—three men and three women—from Czech Republic. The government did not officially recognize victims who did not participate in the MOI's victim assistance program. In 2018, government-funded NGOs provided services to 180 potential victims (137 in 2017). 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 government informed foreign worker populations of their rights, requirements and available job

offers all around the country in nine different languages on the Ministry of Labor and Social Affairs' (MLSA) official webpage; however, the webpage lacked awareness information on potential trafficking indicators and available services. Border police and asylum and migration officials did not always proactively screen migrants for indicators of trafficking.

The MOI program, which was administered by an NGO, was available to both foreign and Czech adult male and female victims of sex and labor trafficking regardless of their legal status, and required victims to assist law enforcement if they want to stay in the program after 60 days of support, unless subject to a serious health issue. Foreign victims accepted into the program could receive temporary residence and work visas for the duration of relevant legal proceedings, and apply for long-term residency; two new victims received long-term residency in 2018 (none in 2017). The program provided medical care, psychological and crisis counseling, housing, legal representation, vocational training, and other specialized services. Victims could voluntarily withdraw from the program at any time. Victims unwilling to assist law enforcement were eligible to access MLSA-funded welfare benefits, including housing, in-person and telephone crisis help, social counseling and rehabilitation, a drop-in center for children and youth, and social services for families with children. The MOI-funded NGO managed these benefits for trafficking victims. Only legal residents could access the welfare program, but NGOs could provide most of the services anonymously; therefore, legal status was not usually a limitation for support. During legal proceedings, victims often received a free legal advocate. Although there was a unique national referral mechanism for child and youth victims, observers reported identification procedures, crisis support, and long-term services were insufficient. Municipal-level offices of the department of social and legal protection of children made decisions to place children with an institution or NGO. Child victims received MLSA-funded welfare benefits, such as shelter, food, clothing, and medical and psychological counseling.

The MOI allocated approximately 1.6 million koruna (\$72,920) for the victim assistance program and voluntary returns, the same amount as in 2017; the program spent 1.4 million koruna (\$63,810). An international organization used some of this funding to repatriate three victims (six in 2017). The MLSA provided an additional 36.37 million koruna (\$1.66 million) to support the integration of

foreigners and victims of trafficking, compared to 27.5 million koruna (\$1.25 million) in 2017, which included funding for welfare benefits provided by NGOs to trafficking victims not in the MOI program. Some experts noted a lack of funding for victim housing, especially female victims with more than one child.

Some experts criticized the Refugee Facility Administration (RFA) for charging a daily fee to some migrants for stays in transit zones; such fees increase the vulnerability of potential victims. The RFA designed a process where potential victims identified in an entrance interview for asylum-seekers would be 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 2017 or 2018.

Victims had the legal option of seeking court-ordered compensation from their traffickers through civil suits and obtaining restitution in criminal proceedings. However, courts rarely issued restitution to victims in criminal cases, and 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 government ordered one convicted trafficker to pay 50,000 koruna (\$2,280) to a victim. NGOs reported concern about potential trafficking victims in custody going unidentified.

PREVENTION

The government increased prevention efforts. The MOI chaired an inter-ministerial body that coordinated national efforts and implemented the 2016-2019 national strategy. A unit in the MOI served as the national rapporteur and prepared a comprehensive annual report on patterns and programs, which it released publicly in June 2018. The government continued to fund an NGO-run hotline to identify victims of trafficking and domestic violence, which operated six hours per day on weekdays. The law did not criminalize confiscation of workers' passports. MOI funds from the victim assistance program were available for prevention campaigns and field work; the government funded an NGO to conduct a public awareness campaign targeted at individuals vulnerable to labor trafficking and exploitation and to implement a project to raise awareness among secondary students. The MC I, along with the national organized crime agency and civil society groups, organized

three trainings on combating trafficking for 200 social workers, crime prevention and minority liaison officers, municipal police officers, labor inspectors, and other local government representatives. The MLSA and the labor inspection office websites published information in multiple languages about foreign workers' rights and laws governing the employment of foreigners, and the MLSA organized a series of free one-day trainings for foreign laborers on how to enter the Czech labor market, which were attended by 400 migrant workers. The website also included a registry of available jobs offered by registered recruitment agencies in nine languages. The government trained 40 consular officers before departing for embassies abroad. The government temporarily stopped issuing authorizations for domestic employees of accredited diplomatic personnel in November because several diplomatic households violated their contracts with their domestic employees.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Czech Republic, and traffickers exploit victims from Czech Republic abroad. Traffickers exploit women, girls, and boys from Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam in sex trafficking in Czech Republic and also transport victims through Czech Republic to other European countries for sex trafficking. Men and women from Czech Republic, Ukraine, Romania, Bulgaria, Moldova, Mongolia, Nigeria, the Philippines, Russia, and Vietnam are subjected to forced labor in Czech Republic, typically through debt-based coercion, in the construction, agricultural, forestry, manufacturing, 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 was more prevalent than sex trafficking. Traffickers subject Romani women from Czech Republic to forced prostitution and forced labor internally and in destination countries, including the United Kingdom. Most traffickers are Czech citizens, and foreign traffickers often recruit victims from their home countries and work in cooperation with local Czech citizens. Law enforcement report an increase in "marriages of convenience" where Czech women are recruited through sham marriages with non-EU men and then subjected to sex trafficking and/or forced

labor. Private, unregistered labor agencies often used deceptive practices to recruit workers from abroad as well as from inside the country.

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