

Czech Republic - United States Department of State

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 the Czech Republic remained on Tier 1. These efforts included investigating and prosecuting more traffickers, issuing significant prison terms to most convicted traffickers, providing comprehensive care for victims, and beginning to draft a new national strategy to guide the government's anti-trafficking efforts. Although the government meets the minimum standards, it did not effectively screen vulnerable populations for trafficking and did not adequately identify domestic or foreign victims. The government had an official program to provide services to victims but did not maintain comprehensive victim identification and assistance statistics. Judges and prosecutors continued to enforce the trafficking law unevenly and may have prosecuted trafficking crimes under the pimping statute, which historically resulted in no prison time for the majority of convicted offenders under that statute. Collaboration between labor inspectors and police was inconsistent in victim identification efforts.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to effectively screen vulnerable populations to identify domestic and foreign victims and refer them to services. • 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, 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 and on the irrelevance of a victim's initial consent when proving a trafficking crime and 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. • Finish drafting and enact the 2020-2023 national strategy. • 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 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 2019, police initiated 20 trafficking investigations involving 24 suspects (13 investigations involving 15 suspects in 2018). Authorities prosecuted 21 defendants under Section 168 (18 in 2018 and 16 in 2017). Courts convicted nine traffickers—all for either sex trafficking or for both sex and labor trafficking (16 convictions, all for sex trafficking, in 2018 and nine for sex and labor trafficking in 2017); all perpetrators were Czech. Courts sentenced one trafficker to four years' imprisonment and seven traffickers to prison terms ranging from five to 15 years. Judges suspended the prison sentence of one additional convicted trafficker. Additionally, a regional court convicted five traffickers in November 2019, three for trafficking and two for related charges of extortion and pimping, following an investigation into a Czech trafficking ring in the United Kingdom involving both sex and labor trafficking. The three convicted of trafficking received sentences of six, nine, and 18 years, respectively, while the two convicted of extortion and pimping received sentences of 18 and 24 months, respectively. The judgment and sentences were subject to appeal at the end of the reporting period. Police investigated 37 cases (34 in 2018) of pimping; it was not clear whether any of these cases involved sex trafficking crimes. The government seized 2.6 million koruna (\$117,300) in assets from suspected traffickers, compared with 26,000 koruna (\$1,170) in 2018. Authorities collaborated with foreign governments on three ongoing transnational investigations, which resulted in 15 arrests, eight prosecutions, five convictions, and 20 victims identified in either the Czech Republic or the United Kingdom. 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 (THBD) was 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 Prosecution Office's specialized prosecutor for trafficking and domestic violence oversaw specialized trafficking prosecutors in the regional prosecutorial offices. 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. Judges and prosecutors noted it was difficult to prove that 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 does 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 THBD provided training for police officers, migration officials, minority liaison officers, prosecutors, and labor inspectors; the Judicial Academy held biannual trainings for prosecutors and judges. 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 November 2019, the labor inspectorate organized a training in collaboration with the THBD for labor inspectors that included discussions of best practices for cooperation between police and labor inspectors. The national labor inspectorate conducted 8,532 inspections and identified 4,342 illegally employed persons (4,580 in 2018), but it did not identify any trafficking victims. 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; the government did not officially recognize victims who did not participate in the Program. 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 2019, 15 new victims (11 men and four women) entered the Program, a decrease from 17 in 2018 and 24 in 2017. Of the victims in the program, six were from the Philippines, one was from Slovakia, and eight were Czech citizens. Police referred 11 victims and NGOs referred four victims. In 2019, government-funded NGOs provided services or other support to 259 victims or potential victims, a significant increase from 180 in 2018 and 137 in 2017. The MOI distributed a manual that described trafficking indicators among vulnerable populations to assist government officials in identifying victims. The agency also developed a card-sized version to distribute to regional police; however, observers noted the manual lacked a clear systematic procedure for identifying victims or referring them to the correct services. NGOs reported concern about potential trafficking victims in custody going unidentified, which may have led to the penalization of victims for unlawful acts traffickers compelled them to commit. 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 sub-contracts to other NGOs for additional specialized services. Program-funded shelters, however, often lacked the capacity to house victims with children and had to make other arrangements for them. 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. 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); one victim chose to leave the program after this reflection period rather than assist in the investigation in 2019. Victims who chose to participate in the prosecution of their trafficker 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; eight victims received permanent residency in 2019 (two in 2018 and none 2017). 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. Although there was a unique national referral mechanism for child and youth victims, there were no specialized programs to provide services specifically to child victims of trafficking, and 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 (\$72,190) for the victim assistance program and voluntary returns, the same amount as in 2018; the program did not spend the full allotment. An international organization used some of this funding to repatriate three victims (three in 2018). The MLSA funded NGOs to provide social services, including to trafficking victims not in the MOI program. Three NGOs reported receiving the full amount or more of their funding requests during the reporting period. Nevertheless, NGOs reported the MLSA's funding was limited to a specific range of social services, and the 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 failed 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. Some experts criticized the Refugee Facility Administration (RFA) for charging a daily fee to some migrants for stays in transit zones; such fees increased the vulnerability of potential victims. The RFA designed a process 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 2017, 2018, or 2019.

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. In November 2019, a court judgment awarded a record five million koruna (\$225,580) to the victims in a case involving a transnational trafficking operation, subject to appeal.

PREVENTION

The government maintained 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. The IMCG met twice a year to coordinate national efforts and to begin drafting the 2020-2023 national strategy, which the government intended to finalize in the spring of 2020. A unit in the MOI served as the national rapporteur and prepared a comprehensive annual report on patterns and programs. The government funded several NGO-run hotlines to identify and assist victims and potential victims of trafficking. The hotlines operated on weekdays, and the government provided training to operators on how to advise victims. One NGO reported receiving 1,648 calls and chats on its hotline in 2019. MOI funds from the victim assistance program were available for prevention campaigns and fieldwork; 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 primary and secondary students. Another NGO received funding to conduct 44 monitoring and awareness trips to areas with a high potential for labor trafficking and exploitation, while a third NGO received funds to conduct six awareness-raising lectures targeting 600 potentially vulnerable individuals, such as students and senior citizens. 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. The law did not 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 laborers under especially exploitative working 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 111 illegal "pseudo-agencies" in 2019; most suspected cases of labor trafficking were arranged via these types of agencies. In July 2019, Parliament amended the Foreigners' Act to require third country nationals to remain with the same employer for six months; NGOs expressed concern this provision may increase foreign workers' vulnerability to labor trafficking. The government did not make efforts to reduce the demand for commercial sex acts. The government trained 45 consular officers before departing for embassies abroad. The government temporarily stopped issuing authorizations for domestic employees of accredited diplomatic personnel in November 2018 because several diplomatic households violated their contracts with their domestic employees. By the end of the reporting period, the government was only renewing existing registrations and did not issue any new registrations.

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. Men and women from the Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Moldova, Mongolia, Nepal, Nigeria, the 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, 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 United Kingdom; 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. 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.