



**GRETA**

GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN  
BEINGS

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**Report concerning the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by the Czech Republic**

**SECOND EVALUATION ROUND**

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## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by the Czech Republic took place in 2018-2020. Following the receipt of the Czech Republic's reply to GRETA's first questionnaire on 30 November 2018, a country evaluation visit was organised from 4 to 8 March 2019. The draft report on the Czech Republic was examined at GRETA's 35<sup>th</sup> meeting (8-12 July 2019) and the final report was adopted at GRETA's 36<sup>th</sup> meeting (18-22 November 2019). Following the receipt of the Czech authorities' comments, GRETA's final report was published on 11 February 2020.<sup>1</sup>

2. In its first evaluation report, GRETA noted that the Czech authorities had taken important steps to combat trafficking in human beings (THB), through adopting relevant legislation and periodic national strategies, setting up co-ordinating and specialised structures, and developing co-operation with civil society organisations. Nevertheless, GRETA urged the Czech authorities to ensure that the identification of victims and the provision of assistance to them are not linked to the initiation of criminal proceedings. It also called for greater efforts in the proactive identification of victims of trafficking for the purpose of labour exploitation, as well as of victims among asylum seekers and foreigners in administrative detention. Furthermore, GRETA urged the authorities to guarantee that the recovery and reflection period is applied to all presumed victims of trafficking, irrespective of their participation in the national support programme. It also called for measures to facilitate and guarantee access to compensation for victims of trafficking.

3. On the basis of GRETA's report, on 12 June 2020 the Committee of the Parties to the Convention adopted a recommendation to the Czech authorities, requesting them to report back on measures taken by 12 June 2022.<sup>2</sup> The report submitted by the Czech authorities was considered at the 31st meeting of the Committee of the Parties (25 November 2022). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 17 January 2023, GRETA launched the second round of evaluation of the Convention in respect of the Czech Republic by sending the questionnaire for this round to the Czech authorities. The Czech Republic submitted its reply to the questionnaire on the deadline for submission, 17 May 2023.

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Czech authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to the Czech Republic took place from 30 October to 3 November 2023 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Antoaneta Vassileva, First Vice-president of GRETA;
- Mr Luka Maderić, member of GRETA;
- Ms Parvine Ghadami, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation held consultations with officials from the Ministry of Justice, the Ministry of the Interior, the Police Presidium, the Ministry of Labour and Social Affairs (including the State Labour Inspection Office), the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Education, Youth and Sport, the Ministry of Industry and Trade, the Ministry of Transport, and the Human Rights and Protection of Minorities Department of the Office of the Government which acts as the Secretariat of the Government Council for Roma Minority Affairs and the Government Council for Human Rights. Furthermore, it held meetings with judges and prosecutors of the Supreme Court, the

<sup>1</sup> <https://rm.coe.int/report-concerning-the-implementation-of-the-council-of-europe-conventi/16809c3a2a>.

<sup>2</sup> <https://rm.coe.int/cp-rec-2020-01-cze-en/16809eb5da>.

<sup>3</sup> <https://rm.coe.int/report-submitted-by-the-authorities-of-the-czech-republic-on-measures-/1680a9c965>.

Supreme Prosecutor's Office, the Supreme Administrative Court, as well as several high and regional courts and prosecutor's offices.

7. The delegation held separate meetings with representatives of the Public Defender of Rights (Ombudsperson) and the Czech Bar Association. It also met members of non-governmental organisations (NGOs), lawyers and researchers. Further, meetings were held with the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR).

8. In addition to holding meetings in Prague, the GRETA delegation travelled to the Pilsen region where it met regional officials, law enforcement officers, labour inspectors and members of local NGOs.

9. The visit provided an opportunity to visit a shelter for victims of trafficking and persons vulnerable to trafficking, run by an NGO in Prague, and to speak with some of the victims. The GRETA delegation also visited the centre for unaccompanied or separated foreign children in Prague, as well as the detention centre for foreigners in Balková.

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the excellent co-operation provided in the preparation of the visit and the evaluation report by Ms Helena Klima Lišuchová, Head of the International Co-operation and European Union Department at the Ministry of Justice, as well as Ms Barbora Holušová, from the same department and contact person appointed by the Czech authorities to liaise with GRETA.

12. The draft version of the present report was approved by GRETA at its 50th meeting (18-22 March 2024) and was submitted to the Czech authorities for comments. The authorities' comments were received on 7 June 2024 and were taken into account by GRETA when considering and adopting the final report at its 51st meeting (1-5 July 2024). The final report covers the situation up to 5 July 2024; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 57-65).

## II. Main developments in the implementation of the Convention by the Czech Republic

### 1. Emerging trends in trafficking in human beings

13. The Czech Republic is mainly a country of destination and transit for victims of trafficking, and to some extent a country of origin. Official statistics on identified victims of trafficking, collected by the Ministry of the Interior, are limited to adult victims who were admitted to the state-funded Programme for Support and Protection of Victims of Trafficking in Human Beings: 15 victims in 2019 (4 women and 11 men), 13 in 2020 (7 women and 6 men), 11 in 2021 (5 women and 6 men), 33 in 2022 (8 women and 25 men) and 18 in 2023 (10 men and 8 women).<sup>4</sup> The majority of the victims were foreign nationals exploited in the Czech Republic, originating from the Philippines, Bulgaria, Mongolia, Ukraine, Slovakia and Poland. There were also Czech nationals amongst the victims, mainly exploited abroad (8 in 2019, 4 in 2020, 5 in 2021, 9 in 2022 and 9 in 2023). There is no data on presumed victims of THB and victims who did not enter the Programme.

14. Trafficking for the purpose of labour exploitation remains the predominant form of exploitation among the victims (11 in 2020, 8 in 2021, 32 in 2022 and 11 in 2023), affecting mostly men. Risk sectors include construction, agriculture, forestry, manufacturing, food processing and domestic work. There have been few identified victims of sexual exploitation (1 in 2020, 1 in 2022 and 8 in 2023), mainly women who were recruited abroad under false job offers and forced into prostitution in the Czech Republic.<sup>5</sup> There were also victims trafficked for both labour and sexual purposes (1 in 2020 and 3 in 2021).

15. Contrary to the first evaluation round, no data is available on child victims of trafficking. The 2022 Status report on trafficking in human beings in the Czech Republic, issued by the Ministry of the Interior, refers to data collected by the Ministry of Labour and Social Affairs on cases of children exploited in prostitution (8 children in 2019, 5 in 2020, 8 in 2021, 21 in 2022 and 10 in 2023) and children exploited for the production of pornographic material (114 in 2019, 73 in 2020, 100 in 2021, 127 in 2022 and 96 in 2023)<sup>6</sup>. These children are treated as children at risk or possible victims of crime, but it is not possible to know how many of them were identified as victims of trafficking in human beings.

16. Following Russia's full-scale aggression of Ukraine on 24 February 2022, the Czech Republic has received an important number of refugees fleeing the war.<sup>7</sup> The 2023 statistics provided by the Programme for Support and Protection of Victims of Trafficking in Human Beings refer to three Ukrainian victims (two women and one man). One of the women had fled the war in Ukraine and was trafficked to the Czech Republic for the purpose of forced begging; the case is under investigation. The authorities and non-governmental actors remain vigilant about risks of THB among Ukrainian refugees, including for the purpose of labour exploitation (see paragraph 68).

17. GRETA highlights that the above-mentioned official figures of victims admitted to the Programme for Support and Protection of Victims of THB do not reflect the full scale of human trafficking in the Czech Republic, notably due to shortcomings in the data collection, lack of proactive detection and restrictive criteria for the identification of victims, as well as the classification of trafficking cases as other criminal offences (see paragraphs 46, 121-132, 133, and 232).

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<sup>4</sup> By way of comparison, during the previous reporting period, the police had identified, as part of criminal proceedings, 38 victims of human trafficking in 2016 (29 women, 8 girls and 1 boy), 14 in 2017 (10 girls and 4 men) and 11 in 2018 (11 girls). The number of presumed victims, identified by NGOs or the police, who entered the Program was 14 in 2016, 24 in 2017 and 37 in 2018. See GRETA's first report on the Czech Republic, paragraphs 10-11.

<sup>5</sup> Data disaggregated by forms of exploitation is not available for 2019 and before.

<sup>6</sup> 2022 Status report on trafficking in human beings in the Czech Republic.

<sup>7</sup> As of 10 December 2023, there were 578 523 refugees from Ukraine registered for temporary protection in the Czech Republic (source: UNHCR).

## 2. Developments in the legal framework

18. The legislative framework related to combating trafficking in human beings has remained unchanged.<sup>8</sup> Section 168 of the Criminal Code (Act No. 40/2009 Coll.) criminalises trafficking in human beings. The Act on Victims of Crime (Act. No. 45/2013 Coll.) regulates the main assistance measures available to trafficked persons, and the Act on the Residence of Foreigners (Act. No. 326/1999 Coll.) governs access to the recovery and reflection period and residence permits for victims of trafficking.

19. The 2010 Methodological Guidelines of the Minister of the Interior governing the functioning of the Programme for Support and Protection of Victims of Trafficking in Human Beings were updated on 21 December 2022. The changes added the Refugee Facilities Administration to the list of agencies that can refer potential victims to the Programme. Further, victims of trafficking can now remain in the Programme after the end of the criminal proceedings against their traffickers when civil proceedings have been initiated (see also paragraph 186).

20. Amendments to the Criminal Code (CC) and the Code of Criminal Procedure (CCP) through Act. 333/2020 Coll., which entered into force on 1 October 2020, are relevant for the prosecution and adjudication of THB cases. Reference can be made to the extension of the possibility of plea-bargaining agreements for the most serious crimes, including trafficking in human beings. The amendments have also clarified that the cost of free legal aid is borne by the State not only when legal aid providers are designated by courts, but also when chosen by the victims of crime.

21. Further, legislative amendments to the Employment Act and other labour laws were adopted with a view to fighting exploitation, irregular work and disguised intermediation in the employment sphere. Reference can be made to Act No. 274/2021 Coll., which entered into force on 2 August 2021, and Act No. 281/2023 Coll. and Act No. 408/2023 Coll., which entered into force on 1 October 2023 and 1 January 2024, respectively (see paragraph 75). At the time of GRETA's visit, new amendments to the Employment Act were being discussed by Parliament with a view to strengthening the liability and sanctions of natural persons in case of irregular work or "disguised employment intermediation" (see paragraph 76).

## 3. Developments in the institutional framework

22. The institutional framework for combating THB remains mostly as described in the first GRETA report. Since 2008, the Interdepartmental Co-ordination Group for Combating Trafficking in Human Beings (hereafter "The Interdepartmental Co-ordination Group"), chaired by the Minister of the Interior, coordinates the activities of stakeholders, monitors the implementation of the national anti-trafficking strategies and serves as a platform for exchanging information and formulating recommendations.<sup>9</sup> It is composed of competent ministries and agencies,<sup>10</sup> as well as specialised NGOs<sup>11</sup> and the International Organisation for Migration (IOM). GRETA welcomes the inclusion of the State Labour Inspection Office in the Interdepartmental Co-ordination Group since 2022, given the important role played by labour inspectors in the prevention of trafficking for the purpose of labour exploitation and the detection of potential victims. The Interdepartmental Co-ordination Group meets twice a year.

<sup>8</sup> See paragraphs 15-19 of the GRETA's first report on the Czech Republic.

<sup>9</sup> See GRETA's first report on the Czech Republic, paragraphs 25-27.

<sup>10</sup> The Interdepartmental Co-ordination Group on Combating Trafficking in Human Beings is composed of representatives of the following ministries and agencies: Ministry of Interior (Crime Prevention Department), Ministry of Labour and Social Affairs, Ministry of Health, Ministry of Justice, Ministry of Regional Development, Ministry of Foreign Affairs, Ministry of Education, Youth and Sports, Police Department for Combating Organised Crime (NCOZ), Supreme State Prosecutor's Office, Government Council for Human Rights, Government Council for Equal Opportunities of Women and Men, Government Council of National Minorities, and, since 2022, the State Labour Inspection Office.

<sup>11</sup> La Strada Czech Republic, Organisation for Aid to Refugees, Caritas of Archdiocese of Prague, Diakonie ČCE and Rozkoš bez rizika.

23. The Crime Prevention Department of the Ministry of the Interior continues to fulfil the role of Secretary of the Interdepartmental Co-ordination Group, as well as National Rapporteur on trafficking in human beings. It prepares annual status reports which are submitted to the Interdepartmental Co-ordination Group (see paragraph 49). The Crime Prevention Department also participates in the meetings of the different networks of National Rapporteurs or equivalent mechanisms at the EU, Council of Europe and OSCE levels.

24. GRETA notes that the Ministry of the Interior continues to combine the role of National Co-ordinator (fulfilled by the Minister of the Interior) and National Rapporteur (fulfilled by the Crime Prevention Department). The Czech authorities have indicated that there is no plan to designate an independent national rapporteur. In their comments on the draft report, the authorities noted that the current mechanism allows for the effective gathering of information and has the capacity to react without delay. GRETA stresses once again that Article 29 of the Convention makes a clear distinction between National Co-ordinator and National Rapporteur.<sup>12</sup> In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions enables an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations. **Therefore, GRETA considers that the Czech authorities should designate as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.**

25. Local or regional authorities are not involved in the Interdepartmental Co-ordination Group, and there is no formal co-ordination of anti-trafficking activities at the level of regions. However, roundtables are organised twice a year by the Ministry of the Interior in selected regions to sensitise relevant stakeholders, discuss trends and exchange on specific cases (see paragraph 40).

26. There are other co-ordinating bodies where issues related to trafficking and exploitation can be discussed, such as the Inter-ministerial body for Combating Illegal Employment of Foreigners which was established in 2021 to co-ordinate the activities of relevant institutions regarding illegal employment, to propose relevant legislative changes and measures to address this issue, and to recommend control and preventive activities, with a particular focus on the informal economy.<sup>13</sup> It is managed by the Ministry of Labour and Social Affairs. In addition, there is a Co-ordinating Body for the Management of State Border Protection and Migration, managed by the Ministry of the Interior, which gathers relevant institutions in order to exchange on the current situation in the Czech Republic in terms of migration, make proposals in this regard and supervise the implementation of the migration policy. Further, the Committee for the Rights of Foreigners of the Government Council for Human Rights serves to facilitate dialogue between academics, NGOs working with foreigners, and relevant ministries.

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<sup>12</sup> "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

<sup>13</sup> Resolution of the Government of the Czech Republic of 8 February 2021 No. 106. This new Inter-ministerial Body has replaced the former Inter-ministerial group for combating illegal employment of foreigners which was mentioned in the first GRETA report on the Czech Republic (paragraph 70).



#### 4. National Action Strategy

27. Since 2003, the Czech authorities have adopted pluri-annual national strategies related to trafficking in human beings. The current (sixth) National Strategy on Combating Trafficking in Human Beings covers the period 2020-2023. As several measures of the strategy were not implemented due to delays caused by the COVID-19 pandemic and the war in Ukraine, as well as in order to take into account GRETA's recommendations from the present evaluation report and the revision of the EU Anti-Trafficking Directive, the authorities have extended the duration of the sixth National Strategy until 30 September 2025.<sup>14</sup>

28. The sixth National Strategy has four specific goals: 1) combating child trafficking; 2) strengthening the identification of victims; 3) prevention of trafficking and assistance to victims; and 4) co-operation at the national and international levels. Activities include, *inter alia*, a study on trafficking in children; the design of educational materials for the early identification of, and assistance to child victims; the development of a unified list of indicators for the detection of victims; training of police officers; the design of information materials on workers' rights; legislative amendments and revision of the National Referral Mechanism.

29. National strategies are prepared by the Crime Prevention Department of the Ministry of Interior, following consultations of stakeholders within the Interdepartmental Co-ordination Group. They are based on an evaluation of the previous strategy, which is also carried out by the Crime Prevention Department, in consultation with the Interdepartmental Co-ordination Group. It is not envisaged to conduct an external independent evaluation of the sixth National Strategy. The monitoring of the implementation of the National Strategy is conducted by the Interdepartmental Co-ordination Group, which has an agenda item on the issue at each of its meetings.

30. There is no specific budget dedicated to the implementation of the National Strategy, each activity being funded by the responsible ministries. The Ministry of the Interior funds primarily the implementation of the Programme for the Support and Protection of Victims of Trafficking, providing for it CZK 1.6 million (about 65 000 Euros) per year.

**31. While welcoming the adoption of the sixth National Strategy and the willingness of the Czech authorities to ensure continuity in the implementation of anti-trafficking measures, GRETA considers that the Czech authorities should introduce an independent evaluation of the implementation of national strategies on combating trafficking in human beings and other anti-trafficking projects, as a tool for assessing the impact of the activities and planning future policies and measures to combat trafficking in human beings.**

#### 5. Training of relevant professionals

32. All police officers in the Czech Republic receive training on human trafficking as part of their mandatory initial training. Further, police officers of the National Centre for Combating Organised Crime (NCOZ), who are responsible for the investigation of cases of trafficking involving organised criminal groups or with a transnational element, are provided with specialised training on the issue by the Czech Police Academy. They also participate in training activities and expert meetings organised at the European and international levels, notably by EUROPOL, CEPOL, the International Law Enforcement Academies (ILEAs) or the Central European Police Academy (MEPA).

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<sup>14</sup> Based on the Resolution of the Government of the Czech Republic No. 239 of 10 April 2024.

33. Police officers of the Aliens Police are required to undergo a course where more emphasis is placed on human trafficking than in the initial training. A new certified course started in 2022 on "Basic rights, protection of personal data and dealing with particularly vulnerable persons during border control" for Aliens Police officers at the international airport of Prague (the only external border of the EU in the Czech Republic). Provided by specialised police officers of the NCOZ, the training tackles the detection and identification of potential victims of trafficking, with a specific focus on children. At the time of the GRETA visit (October 2023), half of the staff concerned had already followed this course.

34. The Judicial Academy organises every year training seminars on trafficking in human beings which are proposed to judges, prosecutors, court staff and other professionals. Trainers include specialised police officers of the NCOZ, prosecutors of the Supreme Prosecutor's Office dealing with trafficking cases, as well as representatives from La Strada Czech Republic. The seminars cover trends in human trafficking, recent national and international case-law, and the non-punishment principle. According to data provided by the authorities, most of the participants are judicial assistants and other court staff, rather than prosecutors or judges. In co-operation with the European Judicial Training Network, the Judicial Academy also offers seminars on human trafficking (four in 2023). Further, in 2021, the authorities launched the Czech language version of the Council of Europe HELP course on trafficking in human beings, which is available online for self-learning.<sup>15</sup> 38 professionals followed the HELP course in 2023. The Czech Bar Association does not provide any separate training for lawyers who may provide free legal aid to trafficked persons.

35. Training on human trafficking has continued to be offered to labour inspectors. For instance, in 2022, two seminars were organised by the Ministry of the Interior in co-operation with La Strada Czech Republic and the NCOZ. They focused on the identification of victims during labour inspections and the referral of victims to assistance. A total of 85 employees of the State Labour Inspection Office (SIUP) and regional inspectorates participated in the training. In previous years, training courses were not held, mainly due to the COVID-19 pandemic. Several representatives of the SIUP have also participated in training on the issue of labour exploitation organised by the European Labour Agency (ELA).

36. For staff who work in reception centres for asylum seekers and refugees, as well as detention centres for foreigners, and who are mostly social workers, a training course on human trafficking is organised every two years, in co-operation with La Strada Czech Republic. The course focuses on the identification of victims of trafficking in these facilities and their referral to assistance. While the Czech authorities were not able to provide the number of social workers who have participated in this training, they indicated that in every centre or facility there is at least one social worker trained on detecting victims of trafficking.

37. Officers dealing with applications for international protection do not receive specific training on human trafficking, but the topic is highlighted during training courses on other issues. The authorities have justified this by the low number of victims of trafficking identified among asylum seekers. Further, these officers are provided with materials on detecting victims of trafficking, such as the handbook of the project "Identification of Trafficked International Protection Beneficiaries' Special Needs" (TRIPS) co-funded by the European Commission's Asylum, Migration and Integration Fund (AMIF).

38. Staff of the Facility for Foreign Children (Ministry of Education), where unaccompanied foreign children are accommodated, receive periodic training on the prevention of human trafficking by La Strada Czech Republic. Further, since the beginning of the war in Ukraine, efforts have been made to develop the training on human trafficking for social workers of local offices for the social and legal protection of children (OSPODs). For 2023-2024, in co-operation with La Strada Czech Republic and UNICEF, a newly accredited training focusing on child trafficking is offered at the regional level (see also paragraph 154).

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<https://help.elearning.ext.coe.int/enrol/index.php?id=4911>

39. The Visa Department of the Ministry of Foreign Affairs has continued to organise periodic training on human trafficking and the rights of victims for consular and embassy officials prior to being posted abroad. It is organised in co-operation with IOM and the Crime Prevention Department of the Ministry of the Interior. The training focuses on relevant legislation, trends, how to recognize trafficking, as well as the assistance available for victims within the National Programme. According to data provided by the authorities, in 2019-2023, nearly 290 officials of the Ministry of Foreign Affairs benefited from this training.

40. Roundtables and seminars have been organised for relevant actors at the local and regional levels by the Ministry of the Interior in co-operation with the Ministry of Labour and Social Affairs. They are intended for social workers, employees of the regional offices involved in crime prevention and the regional integration centres as well as police officers, in order to sensitise them to the issue of human trafficking and its most common forms, as well as to identify victims and refer them to the assistance of the Programme. Representatives of the NCOZ, La Strada Czech Republic and IOM participate in these seminars.

41. No training on THB was proposed to health-care and education professionals during the reporting period.

42. GRETA welcomes the efforts made by the authorities, in co-operation with NGOs and international organisations, to expand the categories of professionals who are provided with training on human trafficking. However, several interlocutors stressed that the frequent turnover of staff undermines the effectiveness of the training provided.

**43. GRETA considers that the Czech authorities should continue their efforts in providing regular training on THB to relevant professionals, including police officers, prosecutors, judges, asylum officials, labour inspectors, social workers, and child protection specialists, with a view to strengthening the prevention of THB, facilitating the identification of victims, improving their protection and access to compensation, and increasing the effectiveness of investigations and prosecutions in trafficking cases. GRETA also considers that the Czech authorities should provide training on THB to health-care and education professionals.**

**44. Further, GRETA considers that the Czech authorities should encourage the Czech Bar Association to develop and propose training on THB to lawyers assisting victims of trafficking.**

## **6. Data collection and research**

45. In its first evaluation report, GRETA urged the Czech authorities to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings. It also considered that the authorities should conduct and support further research on trafficking in human beings.<sup>16</sup>

46. The problems of data collection on human trafficking discussed in GRETA's first report<sup>17</sup> persist. Data collected by the Ministry of the Interior in co-operation with La Strada is limited to the number of adult victims of trafficking assisted by the Programme for Support and Protection of Victims of Trafficking. It is disaggregated by sex, nationality and, since 2020, forms of exploitation ("sexual exploitation", "labour exploitation" and "other forms of exploitation"). The Ministry of the Interior also collects data on the number of victims of trafficking who were granted a residence permit, as well as on victims who were repatriated to or from the Czech Republic. However, there is no data on presumed victims of trafficking who did not enter the Programme, nor on child victims of THB or on victims of trafficking who were granted a recovery and reflection period.

<sup>16</sup> See the first GRETA report on the Czech Republic, paragraphs 95 and 101.

<sup>17</sup> See the first GRETA report on the Czech Republic, paragraphs 93-94.

47. In addition, data regarding criminal proceedings is collected by the Ministry of the Interior and the Ministry of Justice. It includes data on the number of investigations, prosecutions and convictions in cases of trafficking in children and trafficking in adults, as well as on the offenders and the length of the prison sentences, but does not provide information on the victims in these cases.

48. Every year, the Ministry of Labour and Social Affairs publishes statistics on the social and legal protection of children which provides the number of children who are exploited in prostitution and children who are abused to produce pornographic materials, as well as the number of unaccompanied foreign children placed under guardianship. However, there are no statistics on children who are victims of trafficking.

49. The status reports on trafficking in human beings in the Czech Republic, prepared every year by the Crime Prevention Department of the Ministry of the Interior, provide an overview of the above-mentioned data and statistics.<sup>18</sup>

50. GRETA recalls that collecting data on various aspects of human trafficking is important because it represents a tool to inform, adjust and assess anti-trafficking policies, as well as to carry out risk assessment.<sup>19</sup> The National Strategy 2020-2023 recognises the need to improve data collection on trafficking. The Czech authorities have informed GRETA that work is ongoing to align police and justice data on criminal cases, including trafficking cases, which should enable the collection of statistics disaggregated by forms of exploitation, age, sex, country of origin and country of exploitation of the victims. However, these efforts will be limited to data as part of criminal proceedings and it will take several years to complete the overhaul of the criminal data collection system. GRETA stresses that efforts should be made to develop data collection on victims of trafficking as part of the implementation of the National Referral Mechanism.

**51. GRETA once again urges the Czech authorities to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings, by compiling reliable data on the number of presumed, identified and assisted victims, as well as on measures taken to protect and promote the rights of victims. Data regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or exploitation. This should be accompanied by all the necessary measures to respect the right to protection of personal data, including when NGOs working with victims of trafficking are asked to provide information to the national database (see also the recommendation in paragraph 164).**

52. In relation to research, a project entitled "A comprehensive approach to the prevention and combating of child trafficking" was commissioned by the Czech authorities and is currently undertaken by the research centre ACCENDO (advisory body of the Ministry of the Interior), in co-operation with the Charles University of Prague. One of the aims of the project is to map the phenomenon of child trafficking in the Czech Republic, by analysing quantitative and qualitative data and interviewing professionals. Based on these findings, the project intends to create a methodology (National Referral Mechanism) for the identification of, and assistance to, child victims of human trafficking, a training programme and at least one preventive activity aimed at raising awareness of child trafficking among the general public. The project should be completed by April 2025.

<sup>18</sup> <https://www.mvcr.cz/clanek/archiv-dokumenty-cr.aspx>

<sup>19</sup> See the 9th General Report on GRETA's activities, paragraph 97.

53. Further, as part of a project funded by the European Social Fund (project EURES+3Z Up!) and implemented by the Ministry of Labour and Social Affairs from 2023 to 2027, an "Analysis of existing knowledge and outputs in the areas of labour exploitation and illegal or irregular employment of foreigners and other related topics in the Pilsen Region" was conducted, in co-operation with the NGO Diakonie Zápád. The final report was published in December 2023.<sup>20</sup>

54. La Strada Czech Republic participated in joint research with other members of the NGO network La Strada International within the framework of the project "Cross Continent Collaboration to Protect Asian Trafficking Victims in Europe", funded by a philanthropic organisation. As part of the project, a report was published in December 2022 on "Protecting Asian Trafficking Victims in Europe", with a view to examining the legal framework and the practical aspects and difficulties of the protection of Asian victims in the Czech Republic, Poland and Romania.<sup>21</sup> The findings of the report are further reported in paragraphs 123, 189, 202, 207, 218, and 233).

55. The NGO Rozkoš Bez Rizika conducted research on violence against sex workers which was published in August 2023, based on a survey of 219 persons, including 207 women and 12 men.

56. **While welcoming the efforts to develop research on trafficking in human beings, GRETA considers that the Czech authorities should continue to support and promote research on trafficking in human beings, including with regard to trafficking for the purposes of labour exploitation, forced begging and forced criminality, trafficking in children, as well as the misuse of information and communication technology (ICT) for committing trafficking.**

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness of THB (Article 5)

57. Awareness-raising activities on THB have continued to be carried out every year by different stakeholders. They are primarily financed by the Ministry of the Interior, which provides CZK 400 000 (about 15 700 Euros) for prevention activities under the Programme for Support and Protection of Victims of Trafficking in Human Beings, as well as the Ministry of Labour and Social Affairs and foreign donors.

58. In 2020, on the occasion of the 25th anniversary of La Strada, the NGO launched an online campaign, providing information to the general public on trends in human trafficking and the available support for victims. This information is available on the website of La Strada Czech Republic in nine languages.<sup>22</sup> Further, in 2021, La Strada participated in an EMPACT campaign which focused on sexual exploitation. As part of the campaign, materials were distributed on social media and sent to other NGOs for possible use in field work.

59. La Strada has continued to organise each year lectures in schools, universities as well as in the Facility for Foreign Children, in order to raise awareness amongst children and young persons on trafficking in human beings and risks of labour exploitation. Such lectures are usually organised in regions where there are cases or risks of trafficking and exploitation. Participants discuss suspicious situations or job offers that they might encounter when looking for jobs in the Czech Republic or abroad. Around 15 lectures are organised per year, targeting around 300 persons. Other awareness raising activities on the risks of trafficking in children are described in paragraphs 82-83.

<sup>20</sup> Report available (in Czech) at: [a52ef394-a673-8f4c-7612-de12cc311e04 \(mpsv.cz\)](https://www.mpsv.cz/a52ef394-a673-8f4c-7612-de12cc311e04)  
<sup>21</sup> <https://www.lastradainternational.org/projects-campaigns/protecting-asian-trafficking-victims-in-europe/>  
<sup>22</sup> <https://www.strada.cz/>

60. Further, La Strada Czech Republic took part in the project "Hidden at Work - Labour and sexual exploitation and harassment of women in the (private) work sphere", implemented in 2021-2023 together with the Austrian NGO LEFÖ IBF and La Strada International, under the co-ordination of FairWork. Funded by the European Commission, the project aimed at reaching out to women in hidden environments, in order to provide them with information and refer them to support services. It also included training for professionals likely to encounter women who are exploited, as well as monitoring the legislation and advocating for its improvement.<sup>23</sup> More awareness raising activities on the risks of trafficking for the purpose of labour exploitation are described in paragraphs 65-67.

61. After the start of Russia's full-scale aggression against Ukraine, considerable efforts were made to raise awareness of the risks of trafficking in human beings of refugees from Ukraine. Preventive materials and information on trafficking were disseminated at Regional Assistance Centres for Refugees (KAPCUs). The Police issued leaflets, audio spots and video spots to prevent crimes against people fleeing the war in Ukraine. Moreover, the Ministry of the Interior set up a specific website, in Ukrainian, on services available for people fleeing the war with relevant contacts, information on their rights, as well as a free telephone helpline (+420 974 801 802, operating from Monday to Friday, from 8.00 to 18.00). A telephone line was also launched by IOM, providing information to refugees in Ukrainian, Czech and Russian (800 050 749).

62. While welcoming the efforts made by the Czech authorities to raise awareness of vulnerable persons and the general public on the risks of trafficking in human beings, GRETA notes that there is no evaluation and impact assessment of the preventive activities conducted.

**63. GRETA invites the Czech authorities to continue their efforts in raising awareness among the general public and vulnerable groups on trafficking in human beings, and to carry out impact assessment of the awareness-raising measures implemented.**

#### **b. Measures to prevent THB for the purpose of labour exploitation (Article 5)**

64. Trafficking for the purpose of labour exploitation remains predominant among the victims of trafficking identified in the Czech Republic. High-risk sectors include construction, agriculture, hotels, catering, cleaning and domestic work, where there is demand for foreign labour in low-skilled jobs. According to data from the Czech Statistical Office, by the end of 2023, labour offices registered 823 945 foreign workers in the Czech Republic (1/5 of the total employed population), mainly from EU countries and Ukraine. Further, due to bilateral economic agreements, there is a significant number of workers from the Philippines, Mongolia and other Asian countries. In addition, Czech nationals living in poverty or exclusion continue to be trafficked from the Czech Republic for exploitation abroad (see paragraph 13).

65. As part of their efforts to prevent labour trafficking, the Czech authorities have conducted or supported numerous awareness-raising activities, notably for young people entering the labour market (see paragraph 59), as well as for foreign workers prior to arriving in the Czech Republic. When issuing a visa to seasonal workers from non-EU countries, the Czech Labour Office provides written information on their rights and obligations, including information on the procedure for filing a complaint for violations of labour law. Further, in the framework of the co-operation between La Strada and the Embassy of the Czech Republic in Manila (Philippines), every applicant for a long-term visa for seasonal work is given a leaflet from the NGO, so that they know what trafficking is and whom they can contact for assistance in the Czech Republic.

<sup>23</sup>

<https://www.fairwork.nu/en/2021/03/12/hidden-at-work-2/>

66. The Ministry of Labour and Social Affairs provides information in a range of languages on its website concerning possibilities of employment for foreigners in the Czech Republic, their rights and obligations, possible risks and solutions to adverse life situations.<sup>24</sup> In the framework of the National Strategy 2020-2023, a leaflet ("card") on fundamental rights and obligations of employers and employees in the Czech Republic was prepared and is regularly distributed to target groups, notably in Centres for the Integration of Foreigners. Czech nationals looking for work abroad, as well as foreigners looking for work in the Czech Republic can also obtain information on relevant labour standards through the EU platform EURES.<sup>25</sup>

67. In 2020, La Strada Czech Republic worked together with IOM Slovakia in order to update the SAFE mobile application, which is intended for workers abroad or persons planning to work abroad, warning them about the risk of trafficking and providing advice on how to react in case of dangerous situation.<sup>26</sup>

68. At the time of GRETA's visit, there were particular concerns about risks of labour exploitation of Ukrainians under temporary protection, notably in the Pilsen region where the presence of industrial zones, warehouses and individual production facilities generates a great demand for labour. Specific awareness raising measures were taken to limit the risks of labour exploitation of Ukrainian refugees, including through the distribution of information materials on labour standards in Ukrainian.

69. In their comments on the draft report, the Czech authorities indicated that further preventive efforts are planned, including co-operation with representatives of foreigners' communities as well as the preparation of a dedicated website with all the necessary information on the employment of foreigners, their rights and obligations, as well as prevention videos.

70. Of relevance to preventing trafficking for the purpose of labour exploitation are the activities of the State Labour Inspection Office (SIUP) and its regional branches, whose mandate was described in the first report.<sup>27</sup> According to the authorities, most labour inspections are unannounced and 80% are carried out *ex officio* (i.e. without a complaint from workers, but on the basis of the plan of inspection activities or following a monitoring activity). The State Labour Inspection Office provides information on labour regulations in the Czech Republic on its website (in Czech, English, French, Bulgarian, Polish, Romanian and Ukrainian). Consultations in person, over the phone or by email are possible, for employees and employers at the different branches of the SIUP, but only in Czech or English. In 2022, almost 11 000 persons benefited from the counselling services of the Inspectorate.

71. There remain concerns that the capacities and human resources of the Labour Inspectorate are not sufficient to effectively discourage violations of workers' rights and situations of labour exploitation. According to official data, there were 530 labour inspectors in the Czech Republic as of 31 October 2023, including 153 inspectors for occupational safety and technical equipment, 150 inspectors for labour relations and conditions, and 182 inspectors for illegal employment. The number of staff, which has not increased since the previous reporting period, continues to be considered as inadequate to conduct enough inspections in sectors at risk. GRETA recalls the importance of allocating sufficient human resources to ensure the effectiveness of labour inspectorates, and refers to the relevant standards established by ILO.<sup>28</sup>

72. As underlined in the first GRETA report, labour inspectors cannot enter private households without the consent of the owner. Efforts have been made to address the situation of domestic workers employed by accredited diplomatic personnel. The Ministry of Foreign Affairs and the State Labour Inspection Office interview these domestic employees upon registration and review the compliance of their documents with Czech legislation. The authorities have also limited the number of domestic workers that can be employed by a diplomatic household. However, there is little information about the scale of exploitation and

<sup>24</sup> <https://www.cizinci.cz/web/en> (available in Czech, English, Ukrainian, Vietnamese, Romanian and Mongol).

<sup>25</sup> [https://eures.europa.eu/index\\_en](https://eures.europa.eu/index_en)

<sup>26</sup> <https://www.iom.sk/en/news-events/1412-iom-manual-on-using-the-mobile-application-safe-travel-work-abroad-aug-2021.html>

<sup>27</sup> See GRETA's first report on the Czech Republic, paragraphs 128 and 152.

<sup>28</sup> See ILO, Guidelines on general principles of labour inspection (2022), pp.20-21. See also ILO, Committee on Employment and Social Policy, Strategies and practice for labour inspection (2006) GB.297/ESP/3, para. 13.

trafficking in the domestic and care sector, as no recent research has been conducted on the issue. Since the war in Ukraine, there have been increased concerns about risks of exploitation in this sector which employs an important proportion of Ukrainian nationals.

73. As noted in paragraph 21, in the framework of the National Strategy 2020-2023, legislative amendments have been adopted with a view to reducing the risks of exploitation and trafficking in the employment sphere. Act No. 176/2019 Coll., amending the Act on the residence of foreigners, the Employment Act and other laws, which entered into force on 31 July 2019, introduced a new procedure allowing foreign workers with an employee card to change employers.<sup>29</sup> Under the new procedure, changing employers is only subject to a notification to the Ministry of the Interior. Nevertheless, there have been no changes regarding the impossibility to change employers during the first six months of the employee card, which makes workers in exploitative situations dependent on their employers.

74. Other amendments introduced by Act No. 176/2019 Coll. concern the recruitment by employment agencies. In order to receive an employee card as a foreign worker recruited by an employment agency, it is mandatory to specify the type and location of the work conducted, as well as the name and address of the company employing the worker. The Act also introduced the possibility of issuing extraordinary working visas in the event of a shortage of workforce in a particular sector, as well as residence permits to seek employment or start a business for foreigners who are already in the Czech Republic.

75. Further, amendments to the Employment Act which entered into force on 2 August 2021 introduced a new administrative offence for using "disguised employment intermediation services" (i.e. fake employment agencies) punishable by a fine of CZK 50 000 to 10 000 000 (about 2 000 to 400 000 Euros). Moreover, amendments to the Labour Code, which entered into force on 1 October 2023 and 1 January 2024, have increased the employers' obligations in the framework of contracts which are not subject to labour laws (e.g., "agreements on performance of work" and "agreements on working activity") to avoid their use to circumvent employment contracts. Employers concluding these types of contracts are obliged to schedule and keep records of the working hours of the workers, and the latter are entitled to leave and to remuneration in case of temporary incapacity to work.<sup>30</sup> Further, the amendments to the Employment Act which came into force on 1 January 2024 introduced additional conditions for the issuance of employment agency permits (obligation to be debt-free and to make a deposit of CZK 1 million). Stricter measures have also been introduced to prevent entities that have violated certain provisions of the labour legislation from obtaining employment agency permits. Provisions on liability for payment of wages to employees in the subcontracting chain were also extended and a new sanctioning instrument was introduced to prohibit the activities of entities that violate certain provisions of the legislation.

76. As mentioned in paragraph 23, new amendments to the Employment Act have been proposed with a view to establishing additional conditions for issuing authorisation to provide employment intermediation services (e.g., to open a temporary employment agency). The proposal is to exclude persons or entities who have committed serious violations of the legislation on employment (illegal work or disguised employment intermediation).

77. While GRETA welcomes the improvements to the legislation, there remain important concerns regarding the involvement of "disguised employment agencies" in labour exploitation and even human trafficking. According to several interlocutors, companies use gaps in the legislation to commit abuses. There are reportedly numerous cases of foreign workers employed by companies not registered as an employment agency who are subcontracted to user companies where they are employed irregularly or under exploitative conditions. There can be an important subcontracting chain between the user company and the employment agency, creating challenges for labour inspectors who have limited capacities. When an inspection is conducted in the user company, it may take a long time to inspect the employment agency

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<sup>29</sup> An employee card is a type of long-term residence permit that enables third-country citizens to work legally in the Czech Republic for a period longer than three months.

<sup>30</sup> Act No. 281/2023 Coll., on the amendment of the Labor Code (Act No. 262/2006 Coll., as amended) and certain other laws and Act No. 408/2023 Coll., on amending the Employment Act.



and evidence of abuses can be destroyed. In their comments on the draft report, the Czech authorities have indicated that they have intensified inspection activities in relation to employment agencies and “disguised employment agencies”.

78. There are also different factors that prevent workers from reporting their exploitative situation, including fear of being deported (see paragraphs 123 and 133). Further, most offences of labour exploitation are prosecuted as tax offences due to the failure of the employers to pay payroll and income tax (see paragraph 232) and not as THB.

79. **GRETA urges the Czech authorities to intensify their efforts to prevent human trafficking for the purpose of labour exploitation, taking into account GRETA’s Guidance Note on combating trafficking for labour exploitation<sup>31</sup> and the Council of Europe Committee of Ministers Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation.<sup>32</sup> This should include steps to:**

- **strengthen the supervision of temporary work and recruitment agencies, including disguised agencies;**
- **keep under review the legislative framework for any loopholes that may undermine the prevention of labour trafficking (e.g., involvement of “disguised employment agencies”; abuse in the subcontracting chain; requalification of labour trafficking under other offences) and address any gaps identified.**

80. **In addition, GRETA considers that the Czech authorities should:**

- **strengthen the monitoring of the domestic and care work sector, including through inspections in private households, in compliance with the right to privacy;**
- **further raise awareness, in a targeted manner, among migrant workers, about the risks of trafficking for the purpose of labour exploitation;**
- **increase the number and strengthen the capacity of labour inspectors so that they expand proactive and unannounced inspections in high-risks sectors, without prior complaints from workers;**
- **strengthen the training of labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on trafficking for the purpose of labour exploitation and the rights of victims.**

#### **c. Measures to prevent trafficking in children (Article 5)**

81. Addressing trafficking in children is one of the priorities of the National Anti-Trafficking Strategy, with the aim of setting up a comprehensive programme on child trafficking. As mentioned in paragraph 52, a study on child victims of trafficking is being conducted. According to the first findings of the study, children vulnerable to trafficking include unaccompanied foreign children, children in institutional care, children from socially excluded backgrounds or ethnic minorities, children with disabilities, and children aged 12-15 who are active on social media.

<sup>31</sup> <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>  
<sup>32</sup> [https://search.coe.int/cm/pages/result\\_details.aspx?objectid=0900001680a83df4](https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a83df4)

82. As mentioned in paragraph 59, lectures to raise awareness of children and young persons on trafficking in human beings and exploitation have continued to be organised every year by La Strada. Further, police officers regularly participate in lectures on cyberbullying in primary and secondary schools. One of the aims of the project on child trafficking mentioned in paragraph 52 is to create a preventive activity (e.g. national campaign) aimed at raising awareness of child trafficking.

83. Awareness raising has also been organised for relevant professionals in socially excluded areas with a view to informing them of human trafficking, but also to increase their role in the prevention of the phenomenon (see paragraph 40). In November 2022, the Interactive platform for the support of mental health and the prevention of risky behaviour (IPREV) was launched. It is mainly intended for staff in primary schools and provides training courses on how to prevent and deal with bullying in school and other risky behaviour. While the platform does not address risks of human trafficking, it gives advice on how to prevent abuse of children in general.<sup>33</sup>

84. A significant number of identified children are exploited in prostitution and pornography (see paragraph 156). Cases often concern children in institutional care, who are approached with an offer of easy money, or cases of children from poor families who are "sold" by their parents for the purpose of providing sexual services.<sup>34</sup> GRETA refers to the 2021 concluding observations of the Committee of the Rights of the Child on the Czech Republic, which raise concerns about the discontinuation of the national plan for combating the commercial sexual exploitation of children, and the growing number of cases of girls and boys exploited in prostitution and in the production and distribution of child sexual abuse material. There appear to be limited efforts to address risks of trafficking for the purpose of sexual exploitation of children, as well as to prevent child trafficking online or facilitated by Information and Communication Technology (ICT).

85. The number of unaccompanied foreign children in the Czech Republic has increased over the past years.<sup>35</sup> Most unaccompanied foreign children are accommodated in the Facility for Foreign Children, which is placed under the jurisdiction of the Ministry of Education (see also paragraph 158). It has a capacity of 30 children and receives an average of 100 children per year. At the time of the GRETA visit, the Facility was operating below capacity. When the Facility for Foreign Children cannot accommodate a child, he or she is usually placed in facilities for children requiring immediate assistance or in educational institutions. However, the latter are not suitable for unaccompanied foreign children as they are intended for children who display harmful behaviour. The length of stay in the Facility for Foreign Children varies from five days to 10 years. In recent years, the main countries of origin of the children placed at the Facility have been Afghanistan, Syria and Ukraine. As mentioned in paragraph 59, La Strada Czech Republic visits the Facility to raise awareness of children and young persons on the risks of trafficking in human beings. Further, staff of the NGO OPU regularly come to the Facility to provide free-of-charge social and legal counselling to unaccompanied foreign children.

86. There are cases of disappearance of children from the Facility for Foreign Children and facilities for children requiring immediate assistance, including possible child victims of trafficking (see paragraph 159). Each disappearance is reported to the police. Several interlocutors met by GRETA underlined that the child protection system lacks the capacity to provide all unaccompanied foreign children with effective support, thus increasing their vulnerability.

87. If an unaccompanied foreign child is detected in the Czech Republic, a guardian should be appointed by a court as soon as possible, usually from among staff of the local offices for social and legal protection of children (OSPODs).<sup>36</sup>

<sup>33</sup> <https://www.iprev.cz/> (in Czech).

<sup>34</sup> See the call for proposals for the project on preventing and combatting child trafficking, as well as the status reports.

<sup>35</sup> According to the Status Report on THB, 25 unaccompanied foreign children were admitted in the Facility for Foreign Children in 2017, compared to 81 in 2022 (including 28 children from Ukraine).

<sup>36</sup> Only staff of OSPODs "with extended powers" have the capacity of being designated as guardians.

88. There are concerns over the lack of efforts to proactively identify unaccompanied foreign children transiting through the Czech Republic, which exposes these children to risks of abuse, including human trafficking. Reference is made to the case of a group of Syrian nationals, including several unaccompanied children, who were intercepted by the Czech police at the border with Germany in 2022, but the children were not referred to the child protection authorities.

89. The authorities have taken measures to address the vulnerabilities of children fleeing the war in Ukraine, in particular unaccompanied children. According to the authorities, about 32 000 separated children (i.e. children accompanied by other person than their parents) arrived in the Czech Republic between February and September 2022, and 200-300 unaccompanied children, mostly aged 16 or 17. Refugees from Ukraine are registered in Regional Assistance Centres for Assistance to Ukraine (KACPU), where staff of the legal and social protection of children are present. However, GRETA was informed that as of January 2024, there is no longer an obligation to register separated children above 15. According to the authorities, the OSPODs are visiting separated children to make sure about their presence and safety.

90. Under the leadership of the Ministry of Labour and Social Affairs, periodic meetings were organised with other relevant ministries, regional and local authorities, international organisations and NGOs, to exchange on the prevention of trafficking and other abuses. Information on the social and legal protection of children and safety tips was also disseminated online and through leaflets, in Ukrainian, English and Russian.<sup>37</sup> Unaccompanied children are under the child protection system and training on preventing and responding to child trafficking has been provided to staff of OSPODs, in co-operation with La Strada Czech Republic and UNICEF.

91. According to the Ministry of Education, Youth and Sports, 51 281 children from Ukraine are enrolled in Czech schools (out of some 93,000 Ukrainian refugee children in the Czech Republic). However, a large share of children aged 15-17 are not enrolled in Czech schools and follow online classes provided by the Ukrainian educational system.

92. **GRETA urges the Czech authorities to take additional measures to prevent child trafficking, and in particular to:**

- **reduce the risks of trafficking for the purpose of sexual exploitation of children, including for the production of sexual abuse material, as well as child trafficking facilitated by ICT, notably by developing awareness-raising campaigns and other measures and addressing the root causes of such phenomenon;**
- **ensure that all unaccompanied and separated children are registered and that all unaccompanied children are placed under the child protection system and provided with effective care;**
- **take steps to prevent the disappearances of unaccompanied foreign children placed in institutional care, by providing suitable safe accommodation and adequately trained professionals.**

**d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)**

93. As underlined in the first GRETA report, members of the Roma community are vulnerable to trafficking, even though there is no data on victim of human trafficking disaggregated by ethnicity.<sup>38</sup> GRETA was informed that there have been cases of trafficking, in particular for the purpose of sexual exploitation and forced marriage, involving Roma. Further, Roma are vulnerable to labour exploitation.

<sup>37</sup> <https://www.mpsv.cz/web/cz/ukrajina>

[Co potřebuješ vědět o pobytu a pomoci v ČR \(mpsv.cz\)](#)

<sup>38</sup> See GRETA's first report on the Czech Republic, paragraph 131.

94. In May 2021, a Strategy for Roma Equality, Inclusion and Participation ("Strategy for Roma Integration") 2021-2030 was adopted by the Czech authorities. The Strategy was prepared by the Secretary of the Government Council for Roma Minority Affairs, a permanent advisory and initiative body to the government on all issues related to Roma integration. It has limited staff and budget (about 1 500 Euros per year) which considerably undermines its work. According to the authorities, THB has not been discussed by the Government Council for Roma Minority Affairs. There are no measures in the Strategy specifically related to human trafficking, but by improving the situation of Roma people in relation to education, employment or housing, the Strategy should ultimately decrease their vulnerability to human trafficking or exploitation.

95. Some 530 000 Ukrainians were granted temporary protection status in the Czech Republic by the end of June 2023, and almost 350 000 were still benefiting from it at that time.<sup>39</sup> The Czech authorities adopted on 22 March 2022 a set of laws for the provision of assistance to persons fleeing the war in Ukraine,<sup>40</sup> known as "Lex Ukraine". It initially granted them temporary protection for one year, including the right to legally reside in the Czech Republic and benefit from accommodation, access to health care, education and employment, as well as to obtain a humanitarian allowance.<sup>41</sup> The duration of the temporary protection has regularly been extended, most recently until March 2025, but the scope of assistance measures has been reduced. For instance, they are no longer provided with free accommodation.

96. Regional Centres for Help and Assistance to Ukraine (KACPU) have been set up in all regions to register persons fleeing the war in Ukraine, to receive their applications for temporary protection, as well as to provide temporary accommodation and assistance. Moreover, UNHCR and UNICEF set up several Blue Dot Support Hubs in key areas of the Czech Republic to provide persons fleeing the war with information and services. Further, the NGO Mriya was created shortly after the beginning of the war, with support from the Czech government and international organisations, to provide health services, social and legal counselling, child assistance, as well as language courses and seminars for young refugees from Ukraine.

97. GRETA refers to the report of the Special Representative of the Secretary General of the Council of Europe on migration and refugees on her visit to the Czech Republic in May 2022, published on 5 July 2022, which noted that suspected cases of human trafficking of refugees fleeing the war in Ukraine appeared to be effectively addressed by the authorities. However, the report underlined a lack of systematic vulnerability assessments to identify special needs and a low level of awareness among front-line professionals on trafficking indicators. Access to registration, assistance and accommodation was also reported as difficult for people of Roma origin fleeing the war. Considering that people of the Roma minority are already vulnerable to trafficking in human beings, GRETA is concerned that the lack of protection offered to them by the Czech authorities has further increased these risks.

98. A Multi-Sectoral Needs Assessment conducted in relation to the needs of refugees from Ukraine in the Czech Republic was published in January 2024 by UNHCR. According to the results of the survey, 28% of respondents reported challenges in accessing information on temporary protection status, rights and entitlements. Among working age respondents, 66% were employed, 17% unemployed, and 27% were not able/willing to work. Refugees from Ukraine are mostly employed in the manufacturing and hospitality industry. If they work with a contract, the humanitarian support they are entitled to is reduced by the amount of their salary. 16% work without formal contracts, reflecting the precariousness of certain job arrangements and the exposure to exploitation. As the assistance provided to people fleeing the war in Ukraine is gradually decreasing, there are concerns that the risks of trafficking and labour exploitation will increase.<sup>42</sup>

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<sup>39</sup> Source: [UNHCR](#).

<sup>40</sup> Eligible persons are Ukrainian citizens and their family members who were residing in Ukraine before 24 February 2022, as well as third-country nationals who were legally residing in Ukraine before that date.

<sup>41</sup> The humanitarian allowance is about 200 Euros per adult per month, and 140 Euros for a child. The amount is increased for persons with disabilities.

<sup>42</sup> <https://data.unhcr.org/fr/documents/download/105509>

99. The number of refugees originating from countries other than Ukraine is low, and the recognition rate of non-Ukrainian refugees was the lowest in the EU (about 90% denials of international protection claims in 2022).<sup>43</sup> According to UNHCR, prior to Russia's full-scale aggression of Ukraine, reception conditions of refugees were of a good standard and the state integration programme was well developed.<sup>44</sup> However, some interlocutors have expressed concern that recent measures prioritise the needs and vulnerabilities of refugees fleeing the war in Ukraine, at the expense of other refugees who face increased risks of exploitation.

100. GRETA welcomes the steps taken by the Czech authorities to prevent trafficking in human beings in the face of the unprecedented displacement of people following Russia's full-scale aggression of Ukraine. **GRETA considers that the Czech authorities should take further steps to implement social, economic and other measures for groups vulnerable to trafficking due to their disadvantaged socio-economic situation, in particular Roma people, asylum seekers and refugees. Sufficient funding should be provided to ensure the effectiveness and follow-up of the measures implemented.**

#### **e. Measures to prevent trafficking for the purpose of organ removal (Article 5)**

101. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention, and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>45</sup> are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>46</sup> Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation in each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of human trafficking.

102. In the Czech Republic, the removal of tissues, cells or organs is included among the purposes of exploitation in Section 168 of the Criminal Code, which criminalises trafficking in human beings.

103. The Czech Republic is party to the Council of Europe Convention against Trafficking in Human Organs. Removal and transplantation of organs is regulated by Act No. 285/2002 Coll. on the donation, collection and transplantation of tissues and organs ("Transplantation Act") which sets the rules for ensuring traceability at every stage of the process. The Transplantation Co-ordination Centre (KST) maintains the National Register of donation, collection and transplantation of organs. It selects the most suitable recipients exclusively from the National Register of Persons Waiting for Organ Transplantation, based on a pre-defined algorithm, and ensures international co-operation in carrying out exchanges of organs intended for transplantation. Transplantation can take place in registered local transplantation centres which have to report to the KST. Staff of the KST have standard operating procedures to follow. However, they are not provided with specific training or instructions on how to detect, prevent and report trafficking for the purpose of organ removal.

<sup>43</sup> [Czech Republic least likely EU country to grant asylum, humanitarian protection | Radio Prague International.](#)

<sup>44</sup> UNHCR Czech Republic Factsheet, February 2021.

<sup>45</sup> Opened for signature in Santiago de Compostela on 25 March 2015.

<sup>46</sup> See Council of Europe/United Nations, *Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs*, 2009, in particular pages 55-56; OSCE, *Trafficking in human beings for the purpose of organ removal in the OSCE region*, OSCE Occasional Paper No. 6, 2013.

104. According to the Czech authorities, the existing legislative and police framework for organ removal and transplantation makes it possible to prevent cases of trafficking for the purpose of organ removal. To date, no such cases have been identified in the country. However, there have been two cases of people convicted for unauthorised removal of tissue or organ or unauthorised transplant (one in 2022 and one in 2023).

105. Following the outbreak of the war in Ukraine, the Czech authorities have received a growing number of requests to obtain a permit for the transport and storage of cryopreserved embryos and reproductive cells from Ukrainian clinics to the Czech Republic, which were dealt very cautiously. Further, there were suspicions of Ukrainians coming to the Czech Republic under temporary protection to organise the removal of kidneys of other Ukrainians, but these suspicions were not confirmed.

**106. GRETA considers that the Czech authorities should provide training to health professionals dealing with transplantation of organs and other medical professionals to ensure that they are informed about the risks of trafficking for the purpose of organ removal and are able to detect possible victims and refer the suspected cases to investigation.**

#### **f. Measures to discourage demand (Article 6)**

107. The educational and awareness-raising campaigns, as well as research activities mentioned in paragraphs 57-61, are also aimed at reducing demand that fosters exploitation of persons.

108. No specific measures have been taken to reduce demand for trafficking for the purpose of sexual exploitation, including of children (see also paragraph 84). Prostitution is neither prohibited nor regulated in the Czech Republic. The NGO Rozkoš Bez Rizika has continued to monitor the situation of prostitution in the Czech Republic, as has the German NGO KARO which carries out outreach work at the border between Germany and the Czech Republic. In the Pilsen region, the NGO Centrum Jana carries out prevention activities, including outreach and monitoring of prostitution in the region.

109. Certain measures to discourage demand for services of persons trafficked for the purpose of labour exploitation are referred to in paragraphs 73-77. There are concerns that the current legislation on the employment of foreigners in the Czech Republic increases demand for exploited labour. IOM has stepped up its engagement with employers and in February 2023, it organised a conference on the ethical employment of foreigners, gathering representatives of the Ministry of Labour and Social Affairs, the Ministry of the Interior and the Office of the Ombudsperson, as well as the Association of Small and Medium-sized Enterprises and NGOs.<sup>47</sup>

110. There appear to be limited efforts to address the risks of trafficking in human beings in business supply chains. The Ministry of Industry and Trade is responsible for the implementation of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. The Czech National Contact Point holds seminars/webinars on promoting and applying Responsible Business Conduct standards throughout the supply chain (textile, finance, agriculture, public procurement etc), where stakeholders learn how to identify and respond to risks of adverse impacts associated with a particular sector/industry. A National Action Plan on Business and Human Rights was implemented in 2017-2022, but there has been no continuation of the plan nor is a new one being drafted. There is no national legislation on due diligence in supply chains.

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<sup>47</sup> <https://czechia.iom.int/news/ethical-employment-foreigners-czechia-jointly-discussed-representatives-state-administration-and-private-and-non-profit-sectors>

111. **GRETA considers that the Czech authorities should strengthen legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:**

- **highlighting the risks of trafficking linked to prostitution, and organising targeted information campaigns;**
- **raising awareness of the responsibility and the important role of the media and advertising in tackling demand that leads to human trafficking;**
- **working closely with trade unions, civil society and the private sector to raise awareness of human trafficking, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights<sup>48</sup> and Recommendation CM/Rec(2016)3 on human rights and business.<sup>49</sup>**

#### **g. Border measures (Article 7)**

112. The Czech Republic is part of the Schengen area and its only external border is at the International Airport of Prague. Foreigners can make an application for asylum at border check points at the airport, where Aliens Police officers are trained to process asylum applications. There is a reception centre for asylum seekers in the airport transit zone. In practice, foreigners applying for asylum at the airport are mostly nationals of Iraq, Syria and Iran. As mentioned in paragraph 33, training on human trafficking has been provided to officers of the Aliens Police working at the airport, including on the identification of victims. During the visit in October 2023, GRETA was informed that, by the end of 2023, nearly half of the Aliens Police officers would have received this training. However, several interlocutors reported difficulties in access to lawyers and interpreters at the airport.

113. In response to an increase in irregular migrants transiting through the Czech Republic in 2022, the Czech authorities reinstated border control along the border with the Slovak Republic<sup>50</sup>. Further, in September 2023, the Czech Republic, Germany and Poland agreed to instate joint patrols at their borders. Since then, joint patrols between the Czech and the German police are regularly carried out. The agreement also includes the set-up of a joint operational group, co-ordinated by EUROPOL's EMPACT programme and involving the NCOZ, which provides for rapid exchange of information on irregular migration.<sup>51</sup> The Czech authorities have praised the positive results of this increased co-operation with neighbouring countries on the fight against irregular migration, but it has not led to the detection of any victims of trafficking.

114. Some interlocutors expressed concern that Aliens Police officers lack specific training and guidance on performing vulnerability assessments at borders (see also paragraphs 128-129). Reference was made to cases of irregular migrants being stopped at Prague Airport or at the border with the Slovak Republic and immediately sent back without an assessment of their vulnerability.

<sup>48</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>49</sup> [Recommendation CM/Rec\(2016\)3](https://www.ohchr.org/Documents/Publications/Recommendation_CM/Rec(2016)3) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

<sup>50</sup> <https://www.infomigrants.net/en/post/54290/czech-republic-extends-temporary-border-checks-with-slovakia-as-eu-tries-to-clamp-down-on-smugglers>

<https://www.infomigrants.net/en/post/43616/czechia-reintroduces-border-checks-with-slovakia>.

Temporary checks at the border with the Slovak Republic were lifted in February 2024 by the Czech authorities.

<sup>51</sup> <https://english.radio.cz/czechia-join-forces-germany-patrol-border-and-fight-human-trafficking-8795772>

<https://www.politico.eu/article/germany-faeser-task-force-border-poland-czech-republic-illegal-immigration-election-hesse/>

115. **GRETA considers that the Czech authorities should make additional efforts to detect and prevent trafficking in human beings through border control measures, in particular by:**

- **ensuring that individualised risk assessment is conducted prior to any forced removals and that it assesses the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this context, full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked persons<sup>52</sup> and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection;<sup>53</sup>**
- **providing further training, procedures and guidance to relevant professionals with a view to improving their capacity to detect indicators of trafficking among persons at borders, and to conduct risk assessment.**

## **2. Measures to protect and promote the rights of victims, guaranteeing gender equality**

### **a. Identification of victims of THB (Article 10)**

116. In its first evaluation report, GRETA urged the Czech authorities to take steps to improve the identification of victims of trafficking in human beings, and in particular to put in place a formalised victim identification procedure which defines the roles and responsibilities of all relevant stakeholders, promotes a multi-agency approach and includes indicators and guidance for identifying victims, as well as to disconnect the victim identification from the initiation of criminal proceedings. GRETA also urged the authorities to strengthen the identification of victims amongst asylum seekers and persons placed in administrative detention, as well as victims of trafficking for the purpose of labour exploitation and criminal activities, and to reconsider the application of the Dublin procedure to presumed victims of trafficking.<sup>54</sup>

117. There has been no change to the procedure for identifying victims of trafficking. According to the 2010 Methodological Guidelines of the Minister of the Interior on the "Programme for Support and Protection of Victims of Trafficking", issued on behalf of the First Deputy Minister of the Interior on 7 June 2010, victims of trafficking can be identified by the police, NGOs, IOM and, following amendments to the guidelines in 2022 (see paragraph 19), by the Refugee Facilities Administration. These actors can propose to the Ministry of the Interior (Crime and Prevention Department) to include the identified victims in the Programme. When making such proposal, the police must provide justification on why it would be "interesting to include the victim in the Programme from the point of view of law enforcement authorities".<sup>55</sup> Other actors, such as labour inspectors and social workers, can also detect victims of trafficking, but they cannot refer them directly to the Programme without first informing the police or specialised NGOs about the case.

118. The Methodological Guidelines are considered by the Czech authorities as constituting the National Referral Mechanism (NRM) for victims of trafficking. However, GRETA reiterates its views expressed in the first report that, unlike what is expected from an NRM, the Guidelines do not provide an actual procedure for the identification of victims of trafficking, by setting out the roles and responsibilities of different actors, but rather deals with the functioning of the Programme on Support and Protection of Victims of THB. According to the Methodological Guidelines, victims of trafficking are either Czech or foreign nationals "who justifiably declare that they have become a victim of trafficking" in the Czech Republic and/or abroad, and the conditions to be included in the Programme is the termination of contacts between the victim and

<sup>52</sup> [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07.](#)

<sup>53</sup> Available at <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>.

<sup>54</sup> See GRETA's first report on the Czech Republic, paragraph 163.

<sup>55</sup> Articles 1 to 3 of the Methodological Guidelines (non-official translation).



the suspect and the victim's willingness to participate in the Programme. As mentioned in the first report, the identification of victims is dependent on their eligibility to the Assistance Programme and the initiation of a criminal proceedings.<sup>56</sup> There is no procedure for reconsidering decisions denying admittance to the Programme. In their comments on the draft GRETA report, the authorities stated that no person was denied admittance to the Programme during the reporting period.

119. In order to facilitate the identification of victims of trafficking by relevant professionals, a "Handbook on assisting victims of trafficking" was issued in 2018 by the Ministry of the Interior and distributed to all police officers.<sup>57</sup> It covers the definition of trafficking in human beings, indicators for identifying victims and cases identified in the Czech Republic. Further, in the framework of the National Strategy 2020-2023, a list of indicators of trafficking in human beings was adopted by the Interdepartmental Co-ordination Group in 2022 ("victim identification card"). According to the Czech authorities, it was distributed to all professionals likely to be in touch with victims of trafficking. In addition, as mentioned in the first report, the document entitled "Common position on the interpretation of terms related to labour exploitation", issued by the Ministry of the Interior in 2018, provides a list of indicators of human trafficking for the purpose of labour exploitation. Training on the identification of victims of trafficking has been provided to professionals likely to be in contact with possible victims, such as criminal police officers, Aliens Police officers, social workers of the Refugee Facilities Administration, consular officers, and labour inspectors (see paragraphs 32-40).

120. Social workers of La Strada Czech Republic carry out outreach work at places frequented by potentially trafficked or exploited persons (e.g. cheap lodgings, construction sites, storage facilities, marketplaces, etc.). They distribute information materials, available in a range of languages, to help victims of trafficking self-identify and seek assistance. About 13 000 leaflets are distributed each year. Further, La Strada operates an SOS and information helpline (222 717 171, 800 077 777), which is advertised through its leaflets and on its webpage. Operators provide information in Czech, English, Russian and Romanian on Monday-Friday from 10.00 to 16.00, as well as in Tagalog<sup>58</sup> on Wednesdays from 12.00 to 16.00. In addition, possible victims can contact La Strada 24/7 by e-mail or via Facebook. Field work is also regularly conducted by other NGOs such as Caritas of the Archdiocese of Prague under the Magdala project, Rozkoš Bez Rizika and Diakonie ČCE. For instance, in 2020, Diakonie carried out 43 field trips throughout the country (Prague, Central Bohemian Region, Ústí Region, Vysočina Region, South Moravian Region, Olomouc Region and the Zlín region).

121. GRETA notes that the number of identified victims of trafficking for the purpose of sexual exploitation is low (see paragraph 14). Interlocutors met by GRETA indicated that it has become more difficult for the police and front-line NGOs to reach out to persons involved in prostitution as the provision of sexual services has moved to private places and rented accommodation. This difficulty was exacerbated during the COVID-19 pandemic. Furthermore, as mentioned in paragraph 15, children who are exploited in prostitution or pornography are not identified as victims of trafficking for the purpose of sexual exploitation.

122. In addition, there remain concerns regarding the gaps in the identification of victims of trafficking for the purpose of labour exploitation among foreign workers. In the Czech Republic, labour inspectors do not have investigative powers and do not have a mandate to identify victims of trafficking. Labour inspectors rarely involve interpreters in inspections. There is no data on the number of possible victims of trafficking for the purpose of labour exploitation detected in the course of labour inspections, but in practice these cases are rare, despite the training provided to labour inspectors. According to information provided by the authorities, in 2019-2023 (as of 31 October 2023), more than 31 500 inspections were carried out to detect illegal work and disguised employment. In 2022, 302 inspections focused on disguised employment mediation. and violations of legal regulations were identified in 242 of these inspections. A total of 128 penalties were imposed, for a total amount of CZK 67 957 000 (about 2.6 million Euros). In

<sup>56</sup> See GRETA's first report on the Czech Republic, paragraph 162.

<sup>57</sup> <https://www.mvcr.cz/soubor/osl-pomoc-obetem.aspx> (in Czech).

<sup>58</sup> Tagalog is the language spoken by the ethnic Tagalog people, who make up a quarter of the population of the Philippines.

their comments on the draft GRETA report, the Czech authorities stated that during inspections focused on irregular work or disguised employment mediation, the circumstances of work performance and statements from employees are assessed and in the event of signs of labour exploitation, labour inspectors refer the case to the police. In June 2022, the State Labour Inspection Office participated in EMPACT Action Days aimed at detecting possible labour exploitation, especially of refugees fleeing the war in Ukraine. However, GRETA is concerned that the human resources of labour inspectors are insufficient to ensure detection of victims of THB (see also paragraph 71).

123. Foreign workers cannot change employer during the first six months of their employment in the Czech Republic (see paragraph 73). In most cases, housing is provided to the worker by the employment agencies. This creates a situation of dependency of workers on their employers and may stop them from denouncing their exploitation for fear of losing their job and accommodation. As noted in the La Strada International Report on "Protecting Asian Trafficking Victims in Europe" (see paragraph 54), "there is no clear firewall between labour inspections and immigration control".<sup>59</sup> In case labour inspectors detect a foreigner working irregularly, they automatically refer the case to the law enforcement authorities. GRETA refers to the Explanatory Memorandum to Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, according to which Member States should ensure that there are specific mechanisms to process claims whenever the victim requests to remain anonymous in order to safeguard his/her employment, without facing negative repercussions and revictimisation.<sup>60</sup>

124. In addition, there remain concerns about the lack of identification of victims of trafficking among asylum seekers and irregular migrants. The Czech Republic is a transit country for an important number of migrants taking the Balkan route to reach other EU destinations. According to official data, there has been an increase in transit migration in 2022, and the number of irregular migrants detained in the country stood at 29 235 (+162% compared to 2021).

125. Pursuant to the Asylum Act, the Ministry of the Interior is obliged to determine whether an applicant for international protection is a vulnerable person, including a possible victim of trafficking. However, GRETA was informed that officers of the Department of Asylum and Migration of the Ministry of the Interior, who consider asylum applications, lack the capacity to carry out vulnerability assessments. Several interlocutors also deplored the lack of a gender-sensitive approach in the procedure for international application, with asylum seekers being interviewed by persons of a different gender.

126. GRETA refers to a report published by the Public Defender of Rights on 16 August 2021 concerning the situation of a Nigerian woman who had been denied international protection by the Department of Asylum and Migration. The woman applied for international protection while being detained, claiming that she was a victim of trafficking. The Public Defender found that the Department of Asylum and Migration did not sufficiently assess the vulnerability of the applicant and did not identify her as a victim of trafficking in accordance with Article 10 of the Council of Europe Anti-Trafficking Convention. It also noted that the Department failed to consider the opinion of La Strada Czech Republic regarding the fact that the applicant was a victim of trafficking, as well as relevant reports on the applicant's country of origin. In its final opinion with recommendations for remedial measures, of 17 April 2023, the Public Defender considered that the Department for Asylum and Migration should apply a procedure for the assessment of vulnerabilities during the procedure for international protection, and invited the Department to record the conduct of vulnerability assessments, create a methodological tool for the performance of the vulnerability assessment, and provide regular training and instructions for the conduct of interviews with asylum seekers. In their comments on the draft GRETA report, the authorities indicated that they disagree with the assessment of the Public Defender of Rights and that a proper vulnerability assessment, covering the risk that the applicant is a victim of trafficking, is always carried out in international protection proceedings and is a mandatory part of the identification process.

<sup>59</sup> [La Strada International Report](#) (p. 21)

<sup>60</sup> [https://search.coe.int/cm/pages/result\\_details.aspx?objectid=0900001680a83df4](https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a83df4)

127. Administrative courts, which act as second instance in asylum proceedings, have issued several judgements cancelling decisions of the Department of Asylum and Migration denying asylum claims on the grounds that it had not sufficiently addressed the applicant's claims that he or she was a victim of trafficking.<sup>61</sup> However, in general terms, GRETA was informed that dealing with such cases may be challenging for administrative judges. Most of them are not trained on human trafficking, nor on interviewing vulnerable persons and avoiding secondary victimisation during the court hearing.

128. With regard to irregular migrants, while there is no obligation to conduct a vulnerability assessment under the Act on the Residence of Foreigners, national case-law has established the obligation of the authorities to take into account the vulnerability of foreigners and the fact that they are or could be victims of trafficking during expulsion proceedings from the Czech territory or when denying their access to the territory. However, according to several interlocutors met by GRETA, there is insufficient vulnerability assessment of irregular migrants, priority being given to the fight against migrant smuggling and the deportation of irregular migrants. Interviews performed by the Aliens Police when intercepting irregular migrants are reportedly not carried out in a way which enables the identification of vulnerabilities (see also paragraph 114).

129. In a report published on 18 February 2020, the Public Defender examined the case of a Japanese woman, referred by an NGO, who was placed in a facility for the detention of foreigners pending her expulsion from the Czech territory. The woman showed indicators of trafficking, but was not identified as such by the Aliens Police. The Public Defender found that the police had not taken the necessary steps to verify whether the detained woman was a victim of human trafficking and that, in general terms, an effective mechanism for identifying victims of human trafficking and dealing with their claims of having been victims of human trafficking was lacking in removal and detention proceedings. The case was closed by the Public Defender in December 2020 when the Directorate of the Aliens Police agreed that the credibility of a victim of human trafficking cannot be called into question simply because the victim does not state these facts during the first contact with the administrative authorities, and that this issue should be included in the training of Aliens Police officers.

130. GRETA visited the centre for the detention of foreigners of Balková where irregular migrants are detained pending their removal from the Czech Republic. With a capacity to accommodate 150 persons, it was holding 52 persons at the time of the GRETA visit (only men, mostly from Vietnam, Georgia, Moldova, Tunisia, Türkiye and Syria). Social workers of the facility participate regularly in the training provided by La Strada Czech Republic (see paragraph 36). They have an internal rule book, based on the Methodological Guidelines of the Minister of the Interior and the National Strategy on Trafficking in Human Beings. There is no data on the number of victims of trafficking identified in the centre. GRETA was informed of the case of a Vietnamese national who was suspected to be a victim of labour exploitation, but the case was not confirmed by the police. In general terms, the short length of stay of foreigners in the facility makes it difficult to detect possible victims of trafficking among them. Further, despite the provision of training, the staff turnover undermines the practical implementation of the knowledge acquired.

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<sup>61</sup> See, e.g., the judgment of the SAC of 3 December 2020, No. 10 Azs 73/2020-32, the judgment of the Regional Court in Hradec Králové of 20 April 2021, No. 30 Az 11/2020-72 (in conjunction with the SAC's resolution of 20 September 2021, No. 4 Azs 132/2021-36), and the judgment of the Regional Court in Hradec Králové of 14 September 2021, No. 43 Az 5/2020-66 (in the latter case, however, the Regional Court subsequently dismissed the action brought by the applicant against the new decision of the Ministry of the Interior issued after the annulled judgment No. 43 Az 5/2020-66; see judgment of 13 September 2023, No. 43 Az 4/2023-46).

131. Another issue of concern relates to the lack of effective access to legal aid for asylum seekers and persons placed in detention facilities for foreigners, despite the critical role played by legal aid providers in the detection of victims of trafficking. Until 2022, free legal aid was mostly provided by NGOs, such as OPU, and funded by the Asylum, Migration and Integration Fund (AMIF). Following the expiration of AMIF fundings, the Ministry of the Interior published a call for proposals which was only opened to lawyers registered at the Czech Bar Association. However, many lawyers providing free legal aid to asylum seekers and detained foreigners do not have experience in asylum or immigration law. As of March 2024, changes have been made and NGOs are now able to provide free legal aid in reception centres and detention centres alongside registered lawyers.

132. There continue to be reports of presumed victims of trafficking being sent to the first country in which they applied for asylum (in most cases Italy) in application of the Dublin Regulation. GRETA reiterates its concerns that applying the Dublin Regulation to presumed victims of THB, runs contrary to the obligation to assist and protect such victims. Referring to its Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection,<sup>62</sup> GRETA recalls the state's obligation to identify victims of trafficking amongst asylum seekers who are subject to the Dublin Regulation procedure, in order to avoid any risk of reprisals from traffickers or re-trafficking and to ensure that the State's obligations to provide a recovery and reflection period and assistance to victims, in accordance with Articles 12 and 13 of the Convention, are fulfilled. According to the authorities, Dublin transfers have occurred but only when it was not confirmed by the Aliens Police that the applicant was a victim of trafficking. However, as mentioned in paragraph 128, there are gaps in the consideration of allegations of human trafficking by the Aliens Police officers.

133. GRETA is concerned that the restrictive immigration measures adopted by the Czech authorities over the years have fostered a climate of criminalisation of migrants to the detriment of the protection of the most vulnerable, resulting in victims of trafficking not reporting to the authorities for fear of detention and deportation and thus impeding the effective detection and identification of victims.

134. **GRETA urges the Czech authorities to take additional measures to improve the detection and identification of victims of trafficking, and in particular by:**

- **putting in place a formalised victim identification procedure which defines the roles and responsibilities of all relevant stakeholders, promotes a multi-agency approach by involving specialised NGOs, labour inspectors, social workers, child protection specialists and health-care staff, and includes indicators and guidance for identifying victims of different forms of exploitation;**
- **disconnecting the identification of victims of human trafficking from the initiation of criminal proceedings for THB and ensuring that all victims of trafficking detected in the Czech Republic, including foreign nationals trafficked outside of the country, can be identified as victims of trafficking. Victims of trafficking should be identified as such, and their credibility not called into question, even if they do not state the facts of their trafficking upon their first contact with the authorities;**
- **reconsidering the application of the Dublin Procedure to presumed victims of THB;**
- **strengthening the proactive identification of victims of trafficking for different forms of exploitation, including sexual exploitation, labour exploitation and exploitation of criminal activities, as well as amongst asylum seekers and persons placed in administrative detention pending removal from the Czech territory;**

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<https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

- **establishing safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions;**
- **putting in place practical co-operation and data sharing agreements between labour inspectors and law enforcement in order to ensure that personal information of workers, whether collected in the course of labour inspections, joint inspections, reporting or complaints mechanisms, is not used for immigration enforcement purposes, but to tackle the perpetrators of trafficking offences;**
- **strengthening the training and guidance on the identification of victims of trafficking provided to relevant professionals (in particular staff working in asylum and immigration detention centres, staff examining asylum requests, as well as labour inspectors), in co-operation with civil society and lawyers.**

b. **Assistance measures (Article 12)**

135. In its first report, GRETA urged the Czech authorities not to link the assistance provided to victims of trafficking to the carrying out of criminal investigations. It also considered that the authorities should ensure adequate assistance to victims of trafficking, and in particular guarantee their access to public health care and facilitate their social inclusion, as well as ensure the continuity of funding for services delivered by specialised NGOs.<sup>63</sup>

136. Assistance to victims in the Czech Republic continues to be provided under the Programme for Support and Protection of Victims of Trafficking in Human Beings, which is funded by the Ministry of the Interior and implemented by La Strada Czech Republic, which delegates the provision of some of the assistance services to other specialised NGOs such as Diakonie and Caritas of the Archdiocese of Prague (Project Magdala).<sup>64</sup>

137. The functioning of the Programme is regulated by the previously mentioned Methodological Guidelines of the Minister of the Interior. Assistance under the Programme is provided only to adult victims and is limited to Czech nationals who make a reasoned declaration that they have been victims of trafficking in the Czech Republic or abroad, as well as foreign nationals who make a reasoned declaration that they have been victims of trafficking in the Czech Republic.<sup>65</sup> A foreign national who was trafficked and exploited abroad is not entitled to join the Programme, regardless of the fact that he/she may have escaped a situation of trafficking before arriving in the Czech Republic. Another condition to be included in the Programme is that the victim has ceased contact with the traffickers. The decision that the victim meets the requirements to be included by the Programme is taken by the Crime Prevention Department of the Ministry of the Interior or the First Deputy Minister of the Interior for the most complex cases.

138. Participation in the Programme ends if: 1) the victim chooses to return voluntarily to his/her country of origin; 2) the victim co-operates with the suspected offender; 3) the victim seriously violates the laws of the Czech Republic; 4) it is not confirmed that the person is a victim of trafficking in human beings; 5) there is a final decision in the criminal proceedings; 6) the victim has committed an intentional crime; or 7) the victim has knowingly provided law enforcement authorities with false information. As mentioned in paragraph 19, following amendments to the Methodological Guidelines in 2022, victims can remain in the Programme after the termination of the criminal proceedings if they are referred to civil proceedings for the purpose of their civil claim (e.g., on compensation).

<sup>63</sup> See GRETA's first report on the Czech Republic, paragraphs 185-186.

<sup>64</sup> See GRETA's first report on the Czech Republic, paragraph 166.

<sup>65</sup> See GRETA's first report on the Czech Republic, paragraph 167.

139. The assistance provided under the Programme is divided into two phases: 1) crisis intervention, which corresponds to the recovery and reflection period and is available for victims of trafficking irrespective of their co-operation with the law enforcement authorities; 2) long-term assistance, which is available beyond the 60 days of the recovery period for victims who agree to co-operate with the law enforcement authorities. The Programme covers a range of services, including social assistance, psychological and social counselling, psychotherapeutic services, translation and interpretation services, health care, vocational training, safe accommodation, legal assistance and representation, as well as assistance for the voluntary return to the country of origin. Legal information and support to victims of trafficking can also be provided by the centres of the Probation and Mediation Services (PMS).

140. The Ministry of the Interior provides a budget of CZK 1.6 million per year (about 64 000 Euros) for the activities implemented under the Programme, which include the provision of assistance to victims (CZK 1.2 million, about 48 000 Euros) and prevention activities (CZK 400 000, about 16 000 Euros). In order to deal with the consequences of the war in Ukraine, the Czech authorities have provided an additional funding of CZK 4 million (about 160 000 Euros) to the Programme (including CZK 1 million, about 39 700 Euros, for prevention activities, and CZK 3 million, about 119 300 Euros, for assistance services). Under the public procurement contract with La Strada Czech Republic, there are funding limits for each activity (e.g., CZK 134 (about 5.30 Euros) per night for accommodation). According to many interlocutors, the funding limits, which were determined some 10 years ago, are not adapted to the cost of living in the Czech Republic. At the time of the GRETA visit, a new public procurement contract was under preparation that would increase the funding limits. In their comments on the draft report, the authorities stated that a new tender for the public procurement of the Programme was being prepared and would take place in the coming months.

141. GRETA was informed that the provision of health care to victims of trafficking continues to be problematic.<sup>66</sup> La Strada Czech Republic receives funding under the Programme which covers only emergency and basic healthcare. This poses problems in cases where there is need for more complex, long-term and costly health-care services, which is often the case for victims of trafficking who have suffered severe trauma. La Strada has been advocating without success for the inclusion of all victims participating in the Programme into the public health insurance system. In the case of some victims, medical expenses can be incurred by the public healthcare system if the victim is insured.<sup>67</sup>

142. Other ministries, notably the Ministry of Labour and Social Affairs, provide funding in the form of grants for the assistance to vulnerable people, which includes victims of trafficking as well as other target groups (e.g., victims of domestic violence, homeless persons, asylum seekers, etc). In total, 11 NGOs that can assist victims of trafficking received such funding from the Ministry of Labour and Social Affairs, including La Strada Czech Republic, Diakonie ČCE or Caritas Czech Republic.

143. La Strada Czech Republic runs three shelters for victims of trafficking and persons at risk of trafficking (compared to two during the previous reporting period), which makes it possible to provide separate accommodation for women, men, and women with children. A shelter was opened for women with children at risk of becoming victims of trafficking thanks to additional funding in 2022. The addresses of the shelters are secret, as well as the addresses of the counselling centre and the office of La Strada.

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<sup>66</sup> See GRETA's first report on the Czech Republic, paragraph 173.

<sup>67</sup> Pursuant to §2 of the Act No. 48/1997 Coll. on the Public Health System, a victim is insured if he or she is: 1) a Czech national, 2) a foreigner with a permanent residence permit in the Czech Republic, or 3) a foreigner without a permanent resident permit who is regularly employed in the Czech Republic, or has received asylum or international protection, or residence permit for the purpose of temporary protection in the Czech Republic, like victims who agree to co-operate with law enforcement authorities).

144. The NGO Diakonie ČCE has been running a shelter for adult victims of trafficking in Prague since 2011.<sup>68</sup> GRETA visited the shelter, which can accommodate victims of trafficking referred under the Programme, possible victims of trafficking, persons vulnerable to trafficking, victims of labour exploitation, victims of other crimes and homeless persons. It can accommodate women, men and LGBTI persons, and has a capacity of 13 places in 4 bedrooms (including one for persons with disabilities). Accommodated persons are assisted in relation to labour law issues and finding a job, and can participate in language courses. Persons can stay in the shelter for a maximum of one year, which can be extended if a legal proceeding is ongoing, but the average length of stay is 3-4 months. At the time of GRETA's visit, no identified victims of trafficking were accommodated in the shelter, but there were three possible victims of labour exploitation (one woman and two men from Bulgaria). In total, the NGO employs three social workers, some with knowledge of languages spoken by victims, such as Bulgarian.

145. According to Diakonie, the limited funding received for the provision of social assistance does not make it possible to have separate shelters for men and women. Before entering the shelter, Diakonie staff evaluates whether it is appropriate to place the victim in a mixed-gender shelter, by taking into account his or her vulnerability. In practice, victims of trafficking for the purpose of labour exploitation are mostly accommodated in the Diakonie shelter, while women victims of trafficking for the purpose of sexual exploitation are accommodated in the La Strada's shelter for women.

146. Other shelters available for victims of trafficking are described in the first GRETA report, such as the shelter run under the project Magdala of Caritas of the Archdiocese of Prague, for women victims of violence and human trafficking, and the crisis shelter for victims of violence of the Caritas Centre "PRO".<sup>69</sup> The German NGO KARO, which operates at the border between Germany and the Czech Republic, also has a shelter with a capacity to accommodate 25 women (and their children) who are in a situation of prostitution and/or victims of trafficking. In Plzeň, Diakonie has one shelter that can accommodate victims of labour exploitation, with a capacity of 5 persons.

147. Victims who are not eligible for the Programme are supported by NGOs to seek assistance under the international protection scheme if they meet the requirements to obtain such status. However, there are no specialised assistance measures available for victims of trafficking in the centres for asylum seekers and refugees of the Refugee Facilities Administration. In their comments on the draft GRETA report, the authorities indicated that the facilities for asylum seekers have safeguards in place for potential victims of THB and they do not consider it necessary to set up a specific assistance programme for individuals who are not included in the Programme.

148. While welcoming the dedication and good work of the specialised NGOs under the Programme, GRETA is concerned that victims of trafficking who are detected in the Czech Republic but were trafficked abroad, or victims of trafficking who do not wish to co-operate with the authorities, are not provided with assistance. GRETA recalls that under Article 12, paragraph 1, assistance to victims of trafficking should be provided to all victims identified in the country, irrespective of their residence status, their willingness to co-operate with the authorities or the country of exploitation.

**149. GRETA urges the Czech authorities to ensure that all victims of trafficking under the jurisdiction of the Czech Republic, including asylum seekers and persons trafficked abroad but detected in the Czech Republic, benefit from assistance measures in accordance with Article 12, paragraph 1, of the Convention.**

<sup>68</sup> See GRETA's first report on the Czech Republic, paragraph 176.

<sup>69</sup> See GRETA's first report on the Czech Republic, paragraph 177-178.

150. **Further, GRETA considers that the Czech authorities should take additional measures to ensure adequate assistance to victims of trafficking, and in particular to:**

- **guarantee effective access to health care for victims of trafficking;**
- **provide adequate funding to specialised NGOs assisting victims of trafficking in order to ensure that the assistance covers all victims' needs.**

**c. Identification of, and assistance to, child victims of trafficking (Articles 10 and 12)**

151. In its first report, GRETA urged the Czech authorities to ensure that the identification of child victims of trafficking takes into account the special circumstances and needs of child victims and to strengthen the identification of victims among unaccompanied children. Further, it considered that the authorities should provide specialised assistance for child victims of trafficking and ensure that the training provided to staff of the local Offices for the Social and Legal Protection of Children covers the Council of Europe Anti-trafficking Convention.<sup>70</sup>

152. As explained in the first report, upon detection, children who are victims of trafficking are treated as vulnerable children and placed under the protection of local Offices for the Legal and Social Protection of Children ("OSPODs"), which exist at the level of municipalities and are funded by the Ministry of Labour and Social Affairs. In case the victim is an unaccompanied foreign child, he or she shall be assigned a guardian which is designated by a court. The legal basis for appointing a legal guardian is Section 89 of the Act on Asylum if the child has applied for international protection, or the Civil Code in the other cases.

153. The handbook "Trafficking in Children – Recommended Procedures for Dealing with Cases of Trafficking in Children for State Administration Bodies", which was issued in 2019 in the framework of the previous National Strategy,<sup>71</sup> describes the role of different professionals when working with children who are (potential) victims of human trafficking, with a view to ensuring that assistance and support are provided in accordance with the best interests of the child. It contains a section on the identification of child victims of trafficking, with a (short) list of indicators, highlighting the obligation to notify the police and the OSPODs, as well as the Aliens Police in case the victim is a foreigner.

154. Since the beginning of the war in Ukraine, training on trafficking in children has been provided to professionals involved in the social and legal protection of children. In June 2022, training was provided to staff of OSPODs in co-operation with La Strada Czech Republic, which focused on the identification of trafficked children. A specific set of indicators for the detection of trafficked children was produced by La Strada for regional authorities for further dissemination among the staff of OSPODs. Further, since 2023, in co-operation with La Strada and UNICEF, a newly accredited training course focusing on child trafficking is offered to staff of OSPODs. At the time of GRETA's visit, three training sessions had already taken place for 40 staff members of the OSPODs in Prague. Further training sessions are planned in 2024 in other regions, such as Central Bohemian and South Moravian. The Public Defender of Rights also organised several seminars for OSPODs and social workers on working with unaccompanied foreign children, which included a session on human trafficking, in co-operation with La Strada and UNHCR.

<sup>70</sup> See GRETA's first report on the Czech Republic, paragraphs 163 and 186.

<sup>71</sup> <https://www.mvcr.cz/soubor/doporucene-postupy-pri-reseni-pripadu-obchodovani-s-detmi.aspx> (in Czech).



155. In February 2023, a document entitled "Child abuse identification card" ("KID card") was developed by the Ministry of Health, the Ministry of Labour and Social Affairs, the Ministry of Education and the Ministry of Interior. It provides professionals in contact with children with tips on how to detect warning signs of an acute threat to a child's life, safety and health, and how to proceed in such cases. There is also a Methodology for early identification of, and support to, a child at risk which provides further guidance.<sup>72</sup>

156. As noted in paragraph 15, there is no data on the number of child victims of human trafficking identified during the reporting period. The Ministry of Labour and Social Affairs collects data on the number of children exploited in prostitution and children abused for the production of pornographic material.<sup>73</sup> Most victims of the latter offence were under 15.<sup>74</sup> GRETA notes with concern the increasing numbers of children exploited in prostitution and child pornography in the Czech Republic. It is not clear whether any of these cases contained elements of trafficking in human beings.

157. Assistance to children who are victims of trafficking is provided under the Act on Victims of Crime and the Act No. 359/1999 Coll. on Social and Legal Protection of Children. There is still no specific programme, nor a specialised shelter for the provision of assistance to child victims of trafficking. If a child victim cannot remain in his/her family, he or she is placed with foster parents or in facilities for children in need of immediate assistance.

158. Most victims of trafficking who are unaccompanied children are placed in the Facility for Foreign Children in Prague, which was visited by GRETA. The Facility can accommodate 30 children, and assistance can be extended until the age of 26 if needed. Children are provided with food, accommodation, clothing and education (pre-school, primary, secondary, specialised secondary and higher education), as well as language courses. During the first two-months, an evaluation of the child is conducted in order to produce an individual plan tailored to the child's needs. All children are assigned a childcare worker. 50 employees work in the Facility, ensuring staff presence around the clock. GRETA notes with appreciation the dedicated work of the staff at the Facility for Foreign Children to protect children and address their vulnerabilities.

159. No data is available on the number of child victims of trafficking in the Facility. There have been cases of unaccompanied foreign children who were possible victims of trafficking and disappeared from the Facility. In particular, according to the Status Report for 2022, a 16-year-old Romanian girl, suspected of having been trafficked to Europe for illegal activities, escaped from the Facility. The authorities indicated that a search had been launched to find her, without success.<sup>75</sup>

160. GRETA is concerned that many unaccompanied foreign children transiting through the Czech Republic are not detected by the authorities who prefer to let them reach other EU destinations (see paragraph 91). Further, there seem to be limited efforts in detecting child trafficking online or facilitated by technologies.

161. In cases of doubt regarding the age of a victim of trafficking in human beings, age assessment is carried out. The legal basis for carrying out age assessment is Section 89(3) of the Act on Asylum if the victim has applied for international protection. In other cases, age assessment is not specifically regulated by law. Methods to verify the age usually involve an X-ray examination of the wrist bone, and in some cases, a medical examination by a physician or paediatrician. A judgement of the Constitutional Court of 30 July 2021 stressed the importance of carrying out age assessment in a holistic way and by providing for procedural guarantees. In particular, a guardian shall be appointed as soon as the age assessment

<sup>72</sup> [https://www.msmt.cz/uploads/O\\_200/Karta\\_KID\\_pomoc\\_ohrozenemu\\_diteti/signaly\\_karta\\_tisk.pdf](https://www.msmt.cz/uploads/O_200/Karta_KID_pomoc_ohrozenemu_diteti/signaly_karta_tisk.pdf)  
<https://www.nzip.cz/doc/kid-signaly-metodika-zdravotnici.pdf>

<sup>73</sup> Children exploited in prostitution: 8 in 2019 (7 girls and 1 boy), 5 in 2020 (4 girls and 1 boy), 8 in 2021 (6 girls and 2 boys) and 21 in 2022 (11 girls and 10 boys). Children victims of the offence of "abuse of a child for the production of pornography" (Section 193 of the CC): 114 in 2019 (80 girls and 34 boys), 73 in 2020 (54 girls and 19 boys), 100 in 2021 (90 girls and 10) and 127 in 2022 (106 girls and 21 boys).

<sup>74</sup> See the Status Reports on Trafficking in Human Beings in the Czech Republic for 2021 and 2022.

<sup>75</sup> <https://www.mvcr.cz/volby/soubor/zprava-osl-2022-eng-pdf.aspx>

procedure starts and shall be present during the medical examination. If necessary, an interpreter shall also be present. In addition to the medical assessment, an assessment by a social worker of the facility where the child is placed shall be carried out. In this context, GRETA refers to the Recommendation CM/Rec(2022)22 of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration.<sup>76</sup>

162. While welcoming the dissemination of guidance on dealing with children who are possible victims of trafficking as well as the recent provision of training for staff of the local offices for the social and protection of children, GRETA remains concerned that there is still no specific programme for the identification of and assistance to children who are victims of trafficking. GRETA recalls that the type of accommodation provided to child victims of trafficking depends on the child's personal circumstances, taking into account the principle of the best interests of the child. Given the specific trauma, vulnerabilities and security needs of child victims of trafficking, GRETA considers that specialised accommodation is more appropriate than general childcare arrangements.<sup>77</sup>

163. As mentioned in paragraph 52, one of the objectives of the study on child victims of trafficking, which is conducted under the current National Strategy 2020-2023 is to design a Methodology for identifying and assisting children who are victims of trafficking, as well as an educational programme to improve the identification of, and assistance, to these children. The Methodology (NRM) was expected for 30 April 2024 and the educational programme for 30 April 2025.

164. **GRETA urges the Czech authorities to take further steps to improve the identification of, and assistance to, child victims of trafficking, in particular by:**

- **establishing a clear procedure (National Referral Mechanism) for the identification of child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk. This procedure should ensure that all child victims of trafficking detected in the Czech Republic are identified as such, rather than as victims of other criminal offences;**
- **collecting disaggregated data on presumed and identified child victims of THB (see also the recommendation in paragraph 51);**
- **strengthening the identification of victims of trafficking in human beings amongst unaccompanied foreign children and children in institutional care, by taking a proactive approach and increasing outreach work, including online;**
- **providing specialised assistance to child victims of trafficking which takes into account their specific circumstances and the best interests of the child.**

165. **In addition, GRETA considers that the authorities should strengthen training to relevant professionals on the identification of, and assistance to, children who are victims of trafficking for different forms of exploitation.**

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<sup>76</sup> <https://rm.coe.int/0900001680a96350>

<sup>77</sup> See GRETA 8th General Report, Thematic chapter on assistance to victims of trafficking, October 2019.

d. **Protection of private life (Article 11)**

166. Section 8a of the CCP provides that, during the preliminary proceedings, law enforcement authorities shall not disclose information which would lead to the identification of a victim. When providing information about their activities to the public, they shall pay particular attention to the protection of personal data and the privacy of persons under 18. Further, pursuant to Section 8b, victims of trafficking are explicitly included in the list of victims for whom no one may in any way publish information enabling their identification, and the publication of images, video and audio recordings or other information about the course of the trial or the public session, which would enable the identification of the victim, is prohibited. The final judgment shall not be published in the public media with the names, surnames and residence of the victim.

167. In addition, based on Section 16 of the Act on Victims of Crime, the victim can request information on his or her residence, delivery address and place of work to be kept secret in the criminal file so that only the law enforcement authorities and the Probation and Mediation Service know them.

168. NGOs assisting victims of trafficking through the Programme for the Support and Protection of Victims are subject to Act No. 108/2006 Coll. on Social Services, which imposes confidentiality, as well as to Act No. 101/2000 Coll. on the protection of personal data. Before entering the Programme, victims sign a declaration and consent form to provide personal information to the Crime Prevention Department to the extent necessary to ensure the effective functioning of the Programme. They also sign a contract with La Strada Czech Republic that describes how the victim's sensitive data are handled.

169. According to interlocutors met, in general terms, the private life of victims of trafficking is respected.

170. **GRETA invites the Czech authorities to continue their efforts to protect the identity and private life of victims of trafficking in human beings.**

e. **Recovery and reflection period (Article 13)**

171. In its first report, GRETA urged the Czech authorities to apply the recovery and reflection period to all presumed foreign victims of THB, regardless of whether they agree to be included in the Programme for Support and Protection of Victims of THB, including those to whom the Dublin Regulation is applicable.<sup>78</sup>

172. The conditions to benefit from a recovery and reflection period in the Czech Republic remain as described in the first report.<sup>79</sup> Pursuant to Section 42e of Act No. 326/1999 Coll. on the Stay of Foreigners, a foreign national who is likely to be a victim of trafficking is granted a period of one month to decide whether they want to co-operate with the authorities. This "reflection period" may be terminated if the foreigner is not confirmed to be a victim of trafficking, if it is necessary for the protection of the public order or national security, or if the person concerned requests the cancellation of the granted period. During this one-month period, the victim cannot be removed from the Czech Republic.

173. As the right to benefit from the one-month reflection period is linked to the future right to benefit from a residence permit based on co-operation with the law enforcement authorities, GRETA understands that, in a case where there are clear indications that the law enforcement authorities do not have the jurisdiction to open an investigation (e.g., a foreign victim who was trafficked and exploited abroad), the victim will not benefit from that one-month period of reflection. As a result, a person who is at risk of being removed under the Dublin Procedure is not granted this period (see also paragraph 132).

<sup>78</sup> See GRETA's first evaluation report on the Czech Republic, paragraph 193.

<sup>79</sup> See GRETA's first evaluation report on the Czech Republic, paragraphs 188-190.

174. Further, when entering the National Programme, victims who are either Czech or foreign nationals are granted a “recovery period” of 60 days (with the possibility to extend it by a further 30 days) to decide if they want to co-operate with the authorities (Article 3, paragraph 4, of the Methodological Guidelines on the Programme). During this period, victims are provided with accommodation, food, as well as legal, social, health and interpreting services. If they are irregularly residing in the Czech Republic, upon their inclusion in the Programme their stay will be legalised on the basis of a request from the Department of Crime Prevention. However, as mentioned in paragraph 136, foreign victims who were trafficked abroad are excluded from the Programme. If, after the period, a foreign victim decides not to co-operate with the law enforcement agencies, he or she is offered to return to their country of origin under the voluntary return programme or is subject to administrative expulsion (see paragraphs 198-199).

175. According to the authorities, the “reflection period” and the “recovery period” are independent of each other in terms of their purpose and application. The start of the recovery period is the moment of the person’s admission into the Programme for the Support and Protection of Victims of Trafficking in Human Beings. The reflection period begins from the moment the foreigner receives instructions from the law enforcement authority. The two periods may run in parallel, overlap partially or follow one another, depending on the individual case. Children have access to the reflection period under Section 42e of the Act No. 326/1999 Coll., but cannot access the Assistance Programme.

176. GRETA is concerned that contrary to the previous reporting period, no data is available on the number of victims who benefited from a reflection period and a recovery period.

177. GRETA recalls that Article 13 of the Convention stipulates that if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking in human beings, that person shall not be removed from its territory until the identification process has been completed by the competent authorities. GRETA reiterates the importance of the recovery and reflection period for the recovery of victims and their effective access to the ensuing rights; as such, it should be granted to any presumed foreign victim of trafficking detected in the Czech Republic, irrespective of the country of exploitation, in accordance with the victim-centred approach under the Convention.

**178. GRETA once again urges the Czech authorities to ensure that the recovery and reflection period is applied to all presumed foreign victims of trafficking, regardless of the age of the victim, the country of exploitation or of whether they agree to be included in the Programme for Support and Protection of Victims of THB, including those to whom the Dublin Regulation is applicable.**

**f. Residence permits (Article 14)**

179. As outlined in the first report,<sup>80</sup> a foreign citizen who is likely to be a victim of trafficking can apply for a long-term residence permit for the purposes of protection in the Czech Republic (paragraph 1 of Section 42e of the Act on the Stay of Foreigners). The residence permit is issued by the Ministry of the Interior at the request of the victim and on the condition that he or she co-operates with the law enforcement authorities and does not collaborate with the suspected trafficker. When applying for the residence permit, the victim has to provide a document from the law enforcement authorities confirming that the conditions for obtaining it are met.

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<sup>80</sup> See GRETA’s first report on the Czech Republic, paragraph 195.

180. According to the authorities, between 2019 and 2023, long-term residence permits for the purposes of protection in the Czech Republic were granted to seven victims of THB from the Philippines (four women and three men) and one victim from India, all of whom were trafficked for the purpose of labour exploitation. There is no information about the average duration of the residence permits granted to the victims. According to the authorities, it varies based on the needs and length of the criminal proceedings. GRETA notes that the number of residence permits granted is low compared to the number of foreign victims identified in the Czech Republic. The authorities explained this gap by the fact that several persons identified as potential victims of trafficking already had a residence permit or were EU nationals.

181. There is still no possibility under Czech law to grant victims of trafficking a residence permit based on their personal situation, pursuant to Article 14, paragraph 1a, of the Convention. A proposal to that effect was made by the Public Defender of Rights during recent discussions on amendments to the Act on the Stay of Foreigners but was not accepted by the Ministry of the Interior. GRETA reiterates that the legal provision for granting a residence permit to victims of THB in the Czech Republic, which links the permit to criminal or civil proceedings, in practice undermines the unconditional nature of assistance to victims. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human rights-based approach to combating trafficking in human beings.

182. Victims of trafficking can apply for international protection and obtain refugee status. If the conditions for obtaining refugee status are not met, victims can apply for subsidiary protection, but access to it was restricted by a 2023 reform of the Act on Asylum.<sup>81</sup> There is no data on the number of victims of trafficking who were granted refugee status or subsidiary protection. GRETA was informed of a judgment of the Supreme Administrative Court of 21 April 2021 regarding the denial of international protection to a national from Uzbekistan who claimed that he had refused to participate in (state-organised) forced labour consisting of cotton picking in his country of origin. The Court considered that forced labour can be included in the concept of trafficking in human beings, which the administrative authority must address in the proceedings for granting international protection and assess whether the foreign victim of trafficking had a well-founded fear of persecution if returned to Uzbekistan.

**183. GRETA considers that the Czech authorities should take additional measures to ensure that victims of trafficking can fully benefit in practice from the right to obtain a renewable residence permit, without prejudice to the right to seek and enjoy asylum.**

**184. Further, GRETA invites the Czech authorities to adopt legislation enabling the granting of a temporary residence permit to victims of trafficking on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings.**

**g. Compensation and legal remedies (Article 15)**

185. In its first report, GRETA urged the Czech authorities to facilitate access to compensation for victims of trafficking, including by reviewing the criminal and civil procedures regarding compensation, building the capacity of legal professionals to support victims to claim compensation, and ensuring that financial assistance from the State is available regardless of the nationality and residence status of the victim.<sup>82</sup>

<sup>81</sup> Act No. 173/2023 Coll. amending Act No. 325/1999 Coll., on asylum, as amended, Act No. 326/1999 Coll., on the residence of foreigners in the territory of the Czech Republic and amending certain laws, as amended, and other related laws.

<sup>82</sup> See the first GRETA report on the Czech Republic, paragraph 210.

186. The legal framework on access to compensation and legal remedies remains mostly as described in the previous report.<sup>83</sup> Victims of trafficking can be represented by another person (“proxy”) during the criminal or civil proceedings, such as the representative of an NGO or a lawyer. That person can provide legal assistance to the victim, make proposals and submit petitions or appeals on behalf of the victim, as well as participate in hearings and the trial. In practice, most victims of trafficking are assisted by a lawyer engaged and paid for by La Strada Czech Republic as part of the Programme. These lawyers have experience in assisting victims of trafficking in criminal, civil and administrative issues. Following an update of the Methodological Guidelines on the Programme in 2022 (see paragraph 19), victims can remain in the Programme after the end of the criminal proceedings if they have been referred to a civil proceeding by the criminal court. Therefore, they are granted legal assistance through the Programme if they are referred to a civil court for compensation.

187. As noted in GRETA’s first evaluation report, based on Section 51a, paragraph 2, of the CCP, victims of THB can be granted free legal aid in criminal proceedings, regardless of their income and without the need to prove their means. Free legal aid continues to be available if the victim returns to his or her country of origin, as long as the criminal proceedings are ongoing. In civil proceedings, access to free legal aid is means-tested. Legal aid is provided by lawyers chosen by the victims or the court from the register of lawyers managed by the Ministry of Justice. However, according to many interlocutors, these lawyers usually have no experience in THB cases, and no training on the issue is organised by the Bar Association.

188. In addition, victims of trafficking can turn to one of the 74 centres of the Probation and Mediation Services (PMS) which exist across the country. The PMS provides legal information and support to all victims of crime. However, cases of victims of trafficking assisted by the PMS would be rare as more specialised legal assistance is available under the Programme.

189. If victims do not speak Czech, they are assisted by interpreters free of charge during interviews and trials. However, interpreters for certain languages, such as Tagalog, are reportedly lacking.<sup>84</sup>

190. As explained in the previous report, victims of trafficking can seek compensation from their offenders for the damages suffered by making a claim for compensation as part of the criminal proceedings (Section 43 of the CCP, the so-called “adhesion proceedings”), or by means of civil proceedings (based on Article 2894 and following of the Civil Code). Compensation can cover pecuniary or non-pecuniary damages, such as unpaid wages or physical or psychological harm. If following the evidentiary procedure there are no grounds for imposing an obligation to pay damages to the victim or if further evidence is necessary which would significantly delay the criminal proceedings, victims can be referred by the criminal court to civil proceedings (Section 229(1) of the CCP).<sup>85</sup> This possibility of referring victims of trafficking to civil proceedings was confirmed by a decision of the Czech Constitutional Court of 7 March 2022 as being in compliance with the Charter of Fundamental Rights and Freedoms of the Czech Republic.<sup>86</sup>

191. In order to guarantee the future enforcement of compensation awards, the court can order the seizure of the property of the defendant if there is a reasonable concern that the satisfaction of the victim’s claim for compensation will be obstructed or impaired (Section 47 of the CCP). According to the authorities, in 2022, assets for a total value of CZK 7.5 million (about 300 000 Euros) were seized in connection with trafficking proceedings investigated by NCOZ.

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<sup>83</sup> See the first GRETA report on the Czech Republic, paragraph 202 et seq.

<sup>84</sup> [La Strada International Report](#) (p. 29)

<sup>85</sup> See GRETA’s first report on the Czech Republic, paragraph 204.

<sup>86</sup> Judgment of the Constitutional Court of 7 March 2022, file no. Act IV. ÚS 2620/21.

192. As mentioned in the first report, pursuant to Act No. 59/2017 Coll. on the Use of Funds from Proprietary Criminal Sanctions Imposed in Criminal Proceedings, confiscated assets of the perpetrator are sent to a special account managed by the Ministry of Justice and can be used to compensate the victim. The latter can submit a request to the Ministry within 60 days of the court decision on the compensation entering into force. There is no information on confiscated assets used to compensate victims of trafficking during the reporting period. The funds from the Special Account can also be transferred to the Probation and Mediation Service for the support of victims of crime which was increased from 2% to 5% as a result of amendments to Act No. 59/2017 Coll. through Act No. 422 /2022 Coll.

193. No statistics are available on the number of compensation claims made by, and granted to, victims of THB in criminal proceedings.<sup>87</sup> Among the several judgments provided by the authorities, reference can be made to a decision of the Supreme Court of 24 November 2021 confirming a judgment of the Regional Court in Ústí nad Labem which had convicted the perpetrators of THB and other criminal offences. The victims were trafficked to the United Kingdom for the purpose of sexual exploitation and illegal marriage. Four victims were awarded CZK 5 million (about 198 800 Euros), which is the highest compensation awarded in a trafficking case.<sup>88</sup> Another judgment of the Supreme Court of 11 August 2021 confirmed a decision of the Regional Court in Hradec Králové, which had convicted the perpetrators of sexual abuse, rape and child trafficking, and sentenced them to pay CZK 730 050 (about 30 000 Euros) as compensation to the five victims. The latter were referred to civil proceedings for the rest of their compensation claims.<sup>89</sup> According to the authorities, no claim for compensation in relation to human trafficking was filed in civil proceedings in 2022-2024.

194. NGOs have reiterated their concerns that most victims of trafficking do not have effective access to compensation in the Czech Republic. In general terms when compensation is claimed in criminal proceedings, victims are referred to civil courts stating that there was not enough evidence to calculate the amount of compensation. However, victims do not usually follow this path because the burden of proof is on the victim and the proceedings take several years. For instance, in the "Tree Workers Case" which was mentioned in the previous report,<sup>90</sup> several victims are still awaiting compensation more than 12 years after the initiation of the proceedings. GRETA was informed that about 100 victims in the case have filed complaints for the excessive length of the proceedings and some have been granted compensation in this regard (in some cases, about CZK 120 000, or 4 800 Euros). In addition, even if a decision on the compensation from the offender is taken by a court, compensation is rarely obtained in practice due to the lack of identified assets or property of perpetrators in the Czech Republic.

195. With regard to state compensation, as described in the first report, victims of trafficking are entitled to financial assistance provided by the State pursuant to Section 23 of the Act on Victims of Crime. The conditions to benefit from it remain unchanged. It may be paid to victims who have incurred physical harm or serious injury as a result of a crime. The amount granted can range from CZK 10 000 (about 400 Euros) to CZK 200 000 (about 8 000 Euros) and is calculated either as a statutory flat rate or corresponds to the amount of proven lost earnings and costs of treatment borne by the victim. Decisions on financial assistance are taken by the Ministry of Justice and paid from the budget of the State Treasury. GRETA was informed that no victims of trafficking have ever received financial assistance.

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<sup>87</sup> As of 1 January 2024, compensation has been introduced in the annual criminal statistics, but it only concerns compensation granted, not requested.

<sup>88</sup> Link to the judgment (in Czech): [Vyhledávání - Nejvyšší soud \(nsoud.cz\)](https://nsoud.cz/vyhledavani)

<sup>89</sup> Link to the judgment (in Czech): [Vyhledávání - Nejvyšší soud \(nsoud.cz\)](https://nsoud.cz/vyhledavani)

<sup>90</sup> The "Tree Workers Case" involved hundreds of migrant workers, mostly from Vietnam, Romania and the Slovak Republic, who were exploited in the Czech forestry industry in 2009-2010. See GRETA's first report on the Czech Republic, paragraph 46.

196. The conditions to apply for financial assistance from the State are restrictive.<sup>91</sup> Notably, a victim must become a party to the criminal proceedings against the offender and request financial assistance within a certain time frame. A medical certificate is required to prove the level of damage to health, and evidence of the pecuniary and non-pecuniary damage suffered, as well as data on the property and earnings of victims. Financial assistance is available for Czech nationals and foreigners legally residing in the Czech Republic (including asylum seekers or refugees) or in another EU country if the crime was committed in the Czech Republic. Third-country nationals who are not legally residing in the Czech Republic or in the EU can receive it only on the basis of bilateral agreements. GRETA reiterates that all victims of trafficking identified in the Czech Republic should be eligible for financial assistance, regardless of their nationality, in accordance with the non-discrimination principle in Article 3 of the Convention.

197. **GRETA urges the Czech authorities to take further steps to guarantee access to compensation and legal remedies for victims of trafficking, in particular by:**

- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;**
- **ensuring that victims of trafficking can effectively receive compensation from the offenders, as part of the criminal proceedings and within a reasonable time;**
- **reviewing the eligibility criteria for financial assistance from the State to ensure that it is effectively accessible for all victims of trafficking, whether they were trafficked to, from or within the Czech Republic, and regardless of their nationality and residence status.**

h. **Repatriation and return of victims (Article 16)**

198. As mentioned in the first report, the Programme for the Support and Protection of Victims of Trafficking includes an assisted voluntary return programme which is run by the IOM. The programme includes counselling, assistance with issuing personal and travel documents, and reintegration assistance. A ticket to the country of origin and direct help at departure and arrival are also provided.<sup>92</sup>

199. An individual vulnerability assessment is conducted by IOM prior to all voluntary returns. Preparation of the return is carried out in co-operation with NGOs, such as La Strada, which provides information to victims on the voluntary return programme.

200. GRETA was informed that in 2019, two Czech victims benefited from the IOM voluntary return programme in order to be repatriated from Lithuania and the United Kingdom, and in 2020, one Filipino victim was repatriated from the Czech Republic.<sup>93</sup> No victims of THB were repatriated in 2021 and 2022.

201. The authorities' reply to the GRETA's questionnaire also mentions a voluntary return programme implemented by the Ministry of the Interior, but no further information was provided in this regard, notably to what extent it concerns victims of trafficking and how many trafficked persons had recourse to it.

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<sup>91</sup> See GRETA's first report on the Czech Republic, paragraph 207.

<sup>92</sup> See GRETA's first report on the Czech Republic, paragraph 213.

<sup>93</sup> To compare with the previous reporting period: in 2018, four victims of THB (two from the Czech Republic, one from Romania and one from Sierra Leone) used the voluntary assisted return programme. In 2017, the number of victims of THB who benefited from the programme to return to other countries was five (two women and three men), in 2016 one woman returned to another country, and in 2015 one Czech citizen was repatriated.



202. GRETA notes that the number of victims who participated in the IOM voluntary return programme is very low and few foreign victims have benefited from it. According to the 2022 report from La Strada International, there is distrust among certain groups towards the voluntary return programme. For example, some Vietnamese victims would rather choose offers from individuals organising a return trip to Vietnam.<sup>94</sup>

203. **GRETA considers that the Czech authorities should strengthen their efforts to:**

- **ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the victim, is preferably voluntary and complies with the obligation of *non-refoulement*. A risk assessment should be carried out for all victims of THB to be returned, be they EU or third country nationals, and regardless of whether they have been covered by the Programme for the Support and Protection of Victims of Trafficking in Human Beings;**
- **inform all victims of trafficking about existing repatriation and voluntary return programmes and the support available, including those who do not enter the Programme for the Support and Protection of Victims of Trafficking, so that they can make an informed decision on their voluntary return.**

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

204. The criminalisation of trafficking in human beings remains as described in the first GRETA report on the Czech Republic.<sup>95</sup> THB is criminalised under Section 168 of the Czech Criminal Code (CC), and in respect of adults, it includes the three constituent elements of the definition of trafficking under Article 4 of the Convention. In compliance with the Convention, trafficking in children is criminalised irrespective of the means used (Section 168(1) of the CC).

205. However, as noted in the first report, not all of the means listed in Article 4 of the Convention are specifically mentioned in Section 168 of the CC, in particular "abuse of power" and "abuse of a position of vulnerability". According to the Czech authorities, these means are covered by the concept of "abusing a person's mistake, distress or dependence". A 2016 legal opinion of the Supreme Prosecutor's Office explains in detail the concepts of "distress" and "dependence" based on European and international standards.<sup>96</sup> However, GRETA was informed that in a judgment of the High Court of Prague of 2020, the court ruled that the economic exploitation of the disparities that exist even within the EU, and thus "cheaper labour" cannot be interpreted as an "abuse of a person's distress."<sup>97</sup> According to NGOs met by GRETA, this interpretation is very restrictive. GRETA draws the attention of the authorities to paragraph 83 of the Explanatory Report of the Convention, which states as follows: "by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce."<sup>98</sup>

<sup>94</sup> [La Strada International Report](#) (p. 21 and 23).

<sup>95</sup> See first GRETA Report on the Czech Republic, paragraphs 51-57 and 217-220.

<sup>96</sup> Opinion on the crime of trafficking in human beings, Supreme Prosecutor's Office, ref. 1 SL 703/2016 – 18.

<sup>97</sup> High Court of Prague; case No. 20 T4/2020-1763 KS.

<sup>98</sup> See also UNODC [Guidance Note](#) on "abuse of a position of vulnerability" as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized.

206. Committing the offence of trafficking against a child carries the same penalty as committing the offence against an adult. Indeed, both paragraphs 1 and 2 of Section 168 envisage a penalty of imprisonment from 2 to 10 years. However, the Czech authorities have pointed out that based on Section 42(h) of the CC, committing a criminal offence against a child is considered as a general aggravating circumstance, which allows the criminalisation of child trafficking to be in line with Article 24 of the Convention.

207. Section 168 still does not specifically state the irrelevance of the victim's consent to the intended exploitation. GRETA reiterates that there are benefits in stating explicitly in legislation that consent is irrelevant to determining whether the crime of human trafficking has occurred. Setting out this pivotal principle in law could facilitate its use by investigators, prosecutors and judges when dealing with cases of human trafficking and in obtaining a more consistent approach. Indeed, consent is an important factor at different stages of human trafficking cases, for instance: if victims refuse to self-identify as they consider that they consented to the exploitation; when taking a decision on whether to investigate and prosecute a case as human trafficking where the victim apparently consented to exploitation; or when deciding on the penalty for offenders where there are assertions of consent.<sup>99</sup> This is relevant in the context of the Czech Republic as judicial practice shows a restrictive interpretation of the offence of trafficking when the victim has in some way consented to the exploitation.<sup>100</sup>

208. **GRETA considers that the Czech authorities should:**

- **ensure that the concepts of "abuse of power" and "abuse of a position of vulnerability", which is part of the definition of human trafficking is properly applied in practice;**
- **state explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation in order to improve the implementation of the anti-trafficking provisions.**

#### **b. Criminalisation of the use of services of a victim (Article 19)**

209. The use of services which are the object of exploitation, with the knowledge that the person providing them is a victim of trafficking, is not established as a separate criminal offence in the Czech Republic. As noted in the previous report, the Czech authorities consider that Section 168 of the CC criminalises not only a person who committed trafficking, but also a person profiting from such conduct. Further, if a person using such services knows that they are provided by a victim of trafficking, such a person is obliged to report the commission of the offence to a public prosecutor or a police authority under Section 368 of the CC, which specifically refers to trafficking in human beings.<sup>101</sup>

210. GRETA recalls that under Article 19 of the Convention, States Parties shall consider making it a criminal offence to knowingly use the services of a victim of trafficking, by way of discouraging demand that drives trafficking in human beings. This provision targets the client whether of a victim of trafficking for sexual exploitation or of a victim of forced labour or services, slavery or practices similar to slavery, servitude or organ removal.

211. **GRETA invites the Czech authorities to introduce a legal provision criminalising the use of services which are the object of exploitation as referred to in Article 4 of the Convention, with the knowledge that the person is a victim of THB.**

<sup>99</sup> See the first GRETA report on the Czech Republic, paragraph 221.

<sup>100</sup> [La Strada International Report](#) (p. 23).

<sup>101</sup> See the first GRETA report on the Czech Republic, paragraph 57.

### c. Corporate liability (Article 22)

212. As described in the first report, legal persons may be held liable for trafficking in human beings, pursuant to Act No. 418/2011 Coll. on Criminal Liability of Legal Persons and Proceedings against Them. Sentences may include: a) dissolution of the legal entity; b) confiscation of property; c) monetary penalty; d) confiscation of items; e) prohibition to perform certain activities; f) prohibition to perform public contracts or to participate in public tenders; g) prohibition to receive endowments (grants) and subsidies; h) publication of a judgement.<sup>102</sup>

213. There have been no cases of legal persons being prosecuted and convicted for THB despite information on legal entities being involved in THB cases (for instance, companies disguised as employment agencies, see paragraph 77). GRETA was informed during the visit that an investigation was ongoing regarding trafficking in human beings involving a legal entity, which could lead to the prosecution of the latter.

**214. GRETA considers that the Czech authorities should examine the reasons why no legal entities have been prosecuted and punished for trafficking-related acts and, in the light of their findings, take measures to ensure that the criminal liability of legal entities can be acted upon in practice.**

### d. Non-punishment of victims of THB (Article 26)

215. In its first report, GRETA urged the Czech authorities to ensure compliance with the principle of non-punishment of victims of trafficking, including by adopting a specific legal provision and/or developing guidance for professionals.<sup>103</sup>

216. There continues to be no specific provision in Czech law on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. If a victim is involved in criminal activities, rules of ordinary law on the exclusion or limitation of criminal liability can be applied, in particular Section 28 of the CC ("extreme necessity") according to which "an act otherwise criminal, by which a person repels an impending danger to an interest protected by this Code, will not be considered as a criminal offence". In addition, Sections 46-48 of the CC on the waiving of punishment, as well as Section 58 on extraordinary reduction of punishment, could be applied.<sup>104</sup>

217. According to the authorities, the non-punishment of victims of THB is included in the training of police officers on trafficking in human beings, as well as the training of judges and prosecutors. The "Handbook on assisting victims of trafficking" (see paragraph 119) refers to the non-punishment principle and the above-mentioned provisions of the CC.

218. GRETA was not provided with examples of cases in which the above-mentioned provisions of the CC were applied to victims of trafficking with a view to implementing the non-punishment principle. According to NGOs, there are examples where the non-punishment principle was not applied to victims of trafficking, in particular victims who were forced to work in cannabis farms and were prosecuted because they were never properly identified as victims of trafficking.<sup>105</sup> Further, as cases of trafficking in human beings would be re-classified under tax offences for irregular work (see paragraph 232), in many cases both the employer and the employee would be convicted to the payment of a fine.

<sup>102</sup> See the first GRETA report on the Czech Republic, paragraph 223.

<sup>103</sup> See the first GRETA report on the Czech Republic, paragraph 227.

<sup>104</sup> See the first GRETA report on the Czech Republic, paragraph 225.

<sup>105</sup> La Strada International Report, pages 21 and 23.

219. The Czech authorities indicated that there are no plans to introduce a specific non-punishment provision, but that their position may evolve following the revision of the EU Directive on human trafficking. In GRETA's view, the lack of a specific provision for the non-punishment of victims of trafficking can expose victims of trafficking to prosecution, conviction and detention for unlawful activities they were forced to commit by their traffickers. The possibility to apply the general criminal law provision on "extreme necessity" cannot be considered as an appropriate response because it is narrower in scope than the non-punishment principle enshrined in the Convention and, in practice, prosecutors leave it to courts to decide whether or not the conditions of "state of necessity" are met, thus exposing victims to prosecution and pre-trial detention, and shifting the burden of proof to the victim of trafficking. GRETA stresses that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

**220. GRETA once again urges the Czech authorities to take measures to ensure compliance with the provision on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, pursuant to Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for law enforcement officials and prosecutors on the scope of the non-punishment provision, including with regard to criminal offences.**

#### **4. Investigation, prosecution and procedural law**

##### **a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)**

221. The National Centre for Combating Organised Crime (NCOZ) of the Police Presidium continues to be responsible for the investigation of trafficking cases, in particular those involving organised criminal groups or with a transnational element. NCOZ has investigators assigned to trafficking cases at its headquarters (Department for Human Trafficking and Illegal Migration) and in seven regional directorates. Investigations of trafficking cases not involving organised crime, as well as cases of children exploited in prostitution or in pornography, falls under the jurisdiction of general divisions of regional police directorates. As mentioned in paragraph 32, NCOZ police officers are trained and specialised to deal with THB cases, while other police officers receive basic training on human trafficking as part of their initial training. GRETA welcomes the specialisation and involvement of NCOZ police officers in the investigation of trafficking offences.

222. In January 2023, a new Central Office for Terrorism, Extremism and Cybercrime was set up at the Police Presidium. Any THB cases that it may detect are to be referred to the NCOZ for investigation.

223. The use of special investigative techniques is regulated by Section 23A and following sections of the Police Act which provides that when preventing crime and in connection with criminal proceedings, a police officer is entitled to use, *inter alia*, phone tapping, covert surveillance, video and photo recording, informants and undercover agents. Interception of communication and surveillance can be used in the investigation of trafficking offences under the conditions laid down in the CCP.

224. Financial investigations are usually conducted in parallel to the investigation into the trafficking offence in order to trace and seize the proceeds of crime or their equivalent value and ensure future compensation of the victims (see paragraph 191). There is an Instruction of the President of the Police No. 174/2011 which regulates the procedure of financial investigation and seizure of proceeds of crime.

225. As mentioned in the previous GRETA report, public prosecutors lead the pre-trial proceedings and can give instructions to the police to collect evidence, including through special investigation techniques.<sup>106</sup> Public prosecutors are specialised in trafficking in human beings and illegal migration at the level of regional public prosecutor's offices, the City Prosecutor's Office in Prague, the two High Prosecutor's Offices (in Prague and Olomouc) and the Supreme State Prosecutor's Office.

226. In the Supreme State Prosecutor's Office there is a national correspondent for combating human trafficking, exploitation of women and children, illegal migration and illegal employment. The role of the national correspondent is to monitor case-law, provide data and information to the Ministry of the Interior for the preparation of the annual status report, disseminate relevant information to other public prosecutors for the successful investigation and prosecution of cases, organise training courses, as well as participate in relevant European and International meetings.<sup>107</sup>

227. According to data provided by the Czech authorities, there were 21 investigations into THB offences in 2019, 10 in 2020, 22 in 2021, 22 in 2022, and 24 in 2023. The number of prosecutions was 21 in 2019, 9 in 2020, 22 in 2021, 22 in 2022, and 24 in 2023. With regards to convictions, there were 9 in 2019, 8 in 2020, 21 in 2021, 16 in 2022, and 13 in 2023. The length of the prison terms ranged from three years to 18 years. The recourse to suspended prison sentences is reportedly rare in cases of trafficking in human beings.<sup>108</sup> The important drop in criminal proceedings in 2020 is attributed to the COVID-19 pandemic when police resources focused on other offences, notably those linked with the pandemic or the state of emergency.

228. The data on criminal proceedings is still not disaggregated by forms of exploitation, except for convictions. According to interlocutors met by GRETA during the visit, the majority of convictions continue to concern cases of trafficking for the purpose of sexual exploitation, despite the fact that trafficking for the purpose of labour exploitation is prevalent among identified victims.

229. Reference can be made to the following cases of human trafficking investigated by the NCOZ:

- An investigation was launched in 2021 concerning a criminal network which recruited women in the Czech Republic and forced them into prostitution in the Czech Republic and Finland. The suspects organised the transport and accommodation of the victims, advertised their services on escort websites and communicated with the clients. They kept and laundered part of the victim's earnings. A joint investigation team (JIT) between the Czech Republic and Finland was set up in 2021. During three joint actions that took place between April 2022 and January 2023, a total of 13 suspects were arrested. Over 200 000 Euros in cash, 3 apartments, 4 luxury vehicles and other valuable items were seized. Over 90 victims were identified and brought to safety.<sup>109</sup> The case was ongoing at the time of the adoption of the report.
- Between 2016 and 2019, a man organised the recruitment of workers in South-Eastern Europe with the promise of work in the Czech Republic, transported at least 11 persons to the Czech Republic and housed them in bad material conditions (without running water and sanitary facilities). The workers were supposed to work 12 hours per day, including weekends, and were only paid a few hundred Czech crowns per month. The defendant also allegedly hired five girls to engage in prostitution in nightclubs between 2018 and 2021. In July 2023, charges were brought against him for THB by the Regional State Prosecutor's Office in České Budějovice. The case was ongoing at the time of the adoption of the report.

<sup>106</sup> See GRETA's first report on the Czech Republic, paragraph 233.

<sup>107</sup> Reports of the national correspondent for combating THB are available on the website of the Supreme Prosecutor's Office : <https://verejnazaloba.cz/nsz/cinnost-nejvyšsiho-statniho-zastupitelstvi/zpravy-o-cinnosti/> (in Czech)

<sup>108</sup> 1 suspended sentence in 2019, 3 in 2020, 3 in 2021, 11 in 2022 and 5 in 2023.

<sup>109</sup> <https://www.eurojust.europa.eu/news/eurojust-assists-czech-republic-and-finland-dismantling-human-trafficking-network>

- An investigation led by NCOZ made it possible to establish that between 2016 and 2019, an organised group composed of two men and two women offered well paid work in the United Kingdom to persons from socially disadvantaged backgrounds from the Karlovy Vary region of the Czech Republic. They transported at least seven persons to the UK, taking away their documents and phones, and forcing them to work up to six days per week, 12 hours per day, in restaurants of a multinational fast-food chain. The financial investigation revealed that the defendants made illegal profits of approximately CZK 3 million (about 120 000 Euros). A JIT between the Czech Police and the UK police was established. In March 2023, one of the male defendants was charged for the offence of trafficking in human beings by the Regional State Prosecutor's Office in Plzeň. The case was ongoing at the time of the adoption of the report.

230. According to police officers, one of the most important challenges is the under-reporting by victims who do not consider themselves as victims of trafficking, as well as their reluctance to provide statements in the criminal proceedings. While building trust with victims takes time, most victims prefer to return to their countries of origin. Further, the limited resources and capacities of the police hamper the proactive investigations of trafficking offences and the collection of evidence that will lead to a conviction, within a reasonable time.

231. As mentioned in paragraph 194, there are concerns regarding the length of proceedings in trafficking cases. According to the authorities, the average length of the proceedings from the prosecution until the final conviction, excluding the investigation phase, varies from 500 to 800 days. In the first report, reference was made to the "Tree Worker Case" which is so far the biggest case of trafficking in human beings in the Czech Republic given the number of victims concerned (about 2 000). A decision of the Constitutional Court of 2015 cancelled the decision of the police to suspend the case for failure to conduct an effective investigation, and in 2016 the case was sent back to the police for investigation. There has still been no indictment of the presumed traffickers. Several victims filed complaints for the excessive length of the criminal proceedings and were granted compensation in this regard, while other requests are still pending (see paragraph 194).

232. Further, despite the issuing in 2018 of a "Common position on the interpretation of terms related to labour exploitation" by the Ministry of the Interior in co-operation with the Supreme Public Prosecutor's Office and the National Centre for Combating organised crime,<sup>110</sup> it is difficult to prosecute and adjudicate cases of trafficking for the purpose of labour exploitation. GRETA understands that there have been convictions in cases of victims trafficked from the Czech Republic and exploited abroad, in particular in the United Kingdom. However, cases of exploitation in the Czech Republic are usually prosecuted as violations of labour law or tax fraud. According to the authorities, this happens because of lack of sufficient evidence regarding the use of violence, threat or harm, or the abuse of the victim's distress or dependence, which are difficult to prove.

233. The 2022 report of La Strada International on "Protection of Asian Trafficking Victims in Europe" underlines that there is a high threshold of proof in order to hold perpetrators responsible for human trafficking. Many indicators of exploitation only constitute violations under labour law, such as long working hours, unpaid overtime work and the retention of personal documents by the employer. It is difficult to prove other forms of coercion, such as threat or debt bondage. Reference is made in the report to an investigation into a possible case of human trafficking of a group of Mongolian workers in the meat industry. The case was dismissed by the police due to lack of evidence of labour exploitation. According to the report, the police found that the alleged acts of non-payment of overtime, the threat of revocation of residence permits, the alteration of timesheets and the forceful signing of documents in a foreign language did not meet the threshold of the offence of trafficking under the CC, as the employer's action did not "completely restrict the worker's freedom of choice".<sup>111</sup>

<sup>110</sup> See paragraph 238 of the first GRETA report on the Czech Republic.

<sup>111</sup> [La Strada International Report](#) (p. 23 and 26-27)

234. According to data provided by the authorities, in 2023, there were three convictions for trafficking in children for the purpose of sexual exploitation (under Section 168(1) of the CC). GRETA notes that as stated in the call for proposals for “A comprehensive approach to the prevention and combating of child trafficking”, cases of child trafficking may be lowered to other offences such as entrusting a child into the power of another (Section 169 of the CC), extortion (Section 175), sexual abuse (Section 187), production and other disposal of child pornography (Section 192), and abuse of a child for the production of pornography (Section 192).<sup>112</sup> GRETA understands that this would mostly happen when the cases are investigated by regional police directorates rather than the NCOZ.

235. **GRETA urges the Czech authorities to take measures to strengthen the criminal justice response to THB, including by:**

- **ensuring that human trafficking offences are investigated and prosecuted as such every time the circumstances of a case allow this, rather than being requalified as lesser offences, notably when the case falls under the jurisdiction of regional police directorates, and lead to effective, proportionate and dissuasive sanctions for those convicted;**
- **reviewing gaps in the investigation, prosecution and conviction of cases of trafficking for the purpose of labour exploitation, and taking the necessary measures to address them, including legislative measures if necessary;**
- **ensuring that the length of legal proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).<sup>113</sup>**

236. **Further, GRETA considers that the Czech authorities should take steps to:**

- **ensure that THB offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted, and that relevant documentary, financial and digital evidence is collected during investigations, in order to avoid relying exclusively on testimony by victims or witnesses. Units investigating trafficking offences should be allocated sufficient resources to this end;**
- **provide further training to prosecutors and judges, in particular on the different elements of the crime, as well as on trafficking for the purpose of labour exploitation and child trafficking.**

**b. Protection of witnesses and victims (Articles 28 and 30)**

237. Victims of trafficking are included in the category of “particularly vulnerable victim”, entitling them to reinforced protection measures.<sup>114</sup> In case of imminent danger to the victim, measures can be taken by the police, the prosecutor or the court, such as a change of address, concealment of the identity and change of the appearance of a victim, as well as special witness protection (Section 14 of the Victims of Crime Act). There is a specific department at the Police Presidium in charge of the programme for special witness protection.

<sup>112</sup> See the Call for proposals for « A comprehensive approach to the prevention and combating of child trafficking, p 18.

<sup>113</sup> <https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

<sup>114</sup> See GRETA’s first report on the Czech Republic, paragraphs 242-247.

238. Further, to protect victims from secondary victimisation during the criminal proceedings, Section 17 of the Victims of Crime Act provides that face-to-face cross-examination of defendants and victims must be avoided and, as particularly vulnerable victims, victims of trafficking must be kept in a separate waiting room from the perpetrators and their time of arrival at the hearing and entry to the building must be different. Victims can request to be interviewed in pre-trial proceedings by a person of the same gender, and as particularly vulnerable victims, they can choose the gender of the interpreter (Section 19). If possible, a person with relevant training should conduct interviews with particularly vulnerable victims in pre-trial proceedings in rooms adapted or adjusted for this purpose. The interview of a particularly vulnerable victim is carried out in such a way as to avoid the need for it to be repeated later (Section 20). If a particularly vulnerable victim does not wish to have direct visual contact with the suspect, audio-visual technology is applied if technically possible. Further, victims have the right to be accompanied by a trustee during the different steps of the criminal proceedings, including hearings (Section 21). This trustee can be the victim's lawyer, but also a member of an NGO.

239. Specific protection measures for children who are victims of trafficking exist under the Victims of Crime Act and the CCP. If the victim is a child, a person with the relevant training shall always conduct the interview with the exception of cases where the action cannot be delayed and if it is not possible to find a trained person (Section 20 of the Victims of Crime Act). Pursuant to Section 102 of the CCP, a pedagogue or another person having experience in the education of children shall participate in the questioning, and the questioning can be postponed or suspended if it is necessary for the well-being of the child. Pursuant to Sections 52a and 102, paragraph 2, of the CCP, audio and visual recording should be made for future use to avoid repeated questioning. There are specialised child-friendly interrogation rooms at the premises of police stations. If such a specialised room is not available in a court, it is possible to use one in a police station. Further, under Section 104a, paragraph 5, of the CCP, a direct confrontation of a child with another person is allowed only in exceptional cases, if it is necessary for the clarification of the matter. A face-to-face cross-examination is not allowed when the victim is under 18 and the case concerns offences against human dignity in the sexual area (i.e. Sections 185 to 193 of the CC, which include rape, sexual abuse, child prostitution and child pornography).

240. There is no data on protection measures applied to victims of trafficking. GRETA was informed that, in practice, the principle of avoiding face-to-face cross examination is respected and that a representative of La Strada Czech Republic is often present when victims are interviewed. However, there are reports from NGOs of victims being asked repeatedly to provide statements to the police. With regard to child victims, GRETA was informed that in practice, it is very rare for children to be heard during a court hearing. Most of the time, the testimony of the child given to the police is read out at the trial.

**241. GRETA considers that the Czech authorities should make full use of the measures available in Czech law to protect victims of trafficking from secondary victimisation, including on avoiding repeated questioning of particularly vulnerable victims.**

### **c. Jurisdiction (Article 31)**

242. With regard to territorial jurisdiction, Sections 4 and 5 of the CC establish jurisdiction over the offence of trafficking in human beings committed, either totally or partially, on the territory of the Czech Republic, as well as on board ships, vessels, aircrafts and other means of transport which are registered in the Czech Republic.

243. With regard to personal jurisdiction, Section 6 of the CC provides for jurisdiction over the offence of trafficking in human beings committed abroad by Czech nationals or stateless persons with permanent residence in the Czech Republic. Further, Section 7(a) establishes jurisdiction over trafficking offences committed abroad against Czech nationals or stateless persons with permanent residence in the Czech Republic only if the offence is punishable in the place of its commission or if the place where such an offence was committed is not subject to any criminal jurisdiction. The Czech authorities made a reservation in this regard at the time of ratifying the Convention.



## 5. International co-operation and co-operation with civil society

### a. International co-operation (Article 32)

244. As mentioned in the first GRETA report, Act No. 104/203 Coll. on International Judicial Co-operation in criminal matters regulates international co-operation in trafficking cases, including mutual legal assistance, extradition, joint investigation teams (JITs), European arrest warrants, confiscation orders, etc. Further, the Czech Republic is party to several bilateral and multilateral treaties on judicial and police co-operation.<sup>115</sup>

245. According to data provided by the authorities, the Czech police was involved in three JITs with the police forces of the United Kingdom and one with Finland during the reporting period (see paragraph 229). Further, in 2021 and 2022, the Czech authorities responded to two extradition requests sent by the Moldovan authorities related to perpetrators of THB.

246. The Czech Republic regularly co-operates with other countries in order to exchange information and facilitate investigations into cases of human trafficking which have a transnational character. Such co-operation is established through Interpol, Europol, Eurojust, the Schengen Information System (SIS), SIRENE, as well as Czech police liaison officers abroad, and Aliens Police liaison officers in the Czech Republic.

247. The Czech authorities have continued to participate in Joint Action Days under EMPACT (European Multidisciplinary Platform against Criminal Threats), aimed at tackling trafficking in human beings. In 2021, the Czech Republic was involved in Joint Action Days which focused on trafficking for the purpose of sexual exploitation and in 2022, on detecting possible victims of trafficking in relation to the war in Ukraine. In this framework, in April 2022, joint inspections by the police and labour inspectors were simultaneously carried out in bars, nightclubs, hotels and restaurants employing Ukrainian refugees.

248. The State Labour Inspection Office has concluded an Agreement on Co-operation with the National Labour Inspectorate of the Slovak Republic and a Memorandum on Co-operation and Exchange of Information with the National Labour Inspectorate of Poland, which provide for co-operation in the area of illegal employment, exchange of information and experiences regarding control activities. There is also informal co-operation with the Labour Inspectorate of Romania.

249. **GRETA welcomes the engagement of the Czech authorities in international co-operation on combating trafficking in human beings and considers that they should continue their efforts, including for the investigation of trafficking cases and by fostering co-operation with the main countries of origin of victims trafficked to the Czech Republic.**

### b. Co-operation with civil society (Article 35)

250. Civil society plays an important role in the anti-trafficking action in the Czech Republic and there is well-established co-operation with the authorities. Specialised NGOs have full membership in the Inter-departmental Co-ordination Group on Combating Trafficking in Human Beings (see paragraph 22). Further, since 2003, the Ministry of the Interior funds the Programme for Support and Protection of Victims of Trafficking in Human Beings which has been implemented by the anti-trafficking NGO La Strada Czech Republic through a public procurement contract, with other NGOs being involved as subcontractors (see paragraphs 140). Co-operation with NGOs concerns not only the provision of assistance to victims, but also the design and implementation of awareness-raising activities and the provision of training for relevant professionals. In the context of the war in Ukraine, a series of activities were implemented by the authorities in co-operation with NGOs for the provision of support to Ukrainian refugees and awareness-raising on the risks of trafficking (see paragraphs 89 and 96).

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<sup>115</sup> See GRETA's first report on the Czech Republic, paragraphs 103-105.

251. There seems to be limited co-operation with trade unions on the topic of human trafficking. One employers' organisation (the Union of Industry and Transport in the Czech Republic) is a member of the Interdepartmental Authority for Combating Illegal Employment of Foreigners (see paragraph 26).

252. **GRETA considers that the Czech authorities should continue building strategic partnerships with NGOs and other civil society actors, including trade unions, with the aim of achieving the purposes of the Convention, including for the identification of victims amongst vulnerable groups, such as migrant workers, asylum seekers, refugees and irregular migrants.**

## IV. Conclusions

253. Since the adoption of GRETA's first report on the Czech Republic in February 2020, progress has been made in a number of areas related to action against trafficking in human beings.

254. The Czech authorities have further developed the legal framework relevant for combating trafficking in human beings, including by amending the Methodological Guidelines on the functioning of the Programme for Support and Protection of Victims of Trafficking. Numerous laws were also passed with a view to fighting exploitation, irregular work and disguised intermediation in the employment sphere.

255. Another positive development is the adoption and extension of the sixth National Strategy on Combating Trafficking in Human Being, which now covers the period 2020-2025. The composition of the Intergovernmental Co-ordination Group, comprising relevant governmental and non-governmental stakeholders and monitoring the implementation of the strategy, has been extended to include the State Labour Inspection Office.

256. Efforts have been made, in co-operation with NGOs and international organisations, to expand the categories of professionals who are provided with training on human trafficking, both at central and regional levels.

257. A number of activities aimed at raising awareness of vulnerable persons and the general public on the risks of human trafficking were organised. Further, measures have been taken to prevent trafficking in children, including the launch of a study of child trafficking.

258. GRETA welcomes the steps taken by the Czech authorities to prevent trafficking in human beings in the face of the unprecedented displacement of people following Russia's full-scale aggression of Ukraine. Some 530 000 Ukrainians were granted temporary protection status in the Czech Republic by the end of June 2023, allowing them to legally reside in the country and benefit from a series of humanitarian and social protection measures. Considerable efforts were also made to raise awareness of the risks of trafficking of refugees from Ukraine.

259. In order to facilitate the identification of victims of trafficking, a list of indicators of trafficking in human beings was adopted in 2022 ("victim identification card") and distributed to relevant professionals. The authorities have also disseminated guidance on dealing with children who are possible victims of trafficking.

260. Another positive development is the extension of the possibility for victims to participate in the State-funding Programme for Support and Protection of Victims of Trafficking after the termination of the criminal proceedings, when they are referred to civil proceedings for the purpose of their civil claim. GRETA welcomes the dedication and good work of the specialised NGOs providing shelter and services to victims under the Programme.

261. GRETA also welcomes the existence of specialised investigators assigned to human trafficking cases within the National Centre for Combating Organised Crime (NCOZ) and a national correspondent for combating human trafficking within the Supreme State Prosecutor's Office. Further, GRETA commends the engagement of the Czech authorities in international co-operation, including Joint Investigation Teams in human trafficking cases.

262. However, despite the progress achieved, some issues continued to give rise to concern. In this report, GRETA requests the Czech authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

**Issues for immediate action**

- **GRETA once again urges the Czech authorities to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings, by compiling reliable data on the number of presumed, identified and assisted victims, as well as on measures taken to protect and promote the rights of victims. Data regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or exploitation. This should be accompanied by all the necessary measures to respect the right to protection of personal data, including when NGOs working with victims of trafficking are asked to provide to the national database (see also the recommendation in paragraph 164) (paragraph 51);**
- **GRETA urges the Czech authorities to intensify their efforts to prevent human trafficking for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation and the Council of Europe Committee of Ministers Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:**
  - **strengthen the supervision of temporary work and recruitment agencies, including disguised agencies;**
  - **keep under review the legislative framework for any loopholes that may undermine the prevention of labour trafficking (e.g., involvement of "disguised employment agencies"; abuse in the subcontracting chain; requalification of labour trafficking under other offences) and address any gaps identified (paragraph 79);**
- **GRETA urges the Czech authorities to take additional measures to prevent child trafficking, and in particular to:**
  - **reduce the risks of trafficking for the purpose of sexual exploitation of children, including for the production of sexual abuse material, as well as child trafficking facilitated by ICT, notably by developing awareness-raising campaigns and other measures and addressing the root causes of such phenomenon;**
  - **ensure that all unaccompanied and separated children are registered and that all unaccompanied children are placed under the child protection system and provided with effective care;**
  - **take steps to prevent the disappearances of unaccompanied foreign children placed in institutional care, by providing suitable safe accommodation and adequately trained professionals (paragraph 92);**
- **GRETA urges the Czech authorities to take additional measures to improve the detection and identification of victims of trafficking, and in particular by:**
  - **putting in place a formalised victim identification procedure which defines the roles and responsibilities of all relevant stakeholders, promotes a multi-agency approach by involving specialised NGOs, labour inspectors, social workers, child protection specialists and health-care staff, and includes indicators and guidance for identifying victims of different forms of exploitation;**
  - **disconnecting the identification of victims of human trafficking from the initiation of criminal proceedings for THB and ensuring that all victims of trafficking detected in the Czech Republic, including foreign nationals trafficked outside of the country, can be identified as victims of trafficking.. Victims of trafficking should be identified as such, and their credibility not called into question, even if they do not state the facts of their trafficking upon their first contact with the authorities;**

- **reconsidering the application of the Dublin Procedure to presumed victims of THB;**
- **strengthening the proactive identification of victims of trafficking for different forms of exploitation, including sexual exploitation, labour exploitation and exploitation of criminal activities, as well as amongst asylum seekers and persons placed in administrative detention pending removal from the Czech territory;**
- **establishing safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions;**
- **putting in place practical co-operation and data sharing agreements between labour inspectors and law enforcement in order to ensure that personal information of workers, whether collected in the course of labour inspections, joint inspections, reporting or complaints mechanisms, is not used for immigration enforcement purposes, but to tackle the perpetrators of trafficking offences;**
- **strengthening the training and guidance on the identification of victims of trafficking provided to relevant professionals (in particular staff working in asylum and immigration detention centres, staff examining asylum requests, as well as labour inspectors), in co-operation with civil society and lawyers (paragraph 134);**
- **GRETA urges the Czech authorities to ensure that all victims of trafficking under the jurisdiction of the Czech Republic, including asylum seekers and persons trafficked abroad but detected in the Czech Republic, benefit from assistance measures in accordance with Article 12, paragraph 1, of the Convention (paragraph 149);**
- **GRETA urges the Czech authorities to take further steps to improve the identification of, and assistance to, child victims of trafficking, in particular by:**
  - **establishing a clear procedure (National Referral Mechanism) for the identification of child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk. This procedure should ensure that all child victims of trafficking detected in the Czech Republic are identified as such, rather than as victims of other criminal offences;**
  - **collecting disaggregated data on presumed and identified child victims of THB (see also the recommendation in paragraph 51);**
  - **strengthening the identification of victims of trafficking in human beings amongst unaccompanied foreign children and children in institutional care, by taking a proactive approach and increasing outreach work, including online;**
  - **providing specialised assistance to child victims of trafficking which takes into account their specific circumstances and the best interests of the child (paragraph 164);**
- **GRETA once again urges the Czech authorities to ensure that the recovery and reflection period is applied to all presumed foreign victims of trafficking, regardless of the age of the victim, the country of exploitation or of whether they agree to be included in the Programme for Support and Protection of Victims of THB, including those to whom the Dublin Regulation is applicable (paragraph 178);**

- **GRETA urges the Czech authorities to take further steps to guarantee access to compensation and legal remedies for victims of trafficking, in particular by:**
  - **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;**
  - **ensuring that victims of trafficking can effectively receive compensation from the offenders, as part of the criminal proceedings and within a reasonable time;**
  - **reviewing the eligibility criteria for financial assistance from the State to ensure that it is effectively accessible for all victims of trafficking, whether they were trafficked to, from or within the Czech Republic, and regardless of their nationality and residence status (paragraph 197);**
- **GRETA once again urges the Czech authorities to take measures to ensure compliance with the provision on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, pursuant to Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for law enforcement officials and prosecutors on the scope of the non-punishment provision, including with regard to criminal offences (paragraph 220);**
- **GRETA urges the Czech authorities to take measures to strengthen the criminal justice response to THB, including by:**
  - **ensuring that human trafficking offences are investigated and prosecuted as such every time the circumstances of a case allow this, rather than being requalified as lesser offences, notably when the case falls under the jurisdiction of regional police directorates, and lead to effective, proportionate and dissuasive sanctions for those convicted;**
  - **reviewing gaps in the investigation, prosecution and conviction of cases of trafficking for the purpose of labour exploitation, and taking the necessary measures to address them, including legislative measures if necessary;**
  - **ensuring that the length of legal proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 235).**

#### Further conclusions

- GRETA considers that the Czech authorities should designate as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 24);
- While welcoming the adoption of the sixth National Strategy and the willingness of the Czech authorities to ensure continuity in the implementation of anti-trafficking measures, GRETA considers that the Czech authorities should introduce an independent evaluation of the implementation of national strategies on combating trafficking in human beings and other anti-trafficking projects, as a tool for assessing the impact of the activities and planning future policies and measures to combat trafficking in human beings (paragraph 31);

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- GRETA considers that the Czech authorities should continue their efforts in providing regular training on THB to relevant professionals, including police officers, prosecutors, judges, asylum officials, labour inspectors, social workers, and child protection specialists, with a view to strengthening the prevention of THB, facilitating the identification of victims, improving their protection and access to compensation, and increasing the effectiveness of investigations and prosecutions in trafficking cases. GRETA also considers that the Czech authorities should provide training on THB to health-care and education professionals (paragraph 43);
  - GRETA considers that the Czech authorities should encourage the Czech Bar Association to develop and propose training on THB to lawyers assisting victims of trafficking (paragraph 44);
  - While welcoming the efforts to develop research on trafficking in human beings, GRETA considers that the Czech authorities should continue to support and promote research on trafficking in human beings, including with regard to trafficking for the purposes of labour exploitation, forced begging and forced criminality, trafficking in children, as well as the misuse of information and communication technology (ICT) for committing trafficking (paragraph 56);
  - GRETA invites the Czech authorities to continue their efforts in raising awareness among the general public and vulnerable groups on trafficking in human beings, and to carry out impact assessment of the awareness-raising measures implemented (paragraph 63);
  - GRETA considers that the Czech authorities should:
    - strengthen the monitoring of the domestic and care work sector, including through inspections in private households, in compliance with the right to privacy;
    - further raise awareness, in a targeted manner, among migrant workers, about the risks of trafficking for the purpose of labour exploitation;
    - increase the number and strengthen the capacity of labour inspectors so that they expand proactive and unannounced inspections in high-risks sectors, without prior complaints from workers;
    - strengthen the training of labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on trafficking for the purpose of labour exploitation and the rights of victims (paragraph 80);
  - GRETA considers that the Czech authorities should take further steps to implement social, economic and other measures for groups vulnerable to trafficking due to their disadvantaged socio-economic situation, in particular Roma people, asylum seekers and refugees. Sufficient funding should be provided to ensure the effectiveness and follow-up of the measures implemented (paragraph 100);
  - GRETA considers that the Czech authorities should provide training to health professionals dealing with transplantation of organs and other medical professionals to ensure that they are informed about the risks of trafficking for the purpose of organ removal and are able to detect possible victims and refer the suspected cases to investigation (paragraph 105);
  - GRETA considers that the Czech authorities should strengthen legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:
    - highlighting the risks of trafficking linked to prostitution, and organising targeted information campaigns;

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- raising awareness of the responsibility and the important role of the media and advertising in tackling demand that leads to human trafficking;
  - working closely with trade unions, civil society and the private sector to raise awareness of human trafficking, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 111);
  - GRETA considers that the Czech authorities should make additional efforts to detect and prevent trafficking in human beings through border control measures, in particular by:
    - ensuring that individualised risk assessment is conducted prior to any forced removals and that it assesses the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this context, full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked persons and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection;
    - providing further training, procedures and guidance to relevant professionals with a view to improving their capacity to detect indicators of trafficking among persons at borders, and to conduct risk assessment (paragraph 115);
  - GRETA considers that the Czech authorities should take additional measures to ensure adequate assistance to victims of trafficking, and in particular to:
    - guarantee effective access to health care for victims of trafficking;
    - provide adequate funding to specialised NGOs assisting victims of trafficking in order to ensure that the assistance covers all victims' needs (paragraph 150);
  - GRETA considers that the authorities should strengthen training to relevant professionals on the identification of, and assistance to, children who are victims of trafficking for different forms of exploitation (paragraph 164);
  - GRETA invites the Czech authorities to continue their efforts to protect the identity and private life of victims of trafficking in human beings (paragraph 170);
  - GRETA considers that the Czech authorities should take additional measures to ensure that victims of trafficking can fully benefit in practice from the right to obtain a renewable residence permit, without prejudice to the right to seek and enjoy asylum (paragraph 183);
  - GRETA invites the Czech authorities to adopt legislation enabling the granting of a temporary residence permit to victims of trafficking on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings (paragraph 184);
  - GRETA considers that the Czech authorities should strengthen their efforts to:
    - ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the victim, is preferably voluntary and complies with the obligation of *non-refoulement*. A risk assessment should be carried out for all victims of THB to be returned, be they EU or third country nationals, and regardless of whether they have been covered by the Programme for the Support and Protection of Victims of Trafficking in Human Beings;



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- inform all victims of trafficking about existing repatriation and voluntary return programmes and the support available, including those who do not enter the Programme for the Support and Protection of Victims of Trafficking, so that they can make an informed decision on their voluntary return (paragraph 203);
  - GRETA considers that the Czech authorities should:
    - ensure that the concepts of “abuse of power” and “abuse of a position of vulnerability”, which is part of the definition of human trafficking is properly applied in practice;
    - state explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation in order to improve the implementation of the anti-trafficking provisions (paragraph 208);
  - GRETA invites the Czech authorities to introduce a legal provision criminalising the use of services which are the object of exploitation as referred to in Article 4 of the Convention, with the knowledge that the person is a victim of THB (paragraph 211);
  - GRETA considers that the Czech authorities should examine the reasons why no legal entities have been prosecuted and punished for trafficking-related acts and, in the light of their findings, take measures to ensure that the criminal liability of legal entities can be acted upon in practice (paragraph 214);
  - GRETA considers that the Czech authorities should take steps to:
    - ensure that THB offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted, and that relevant documentary, financial and digital evidence is collected during investigations, in order to avoid relying exclusively on testimony by victims or witnesses. Units investigating trafficking offences should be allocated sufficient resources to this end;
    - provide further training to prosecutors and judges, in particular on the different elements of the crime, as well as on trafficking for the purpose of labour exploitation and child trafficking (paragraph 236);
  - GRETA considers that the Czech authorities should make full use of the measures available in Czech law to protect victims of trafficking from secondary victimisation, including on avoiding repeated questioning of particularly vulnerable victims (paragraph 241);
  - GRETA welcomes the engagement of the Czech authorities in international co-operation on combating trafficking in human beings and considers that they should continue their efforts, including for the investigation of trafficking cases and by fostering co-operation with the main countries of origin of victims trafficked to the Czech Republic (paragraph 249);
  - GRETA considers that the Czech authorities should continue building strategic partnerships with NGOs and other civil society actors, including trade unions, with the aim of achieving the purposes of the Convention, including for the identification of victims amongst vulnerable groups, such as migrant workers, asylum seekers, refugees and irregular migrants (paragraph 252).

## **Appendix**

### **List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations**

#### **Public bodies**

- Ministry of Education, Youth and Sport
- Ministry of Foreign Affairs
- Ministry of Health
- Ministry of Industry and Trade
- Ministry of Interior
- Ministry of Justice
- Ministry of Labour and Social Affairs
- Ministry of Transport
- Police Presidium
- Secretariat of the Government Council for Roma Minority Affairs
- Secretariat of the Governmental Council for Human Rights
- State Labour Inspection Office
- Supreme Prosecutor's Office
- Supreme Court
- Supreme Administrative Court
- Regional Prosecutor's Offices in Hradec Králové and České Budějovice
- High Courts in Prague and Olomuc
- Regional Courts in Prague, Ústí n. Labem, Hradec Králové, Ostrava and České Budějovice
- Public Defender of Rights
- Pilsen Regional Office
- Regional Labour Inspectorate for Pilsen and Karlovy Vary
- Directorate of the Aliens Police of Pilsen
- Centre for the Integration of Foreigners of Pilsen

#### **Intergovernmental organisations**

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- UNICEF Refugee Response in the Czech Republic

#### **NGOs and other civil society organisations**

- Accendo – Centre for Science and Research
- Association for Integration and Migration (SIMI)
- Caritas of Archdiocese of Prague
- Czech Bar Association
- Diakonie ČCE
- Diakonie Západ
- Karo
- La Strada Czech Republic
- Mriya
- Organization for Aid to Refugees (OPU)
- Rozkoš bez Rizika

## **Government's comments**

### **The following comments do not form part of GRETA's analysis concerning the situation in the Czech Republic**

GRETA engaged in a dialogue with the Czech authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Czech authorities on 18 July 2024 and invited them to submit any final comments. The comments of the authorities, submitted on 25 September 2024, are reproduced hereafter.

**GRETA: report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Czech Republic- second evaluation round**

**Official comments of the Czech authorities**

**General comment of the Czech authorities on statistical data, especially to Part II. points 13 and 51**

The Ministry of Justice is currently enhancing system for collecting basic judicial statistical data on victims both from prosecutors' offices and courts (including on Section 168 CC). These data shall contain information about sex-age profile (incl. on children), nationality, country of origin, femicide, intoxication of a victim, type of hateful incitement, if there was one and type of exploitation as is stated in the Criminal Code. The system should be launched as of January 1st, 2025.

NOTE: However, it follows from the nature of the judicial statistics itself that the data would not report all victims, but only victims of cases that were settled by the prosecutor's office and/or court.

**Comment on point 85**

Social and legal protection is available to all vulnerable children who are in the Czech Republic, regardless of citizenship. It is provided through **state institutions authorities of social and legal protection of children (OSPODs)** according to the place where the child is located in the Czech Republic. OSPODs defend the best interests of the child and provide counselling, necessary support and care and also take into account the child's opinion and current situation.

There are a total of 227 OSPODs in the Czech Republic, and according to the law, they provide the necessary support and care to all vulnerable children about whom they have information, including unaccompanied minors. They evaluate the individual needs of unaccompanied minors based on an assessment of the current needs and risks in individual cases. The Ministry of Labour and Social Affairs therefore disagrees with the conclusion that the necessary support and care is not provided to unaccompanied minors in the Czech Republic. OSPODs work according to the quality standards of social and legal protection of children, and their employees are provided with regular continuous education and there are integrity criteria and other qualification requirements for working at OSPOD.

**Comment on point 94 (clarification of the budget of the Secretary of the Government):**

The budget of EUR 1500 is not the budget of the Secretariat of the Government Council for Roma Minority Affairs, but is a budget reserved for the administrative and organizational needs of the Government Council for Roma Minority Affairs. It is the budget that covers the expenses related to the meetings of the Government Council for Roma Minority Affairs and its working bodies. Specifically, it covers printing, travel, accommodation and other costs for the meetings of members of the Government Council for Roma Minority Affairs.

**Comment on point 154:**

The Ministry of Labour and Social Affairs, in cooperation with UNICEF and La Strada, provided not only several seminars on child trafficking issues, but also extensive training, which took place in all regions of the Czech Republic from January to May 2024, in which a total of about 160 OSPOD workers were trained. In total, about 200 OSPOD workers were trained in the Czech Republic.

**Comment on point 197.:**

The Ministry of Justice would like to bring to the GRETA's attention one of the latest judgments of the Constitutional Court of the Czech Republic regarding the claim of a particularly vulnerable victim for compensation published after the adoption of this report.

In its judgement IV. ÚS 855/24 from 24 July 2024 the Constitutional Court annulled the decisions of the district and regional courts, in which they referred the victims claim for compensation for non-material damage to civil proceedings. The Court repeatedly ruled that it is unacceptable for criminal courts to refer the victim to civil law proceedings in a situation where the established factual situation makes it possible to assess the claim for compensation (even if only in part) in adhesion proceedings (which is part of criminal proceedings). It stated that the criminal courts were entrusted with deciding on adhesion claims of victims precisely so that the victim could obtain satisfaction of their claims already in criminal proceedings and did not have to undergo civil proceedings as well. Subsequent civil proceedings may involve the reliving of unpleasant or traumatic experiences, and secondary victimisation may occur in the context of evidence. It also stated that these consequences are particularly likely for particularly vulnerable victims.

According to the Crime victims Act victims of trafficking in human beings are also regarded as particularly vulnerable victims.

The court further elaborated on what should be possible to establish as a non-material harm already in a criminal proceeding.

As it can be seen, there is continuous attitude of the Constitutional Court which must be followed by all Czech courts.

The Czech Republic deems necessary to point out that the current practise stemming from the Constitutional Court's case law fulfils the requirements of GRETA.

**Comment on the point 219 on “state of necessity” institute:**

The authorities of the Czech Republic disagree with GRETA's statements on the alleged practice of public prosecutors not deciding whether or not the conditions of “state of necessity” are met and thus shifting the burden of proof to the victim of trafficking. The Public Prosecution Service is not aware of such cases, if NGOs or any other entity have information of such conduct of the police and/or the public prosecutor they should signal the case to the Supreme Public Prosecutor's Office.