

Status of Human Rights in the Czech Republic for the 42nd Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Czech Republic (Czechia) for the 42nd Session of the Universal Periodic Review (UPR).

Background

2. Czechia is located in central Europe and has an estimated population of 10.7 million people.¹ Its population is largely secular with approximately 78% of the population having no religious affiliation and 20% identifying as Christian.² Buddhists, Hindus, Jews, Muslims, and other religions each account for less than 1% of the population.³

3. Czechia's previous UPR was held on November 6, 2017.⁴ As a result of the review, Czechia received 201 recommendations, 178 of which Czechia supported.⁵ One of the recommendations made by Senegal, and supported by Czechia, was that the government "[c]ombat more efficiently human trafficking, particularly of women and girls."⁶ There were no recommendations made regarding abortion or religious freedom.

Legal Framework

4. Under Chapter Four, Article 26 (1) of the Charter of Fundamental Rights and Freedoms (Charter), which is part of the Czech Republic's constitutional order, "[e]verybody has the right to free choice of his profession and to the training for that profession, as well as to engage in commercial and pursue other economic activity."⁷ In addition, under Chapter 4, Article 28 of the Charter, "[e]mployees have the right to fair remuneration for their work and to satisfactory work conditions. Detailed provisions shall be set by law."⁸

5. According to Section 168 of the Criminal Code of the Czech Republic:

Section 168 Trafficking in Human Beings

(1) Whoever forces, procures, hires, incites, entices, transports, conceals, detains, or consigns a child to be used by another for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for production of pornographic works,
- b) extraction of tissue, cell, or organs from his/her body,
- c) service in the armed forces

- d) slavery or servitude, or
- e) forced labour or other forms of exploitation, or

who profits on such a conduct,

shall be sentenced to imprisonment for two to ten years.

(2) The same sentence shall be imposed to anyone who forces, procures, hires, incites, entices, transports, hides, detains, or consigns a person other than referred to in Sub-section (1) by using violence, threat of violence or other grievous harm or deceit, or by abusing his/[her] error, distress, or addiction in order to use him/her for

- a) sexual intercourse or other forms of sexual abuse or harassment, or for the production of pornographic works,
- b) extraction of tissue, cell, or organs from their body,
- c) service in the armed forces,
- d) slavery or servitude, or
- e) forced labour or other forms of exploitation, or

who profits on such conduct.

(3) An offender shall be sentenced to imprisonment for five to twelve years or to confiscation of property if he/she

- a) commits [the] act referred to in Sub-section (1) or (2) as a member of an organised group,
- b) exposes another person to a risk of grievous bodily harm or death by such an act,
- c) commits such an act with the intention to gain a substantial profit for him-/herself or for another, or
- d) commits such an act with the intention to use another person for prostitution.

(4) An offender shall be sentenced to imprisonment for eight to fifteen years or to confiscation of property if he/she

- a) causes grievous bodily harm by the act referred to in Sub-section (1) or (2),
- b) commits such an act with the intention to gain extensive profit for him-/herself or for another, or
- c) commits such an act in connection to an organised group operating in several states.

(5) An offender shall be sentenced to imprisonment for ten to eighteen years or to confiscation of property, if he/she causes death by the act referred to in Sub-section (1) or (2).⁹

6 Since at least 2005,¹⁰ Czechia has implemented an anti-human trafficking plan known as the National Strategy for Combating Trafficking in Human Beings in the Czech Republic. Each plan covers a period of three years, with the most recent plan covering the period of 2020-2023.¹¹ A driving purpose behind the National Strategy is to

raise awareness and strengthen the protection and standards of protection of victims of trafficking in human beings by preventing and combatting trafficking in human beings, protecting the fundamental human rights of victims of trafficking and promoting international cooperation in combating trafficking in human beings.¹²

The 2020-2023 plan also provides strategies for educating the population about human trafficking, including what an individual should do if they encounter a potential victim of human trafficking.¹³ Moreover, the plan seeks to improve important data collection on human trafficking within the country.¹⁴

7. In addition, Czechia is a party to the International Covenant on Civil and Political Rights (ICCPR). Under Article 8 of the ICCPR, “No one shall be held in slavery, slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁵

Human Trafficking

8. Czechia serves as both a transit and destination country for human trafficking, but traffickers most often use Czechia to transition victims from one country to another; mainly to other countries within Europe.¹⁶ The most common forms of human trafficking within Czechia involve trafficking for sexual exploitation as well as labor.¹⁷ The victims of human trafficking primarily originate from “the Philippines, Slovakia, Ukraine, Romania, Vietnam, Pakistan and Ghana.”¹⁸ While Czechia is largely a transit country for traffickers, it also serves as a source country.¹⁹ Individuals from Czechia are also trafficked to other countries mainly the United Kingdom and Ireland.²⁰

9. However, it does appear that Czechia’s National anti-human trafficking plan has been effective, as the number of human trafficking cases identified and prosecuted within Czechia is quite low. The numbers do fluctuate a bit, and have not always declined from the previous year. For example, there were twenty detected cases of human trafficking in 2019, thirteen in 2018, sixteen in 2017, twenty-two in 2016, and eighteen in 2015.²¹ This is due in part to the fact that Czechia is still affected by international human trafficking rings.

10. For example, in December 2022, 205 suspects were arrested for orchestrating a multi-million-euro human trafficking ring.²² These suspects were arrested across Czechia, Hungary, Slovakia, and Austria,²³ and the trafficking ring was responsible for trafficking 36,100 Syrians across the European Union (EU) between early 2021 and the end of 2022 when the suspects were arrested. It is estimated that the group made more than €152 million trafficking in that time period.²⁴

11. In December 2019, an international criminal network that operated in Romania, Spain, and Czechia was uncovered and resulted in the arrests of fourteen suspected traffickers.²⁵ Investigators were able to rescue nine victims from Romania who were being sexually exploited

through forced prostitution.²⁶ It is believed that during its operations, this particular trafficking network exploited over fifty women.²⁷

12. In November 2019, five individuals were sentenced to prison for trafficking thirteen men and women over a four-year period from Czechia to Manchester in the UK.²⁸ The traffickers specifically targeted vulnerable individuals and promised them good paying jobs.²⁹ However, instead of the good jobs that they were promised when they arrived in Manchester, the victims were stripped of their identifying documents and forced to work with no pay under the threat of violence.³⁰

Recommendations

13. We are encouraged by the work Czechia has done to combat human trafficking including through the prompt implementation of a new National Strategy which focuses on victim identification and protection. Furthermore, because human trafficking is largely a transnational crime, international cooperation is critical. We have seen Czechia work with other countries within Europe to uncover vast human trafficking networks that span multiple countries. We want to encourage Czechia to continue its work to combat human trafficking and provide aid for the victims.

¹ Czechia, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/czechia/> (last updated May 24, 2022).

² *Czech Republic*, PEW–TEMPLETON, http://www.globalreligiousfutures.org/countries/czech-republic/#/?affiliations_religion_id=0&affiliations_year=2020®ion_name=All%20Countries&restrictions_year=2016 (last visited June 1, 2022).

³ *Id.*

⁴ *Universal Periodic Review – Czechia*, UNHRC, <https://www.ohchr.org/en/hr-bodies/upr/cz-index>.

⁵ *Czechia: The Universal Periodic Review*, UNHRC, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/CZ/Czechia.pdf>.

⁶ *UPR of Czech Republic – Thematic List of Recommendations*, A/HRC/37/4/Add.1 – Para. 115, available at https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Flib-docs%2FHRBodies%2FUPR%2FDocuments%2FSession28%2FCZ%2FUPR28_Czech_Republic_Thematic_list_of_Recommendations_E.docx&wdOrigin=BROWSELINK.

⁷ Charter of Fundamental Rights & Freedoms, Czech Republic, constitutional act No. 2/1993 Coll. as amended by constitutional act No. 162/1998 Coll, chapter four, art. 26 (1), https://www.usoud.cz/fileadmin/user_upload/ustavni_soud_www/Pravni_uprava/AJ/Listina_English_version.pdf.

⁸ *Id.* at chapter four, art. 28.

⁹ Criminal Code of the Czech Republic sec. 168,

https://www.legislationline.org/download/id/6370/file/Czech%20Republic_CC_2009_am2011_en.pdf.

¹⁰ NATIONAL STRATEGY OF THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS (FOR THE PERIOD OF 2005 – 2007), MINISTRY OF THE INTERIOR: SECURITY POLICY DEPARTMENT, <https://documentation.lastradainternational.org/lisidocs/700%20CZECH%20REPUBLIC%20-%20NAP%202005-2007.pdf>.

¹¹ *National Strategy for Combating Trafficking in Human Beings in the Czech Republic for the Period 2020 – 2023*, <https://www.mvcr.cz/soubor/national-strategy-of-combating-thb-in-the-czech-republic-2020-2023-pdf.aspx>.

¹² *Id.*

¹³ *Id.*

¹⁴ Samantha Tatro, *Czech Republic Among the Best Countries for Fighting Human Trafficking*, EXPATS (Mar. 7, 2020), <https://www.expats.cz/czech-news/article/czech-republic-among-the-best-countries-for-fighting-human-trafficking>.

¹⁵ International Covenant on Civil and Political Rights, Dec. 16, (1976), 999 U.N.T.S. 171, art. 8.

¹⁶ *Migration Profile*, MIGRANTS REFUGEES (Dec. 2020), <https://migrants-refugees.va/it/wp-content/uploads/sites/3/2021/05/CP-Czech-Republic.pdf>.

¹⁷ *2019 Status Report on Trafficking in Human Being in the Czech Republic*, (2020), <https://www.mvcr.cz/soubor/2019-status-report-on-trafficking-in-human-beings-in-the-czech-republic-pdf.aspx>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Austria Leads International Bust of Massive Human Trafficking Ring*, DW (Dec. 5, 2022), <https://www.dw.com/en/austria-leads-international-bust-of-massive-human-trafficking-ring/a-61779189>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Victims of Human Trafficking in Three Countries Brought to Safety*, EUROJUST (Dec. 12, 2019), <https://www.eurojust.europa.eu/news/victims-human-trafficking-three-countries-brought-safety>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Czech Gang Forced Men and Women into Slavery in Manchester*, BBC (Nov. 7, 2019), <https://www.bbc.com/news/uk-england-manchester-50329085>.

²⁹ *Id.*

³⁰ *Id.*