

NATIONAL REPORT



**Victims of Crime
Implementation Analysis
of Rights in Europe**



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Implementation Analysis
of Rights in Europe

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DISCLAIMER

All views expressed in the present report are those of the authors and not of the European Commission.

Most findings of the report are based on the research conducted by national researchers, between June 2018 and March 2019, and any inaccuracies in the interpretation of national results lays with the authors of the present report only. Additional support research, in particular regarding international experiences, was conducted by the authors of the present report.

The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date. However, it was still important to offer the first overall picture, even if incomplete, of the practical implementation of the Directive, to inform future work of Victim Support Europe, its members and the policy initiatives at the EU and national level. Future efforts will be plan to improve the findings and provide a more detailed analysis of key rights defined in the Directive.

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EXECUTIVE SUMMARY

The EU Victim’s Directive (Directive no. 2012/29/EU, hereinafter also “the Directive”) establishes a common European standard of minimum rights of victims of crimes in member states. Considering the outstandingly different levels and systems of protection in the member states prior to its implementation, its aim of ensuring a comparable level of practical enjoyment of the rights of victims is particularly challenging. It is clear that legislative implementation must be accompanied by a number of policy, budgetary and methodical measures, and therefore the full implementation of the Directive may be a rather long process. The aim of the present research is to assess all these levels of implementation.

The Czech Republic did not have a developed and comprehensive system of victims’ protection prior to the implementation of the Directive. The victims had the right to receive financial aid (according to the law no. 209/1997 Coll., on Provision of Financial Aid to Victims of Crime) and other rights of victims consisted partly on the right to protection and on procedural rights in the Code on Criminal Proceedings (law no. 141/1961 Coll.).

The new **Law on Victims of Crime** (law no. 45/2013 Coll., in effect since 1 August 2013), established a comprehensive framework of rights of victims of crime, which corresponds to the Directive’s requirements. The **definition of the victim** according to the law covers all grounds as required by the directive, and the law also establishes a category of **victims with specific protection needs**, who are entitled to broader protection. Those include children, elderly people, people with disabilities and victims of specific crimes in case there is a heightened risk of secondary victimization.

The Czech Republic also increased the budget allocated to the system of victims’ protection and ran several state-funded or state-supported campaigns.

There is both a **generic network of victim support** ran by the state through the Probation and Mediation Service and a **network of private run** generic (Bílý kruh bezpečí) and specialized victim support services, accredited and partially supported by the state. The services can be found online through registers run by the Ministry of Justice or by the Ministry of Social Affairs. The range of services, training provided to the service workers as well as quality oversight appears to be an example of good practice.

The Police of the Czech Republic also established a system of **crisis intervention** aimed to provide specialized support to victims, which includes a team of crisis intervention and a phone line for victims of crime. There is a system of provision of free legal aid (available to a certain extent to

all victims and, to a certain extent, to victims in the course of criminal proceedings) and free legal advice, provided through accredited services to all victims.

The relevant authorities are also **trained in the area of victims' rights**, although it has been identified that a more comprehensive training, namely in the area of effective and sensitive communication with the victims, should be introduced to all police officers and authorities.

The **communication with the victim and provision of accessible and useful information** relevant to the victim has been one of the biggest challenges identified through the research. The information provided on the internet, on the website of the police, is rather complicated and is not accessible in different languages, easy-to-read format or in specialized leaflets relevant to different groups of victims. The information provided by the authorities from the first contact with the victim can and should be individualized based on victim's communication needs at least in their oral form, it, however, appears that practice is different and victims are not sufficiently informed. The victims, who do not speak the Czech language, are entitled to free of charge interpretation (to their native language, the language of the country of origin or to a sign language) in each contact with the authorities, in practice, however, such interpretation is usually not provided.

Significant gaps were found in the system of assessment of **specific protection needs**. Although the Czech law provides a definition of victims with specific protection needs for these purposes, this assessment is conducted by each authority or service on their own, and comprehensive guidelines on such assessment do not exist. There may, therefore, be differences between the assessments of relevant authorities. At the same time, albeit connected with important rights, the assessment of specific protection needs does not take the form of a decision and no appeal is available. Children are however always identified as victims with specific protection needs, and their protection both in law and practice seems adequate.

Once identified as a having specific protection needs, a range of protective measures are available to the victim. Taking testimony through audio-visual recording device, in order to avoid repetition, appears to become more and more commonly used. The protection against repeated questioning is applied rather vigorously towards children, whose testimonies are, according to our research, very often video-recorded.

If informed of the possibility to request the protection measures, the victim usually has access to the right to avoid the offender. There is a number of available **preliminary protective measures**, which are applied especially in the situation of domestic violence. Ordering the offender to leave the common household and not to return became a commonly used measure. At the same time, the Probation and Mediation Service facilities, with the consent of the victim and the offender, also the use of restorative justice measures. **Mediation** is used rather extensively and from the information gathered through the research, the experience is predominantly positive.

Practical problems have also been identified in the area of providing **compensation** to the victims of crime, **reimbursement** of the cost of participation in the criminal proceedings or receiving indemnification for **damages** from the offender. The compensation is only provided to a narrow group of victims, and the amount provided as well as the time needed for administration, is rather unsatisfactory. At the same time, victims often struggle with enforcing the payment of the cost of proceedings or damages awarded from the offender, in cases where the offender does not have sufficient funds for reimbursement.

The main conclusions of the present research suggest that, although in theory, the system of protection of victims in the Czech Republic is rather well-implemented, the practical enjoyment of rights of victims are highly dependent on the effort and experience of a concrete authority or support service worker the victim encounters. This has been stressed during the interviews conducted throughout the research, and is supported by the highly varying responses to some of the survey questions. Apparently, the experience of the survey respondents and the interviewees are, in some areas, radically different.

This leads to the conclusion that **not enough policy and guidance measures** are adopted and implemented to provide systematic methodological support to the authorities and ensure comparable and standard quality of the support provided to victims. More effort and resources should also be allocated to systematic training, both on the general level to all authorities, an on in-depth level to the authorities working on specific positions relevant to the protection of victims.

INTRODUCTION

The purpose of this national report is to assess the practical access of victims to their rights, as enshrined in the EU Victim's Directive (Directive no. 2012/29/EU, hereinafter also referred to as "the Directive"), in the Czech Republic. It was drafted within the project VOciare - Victims of Crime Implementation Analysis of Rights in Europe by Forum for Human Rights, a national human rights non-governmental organization.

The research assesses primarily the implementation of the Directive, both on the legislative and policy level, and on the level of practical enjoyment of rights. Apart from analyzing and assessing the quality of implementation, its aim is to identify potential gaps and challenges with the implementation and formulate adequate recommendations. These will be supplemented by identified instances of good practice. The research aims at mapping the period after the adoption of the Law on Victims of Crime in effect since August 2013, and will particularly focus on the current state of practical accessibility of the rights. For the purposes of context, where relevant, information regarding the evolvement of the situation or of implementation of measures in time will be considered. For practical reasons, however, the quantitative data will be analyzed based on availability. The researchers aimed at using the newest available data, in some cases, however, the only available data were several years old

The research methodology followed three basic steps: 1) desk research, aimed at analyzing the theoretical implementation of the Directive and already available research outcomes; 2) survey, aimed at gathering experience from practice and 3) interviews with professionals, aimed at filling the gaps in gathering information and obtaining in-depth information.

The desk research was aimed at mapping the background of the implementation, i.e. the relevant law, regulations, instructions, policies, and statistics available through analysis of primary sources and secondary sources, such as academic commentaries, articles, publications or research reports.

Such background information was then complemented with information gathered through the survey and interviews. For the purposes of conducting the survey and interviews, the researchers primarily mapped the relevant stakeholders in the country, including the state authorities (the police, state prosecution, courts, health institutions, relevant departments at the ministries), victim support services (both state and private-run) and independent professionals, such as lawyers and academics. Those were contacted with a request to participate in the survey.

Many of the professionals, who were contacted to answer the survey, contacted us back with wishes to share more in-depth information, which they were not able to share during the survey. Subsequently, those professionals were requested to be interviewed. Five interviews were conducted with representatives of state and private-run victim support service, lawyers and a police officer specialized on victim support.

Through these three research tools, we were able to analyze the quality of implementation of the Directive, as well as the quality of the victim's access to their rights in practice. The commentary on the analysis is structured according to each Directive's Article. Within the analysis, we were able to identify the challenges, both in theory and practice, together with gaps in victims' protection. This information enabled us to identify, based on the comparison with the *DG Justice Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (hereinafter the DG Justice Guidance document related to the transposition and implementation of the Directive)*, relevant recommendations. Lastly, we also identify good practices, which could serve as an important tool to share with other member states to improve the access to rights of victims of crime in the European Union.

BASIC OVERVIEW OF THE LEGAL FRAMEWORK

The Victims' Directive was adopted on 25 October 2012 by the European Parliament and the Council and the deadline for transposition into national law expired on 16 November 2015. The Czech Republic was one of the first states to transpose the Directive, adopting a comprehensive Law on Victims of Crime (no. 45/2013 Coll., in effect since 1 August 2013), which follows the logic and, in some cases, the wording of the Directive.

The Explanatory report to the newly adopted law¹ directly references the Directive and in commentary to almost each individual Article explains the requirements of the Directive and the proposal's compliance with those requirements. According to European Parliamentary Research Service,² the Czech Republic is one of the states, which had a less-developed victim support system prior to adoption of the Directive. The Directive therefore has had a significant impact on victims' rights. The law also increased the overall visibility of the topic, with a number of campaigns ran by both private and state entities in the past few years. The Czech Republic has also considerably increased the budget invested in funding of the victim support services,³ and most recently has been discussing a new regulation of the Fund on the Support for Victims of Crime, which should increase the Fund's revenues.⁴

Prior to the adoption of the law, there was a specific **Law on Provision of Financial Aid to Victims of Crime (law no. 209/1997 Coll.)**, which defined victim of the crime in a narrower manner than the Directive.⁵ The remaining rights of victims of crime, other than the right to compensation, were enshrined in a rather **fragmented manner in the Code on Criminal Proceedings (law no. 141/1961 Coll.)**, and were related to their position in the criminal proceedings as an injured party.

The law was adopted after a consultation with a working group of state authorities, academics, lawyers, Probation and Mediation Service, researchers and NGOs (Bílý kruh bezpečí). The new law

1 Explanatory report to the Law on Victims of Crime prepared by the Government, 27. 2. 2012, no. 617/0.

2 European Parliamentary Research Service (2017). The Victims' Rights Directive 2012/29/EU. European Implementation Assessment, p. 68.

3 Ibidem, p. 68. The Czech MoJ provides funding to the entities accredited according to the Act on Victims of Crimes in the amount of CZK 10,415,829 in 2017, up almost 30% compared to the CZK 7,745,051 provided for the same purpose in 2016.

4 See: Irozhlas.cz. Fondu pro oběti trestných činů chybí peníze. Na účtu je 300 tisíc, ministerstvo čekalo ročně desítky milionů. 1 March 2018. Online <https://www.irozhlas.cz/zpravy-domov/fond-pro-obeti-trestnych-cinu-ministerstvo-spravedlnosti_1803010940_jak>

5 Grivna, T., Šámal, P., Válková, H. a kol. (2014). Zákon o obětech trestných činů. Komentář. 1. vydání. Praha: C. H. Beck, s. 12.

not only introduced the rights of victims of crime completely outside the criminal proceedings (through an administrative law) and included rights unrelated to those proceedings, but also introduced new rights, such as the right to a comprehensive set of information provided in a sensitive and understandable manner, the right to have an accompanying person present in the proceedings, the right to access to specialized victim support services or legal information and/or aid, the right to protection against secondary victimization, including the right to avoid contact with the alleged offender, or the right to provide statement on the impact of crime on the victim's life. The new law also incorporated the old Law on Provision of Financial Aid to Victims Crime (law no. 209/1997 Coll.) and included a number of provisions regulating the entities providing victim support services, their accreditation and financial support provided by the state.

There is, therefore, a dual system, in which a large set of rights, regulated by the Law on Victims of Crime, is independent on the criminal proceedings and victim's participation in those. This set of rights is supplemented by the **Law on Social Services (no. 108/2006 Coll.)**, which regulated some of the services provided to victims of crime.

The second set of rights connected with criminal proceedings, is enshrined in **the Code of Criminal Procedure**, **the Police Act** (law no. 273/2008 Coll., regulating some of the measures and rights in the investigative and pre-trial stage), **the Law on Specific Court Proceedings** (no. 292/2013 Coll., including a provision for preliminary order to leave the common household as a protective measure) or **the Law on Specific Protection of a Witness** (law no. 137/2001 Coll., introducing a comprehensive protection for specific witnesses).

With the adoption of the Law on Victims of Crime, the Code of Criminal Procedure was amended to incorporate many of the rights corresponding to the law. It introduced the information obligation of the authorities, the right to free legal aid for specific types of victims, the right to provide statement on the impact of crime on the victim's life, the right to have personal information excluded from the case-file or the right to be provided information on the offender's release or escape. Probably most importantly, however, the law introduced a set of preliminary measures (nine in total), with a view to, *inter alia*, protect the victim of a crime.

Since its adoption, the Law on Victims of Crime was amended twice. The first amendment was rather technical, but the second amendment by law no. 56/2017 Coll., in effect from 1 April 2017, introduced a few quite substantive changes, reacting, *inter alia*, on gaps in the implementation of the Directive and at the same time, some practical problems. Among them was the often-repeated challenge with proper communication and information sharing with the victim. The amendment added in the Article 13 of the law the requirement that all information, which the victim must be offered ex-officio or upon request, must be provided in an easy-to-understand manner, considering the victim's age, mental abilities, literacy, and health, including the current mental state. At the same time, the law newly stated that the information should be provided

in an extent, which is relevant for the concrete needs of the victim in relation to the harm they suffered, at the relevant time. It, therefore, allows for individualized assessment of the victim's communication needs in practice. The same provision also introduced the victim's right to waive the right to be informed, thus enabling the authorities to inform the victim only on certain aspects, relevant at the particular moment, whilst omitting the rest of the possibly irrelevant information. The waiver can be lifted at any time by the victim.

The amendment also modified the definition of the victim in so far as it added the requirement of harm on part of the family member of the deceased victim to qualify for victim status. Given that the Explanatory report⁶ originally stated that the harm should be presumed for those family members, the motivations for this modification are not clear, and it may prove problematic for some family members to access the victim status. Lastly, the amendment specified provision of certain rights, such as the right to avoid the offender (newly accessible also to victims who are family members of the deceased) or the right to use audio-visual recording equipment.

It transpires from our research as well as other research conducted on the matter that the overall situation improved quite significantly with the adoption of the Directive and the new law.⁷ The new law is comprehensible, corresponding to the Directive's provisions. There are, however, a number of gaps, which cause practical problems. Among them is the unclear practical impact of the provisions relating to translation (see commentary on Article 7) or insufficient internal guidelines, policies and regulations regarding to training, assessment of communication needs or vulnerability. Good practices regarding provision of information will also need to be developed.

⁶ Explanatory report to the Law on Victims of Crime prepared by the Government, 27. 2. 2012, no. 617/0.

⁷ See, predominantly: Fundamental Rights Agency (2014). Victim Support Services in the EU: An overview and assessment of victims' rights in practice. The Czech Republic. 2014. European Parliamentary Research Service (2017). The Victims' Rights Directive 2012/29/EU. European Implementation Assessment.ese

EVALUATION OF PRACTICAL IMPLEMENTATION

ARTICLE 2 - DEFINITIONS

For the purposes of the Directive a 'victim' is a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family members (the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

The definition of victim is provided for in the Law on Victims of Crime, which was adopted as a transposition of the EU Victims' Directive and is in effect since 1 August 2013. According to Article 2 of the law, a victim is a *natural person, who **has or was meant to have suffered harm** on health, material or psychological and emotional harm, or at whose expense the perpetrator was enriched. If death was caused by a criminal offence, **the family members** (in direct descent or ascent, siblings, adopted child or adoptive parent, a spouse or a registered partner, a companion, or a person, to whom the deceased to the day of her/his death provided or was obliged to provide sustenance) **who suffered harm** as a result of the death are also considered to be victims. If there are more such family members, each of them is considered to be a victim.*

Such definition of victim is independent on his/her position as an injured party in the criminal proceedings, which is defined in the Article 43 § 2 of the Code of Criminal Procedure as the *person (physical or legal), who has suffered harm on health, material or immaterial harm, or at whose expense the perpetrator was enriched.*

The definition of injured party in the criminal proceedings, therefore, differs from the definition of victim in so far as the injured party can be both a physical and a legal person. The family members of the deceased as a result of the crime can succeed in their position as injured party, in case they require compensation for material damages in the proceedings. The family members can also become injured party in the proceedings on account of their own damage caused by the crime.⁸

The definition of a victim also involves, contrary to the definition of injured party, natural persons, who were harmed by an otherwise criminal act, which could not be qualified as a crime (e.g. due to lack of criminal capability of the subject).

Procedural rights in the criminal proceedings are, according to the Code of Criminal Procedure, **awarded only to** those victims fulfilling the criteria of the **injured party**; at the same time, however, **no active involvement or participation is required** on part of the victim to be qualified as the injured party. Victims, who are not considered to be the injured party in the criminal proceedings, will still have the rights according to the Law on Victims of Crime, which enshrines most of the Directive's rights. According to practical experience of the interviewees, they have not encountered a situation where the victim was also not considered to be the injured party in the criminal proceedings, as in the large majority of the cases these positions overlap.⁹

The position of the victim is presumed; i.e. a person claiming to be a victim of a criminal offense is presumed to be a victim until it has been proven otherwise, or until it has been proven that the person is abusing the position of the victim. At the same time, the position of the victim is not dependent on identification, apprehension, prosecution or conviction of the perpetrator.

In theory, the victim status applies to all persons fulfilling the criteria, whether or not they have a legal residence status in the country. As it transpires from the analysis of accessibility of information, however, the access to certain rights might be more problematic to persons not speaking Czech.

The amended version of the Law on Victims of Crime (Law no. 56/2017 Coll., in effect from 1 April 2017) added the **requirement of harm** on part of the family member to qualify for victim status. According to the experience of some NGOs, this proves problematic and in fact disqualifies family members who have lost contact with the deceased, but still are traumatized by the loss.¹⁰ At the same time, however, this still seems to be in compliance with the requirements of the Victims Directive.

⁸ See the Supreme State Prosecutor. Interpretative statement no. SL 739/2007 of 16 July 2007.

⁹ Interviewee no. 3.

¹⁰ In Iustitia, o.p.s. (2016). Zákon o obětech trestných činů. Praktická a legislativní doporučení zohledňující návrh technické novely zákona č.45/2013 Sb., p. 7.

The Directive specifies that a family member for the purposes of qualification of a victim, is also "a companion", a partner in a committed intimate relationship, in a joint household on a stable and continuous basis. The Czech term "druh" used in the law is however generally interpreted as including only different-sex couples. This may be discriminatory towards same-sex couples, as they would be required to be registered as partners in order to qualify for a comparable protection as heterosexual couples. However, the term "druh" is only defined through legal practice, and euro-conform interpretation would require it to include also same-sex couples. It can therefore be presumed that the term will not pose problems in practice, as was confirmed to us by the respondents and interviewees.

ARTICLE 3 - RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings. Communications with victims should be provided in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim, including (but not limited to) any disability. Victims should, in principle, be allowed to be accompanied by a person of their choice in the first contact.

The issue of information and understanding is among the most problematic in practice.¹¹ The obligation of the police and state prosecutors to inform the victim is very extensive and the emphasis is put on the extent of the information, rather than on its accessibility. For this reason, understanding of the information by the victims has proven problematic since the very beginning of the effect of the law.¹²

In general, victims with different communication needs are entitled to sensitive communication adapted to their needs; it, however, stems from the interviews that this does not work well in general. The interviewed professionals were not aware of any information available in the easy-to-read format, the Braille, or other languages than Czech.¹³ Information material is available in the police intranet in four or five different languages, but is not always available at the police station. No easy-to-read material is available. Adjustment to the communication needs of the victim should be conducted through oral communication of the police officer. The victim will therefore obtain standardized information form, sign it, and then the most important information will be repeated orally. This however mainly works with the rather experienced police officers.¹⁴

11 As mentioned in the conducted interviews, see interviews 1, 2 and 3.

12 In Iustitia (2016), rep. cit., p. 17-18.

13 Interviews no. 2, 3.

14 Interviewee no. 4.

The police dedicate a specific webpage to information on the rights of victims and refer also to information materials and leaflets available online.¹⁵ The information is not available in different languages (not even English) and, using a rather legalistic language, is not particularly comprehensible.

According to the support organizations' experience, at the first contact with the police or state prosecutor, the victims generally automatically receive a long information leaflet with legal text, which they are required to sign and hand back to the authority. The signing of the leaflet serves as a confirmation for the police or state prosecutor that victims understood the information. The information leaflet, which used to be up to ten pages long, was later reduced to two pages of information to victims and seven pages relating to the rights of the injured party in the criminal proceedings.¹⁶

The information process is generalized and usually not sensitive to the communication needs of specific victims. According to some professionals, no individualized assessment of communication needs usually takes place.¹⁷ The respondents of the survey vary quite significantly in their assessment of the quality of communication between the victim and the authorities, confirming the interviewees' experience, according to which the quality of communication depends on the particular police officer the victim comes into contact with. The victim, who is first put in contact with the specifically trained police crisis intervenor,¹⁸ or an experienced police officer, is more likely to obtain comprehensible, sensitive and relevant information.

Although the authorities are obliged to explain the most important rights also orally (see Article 8 § 2 of the Law on Victims of Crime), the process is, according to the information gathered, frustrating and burdensome for both the authorities and especially the victims.¹⁹

Despite the intention of the drafters of the law to enable the authorities to assess the communication needs of all victims and, consequently, provide relevant information throughout the different phases,²⁰ a large amount of hardly understandable information is handed to the victim on the first contact with the authority, often in a moment when the victim is still in shock or distress. This leads to the fact that victims are generally not informed at all about their rights, because the information given to them is incomprehensible and overwhelming.²¹

15 The webpages of the Police of the Czech Republic. Online: <<http://www.policie.cz/clanek/informace-pro-obeti-trestnych-cinu.aspx>>

16 Interviews no. 1, 2 and 3. The leaflet is available online as „Základní informace pro oběť trestného činu“. Online at: <<http://www.policie.cz/clanek/dokumenty-a-odkazy-pro-obeti-trestnych-cinu.aspx>>

17 Interviews no. 1 and 3.

18 On this position, see further commentary on Article 8.

19 Interview no. 3; see also Provazník, Jan (2016). Přístup k obětem trestných činů z hlediska zainteresovaných státních institucí. Praha: Univerzita Karlova, p. 63.

20 Explanatory report to the Law on Victims of Crime prepared by the Government, 27. 2. 2012, no. 617/0, p. 53.

21 Interviews no. 1, 2 and 3; Provazník, Jan (2016), rep. cit., p. 68; In Iustitia (2016), rep. cit., p. 15.

As was noted above, it may be concluded that **whether or not the victim will be informed properly and comprehensively depends on the concrete police officer** the victim comes into contact with; some organizations cooperate with concrete police officers, who are experienced and skillful in communication with the victims, and they turn to them whenever the victim wishes to initiate criminal proceedings.²² This however concerns rather isolated cases.

Attempting to remedy the situation, the amendment of the law (law no. 56/2017 Coll., in effect from 1 April 2017) altered the formulation of Article 13 of the Law on Victims of Crime, emphasizing that victims must be informed in an understandable manner, considering the victim's age, mental abilities, literacy and health, including mental state, and the information shall be provided in an extent, which is relevant for their concrete needs in relation to the harm they suffered. This provision appears to reflect the Directive's requirement that the information is provided to the victim in a simple and accessible language and that the communication should take into account the personal characteristics of the victim.

The newly amended Article 13, however, also added the possibility for a victim to waive her/his right to receive information, unless the information is necessary for the purposes of criminal proceedings, in which the victim is an injured party. Such waiver can be taken back at any time, and the victim must be informed of such possibility, however, in practice, this may lead to serious impediments on the right to be informed and other rights (i.e. the right to privacy), especially if such waiver is provided during the first contact with the authority, while the victim is overwhelmed or distressed.²³

The Law on Victims of Crime clearly provides in its Article 21 that the victim has the right to be accompanied by a person of their own choosing (a trustee). This **information is usually not given to the victim** in another way than in the standardized information form, and victims, therefore, are often not aware of this possibility, unless informed by a service.²⁴ According to survey respondents, however, victims are sometimes, or rather often, accompanied by a trustee, and it rarely happens that their participation is forbidden, even if for lawful reasons.

Many of the victim support organizations also provide the service of accompanying the victim to appointments with the authorities. The trustee has the right to be present during almost any contact of the victim with the authorities (also including the court hearings when the public is excluded) and support the victim, but has no procedural rights and cannot interfere with the procedure. In this sense, the role of the trustee is different from that of a proxy. The victim is entitled to have both supporting persons, the trustee and the proxy, present during the appointments with the authorities.

²² Interview no. 1.

²³ In Iustitia (2016), rep. cit., p. 18.

²⁴ Interview no. 1 and 4.

ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

Member States shall ensure that victims are offered, without unnecessary delay, from their first contact with a competent authority, information about the type of support the victims can obtain and from whom; the procedures for making a formal complaint; how and under what conditions they can obtain protection, access legal advice and legal aid; access to compensation; entitlement to interpretation and translation; special measures if they are resident in another Member State; contact details for communications about their case; available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

In the law, the right to be informed is properly and exhaustively included in Articles 7 to 13 of the Law on Victims of Crime. The victim has the right to be informed from the moment of the first contact with the police or state prosecutor in all areas required by the Victims Directive even without request, in writing, while the most important information must also be explained orally. Upon request, also other information must be explained orally. At the same time, however, it appears that the competent authorities feel to be obliged to provide all information exhaustively to the victim during the first contact, which may overwhelm the victim, and possibly lead to the victims' waiver of the right to receive information altogether (see above the comments on Article 3).²⁵ The situation, however, might have changed to the positive, as the survey respondents mostly stated that at the first contact with the authorities, the victims receive partial or most information.

The police and state prosecutor must inform the victim in writing and orally, during the first contact, about the type of support the victims can obtain and from whom and under which circumstances the support is free of charge;²⁶ the procedures for making a formal complaint; how and under what conditions they can obtain protection and to which competent authority to

²⁵ Interviews 1, 2, 3 4 and 5.

²⁶ See commentary on Article 8 to see the conditions for provision of support services free of charge.

turn to obtain more information about the criminal matter, in which she/he was victim. In writing, the victim must also obtain information about the next steps in the criminal proceedings and the role of the victim in those. Further, they must be informed about which competent authority to turn to in order to obtain more information relevant under Article 6 of the Victims Directive together with contact of that authority; under which circumstances and to which extent the financial support can be obtained; to which residence social services or health services the victim can turn to; how and where to make a formal complaint if her/his rights have been violated or unlawfully restricted by a public authority; which measures are available to a victim resident in another Member State; and what other rights according to this law the victim has access to.

Other competent authorities (health and other authorities) have the obligation to inform the victim what state authority they can file a criminal complaint with and to which available services they can turn to, to receive specialized support, including their contact. Victim support organizations have the obligation to inform the victim on the services provided or contact of the organization providing the required service; on the rights of victims according to the law; and on the position and role of the injured party and witness in the criminal proceedings, including in the different stages of the criminal proceedings.

This information is included in the standardized information handout given by the police to the victim at the first contact to sign. Such handouts have several pages and contain dense legal language. The police also have shorter leaflets available at the stations and online, the leaflets however also contain a rather complicated language, which may be inaccessible to many persons. Specific attention is not paid to the particular needs of different victims of different crimes nor to vulnerable victims. The standardized information is hardly understandable for victims with regular communication abilities; no easy-to-read and accessible material is available for victims with specific communication needs, persons with intellectual disabilities, children, older persons, or persons with different mother tongue. To our knowledge, no assessment of victims' ability to understand the provided information is conducted.

Personalization of the information may be provided in the oral form, as the police and state prosecutor have an obligation to provide some information orally without request, and the rest of information if requested. In theory and if the victims are well informed of this possibility, they can request to obtain oral understandable information elementary for the realization of their rights at the moment of the first contact, temporarily waive their rights to receive the rest of information, and lift the waiver during the later stages of the proceedings, when the information becomes needed.

Much of the information provided to victims is available online on a webpage of the police, including information leaflets and short brochures. There are however no specialized brochures for vulnerable victims, and there is no easy-to-read accessible information material for persons

with disabilities, children, elderly persons or other groups. There is also no information available in different languages. According to the experience of the support organizations representatives, the victims are also usually not informed in a targeted manner about the available services which may be relevant and useful for them.²⁷ The police service room is usually equipped with a shelf with leaflets, often including leaflets with information about available services, but the victims may not notice nor be able to navigate in the amount of information.²⁸ According to the survey, most victims receive information mainly orally and through brochures or leaflets, and even video is sometimes used. Sometimes, the victims are referred to online sources.

There is a centralized register of available support services and lawyers providing legal aid, which is available online.²⁹ However, the online register is not easy to understand, as it does not provide the information from the point of view of the victim; i.e. the victim cannot search for services relevant for her/his specific situation and it does not provide the victim any guidance on which services may be relevant for her/him. The respondent organizations' responses show that for many persons, the register is virtually unusable.³⁰

27 Interviews no. 2, 3 and 4.

28 Interviews no. 2 and 3.

29 The register is available online at: <<https://otc.justice.cz/verejne/seznam.jsf>>

30 In Iustitia (2016), rep. cit., p. 27; interview no. 2.

ARTICLE 5 - RIGHTS OF VICTIM WHEN MAKING A COMPLAINT

Member States shall ensure that victims receive written acknowledgement of their formal complaint. Where they do not understand or speak the language of the competent authority, they should be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance. The acknowledgement should be translated free of charge where the victim doesn't speak the language.

The victims must receive the written acknowledgment of the complaint according to Article 8 § 3 of the Law on Victims of Crime, independently from the victims' request. The victim, who filed an official criminal complaint, will therefore always receive the acknowledgment, together with written and oral information regarding the available support services, protective measures and where to find further information.

Such acknowledgment consists (and, according to the interviews, usually does)³¹ of a transcript of the statement, which the victim provided with the formal complaint. Upon the request of the victim who does not speak the official (Czech) language, such information must also be provided to the victim in the language she/he understands or in the official language of the state she/he is a citizen of (Article 12 § 1 of the Law on Victims of Crime). The right to receive the translation of the information is not conditioned by proof that the victim does not speak Czech or by any other requirement; a simple statement of the victim is sufficient for the purposes of the law. The translation is provided free of charge.

According to the majority of the respondents to the survey, however, the victims only receive such acknowledgment sometimes, although almost always they are able to make the complaint in their own language.

³¹ Interview no. 2.

ARTICLE 6 - RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Member States shall ensure that victims are notified without unnecessary delay of their right to receive information related to criminal proceedings: any decision not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges against the offender; of any final judgement in a trial and of information about the state of the criminal proceedings, in accordance with their role in the criminal justice system; about the reason which led to the above mentioned decisions; notification in case the person remanded in custody, prosecuted or sentenced concerning the victim is released from or has escaped detention.

Article 11 of the Law on Victims of Crime provides that victims have, upon request, the right to receive all the information foreseen in Article 6 of the Directive. Additionally, the Law establishes that in order to exercise this right, there is an obligation to inform victims of the right to make such request for information.

The right is not conditioned in any way by the victim's position in criminal proceedings and, therefore, should be accessible to all victims. At the same time, however, the information about the state of the criminal proceedings may be provided to the victim only if the information cannot impede the ongoing criminal proceedings. According to the interviewees, they have not encountered a case when this happened, although most of the respondents of the survey did acknowledge that sometimes victims do not receive this information due to their role in the criminal proceedings.

Although all victims have the right to receive the information, upon request, in the extent of this article, the right to challenge the decision not to prosecute and other procedural rights in the criminal proceedings are limited to the injured party; e.g. according to the Article 159a § 7 and Article 172 § 3 of the Criminal Procedure Code, it is the injured party in the criminal proceedings who can file a complaint against the decision to set aside the criminal complaint or

not to prosecute. At the same time, it has been emphasized to us during the interviews,³² that the situation in which the victim will not be at the same time the injured party in the criminal proceedings do not happen very often in practice. The position of the injured party in the criminal proceedings is defined in a similar manner as that of the victim according to the Law on Victims of Crime, it is also presumed in situations of uncertainty, and it is not dependent on the victim's procedural activity.³³

Also, the information about the release or escape of the perpetrator is given to the victim upon request. The victim must be informed about the right to file such request. However, even if the victim did not file the request, she/he must be (according to Article 11 § 6 of the Law on Victims of Crime) informed about the release or escape if there is a reason to believe that the perpetrator may pose danger to the victim.

It results from the survey that victims are sometimes not informed of their right to be provided information about the release or escape of the offender. If such information is provided, it is often by the support organization's worker, who informs the victim of the right to be request information about release or escape of an offender.³⁴ At the same time, once such request is made, the information about escape or release is provided.

³² Interview no. 2 and 3.

³³ Interview no. 5.

³⁴ Interview no. 2.

ARTICLE 7 - RIGHT TO INTERPRETATION AND TRANSLATION

Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings are provided, upon request, with interpretation at least during any interviews or questioning and with translation of information essential to the exercise of their rights in criminal proceedings in accordance with their role. Victims may challenge a decision not to provide interpretation or translation.

According to the Law on Victims of Crime (Article 12), as well as to the Code on Criminal Proceedings (Article 2 § 14), victims have the right to receive all information required under Article 4 of the Victims Directive, as well as the information about the escape or release of the offender, in the language the victim chooses (i.e. in the language the victim understands) or in the official language of the state she/he is a citizen of. Such information must always be, upon her/him request, translated to the victim. Other information given by the health authorities or support services, as well as information relating to the criminal proceedings, may be translated to the victim if possible, i.e. translation of such information may be denied to the victim, if there are sufficient reasons for it. The law does not clearly stipulate whether the translation must be provided free of charge, but practice confirms that no payment is requested by the victims.³⁵

The victim is also entitled to the translation of a final decision in the criminal proceedings, by which the proceeding is finished, together with its reasoning, if she/he requests it. This can, however, be denied if the decision and its reasoning were completely or partially translated during the court hearing and if it is not deemed necessary for the victim to receive such written translation. It is possible to file a complaint against the decision not to provide a translation of the final decision in the criminal proceedings, but the law does not stipulate that the complaint is available against other decisions not to provide a translation (Article 12 § 2 of the Law on Victims of Crime).

³⁵ Interviews no. 4 and 5.

Translation of other information may be provided to the victim upon her/his well-reasoned request and if the authorities deem the translation necessary in order to enable the victim to enjoy her/his procedural rights.

In the position of an injured party in criminal proceedings, the victim has seemingly an unlimited right to receive interpretation and translation based on Article 2 § 14 of the Code on Criminal Proceedings. There may however be a serious gap between this provision of law and the practice. The interpretations and translations are usually arranged on an ad-hoc basis; either a police officer requests the victim to bring her/his own interpreter (official or unofficial), or another police officer is requested to help with interpretation, generally into English.³⁶ This has not however been confirmed by the survey, according to which, most of the victims are often provided with adequate interpretation or translation during the contact with the police, the prosecutor or the court,

The availability of interpreters may, however, be a problem in practice, as also pointed out by the respondents of the survey. Contrary to the *DG Justice Guidance Document related to the transposition and implementation of the Directive recommendations*, however, we did not find that teleconferencing or video conferencing would be used to facilitate the translation. The police do not have an online register of the translators they use for this purpose. There is, however, an official register of court-certified translators from the Ministry of Justice, which is available online and which is used, if the police do not have their own specific contact. The service of such interpreters and translators is however rather costly and is rarely used.³⁷ To this date, there are 3278 court-certified translators, of whom 798 are translators to English, 230 to French or 68 to Arabic.³⁸

36 Interview no. 4.

37 *Ibidem*.

38 Based on information from the survey among police officers in: Tomíčková, Kateřina (2014). *Soudní tlumočení v policejní praxi*. Olomouc: Filosofická fakulta Univerzity Palackého, p. 23. The register is available online at [accessed on 31 May 2018]: <[http://datalot.justice.cz/justice/repznatl.nsf/\\$\\$\\$SearchForm](http://datalot.justice.cz/justice/repznatl.nsf/$$$SearchForm)>

ARTICLE 8 - RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Member States shall ensure that victims have access to confidential victim support services, free of charge, before, during and for an appropriate time after criminal proceedings. Member States shall facilitate the referral of victims, by the competent authority that received the complaint to victim support services. Member States shall take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. Member States shall ensure that access to any victim support service is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

In the Czech Republic, there is a relatively large network of both general and specialized victim support services, as well as a network of lawyers providing legal support to victims of crime. According to the interviews, the first and second model of referral, as categorized by the Fundamental Rights Agency (FRA) survey,³⁹ is used in the Czech Republic. Usually, as should happen according to the law, the victims are provided information on available services. At the same time, the cooperation between certain police officers and support services works on a closer level, and in these situations, the service is, with the consent of the victim, informed by the police officer and the contact with the victim is facilitated.⁴⁰ Often, police officers refer the victim to a generic support service (the Probation and Mediation Service of Bílý kruh bezpečí), which later assesses the situation and needs of the victim and refers her/him further to a specific service.⁴¹

There is a generic state support service, the Probation, and Mediation Service, which is present in all judicial districts (74 for the whole country + 4 additional branches). This service provides general support free of charge to all victims; at the same time, the service workers deal with a large variety of other issues, which probably, as was confirmed to us during an interview,⁴² affects their ability to spend time with the victim. For this reason, an EU-funded project is run in

39 Fundamental Rights Agency (2014), *rep. cit.*, 53.

40 Interview no. 1 and 4.

41 Interviews no. 2, also confirmed by the FRA report, Fundamental Rights Agency, 2014, *rep. cit.*, 53.

42 Interview no. 2.

55 of these centers, which is specialized on the implementation of victims' rights and employs 55 victim support counselors in these centers, who are trained to provide adequate general support. Training provided to 660 workers in other support services is a part of the project.⁴³ The geographical allocation of these centers is adequate and it transpires from the interview conducted with one of the counselors, the centers are not overwhelmed by clients; contrary to that. Nevertheless, the referral of victims to the service does not always work ideally and therefore, victims are not always referred to the service, despite the fact that the responsible authorities (the police, generally) work with the Probation and Mediation Service centers on regular basis.⁴⁴

Apart from the universal state support service, there is a network of both general and specialized victim support services and lawyers. There are approximately 15 accredited subjects per each of the 77 districts of the country; of which one is the state support service, approximately 1/3 are the NGO services and the rest are the registered lawyers. Apart from the general state-run service and the Bílý kruh bezpečí NGO (the largest victim support NGO), most support services are specialized and provide support to victims of gender-based violence, domestic violence (Pro-Fem, o.p.s., Persefona, z.s.) or hate crime (In Iustitia, o.p.s.). There are a few services specialized for child victims of crime (such as Dětské krizové centrum⁴⁵).

Bílý kruh bezpečí, for example, provided more than 2 500 consultations both in 2016 and in 2017.⁴⁶ The number of provided consultations is quite large, considering the fact that, according to data from 2013, there were approximately 16 000 known victims of crime in the Czech Republic. Being the main state-supported victim support NGO (of the approximately 21 mil. CZK budget in 2016, approximately half was from the state or regional government sources⁴⁷), Bílý kruh bezpečí provides complex legal, psychological and social services in nine offices in the Czech Republic. They also cooperate closely with the police and other social services (in 2016, Bílý kruh bezpečí provided 201 seminars or training for 6381 persons in total⁴⁸).

All of the support organizations can be found online in the register of the Ministry of Justice.⁴⁹ Despite the register, the support services are not very visible. Upon the search on the internet, the victim will probably find the police website with information on victim's rights, which will refer the victim to the register. The register, however, is not user-friendly from the victim's perspective and it is hard to find relevant information there. It does not list the services based on the victim's needs (i.e. the type of crime she/he has been subject to) but based on formalistic sorting by the

43 Information about the project is available online at: <<https://www.pmscr.cz/proc-zrovna-ja-ii/>>

44 Interview no. 2.

45 Information about provided services is available online at: <<http://www.ditekrize.cz/>>

46 See the data available online at the webpage of Bílý kruh bezpečí. Online: <<https://www.bkb.cz/o-nas/statistiky/>>

47 See Bílý kruh bezpečí, the Yearbook of 2016, p. 7, online at: <<https://www.bkb.cz/o-nas/vyrocn-zpravy/>>

48 Ibidem, p. 6.

49 The register is available online at: <<https://otc.justice.cz/verejne/seznam.jsf>>

type of service according to the law. It may be assumed, however, that at that point, the victim will not be aware of the type of service she/he needs, and information as to what could various types of services do them, is not available.

This information regarding the available services should, in theory, be given to the victim at the first contact with the police officer or other authority, but it transpires from the interviews⁵⁰ that such information is often not provided in another form than by leaflets left at the police station. The police officers usually refer the victim to one of the services (generally, to Probation and Mediation Service or to Bílý kruh bezpečí),⁵¹ and it has been confirmed through the survey that some kind of referral happens in the majority of the cases. An interviewee mentioned that with some police precincts, the established cooperation is on a good level, and the referral works well both ways.⁵²

Once the victim reaches the service, they appear to be accessible in the sense that they have enough capacity to support the victim's needs and provide the support free of charge. This has been confirmed by the survey. Although Bílý kruh bezpečí does that with extensive support of the volunteers, it appears that the service works very effectively and provides a very good quality support. In fact, it seems from the information gathered, that the support services are quite irreplaceable in implementing victims' rights.⁵³ At the same time, the victim support services often implement training for the authorities.⁵⁴ The main improvement of the system considering the victim support services, identified through the survey, would be ensuring more funding and better legislation and policies.

The authorities attempt to cooperate effectively with the victim support services. Apart from the training (run by some of the victim support services to the authorities), this materializes in state-funded awareness-raising campaigns, such as the campaign "Máte svá práva" (*You have your rights*) run by In Iustitia and funded by the Ministry of Justice.⁵⁵

The most prominent of such cooperation is however probably through the crisis intervention team, which coordinates the whole system of crisis help to victims from the police, ensures methodological guidance and also manages a phone-line for psychological intervention. The team is comprised of specifically trained police officers, who often volunteered to be specifically trained to become crisis intervenors. Often, those are the police psychologists. Their work is

50 Interview no. 2 and 3.

51 Interview no. 2 and 4.

52 Interview no. 1.

53 Interview no. 1, 2, 3 and 4.

54 See, inter alia, the training implemented by In Iustitia on rights of victims of hate crime, based on a contract with the government, available online at: <<https://www.vlada.cz/assets/urad-vlady/Smlouvy/15-224-0.pdf>>; or the training provided by the Bílý kruh bezpečí during the project MUSAS II regarding the rights of child victims of crime: <<http://www.apav.pt/musas/musas2.html>>

55 The campaign runs an information website at: <<http://www.matesvaprava.cz>>

governed through the *Internal Regulation of the Police President from 1 July 2010 about the system of psychological help to victims of crime and victims of disasters*, and they provide non-stop crisis phone-line, direct crisis intervention as well as referral of the victim to specialized organizations. The police officers, who come first to the contact with the victim of crime, can therefore always call the central directory and request presence of the crisis intervenor for communication with the victim; based on the availability, the crisis intervenor should immediately be referred to help. In 2012, there were 361 crisis intervenors and 22 lecturers for crisis intervention in the whole country,⁵⁶ and between 2011 and 2013, just in one region of the country, 180 crisis intervenors were trained. Such training took place in each region of the country.⁵⁷ Based on an agreement with *Bílý kruh bezpečí* from 2010, the professionals from the service participate on the crisis intervention team or provide other support, including training.⁵⁸

⁵⁶ The Police of the Czech Republic. Yearbook of 2012. The assessment of activities of psychology departments for 2012.

⁵⁷ According to information from the presentation of the Regional Directorate of the Police of Plzeň region. Svoboda, Petr (2013). *Edukace policistů v otázce pomoci obětem trestných činů*. České Budějovice: Jihočeská univerzita, p. 32.

⁵⁸ The agreement between the police and *Bílý kruh bezpečí* concluded in 2010 is available online at: <<https://www.bkb.cz/aktuality/n22-dohoda-mez-policii-cr-a-bilym-kruhem-bezpeci-o-poskytovani-pomoci-obetem-trestne-cinnosti/>>

ARTICLE 9 - SUPPORT FROM VICTIM SUPPORT SERVICES

Victim support services shall, as a minimum, provide: a) information, advice and support relevant to the rights of victims; b) information about or direct referral to any relevant specialist support services in place; c) emotional and psychological support; d) advice relating to financial and practical issues arising from the crimes; e) advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. Specialist support services shall develop and provide: a) shelters or any other appropriate interim accommodation for victims; b) targeted and integrated support for victims with specific needs such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships.

According to the Law on Victims of Crimes (Articles 4 to 6), victims have the right to receive a range of services, including information and advice relating to their rights, information regarding other services and available restorative programmes, psychological counseling, social counseling and legal information and help. All such services can be provided before, during and after the criminal proceedings, based on the needs of the victim. The law does not specifically state that the services must provide advice relating to financial and practical issues connected with the victim's situation, or relate to the prevention of risk of secondary and repeat victimization, of intimidation and of retaliation. In practice, however, this would be covered by the legal, social and psychological counseling, and the survey confirms that victims often or almost always receive such information. Moreover, the services have the obligation to inform about those topics under their information obligation (Article 9 of the Law on Victims of Crimes).

According to the law, such service is provided free of charge only to the victims with specific protection needs. However, based on our information, the services do not charge for their support of victims, who are not considered to have specific protection needs, including for providing legal information.⁵⁹ Majority of the services are also registered to be a social service under the Law on

⁵⁹ Interviews no. 2 and 3.

Social Services, under which the service can also be provided.

The Probation and Mediation Service, as a generic victim support service run by the state and currently supported by an EU-funded project relating to victim's rights, provides complex service free of charge to all victims. The services range from information, general social and psychological counseling, to help regarding financial and practical issues and restorative programmes. The service also carries out an assessment of protection needs and referral to specialized services.⁶⁰

Bílý kruh bezpečí, the largest non-state service with a network of offices around the country, provides legal information, psychological and social counseling as well as practical information. They also accompany the victims during the criminal proceedings.⁶¹ Apart from general counseling through their offices and crisis phone-line, they provide therapeutic services and crisis counseling for victims with specific protection needs.⁶² A general support to victims is also provided, for example, by Theia, in the South-Bohemian region.⁶³

Apart from the two general services (one state and one private-run), there are a number of specialized services, focusing on a particular group of victims. Persefona⁶⁴ provides a broad range of services to victims of gender-based, sexual or domestic violence, including social, legal and psychological counseling, accompanying the victim to the Court etc. Pro Fem provides a broad range of services to the same target group, including crisis intervention,⁶⁵ and Acorus, z.s., also provides residential service. A crisis intervention center for the same target group is also run by Spirála.⁶⁶ La Strada provides specialized support to victims of human trafficking⁶⁷ and Rozkoš bez rizika⁶⁸ provides such support to workers in the sex business.

According to the Ministry of Justice's register of subjects providing services to victims of crime, there is only one shelter service for victims of crime in Prague provided by Acorus,⁶⁹ which specializes in victims of domestic violence, and can provide shelter to women (with or without children). However, according to the Ministry of Social Affairs' register of social services,⁷⁰ there are 19 of such shelters providing service to victims of crime, and many more providing service to victims of domestic violence. There therefore appears to be a discrepancy between the two

60 The information regarding the range of services can be found (in Czech and English) online at: <<https://www.pmscr.cz/pro-obeti/>>

61 Interview no. 3.

62 Information on available services can be found (in Czech and English) online at: <<https://www.bkb.cz/>>

63 <<https://www.theia.cz/>>

64 <<http://www.persefona.cz/>>

65 <<http://www.profem.cz/>>

66 <<http://www.spirala-ul.cz/wp/>>

67 <<http://www.strada.cz/cz/>>

68 The information about the service is available online at: <<http://rozkosbezrizika.cz/>>

69 The information about the service is available online at: <<http://www.acorus.cz/cz/sluzby/azylovy-dum.html>>

70 The register of social services is available online at: <<http://iregistr.mpsv.cz/socreg/>>

registers; considering the Ministry of Social Affairs' register as including more complete and accurate information, the capacity of such services will be significantly higher than the required minimum standard by the Council of Europe guidelines for support services.⁷¹ At the same time, most of the service's target group are women with or without children, and there may be a problem for a male victim of a crime to find a suitable service.

It has been emphasized throughout the interviews that the quality of provided service is good and the victim support services are invaluable for ensuring practical implementation of the victims' rights.⁷²

It appears that rather than inaccessibility or unavailability of service, there is a problem in obtaining relevant information about the service's existence and the services they provide, even in the state-run databases.

71 Council of Europe (2008). Combating violence against women: minimum standards for support services. Online at: <[https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf)>

72 Interviews no. 1, 2, 3 and 4.

ARTICLE 10 - RIGHT TO BE HEARD

Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

The victim, as it transpires from the interviews conducted, is perceived as an important witness in the criminal proceedings, and, according to this role, she/he is entitled (and legally required - according to Article 97 of the Code of Criminal Procedure) to give explanation or testimony prior to the initiation of criminal proceedings as well as during the criminal proceedings. According to the survey, the victim is almost always heard in the criminal proceedings and this right is not limited to certain phases of the proceedings.

Specific protection is provided to child victims, who may, as a matter of rule, only be heard once in the proceedings, and are entitled to the presence of Child Protection Authority or another person specialized in communication with children (Article 102 of the Code of Criminal Procedure). Parents may be invited, if this may lead to a more efficient conduct of the interview. If it is necessary to repeat the hearing, this should usually be done by reading out the transcript of the testimony or by playing the audio-visual record. According to the information gathered through the interviews as well as the survey, this provision functions in practice. Children victims' interviews are usually audiovisually recorded and not repeated.⁷³

The Code of Criminal Procedure also requires the authorities to pose questions relating to privacy in a sensitive manner in relation to maturity, age, experience and mental state of the victim, and only require information, if they are necessary to clarify the facts of the alleged crime (Article 101 § 3 of the Code of Criminal Procedure).

Apart from being heard in the proceedings, the victim (in the position of an injured party in the criminal proceedings) may also suggest and produce evidence, has access to the case-file, and has the right be present to other procedural steps in the proceedings (Article 43 of the Code on Criminal Proceedings), such as during investigative steps, whose results can have impact on the realization of their rights (Article 51 of the Code on Criminal Proceedings) and whose results can be used as evidence in the proceedings. This right may be denied if the goal of the investigation

⁷³ Interview no. 2.

could be jeopardized. The injured party (and the representative) can pose questions to the alleged offender and raise objections against the offender's testimony.

These rights do not apply to the injured party, who is in the same proceedings prosecuted as a co-defendant. At the same time, rights may be restricted in a case with a large number of persons who were aggrieved by the crime. In such case, the judge may decide that the rights of victims will be represented by a common elected proxy. The rights are also restricted for persons with restricted legal capacity (including children), whose rights may only be exercised through a proxy or a guardian.

According to Article 43 § 4 of the Code of Criminal Procedure, the victim may also, at any point in the criminal proceedings, provide a statement regarding the impact the crime had on their life, which is considered to be evidence in the proceedings.

ARTICLE 11 - RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to review of a decision not to prosecute. Where the role of the victim will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. Member States also need to ensure that victims are notified of their right to receive, and that they receive sufficient information to decide whether to request a review.

The victim, in a position of an injured party according to the Code of Criminal Procedure, can challenge both the decision of the police or the state prosecution to lay aside the criminal complaint prior to initiation of the criminal proceedings (Article 159a § 1 of the Code of Criminal Procedure) and the decision to stop the already initiated criminal proceedings (172 § 3 of the Code of Criminal Procedure). The right is however connected with the procedural standing of the injured party, although this will mostly coincide with the position of the victim. The law does not require the authorities to inform the injured party of such right, and the information materials handed out by the police officers⁷⁴ do not contain such information. However, the victim in a position of the injured party has the right to request to be delivered copies of all decisions, against which she/he can file an appeal (Article 64 § 1 b) of the Code of Criminal Procedure).

Apart from this right, irrespective from the position of the injured party, the victim has the right to receive information that the authorities decided not to start any criminal proceedings if she/he was the one to alert the authorities of the alleged crime. This information does not have the form of a decision. However, complaint as a general measure can be filed by the victim against the conduct of the police authority to the superior police officer. This right is not restricted based on the type of crime the victim was subjected to. In practice, the interviewed professionals did not mention substantive problems with the implementation of the right.

⁷⁴ The information materials are available (in Czech) online at: <<http://www.policie.cz/clanek/dokumenty-a-odkazy-pro-obeti-trestnych-cinu.aspx>>

ARTICLE 12 - RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the referral of cases, as appropriate to restorative justice services.

Although the Czech legal system introduces several measures which allow for diversion from the formal criminal process, mediation is the main restorative measure in the strict sense. At the same time, as mediation is provided within the framework of criminal proceedings, it is only available to the victim who is also an injured party in the criminal proceedings.

Mediation is provided, free of charge, by the Probation and Mediations Service, according to the Act on Probation and Mediation Service (Law no. 257/2000 Coll.). The service itself has, as one of its main missions and principles, a sensitive approach towards the victim/injured party. One of its tasks is also the assessment of the possible danger of secondary victimization or re-victimization or retaliation.⁷⁵ Mediation can only be provided with the consent of the injured party and the alleged perpetrator, but their presence, if they do not wish to face the offender, is not always necessary.⁷⁶ In such case, when the offender shows genuine interest in remedying the damage done by the crime and cooperates with the Probation and Mediation Service, the service drafts a report about the cooperation with the offender, which will be taken into account by the prosecution or the court (depending on the phase of the proceedings), similarly as the results of mediation.

The Probation and Mediations Service adopted a Methodic standard on pre-trial and trial stages of the criminal proceedings, which establishes an individual assessment and individual interview with the injured party as the beginning of the possible mediation process. The injured party must be provided all useful information to decide whether or not to participate in the mediation process. However, the Methodic standard does not contain any specific guidelines as to how to

⁷⁵ According to information available online in relation to the implemented victim-support EU-funded project „Why me?“: <<https://www.pmscr.cz/proc-zrovna-ja-ii/>>

⁷⁶ Probation and Mediations Service. Methodic standard on pre-trial and trial stage of the criminal proceedings, p. 6. The standard can be found online (in Czech): <http://tmp1.webget.cz/pmscr/download/MEDIACE_metodika_textova_cast_bez_priloh>

assess and prevent the possible risk of secondary victimization or re-victimization or retaliation.

Apart from the initiative of the offender or the injured party, mediation can be initiated by the authorities (the court, prosecution or police authority) or by the Probation and Mediations Service, upon the assessment that mediation could be an effective measure in the particular case. If mediation is initiated by a third party, mediation can happen if both the injured party and the offender agree to it.

From the statistical data, it appears that mediation is used quite often. From the available statistics from 2017, mediation appears to constitute approximately 87 % of the activities in the pre-trial and trial stages of the proceedings of the Probation and Mediation Service. At the same time, from the same statistics, it appears that the victims only initiate the contact with the service in approximately 0,3 % of the cases.⁷⁷ According to a research conducted in 2009 on the perception of the risks of mediation, 67 % respondents stated that they consider mediation to be beneficial and 38 % stated that it is equally beneficial for both the victim and the offender. Approximately 25 % of the respondent victims were afraid from the first meeting with the perpetrator, which corresponds to the proportion of violent crimes. 80 % of the victims, who underwent mediation, consider it to be beneficial and would undergo it again.⁷⁸

⁷⁷ The statistics are available online at: <https://www.pmscr.cz/download/010117_311217__Statistika_PMS_CR_pro_www.pdf>

⁷⁸ ROZUM, Jan. SCHEINOST, Miroslav. TOMÁŠEK, Jan. LUPTÁKOVÁ, Marina. KOTULAN, Petr (2009). *Mediace z pohledu občanů České republiky*. Trestněprávní revue. Praha: Nakladatelství C. H. Beck.

ARTICLE 13 - RIGHT TO LEGAL AID

Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings.

According to the Article 4 of the Law on Victims of Crimes, all victims have the right to obtain specialized support, including legal aid. Victims with specific protection needs are entitled to obtain legal aid free of charge. Such legal aid is not conditioned upon the role of the victim in the criminal proceedings and is provided partially by registered barristers (legal aid) and by accredited NGOs (provision of legal information). Apart from this, according to the Code of Criminal Procedure (Article 51a, Law no. 141/1961 Sb), the injured party, who was caused grave bodily injury, or who is a relative of a deceased as a result of a crime, or who asked compensation for damages in the criminal proceedings, and at the same time shows insufficient funds for legal representation, can get free legal representation by a decision of the court. These requirements do not apply to victims with specific protection needs, including children, who are always entitled to legal representation free of charge.

According to the experience of In iustitia,⁷⁹ the access to legal aid is insufficient, and cannot only be covered by the barristers, who only provide limited hours of free-of-charge aid. For this reason, the amendment to the Law on Victims of Crime (law no. 56/2017 Coll., in effect from 1 April 2017) introduced the possibility to provide legal information on part of the victim support services (NGOs), who are accredited and must employ a university-educated lawyer for this purpose.

From the experience of an interviewed professional from the Probation and Mediation Service,⁸⁰ it is highly unlikely that legal aid and information about legal aid, including the application for legal aid, will be accessible in different languages. However, anyone can use their own language or language of their choosing during any contact with the police, state prosecutor or the court (Article 2 § 14 of the Code on Criminal Proceedings), which should apply also to information regarding legal aid.

⁷⁹ In iustitia, o.p.s. (2016), rep. cit., p. 20-22.

⁸⁰ Interview no. 2.

ARTICLE 14 - RIGHT TO REIMBURSEMENT OF EXPENSES

Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system.

The possibility to obtain reimbursement of the expenses incurred by active participation in the proceedings is provided for in the Code of Criminal Procedure to victims who are also in the position of an injured party according to the Code. Firstly, the injured party who was caused grave bodily injury, or who is a relative of a deceased as a result of a crime, or who asked for damages in the criminal proceedings, and at the same time shows insufficient funds for legal representation, can get free legal representation by a decision of the court (Article 51a of the Code of Criminal Procedure). In such case, the costs of the representation are covered by the state, and so is the costs of an expert opinion presented by the victim, if this was necessary to shed light on the facts.

In different cases, the expenses of the injured party's participation in the proceedings can be covered by the defendant; this only happens though, if the alleged offender was found guilty by a final decision of a court. A judgment of the Constitutional Court (19.2.2015, sp. zn. I. ÚS 1397/14) has opened the possibility also for victims, who have closed a settlement agreement prior to the court proceedings and, later, claim damages in the criminal proceedings. However, this possibility will not be open to the victims, if the defendant is eventually not found guilty, which may pose a serious barrier for the victim's willingness to actively participate in the proceedings.

At the same time, the possibility to obtain reimbursement for the active participation in the criminal proceedings only applies to an injured party who requests such reimbursement within one year after the final judgment of the court by which the accused was found guilty of the crime. In certain situations, taking into account the financial situation of both the victim and the perpetrator and the nature of the crime, the reimbursement can be lowered. This cannot, however, be done in cases of intentional crimes.

The victim should be reimbursed for the real costs of participation in the proceedings, including the cost of representation. This would, however, vary depending on whether the injured party

was also awarded damages in the proceedings and how high the damages were (the injured party, who was awarded damages, can be potentially awarded higher costs of participation). Otherwise, the costs of representation will be awarded according to the standard tariff, which may be a bit lower to the real cost of representation.

According to the interviews conducted in the course of this research, the reimbursement of expenses of the criminal proceedings is a big problem in practice, as even if the victim is awarded reimbursement for the costs and this award serves as an execution title, it is extremely difficult to enforce it. The offenders often simply do not have the money, and being found guilty of the crime and imprisoned does not heighten the chances of them earning the money to pay the victim.⁸¹ It was suggested⁸² that, at least in some cases, these expenses could be covered by the state, and later recovered from the offender by the state.

⁸¹ Interviews no. 1 and 3.

⁸² Interview no. 2.

ARTICLE 15 - RIGHT TO THE RETURN OF PROPERTY

Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings.

According to the Code of Criminal Procedure, everybody is obliged to present objects which may serve as evidence in the criminal proceedings (Articles 112 and 78 of the Code). In case the objects are not presented voluntarily, the police can, on the basis of their own order, the order of the state prosecutor or the court (depending on the stage of the proceedings), seize the object.

According to Article 78 § 7 of the Code of Criminal Procedure, upon request of the person who presented the object, or from whom it was seized, the authority must decide on the return of the object without unnecessary delay. The law does not stipulate, however, what would be the delay in such case. The person, who was denied the return of the object, may re-request its return after 30 days of the last decision, by which the return was denied. The provisions of the law do not specify, in which state the property must be returned.

In practice, there may sometimes be a problem with establishing ownership to the seized object; according to the law, the object is returned to the person from whom it was taken, unless another person claims ownership of the object. In such case, the object is returned to the person who is the undeniable owner. In case of doubts over ownership, the object is kept by the police while the dispute is settled in civil proceedings.

ARTICLE 16 - RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

Victims, who are also in the position of an injured party in the criminal proceedings, are entitled to apply for damage in the proceedings according to Article 43 § 3 of the Code of Criminal Procedure. The damage is covered by the offender, and in case she/he does not fulfill her/his obligation willingly, the awarded damage becomes an execution title.

Such application for damage must be filed by the injured party at the latest during the main hearing of the case, or, eventually, during the first session of plea deal negotiations. The application must contain an account of the whole extent of the damages required, or, alternatively, the minimum damages, in cases where the victim is not able to calculate the whole damage yet.

The court can award damages (up to the amount requested by the victim or less) as a monetary compensation, or, in specific circumstances, also by *restitutio in integrum*. The decision is adopted as a part of the judgment in the criminal proceedings, in which the offender is found guilty, as finding guilt is the prerequisite for awarding damage to the injured party. The time-frame, in which the damage is awarded, therefore depends on the length of the proceedings as a whole.

The injured party can, simultaneously with the criminal proceedings, or after the end of the criminal proceedings, also request damages in the civil proceedings. The claim can be dealt with by both courts at the same time; if the civil court, however, reaches the judgment first, the criminal court must issue a decision that the damage cannot longer be decided within the criminal proceedings. However, if damages are not awarded, or not awarded in full, in the criminal proceedings by a final judgment, the injured party can still claim the rest of the damages in the civil proceedings.

It has transpired from the conducted interviews that even in situations where the damage is

awarded (or similarly, when the costs of proceedings are awarded) to the victim, it is generally extremely difficult to obtain the money, due to lack of financial resources from the offender.

The Code of Criminal Procedure tries to prevent this problem by providing a possibility of seizing part of the property of the alleged offender (Article 47 et seq.). Such decision can be adopted as early as in the pre-trial preparatory proceedings after the offender has been charged. Even with this institute, however, victims often cannot not enforce the compensation they were awarded.⁸³

Apart from the possibility to obtain compensation from the offender, the state also introduced a system of financial help to victims of crime funded by the state (Article 23 et seq. of the Law on Victims of Crime). The financial help is available only to certain groups of victims (those who suffered bodily injury or grave bodily injury), a family member of the deceased, a victim of a sexually motivated crime or child victim of abuse. It is however also available to victims when the offender was not found guilty due to lack of will.

The compensation provided to the victim by the offender is an important factor to be considered in the criminal proceedings for the purposes of possible application of diversions, or restorative measures. The compensation is, therefore, a prerequisite for possible suspension of the prosecution (Article 307 of the Code of Criminal Proceedings) or a settlement (Article 309 of the Code of Criminal Proceedings).

⁸³ Interviews no. 2 and 3.

ARTICLE 17 – RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Member States shall ensure that authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed. The authorities of the Member State where the criminal offence was committed shall be in a position:

a) to take a statement immediately after the complaint is made to the competent authority; b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad.

Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

In general, victims residing in another member state should enjoy the same rights as other victims. This, however, stems from the general principle of non-discrimination, and the Law on Victims of Crime does not have a specific provision providing for practical implementation of this principle, apart from the provisions relating to the right of victim to receive financial compensation from the state in cases of crimes which resulted in bodily harm, grave bodily harm, death or of sexually

motivated crimes or abuse of children (Article 24 of the Law on Victims of Crimes).

Just like any other victim not speaking Czech language, the victims can, during any contact with the authorities in relation to criminal proceedings, use their mother tongue or another language (Article 2 § 14 of the Code of Criminal Procedure). The criminal complaint can therefore also be filed in another language and the victim should be provided interpretation at the state's expenses, including the translation of the submitted complaint. This right is not conditioned upon any kind of test or proof; the victim's statement suffices. At the same time, it must be noted that the interpretation and translation does not really work in practice as according to the law, and is usually dealt with ad-hoc (see further the commentary on Article 7).⁸⁴

As mentioned above, the injured party must also be informed properly about all their rights relating to the criminal proceedings (Article 2 § 15 of the Code of Criminal Procedure) in an understandable manner (see further the commentary on Article 3, 4 and 5). However, it must be noted that even the basic information relating to the rights of victims (either through an information leaflet or through a translation on the general webpage of the police) are not available online in other languages, not even in English. At the police stations, the information should be available, although this is not always the case.⁸⁵

Upon the request of the injured party, the authorities must inform the victim within one month on the next steps taken in the case; i.e. mainly whether the criminal proceedings will be initiated. The injured party should be, in accordance with Article 2 § 15 of the Code of Criminal Procedure, informed of the right.

If the victim is resident in another member state, there are in general two options to proceed. The criminal complaint can be, in accordance with the *personality principle*, filed in the resident state, which can then, upon initiation of the criminal proceedings request the cooperation of the member state in which the crime was committed. In such case, according to an interviewee,⁸⁶ if the merit of the case lies in another state, i.e. the state where the crime was committed, after taking the statement of the victim, the investigation can be transmitted to that state.

Another option would be to file the criminal complaint in the state in which the crime was committed, either orally or in writing (by post) with the request to be informed about the next steps taken by the authorities. Upon initiation of the criminal proceedings, the authorities will request cooperation with the resident member state.

Such cooperation (from both sides) is governed by the Law on International Judicial Cooperation

⁸⁴ Interview no. 4.

⁸⁵ *Ibidem*, also interview no. 2 and 3.

⁸⁶ Interview no. 4.

in Criminal Matters (law no. 104/2013 Coll.), and can start, upon request of the state prosecutor, after charges were filed against the offender.

During the cooperation phase, the national authorities can request authorities in another member state (and vice versa) to ensure the hearing of a witness. This can be done either in person by the police officers of the member state, based on guidelines and set of questions provided by the requesting police, or through video conferencing and telephone conference calls (Article 52a of the Code of Criminal Proceedings). There is, however, no time-limit for establishing the cooperation or for conducting the requested hearing. At the same time, an interviewee stated that he has not, throughout his practice, experienced the use of conferencing and telephone conference calls for such purposes. The cooperation is usually established through the police networks, such as SIRENE, and dealt with through centers of international communication. According to the interviewee, such cooperation is mostly smooth, and with some states, can take only a couple of days. The cooperation is best established with the neighboring countries with which the Czech Republic established mutual cooperation centres at the borders, based on bilateral agreements. In such situation, the teams of both countries work together.

At the same time, if the victims wish to file the complaint in their resident state, the statement will be taken by the police officers there; and based on their assessment of the situation, if the crime committed is substantially more connected to the Czech Republic, the investigation may be transmitted there.

This does not, at the same time, prevent the victim to correspond with the investigating authority and send, in their own language, the request for compensation for damages, the reimbursement for cost of proceedings, the statement of the impact of the crime on their life and other evidence. In fact, if the police authorities have the contact address of the victims, this is usually the preferred way.⁸⁷

According to the survey, the victims are almost always able to file the criminal complaint in their resident state as well as in the state, where the crime had been committed, and the Czech police is rather well-equipped to deal with taking testimony from a victim who is not present in the country. Most of the respondents also stated that victims resident in another member state are usually not treated differently, then a victim, who is a national.

⁸⁷ Interviewee no. 4.

ARTICLE 18 - RIGHT TO PROTECTION

Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.

The victims rights to protection against secondary and repeat victimization, intimidation, or retaliation, is provided for in different laws depending on the stage of the proceedings, concretely in the Police Act (Law no. 273/2008 Coll.), the Code of Criminal Procedure, the Civil Code (Law no. 99/1963 Coll.) and the Code on Specific Court Proceedings (Law no. 292/2013 Coll.). The Law on Victims of Crimes summarizes the possible measures for the protection of victims in Article 14, while according to this provision, only the victims (not the family members) are entitled to such protection. The victim is informed of this right in the standardized information leaflet handed out by the police during the first contact with the victim and should also be informed orally in a comprehensible manner.⁸⁸

According to the Police Act, protection can be awarded to the victim already in the pre-trial proceedings. The police officers can, in order to protect the victim, use enforcement measures, restrict the liberty of the offender, conduct a personal search, enter the household or property, seize a vehicle, or order the alleged offender to leave the common household (Articles 24-47 of the Police Act). The victim can obtain temporary protection (Article 50 of the Police Act), which can consist of physical protection by police officers, temporary change of residence, the use of security technical measures, or counseling. Such measures are applied to the discretion and decision of the regional police authority for as long as they are considered necessary to protect the victim and can also be applied towards close family members. The victim cannot request the application of protection measures, nor there is any kind of appeal available against the decision not to adopt the protection measure (apart from the general complaint on the conduct of the police officer).

⁸⁸ See further the commentary on Article 6.

The Code of Criminal procedure (Articles 88b-88o) also introduces various types of interim measures, whose aim is the protection of life, health, freedom or dignity of the victim (in the position of an injured party or witness in the criminal proceedings), who is a physical person, or the protection of interests of her/his close family members. As above, the measures can be imposed already in the pre-trial stage of the proceedings, and are not initiated by the injured party. Depending on the measure, either the state prosecutor, or the presiding judge decide on the imposition of the protective measure.

As a preliminary measure according to the Code of Criminal Procedure, the alleged offender can be forbidden to contact the injured party, her/his close family members or witnesses⁸⁹ to enter the common household and surroundings, to visit various environments, including events, stay at certain places, travel abroad, keep certain objects, use, hold or keep alcoholic beverages or other types of addictive substances, participate in gambling or in other, concretely specified activity connected with the crime. The preliminary measure can be in effect as long as it is purposeful until the final decision in the criminal matter is adopted. Respecting the preliminary measure can be enforced by a fine, or its ignorance could later be prosecuted as a crime.

One of the most commonly used protection measures is ordering the alleged offender to leave and not return to the common household (Articles 44-47 of the Police Act, Article 88e of the Code of Criminal Procedure). This can be ordered by a specifically trained police officer even without request or consent of the victim and the presence of the alleged offender, and can last up to ten days; within that time, the victim (or the state prosecutor) can file a request for preliminary measure in the civil proceedings (Article 400 et seq. of the Code on Specific Court Proceedings), on which the court must decide, within 48 hours, without a hearing. Such preliminary measure then lasts up to one month and can be repeatedly renewed for up to six months. Cooperation with victim support services is essential in this period and, according to the information gathered in the interviews, a protection measure is usually an effective tool.⁹⁰ According to the statistics of Bílý kruh bezpečí, in 2017, the order to leave and not return to the common household was used 1 348 times and the trend is obviously increasing. In 2007, when the measure was introduced, it was used only 862 times.⁹¹

The imposition of the preliminary measure in the civil procedure is not conditioned upon the previous use of the measure according to the Police Act or the Code of Criminal Procedure, and other measures can be used according to this Code, generally including the obligation to act, not to act or to refrain from something.

⁸⁹ This protection will therefore only be awarded to the victims, who are in a position of an injured party in the criminal proceedings, or who are witnesses.

⁹⁰ Interviews no. 2 and 3.

⁹¹ Bílý kruh bezpečí. Statistics regarding domestic violence. 2017. Online at: <<http://www.domacinasili.cz/statistiky/>>

Apart from the general provisions, the Act on Specific Protection of Witness (Law no. 137/2001 Coll.) introduces a number of measures to protect the victim, if she/he has the position of a witness (or a close family member). These include physical protection, moving the witness, together with family members, of her/his household, hiding of identity, including the creation of a new identity. Such measures must be authorized by the Minister of the Interior and must be agreed upon by the relevant witness. In urgent cases, the minister's authorization may be replaced by the authorization of the Police President.

To protect the dignity and privacy of the victim, the Code of Criminal Procedure (Article 101 § 3) requires that questions relating to privacy of the witness, especially if the witness is an injured party, can only be asked if they are necessary to clarify the facts relevant to the alleged crime, and it must be done particularly sensitively and exhaustively, in order to avoid repeating the hearing. The formulation must be adjusted to the mental state, personal experience or age of the witness. The respondents of the survey, however, appear unsure as to whether the victims really obtain adequate protection against the risk of emotional or psychological harm, as most of them replied that this happens rather rarely. Adequate protection from intimidation and from retaliation is, according to the survey respondents, also received by the victims only sometimes. The rather worrying result of the survey is however that the victims are treated with dignity and sensitivity by the state authorities only sometimes.

Apart from the above-described measures, the possibility to remove the personal information from the case file, upon the victim's request, also serves as a protective measure (see further commentary on Article 21).

ARTICLE 19 - RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

(1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

(2) Member States shall ensure that new court premises have separate waiting areas for victims.

In general, according to the Article 17 of the Law on Victims of Crime, the victims and their close family member can request, at any stage during the proceedings and even before its initiation, the application of measures to avoid contact with the alleged offender. The authorities may or may not grant the measure, depending on whether they deem the contact necessary during the specific act for the purposes of the criminal procedure. They must grant the measure in cases of victims with specific protection needs, unless the nature of the procedural acts makes it impossible. The assessment of whether or not it is possible to grant the measure depends on the authorities; however, if they decide not to grant the measure for a particular procedural act to the victim with specific protection needs, they are obliged to adopt measures so that the victim avoids contact with the alleged offender before and after such act.

The Law on Victims of Crime does not specify what kind of measures can be adopted for these purposes, but from the experience of the interviewees, this will generally be ordering the alleged offender to leave the court-room (Article 209 § 1 of the Code of Criminal Procedure), not requiring the victim to participate in the court hearings, or ordering the hearing for another time/day that the hearing of the offender. The respondents of the survey confirm this information, indicating that the police usually schedule the hearing of the victim for a different time and in many cases, this happens also at courts.

In order to avoid contact with the alleged offender, the hearing of the victim before the court can take place without the presence of the defendant or her/his attorney. In order to respect the rights of the defendant, their questions will be posed to the victim by the court. Alternatively, the hearing can take place without the victim's presence and their testimony from the pre-trial

phase can be read out loud. This can happen if the court does not deem the personal hearing necessary, and the state prosecutor and the defendant agree (Article 211 § 1 of the Code of Criminal Procedure).

The respondents of the survey confirm that mostly, there are separate waiting rooms in courts for the offender and the victims (witnesses) and in some cases, also at the police stations. This is confirmed by an interviewee, who also stated that most courts have separate waiting rooms. There are however also newly build court buildings, which do not have such waiting rooms. According to his opinion, in any case, williness of the judge or the police officer is essential, because even in the absence of separate waiting rooms, creative solutions can be found.⁹²

Further, the Article 20 the Law on Victims specifically envisages the use of the audio-recording device in order to avoid the contact between the alleged offender and the victim and to allow the victim to testify during the hearing without being present. This corresponds to Article 52a of the Code of Criminal Procedure, according to which if it is necessary for the protection of persons, especially considering their age or health, it is possible to use the audio and video-recording device. This also applies for children, who, according to Article 102 of the Code of Criminal Procedure, should only be heard once, and if repeating their testimony is deemed necessary, it should be through an audio and video-recording device.

According to the information gathered, the measure is usually granted in cases the authorities assess the victim as having specific protection needs. This does not however always happen in accordance with the services' assessment; according to one interviewee's experience, a victim of domestic violence was forced to face the offender in court, when the request for this measure was denied.⁹³

⁹² Interview no. 4.

⁹³ Interview no. 2 and 4.

ARTICLE 20 - RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

The Law on Victims of Crime, as well as the Code of Criminal Procedure, keep in mind the necessity to question the victim in a sensitive manner, in order to avoid secondary victimization. According to Article 18 of the Law on Victims of Crime, the questions posed to the victim may not be of intimate nature, unless it is necessary to clarify facts important for the criminal procedure. Such questions must be asked especially sensitively and in an exhaustive manner so that the testimony does not need to be repeated. The victim may object to the questions posed.

At the same time, according to Article 19 of the same law, the victim may request that the testimony is taken (or translated) by a person of the same (or opposite) sex, in all stages of the proceedings, including during the pre-trial stage and during the filing of a criminal complaint. Such request must be granted to the victim with specific protection needs, unless there are important reasons not to do so. The law specifically states (Article 20) that the victims with specific protection needs must be heard in a particularly sensitive manner, taking into account the circumstances, which render her/him vulnerable. If this is possible, such testimony is taken by a person specifically trained, and in an environment specifically designed for such purposes. If the victim is a child, the testimony must always be taken by a trained person, unless the matter is urgent and there is no possibility to find the specifically trained person.

The law requires that the taking of testimony of a victim with specific protection needs should be conducted in such a way that it does not need to be repeated later, but if repeated hearing is necessary, it should be taken by the same person. It also appears from the survey that the police try to keep the number of interviews, as well as medical examinations, to a minimum.

Similar protection is provided for also in the Code of Criminal Procedure, which states that the questioning of the injured party must be conducted with respect to the age, personal experience and mental state of the witness, and in such way that it does not need to be repeated. Children are entitled to specific protection (Article 102 of the Code of Criminal Procedure), their hearing must be especially sensitive and should not be repeated as well. The testimony must be taken, unless this is not possible and delay may endanger the proceedings, by a specifically trained professional and a Child Protection Authority worker or another professional in the field, must be present during the testimony. Parents may be present as well if this may be beneficial for the hearing, and the hearing may be postponed or interrupted upon the request, for reasons related to the child victim, in order to avoid discomfort or stress. The hearing can be repeated only when strictly necessary circumstances and preferably, in the court proceedings, the protocol of the testimony may be read or an audio-visual recording may be played. Children cannot be questioned by the opposing party in the criminal proceedings. According to the interviews, the protection of children generally works, and if the vulnerable victims are questioned by a specially trained police officer, the psychologist or a crisis intervenor, there is no problem as well. A problem with the manner of questioning may occur if it is conducted by a police officer who has not been trained.⁹⁴

The victims can always be accompanied by a person of their choice (Article 21 of the Law on Victims of Crime) or by a legal representative and, according to the interviews, there are no problems with application of this rule in practice. Many of the victim support services also provide the service of accompanying the victim, together with providing information in a sensitive and easy to understand manner.

The law does not provide for any time-limits regarding the taking of the victim's statement. In practice, however, the interviewed professionals did not mention any problems with delays. According to the respondents of the survey, the victims of violent crime are almost always heard without unjustified delay. The victims of non-violent crimes less so, and the main reason indicated by the respondents is the work overload of the police officers.

⁹⁴ Interview no. 2.

ARTICLE 21 - RIGHT TO PROTECTION OF PRIVACY

Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy of the victim. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.

The Law on Victims of Crime regulates the protection of privacy of the victim in two provisions: Article 15 refers to the protection of identity of a witness in the Code of Criminal Procedure and Article 16 (identically with Article 55 of the Code of Criminal Procedure) establishes the possibility of a victim (or their proxy, including the accompanying person) to request withdrawal of their personal information from the case-file.

The victim must be informed of the possibility to request withdrawal of personal information. The information, which will be stored outside the case file, includes the address of the victim (or her/him proxy or trustee), the address of her/his employer or business, about their personal, family and financial situation. The information may be, upon the decision of the authority, made available to the defendant if it is necessary for their effective defense; this will be noted in the case-file.

The protection of the identity of persons in the criminal proceedings is one of the basic rules of criminal proceedings and must be respected by the police authorities on their own initiative. According to Article 8a of the Code of Criminal Proceedings, the authorities must be cautious not to make public the information about the parties in the proceedings, unless the information is directly connected to the commission of a crime. In the pre-trial proceedings, no information can be made public which would enable to identify the parties of the proceedings, including the injured party and a witness. Specific attention (Article 8a § 2) must be paid to the protection of identity and privacy of children and victims of certain crimes, such as murder, abuse, rape or abduction, in relation to whom no information possibly leading to the identification of the victim may be made public. Apart from the above-mentioned personal information, this prohibition includes audio-visual records of the victim and their family, friends or house, as well as the copy of the final judgment, which includes the names and addresses.

This principle must be respected in all communication of the police authority with the media, but can be overcome in cases the deceased victim, gave express consent with publicity, or if this is justified for the purposes of conducting a search for the alleged offender, for the purposes of criminal proceedings, and certain other situations defined by law, in accordance with the public interest.

Another measure to protect the identity of the victim is the possibility of a court to exclude public from the hearing in the case (Article 200 of the Code of Criminal Proceedings).

The respondents of the survey noted that the protection of privacy of the victim does not appear to be very sufficient. However, in relation to child victims, the authorities usually adopt adequate measures provided for by law. The respondents also rather agreed that the media are not particularly encouraged to adopt self-regulatory measures for the protection of victims' identity. According to the interviewees, in some cases, the victims are not informed of the possibility to have their personal information withdrawn from the case-file, but once the victim requests this measure, their right is not contested.⁹⁵

⁹⁵ Interview 1, 2 and 3.

ARTICLE 22 - INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Member States shall ensure that victims receive a timely and individual assessment to identify specific protection needs due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

The Czech law includes two categories of victims: victims and victims with specific protection needs. The law connects several rights with the position of specific vulnerability of the victim and the assessment is, therefore, particularly important. There are, however, no applicable procedures in practice and each authority carries the assessment on their own. There is also no appeal available against such assessment.⁹⁶

The Law on Victims of Crimes provides a definition of a victim with specific protection needs in Article 2 § 4; it includes victims, who are 1) children, 2) elderly, 3) have physical, mental or sensory impairment, if such impairment may hinder full and effective participation in society in comparison with others, 4) victim of the crime of trafficking in human beings or a terrorist attack, 5) victims of crimes against human dignity in the area of sexuality or crime involving coercion, violence or treat of violence, hate crime or victim of organized crime, if, in the concrete case of the victim, there is a heightened possibility of secondary victimization, due to her/his personal characteristics or relation to the offender. The definition of a victim with specific protection needs was amended by the Law no. 56/2017 Coll., in effect from 1 April 2017, to correspond the one required by the Directive.

According to practice, an elderly person is considered to be a person who receives retirement pension or otherwise or a person older than 60, if she/he does not fulfill other requirements to receive a pension.⁹⁷ The definition of person with disability (physical, mental or sensory impairment, if such impairment may hinder full and effective participation in society in comparison with others), and the definition of a victim of crimes against human dignity in the area of sexuality or crime involving coercion, violence or treat of violence, hate crime or victim of organized crime

⁹⁶ Apart from the general complaint mechanism according to Article 157a of the Code of Criminal Procedure, which does not have a suspensive effect.

⁹⁷ Explanatory report to the no. 56/2017 Sb., available online at: < <https://www.beck-online.cz/bo/chapterview-document.seam?documentId=oz5f6mrqge3v6njwl5shu> >

with heightened risk of secondary victimization, will depend on a case-by-case assessment of the relevant authority.

The position of a victim with specific protection needs is presumed, i.e. until the opposite is proven, the victim claiming to have specific protection needs and falling into one of the above-mentioned categories, is approached as such. However, apart from children and victim of the crime of trafficking in human beings or terrorist attacks, all other groups of victims with specific protection needs require individualized assessment as to whether or not the person falls within the category.

In theory, the category of victims with specific protection needs as enshrined in the Law on Victims of Crime complies with the Directive, as it involves victims at heightened risk due to the severity of crime or the type of crime they were subject to (hate crime, terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence) and personal circumstances (victims with disabilities, older persons, children). They all shall be duly considered since they typically have particular vulnerabilities.

It has been repeated throughout the interviews conducted during the research that the individual assessment proves to be rather problematic in practice. In contrast with the requirements of the *DG Justice Guidance Document related to the transposition and implementation of the Directive*, there is no tool, methodology or objective procedures (criteria/template/questionnaire) as to how to assess the specific protection needs of these types victims and no assignment of the relevant authority responsible for the individual assessment.

According to the interviewees, it is not uncommon that no assessment is conducted, unless the support organization requests the rights related to the status of specific vulnerability; in such case, it may happen that each authority (i.e. the police, state prosecution or the court) assesses the status differently and there is no way for the victim to have this assessment reviewed or appealed against.⁹⁸ The survey also shows that the assessment mostly does not happen, although the respondents rather agree that the victim's wishes are usually taken into account during the process and the risk assessment of possible danger is generally carried out. In conclusion, there are no methodical guidelines aiming to standardize the assessment, nor training available particularly on the topic of assessment of vulnerability and specific protection needs.

⁹⁸ Interviews no. 1, 2, 3 and 4.

ARTICLE 23 - RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

(1) Member States shall ensure that victims with specific protection needs may benefit from the measures. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.

(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.

According to the Law on Victims of Crimes, a victim with specific protection needs is entitled to specific measures as per the Directive. Under Article 20 of the law, interviews should be, if possible, conducted in specifically designed premises by a trained professional (this should apply almost always to children, save for urgent cases where no professional is available), the interviews should not be repeated and if this is necessary, they should be carried out by the same professional (and/or a translator) and if the victim so wishes, the interview can be carried out by a person of the same (or opposite) sex. This last measure depends on the victim's request, but the request of a victim with specific protection needs will not be denied save for grave reasons. According to the survey, in most cases (often or always), these measures are applied.

All victims also have the right to request the adoption of measures to avoid contact with the alleged offender, being heard in the courtroom without being present, measures to avoid unnecessary questioning concerning private life and allowing the hearing to take place without the presence of the public (see, further, commentary to Article 19 of the Directive).

The Law on Victims of Crime, in Article 20, provides for the possibility to use audio-recording devices in order to avoid the contact between the alleged offender and the victim and to allow the victim to testify during the hearing without being present. This corresponds to the Article 52a of the Code of Criminal Procedure, according to which if necessary for the protection of persons, especially considering their age or health, it is possible to use the audio and video-recording device. This is specifically envisaged in cases of children, who, according to Article 102 of the Code of Criminal Procedure, should only be heard once and, if repeating their testimony is deemed necessary, it should be through an audio and video-recording device.

In order to protect the victim, the alleged offender may be ordered to leave the court-room (Article 209 § 1 of the Code of Criminal Procedure), the victim may be excused from obligation to participate in the court hearings and instead, have her/his written testimony presented at the hearing (Article 211 § 1 of the Code of Criminal Procedure). Simple measures utilized in practice, according to the interviewees, also include ordering the victim's hearing for another time/day as the hearing of the offender, and posing the questions to the victim from the defendant through his attorney or the court.

From the interviews conducted, it appears that upon request and if the authorities assess the victim as having specific protection needs, the measures to avoid contact, to be heard by the person of the same (or opposite) sex or not to repeat the interview, usually function in practice. It has happened, however, that the assessment of specific protection needs was different between the victim support service, the police and other authorities, thus the rights were not granted.⁹⁹ This was made possible by the lack of assessment methodology, which would unify the approach.

⁹⁹ See interview no. 2.

The use of audio-visual recording devices in order to avoid facing the alleged offender and repeat the testimony or participate at the hearing, work in relation to children, but are not generally used in relation to other victims with specific protection needs.¹⁰⁰ However, in relation to those, other provisions can be applied according to the Code of Criminal Procedure; according to Article 209 § 1, the injured party can give testimony during the hearing without the presence of the alleged offender, according to Article 211 § 1, the protocol of the testimony can be read instead of the hearing, if the court and the state prosecution agrees.

Article 200 § 1 of the Code of Criminal Procedure also allows for the court to decide that public cannot be present during the main hearing if the presence of public could endanger the witness or her/his interests. In such case, the victims are still entitled to have their trustee present.

¹⁰⁰ Interviews no. 1 and 2.

ARTICLE 24 - RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family; c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

Children (persons younger than 18) are always considered to have specific protection needs and are entitled to heightened protection in all stages of criminal proceedings, as well as before their initiation. In Czech Republic, however, there are no specialized juvenile courts dealing with children victims.

The Law on Victims of Crimes as well as the Code of Criminal Procedure include several measures specific to the protection of child victims, which relate to 1) the representation of children's interests in the proceedings and 2) the prevention of their secondary or repeated victimization. In some way, both types of measures should make the child's participation in accordance with their age and maturity easier.

Firstly, the child must be represented in the criminal proceedings by the legal representative (usually a parent) or a guardian, who must protect the child's rights and best interest in the proceedings. In cases of conflicts of interest between the child and the parent (i.e. if the child was victim of a crime committed by the parent, or the child was used by the parent to commit a crime), a guardian (usually the Child Protection Authority) will be appointed also for representation in the criminal proceedings. At the same time, children are always entitled to free legal representation in the proceedings (Article § 51a **§ 2 of the Code of Criminal Proceedings**).

The second set of measures relate to the child's protection while participating in the proceedings. Specific sensitivity and care must be applied when hearing or taking testimony from children (Article 102 of the Code of Criminal Procedure) and should not, save for very specific situations, be repeated. The testimony must be taken, unless this is not possible and delay may endanger the proceedings, by a specifically trained professional and a Child Protection Authority worker or another professional in the field must be present during the testimony. Parents may be present as well, if this may be beneficial for the hearing. The hearing should take place, if possible, in premises specifically designed for children¹⁰¹ and may be postponed or interrupted upon the request. The hearing can be repeated only in really necessary circumstances and, preferably, in the court proceedings, the protocol of the testimony may be read or an audio-visual recording may be played. Children cannot be questioned by the opposing party in the criminal proceedings.

According to the interviewees, the protection of children in the proceedings is usually effective, taking testimony is not repeated and audio-visual recording is almost always made to ensure that the child does not need to be present during the hearing. This is supported by the findings of the survey. The hearing is conducted by a trained specialist, usually a psychologist (either a specifically trained police specialist or through a specialized service, such as the Child Crisis Centre).¹⁰² However, an important part of the child's rights is also to be heard directly and participate in the proceedings, if they wish to do so. In such case, hearings can be conducted in a similar fashion to that of other victims with specific protection needs, i.e. without the presence of the offender upon the request of the child.

101 The premises include toys for children and comfortable space for play. Example may be seen from Deník.cz. *Pražská policie má novou místnost pro výslechy dětí či týraných*. <https://www.denik.cz/praha/prazska-policie-ma-novou-mistnost-pro-vyslechy-deti-ci-tyranych-20160610.html>

102 The services of the Child Crisis Center can be found online her/hime: <<http://www.ditekrize.cz/o-nas#nase-sluzby>>

ARTICLE 25 - TRAINING OF PRACTITIONERS

Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.

Member States shall request that those responsible for the training of lawyers, judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims.

Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Generally, the police officers are obliged to undergo two streams of training: the general qualification training and further specialized training, depending on their professional duties. Based on the Law on Service of the Security Forces (no. 361/2003 Coll., Article 19, 45 and 77), the further specialized training includes information on the relevant regulations as well improving skills and procedures necessary for effective exercise of their duties.

According to the information provided on request by the Department of education and professional training of the Police of the Czech Republic,¹⁰³ basic information of the psychology of the victim, the Law on Victims of Crimes, as well as communication with the victim, are provided within the basic training, which was, since the effect of the Law on Victim of Crimes, taken by 5 651 police officers. Further, the courses for the officers of criminal police and investigation also include a similar module, which was completed by 1 268 police officers.

¹⁰³ Information provided based on request according to Law no. 106/1999 Coll.

Most importantly, however, the police established a specific position of a crisis intervenor, a police officer specifically trained to provide psychological and social counseling to victims of crime with a view to helping prevent secondary victimization and other negative effects of crime (see further the commentary on Article 8). The position was established by the *Internal Regulation of the Police President no. 97/2010 from 1 July 2010 about the system of psychological help to victims of crime and victims of disasters* and hundreds of police officers in the country have since then been specifically trained in crisis intervention.

The training is two-day and followed by a bi-annual two-day further training. According to some professional's experience, however, the training is focused on model crisis situations and the conduct of the police officers, rather than on the rights of the victim or the law, and many police officers do not consider it sufficient.¹⁰⁴

According to available data, a number of police officers participated in the general training organized by the Police President when the new Law on Victims of Crime came into effect. At the same time, a number of police officers took part in the training organized by the non-governmental organizations, such as the *Bílý kruh bezpečí*¹⁰⁵ or *In iustitia*.¹⁰⁶

According to the information provided on request by the Department of education and professional training of the Police of the Czech Republic regarding the number of police officers trained since the effect of the law on the matter relating to victims' rights,¹⁰⁷ 212 police officers were trained in the communication and taking a statement from child victims of crime, 6 530 police officers altogether participated in training relating to sensitive and effective communication with the victim of crime, the Law on Victims of Crime, or effective support for victims of domestic violence.

However, neither general nor specialized further training is available currently¹⁰⁸ and according to available information, the police officers who are not specialized, if they have knowledge of the Law on Victims of Crime and rights of the victim, usually gained it through self-study.¹⁰⁹ Oversight of the quality of support provided to the victims is not conducted, apart from the general oversight by the Ministry of Interior.¹¹⁰

¹⁰⁴ See the research conducted by Ivana Dvořáková for her/him diploma thesis, during which in-depth interviews were conducted with nine crisis intervenors. Dvořáková, Ivana (2014). *Krizová intervence u Policie České republiky*. Brno, Masarykova Univerzita, p. 68.

¹⁰⁵ Information on the training provided by *Bílý kruh bezpečí* can be found online at: <<https://www.bkb.cz/o-nas/projektova-cinnost/>>

¹⁰⁶ Information on the training provided by *In iustitia* can be found online at: <<http://www.in-ius.cz/projekty/2012/justeena-proti-nasili-z-nenavisti-v-praze-7.html>>

¹⁰⁷ Information provided according to Law no. 106/1999 Coll.

¹⁰⁸ See the webpage of the High School and Higher Educational Facility for the police officers, providing also regular training: <<http://www.skolamv.cz/studujici/vzdelavani/kurzy-pro-policisty.html>>.

¹⁰⁹ Provazník, Jan (2016), rep. cit, p. 69.

¹¹⁰ *In iustitia* (2016), rep. cit., p. 43.

The employees of the state prosecution as well as the courts, including judges, are offered regular, both general and specialized, training on victims rights through the Czech Judicial Academy,¹¹¹ although they are not obliged to undergo such training. Specialized oversight of the quality of victim support is not conducted.¹¹²

The general support service's employees reportedly underwent several pieces of training related to both law and practice, provided by the Probation and mediation service.¹¹³ Within the project „Why me?“, in the course of which 55 victim support centers were created within the Probation mediation service centers, all employed consultants received extensive introductory training and further specialized training. At the same time, professionals from the centers have been conducting training for social workers and other workers of other victim support services. By the half of 2020, at least 660 of such workers will be trained in professional support of victims.¹¹⁴ The Probation and mediation service express content with the quality of provided training as well as the professionalism of their work. Regular monitoring of provided service is conducted within the hierarchy of the service.¹¹⁵

The NGO-run victim support services must be accredited by the Ministry of Justice in order to get the state support (Article 39 of the Law on Victims of Crime) for providing legal information or restorative programmes. The rest of the support services, providing psychological and social help, must only be registered as a social service under the Act on Social Services by the Ministry of Social Affairs (Article 78 of the Act on Social Services). Based on the registration, the support services receive state funding for their interventions. The requirements for registration and accreditation are not particularly hard; the main ones relate to providing a description of provided service in accordance with the standards of quality prescribed by the ministry and to the previous experience with the NGO with victim support. For providing legal information, the organization must employ a university-educated lawyer. Workers in social services must undergo regular yearly training and training on work with victims are available.¹¹⁶ At the same time, the services are subject to an overview of quality of provided service by the Ministry of Social Affairs.

111 Currently, three pieces of training are available in May 2018. The training can be found online at: <<https://www.jacz.cz/vzdelavani/seznam-seminaru/trestni-soudnictvi>>

112 Provazník, Jan (2016), rep. cit, p. 69-70.

113 Ibidem; also interview no. 2.

114 According to information on the webpage of the Probation and Mediation Service: <<https://www.pmscr.cz/proc-zrovna-ja-ii/>>

115 Provazník, Jan (2016), rep. cit, p. 70-71; also interview no. 2.

116 Courses are available for example by from ProFem (online at: <<http://www.profem.cz/projekt-akreditovane-kurzy.aspx>>) or In Iustitia (online at: <<http://www.in-ius.cz/vzdelavame/kurzy-pro-socialni-pracovniky-ce/>>).

ARTICLE 26 - COOPERATION AND COORDINATION OF SERVICES

Member States shall take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims' rights.

Member States shall take appropriate action aimed at raising awareness of the rights set out in the directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

The Law on Victims of Crime does not transpose this Article of the Directive nor deal with the question of cooperation between member states in any other manner. The international cooperation of authorities in the criminal proceedings is governed by the Law on Judicial Cooperation in Criminal Matters (Law no. 104/2013 Coll.), which provides for mutual consultation of cases, sharing of information as well as, *inter alia*, the creation of a common investigative team.

Apart from the general international cooperation, the Czech Republic has established extensive bilateral cooperation in criminal matters with Germany, Austria, Poland as well as Slovakia, as a part of which common police centers of cooperation are created.¹¹⁷ General bilateral agreements were also concluded with France, Bulgaria, and Belgium (and Serbia, Russia or Macedonia, as non-EU states) and a number of specialized bilateral agreements were concluded as well, especially with regard to organized crime and trafficking in drugs.¹¹⁸

The Czech Republic is a party to a number of multilateral agreements relating to the victims of crime and their protection. From the United Nations convention system, the Czech Republic is

117 Agreements no. 91/2002 Sb. m. s. with Germany, no. 26/2005 Sb. m. s. with Slovakia, no. 62/2006 Sb. m. s. with Austria and no. 62/2007 Sb. m.s. with Poland.

118 All agreements are available online at: <https://www.mzv.cz/jnp/cz/vyhledavani_smluv>

a party to: Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (since 1993) and its protocols; the International Convention for the Suppression of the White Slave Traffic (since 1993) and its protocols; International Convention for the Suppression of the Traffic in Women and Children (since 1993) and International Convention for the Suppression of the Traffic in Women of Full Age (since 1993).

From the Council of Europe system, the Czech Republic is a party to the European Convention on Mutual Assistance in Criminal Matters (since 1993), European Convention on the Compensation of Victims of Violent Crimes (since 2001), Council of Europe Convention on Action against Trafficking in Human Beings (since 2017), Convention on Cybercrime (since 2013) or the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (since 2016). The Czech Republic however still has not ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

The Czech Republic is also active in the European Judicial Network to cooperate in criminal matters. According to the report from 2015 – 2016, the contact points from the Czech Republic held two meetings in Brno regarding mutual legal assistance between states in 2015 and were also involved in a number of seminars and presentations on the matter.¹¹⁹

In the past few years, a number of campaigns relating to victims' rights were run in the Czech Republic, either from the state authorities themselves or from the NGO's (sometimes with the financial support of the state). Already in 2009, Bílý kruh bezpečí ran a broad campaign on victims' rights called „Řešte své problémy včas a cestou práva“ (*Solve your problems in time and through law*).¹²⁰ In 2012, prior to entry into the effect of the specialized law, the Ministry of Justice ran a broad campaign on victims rights called „My se k Vám zády neotočíme“ (*We will not turn our backs at you*),¹²¹ which was later followed by a campaign run by the Probation and Mediation Service, called „Proč zrovna já?“ (*Why me?*), accompanying the implementation of a large-scale victim support project.¹²²

In 2018, the police initiated a sequence of a successful campaign from 2009 „Nebud te slepi k domácímu násili“ (*Do not turn blind eye to domestic violence*). The Ministry of Justice provided financial support to the campaign „Máte svá práva“ (*You have your rights*) run by In Iustitia and

119 See, in detail, online at: <https://www.ejn-crimjust.europa.eu/ejnupload/reportsEJN/Report_2015_2016_EN.pdf>, p. 19

120 Information about the campaign is available online at: <<https://www.bkb.cz/aktuality/n45-bily-kruh-bezpeci-zahajil-kampan-reste-sve-problemy-vcas-a-cestou-prava/>>

121 Information about the campaign is available online at: <https://zpravy.idnes.cz/nova-kampan-ma-obetem-trestnych-cinu-priblizit-kde-najdou-pomoc-ps9-/domaci.aspx?c=A120120_140108_domaci_cen>

122 Information about the campaign is available online at: <<https://ihned.cz/c1-64604450-nova-kampan-na-pomoc-obetem-trestnych-cinu>>; <<https://www.mediar.cz/proc-zrovna-ja-chysta-se-kampan-na-pomoc-obetem-trestnych-cinu/>>

funded by the Ministry of Justice.¹²³ In 2012, the Intervention Centres ran a campaign against domestic violence called “Když mlčení bolí” (*When silence hurts*)¹²⁴ and, at the end of the last year, the Prague municipality initiated a campaign on the same topic called “Má mě rád? Nemá mě rád?” (*Does he like me? Doesn't he like me?*).¹²⁵

123 Information about the campaign is available online at: <<http://www.matesvaprava.cz>>

124 Information about the campaign is available online at: <https://www.irozhlaz.cz/zpravy-domov/kampan-mlceni-boli-vyvracimty-o-domacim-nasili-vzdelavat-bude-i-odborniky-_201506042012_lkrejcarova>

125 Information about the campaign is available online at: <<http://www.ceskenoviny.cz/zpravy/praha-zahajila-kampan-proti-domacimu-nasili/1555517>>

GOOD PRACTICES

Although many gaps and challenges will be identified in the following chapter, it must be acknowledged that since coming into effect of the Law on Victims of Crime, the rights of victims became more mainstreamed in public discussions. Generally, the Directive is transposed comprehensively and the state's effort to implement victim's rights appears to be increasing.¹²⁶

The effort to increase the visibility of victims' rights through **public campaigns** should be considered one of the good practices by the state. From the campaigns described in the previous section, at least 4 were run or supported by the state and one is run by a municipal authority (see commentary on Article 26). This should, however, be complemented by an effective information-sharing, which is, on the contrary, identified as one of the gaps.

The system of **generalized victim support by the Probation and Mediation Service**, which runs a counselling centre in each court district with a specific employee dedicated to this topic through an EU-funded project "Why me?"; and which continues to train other professionals working in the theme, also proves to be rather efficient. The Probation and Mediation counsellors are well-trained professionals and, as appears from our interviews as well as other sources,¹²⁷ they are rather well-linked to both the state authorities and the other, specialized, private-run support providers. They are also trained to conduct individualized assessment of the victim's needs and possible vulnerability, as well as in sensitive communication with the victim, therefore act as a useful intermediary between the authorities and other services.

State support of private-run services, as well as the cooperation with them, them, is another example of a good practice. There is a rather broad range of services, which are supported by the state and do not need to rely on private funding. Professionals from these services provide training to the state authorities, thus creating space for important experience-sharing and creating of networks. It has been emphasized to us that precisely these contacts and networks are highly efficient in practice, especially in respect to victims with specific protection needs.

Bílý kruh bezpečí also participates on activities of the **crisis intervention** of the police, which consist of teams of **posttraumatic intervention, team of crisis intervention, phone-line for crisis aid and phone-line for victims**, which run in all regional police directorates. Although gaps have been identified in the training of the crisis intervenors and their self-perception of ability to handle complex stressful situations, their ability to be present, upon the request of general police

126 See, for example the broadening of purposes of the Fund for Victims of Crimes (Irozhlas.cz, 2018, rep. cit.) or the increased budgetary allocations (European Parliamentary Research Service 2017, rep. cit., p. 6)

127 Interview no. 2, Provazník, 2016, rep. cit.

officers, in crisis situations to support victims, seems to be a great asset.

The provision of legal aid also appears to be an example of good practice. Although free legal aid is provided only in limited extent outside of the criminal proceedings, and only to specific groups of victims within the proceedings, all victims are entitled to be provided **free legal information** from the victim support services who are specifically accredited for this purpose.

In theory, during each contact with the law enforcement authorities, the victims are also **entitled to use their own language**, and are mostly entitled to translation of relevant documents. The victims do not need to undergo any test for this, their statement of the language they understand is sufficient. Although significant gaps between the theory and practice were pointed out to us in the course of the research, simple enforcement of this legal rule may make the interpretation and translation more broadly accessible.

The police officers also, according to the experience of our contacts, automatically give the victim a confirmation of their criminal complaint, in the form of a **transcript of their statement**.

Lastly, rather strict rules apply to the **protection of children**, who are always considered to be have specific protection needs and are entitled to particularly sensitive treatment. A specifically trained person carries out the interview with children, which is usually recorded, and can be repeated only in exceptional circumstances. During the hearing, the child is accompanied by a child protection professional and often, if possible, by the legal representative.

GAPS, CHALLENGES, AND RECOMMENDATIONS

Since the Law on Victims of Crime came into effect, the **communication** with the victims as well as providing **accessible and useful information** to them has been the biggest challenge. Although, admittedly, some steps have been taken with the aim to improve the situation,¹²⁸ not enough has been done. It is not clear whether and how the assessment of individual communication needs is carried out and, although the law obliges the police officers to provide the information sensitively keeping in mind the victim's particular situation, in practice this is rarely done. The victims are provided a standardized form with legal language to sign, which is not easy to understand.

The police have a webpage dedicated to victims' rights which is, however, also not comprehensible from the position of the victim (in this sense, example can be taken from Persefona,¹²⁹ which directs the victim to relevant information based on their particular situation). The leaflets available online or at the police stations are brief, but general and, therefore, contain rather superficial or non-practical information. At the same time, neither online nor (based on the information available to us) at the police stations, the information is available in different languages and adapted for children, elderly persons, persons with different communication needs or in easy-to-read format. Information services provided by the NGOs (such as the webpage matesvaprava.cz by In Iustitia, o.p.s.) are more practical, but not easy to find through online search.

The register of services for victims could have been considered an example of good practice, if it was not so complicated and hard to navigate in. Again, a good practice would be to design the register from the point of view of the victim who is searching for help. At the same time, the register does not contain all services relevant to the victim and should be integrated with, or at least referred by, the register of social services.

During the interviews, the **referral of victims** to appropriate services was also identified as a major problem; many of the victims are not referred even to the Probation and Mediation Services, as the state-run general victim support, let alone to specialized services. This will differ significantly in different districts however and highly depends on the concrete police officer the victim first comes into contact with.

The biggest challenge in this area is the **lack of internal guidelines in the assessment of**

128 Including the amendment of the Article 13 of the Law on Victims of Crime, special trainings for the police crisis intervenors, or shortening the information leaflet.

129 See online at: <<http://www.persefona.cz/sluzby-klientum>>

protection needs of each victim and on referrals, which could help unify the highly fragmented practice.

In general, we also identified lack of accessible information regarding the victims, who **do not speak Czech and/or are not resident in the Czech Republic**. Although they are entitled to communicate in their own language, the provision is not implemented in practice and, according to interviewee's experience, the interpretation is generally not provided.

Significant problems in practice were encountered in the area of providing **compensation** to the victim of crime, **reimbursement** of cost of participation in criminal proceedings or receiving **damages** from the offender. Firstly, the compensation provided by the state to some of the victims in order to help them overcome the initial stage after the crime, is rather low and is often awarded too late.¹³⁰ The reimbursement of the cost of participation in the criminal proceedings or awarding of damages, both conditioned upon finding guilt of the offender in the proceedings, if they are awarded, are often extremely hard to obtain in practice due to insufficient finances of the offender. This may be, however, partly targeted by the new regulation for the Fund on Victims of Crime (see further commentary on Article 16).

Lastly, one of the dominant challenges is the **system of training** of authorities, specifically the police officers, who are often the first ones to come into contact with the victims. Although specific trainings have been provided to the crisis intervenors, i.e. the police officers with specific assignment to communicate with the victims, other police officers, including the police officers at district stations, are often the ones who come first to the crime scene and they do not receive this training. The training on the rights of victims or on communication with them, including the available services and the manner of referral, however, is provided on a very basic level to all police officers. Even the police officers with specialized training expressed their concern that their training has not been sufficient. A **comprehensive basic training** should be introduced to all police officers and **in-depth training** for the police officers assigned to communicate with victims should be longer and regularly repeated.

130 The authorities have a three-month period to decide on the request for compensation, which can be prolonged (Article 30 § 3 of the Law on Victims of Crime).

CONCLUSION

The report's aim was to evaluate the practical implementation of the Victim's Directive into the national framework in the Czech Republic, through a desk-research complemented by a survey and semi-structured interviews with identified stakeholders and professionals. At the outset of the research, we identified and contacted relevant stakeholder groups, in order to get a fuller picture of the practical gaps and challenges, as well as good practices developed throughout the country.

As was emphasized by some of the respondents of the survey during the research, at certain moments, it was complicated to provide an adequate answer to the research questions, as the experience of the stakeholders were hard to quantify or generalize. This was, partly, due to limited experience with each of the areas of research, and partly, due to the highly fragmented practice in the Czech Republic.

Although it has been noted that the legislation corresponds to the Directive's requirements and in certain aspects provides broader extent of rights to the victims (such as in the extent of provided free of charge services), the practice is varying and dependant on the effort and training of the relevant authorities.

There is a lack of policy and guidance measures in place to create systematic methodological support to the authorities and ensure comparable and standardize quality of the support provided to victims. More efforts and resources should also be allocated to systematic training, both on the general level to all authorities, and on an in-depth level to the authorities working on specific positions relevant to the protection of victims.

Apart from this general conclusion, gaps have been identified in the area of communication with the victims and, especially, provision of relevant and comprehensible information regarding their rights. More efforts must be put into creating an information system which will be accessible to all victims, including victims with different communication needs.

Better communication should also be established between the authorities and victim support services, in order to facilitate referral of the victims to these services. It has been noted that referral works for victims of specific crimes (such as abuse or domestic violence), but often not in relation to non-violent crimes.

Additionally, not enough information is available to victims who do not speak the Czech language and victims resident in another member state. They are entitled to free interpretation and

translation during their contact with the authorities, however, the information on their rights available online and in police stations is inadequate. The same applies generally to victims with different communication needs, such as persons with sight, hearing or mental impairment.

The most notable gap was identified in the area of assessment of specific protection needs of vulnerable victims. Guidelines should be adopted in order to ensure foreseeability of the assessment, and the assessment should take the form of a decision with available appeal.

Enforcement of reimbursement of the cost of proceedings and damages from the perpetrator was also identified as a problem in practice. The state should consider providing deposit payments from the Fund for Victims of Crime to those victims who will not obtain reimbursement or damages due to the insufficient funds of the offender.

At the same time, it must be noted that the Czech Republic has made efforts to improve the system of victim support, *inter alia*, through increasing the budget for victim support and through creating and supporting public campaigns. The victim support services, both state-run (Probation and Mediation Service) and private-run, provide a range of services. At the same time, the service workers receive and provide trainings in order to ensure the quality and exchange of standards and practices. The protection of child victims of crime could be a good example to take for the system of protection of victims with specific protection needs in general.

REFERENCES

1. LEGISLATION

- a. Code on Criminal Procedure, law no. 141/1961 Coll.
- b. Code on Specific Court Proceedings, law no. 292/2013 Coll.
- c. Civil Code, law no. 99/1963 Coll.
- d. Explanatory report to the Law on Victims of Crime prepared by the Government, 27. 2. 2012, no. 617/0.
- e. Law on Victims of Crime, no. 45/2013 Coll.,
- f. Law on Specific Protection of a Witness, law no. 137/2001 Coll.
- g. Police Act, law no. 273/2008 Coll.
- h. Sdělení Ministerstva zahraničních věcí o sjednání Smlouvy mezi Českou republikou a Spolkovou republikou Německo o spolupráci policejních orgánů a orgánů působících při ochraně státních hranic v příhraničních oblastech, č. 91/2002 Sb. m. s
- i. Sdělení Ministerstva zahraničních věcí o sjednání Smlouvy mezi Českou republikou a Slovenskou republikou o spolupráci v boji proti trestné činnosti, při ochraně veřejného pořádku a při ochraně státních hranic, č. 26/2005 Sb. m. s.
- j. Sdělení Ministerstva zahraničních věcí o sjednání Smlouvy mezi Českou republikou a Polskou republikou o spolupráci v boji proti trestné činnosti, při ochraně veřejného pořádku a o spolupráci v příhraničních oblastech, č. 62/2006 Sb. m. s.
- k. Sdělení Ministerstva zahraničních věcí o sjednání Smlouvy mezi Českou republikou a Polskou republikou o spolupráci v boji proti trestné činnosti, při ochraně veřejného pořádku a o spolupráci v příhraničních oblastech, č. 62/2007 Sb. m. s.

2. LITERATURE

- a. Council of Europe (2008). Combating violence against women: minimum standards for support services.
- b. DG Justice Guidance document related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.
- c. European Parliamentary Research Service (2017). The Victims' Rights Directive 2012/29/EU. European Implementation Assessment.
- d. Fundamental Rights Agency (2014). Victim Support Services in the EU: An overview and assessment of victims' rights in practice. The Czech Republic.
- e. Dvořáková, Ivana (2014). Krizová intervence u Policie České republiky. Brno: Masarykova Univerzita.
- f. Gřivna, T., Šámal, P., Válková, H. a kol. (2014). Zákon o obětech trestných činů. Komentář. 1. vydání. Praha: C. H. Beck.
- g. In Iustitia, o.p.s. (2016). Zákon o obětech trestných činů. Praktická a legislativní doporučení zohledňující návrh technické novely zákona č.45/2013 Sb.
- h. Provazník, Jan (2016). Přístup k obětem trestných činů z hlediska zainteresovaných státních institucí. Diplomová práce. Praha: Univerzita Karlova.
- i. Rozum, Jan. Scheinost, Miroslav. Tomášek, Jan. Luptáková, Marina. Kotulan, Petr (2009). Mediace z pohledu občanů České republiky. Trestněprávní revue. Praha: Nakladatelství C. H. Beck.
- j. Svoboda, Petr (2013). Edukace policistů v otázce pomoci obětem trestných činů. České Budějovice: Jihočeská univerzita v Českých Budějovicích.
- k. Tomíčková, Kateřina (2014). Soudní tlumočení v policejní praxi. Olomouc: Filosofická fakulta Univerzity Palackého.

3. CASE-LAW

- a. Judgment of the Constitutional Court from 19.2.2015, no. I. ÚS 1397/14
- b. Supreme State Prosecutor. Interpretative statement no. SL 739/2007 of 16 July 2007.

4. OTHER SOURCES OF INFORMATION

a) Statistics, methodic standards and yearbooks

- a. Bílý kruh bezpečí. Statistics regarding domestic violence. 2017. Online at: <http://www.domacinasili.cz/statistiky/>
- b. Bílý kruh bezpečí. Statistics on number of provided consultations. Online at: < <https://www.bkb.cz/o-nas/statistiky/>
- c. Bílý kruh bezpečí. Yearbook of 2016. Online at: <https://www.bkb.cz/o-nas/vyrocnizpravy/>
- d. European Judicial Network. Report on activities and management, 2015-2016. Online at: < https://www.ejn-crimjust.europa.eu/ejnupload/reportsEJN/Report_2015_2016_EN.pdf>
- e. Explanatory report to the Law on Victims of Crime prepared by the Government, 27. 2. 2012, no. 617/0.
- f. Explanatory report to the law no. 56/2017 Sb., no. 658/0.
- g. Probation and Mediation Service. Methodic standard on pre-trial and trial stage of the criminal proceedings, 2003. Online at: <http://tmp1.webget.cz/pmscr/download/MEDIACE_metodika_textova_cast_bez_priloh>
- h. Probation and Mediation Service. Statistics. https://www.pmscr.cz/download/010117_311217__Statistika_PMS_CR_pro_www.pdf
- i. Police of the Czech Republic. Yearbook of 2012.
- j. Police of the Czech Republic and Bílý kruh bezpečí. Agreement from 2010. Online at: <<https://www.bkb.cz/aktuality/n22-dohoda-mezi-policii-cr-a-bilym-kruhem-bezpeci-o-poskytovani-pomoci-obetem-trestne-cinnosti/>>

b) Websites and media articles

1. Acorus, z.s. Online at: <<http://www.acorus.cz/cz/sluzby/azylovny-dum.html>>
2. Bílý kruh bezpečí. MUSAS II. Online at: <http://www.apav.pt/musas/musas2.html>
3. Bílý kruh bezpečí. Project work. Online at: <https://www.bkb.cz/o-nas/projektovacinnost/>
4. Bílý kruh bezpečí. Řešte své problémy včas a cestou práva. Online at: <https://www.bkb.cz/aktuality/n45-bily-kruh-bezpeci-zahajil-kampan-reste-sve-problemy-vcas-a-cestou-prava/>
5. České noviny.cz. Praha zahájila kampaň proti domácímu násilí. 27. 11. 2017. Online at: <http://www.ceskenoviny.cz/zpravy/praha-zahajila-kampan-proti-domacimu-nasili/1555517>
6. Dětské krizové centrum. Online at: <http://www.ditekrize.cz/>
7. High School and Higher Educational Facility for police officers. Online at: <<http://www.skolamv.cz/studujici/vzdelavani/kurzy-pro-policisty.html>>
8. Idnes.cz. Nová kampaň má obětem trestných činů přiblížit, kde najdou pomoc. 20. 1. 2012. Online at: https://zpravy.idnes.cz/nova-kampan-ma-obetem-trestnych-cinu-priblizit-kde-najdou-pomoc-ps9-/domaci.aspx?c=A120120_140108_domaci_cen>
9. Ihned.cz. Nová kampaň na pomoc obětem trestných činů. 15. 9. 2015. Online at: < <https://ihned.cz/c1-64604450-nova-kampan-na-pomoc-obetem-trestnych-cinu>>
10. Irozhlas.cz. Fondu pro oběti trestných činů chybí peníze. Na účtu je 300 tisíc, ministerstvo čekalo ročně desítky milionů. 1 March 2018. Online at: https://www.irozhlas.cz/zpravy-domov/fond-pro-obeti-trestnych-cinu-ministerstvo-spravedlnosti_1803010940_jak
11. Irozhlas.cz. Kampaň mlčení bolí vyvrací mýty o domácím násilí. 4. 6. 2015. Online at: https://www.irozhlas.cz/zpravy-domov/kampan-mlceni-boli-vyvraci-myty-o-domacim-nasili-vzdelavat-bude-i-odborniky-_201506042012_lkrejcarova
12. In Iustitia and the Government of the Czech Republic. Contract on cooperation on training. Online at: <https://www.vlada.cz/assets/urad-vlady/Smlouvy/15-224-0.pdf>
13. In Iustitia, o.p.s. Máte svá práva campaign. Online at: <http://www.matesvaprava.cz>

14. In Iustitia. Project Justeena. Online at: <http://www.in-ius.cz/projekty/2012/justeena-proti-nasili-z-nenavisti-v-praze-7.html>
15. In Iustitia, o.p.s. Available trainings. Online at: <http://www.in-ius.cz/vzdelavame/kurzy-pro-socialni-pracovniky-ce/>
16. Judicial Academy of the Czech Republic. Online at: <https://www.jacz.cz/vzdelavani/seznam-seminaru/trestni-soudnictvi>
17. La Strada Česká republika, o.p.s. Online at: <http://www.strada.cz/cz>
18. Police of the Czech Republic. Online at: <http://www.policie.cz/clanek/informace-pro-obeti-trestnych-cinu.aspx>
19. Mediář.cz Proč zrovna já? Chystá se kampaň na pomoc obětem trestných činů. 22. 5. 2015. Online at: <https://www.mediar.cz/proc-zrovna-ja-chysta-se-kampan-na-pomoc-obetem-trestnych-cinu/>
20. Ministry of Foreign Affairs. International agreements. Online at: https://www.mzv.cz/jnp/cz/vyhledavani_smluv
21. Persefona, o.p.s. Online at: <http://www.persefona.cz/>
22. ProFem, o.p.s. Online at: <http://www.profem.cz/>
23. Probation and Mediation Service. Proč zrovna já? Online at: <https://www.pmscr.cz/proc-zrovna-ja-ii/>
24. Probation and Mediation Service. Available services. Online at: <https://www.pmscr.cz/pro-obeti/>
25. Register of court certified translators. Online at: [http://datalot.justice.cz/justice/repznatl.nsf/\\$\\$SearchForm](http://datalot.justice.cz/justice/repznatl.nsf/$$SearchForm)
26. Register of social services. Online at: <http://iregistr.mpsv.cz/socreg/>
27. Register of victim support services. Online at: <https://otc.justice.cz/verejne/seznam.jsf>
28. Rozkoš bez rizika, o.p.s. Online at: <http://rozkosbezrizika.cz/>
29. Spirála, z.s. Online at: <http://www.spirala-ul.cz/wp/>
30. Theia, o.p.s. Online at: <https://www.theia.cz/>

APPENDIX 1 – CONTACT LIST OF INTERVIEWED PROFESSIONALS

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