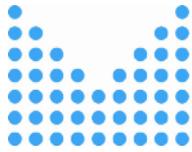


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**FINAL REPORT OF THE CZECH REPUBLIC
ON THE NATIONAL ACTIVITIES WITHIN THE
COUNCIL OF EUROPE CAMPAIGN TO COMBAT
VIOLENCE AGAINST WOMEN, INCLUDING
DOMESTIC VIOLENCE**

**THE MINISTRY OF THE INTERIOR
Crime Prevention Department**



**PREVENCE
SE MUSÍ VYPLAČIT**

The main source of the Report (including its annexes) is the document "**Information on the fulfilment of measures for establishing interdisciplinary teams bringing together medical, social and police assistance in detecting and prosecuting cases of domestic violence**", which since 2005 has annually been submitted by the Interior Minister to the Czech Government (in compliance with the Government Resolution No. 794 of 25/8/2004) as well as some materials of the Crime Prevention Department of the MoI. and materials of NGOs.

Legislative and political measures

Legal regulation of the issue of domestic violence in the Czech Republic

The amendment to the Penal Code (effective as of 1/6/2004) criminalized domestic violence by introducing the criminal offence "**battering a person living in a common flat or house**" - s. 215a of Act No 140/1961 Coll., Penal Code (hereinafter referred to as "Penal Code"). This legal regulation as well as the provisions of related legislation respond to violence already committed, but do not address prevention of domestic violence or efficient assistance to victims. When encountering domestic violence, the police mainly apply the applicable provisions of the Penal Code, the Administrative Offences Act and the Police Act. Actions of less serious nature related to domestic violence are often qualified as administrative offences. However, domestic violence can also be qualified as one of other serious criminal offences, e.g. violence against a group of persons and against an individual, bodily harm, false imprisonment, rape or blackmailing.

On **1 January 2007, Act No. 135/2006 Coll., amending certain Acts in the area of protection against domestic violence** (hereinafter referred to as the "**Domestic Violence Act**"), came into effect. The relevant amended legislation included, inter alia, Act No. 283/1991 Coll., the Czech Republic Police Act. The new legislation introduced the institute of "eviction (restraining) order"¹ in the Czech law (a temporary separation of the violent person from the victim), setting forth the rights and obligations of the Czech Republic Police authorities regarding its application. The a.m. changes in legislation were followed by a new internal Police regulation laying down the procedures to be taken by the police in cases of domestic violence. This internal regulation also provides for the maintaining of records on cases of domestic violence. During 2007, app. 12,500 police officers at all levels underwent training in this area.

Implementation of the Domestic Violence Act

In general, the first year of the implementation of the Domestic Violence Act has showed that the Act is a comprehensive legal framework of prevention against domestic violence. It makes it possible to prevent dangerous attacks against life and limb by the police eviction order, while creating conditions for immediate psychological, social and legal assistance to victims in intervention centres and cross-disciplinary cooperation among state, municipal and non-governmental organizations involved in the prevention and assistance to victims of domestic violence and their minor children.

There are fifteen intervention centres in the Czech Republic. They are obliged to provide assistance to all victims of domestic violence, i.e. not only those whose cases are dealt with by the Czech Republic Police, but also to persons who contact one of the intervention centres, so to say, directly from the street. Relevant statistics enable comparison of all contacts made with those made solely upon the notification of the Police of the Czech Republic.

¹ Under the Domestic Violence Act it means order to leave and prohibition to enter the flat for 10 day period.

In 2007, the total number of Police eviction orders in the Czech Republic recorded by the intervention centres was 862. In these cases, the police considered previous incidents and assessed the risk level of the current situation. The total number of persons directly facing the threat of domestic violence in 2007 was 1833 (adult victims + children present during a violent incident and police intervention); the institute of the eviction order ensured their protection against further violence.

Repeated eviction orders were issued with respect to 58 persons. In the 862 cases in which eviction orders were issued, there were 892 adult victims, including 858 women and 34 men. In the period monitored, the Police of the Czech Republic recorded the total of 941 children present at the police interventions and the violent incidents preceding them.

From the total of 862 **eviction orders, 854 concerned men and 8 women.** As regards the relationship between the violent person and the victim, most cases involved spouses – 467 cases (54 %), followed by cohabittees – 205 cases, intergeneration violence – 134 cases and divorced spouses – 55 cases. A small number of eviction orders concerned partners, siblings and others. The data regarding the monitored period of 2007 indicates a significant difference between individual regions of the Czech Republic². The average number of eviction orders in one region in the year was 61.6.

In connection with eviction orders, the intervention centres made 3,942 recorded contacts with victims in 2007 (including 2,880 by telephone, 587 in person in the intervention centres, 153 in person at the victims' homes, 322 in writing). The services of the intervention centres were used rather unevenly by other persons facing the threat of domestic violence. Fifteen intervention centres keep records on the total of 5,364 other contacts made in 2007 (this number does not include contacts from professionals), of people looking for information, advice, support and assistance related to domestic violence. On average, one intervention centre had 620 contacts with clients during 2007.

In the course of 2007, i.e. the first year of effect of the Domestic Violence Act, victims started to apply directly to civil courts asking for preliminary ruling, even in situations not preceded by the police ten-day eviction order. Out of the total of 862 cases of police eviction orders, in 337 cases the victims applied for a court preliminary ruling to extend the restraint period. 73.5 % (i.e. 190) of these applications were granted by the courts; 14 % were dismissed.

Since 2002, the Ministry of the Interior has been coordinating an interministerial cooperation to establish an integrated system of assistance to victims of domestic violence and since 2004 it has regularly monitored the fulfilment of measures aimed at interdisciplinary solutions of the problem of domestic violence in the Czech Republic. To that end, a joint team of experts was created, consisting of representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Education, Youth and Sports, the Police of the Czech Republic and several NGOs. Each year, the a.m. team prepares an annual report on the actions of the Czech Republic to reduce domestic violence and assist its victims, which the Minister of the Interior submits to the Government of the Czech Republic.

Support and assistance to victims

Measures intended to support and assist victims are taken not only by the state administration authorities and local self-governments, but to a great extent also by non-governmental organizations, which focus their activities on specific help to the victims of

² The Czech Republic is divided into 14 administrative regions.

domestic violence and the protection of their rights. In the Czech Republic, the cooperation between the governmental and non-governmental sectors is efficient, the latter being represented by several NGOs active not only in the area of domestic violence, but violence against women in general (e.g. the White Circle of Safety, ROSA, o.s., Acorus, o.s., ProFem, o.p.s. and others – see below.)

Koordona³ associates NGOs focusing on the problem of domestic violence, violence against women and women's rights, either by directly helping the victims or organizing educational campaigns, preparing publications, training and educating professionals and general public and promoting system changes in this area. For instance, in 2007, Koordona drew up common standards for working with victims of domestic violence. The Koordona member organizations cooperate intensely with local NGOs and NGOs on both the national and international levels. Cooperation on the national level concerns e.g. trainings and seminars for helping professionals, police officers, state officials, conferences, discussion panels, meetings with students/citizens etc.

Koordona's international activities include the organization of conferences and seminars; representatives of its member organizations also participate in conferences and seminars abroad. Recommendations of the Council of Europe were heard last year e.g. at the **international congress "The Law Against Domestic Violence"**, focused on methods of application and possibilities of the law with respect to domestic violence – violence against women, comparison in the European context, or the **international conference "Stop Domestic Violence Against Women – 10 years of Austrian Anti-Violence Legislation in the International Context"**. A project of the White Circle of Safety on the **"Prevention of Domestic Violence – Change in Legislation"** and the project of ROSA, o.s. **"Partnership Against Violence"** represented the Czech Republic at the **ECPA competition (European Crime Prevention Award) in Lisbon** in December 2007, having domestic violence as its topic for 2007. In 2007, Koordona also organized a **conference on domestic violence called "And what will come afterwards? When domestic violence does not end with a divorce... Three instruments in the hands of aggressors – who is protected by the state?"**. The conference mainly recommended completing the missing legislation.

Apart from training and educational activities, individual organizations are involved also in direct assistance to victims of domestic violence. They provide their clients particularly with psychological, legal and social consultancy, accommodation in asylum shelters (with a confidential address if necessary), accompaniment to authorities and institutions, and a number of other services. In 2007, the Koordona member organizations provided shelter for a total of 326 women and 420 children threatened by domestic violence.

Data collection

Information regarding domestic violence recorded and monitored by the law enforcement and judicial authorities (the actual number of cases is many times higher), is limited by the scope of data monitored by individual law enforcement and judicial authorities. The statistical records of courts and state attorney offices, so far kept only with respect to the offenders (not victims) can show how many persons were prosecuted, indicted, sentenced, what was the sex of the offender, or if the person was a minor. In addition - for the statistical monitoring of the criminal offence "battering a person living in a common flat or house" under s. 215a of the Penal Code, a program has been implemented in 2007 which

³ In 2007, the member organizations included: in Prague: Acorus, o. s., ROSA, o. s., ProFem o. p. s., Charita Česká republika – the project Magdala (network project coordinating assistance to victims of domestic violence in charity homes for mothers with children all over the CR), Elektra – a centre of assistance to women abused in childhood, Persefona, o. s., Magdalenium, o. s.; other member organizations are Civic Consulting Centre Nymburk, Most k životu, o. p. s. (in Trutnov), Silesian Diacony (Consulting Centres Elpis in Ostrava, Havířov and Třinec) and the Amnesty International.

made it possible to monitor – next to criminal law aspects – also the relationship of the offender and the victim, i.e. husband and wife, former husband and wife, cohabitantes, intergeneration relationship, or persons without any relationship who share a common flat.

Another source of information on the incidence of domestic violence in the Czech Republic population are the statistics from administrative proceedings on administrative offences against the coexistence of citizens under s. 49 (1) a), c), e) of the Administrative Offences Act.

The attached **table 1** "*Information on victims of domestic violence in 2007*" (*data monitored for the first time*) indicates that in 392 cases recorded by the Ministry of Justice, the criminal offence under § 215a of the Penal Code was committed against 348 women (88,8%), 54 children (13,8%), 43 senior citizens (10,9%), and 16 men (4,1%). Most cases of domestic violence occurred in married couples - 192 cases, followed by cohabitantes – in 80 households. Intergeneration violence was noted in 72 families.

The attached **table 2** gives an overview of the development of punishment of offenders sentenced for the crime under §215a of the Penal Code, battering a person sharing a common flat or house⁴, in 2004 – 2007. In 2004, only one offender was sentenced, while in 2005, the number rose to 134. In 2007 the total number of convicted persons was 291. The same applies to convicted men: in 2005 - 131, in 2006 - 250 and in 2007 - 283 (i.e. 97.8%, 97.7%, 97.3% respectively). The percentage of female perpetrators of this criminal offence was between 2.2% and 2.7%.

For complete information, it may be added that since domestic violence became criminalized (as of 1/6/2004), criminal proceedings for the suspicion of the criminal offence under s. 215a of the Penal Code was started against 2, 371 persons (100%): the police or the state attorney decided not to proceed with 377 cases (16%); criminal prosecution was commenced against 1, 572 persons (66,3 %); 682 persons (28,8%) were sentenced upon a final and conclusive judgment (97,5 % men and 2,5 % women).

In 2007, there was a slight increase in the number of criminal offences under s. 215a of the Penal Code (+ 17) as well as the number of convicted persons (+ 35). In 97.3% of all cases the offenders were men, in 2.7% women. This ratio does not change in the long term. 88.8% of the victims were women, 11% senior citizens and 4% men. In 29.3 % total of these cases were children threatened as well domestic violence. In the long term, the ratio of prosecuted violent persons is approximately 2/3 of all initiated criminal proceedings, and approximately 1/3 of violent persons were convicted upon a final and conclusive judgment. If we compare the number of convicted persons over the 34 months of the existence of s. 215a of the Penal Code (682) with the number of violent persons evicted over the 12 months of the effect of the Domestic Violence Act (862), **there can be no doubts regarding the preventive effect of the adopted legislation, which, at the least, interrupted the violent behaviour and provided the victims with a possibility to think over further steps on the way to dignified life.**

NGOs and the intervention centres collect domestic violence-related data according to various criteria and procedures.

For further information, it is also possible to see the Questionnaire of the Council of Europe on the records regarding cases of domestic violence kept by various institutions and according to various criteria, distributed to the member states of the Council of Europe at the end of 2007 and returned completed by the Czech Republic in January 2008.

⁴ Domestic violence as a criminal offence has been subject to sanctions in the Czech Republic since 1/6/2004, after the relevant amendment to the Penal Code.

Increasing public awareness

In February 2006, a campaign called "**NÁSILÍ NE!**" (NO VIOLENCE!) was conducted, prepared by the Ministry of the Interior in cooperation with several NGOs. The campaign focused on violence against women – domestic violence, trafficking in human beings, and violence against senior citizens. A part of the campaign was the distribution of a leaflet "*How to avoid a danger and not become a victim*" through a regional magazine intended for women and girls.

In 2007, the Ministry of the Interior of the CR also conducted the campaign **Ne(bezpečný) věk** (Dangerous Age) (also upon the recommendation of the Council of Europe), aimed at increasing the awareness of senior citizens of possible protection against crimes committed against them, including domestic violence. The main pillar of the campaign was a video cycle broadcasted under the same name as part of the Czech Television programme for senior citizens called *Barvy života* (Colours of Life). Specialists from the Ministry of the Interior and the Police of the Czech Republic were regular guests in the Czech Radio broadcasting, e.g. in a programme providing advice on social and legal issues, as well as other programmes; this issue appeared also in magazines for senior citizens. Furthermore, information brochures published by the Ministry of the Interior included articles containing information and recommendations for senior citizens, which were further used by professionals in the area of socio-pathological phenomena in the whole country.

At present, as part of the Council of Europe campaign, a leaflet is being prepared informing of the main pillars of Act N. 135/2006 Coll. (the Domestic Violence Act) with regard to the recommendations of the Council of Europe. The leaflet will address the general public and is to be issued by June 2008.

The problem of violence against women, including domestic violence, is also targeted by some of the committees of the Czech Government Council for Human Rights, which is an advisory and initiating body of the Czech Government on the issues of human rights. These committees include e.g. the Committee for Equal Opportunities of Women and Men and the Committee for the Rights of the Child. In 2008, the Government Council for Equal Opportunities of Women and Men newly established the Committee for the Prevention of Domestic Violence.

National Action Plan

The National Action Plan of Prevention of Domestic Violence (NAP)⁵ is currently under preparation; it is being drawn up by the central state administration authorities in cooperation with several NGOs. The NAP should cover at least 5 years, and the Government should be submitted detailed annual reports on its fulfilment. The target groups of the NAP include: women/men - victims (subgroups – women foreigners and with medical or social handicaps), children, senior citizens, perpetrators of domestic violence, institutions providing assistance (e.g. psychologists, social workers, doctors etc.) and the public.

The preliminary structure of the NAP is as follows:

- 1)** a preamble specifying domestic violence (description of the situation, legislation in the national and international context, recommendations of the Council of Europe, objectives and tasks), main target groups,
- 2)** assistance to and services for the victims of domestic violence (definitions of the categories of persons threatened by domestic violence – women, children, senior

⁵to be submitted to the Government of the Czech Republic in the I. part of the 2009.

- citizens), objectives (e.g. in the area of services – standards for counselling centres, asylum houses etc.),
- 3) specific protection of children – witnesses of/victims of violence,
 - 4) offenders and work with them – resocialization programmes, mediation etc.,
 - 5) institutions providing assistance – establishing the principle of interdisciplinary approach – the principle of team cooperation of schools, authorities of social and legal protection of children, NGOs + the system of education in the given area,
 - 6) the public – prevention, education
 - 7) activities in the areas of research, training and prevention.

Conclusion

Despite the numerous activities which have been undertaken in the area of domestic violence, both on the level of legislation and practice, it is currently necessary to pay most attention to the continuous education of police officers and other interested professionals, particularly in the areas of:

- (1) preventing mistakes in the application of eviction,
- (2) continuous efforts to increase the legal awareness of the public regarding the harmfulness of domestic violence, its consequences and possibilities of prevention (up to 30% of the victims of domestic violence do not make use of the help of intervention centres),
- (3) accreditation of therapeutical programmes for violent persons,
- (4) possible introduction of the new crime of "stalking" in the Penal Code,
- (5) protection of children – witnesses of domestic violence and
- (6) the assistance to senior citizens – victims of intergeneration domestic violence.

This final report was prepared in purposes the implementation of the Council of Europe Campaign to Combat Violence against Women, including Domestic violence.

Table Nr 1 : Information on the victims of domestic violence in 2007

2007		Czech Republic
Total number of cases		392
The victim is	- a child	54
	- a woman	348
	- a man	16
	- a senior citizens	43
Relationship between victim and perpetrator	- married couple	192
	- former married couple	33
	- cohabittees	80
	- a child living in a common house	61
	- intergeneration relationship	72
	- another person living in an common house	23

Table Nr 2 : Persons convicted for crime under Section 215a Penal Code Battering a person living in a common flat or house in the period 2004 - 2007

2004	Total number of convicted persons*	Woman	Men
Czech Republic	1	0	1

*Remark.: convicted persons for the period 1/6/2004 – 31/12/2004

2005	Total number of convicted persons	Women	men
Czech Republic	134	3	131
2006	Total number of convicted persons	Women	Men
Czech Republic	256	6	250
2007	Total number of convicted persons	Women	Men
Czech Republic	291	8	283