

**Violence against women – background material for the report to the Special Rapporteur on violence against women, its causes and consequences to the Office of the UN High Commissioner for Human Rights**

In 1998, the Government of the Czech Republic started to systematically implement the conclusions of the Beijing Action Platform, adopted at the 5<sup>th</sup> World Conference on Women in Beijing in 1995. At the beginning of 1998, the Minister of Labour and Social Affairs who was then charged, by Government Resolution No. 6/98, with coordination of national agenda concerning the situation of women in the society, presented to the Government a proposal of “Priorities and steps of the Government in promoting equality of men and women”. Measures approved annually by the Government within the “Priorities and steps” programme included the steps to address the issue of domestic violence.

In context of measures taken within the “Priorities and steps” government programme, a project was run between 2001 and 2003, named **“Model inter-sectoral project to create a legal framework and guidelines for the establishment of interdisciplinary teams, bringing together healthcare, social care and police assistance in detecting and prosecuting cases of domestic violence”**. The project was the first step to elaborate a concept, and to create a system, of coordinated inter-sectoral cooperation aimed at the elimination of violence against women in the Czech Republic.

The implementation of measures resulting from the project is monitored by an interministerial working group, headed by the Ministry of the Interior, on an ongoing basis (the following activities are mostly these measures put into practice). The Interior Minister annually submits to the Czech Republic Government a report on current situation and progress achieved in the field of protection against domestic violence, treatment of its consequences and potential shortcomings. The first such report was presented to the Government in April 2005; the next will be prepared before the end of 2005 and submitted in the first quarter of 2006.

**I. Programmes for the prevention of domestic violence and for training of persons who deal with cases or victims of domestic violence**

**Ministry of the Interior**

- The issue of domestic violence forms an integral part of police recruits' training. A number of projects were organized in cooperation with NGOs, aimed at an extensive training of policemen on the domestic violence issue, and at the practical use of such training in treating detected cases of domestic violence. Manuals have been elaborated for the use of the policemen who deal with crime victims, with special regard to victims of domestic violence.
- In 2004, the Interior Ministry's Refugee Facilities Administration ran a campaign on the issue of domestic violence in all asylum facilities; social workers and managing staff of asylum facilities were trained on the issue.
- As an authority responsible for the training of the staff of regional and municipal administrative bodies, the Interior Ministry participates in the training of social welfare officers who are in charge of social and legal protection of children. In

accordance with the instructions of the Labour Ministry, it runs the training and carries out examinations for civil servants specialized in social and legal protection of children, which includes also the domestic violence issue.

#### **Ministry of Health**

- A project named "Physicians' awareness of domestic violence" and a project named "Impact of domestic violence on health and legal condition of the victim and means to prevent it". The outcomes of the project will be used in elaborating the necessary guidelines (standard procedures) for physicians and medical staff. Results of the projects, including manuals and standard procedures, will also be used in undergraduate and post-graduate education of physicians. The outcomes of projects focused on the issue of domestic violence are distributed, in the form of manuals for the use of medical staff, to regional authorities, relevant professional associations, to the Institute of Postgraduate Education of Physicians and Pharmacists and to healthcare facilities falling under the direct competence of the Health Ministry.

#### **Ministry of Labour and Social Affairs**

- In the context of promotion of social services, the Labour Ministry, Social Services Department, introduced two grant-making sub-programmes for 2005: Support of activities for social and crime prevention at the national level and at regional and local levels. These grant-making sub-programmes cover projects aimed at providing services in the field of social and crime prevention. The activities supported under these sub-programmes include, *inter alia*, asylum houses for victims of domestic violence.
- In the context of their training, officers of the body responsible for social and legal protection of children get acquainted with the domestic violence issue within the module named "Social and legal protection of children in situations of domestic violence – possible measures and assistance in social and legal protection according to current legislation".

#### **Ministry of Justice**

- The Judicial Academy included the domestic violence topic in its 2004/2005 curriculum. There are special seminars or training modules on this topic, designed for judges, public attorneys, and judicial and legal candidates. The staff of the Probation and Mediation Service is also trained in this field within the existing training programmes.
- Judicial officials publish articles on the domestic violence issue in magazines, newspapers and specialized periodicals. The Judicial Academy's publications also raise the awareness of the domestic violence issue and help reduce its latency. In the field of prevention, the Ministry of Justice uses the information collected in the context of criminal and civil proceedings related to child custody and childcare, which often involve cases of domestic violence against the children's mother. The general public is informed about different forms of domestic violence, as well as about its typical consequences.

#### **Ministry of Education, Youth and Sports**

- For the period 2005-2008, the Education Ministry elaborated a fundamental policy concept of primary prevention, named "Strategy for the prevention of sociopathological phenomena in children and youth within the competence of the Ministry of Education, Youth and Sports". In particular, the document sets out the

main objectives of primary prevention of sociopathological phenomena, target groups and general principles of primary prevention within the scope of the Ministry's competence. The primary prevention includes activities in the field of maltreated and abused children syndrome and domestic violence. The objectives set out in the Strategy are fulfilled, in particular, through projects of prevention of sociopathological phenomena in children and youth, encouraging children and young people to develop a healthy lifestyle and positive social behaviour.

- Within the framework of its grant-making policy, the Education Ministry supports non-governmental non-profit organisations and charitable organisations through its "Programmes of support of activities for the prevention of sociopathological phenomena in children and youth within the competence of the Ministry of Education, Youth and Sports". One of the priorities of these programmes is also specific primary prevention carried out at schools and educational facilities, focused, *inter alia*, on the domestic violence problem.
- The Education Ministry launched a call for projects on the topic of "Contribution to address the issue of the impact of domestic violence on primary and secondary school pupils" (research programme for the use of the public administration). The winner of the competition, selected by a board of experts, will carry out the project until the end of 2006.
- The domestic violence issue is included in the core study programme of undergraduate teacher training for primary and secondary school teachers at pedagogical faculties. The topic is also presented in publications used to supplement lectures and seminars. It is also treated in many students' papers and diploma theses.
- Specialized seminars at the regional level help systematically raise the awareness of the domestic violence issue. Schools publish important phone numbers of institutions providing help in emergency, and create room for cooperation with such institutions. Letterboxes of these institutions are installed at schools.

## **II. Programmes for the protection of victims of domestic violence**

### **Ministry of the Interior**

- Within the scope the Interior Ministry's competence, an important step was the issuance of a Methodical Instruction of the Head of the Office of the Criminal Police and Investigation Service, Czech Republic Police Headquarters, which regulates steps of the Czech Republic Police to be taken in reporting and investigating cases of domestic violence. Through this guidance material, which has the status of an internal regulation, police officers get acquainted with principal aspects of the domestic violence phenomenon and receive basic instructions on how to detect these specific situations and how to respond.
- In 2004, three sending organizations were accredited which assist women-victims of domestic violence or women in a difficult social situation. Throughout the whole year, activities of NGOs in all asylum facilities, addressing the issue of domestic violence and threatened women, received direct support. Other projects (such as crisis intervention and counselling facilities) are supported within the framework of the programme of crime prevention at local level.
- The Interior Ministry coordinates and monitors, on an ongoing basis, the implementation of measures leading to an interdisciplinary solution of the domestic violence issue and to the creation of an integrated system of assistance to its victims, and it processes the relevant information for the use of the Government. The Minister of the Interior annually submits to the Government a report on the current situation

and progress achieved in the field of protection against domestic violence and in dealing with its consequences, but also on outstanding problems.

### **Ministry of Health**

- The Ministry of Health annually supports organizations, providing assistance to victims of domestic violence, through its grants within the Programme of support of civic associations and humanitarian organizations.
- In the context of its prevention programmes, the Ministry gave its support to the following projects: "Physicians' awareness of domestic violence", "Prevention of trafficking in human beings for the purpose of sexual exploitation" and "Care for aggressive individuals in the family".
- A document named "Health Ministry's Methodical Instruction concerning steps to be taken by physicians in providing healthcare to a victim of domestic violence" is currently under preparation. Its objective is to standardize the procedure to be followed by physicians in dealing with such situation.
- In 2005, an interministerial working group for the prevention of intentional and unintentional injuries in children was established. Its task is to set up a register of children's injuries and to draft a National strategy for the prevention of children's injuries. The same procedure will be followed in dealing with the issue of injuries in the whole population, including injuries resulting from violence against women.

### **Ministry of Labour and Social Affairs**

For 2005, the Ministry of Labour and Social Affairs introduced the following programmes:

- in the field of equality of men and women, a grant-making sub-programme for the support of activities focused on the suppression of domestic violence committed against women;
- in the field of the support of social services, two grant-making sub-programmes designed for projects which focus on providing services in social prevention and crime prevention; asylum houses for domestic violence victims are also supported within these programmes;
- A research project is under way, focusing on the quality and accessibility of the system of services for victims of domestic violence.

## **III. Measures related to prosecution and punishment of persons perpetrating violence against women**

### **Ministry of the Interior**

- An interministerial working group of experts, composed 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 Czech Republic Police and NGOs, functions at the Interior Ministry. The working group coordinates activities and continuously monitors developments concerning the implementation of legislative and methodological measures related to the prosecution and punishment of domestic violence in the Czech Republic.
- Monitoring of cases of domestic violence actually recorded by law enforcement authorities (the real incidence is much higher), is limited by the extent of statistical data collected by each law enforcement authority. The statistics of the Czech Republic Police enable the tracing of cases from the opening of criminal proceedings till the

institution of criminal prosecution ("Statistical record on criminal proceedings"). "Criminal statistical sheets" show the penalties imposed for crimes under Section 215(a) of the amended Criminal Code (Maltreating a person living in a shared apartment or house). The statistics also indicate the occurrence and sanctions for crimes, related to domestic violence or concurrent with the crime under Section 215 (a) of the Criminal Code. "Criminal statistical sheets" also include some other socio-demographic data (e.g. male/female, juvenile, female-victim, child-victim, etc.)

#### **Sanctions for domestic violence**

- Since the domestic violence is not established as a crime in the Czech Republic, it represents a complex problem for the police. The Czech legislation does not recognize the term "domestic violence" and covers only isolated elements of such acts. The relevant provisions of the Criminal Code are, *inter alia*, bodily harm, restriction of personal liberty, deprivation of personal liberty, extortion, oppression, violence against a group of persons and against an individual, rape, sexual abuse, abandonment of a child, neglect of compulsory maintenance, maltreatment of a person entrusted to one's care, maltreatment of a person living in a shared apartment or house.
- The Czech Republic Police is authorized to detain a person who poses an imminent threat to life or health of other persons or his/her own, or a person who was found committing an act which meets the definition of an offence, where there are substantial grounds for believing that he/she would continue to act unlawfully. If there is any suspicion that a crime was committed in cases of domestic violence, the police follows the Code of the Criminal Procedure and initiates criminal proceedings.
- The Ministry of Justice has drafted a new Criminal Code, in which domestic violence as a criminal activity falls under Section 172, "Maltreating a person living in a shared apartment or house". According to the bill, a person who maltreats a family member or another person living in a shared household, will be liable to imprisonment from 6 months to 4 years. "Maltreatment" includes also ill treatment of a person entrusted to one's care, with a high degree of insensibility and ruthlessness and lasting for a certain period of time. With regard to other circumstances and consequences of such behaviour, sanctions may increase to 5 to 12 years' imprisonment. The new Criminal Code should enter into effect on 1 January 2006.

#### **Statistical information**

Provisions criminalizing violence against natural persons irrespective of gender do exist continually in the Czech legislation. In the current Criminal Code (law No. 140/1961 Coll., as amended), relevant provisions may be found especially under Sections 221, 222, 224, 231, 232 and 235. Each year, thousands of cases falling under these provisions are investigated, prosecuted and punished. However, statistical information is not gender specific. For example, sanction available for intentional injury under Section 222 not resulting in death is imprisonment for two to eight years.

In 2004, the Parliament has approved a bill No. 91/2004 Coll. amending the Criminal Code. Since 1 June 2004 a new provision of Section 215a entered into force. This Section provides for complex protection of persons living with the offender in a flat or house against maltreatment:

**Section 215a**

(1) Whoever maltreats a close person or other person, that lives with him/her in jointly occupied flat or house, shall be punished by imprisonment for up to three years.

(2) By imprisonment for two to eight years shall be punished an offender who:

- a) commits an act under para (1) by especially cruel manner or on several persons;
- b) continues in commission of such an act for longer period.

“Maltreatment” is understood to mean bad treatment of person that is marked by higher degree of roughness and ruthlessness and certain duration, which the person feels as grave wrong. Duration must be considered in relation to intensity of maltreatment. It is not required that bad treatment is systematic or lasting for a long period of time. Maltreatment may be both physical and psychical. No injury to health is required.

Since 1 June 2004 to 31 December 2004, prosecution was initiated against 44 persons, resulting in 41 accusations laid by public prosecutors. In the same period, there was one final punishment - one offender was convicted under this provision for a suspended imprisonment.

**Alternative justice mechanisms and reparations**

The Czech Government strives to promote effective reparation to the victims. There is general opportunity for each victim to file his/her claims during the criminal prosecution of the offender, and the criminal court is entitled to rule on reparation. In addition, the Czech Republic provides financial assistance to victims of violent crime that suffered substantial injury to health, which was not compensated, e.g. because the offender is not solvent or was not found (law No. 209/1997 Coll.). Maximum financial assistance is 150 000 CZK. In 2004 there were 83 claims solved, resulting in 43 cases where assistance was provided, in total amount of almost 2,5 million CZK.

Moreover, the establishment of alternative solutions of criminal cases enabled introduction of reparation mechanisms as well. These are general mechanisms in the framework of the criminal procedure that may be used for dealing with less dangerous offenders. Section 307 of the Criminal Procedure Code (law No. 141/1961 Coll., as amended) enables the court or public prosecutor to suspend prosecution under certain conditions that indicate probability of correction of the offender – the offender must admit to the commission of the act, he/she must compensate damages, if caused, or conclude agreement with aggrieved person on such compensation, and this solution must be reasonably considered sufficient with regard to the personality of the offender, his/her life history and circumstances of the case. Probation period must be set in order to enforce the compensation. Since 1 June 2004 to 31 December 2004, 3 conditional stays of prosecution were granted with respect to offences under Section 215a of the Criminal Code. There is also possibility to approve settlement under the conditions of Section 309 and following of the Criminal Procedure Code, but no such settlement relating to Section 215a of the Criminal Code has been approved during this period.

