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***Comparing Sexual Assault Interventions* project:  
Czech Republic Case Study Report**



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## 1 Background/Introduction

This case study is based on information about rapes, sexual violence, support for the victims and a comparison of services for sexually assaulted. In addition, information and recommendations from the interviews with victims of sexual violence, rape and sexual assault, mainly in families, have been used. We need to emphasize the fact that this case study is focused on activities and competencies of some social services which offer an expert help to the victims. Unfortunately, little attention is devoted to investigating these crimes in the Czech Republic. They constitute latent crimes, which, in many cases, are not even reported by the victims mainly due to the fact that they are afraid of the procedures, reaction of the society and all the other things they would have to face.

In the Czech legal system, rape is recognized as a crime against humanity (§185 Act No. 40/2009 Coll., the Criminal Code, as amended, hereinafter referred to as „the Criminal Code“). What is protected under the law are the freedom of choice in sexual decisions, humanity, health (both physical and mental) and the life itself. Additionally, other sexually motivated crimes are described in the Criminal Code (such as sexual harassment and abuse). Crimes of sexual assault or violence are sometimes discovered by the police when investigating other crimes, e.g. sexual abuse and violence in relationships.

In the Czech Republic, about 18.000 rapes are committed annually. However, a mere of 3-8% are reported<sup>1</sup>. There is a high latency of rapes which are never investigated and punished. At the same time, the surviving victims of rapes are not offered an adequate help and support by the criminal authorities and other services.

Even if the rape is reported, the investigation of many cases is put on hold or stopped as there is not enough evidence. The police investigators often report a high number of false accusations (as high as 25% of the reported rapes). However, it is doubtful whether the number of false accusations is actually so high or the false accusations are classified as such based on common misconceptions about a “real rape“.

In the Czech Republic, there is no unified model for sexual assaults and rape reporting. Very often, the victims do not know what kind of service to look for and where to find it. The victims are sent to different institutions and authorities, they have to reiterate their testimonies which lead to their reluctance to the cooperation with the police, prosecutors, etc.

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<sup>1</sup> Čechová, J., Jandová, H. et al.: Stop znásilnění. Analýza pomoci obětem znásilnění v České republice. Persefona, o.s., Brno 2010, s. 12

## **2 Methodology**

We need to emphasize the fact that rapes and sexual assaults are also committed in families which constitute the issue of domestic violence. Prosecution of these crimes was codified in the Criminal Code in 2004 (Abuse of a person living in joint abode). In 2007, with a strong NNO support, police may evict a person from a joint abode for a period of up to 10 days, which is the right they exercise quite often. However, this is only a precautionary measure and not a criminal punishment. The police have been trained, they have an internal methodology and work with other organizations in their regions. In 2007, intervention centres were also created as a social service for people threatened by domestic violence. The Association of Intervention Centres Workers has provided background for the intervention centres. Additionally, a person who feels threatened may apply for a precautionary measure with the civil court, even without the eviction of the violent person. If the court grants the precautionary measure, it issues a restraining order for a period between one month and one year. This legal framework has become the model for dealing with cases of domestic violence, which still is a significant phenomenon in social pathology.

Every region of the Czech Republic may have a different approach to dealing with the cases; that is why an interagency cooperation is essential. A reporting for reporting both domestic violence cases and also other sexual crimes is mandatory for doctors, police officer, medics, government clerks and others.

Doctors, for instance, have been using the Ministry of Health methodology for detection of sexual or domestic violence since 2008. However, the interagency and interdisciplinary cooperation is still inadequate.

## **3 Sexual assault services in Czech Republic**

Intervention centres is a social service according to the Act on Social Services and these centres provide psychological, social and legal counselling to people threatened by domestic violence. The workers of intervention centres are legally required to offer their services to the person threatened. In addition, they may help with writing a court petition, finding accommodation and offering contact details of other supporting organizations. They also offer escort to institutions (e.g. court, police, child services, etc.). It is the intervention centres who may very often get in contact with a victim of sexual assault (e.g. in marriage or

a partnership), when the victim seeks a different service (e.g. IC), due to the fact that there are no specialized services for these types of victims.

As far as the IC services are concerned, they seem to be adequate to the needs of their clients. The waiting time is also reasonable, it is usually three days. What is missing, though, is the connectedness of services and institutions and sharing of information and experience about specific cases. Recently, an interdisciplinary cooperation has been emphasized as well as a unification of approaches to domestic violence, mainly in connection with risk assessment.

The victims of rape or sexual assault may also seek a different service, such as a crises centre, counselling, social services, etc. However, as interviews with the clients have shown, these services do not offer consistently valuable help. The victims may also call non-stop lines of different organizations (DONAlinka, linka Rosy) as well as an emergency police line at 15 which is available 24/7. A support for victims or felonies is also offered by Bílý kruh bezpečí (White Circle of Safety) and help for human trafficking victims is offered by La Strada, o.p.s.

#### **4 Presentation of findings from the case study service**

Interviews with the users of social services for sexually assaulted have been used for the case study. Due to the fact, that the interviews were scheduled for summer months, i.e. holidays, only 10 interviews have been conducted in 3 organizations. A summary of some interviews follows.

According to a client (from an interview in an IC) there should be a higher level of connectedness between social services and the police; the client had to repeat her statement many times at the police station, doctor's, forensic expert, the court, and other institutions. There should also be an option for give statement to a male or female officer, the client had to wait for a very long time and endure an interview which took many hours. The client is then, in effect, forced to repeat her statement to several officer multiple times. She also felt, as if she were bothering the officers, she was treated as an unreliable person; the officers appeared not interested in her case. According to her, there should be a higher level of connectedness of services, the officers (mainly the police and court) should be more open and helpful. The client was not adequately informed as to what would follow and about her rights during this phase of investigation/process. She would also welcome an escort to the institution or a brochure which would help her get perspective. She also mentioned an inadequate availability of services in remote parts of the country (the country, small towns), which leads to her abandoning looking for help. Other clients had very good experience with other services such as crises help, asylum houses and medical

examination. What they were still missing, though, was a centralization of services at one place. The behavior and attitude of police officers have been described as very bad and inappropriate.

As has been mentioned above, there is a lack of connectedness and specialization of services for the sexually assaulted in the Czech Republic. Very often, the victims use a different type of service, which brings a low level of information, education and a competence of specialists. We also need to emphasize, that many non-governmental organizations in the Czech Republic is funded from a short-term projects, what is missing is the long-term project funding. There are also no exact calculations as to the cost of one day worth of work with a client. The last study of a non-governmental organization Profem is concerned with the financial cost of domestic violence for the system – i.e. what is the cost of social, medical and other services.

One of the reasons for a high latency of rapes and unwillingness or inability to fully investigate and punish these crimes is the prejudices and myths about rapes which are widespread among the public, media and also the specialists (police, forensic experts, psychologists, and courts). Some of the very common myths among specialists include the opinion that the victim of rape is somehow responsible for it (e.g. provocative behavior, alcohol, inappropriate clothing, seduction of the perpetrator), that the perpetrator is a mentally unstable loner and not someone from the victim's vicinity, that a rape is usually in the form of an assault, that most rapes are false accusations (although false accusations are also common for other), that a person who does not wish to be raped (have a sexual intercourse) cannot be raped, that only women are raped and that only men are perpetrators and that the sole motive for a rape is an unfulfilled sexual desire.

## **5 Assessment and recommendations**

Here is the summary of information about services provision and from the services users for a case study:

What seems to be the problem is the inadequate number of specialized centres for the victims of sexually motivated felonies as counseling is also needed for victims which have not reported the crime. There is a very low level of awareness about organizations which are essential to get access to help. What is also needed is the expert competence of counsel centres to help and involve other institutions (interdisciplinary cooperation). What is also necessary is the funding for legal and psychological help (including long-term therapy).

Interagency cooperation has also been rather sporadic, the connectedness of the national police, municipal police, medical centres, social services, courts, probationary

services, asylum houses, non-governmental and counseling organizations would significantly help with the information sharing which would lead to a more effective help for the victim as public institutions are inherently incapable of getting everything which may lead to a conviction of perpetrator and to a help and support for the victim.

The rape victims have a limited access to legal help, usually free-of-charge, and they also have access to other services (psychological counseling and support, escort to courts, etc.).

The most common problems include the reiteration of interrogations, contact with perpetrator (which is not always necessary), insufficient protection or a surviving victim of rape (e.g. confidential files), many offices involved in the investigation of the crime, etc. In sensitive cases, where there are special victims, the use of recording devices in interrogations and courts must be considered as this may lead to a further victimization and unnecessary contact with the perpetrator. This may be achieved by both legal and technical means (a separation of the victim from the perpetrator, interrogation rooms, re-use of previous records).

Police officers have inadequate knowledge of the topic and they also lack systematic training. Conferences, seminars and various projects are currently being used to share experience among police officers.

As far as the education of the public is concerned, information campaigns may be used realized via the media, including the internet as well as information materials being made available at the police stations, medical centres, public offices, etc. The role of education is also significant as children should learn about the topic and also about possible defense and protection. Children should be taught by educators who have been trained in dealing with the topic.

The education of experts should include the knowledge and information about competencies of all subjects and officers who may get in contact with the victims of rape or sexual assault. This concerns mainly doctors, nurses, clinical psychologists, the police (both national and municipal), forensic experts, prosecution, the courts and also the workers offering social services. The training of medical personnel including the standardization and professionalization of help for the rape victims must be continued.

What is necessary is that the government and the governmental agencies are concerned with the problem so that a more effective and systematic interdisciplinary cooperation may be achieved. Access to information for experts must be improved. The action plans and strategies, which already exist, must be better put to practice. The government offices must be more interested and engaged in working with the non-governmental organizations. A material for the more effective punishment of a rape and a support for the rape victims is currently being prepared by a governmental committee for the prevention of domestic violence. This material will be submitted to the government for consideration next year.

Both for the individual case study service, as well as for the experience with all the services, the assessment and any recommendations, should also be examined within the same context as the questions above.

The support of education and gaining new experience from other countries is essential in this field. We present the following measures which should be taken into consideration as the project conclusions:

- Connectedness of services, coordination at one place
- Availability of services in small towns and in villages
- Better information awareness of offices and experts; not sending the victims to different institutions.
- Education of experts, who should also be more engaged in investigating and feel empathy for the victims
- Legal requirements for reporting
- The use of technical means in the legal process which may decrease the discomfort of the victims
- Improvement of information awareness of victims about their rights, about the process, getting an escort to an office, better interagency cooperation between the police and social services
- Public education, involvement, reporting about the topic in media

If there is a similar institution to intervention centres in other countries, it might be suitable to evaluate their competencies and use their experience.

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