

Crime Victim Instructions

In line with Act No. 45/2013 Coll., on Crime Victims (the Crime Victim Act) and on the amendment of selected other Acts

Crime victim (Section 2, Subsection 2 of the Crime Victim Act)

A victim of a crime is solely a physical person, who fellst or allegedly fell victim of a crime causing him/her:

- Bodily harm,**
- Personal injury and/or property damage**
- or who suffered damage as a result of such crime.**

Should the crime result in the **death of the victim**, the victim's surviving **dependant** shall be also considered a victim. A surviving dependant is understood to be a direct relative, a sibling, an adoptee, an adoptive parent, a spouse or a registered partner, or a common-law wife/husband should he/she be considered a close mate. Should there be more such individuals, each of them shall be considered a victim.

The following victims are considered **extremely vulnerable** (Section 2, Subsection 4 of the Crime Victim Act):

- a) **minors** (persons under the **age of 18**)
- b) **disabled individuals** – physically, mentally, or psychologically disabled persons, whose disability may compromise their life in the society,
- c) victims of **human trafficking** (Section 168 of the Code of Criminal Proceedings).
- d) victims of crimes against human dignity – **sexual crime victims** (e.g. rape, sexual extortion, incest, pimping, pornography),
- e) victims of **violent crime** or victims who were **threatened with the use of violence** (e.g. bodily harm, robbery, kidnapping, racketeering, household violence, stalking, etc.).

Always with regards to the victim's age, gender, race, nationality, sexual orientation, religious beliefs, health condition, maturity, ability to express himself/herself, immediate life situation, or relationship to the suspect.

All crime victims shall have equal rights. Extremely vulnerable victims and foreigners shall enjoy specific rights.

Key information

1. You can report the crime to any law enforcement body or Public Prosecution Office. To assist you as a victim, authorities will recommend the most accessible body to handle your report. (Section 8, Subsection 1, letter a) ZOTÉ)
2. You may seek assistance and help from **subjects registered as crime victim assistance providers**. These subjects offer **psychological and social counselling, legal information and aid, and assistance programmes**. To find a provider which suits you best, please visit

www.justice.cz or ask for a printout of assistance providers' contacts (Section 4 of the Crime Victim Act).

If you are an extremely vulnerable victim, you have the right to receive free assistance from such providers. Free assistance does not apply to the crime of failure to pay alimonies in line with Section 196 of the Code of Criminal Proceedings, unless such crime have caused a danger of distress or have a permanently negative impact (Section 5 of the Crime Victim Act).

3. Should you be in danger because the perpetrator of crime has not been detained and is on the loose, the Police, the public prosecutor, and the court will adopt measures to protect your safety (e.g. temporary personal protection, eviction of perpetrator from your household, a preliminary court measure imposed in civil court proceedings, witness protection, enrolment in a secret witness programme, a preliminary court or public prosecutor's measure imposed on a suspect in criminal proceedings). (Section 14 of the Crime Victim Act).
4. If you fall victim of a crime, the law enforcement body to which you reported the incident shall give you information about the case. Should the authority you reported to decide to submit your case to another law enforcement body, you will be duly informed (Section 8, Subsection 1, letter d) of the Crime Victim Act).

The authorities will provide more information **orally on request of the victim**.

5. After you report the crime, the Police will perform as follows (proceedings in keeping with the Code of Criminal Proceedings) :
 - Preliminary criminal proceedings** - (i.e. a *detection phase*, pursuant to Section 158 of the Code of Criminal Proceedings and an *investigation phase* pursuant to Section 160 of the Code of Criminal Proceedings). This phase of the criminal proceedings is designed to prepare the case for the court – the main task is to determine, whether the case is substantiated and there is enough evidence to file charges against a suspect (suspects) or whether there is a reason to make another decision or proceed differently. This phase is not public and is supervised by a public prosecutor.
 - Court proceedings** – the process to evidence and prove guilt and determine punishment. The public prosecutor, in most cases, presents evidence against the perpetrator(s) who defend themselves (*not* always) with the help of defence lawyers. The court has the final say.
 - Implementation phase** - enforcement of the final and conclusive court judgement.
6. **Upon your request**, the Police or the Public Prosecution Office will give you the following:
 - A final and conclusive decision terminating the criminal proceedings or a notification that criminal proceedings were not initiated; you may receive information on the status of the criminal proceedings only should it not threaten to jeopardize such proceedings and their results (Section 11, Subsection 1, letter a) of the Crime Victim Act).
 - Directions on where and how to receive information on on-going criminal proceedings (Section 11, Subsection 1 letter b) of the Crime Victim Act).
 - Directions on where to apply for information concerning the whereabouts of the perpetrator charged (or convicted) (Section 11, Subsection 3 of the Crime Victim Act).
7. If you suffer property or personal damage as a result of a wrong decision or incorrect official proceedings, you have the right to request damage compensations from the public authorities or ask for adequate compensations for the personal damage you had suffered as a result of the public proceedings in line with è. 82/1998 Coll., on Liability for Damage Caused in Course of Performance of Public Authority by a Decision or Incorrect Official Proceedings.
8. As a **victim**, you have the following **rights**:

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- The right to human dignity and victim personality (Section 3, Subsection 2 of the Crime Victim Act)
- The right to information on the victim rights and the right to their full exercise; the right to receive such information repeatedly upon request (Section 3, Subsection 4 of the Crime Victim Act)
- The right to professional assistance (Section 4 of the Crime Victim Act)
- The right to access to information on the case in which you are in the position of a victim (Section 7 of the Crime Victim Act)
- The right to information from subjects registered as crime victim assistance providers (Section 9 of the Crime Victim Act)
- The right to information from the law enforcement bodies or medical facilities should they be your first point of contact (Section 10 of the Crime Victim Act)
- The right to protection against threat posed by a release of the perpetrator from prison or his/her escape from prison or detention (Section 11, Subsection 6 of the Crime Victim Act)
- The right to information in a language you declare to understand or in the official language of the country you are a citizen of (Section 12 of the Crime Victim Act)
- The right to information provided in respect of your age, cognitive skills, information literacy, and health condition, including your mental health condition (Section 13 of the Crime Victim Act)
- The right to protection from danger of harm (§14 of the Crime Victim Act)
- The right to protection of your personal information from official publication (Section 15 of the Crime Victim Act)
- The right to protection of your personal information which should be kept separately from your file to prevent access of unauthorized persons (Section 16 of the Crime Victim Act)
- The right to measures to prevent your contact with the perpetrator (Section 17 of the Crime Victim Act)
- The right to limit questions concerning your intimate life to the minimum; such questions should be asked in the necessary extent only, carefully, respectfully, and not repeatedly (Section 18, Subsection 1 of the Crime Victim Act)
- The right to protest against the direction of the questions asked and the right to enter questions in the text of the protocol (Section 18, Subsection 2 of the Crime Victim Act)
- The right to be interrogated, in the preliminary proceedings, by a person of your preferred gender (Section 19 of the Crime Victim Act)
- The right to be accompanied by a confidant (Section 21 of the Crime Victim Act)
- The right to make, at any stage of the criminal proceedings, a declaration on the impact of the crime on your personal life (Section 22 of the Crime Victim Act)

As an **extremely vulnerable victim**, you are also entitled to the following:

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| <ul style="list-style-type: none"><input type="checkbox"/> The right to free professional assistance (Section 5, Subsection 12 of the Crime Victim Act)<input type="checkbox"/> The right to avoid contact with the person whom you pointed out as the perpetrator, the suspect, and the person criminally prosecuted by the Police in your case (Section 17, Subsection 2 of the Crime Victim Act)<input type="checkbox"/> The right to be interrogated, in the course of the preliminary proceedings, by a person of the same or opposite sex (Section 19, Subsection 1 of the Crime Victim Act)<input type="checkbox"/> The right to an interpreter of the same or opposite sex (Section 19, Subsection 2 of the Crime Victim Act)<input type="checkbox"/> The right to an interrogation performed in a sensitive way and in the light of the consequences which made you into an extremely vulnerable victim (§20, Subsection 1 of the Crime Victim Act) |
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- The right to be interrogated, in the course of the preliminary proceedings, by a trained interrogator (Section 20, Subsection 2 of the Crime Victim Act)
 - The right to full interrogation to avoid repeated exposure (Section 20, Subsection 3 of the Crime Victim Act)
 - The right, in case of a necessity of repeated interrogation, to be interrogated by the same person (Section 20, Subsection 3 of the Crime Victim Act)
 - The right to avoid direct visual contact with the person suspected of the crime or the person criminally prosecuted by the Police in your case (Section 20, Subsection 4 of the Crime Victim Act)
- The rights pursuant to Section 19, Subsection 1 and 2 of the Crime Victim Act as well as Section 20, Subsection 1 to 4 of the Crime Victim Act shall apply also in case of a Police interview.

As a **foreigner**, you also have the right to the following:

9. If you are a foreigner, you do not speak Czech, you live in the EU and you fell victim of crime:

- You shall receive information in a language which you declare to understand. Should it cause interpreting-related problems, you will receive information in the official language of the country you are a citizen of,
- Should you **reside in the territory of the Czech Republic or another EU member state** and meet conditions given by law, the Ministry of the Interior will provide you with financial aid.

10. As a victim of crime, you have the **right to financial aid (Section 23 to Section 37 of the Crime Victim Act) as follows:**

- If you are a Czech citizen and you permanently reside in the territory of the Czech Republic, or you usually stay in the Czech Republic, or should you fall victim of crime in the territory of the Czech Republic,
- If you permanently or otherwise legally reside in the territory of an EU member state and you fell victim of crime in the territory of the Czech Republic,

- If you are a foreigner and you legally reside in the territory of the Czech Republic for a period of more than 90 days without interruption and you fell victim of crime in the territory of the Czech Republic,
- If you fell victim of crime in the territory of the Czech Republic and applied for international protection, you were granted asylum or subsidiary protection in the territory of the Czech Republic.

You will receive financial aid under the following conditions:

- The perpetrator of crime, who caused bodily harm or personal damage, had been found guilty of such crime or acquitted of the crime on grounds of insanity, or should such decision not be made yet or not become final and conclusive.
- If it is beyond doubt that the crime has been committed and the victim either died, was injured, or suffered a personal damage and the case was adjourned, by the Police or by a public prosecutor, in keeping with Section 159a , Subsection 2 to 4 of the Code of Criminal Proceedings, the law enforcement did not manage to find the perpetrator, or the perpetrator is not criminally liable on grounds of insanity or the public prosecutor stopped

the criminal proceedings on grounds pursuant to Section 172 , Subsection 1 letter d) or e) or pursuant to Section 172, Subsection 2 of the Code of Criminal Procedure.

Financial aid will **not** be provided should:

- The victim be prosecuted as a co-perpetrator in criminal proceedings against perpetrators suspected of a crime causing bodily harm, injury, or personal damage, or should the victim have participated in such crime,
- The victim not give consent to the prosecution of the perpetrator of crime in case such consent be a condition for launching or leading such criminal proceedings or should the victim recall such consent, or
- The victim not adequately cooperate with the law enforcement bodies, especially should the victim fail, without any serious reason, to report, in due time, the crime compensations for which he/she is now seeking, or should the victim use, as a witness in criminal proceedings, his/her right to remain silent on the grounds of his/her relationship to the perpetrator.

The application for financial aid must be filed with the Ministry of the Interior **no later than 2 years** after the day when the victim learned about the damage caused by the crime and **no later than 5 years** after the day when the crime had been committed, otherwise the right ceases to exist.