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# MAPPING THE LEGISLATION AND ASSESSING THE IMPACT OF PROTECTION ORDERS IN THE EUROPEAN MEMBER STATES (POEMS)

NATIONAL REPORT THE CZECH REPUBLIC

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## 2. NATIONAL REPORTS: CONTENT AND STRUCTURE

### 2.1. INTRODUCTION

### 2.2. OVERVIEW OF THE STRUCTURE OF THE NATIONAL REPORTS

#### 2.2.1. IMPOSITION OF PROTECTION ORDERS

1) We would like to know about the different forms of protection orders in your country

a. Identify the laws in which protection orders are regulated. Through which areas of law (criminal, civil, administrative, other) can protection orders be imposed?

Basically there are three areas of law regulating protection orders:

- **civil law** (Act no. 99/1963 Civil Procedure Code, § 76b) regulating after amendment by the Act no. /2006 on Protection Against Domestic Violence (effective since 1. 1. 2007) protection orders issued by the civil court as restraining order
- **police law** (Act no. 273/2008 on Police of the Czech Republic) regulating police go orders (before this new Police Act there was amendment made to the former Police act no. 283/1991 by the Act no. /2006 on Protection Against Domestic Violence effective since 1. 1. 2007)

*comment: initially police PO were enacted since 1. 1. 2007 as administrative decisions of police officers carried out according to the Administrative Procedure Code, but because it was administratively very demanding and time consuming the new Police Act (effective since 1. 1. 2009) changed the procedure and it became simply a factual act on the same basis as for example an arrest is. Therefore, from the legal point of view, it is no longer an administrative procedure following the Administrative Procedure Code.*

- **criminal law** (Act no. 141/1961 criminal procedure code, § 88a and following regulating after amendment by the Act no. 45/2013 on Victims of Crime (effective since 1. 8. 2013) protection orders issued by the court or public prosecutor within a criminal proceedings

b. Are protection orders regulated in generic law or in specific laws on forms of (interpersonal) violence (e.g., domestic violence act)?

PO's are regulated in generic law based on amendments brought by the above mentioned Act on protection against domestic violence and Act on Victims of Crime enacting in the Czech legal system measures in order to increase protection of victims.

c. Are these laws (or the text on the protection orders) available on the internet in English or in your local language? If so, could you provide us with a link?

Yes, the law is available on [www.domacinasili.cz](http://www.domacinasili.cz), but only in the Czech language. My translation of the core part of law is attached in appendix.

2) a. Within the different areas of law (criminal, civil, administrative, other), you can also have different legal provisions through which protection orders can be imposed (e.g., a condition to a suspended trial, a condition to a suspended sentence, a condition to a conditional release from prison or as a condition to a suspension from pre-trial detention). Which different ways of imposing protection orders can be distinguished in the different areas of law? (please, be as exhaustive as possible).

There are such instruments as mentioned (conditional release from prison), but PO's are not specifically used in these cases. However the fact that the offender continues in violent behaviour might be reason for returning back to prison due to the fact that the conditions of probation were not fulfilled (which include the request not to continue a behaviour that contravenes the law, as for instance the repetition of a violent behaviour). As for the suspension from pre-trial detention, PO's are used usually the other way around – PO is issued (as a measure less interfering with personal freedom of the charged person) and in case it is not observed (and therefore not sufficient enough for protection purposes), criminal custody is imposed.

**Civil law** – POs are issued under civil procedure code as interlocutory orders. In this case POs have the nature of temporary regulation of relations and terms of parties involved in proceedings. It represents a typical interim procedure, but in practice it is not always followed by substantial proceedings. It is issued for 1 month and if the plaintiff wants it to be prolonged (up to 1 year), civil action has to be submitted in order to initiate substantial proceedings (such as divorce, property relations proceedings etc.). Only in these proceedings the assent (official proposal) of the victim is required to initiate the PO. Legal requirements – see in annex. The range of obligations imposed by PO within civil procedure can involve obligation of the defendant to:

- a) *Leave the common household as well as its vicinity, not to dwell in the common household or enter it,*
- b) *Refrained from entering the vicinity of the common household of the plaintiff and not to dwell there,*
- c) *Refrained from meeting the plaintiff or*
- d) *Refrained from undesirable pursuit and bothering of the plaintiff by any means.*

Court can pick one or more (or all) of the given possibilities given by the Civil Procedure Code.

**Police law** – in this case POs do not require any other proceedings to precede or follow. It represents a way of preventive protection against future possible attacks against the victim's integrity. The decision whether to issue a PO or not is of the responsibility of the police officer handling the particular case (usually it is the one coming to the scene of the incident). Assent of the victim is not required in order not to burden the victim with dilemma whether to propose police PO and later be afraid of perpetrators

revenge. Police PO always includes the combination of both - barring order as well as no contact order (it cannot be divided). For legal requirements see annex.

**Criminal law** – in criminal proceedings the PO represents a way of how to set measures in order to protect the victim or witnesses as well as to ensure the perpetrator will not continue in his criminal activity any more. Again it is foreseen as temporary measure until the criminal procedure completion. Therefore the PO can be in force only as long as the procedure is ongoing. During the process the PO can be changed or dismissed if circumstances show the need (for example the perpetrator does not respect the order to keep distance from the victim, which might be the reason for the court to take him/her into custody). Although the PO's main purpose in criminal procedure is to protect the victim, any form of victim's formal proposal or request is not anticipated. It is the responsibility of police and judiciary prosecuting authorities to initiate and impose such measure.

**b. When it comes to criminal law: can protection orders be imposed in all stages of the criminal procedure?**

PO within a criminal procedure may be imposed from the point of charging a person (so the person is no longer only a suspect, but a charged person) up to the point of effective lawful judgement. This includes the preparatory criminal proceedings (carried out by the police under supervision of the public prosecutor) as well as the court stage of proceedings.

*If protection orders can be imposed through multiple areas of law, please make a distinction between these areas of law in answering the following questions. In other words, make sure that the following questions are filled in separately for each category of protection order. For instance, if a protection order can be imposed in both criminal and civil law, make sure that you answer for both areas of law which persons can apply for a protection order (question 3).*

**3) a. Who can apply for such an order (victims/complainants or only the police/the public prosecution service)?**

- civil procedure – victim or her legal representative
- police procedure – no application is needed, police officer decides upon his/her assessment of the situation based on the level of danger. The initial impulse can be made by the victim (by calling the police or on the spot of the incident after police officers arrive), but formally such request or wish is not relevant when deciding of police PO.
- criminal procedure – in the preparatory stage of criminal proceedings: public prosecutor is entitled to decide on ban of contact with specific persons, judge is entitled to decide on obligation to leave a household based on request of the public prosecutor, in the court stage of criminal proceedings: court is entitled to impose both of these measures

**b. Which organizations or authorities are involved in applying for and issuing protection orders? (Do, for instance, probation services play a role in the issuing of criminal protection orders?)**

Organisation involved:

- civil procedure – usually intervention centres (supporting and counselling organisations for DV victims created by the Act on Protection Against Domestic Violence) are involved in preparation of the restraining order request, they provide support by, among other things, helping victims draft

proposals for civil PO, but they are not consulted by the court in the decision-making process. The advantage is that they observe the judicial requirements and expectations (what is supposed to be enclosed to the proposal or what statement is required) and thus are able to include the advices in preparation of the proposal in order to raise the chances of a restraining order imposition.

- police procedure - none
- criminal procedure – none

Authorities involved:

- civil procedure –Currently it is only the victim who is entitled to apply. By the next year we expect the law to be changed and according to the draft of the new law any person will have the legitimacy to apply on behalf of the victim. It can be child protection authority who can apply on behalf of a child living in a family where DV occurs. Competence to issue PO lies with district civil court, where the family lives. only civil courts are involved in the decision making process. Partly they can use police materials as groundwork if there is police PO preceding the civil procedure (courts can use information from police PO substantiation for their own evaluation of the situation).
- police procedure – police officer deciding of PO is the only authority involved in the decision-making process. When evaluating the situation, police officer uses all accessible data (such as inspection of the place of incident, interviewing persons involved as well as possible witnesses of the incident or previous violence, checking police databases etc.). Important tool used in these cases is SARA DN – assessment method designed to determinate level of dangerousness of the situation (probability the perpetrator will continue in violent behaviour towards the victim). In the procedure of PO review superior officer in charge examines the case and is entitled to lift the PO. Administrative court can also be addressed with administrative action against the police decision.

Because PO is issued based on risk evaluation carried out by the police officer ex officio, no form of request is applicable in the procedure.

- criminal procedure – police authority or public prosecutor are the initiators of the procedure and it is the task of the court or public prosecutor to decide whether to issue a PO or not (depending on a kind of PO in question – see annex). PO in criminal procedure is issued only based on decision of the authority (public prosecutor or presiding judge). Submission of no official request is expected or needed. That of course does not limit the victim from proposing such measure, but legally it has no relevance. It can however influence the decision of authorities if information about imminent danger represented by the perpetrator or his/her further violent behaviour during on-going criminal procedure is provided.

Probation services however might be involved in observing how the obligations on which conditional stay of proceedings might be based are obeyed. They cannot issue decision of their own concerning the perpetrator, but the role of probation service officers is to observe whether conditions are complied with and if not, they are the ones who are supposed to inform the court with proposal of suitable reaction (in case of parole release they can propose returning the perpetrator back to prison, if there is conditional suspension of the proceedings, the proposal concerns continuing the proceedings). Also they can propose changing the obligations or restrictions imposed by the court when appropriate.

c. Can protection orders be issued on an *ex parte* basis (without hearing the offender)?

- civil procedure – yes, and usually it is the case. Usually because the interpretation of the law varies. Some judges hold the view that the procedure does not enable to make any judicial inquiries (and they only decide based upon the materials provided by the victim), others however do inquiry in order to confirm accuracy of the stated facts of the victim (that might include interviewing the offender, but very rarely), but there is no legal requirement.
- police procedure – theoretically yes, but in praxis very rarely (for example if the offender flees from the household before police arrives)
- criminal procedure – theoretically yes, but in praxis very rarely (only a charged person might be subject to PO within criminal proceedings and usually such person is interrogated before he/she is charged)

4) a. Are protection orders available for all types of victims or crimes, or only for a certain subset of victims or crimes (e.g., only victims of domestic violence, stalking, female victims)? In other words, can all victims receive protection?

None of the laws involved specifically mentions any kind of crime or violence. However it is required, that the victim is in danger of future attacks against her/his integrity (life, health, freedom or dignity is endangered). In case of police go order shared household of offender and victim is required as condition. The exact legal conditions are formulated as follows:

- Civil procedure: *“Should the conduct of a person, against which the motion is made, seriously endanger life, health, freedom or personal dignity of the plaintiff, the presiding judge imposes by the restraining order towards the defendant particularly to:*
  - a) *Leave the common household as well as its vicinity, not to dwell in the common household or enter it,*
  - b) *Refrained from entering the vicinity of the common household of the plaintiff and not to dwell there,*
  - c) *Refrained from meeting the plaintiff or*
  - d) *Refrained from undesirable pursuit and bothering of the plaintiff by any means.”*
- Police procedure: *“If there is a reasonable assumption based on established facts, especially with respect to the previous attacks, that a person is about to commit dangerous attack against life, health or freedom or particularly serious attack against dignity of other person, is a police officer entitled to evict such person from the apartment or house shared together with endangered person, as well as from its vicinity.”*
- Criminal procedure: *“Decision on injunction must be based on factual circumstances.”*

b. Can protection orders be issued independent from other legal proceedings (e.g., independent from criminal proceedings if the victim does not wish to press charges or independent from divorce proceedings)?

All the mentioned proceeding might be carried out independently regardless of any of the others

- civil proceedings: PO is issued as an interlocutory civil injunction. After the PO is issued, the plaintiff has a period of one month to file a suit (this way the period can be extended up to one year). Courts are not united whether any kind of petition is sufficient or there must be a civil action related to the relevant dwelling.
- police proceedings: no other kind of proceedings is required
- criminal proceedings: no other kind of proceedings is required – dependent on the existence of a criminal proceeding – PO is issued within the on-going proceedings as precautionary measure, so there is no secondary proceeding required.

5) a. What procedures have to be followed in order to obtain a protection order? (please explain the different steps that need to be taken)

- civil proceedings: plaintiff has to file a interlocutory civil injunction petition including assertion constituting reasons why the PO ought to be issued as well as evidence to support such conclusion. Such proposal is the first step initiating the civil judicial procedure, in which the court decides upon the petition (without public hearing). The period in which decision is bound to be done is limited only to 48 hours, which limits the court in the range of possible inquiries. Parties to the lawsuit are only the plaintiff (petition submitter) and the person against which the petition is aimed. The decision steps in effect at the moment it is announced (delivered to the parties involved). Usually bailiffs are entrusted to deliver the judicial decision and to make sure it is obeyed. If not and the police can be summoned to enforce the PO. The PO is issued always in the written form.
- police proceedings: police officer has to carry out investigation in order to find sufficient evidence to assume that a person is in danger of attack against its life, health, freedom or dignity. The decision can be done on the spot instantaneously or within the next 24 hours (usually arrest is recommended when possible – during the period of arrest, police officer is able to gather all the evidence in order to issue PO). PO is issued orally (as a statement of the police officer) and statement in written form (when on the spot, carbonless forms can be used) are handed over to the victim as well as to the perpetrator. PO does not include reasons that support the PO, but they must be given in the report police officer writes down as soon as possible. This report is immediately sent to the intervention centre (for which it is a signal to contact the victim in the next 48 hours) and the civil court (that might be addressed later by the victim with proposal for the civil PO - if delivered within the 10 days of PO period, PO is extended automatically until the court issues its verdict).
- criminal proceedings: reasons for imposing PO are given by the reasonable assumption based on behaviour of the charged person or other facts, that the person is to repeat crime, for which it is charged, accomplish attempted crime or crime that has been prepared or threatened. Then the judge (or in some cases public prosecutor – see answer 7 b) is entitled to impose PO. It is issued in written form and is in force as soon as it is delivered to the perpetrator. Usually this will be done in the same time as charging the person with a crime that initiated the proceedings.

b. Could you give an indication of the length of the proceedings?

- civil proceedings: based on the Civil Procedure Code the proceedings mustn't exceed 48hours since the petition is filed. As was described above, the court is bound to issue PO or dismiss the petition. If the petition is dismissed and was preceded by the police PO, the period of the police PO finishes only now.



- police proceedings: based on the Police Act the procedure mustn't exceed 24 hours since entering of the household. As was described above, the police officer issues the PO on the spot or later within the 24 hours and produces official written statement regarding PO, which is delivered to the perpetrator and the victim. Full report including all circumstances and reasons for PO is written down and immediately sent to the intervention centre and civil court.
- criminal proceedings: no length of the proceedings is given, the PO can be issued at any stage of the proceedings with regard to the behaviour of the offender (expected as well as conducted after the charge). There is no proceeding in relation to the PO itself. PO is issued within the on-going criminal proceedings by the authority and delivered to the charged person. It enters in force immediately after delivery and is ended by another decision terminating the PO or (more usually) by the ending of the proceedings – verdict of the court.

c. Does the protection order come into effect as soon as the decision on a protection order is made or are there any additional requirements before the orders really come into effect (e.g., in civil proceedings the notification/service of the verdict to the defendant)? In other words, is the victim immediately protected or can there be a lapse of time before the actual protection begins?

- civil proceedings: PO is effective immediately after it is issued
- police proceedings: PO is effective immediately (regardless whether it was announced to the offender)
- criminal proceedings: PO is effective immediately after it is announced by written notification to the charged person. The announcement is written as a ruling of the given authority (public prosecutor or judge depending on sort of obligation imposed). It is delivered during a procedural act (such as after the interview) directly by the authority or by the post (certificate of delivery is necessary in order to be sure that the PO was in fact delivered).

In all the mentioned cases the person against who the PO is imposed cannot be punished for breach of PO unless it has been acquainted with the fact, that PO had been issued.

d. Is there a regulation for interim protection that can be given immediately upon request or very quickly? For how long? What steps have to be taken in order to finalize the protection after the interim order?

See above – all the PO are issued in given periods, which is intentionally on short-time basis

Regarding no-contact order no specific steps are taken after PO is issued. If PO imposes an obligation to leave the household, the perpetrator is given short period of time to pack his/her belongings (only those mentioned in the law such as personal documents and necessary personal belongings). If the person doesn't obey the PO and attempts to resist (remain in the household), authorities are empowered to enforce the PO (remove the person from the household). In case of police PO, there is obligation of the police officer to ensure at least one control as to whether the PO is obeyed (personal control has to be undertaken in the household).

6) a. What are the application requirements in order to (successfully) apply for a protection order? In other words, under what conditions will a protection order be imposed?

- civil proceedings: general requirements for interlocutory civil injunction request (*"it is needed temporarily arrange conditions between parties of the lawsuit or execution of the court decision might be hampered"*) + presenting fact (and if possible supporting evidence such as medical reports, police reports, witnesses etc.) establishing danger for the plaintiff imposed by the defendant. The Civil Procedure Code demands the following requirements: *"the conduct of a person, against which the motion is made, seriously endanger life, health, freedom or personal dignity of the plaintiff"*
- police proceedings: no application of the victim is needed. Police Act requires only the following conditions to be fulfilled: *"reasonable assumption based on established facts, especially with respect to the previous attacks, that a person is about to commit dangerous attack against life, health or freedom or particularly serious attack against dignity of other person"*
- criminal proceedings: no application of the victim is needed Criminal Procedure Code requires following conditions to be fulfilled: *"reasonable assumption based on behaviour of the charged person or other facts, that the person is to repeat crime, for which it is charged, accomplish attempted crime or crime that has been prepared or threatened"*

b. Is legal representation/advice of victims required by law or in practice?

- civil proceedings: no
- police proceedings: no
- criminal proceedings: no

c. Is free legal representation/advice available?

Yes, there is number of counselling organisations (mainly intervention centres – see above answer to question 2.2.1. 3) b) who provide victims with legal help. This only involves legal counselling, but not legal representation at the court. Free legal representation may be requested by the victim based on the income level of the victim. In such case the court has to be addressed with the request to appoint legal representative if conditions for release from judicial fee are fulfilled and it is necessary for the protection of plaintiff's interests. Conditions for exemption from judicial fee are as follows: circumstances of the plaintiff's situation vindicate it and he/she does not invoke wanton or obviously unsuccessful exercise of the law. (This is applied very rarely and only in situation where the plaintiff has no financial means. Also there is the problem that you usually need a lawyer to write down and submit the petition free of formal or legal mistakes – it is the first legal step initiating the civil judicial procedure. But the right to apply for free legal representation is given to a party of already on-going process – usually it is requested simultaneously with legal action, that you deliver to the court).

7) a. What types of protection can be provided for in the orders (e.g., 'no contact' orders, orders prohibiting someone to enter a certain area, orders prohibiting someone to follow another person around, etcetera)?

- civil proceedings: see above (question no. 4a)
- police proceedings: eviction of the offender from the household and its vicinity + ban of any contact

- criminal proceedings: depending on a kind of chosen PO, but especially
  - a) ban of any contact with the victim and persons close to the victim or other persons , particularly witnesses. In the category „other persons“ the possibility is given to use such PO in relation to any person if necessary - so it is not specifically restricted only to the victim. It depends only on consideration of the authority issuing the PO who is to be designated as such person with whom contact is forbidden. In praxis very often it will be the case of children living in the shared household (regardless of whether they are witnesses or not).
  - b) ban of entering the household shared with the victim or its vicinity and to dwell in such household.

Other kinds of PO that can be used in the criminal proceedings are following:

- c) ban on visiting unsuitable environment, sport, cultural or other social events and contact with certain persons,
- d) ban to linger at specified places,
- e) ban to travel abroad,
- f) ban to possess objects that might be used for committing a crime,
- g) ban to use and possess alcoholic beverages or other addictive substances,
- h) ban of hazard games, using gambling machines and bets (further as „ban of gambling and betting“), or
- i) ban of conducting certain activities, which nature enables to repeat or to continue in criminal activity (further as „ban on conduct of certain activities“).

Some of them can be also used to support victim’s protection (such as ban to use and possess alcoholic beverages or other addictive substances if the perpetrator behaves violently when being drunk or under influence of drugs).

b. Is there an order that has the effect of moving/barring a violent (or threatening) person from the common or family home (eviction or barring order)? For how long can the violent/threatening person be barred? During the barring period, is help provided to the victims? And to the offender?

- civil proceedings: yes, 1 month (if the civil action is filed, the period may be extended up to 1 year).
- police proceedings: yes, 10 days (if the victim requires PO in civil proceedings, the period extends until the civil courts decides about PO request)
- criminal proceedings: yes, period is not limited (until the court issues lawful judgement). PO in criminal proceedings can be issued at any stage of the proceedings. The difference is only which authority has the power to issue the PO.

In pre-trial stage public prosecutor can inflict following POs: ban on contact with certain persons, ban to possess objects that might be used for committing a crime, ban to use and possess alcoholic beverages or other addictive substances, ban of gambling and betting

Other kinds of PO in the pre-trial stage can be inflicted the judge on request of the public prosecutor.

In the trial stage it is the power of presiding judge to issue any kind of PO.

PO can last as long as the proceedings are on-going. If PO is not established only for specifically given period (usually it won't be the case), it lasts as long as it is not terminated, changed or until the lawful verdict of the court is issued. The last option will be the most usual. Any obligation, that is supposed to last after criminal proceeding is ended, has to be imposed in the verdict of the court. Although the range of obligation court is entitled to impose in addition to the penalty is not exactly the same as range of POs, it covers most of them (apart from removal from the household). Criminal law recognises following obligations that can be imposed by the judicial verdict next to the penalty:

- a) *undergo a training in order to reacquire suitable work qualification*
- b) *undergo suitable program of social education and re-education,*
- c) *undergo anti-addiction therapy,*
- d) *undergo suitable programs of psychological counselling,*
- e) *restrain from visits of unsuitable environment, sport, cultural or other social events and contact with certain persons,*
- f) *restrain from unlawful infringe into rights of other persons,*
- g) *restrain form gambling, using gambling machines and betting,*
- h) *restrain from consumption of alcoholic beverages or other addictive substances,*
- i) *to defray owed alimony or other sum owed,*
- j) *publicly personally apologize to the victim or*
- k) *to provide adequate compensation to the victim.*

Victim is offered mandatory support in case the police PO is issued – police officer informs within 24 hours about the fact that PO has been issued, intervention centre is obliged to contact the victim within next 48hours in order to offer help (such as psychological support and legal counselling). This procedure (including mandatory contact of the victim and support offer) is linked only to police PO, but it is so regardless to the seriousness of incident that initiated this PO (it is not dependant on the fact whether crime or any offence was committed or not). On the other hand – support provided by intervention centres is not limited only to cases, when police PO was issued. So if any victim decides at any point to seek for help and support, he/she can directly contact an intervention centre.

c. Which of these types of protection (e.g., no contact order) are imposed most often in practice?

Police PO – statistics are included in appendix.

d. Can the different types of protection orders also be imposed in combination with each other (e.g., a no contact order and a prohibition to enter a street)?

- civil proceedings: yes, the civil court decides what kind of restriction will be included in the PO (see question no 4 a) - the most common options in cases of domestic violence are a) + b) + c) (all three at once). In cases of stalking, option d) is the most frequent.
- police proceedings: there is no option – PO always comprises no contact order as well as eviction from the household
- criminal proceedings: yes, any kind of combination that is appropriate to the particular situation in each case is applicable – there are no specific restrictions.

e. If so, which combinations are most often imposed in general?

The various kinds of proceedings to impose PO's might be combined. Usually they follow one another - it is specially foreseen by law that the civil PO follows the police PO (the victim takes over the responsibility for further action after he/she has been given time to think for the duration of the police PO with the support of intervention centres).

In the criminal proceedings there is no sufficient experience yet, which might be evaluated, but it can be expected, that most commonly combination of a) and b) options mentioned under question 7a) will be used.

8) a. Are there any formal legal requirements for the formulation of protection orders? In other words, are there certain elements that always need to be included in the decision or does it, for instance, suffice if the restrained person is told 'not to contact' another person?

- civil PO: the formulation must comply with requirements for interlocutory civil injunction (for legal requirements see answer to question 6a), the PO must define what exactly are the obligations or restrictions related to the defendant
- police PO: the formulation is given exactly by the law, police officer only makes the paperwork explaining the reasons for issuing PO and specifies how far from the household the particular PO reaches (the surroundings must be specified)
- criminal PO: the formulation must comply with requirements for criminal injunction (for legal requirements see answer to question 6a), the PO must define what exactly are the obligations or restrictions related to the charged person

b. How does this work in practice? How elaborate are these protection order decisions in general?

- civil proceedings: PO is usually elaborate (the civil court has to explain what was the reason for issuing the PO and what does the protection comprises)
- police proceedings: PO are usually shorter summarising conclusions of the investigation carried out prior the PO is issued, the advantage police has in contrary to the civil court is the possibility to investigate before the decision is made (length and elaborateness of the PO depends on how thorough the investigation is)

- criminal proceedings: we have no experience yet due to the fact the law is brand new

9) a. Are there any legal limitations to the scope of these protection orders – e.g., only a couple of streets – or are the legal authorities free to decide the scope of protection orders any way they see fit?

In all procedures the authority is not limited in relation to the scope – sometimes the vicinity is defined by the proximity from the household (usually in hundreds of metres) or by naming streets surrounding the household. The scope must be however reasonable and well-founded by the need of victim's protection.

b. If there are limitations, which factors do the legal authorities have to take into account when deciding on the scope of protection orders?

There are two basic factors that have to be taken into consideration (and sometimes they contravene one another):

a) Minimisation of the chance that the victim meets the offender

b) limitation of the offender's rights intrusion to minimum necessary level (sometimes the case is complicated and the authority has to deal with dilemmas, for example: the offender has no other place to go except the other part of the same house – if it can be assured there will be no contact (there are separate entrances and there is a possibility to lock passageway), the authority may decide to evict the offender to the designated part of the house.

c. Which factors do they take into account in practice?

See the answer above. In case of police PO no scope is offered – the PO is specified without giving much to consider (apart from the distance from the household the perpetrator has to keep). On the other hand frequency of police checks of the household for the purpose of controlling whether PO is obeyed can vary depending on the behaviour of the perpetrator and previous records showing whether the person tends to comply with the law or doesn't care much about any restrictions imposed by authorities. In criminal and civil PO intensity of violence is definitely one of the most important factors when deciding about the scale of instruments used (especially when deciding whether only barring order is sufficient or ban of any contact is called for). In criminal proceedings the level of danger is crucial for decision between imposing PO and taking the perpetrator into custody. SARA DN is a useful tool for risk assessment, playing an important role in the decision process. Tragically it can be seen that after a fatal incident had occurred, authorities are much more careful with their consideration. For example we had a case of murder of parents committed by their adopted son in South Bohemia about 2 years ago. Immediately after this incident the number of POs imposed rose dramatically out of fear that such situation might be repeated.

10) a. How are prohibitions to enter a certain area mostly delineated? For instance, are these areas indicated on a map or are they indicated by naming the surrounding streets? Or do legal authorities use radiuses ("person A is no longer allowed to be within 200 meters of the victim's house")?

Usually the last two mentioned alternatives are used (naming the streets or setting the limit distance). Because the PO usually includes ban of contact, the distance from the household is not often the main concern.

b. What is the average scope of an order that prohibits someone to enter a certain area (one street, multiple streets, a village)?

Usually a block of flats.

11) a. Are there any legal limitations to the duration of protection orders? Do the orders always have to be issued for a specified or a determined period? And is there a maximum or minimum duration attached to the orders?

See question 7 b)

- civil PO: min. 1 month, max. 1 year
- police PO: always 10 days (cannot be shortened, but it is possible to extend if request for interlocutory injunction is filed)
- criminal PO: nor minimum neither maximum duration is given (depends of the length of the proceedings)

b. Which factors do legal authorities generally take into account when deciding on the duration of a protection order?

- Effective protection of the victim
- Purposefulness of the PO according to the behaviour of both sides

c. What is the average duration of the different protection orders (half a year, one year, two years)?

- civil PO: not possible to answer (depends on whether the period is extended based on civil action – if yes, usually it is the full year)
- police PO: the period is given by the law and cannot be changed
- criminal proceedings: no experience so far due to the novelty of the law

12) a. To what extent (if any) do the wishes of the victims influence the imposition of protection orders? Can victims, for instance, request the cessation of protection orders?

- civil proceedings: imposed only on request, can be ceased if required by the plaintiff
- police proceedings: the decision is made regardless the wish of the victim (it was made intentionally so in order to prevent responsibility for the decision being given to the victim), duration is given and PO cannot be ceased
- criminal proceedings: PO would be usually imposed based on the fear of the victim, under certain circumstances the PO might be ceased based on decision of the authority (it may take victim's wish into consideration, by considering the victim's testimony in the proceeding for the purposes of proof)

b. In cases where a protection order is not directly requested by the victims, is there always an assessment of the victims' need for a protection order or do victims have to bring this up themselves?

- police proceedings: police officers use method for identification level of risk in domestic violence cases (SARA DN) based on which they decide
- civil proceedings: request of the victim is necessary for the initiation of proceedings, therefore the question is not applicable
- criminal proceedings: no procedure has been set up yet, but SARA DN might be used here as well

c. Can victims influence the type/scope/duration of protection orders? Are they, for instance, involved in deciding on the type of protection order or the scope of protection orders?

- civil proceedings: yes, the victim in the position of a plaintiff requests certain type of protection, if PO is issued, it is always in duration of 1 month. Then the duration depends on the fact, whether any action has been filed or not. If not, proceeding ends here, if yes, it can be prolonged up to 1 year – here the duration can be influenced by the requests (proposal) of the victim (but it has to be based on lasting existence of danger).
- police proceedings: no
- criminal proceedings: no

13) a. Can offenders formally challenge/appeal the imposition of protection orders?

- civil proceedings: yes
- police proceedings: yes
- criminal proceedings: yes

But in any of those kinds of proceedings the challenge/appeal doesn't postpone the effects of PO (it has no suspensive effect)

b. To what extent (if any) do the wishes of the offender influence the imposition of protection orders? Are, for instance, (disproportionate) disadvantageous consequences for the offender taken into account?

It might be the case, both the justified concerns of the victim and the offender are supposed to be taken into consideration and the extent of offender's rights deprivation shouldn't exceed the pursued purpose of the measures. But if the danger is serious and there is no suitable alternative, the offender has to carry the responsibility for his/her behaviour regardless the disproportionate consequences. The authority (especially in case of police PO) has to contemplate the eminent danger of serious health damage or death caused to the offender (for example the temperature outside is very low, offender has nowhere to go and has no money to pay for some accommodation). In this case it might endanger his/her life which is the reason to prefer arrest of the person.



c. Can offenders influence the type/scope/duration of protection orders? Are they, for instance, involved in deciding on the type of protection order or the scope of protection orders?

No.

14) To what extent (if any), do practical impediments (such as shortage of police personnel, lack of available resources in certain (rural) areas) to the enforcement of protection orders play a role in the decision to impose a protection order? Do legal authorities, for instance, refuse to impose certain protection orders, because they know their enforcement in practice is problematic or do they impose these protection orders anyway (e.g., for reasons of 'sending a message' to the offender)?

If any impediments can be found, they aren't objective factors (such as shortage of personnel) but rather subjective factors (such as prejudice of the person representing the authority). Factors such as availability of resources might however influence the speed of police coming to the scene.

15) Can previous protection orders be taken into account in other ensuing legal proceedings against the same perpetrator (e.g., as evidence of a pattern of violence)?

Yes. Police Act mentions *expressis verbis* only one factor that might serve as a hint in decision process: previous attacks. Previous PO (and their observing) is obviously a factor to be taken into consideration when contemplating issue of current PO.

16) a. When a protection order is issued in a case of domestic violence, are the children automatically included in the protection?

The law does not require this, but there is a written legal opinion of the Ministry of Interior used as a guideline for police officers stating that the presence of children must be surveyed and their designation as victims ought to be considered. If the child is designated as victim, it is automatically included in the protection.

b. How is the order granted/implemented if the violent partner has visitation rights?

If the child is designated as a victim, the visitation rights cannot be carried out. The interest of the child's upbringing prevails over the interest of the parent to visit the child.

In case of civil PO the court decides whether there will be any visitation rights recognised. If yes, specific rules how to exercise these rights must be set in the PO. Third parties (such as crisis centres for children and similar services) can be appointed as visitation rights exercise place.

c. Are there any problems with protection orders and custody/visitation decisions by the courts?

Yes, it might cause problems if the court does not include visitation right in the interlocutory civil injunction. That is why the victims are advised to include this proposal in their requests.

17) a. Are so-called 'mutual protection orders' (i.e., protection orders that restrain both the victim and the offender) allowed in your country?

They are neither explicitly allowed nor forbidden, but in praxis this kind of mutual PO does not occur.

b. If not or if mutual protection orders are only accepted in particular cases, in which cases are mutual protection orders prohibited and what is the rationale behind this prohibition?

See answer above.

18) a. Are protection orders provided free of charge?

- civil PO: yes
- police PO: yes
- criminal PO: yes

b. If not, who has to pay for the legal costs/court fees?

Question is not applicable.

c. Can these costs/fees constitute an undue financial burden for the victim (and bar him/her from applying for a protection order)?

Question is not applicable.

### 2.2.2. ENFORCEMENT OF PROTECTION ORDERS

*If protection orders can be imposed through multiple areas of law, please make a distinction between these areas of law in answering the following questions. For instance, if a protection order can be imposed in both criminal and civil law, make sure that you answer for both areas of law where and how protection orders are registered (question 1).*

#### 19) Where and how are protection orders registered?

- civil PO: by the court (victim is given written PO which she can use to prove that a PO has been issued)
- police PO: by the police force in information system accessible by every police officer
- criminal PO: by the police force in information system accessible by every police officer

#### 20) a. Is the victim always informed of the imposition of a protection order and of the conditions that the offender has to comply with?

- civil PO: yes
- police PO: yes
- criminal PO: yes

#### b. In what way is the victim informed? Does this happen automatically? By mail or letter?

- civil PO: victim receives written PO
- police PO: victim is informed directly by the police officer and given written information
- criminal PO: victim is informed by letter

#### 21) Who is or which authorities are responsible for monitoring the compliance with protection orders? In other words, who checks whether these orders are violated or not?

- civil PO: no monitoring is carried out unless the victims point out that the PO is not being observed - in that case police might be involved but only on basis of reaction if there is breach of the PO. If this happens, the perpetrator is responsible for the breach – based on repetition and seriousness of the breach, such person is responsible for committing minor offence or crime. In both cases police authorities are obliged to react in order to stop further breach as well as start criminal / administrative proceedings (depending what kind of offence had been committed).
- police PO: there is obligation to check at least once within the first 3 days after PO was issued whether it is being observed by personal check on the spot (if there is reason for repeated monitoring, the local station police officer might repeat the visit), victim is instructed to call police anytime the PO is violated

- criminal PO: there is no obligation to monitor violation of PO, but control might be carried out by probation officer

22) a. Which activities can the monitoring authorities undertake to check the compliance with protection orders? (e.g., GPS, extra surveillance, house visits, etcetera)

- unannounced house visits (in case of police PO at least one visit is mandatory in the first three days after PO is issued)
- police arrives to the scene if victim or other person calls to inform about any breach of PO

b. Which of these activities do they generally undertake in practice?

- Unannounced house visits are carried out as often as needed if PO breach is expected based on offender's or victim's attitudes
- police arrives based on information of any breach of PO

c. If protection orders can be monitored with the help of technical devices (e.g., GPS), how often is this used in practice?

This possibility is not legally and technically feasible in the Czech Republic at the moment.

d. Are protection orders actively monitored or is it generally left up to the victim to report violations?

See answer to question no. 21.

e. How do the monitoring authorities generally become aware of a violation of a protection order: through the victim or through pro-active monitoring activities?

Victims do not always call the police if PO is not observed, which is the reason why multiple checks are carried out in cases where offender is expected to breach PO or the victim has ambivalent attitude towards the offender or might be threatened by him.

23) a. Is contact with the offender initiated by the victim considered a breach to the protection order?

- civil PO: yes
- police PO: yes
- criminal PO: yes

The offender is forbidden to return to the household or contact the victim, if the contact is initiated by the victim, the offender is not culpable unless he/she further maintains the contact. Offender is however liable for any breach of PO by entering the household regardless he/she came on his own will or on invitation of the victim.

b. What (if any) role does contact initiated by the victim him/herself play in establishing or proving a protection order violation?

Technically it is possible to prosecute the victim for supporting the offender in breaching PO for involvement in crime, but in praxis this does not occur.

c. What (if any) role does contact initiated by the victim him/herself play in the official reaction to protection order violation? Are the authorities, for instance, less inclined to impose a sanction on the offender if the victim initiated contact him/herself?

The sanction is not influenced by determining who initiated the contact, it is rather based on what is the behaviour of the offender during the breach. If the breach is repeated or serious (meaning: violent), it constitutes a crime.

24) a. Which evidentiary requirements have to be met before a violation of a protection order can be established?

No special evidentiary requirements are mentioned in relation to the violation neither in the substantial nor in the procedural law. Violation has to be proved the same way as any other act which constitutes a crime.

b. Which procedure(s) has to be followed in order for the protection order to be enforced after a violation?

The offender is invited to refrain from further violation by leaving and if he/she does not obey, he/she might be forcibly removed and arrested.

25) a. What are possible reactions/sanctions if a protection order is violated?

Depending on repetitiveness and seriousness of the breach the deed might constitute administrative offence (sanction: fine up to 1.000,- Kč = € 40) or crime (sanction: up to 3 years of imprisonment).

b. Are there only formal reactions/sanctions available, or are there also informal reactions possible to the breach of a protection order (e.g., a change of the conditions, a warning)?

No informal reactions are available – all reactions presumed by the law are formal reactions. If breach is repeated or serious, the offender might be taken into custody.

c. Which (official or unofficial) reaction usually follows on a protection order violation?

It depends on level of seriousness and repetition of the violation. First reaction is usually arrest of the offender followed by interrogation. Then the person might be released or remain in custody.

d. In your opinion, are the sanctions/reactions to protection order violations 'effective, proportionate and dissuasive'?

Basically yes but there is space for improvement. POs would be obeyed much more if mandatory arrest followed by custody would be introduced into our law. Currently it depends on how serious the violation of PO was – it can be prosecuted as crime or handled as administrative minor offence. In both cases it is probable the perpetrator would still be on the loose. The knowledge of possible custody in every case of PO violation would contribute to higher respect and abidance of POs imposed. Also the fact that the way

how the authority handles the case must be considered. For example procedure known as “Gefarderansprache” is carried out in Germany. The purpose of such procedure is not only to establish level of risk in each particular case, but also clarification of possible consequences of violation of PO and penalty if violence continues. If carried out properly and expertly, the effect of PO can be dramatically raised. Another problem police faces in the Czech Republic is lack of personnel – the result can be, that procedure of PO is avoided because of the shortage of time. Also when considering possible arrest of perpetrator, police officers tend to think twice depending on how are the current capacities (such intervention means the patrol is blocked for quite some time, what is problematic especially if there is only one patrol available in the beat).

e. Are reports of PO violations, such as emergency calls by the victims, automatically given priority (e.g., with the police)?

Depends on a number of factors (current behaviour of the offender, eminent danger for the victim, seriousness of other emergency calls accepted etc.).

26) a. Is the violation of civil, administrative or other protection orders criminalized? In other words, is the violation of any protection order an offense in itself?

See above – yes, if the violation is repeated or serious

b. If so, what is the range of sanctions (minimum and maximum penalty) attached to a violation?

See above – question no. 25 a).

c. If so, how do the police generally react to a violation of a civil, administrative or other protection order?

It does not matter what kind of PO is violated. The sanction is the same for all kinds of PO’s.

d. If not, can the victim still call in the help of the police and how do the police react?

Yes, police arrives for protection of the victim and penalization of the offender.

27) a. Is the monitoring authority capable of issuing a sanction following the breach of the order or does the authority have to report the violation to another authority in order for the sanction to be issued?

The monitoring authority represented by the police is capable of PO violation sanctioning in case of administrative offence. Criminal cases are recorded, documented and handed over to the court where the criminal proceeding runs.

In civil procedure as well as in criminal procedure violation of PO can be fined with disciplinary fine up to € 2.000 by the authority that issued the PO.

b. If so, are they obliged to report all violations or do they have a discretionary power not to report violations?

Any PO violation constitutes illegal behaviour and must be therefore dealt with according to the law affected.

c. If so, how is this discretionary power used in practice?

Administrative offence can be dealt with with caution. Offender who commits a crime has to be charged but not necessarily sentenced to prison.

28) Do monitoring authorities receive training in how to monitor and enforce protection orders?

No specific training apart from the police training regarding police PO in general (including legal rules for monitoring and sanctioning of breach).

### 2.2.3. TYPES AND INCIDENCE OF PROTECTION ORDERS

*This section inquires after the presence of (empirical) studies into the **nature and incidence** of protection orders in your country. If such studies have been conducted, please refer to these studies and give a brief (English) summary of the research design, methods and most important outcomes of the studies in an appendix.*

29) Is there any (empirical) information available on the number of protection orders imposed on a yearly basis in your country? How often are protection orders imposed on a yearly basis? Please distinguish per area of law

- police PO: detailed statistics are attached (see appendix)
- civil PO: available statistics are attached
- criminal PO: no information is available yet due to the novelty of law

30) a. Which types of protection orders (no contact, prohibitions to enter an area, eviction from the family home, other) are imposed most often?

- civil PO: usually includes eviction from the household premises + no contact order, but no empirical data is available
- police PO: always includes both eviction as well as no contact order (it is enacted so in the Police Act as one order involving both kinds of protection) – 100% of all police POs.
- criminal PO: not sufficient experience yet due to the novelty of law, no empirical data is available

b. Which combinations of protection orders are most often imposed?

The most common is combination of police PO followed by the civil PO.

31) For which types of crimes are protection orders generally imposed (IPV, stalking, rape, other)?

- civil PO: generally imposed in cases of domestic violence (including IPV), no contact order in cases of stalking
- police PO: in cases of domestic violence (including IPV) – condition for police PO is previously shared household of victim and offender so it is usually not applicable in stalking cases

- criminal PO: can be used in relation to any kind of crime if the circumstances require (in relation to the victim as well as to the witness). Because criminal PO is a brand new tool in our country, no empirical data is available. It can be expected, that this kind of PO will be most commonly used when prosecuting violent crimes, such as domestic violence, bodily harm etc., but also in cases where the nature of perpetrator's conduct shows he/she has to be stopped by official authority – such as stalking.

32) Is there any (empirical) information available on specific victim and offender characteristics?  
a. Are protection orders generally imposed against male offenders on behalf of female victims?

Yes, it is so in majority of PO's issued (see statistical appendix).

Law does not regulate PO's issuing based on gender, age or any other characteristics of victim or offender.

b. Which percentage of the restraints already had a prior police record?

Unfortunately no statistical data are available in this respect.

c. Which percentage of the restraints already had a previous protection order imposed against him/her?

Approximately 10% of police PO are issued in cases where PO has been issued previously (see statistical appendix).

#### 2.2.4. PROTECTION ORDER EFFECTIVENESS

*This section inquires after the presence of (empirical) studies into protection order **effectiveness** and the reaction to the violation of protection orders. If any such studies have been conducted in your country, please refer to these studies and give a brief (English) summary of the research design, methods and most important outcomes of the studies in an appendix.*

33) a. Is there any empirical information available on the effectiveness of protection orders in your country? Do protection orders stop or reduce the unwanted contact? Or do they have another effect (e.g. improve the well-being of the victims, change in the nature of the violence)?

No empirical research related to the topic of PO's effectiveness has been carried out. It is difficult to measure effectiveness of POs because victims do not have any kind of obligation to undergo any evaluation of "intervention success" (besides it would be difficult to set criteria for such objective evaluation).

b. Which percentage of the imposed protection orders are violated?

Unfortunately no official statistical data are collected.



c. If protection orders are still violated, are there any changes in the nature of the violence (e.g., violent incidents are less serious)?

It is difficult to generalise – there are cases where PO's calm down the violence due to the intervention (and subsequent offender's fear of punishment ) but in another cases the danger level might increase after the intervention (either the offender feels he/she is losing control and wants it back or sometimes there are deeds of "retaliation" that might result even in attempt to kill the victim - we registered one case of homicide that followed the eviction of the offender by the police and returned back for revenge). It really depends on what kind of offender are we dealing with. Because most of POs are observed, it might be stated that PO decreases the level of violence, which is its purpose, but risk evaluation in every case is essential to avoid unexpected burst of violence that might cause serious harm to the victim.

d. Is there any empirical information on the role that victims play in protection order violations ( e.g., percentage of cases in which the victims themselves initiated contact)?

There is no such empirical survey in the Czech Republic in this respect.

34) Is there any empirical information available on factors which significantly influence the effectiveness of protection orders, either in a positive or a negative way?

There is no such empirical survey in the Czech Republic in this respect. From my experience there are factors that ought to be taken into consideration, such as:

On the side of the offender:

- former PO breach (disrespect to authorities)
- mental illness or similar mental/psychological disorder of the perpetrator
- generally violent behaviour

On the side of the victim:

- ambiguous feelings of the victim towards the offender
- any kind of dependence of the victim towards the offender (economical, emotional, etc.)
- between generations relation of offender and victim (if parents and grandparents are maltreated by the offender)
- any kind of addiction of the victim (alcohol, drugs)

35) Is there any empirical information available on the formal and informal reaction of the enforcing authorities to violations?

a. How often (what percentage) do violations lead to a formal reaction?

There are no statistics available in this respect but every detected PO violation must be subject to reaction of the authorities.

b. How often (what percentage) do violations lead to an informal reaction?

There are no statistics available in this respect.

c. How often (what percentage) do violations lead to no reaction?

There is always some sort of reaction if violation is detected by authorities. The kind of reaction varies according to the seriousness of violation ranging from caution to imprisonment up to 3 years.

2.2.5. IMPEDIMENTS TO PROTECTION ORDER LEGISLATION, ENFORCEMENT AND EFFECTIVENESS

36) Which impediments are present in your country when it comes to:

a. Problems with protection order legislation

The procedure of civil PO, where courts ought to decide only based on materials presented by the plaintiff and there is no summary trial preceded before PO is issued might create space for misuse.

b. Problems with protection order imposition/issuing/procedure

Reserve might be found in identifying process of real/false victims (thorough training in psychology of domestic violence victims for authorities staff is needed).

Due to the lack of specialisation on country scale there is sometimes insufficient experience of authorities responsible for PO issue which might influence their willingness to use PO based on fear of making a mistake during the process.

c. Problems with protection order monitoring

Apart from personal monitoring no effective means (such as GPS) are available.

d. Problems with protection order enforcement

Sometimes there is lack of cooperation on the side of victims.

e. Problems with protection order effectiveness?

There is lack of programmes for offenders to ensure long term change of their attitudes. Apart from the above mentioned problems no further are detected.

37) In your opinion, what is/are the biggest problem(s) when it comes to protection orders?

Lack of specialised bodies entrusted with domestic violence cases on country-wide scale.

## 2.2.6. PROMISING/ GOOD PRACTICES

38) Which factors facilitate the:

### a. Imposition

- Specialization in PO issue enabling higher professionalization – my experience is that the most common reason for not applying police PO is the fear of the police officer of doing a mistake. Such mistake is easy to do when you are not experienced and the procedure is carried out only rarely. Therefore (and for many more reasons) specialization of police officers handling cases of domestic violence is called for. We have very good experience with specialized unit in the city of Brno since year 2005, but currently this represents only an exemption in the police structure.
- Procedure of PO issue (the easier the procedure is the more willing police officers are to use it due to the lower chance of mistake)
- Tools to support PO procedure (such as clearly arranged forms, special portfolio containing leaflets and forms)
- Training enabling to recognise cases when PO is to be imposed and preparing police officers for the procedure

### b. monitoring, and

- Cooperation from the victim
- Better technological and legal conditions (such as GPS technologies available for monitoring)

### c. enforcement of protection orders?

- Higher penalty for perpetrators who doesn't observe don't comply with the PO

39) Which factors increase the effectiveness of protection orders? In your opinion, which factor(s) contribute most to the success of protection orders?

- Official response of the authorities to the violent behaviour (so it is no longer perceived only as a private matter between offender and victim)
- Further work of specialised counsellors with the victim endeavouring for increase of self-esteem and providing legal, psychological and emotional support
- Use of danger assessment tools (such as SARA) and close cooperation of subject involved (mainly police and intervention centres)

40) What would you consider promising practices in your country when it comes to protection orders? Why?

- Specialisation of police and courts for domestic violence cases responsible also for issuing POs (professionals who understand differences of victim's psychology and behaviour)

41) Do you have any recommendations to improve protection order legislation, imposition, supervision, enforcement and effectiveness?

- On-going high-quality specialised training of authorities representatives (police officers as well as judges)

### 2.2.7. FUTURE DEVELOPMENTS

42) Do protection orders feature at the moment in current discussions (in politics) on the protection of victims?

Currently there has been on-going discussion in the Czech Republic related to PO imposed through a new instrument within criminal proceedings. This was introduced as part of the new law for crime victims' protection. On 1st of August 2013 this new law was introduced and it is based on Directive of the European Parliament and of the Council no. 2012/29/EU 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 enters into effect.

Also discussion on establishment of specialised police units, public prosecutors' units and judges for domestic violence are currently in process, but rather on professional than political level.

43) a. Will the legislation/practice on protection orders change in the nearby future? Are there, for instance, any bills proposing changes to the current practice?

Currently there is a professional initiative in the Czech Republic endeavouring to implement specialisation of authorities (mainly police, public prosecutors and courts) in relation to domestic violence.

b. If so, what will change?

Specialisation of the aforementioned authorities is supposed to improve quality of official reaction towards domestic violence cases. Thus the procedure is expected to speed-up and at the same time allow for a more professional approach to DV cases.

c. Are there at the moment any pilots in your country with a new approach to victim protection orders.

There are several local projects aimed for example to special vulnerable groups of victims (elderly, foreigners, handicapped, etc.). Also some organisations strive to implement programmes for offenders.

As for the specialisation, some examples of good practices have been implemented throughout the years, but so far only on local basis.

44) Which (if any) developments in protection order legislation or enforcement do you foresee in the nearby future?

Hopefully the implementation of country-wide approach to specialisation for DV cases is on its way.

45) You have probably heard about the introduction of the European Protection Order (EPO). From now on, criminal protection orders issued in one Member State have to be recognized in another Member State. What is your opinion on the EPO? Which problems/possibilities (if any) do you foresee in the implementation of the EPO in your Member State?

Taking into consideration the excessive use of freedom of movement in the EU I feel EPO is much needed when considering the effectiveness of protection orders. Currently there is no experience with EPO so far and I am not aware of any obstacles in future implementation of EPO in the Czech Republic. The only disadvantage is limitation to criminal protection orders because they won't be as numerous as other kind of protective orders. I don't suppose criminal authorities will be willing to issue criminal protection orders if there is already police PO issued and therefore use of EPO might be diminished.