

Martinková, Milada – Slavětínský, Vladan – Vlach, Jiří:

Vybrané problémy z oblasti domácího násilí v ČR

Certain issues concerning domestic violence in the Czech Republic

ISBN 978-80-7338-139-4

Summary

This monograph concerns certain aspects of domestic violence in the Czech Republic. It presents nationwide data from the statistics of state bureaus (Ministry of the Interior and the Ministry of Justice of the Czech Republic) on the incidence of cases of domestic violence over the past few years (according to selected provisions of the relevant legislation). It also presents information concerning legal regulations for prevention of domestic violence and in this respect informs on what corrective measures are currently applied to perpetrators of domestic violence (in units under the control of the Ministry of Justice of the Czech Republic) – prison, probation and mediation service). Additionally it presents data gained from two surveys focused on inter-partner violence. One of these surveys concerned female victims of inter-partner violence seeking accommodation in asylum facilities, due to the violent or otherwise offensive behaviour of their life partner. The second survey focused on examination of cases of inter-partner violence through analysis of judicial criminal files (with legally binding verdicts). This paper is supplemented by several case studies and the questionnaire used for the survey on female victims of inter-partner violence.

The following methods of criminological research were applied while addressing the purpose of the survey focused on the issue of domestic violence in the Czech Republic:

- analysis of Czech legislation addressing domestic violence
- analysis of internal statistics of the Police of the Czech Republic (hereinafter also the CR), the Ministry of Justice of the CR, and the Probation and Mediation Service of the CR during which we focused mainly on certain actus rei of crimes that either directly concern the topic of domestic violence or are closely connected with it. Our main focus of interest during this analysis was the crime of abuse of a person in a common abode (Section 199 of Act No. 40/2009 Coll., the Criminal Code, effective as of 1. 1. 2010, which, in Act No. 140/1961

Coll., the Criminal Code, effective until 31 December 2009, had been described as the crime of abuse of a person living in a commonly inhabited apartment or house – Section 215a).

- study of literature in the field and relevant official documents
- analysis of a selected sample of criminal files
- questionnaire survey of victims of domestic violence

The following findings arose from our research:

- We have not yet succeeded in gaining precise *complete nationwide numerical data* concerning domestic violence in the Czech Republic due to the nature of available data concerning this socio-pathological phenomenon. However, according to available data it can be claimed that both the police and judges have dealt with hundreds of serious cases of domestic violence over the past years, and therefore also with hundreds of perpetrators and victims.

As for victims of the crime of murder motivated by personal relations (incl. attempted cases of and preparations for this crime), whose incidence among all victims of murder in the CR over the past nine years (2004-2012) has been around 50 % per year (46 % - 56 %) – this concerned about one hundred persons per year, some of whom were the victims of domestic violence. However, due to the statistical data-keeping methods employed by the police, the precise number of such victims of domestic violence cannot be established. As for less serious expressions of domestic violence supported by official police records about incidents with indications of domestic violence, in some years such records for the CR are as high as six to seven thousand cases per year (years 2010 and 2011).

- *The Probation and Mediation Service of the CR* (hereinafter also referred to as the PMS) arranges for convicted perpetrators of domestic violence, as well as perpetrators of other criminal offences to perform alternative punishments and other measures imposed by the court, including attending re-socialisation programmes intended to improve their behaviour. No special probation re-socialisation programme for adult perpetrators of domestic violence has been created by the PMS itself, and under the powers of the PMS, such offenders are treated exactly the same as adult perpetrators of other crimes. The “Against Violence” pilot programme for youth perpetrators of violent crimes will be launched by the PMS in 2014.

We have established that among the perpetrators of the crime of abuse of persons living in a common abode (Section 119 of the new Criminal Code, Section 215a of the old Criminal

Code) who have been dealt with by the Probation and Mediation Service of the CR, there were only very few cases where, as some of the adequate restrictions and adequate obligations imposed, courts ordered the offender to undergo a suitable social training and conditioning programme or a suitable psychological advice programme.

- Based on previous developments and experiences during attempts to implement a pilot plan for convicted imprisoned persons aimed exclusively at perpetrators of domestic violence, the ***Prison Service of the CR*** has not yet implemented an independent therapeutic programme for this target group of convicted persons. Perpetrators of domestic violence currently may join the following therapeutic programmes: therapeutic programme KEMP aimed at perpetrators of violent crimes (Vinařice Prison), the STOP programme (Ostrov Prison) and also into the care of the department for convicted persons with mental disorders and behavioural disorders at Liberec Prison. We expect that this target group will have the opportunity to participate in other programmes at other prisons in the future.

- During our research of domestic violence, we conducted ***analysis of selected criminal files*** concerning inter-partner domestic violence (43 files). This concerned cases with legally effective verdicts from 2011 or from the previous year.

Analysis of criminal files was conducted using a record sheet containing 124 items. The record sheets were divided into several thematic sections (criminal offence according to the prosecution, impact of the crime on the victims of domestic inter-personal violence, the course of criminal proceedings, ejection and non-molestation orders, the perpetrator and the victim). Gathering of files for analysis and making data entries into the record sheets went on for the duration of the period December 2012 to May 2013.

– We established from the analysed criminal files that in the vast majority of cases (76.7 %) the primary report leading to criminal prosecution came directly from victims of domestic inter-personal violence. In other cases, the report came from amongst relatives (9.3 %) or neighbours, employees of healthcare facilities or social workers (14.0 %).

– The vast majority of cases (79.1 %) ended with the conviction of the accused offenders. In five cases (11.6 %) the defendant was acquitted and in four cases (9.3) charges were dropped by the damaged party.

- Twenty of those convicted (58.8 %) received a suspended prison sentence. The remaining fourteen offenders (41.2 %) received non-suspended sentences. The average length of non-suspended sentences was 35 months. Six of those convicted (17.6 %) were also ordered to undergo treatment in custody (3x against alcoholism, 2x psychiatric and 1x against addition to drugs).
- The average length of criminal proceedings in the cases analysed was 430 days.
- In more than a third of cases from our sample group (37.2 %), police ejection from the common abode occurred. Almost a third of the ejected persons then broke the conditions of the ejection order. Non-molestation orders under Section 76b of the Civil Procedural code were issued in five cases.
- In our sample group, those charged with committing domestic violence of an inter-partner nature were almost always men (95.3 %). Women were charged with inter-partner violence only in two cases (4.7 %).
- Almost three quarters of offenders (74.4 %) had been convicted in the past, while 37.5 % of these had been convicted of a violent crime. Four of them had even been convicted of domestic violence in the past.
- The average age of the charged offenders was 41 years old, while the youngest of them was 21 years old at the time he committed the crime, while the oldest was 73 years old. Four of the offenders (9.3 %) were foreign citizens.
- The victims of domestic inter-partner violence were for the vast majority women (95.3 %). Two male victims (4.7 %) were the exception to this.
- The average age of the victims in our sample group was 40 years old. The youngest of the victims was 19 years old; the oldest was 68 years old. One of the victims was a foreign citizen.
- The most serious impact of domestic violence in the cases that our analysis covered was one case of death of one of the victims. Four of the victims (9.3 %) suffered serious harm to their health as a result of domestic inter-partner violence. One victim suffered

significant material damage, because under mental and physical coercion from her partner she was forced to sign several loan contracts which she then paid off herself. The remaining cases (86.0 %) involved minor physical injury (mostly bruises or contusions), alongside likely mental suffering.

- The second *survey* in the field of domestic violence focused on the victims of domestic violence. It concerned *women who took advantage of the accommodation services of asylum facilities* when they left their life partner because he had behaved violently or otherwise offensively. The surveyed sample group comprised 124 women. This was about half of the women living in asylum facilities providing accommodation to victims of domestic violence¹ across the Czech Republic during the approximately five-week period when we were conducting our research (approx. 20 February to 22 March 2013). The survey was conducted using a questionnaire created especially for the purposes of this research. The women completed the questionnaire by themselves. The questionnaire was anonymous and its completion was voluntary.

- The sample group of 124 respondents – victims of inter-partner domestic violence – comprised 75.8 % of women housed in asylum homes whose address is not confidential (94 persons) and 20.2 % of women from asylum homes whose address is confidential (25 persons). Five respondents did not specify in which type of asylum facility they were housed (4 %).

- The respondents were predominantly women of between 20 and 40 years of age (80.6 %, 100 persons). The youngest were four 20-year olds and the oldest - three women of 56 years of age.

- About 40 % of respondents came to asylum housing after one year to five years of constant cohabitation with their partner (42.8 %, 53 persons). About a quarter of respondents found themselves in an asylum facility after more than ten years of cohabitation with their partner (24.2 %, 30 persons), and about the same number of women after 5-10 years of cohabitation (26.6 %, 33 persons). Only 4 % of the women cited a period of cohabitation lasting a year or less (5 persons). Three women did not divulge the length of their cohabitation.

¹ These were asylum facilities which as at 14 December 2012 were registered in the MoLSA CR Register of Social Service Providers and which also offered accommodation to the victims of domestic violence (a total of 99 asylum facilities).

- Almost 30 % of respondents had completed secondary school education (secondary school or vocational school with a “maturita” final examination certificate) (29.0 %, 36 persons). Five respondents had graduated from university or college (4.0 %). More than a third had completed vocational school without a “maturita” final examination certificate (35.5 %, 44 person) and about a quarter had completed only elementary education (26.6 %, 33 persons).
- 12.9 % of respondents (16 persons) were employed, 37.1 % of women were unemployed (46 persons), 43.6 % of respondents were women on maternity leave (54 persons). Three women had disability pensions and we categorised four women as “other”.
- 62.9 % of women (78 persons) came to asylum housing directly from a common household with their partner. About a tenth of the women came from other asylum facilities (12.1 %, 15 persons), two women from a hostel, two women from the street. Approximately one fifth of the women came to the asylum facility from other provisional accommodation, mostly with relatives or friends (21.8 %, 27 persons).
- Almost all women lived with their children in the asylum facility (97.6 %, 121 persons).
- At the time of conduction of the survey, 225 children were living with the respondents. At least half of these children had been witness to abuse of their mother by their father/step father at various degrees of frequency (“occasionally” to “almost always when it occurred”).
- Almost 40 % of respondents were dependent upon social support from the state (e.g. on parental benefit, child support etc.) as their only source of money for life (39.5 %, 49 persons) (Social support does not include unemployment benefit, which we monitored separately).
- Three quarters of respondents were in debt in some way (75.8 %, 94 persons).
- About 90 % of respondents (of 120 women) was attacked by their life partner at least once in the period running up to leaving him (93.3 %, 112 persons). Of these 112 women, about three quarters cited fairly frequent physical assaults (frequent, very frequent, constant) by their partner during this same period (76.8 %, 86 persons).

- More than four fifths of the 112 women (83.9 %, 94 persons) physically assaulted by their partner (in the period running up to leaving him) cited that they had suffered at least one physical injury. 16.1 % of the 112 women assaulted by their partners stated that they had suffered no obvious physical injury after such aggression (18 persons).
- Half of the 94 women physically injured by their partner suffered physical injury several times (i.e. more than twice) (47 persons). 27.6 % of these 94 respondents (26 persons) cited one physical injury. About one fifth of the women stated that they had been injured twice (21.3 %, 20 persons). One person did not cite the frequency of injuries.
- About half of the 94 physically assaulted women (51.0 %, 48 persons) had the bodily injuries resulting from physical attack by their partner treated by a doctor. The other approximate half (47.9 %, 45 persons) never visited a doctor for treatment of such injuries. One person made no comment in this area. We did not inquire about the reasons for not seeking medical treatment, nor did we investigate the nature of injuries in more detail.
- A quarter of respondents stated that in the period running up to leaving their partner, their partner had behaved in such a way that they were in constant fear of him (30 persons); more than two thirds of respondents were often or very often in fear of their partner (68.3 %, 82 persons).
- In the period running up to leaving their partner, half of the respondents (61 persons) cited that their partner had threatened to kill them “frequently, very frequently, constantly”. Almost 30 % of women asked (28.1 %, 34 persons) had experienced violence on the part of their partner during sex.
- When seeking help and advice due to the intolerable behaviour of their partner, amongst the most frequently authorities and facilities approached, 34.9 % of respondents turned to the police (47 persons), to the authority for social and legal protection of children (OSPOD) (35.5 %, 44 persons) and to various organisations providing help to the victims of domestic violence (32.3 %, 40 persons). The women turned to other facilities and institutions less often.

- Before coming to their current asylum facility, about one fifth of the respondents had not sought out any organisation or facility with a request for advice of help with their problems concerning their partner's bad behaviour towards them (21.0 %, 26 persons).
- About 40 % of respondents labelled their departure from their partner as fast, not long prepared (41.9 %, 52 persons). Almost 30 % of respondents were assisted by the police during their departure from their partner from their common household (29.0 %, 36 persons).
- At the time of the survey, 7.3 % of respondents (9 women) were officially protected against their partner/husband by means of a non-molestation order.
- One fifth of the 124 respondents stated that their partner was facing criminal prosecution for their abusive behaviour towards them – as a result of which they eventually found themselves in their current asylum housing (19.4 %, 24 persons).

89 of the remaining 100 respondents answered the question regarding potentially bringing official charges against their partner for abusive behaviour towards them in the future: about half of the women stated that they would not address the problem with the involvement of the authorities (52.8 %, 47 persons). Only about one fifth of the women expressed their intention defending themselves in some way with the involvement of authorities (by bringing criminal charges, by filing a complaint to a civil infractions committee) (19.1 %, 17 persons). The remaining women did not yet know how they would behave (28.1 %, 25 women).

- One tenth of the 124 respondents stated that their life partner has been criminally prosecuted at some time in the past for his behaviour towards them (9.7 %, 12 persons).
- At the time of the survey, one fifth of respondents (25 persons) did not feel strong enough to resolve their current life situation, almost one fifth of the women had no exact idea about their life in the future (22 persons); around 30 % of women did not feel fully well from a point of view of mental health (38 persons); about one tenth of the women were not very optimistic about their future life to be (14 persons) and one fifth of the women did not have the best of relations with their relatives (25 persons).
- At the time of the survey, almost one fifth of the respondents already knew that at the end of their current asylum stay, they would have to find accommodation for themselves and their

children (17.7 %, 22 persons) in another asylum facilities, while 4 of the women had come to their current asylum stay from another asylum home.

Translated by: Presto