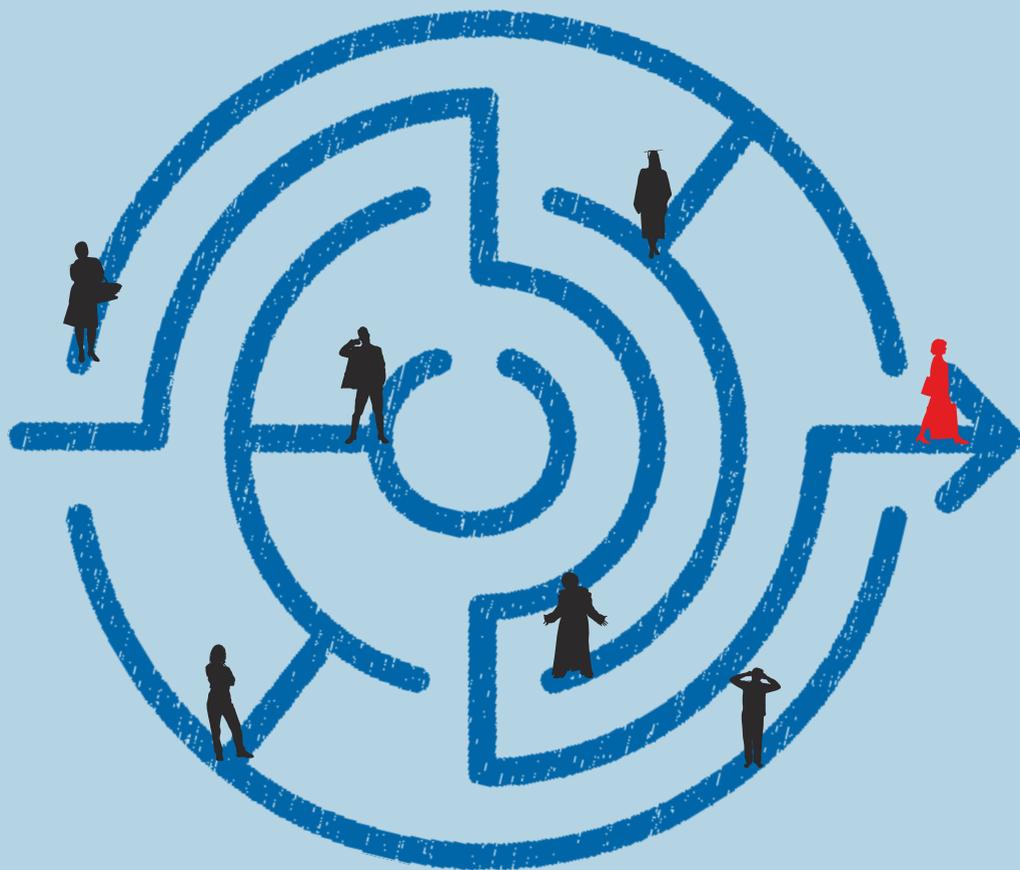




IN IUSTITIA



SAFE IN YOUR NEW HOME

A GUIDE

**for Foreign Victims of Crimes
in the Czech Republic**

SAFE IN YOUR NEW HOME

A Guide for Foreign Victims of Crimes in the Czech Republic

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Dear Readers,

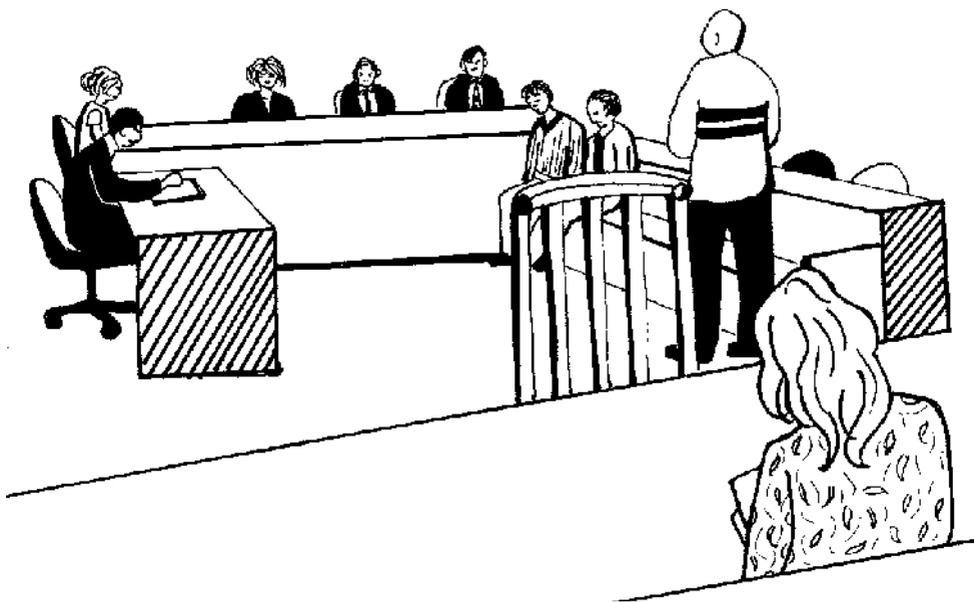
Maybe you have been living in the Czech Republic for a long time, maybe for a short time, and maybe you have experienced behaviour that you consider improper or even illegal. Maybe someone has hurt you, cheated you or intentionally destroyed your property. These situations could be a serious violation of your rights, and you may feel helpless and powerless. It is for you that we have prepared this information brochure.

We would like to acquaint you with what is deemed illegal in the Czech Republic and how to defend yourself against illegal conduct. There are many options. You can file a complaint and seek support or assistance, or tell someone. In criminal proceedings, Czechs and foreigners have the same rights.

In this publication you will learn what your rights are when dealing with the police or in court. You are surely wondering about language interpretation and if you can get free assistance from an attorney. Here you will find answers to the question of whether you must always bear witness and how to protect your safety and that of your loved ones. You will also learn how to obtain compensation from the person who committed the crime.

If someone mistreats you or violates your rights, do not keep the problem to yourself. After reading this booklet, you will know whom to contact in case of an emergency for support and assistance. There are many organizations that help foreigners who are experiencing crime or violence free of charge.

The information in this brochure was prepared for you by lawyers from the Justýna advisory centre, which provides free assistance to victims of hate crimes in the Czech Republic.





CONTENT

	INTRODUCTION	1
1	DO NOT ALLOW YOURSELF TO BE HURT	3
2	HATE ATTACKS	5
3	AT THE POLICE STATION	6
4	AT THE COURT	9
5	MY HEALTH AND MENTAL WELL-BEING	11
6	COMPENSATION OF DAMAGE	13
7	SAFETY	15
8	CRIMINAL PROCEEDINGS AND FOREIGNER RESIDENCY ISSUES	17
9	WHO WILL HELP ME?	20
10	SPECIFIC CONTACTS YOU CAN TURN TO	23



Crime and violence can take various forms. People often associate the two terms only with physical harm; more often, however, we encounter violence in some other form.

VERBAL VIOLENCE

- slurs and insults
- humiliation and ridicule
- making fun of someone for whom this is unpleasant
- intimidation

PSYCHOLOGICAL VIOLENCE

- threats of physical violence
- underestimating a person's abilities
- "silent treatment" or targeted denial of communication
- extortion by removing children
- placing blame for relationship problems
- threats of denunciation to the authorities or the police
- jealousy
- threats of suicide
- physical or internet stalking
- ridiculing a person's faith or coercion to faith

ECONOMIC VIOLENCE

- refusal to provide money for the household
- withholding of wages
- damage to property
- forcing someone into taking loans
- preventing someone from going to work
- forcing someone to do a job that is humiliating
- financial fraud and theft
- misuse of documents

SOCIAL VIOLENCE AND ISOLATION

- humiliation and public ridicule
- controlling movement, assets and communications
- confiscation of phone, denial of access to the internet
- forbidding contact with friends or family
- restrictions on movement outside the home and forbidding leisure time and hobbies
- lying

SEXUAL VIOLENCE

- harassment and any conversation with sexual overtones that a woman does not wish (petting, kissing)
- requesting sexual practices that the woman does not want or that are unpleasant for her
- forcing someone into pornography
- requesting sexual contact in exchange for favours (money, food, safety)
- forced prostitution
- coercion for sex and rape
- threatening sexually transmitted diseases (HIV, gonorrhoea, syphilis)



2 HATE ATTACKS

Foreigners living in the Czech Republic may become targets of violence motivated by hate. Hate attacks are attacks which are motivated by the prejudices of the attacker towards the victim due to

- skin colour
- nationality
- ethnicity
- faith
- health status
- sexual orientation or identity
- social status
- age
- political beliefs

You may encounter hate motivated violence in the form of

- physical violence (assault, assault with a weapon, arson attacks)
- psychological violence (ridicule, humiliation, persistent insults)
- sexual violence (rape, sexual assault, sexual coercion)
- verbal violence (insults, threats, racist jokes)
- attacks on property (attacks on synagogues, mosques, shops)
- harassment (hateful demonstrations, websites)
- intimidation (threatening emails or text messages, personal threats)
- cyberbullying (spam, attacks via Facebook)

Some manifestations of hate crimes are forbidden by Czech law; it may be a criminal offence or a misdemeanour. It is important not to keep the attacks to yourself, and to turn to the police or one of the assisting organizations for help.

PEOPLE WHO ARE ATTACKED CAN SEEK HELP FROM THE IN IUSTITIA ORGANIZATION, WHICH IS THE ONLY ONE IN THE CZECH REPUBLIC DEDICATED TO HELPING VICTIMS OF HATE CRIMES.

3 AT THE POLICE STATION

If someone has hurt you, you can **contact the police**. The police will follow the Code of Criminal Procedure or the Police Act. You can file a criminal complaint with the police. The police will investigate your complaint. If a criminal offence is involved, the **prosecutor** will submit an indictment and then there will be proceedings before the **court**.

SINGLE EUROPEAN EMERGENCY NUMBER – 112

You can call this number

- for free – you pay nothing
- without a SIM card
- without activating roaming or if your operator does not have a signal
- even if your keypad is locked
- the operators speak Czech, English, German and other languages

The police can always identify the number and location of the caller and trace back information about the call.

? How do I lodge a criminal complaint?

A criminal complaint can be lodged **in writing or orally** at any police station. You can also send it by e-mail or post. A criminal complaint can also be sent directly to the prosecutor. The police must accept your complaint. You can go to any police station; you cannot be refused anywhere. If you are refused, you can complain.

? What does a criminal complaint look like?

You can lodge a criminal complaint yourself and you can submit the complaint in your mother tongue. A criminal complaint has no prescribed form. **Write or say what happened to you, who the offender is, who saw the crime (witnesses), what damage you incurred.** You can also give the police other **evidence** which can prove that a crime took place.

? Can you withdraw a criminal complaint?

No. After you file a complaint the police will proceed alone on their own initiative. This means that once a complaint is lodged, **you cannot** (with some exceptions) **take it back**, because the police are required by law to investigate and prosecute crimes about which they learn.

? What will happen next?

The police will start to **investigate** the facts stated in the criminal complaint. If it is not a criminal offence, the matter will be set aside or passed to misdemeanour proceedings (proceedings in which less serious illegal acts are dealt with).

The police may **invite you for questioning**. Don't worry; the police will question you only in order to best identify and track down everything. If the police need some proof that you possess or can get, they will ask you to provide it to them.

? What will the interrogation be like?

The interrogation takes place at the police station. One or more often two police officers will be present. Take along your identification documents and other documents to submit to the police.

? I don't understand Czech. Do I have to pay for an interpreter?

No. An interpreter in criminal proceedings is **free**. You have the right to testify in your **mother tongue** or another **language that you know**. During the interrogation you have the right to say whether you want to be interrogated by a man or a woman.



? What are my obligations at the interrogation?

At the interrogation you must **tell the truth and say everything you've seen and heard, and what you know about the case**. You have the right to **refuse to give testimony** if you might incriminate yourself or a close person (relative, partner, etc.).

I'm afraid that the police will ask me uncomfortable questions.

What are my rights?

The questioning may be uncomfortable. The police will not ask questions that are not related to the offence. They also may not ask intimate questions. If they do so you can file a complaint against the police. Your rights can also be defended by a legal representative (see below). You may request that you be questioned by a man or a woman.

What happens if I lie during the interrogation?

You **should not** lie at the interrogation. If you deliberately say something that is not true, it is a crime and you risk punishment.

I need to go to work. Do I have to go to the interrogation?

Yes. If you are invited by the police for questioning, your employer is obliged to excuse you from work. Show him the summons. The employer will not pay you wages for this time; however, you can ask the police for a **witness fee**, i.e. compensation for wages lost during the time you spent in the interrogation. If you do not want the employer to know that you are going for questioning, you have to take a holiday or agree with the police officer on another date or time for the interrogation. The police are not obliged to comply.

What will happen to me if I don't show up for the interrogation?

You **must go to the interrogation**. If you cannot attend, you must **apologize in advance**. The police will only excuse your absence in certain cases (medical reasons). If you do not excuse yourself from the interrogation and you fail to appear, the **police may fine you** up to CZK 50,000. The police may also bring you to the police station (the police will pick you up and take you to the interrogation).

I lodged a criminal complaint and want to leave the Czech Republic.

What do I do?

You can leave, but always inform the police about it. If you are leaving for a shorter period, the police may interrogate you later. If you are leaving permanently, you must provide testimony before your departure. This procedure is called an "unrepeatable act." The police will interrogate you in the presence of a judge. Then you will not have to go to court and testify there again.

How will I know what is happening in the proceedings?

As the injured party you have the right to inspect the case file kept by the police and later the court. The file will contain all documents related to the case. You can take a photograph of the file (even on your mobile phone or camera). Access to the file must always be arranged in advance. A non-profit organization helping victims of crimes can help you.

How will I know how the police investigation went?

Ask the police to tell you **how they resolved the case**. When you ask the police, they will tell you within 30 days of the notification; otherwise they do not have to provide you any information.

Do I have to go to the court?

You must go to the court if you have received a **subpoena**, a letter in which you are summoned to come to the court on a certain day; otherwise you do not have to go to court. The obligation to testify in court is similar to the obligation to testify to the police.

What happens in the court?

In the courtroom you will meet with the judge. There will also be a public prosecutor, who prosecutes offenders on behalf of the State. The victim in criminal proceedings operates under the name of the injured party. As the injured party you can sit next to the public prosecutor. The offender and his lawyer may also be in the courtroom. There may also be other people in the courtroom, the "public." In especially serious cases, the judge may order that the public not be allowed in the courtroom.

Do I have to meet the offender?

No. You have the right to ask that **you do not have to meet** the offender during the criminal proceedings. The request must be given to the police in a timely manner and sent to the court. The court or police will grant the request for separate interrogations whenever there is a particularly vulnerable victim (see below) or, in other cases only if there are compelling reasons. For your hearing the judicial guard will take you to a closed waiting room to which the offender does not have access. The judge will communicate with you either via a transmission device or the offender will be escorted from the courtroom, and you will testify there in his absence.

I already told the police everything. What will the court ask me?

In the Czech Republic criminal proceedings are public, which means that most testimonies must be repeated before the court. The judge will ask you to say everything in your own words and then he will ask you questions. The offender and his lawyer can also ask you questions. You can also arrange for your legal representative to ask you some questions. For example, he can ask you about something that you forgot to mention.

It happened a long time ago. I'm afraid I won't remember everything.

This is **normal**. You can write what you want to say in advance. You must show your notes to the judge if he wants to see them. If you cannot remember, you can say that you have already said the most important things to the police.

The offender is not testifying; I'm afraid the court will think I'm lying.

The offender has the right to remain silent; no one can compel him to testify. The court will then decide on the basis of eyewitness testimony and circumstantial evidence. Therefore, it is important to submit evidence to the court that you have available. An offender can be convicted on circumstantial evidence.

The offender is lying; everything happened differently than he is saying.

What do I do?

Under Czech law, an offender may lie. If the court realizes this, however, it will not assess this well. The offender will testify in front of you. In your testimony you can then say that you believe that the offender did not speak the truth. You can put everything into perspective.

May I ask the offender and the witnesses questions?

Yes. After the offender or witnesses have testified and the judge no longer has any questions, the public prosecutor and then you may ask questions. If you are represented by a lawyer, the lawyer may ask these questions.

I want to tell the court how deeply the crime has affected me.

Will I get the chance to do this?

Yes. In addition to your testimony you can address the court (or the police) with an impact statement, although you are not obliged to do so. In the **impact statement** you can summarize how much the offence has affected your life, the difficulties it has caused and the consequences it has brought. You can make the impact statement in court or prepare it in writing.

There are journalists in front of the courtroom. What do I do?

Journalists may ask you what you've experienced. You do not have to say anything. Consider whether the information that you give to journalists can be misused. Currently, most information remains on the internet; even a few years later your name and face may be traceable in connection with the offence.

I don't like the court's decision. What can I do?

The injured party may **appeal against a court decision only for compensation of damages**. If you disagree with the amount or type of punishment – for example, you want the offender to go to prison – this cannot be achieved via an appeal. An appeal against the decision on damages must be filed **within 8 days** from the date of notification of the judgment. If you want to appeal, seek the help of one of the organizations helping victims or a lawyer.

Crime and assault is a serious intervention into the life of every person. The consequences of crime are different – health problems, mental health problems, job loss, relationship problems, failing at school, financial problems. It is important that you **take care of yourself and do not try to face the problems alone.**

❓ Do commercial insurance policies cover the costs of medical treatment following a criminal act?

It depends. Most commercial insurance should cover the cost of treatment as a result of a crime. But it is possible that your commercial health insurance will classify treatment costs in connection with the offence as an **exception** and will not pay them. In this case, the treatment costs that you have incurred qualify as property damage that can be claimed from the offender (see above). Therefore keep all documents proving your treatment costs. The insurance company may also delay paying out costs connected with your treatment.

**❓ I am unable to work as a result of the crime.
Only half of my sickness benefit was paid to me. Why?**

Some branches of the Czech Social Security Administration pay only half of the sickness benefit until it is proven that the victim was not involved in the offence (is not an accomplice). Such an approach is **unjust** and you can file a complaint. If it is later proven that you colluded in the assault, you are obliged to return the state sickness benefit. Until then, however, the state is not entitled to detain your sickness benefit.

❓ I'm afraid to go out into the street. Is this normal?

People who have experienced an assault or criminal offence may often experience fear, worry, sleeplessness and nightmares. It's a common reaction. If you were attacked outdoors, you may be afraid of going outside of your home. If the psychological problems do not go away by themselves in a few weeks, we advise you to seek expert assistance.

**❓ I'm used to taking care of myself.
Why should I tell someone what's bothering me?**

You may be in a difficult situation. No one disputes that you know how to act independently and know how to solve your problems. The situation after the offence, however, may be different. You are in a strange environment; you may have a problem with the language or understanding. There are many organizations that will help you land on your feet again.

? After the attack everything was okay. But three months later I started feeling bad, I can't sleep, I keep thinking about what happened, sometimes I act aggressively. What's going on?

It is possible that you are beginning to display post-traumatic stress disorder. It often occurs in people who have experienced a traumatic event. It is manifested in insomnia, loss of appetite, fear, frequent startling (e.g. from a noise, sudden light or touch), impaired concentration and fits of rage. Post-traumatic stress disorder can be successfully managed with the help of a psychologist or psychiatrist.



? Why should I see a psychologist? I'm not crazy.

Visiting a psychologist after experiencing a crime **is not uncommon**. The offence and attack bring great stress twchich you don't have to face alone. The fact that you have decided to seek expert advice does not mean that you suffer from mental illness. In such a situation, people usually seek the help of a psychologist or psychiatrist. The visit to the professional may be one-off or you can agree on a longer collaboration. If you visit in time, your problems may subside more quickly.

? I want to see a psychologist. How do I choose the right one and how much will it cost?

Choosing the right psychologist can be a complex task. You need someone who has experience in helping victims of crime and also someone who speaks your language. Sometimes you might not get along with a particular psychologist. Don't give up; try a different psychologist and the second time it will definitely be better. It is a good idea to ask some of the organizations assisting victims or providing services to foreigners.

? How much will my visit to a psychologist cost?

In some cases health insurance may pay for psychological services; make sure that they are not included in the exclusion from insurance. Usually the services of a psychologist are paid. A one-hour consultation can cost from CZK 500 to 1,500, depending on where the services are provided, and also whether they are provided in a foreign language. Organizations providing services to victims or foreigners may also mediate psychological services for free. You can also use the services of the Probation and Mediation Service.

A criminal offence can cause property damage, personal injury or non-material damage. **Property damage** is, for example, damage to possessions, the cost of treatment or transportation to the doctor and to the court. **Damage to health** is damage that you incurred to your physical (broken leg, knocked out tooth) or mental health (post-traumatic stress) as well as long-term consequences. **Non-pecuniary damage** is, for example, harm to honour, dignity or respect. **You have the right to seek compensation from the offender for damage and non-pecuniary damage.**

? How can I receive compensation?

You can seek compensation for damages yourself. We recommend, however, finding an organization that will help you. Claims for damages are usually submitted in writing. Indicate the offender, the damage you incurred, and the fact that the damage was the fault of the offender. You must also determine the specific amount that you want the offender to pay.

? As a result of the crime I am unable to work long-term. May I seek compensation from the offender?

Yes. You can sue the offender for the difference between your income before and after the attack. If, for example, you earned CZK 18,000 before the criminal act and after the crime you receive just CZK 10,800 (60% of your salary) as sickness benefit, you can sue the offender for the difference of CZK 7,200.

? I have suffered an injury. What do I do?

Seek medical advice. The doctor will record the extent of your injuries in a **medical report**. You are entitled to obtain this report from the doctor. The medical report will serve as a basis for the expert opinion and claim for damages. Hand over a copy of all medical reports to the police. If your condition is long-term, inform the police and later the court.

? How do I prove damage to health?

Keep all **medical reports** and receipts for cash payments. To make a claim for compensation, you will need expert advice. The police will procure an expert opinion on the basis of the medical reports that you have submitted.

? The police are refusing to obtain an expert opinion. Can they do this?

Sometimes. If the police believe that they will not need the report to clarify the offence they have the right not to order an expert opinion. You can obtain it yourself from a court-appointed expert, for a fee. Some organizations help victims pay for the expert opinion.

? I have suffered damage to health. I would rather take time off work so my sickness benefit won't be reduced. Is this a good idea?

No. If you take a vacation the employer won't know what's going on and will pay the full salary, but only 60% for sickness benefit. But you will not have any medical report and will not be able to prove that you actually suffered damage to health. The police do not have to believe you that your injuries were serious. The offender's lawyer may claim that you invented the whole situation yourself.

? How much time do I have to seek compensation for damages?

Attention, this is important! You must make a claim for damages no later than the **first day of hearings before the court**. The court will send you an invitation, on which there will be a date. This date may not be identical to the beginning of the trial. On the first day of hearings the victim is usually not questioned; your turn may come only on the next day. Nevertheless, you have to make a claim for damages no later than the first day.

? What do I do if I'm not in court on the first day?

You have several options. A claim for damages can be made in writing in advance to the police in a report. You can also send a reasoned proposal directly to the court. Or you can instruct your legal representative to take part in the first hearing for you and submit your claim orally.

? I have made a claim for compensation of damages and now I want to go home. What's next?

If you are requesting compensation of damages and are planning to travel outside the Czech Republic, we recommend that you choose a Czech **legal representative** who can make proposals, requests and appeals on your behalf and participate in investigative actions.

? I didn't make a claim for compensation of damages in time. What do I do?

If you did not make a claim for damages in criminal proceedings, you can file an **action** in **civil proceedings**. But it can be costly and the outcome is uncertain. You will also probably need a lawyer.

? What if the offender does not pay damages?

If the court decides that the offender will have to pay damages, it will also determine a **deadline** for doing so. If the offender does not pay you, write him. If he still does not pay, you can contact an executor, who will recover the money from the offender.

? They did not catch the offender or he doesn't have money to compensate damages. Do I have any chance of receiving financial support?

Every foreigner who has become the victim of a crime and has incurred damage to health may ask the Justice Department for financial assistance, upon the condition that he has been regis-

tered as a resident in the Czech Republic for more than 90 days or has requested asylum. Even relatives of a victim who has died as a result of the criminal offence may apply for financial assistance. The request must be filed within **2 years** from the day when the victim **became aware of the consequences** of the crime, but **no later than 5 years** from the commission of the offence. The request does not have a prescribed form. We recommend using the **form** available on the website of the Ministry of Justice.

7 SAFETY

Loss of a sense of security occurs naturally in all people who have experienced an offence or attack. The seriousness of the offence does not play a role. **Each person** experiences loss of a sense of security as a result of a crime **individually**. It is important to remember your sense of security and to know your rights.

I'm afraid of the offender. How can I protect myself?

The offender has the right to access the criminal file, which includes your complaint. According to the law, you can ask the police to **conceal** some of your **data**. The police can conceal the address of your place of residence, employment or business, telephone number and other information unrelated to the proceedings. You must **specifically tell** the police to do this.

How will I know that the police have concealed my data in the file?

Simply look at the record of your interrogation; the title page should not contain your address. If it's still there, the police have not concealed your data. Ask them to conceal your data again.

I am submitting a criminal complaint in writing. How can I ensure my safety?

If you do not want the criminal complaint to contain your address or telephone number, do not put them there. You only have to mark an address as a mailing address. It may also be the address of your legal representative or lawyer.

The offender is threatening me. What are my options?

You can ask for your **identity to be concealed and the form of a witness**. In this case, the police will allocate you an entirely new identity for the purpose of the criminal proceedings. You will act under another name in front of the police and the court and official documents will be delivered to another address instead of/rather than your real one. In order for the police (or court) to take this step, it is necessary to prove that the offender is threatening you, or that, in

the context of criminal prove that the offender is threatening you or a person close to you (in the context of criminal proceedings), or threatens bodily harm or other serious harm upon your rights. You can prove this to the police, for example, by showing a threatening text message, e-mail or letter from the offender or testimony of a witness who was present when the threats were made.

I've heard that it's possible to request a permanent change of identity.

Is this true?

The law presumes such a possibility, **but very rarely**. A total change of identity is possible only in very serious cases (organized crime) and the Czech Republic accedes to this measure very infrequently.

May I refuse to testify?

Unfortunately, no. But you can ask the police to hide your personal information or completely conceal your identity. You have a direct statutory right to conceal information in court files if you are a victim of a particularly serious crime.

You also have the right to know about the offender's **release from detention** or imprisonment. The court may **prohibit** the offender from **contacting** you. Your personal **information** (especially address) can be **concealed** in the file so that the offender cannot find you.

I'm afraid of the offender. Can the police help me?

Yes. In the case of great danger the police can provide **short-term protection**. Depending on the extent of the danger that threatens you the police can provide a **police escort** (not wherever you want to go, but usually only to and from work), **protection with security equipment** (camera at your house, tracking device in cell phone), or **temporary change of residence** (moving to a police dormitory in very severe cases).

What is a temporary restraining order?

The offender can in the criminal proceedings also be prohibited from contacting you, entering into the same home as you (if the offender is a close person who lives with you), or remaining at a certain place (for example in your street). This is a **temporary restraining order**. If the offender violates the restraining order, he can go to jail (be remanded into custody) before the end of the trial. The offender also may be remanded into custody before the end of the trial if there is a risk that he will repeat the crime or influence witnesses.

CRIMINAL PROCEEDINGS AND FOREIGNER RESIDENCY ISSUES

❓ My brother and I were randomly attacked and beaten by a group of men we don't know. We went straight to the police to report it, but they told us that if we were fighting they could immediately deport us. Can they do this?

In order for the Czech police to deport someone they must always have serious reasons. It's definitely not enough simply that you got into a fight, moreover, in a situation where you yourself were attacked.

Before the police decide to deport someone from the Czech Republic, they must thoroughly investigate everything and observe a strict procedure. If the police decide to deport you, you can still defend yourself by filing an action in court. The court will review the whole approach of the police and decide whether the police acted correctly, and may cancel your deportation.

Prior to being deported the police also need to give you enough time to get your affairs in the Czech Republic in order. It may be a week to two months according to your situation. Rarely, in very severe cases, it will be less than a week.

Police expulsion is called administrative deportation. Expulsion is also a punishment that can be imposed by a criminal court for a criminal offence.

❓ How long will I be expelled for? Can I ever return to the Czech Republic?

The police can expel you for up to 3, 5 or 10 years depending on the seriousness of the reasons why you were expelled. For example, expulsion due to forged documents can last up to 5 years. After the lapse of the period of expulsion you may return to the Czech Republic.

If you are an EU citizen, you may not enter the Czech Republic for the period of expulsion, but you may freely enter other European Union countries. But if you come from a country outside the European Union, then you may not enter for the period of expulsion anywhere throughout the European Union.

If you violate the expulsion, under the laws of the Czech Republic you have committed an offence for which you can receive a prison sentence of up to two years.

❓ When may I be deported? What are the reasons?

There are several reasons. Most of these are situations where a foreigner violated Czech law, for example, by residing in the Czech Republic without authorization. It also includes the already mentioned use of false documents or work permits. An alien may be deported for repeatedly violating other laws of the Czech Republic or for not respecting the decisions of courts and administrative offices.

I have a family in the Czech Republic. What happens to them if I am deported?

The police must always examine your personal situation and take into account that you have a family in the Czech Republic that you have to leave. Expulsion is prohibited if it unreasonably interferes with the family and private life of the individual. If you would be separated from your family after the expulsion and in addition there is a risk that your loved ones find themselves in an emergency after you leave, expulsion cannot be ordered.

I have requested asylum. May I be expelled from the Czech Republic?

No, a decision on whether you will be granted asylum must first be made. Expulsion may only occur in the event that you are refused asylum.

Can the Czech police use violence against me?

In severe cases, yes, but police officers must follow strict rules to not abuse violence and gratuitously hurt anyone. Permitted procedures and methods include handcuffs, punches and kicks, batons, tear gas and Tasers.

The police officer, however, may use only as much force as he needs to overcome the resistance of the person. For instance, as soon as a suspect is lying on the ground with his hands cuffed and is not defending himself in anyway, the police officer cannot hit him or use tear gas against him. Police officers must be careful to avoid hurting the suspect when tackling them. If all that's needed to overcome resistance is the strike of a hand, the police officer should not use his baton.

Unless the danger is acute, the police officer **must warn the suspect before using force**.

Can the police put me in jail without a trial?

The police cannot put you in jail without trial; only an independent court may make this decision. In some cases, however, the police may **detain you for a short time**. For example, police officers can take you to the police station because they need to interrogate you and verify your documents. In serious cases the police may even lock you in a cell. These are short-term measures, however, which should not last longer than 48 hours. The police must then either set you free or transfer you to the court.

What does being "detained" mean?

Foreigners who do not have the right papers and who are threatened with deportation or have been expelled from the Czech Republic may be detained by the police. This means that they are locked in a facility where they are under police surveillance and where they cannot voluntarily leave (detention facilities for foreigners). The maximum time you can be in this facility should be no longer than 180 days (90 days if you have minor children). You may always file an action in court against your detention.

After being detained you will either be released or expelled from the Czech Republic.

When and what can the police check me for? What are the reasons why the can take me to the station?

Police officers can check your documents to determine your identity. But they should always have a **specific reason** to do so. For example, if you resemble a wanted or missing person or witnessed an extraordinary event or the police suspect that you do not have a residence permit in the Czech Republic.

For foreigners, checks are also carried out by the foreign police, who mainly check whether the foreigner is in the Czech Republic legally and if they have all the permits and documents required under the law. Checks may take place in residences, workplaces, etc. In most cases you will need to show the police officer a variety of documents – passport and visa (if you must have one), work permits, business permits, health insurance, etc. If something is wrong, the police can give you a fine; in severe cases the check can lead to the initiation of deportation proceedings.

How long can the police keep me in custody to verify my identity?

Sometimes the police cannot verify your identity in the place where the check is being conducted. They can take you to their station and verify your identity there (for example, by examining the database, taking fingerprints). They can keep you in the station only for the necessary time, but never longer than 24 hours.

How can I defend myself against police brutality?

You **can complain** about the police **to their chief**. It is best to write the complaint and send it to the police. Describe what happened to you – how the police officers treated you, how they hurt you. If you do not know the name of the specific police officer, it doesn't matter. But always try to write as much detail you can think of. In your complaint write that you want to be informed about how it will be processed (the police have 60 days for this). If the senior police officer does not help you and rejects your complaint, you can still appeal to a higher police authority (the regional police headquarters or police presidium).

Who else can help me?

You can also seek help from the Ombudsman, a person in the Czech Republic who oversees the observance of human rights. The Ombudsman can investigate inappropriate or unprofessional conduct of police officers. If the police used violence against you, the Ombudsman can investigate whether the officers acted appropriately, and whether they had sufficient grounds. You can write to the Ombudsman at Údolní 39, Brno, 602 00 or by email podatelna@ochrance.cz.

In severe cases, where the police conduct may constitute a crime (e.g. illegal use of violence – beatings or any other bodily injury), a criminal complaint must be filed against the police officers. Crimes by police officers are dealt with by a specific institution – the General Inspection of Security Forces.

The Inspection has offices in every region and the criminal complaint can be sent to any of them (e.g. the General Inspection of Security Forces in Prague at Skokanská 2311/3, 169 00 Prague 6, Břevnov).

You can lodge a complaint about conditions in detention facilities for foreigners directly to the manager of the facility.

Another option is to send the complaint to the Ministry of the Interior (address: Nad Štolou 3, mailbox 21, 170 34 Prague 7), which is responsible for the operation of and conditions in the facility. If you are not satisfied with how your complaint was handled, you can also contact the Ombudsman, who can investigate the matter.

9 WHO WILL HELP ME?

During questioning by police and courts you can be helped by a **legal representative, confidant and interpreter**. Do not be afraid to seek help from **organizations that help victims of crime** or foreigners.

Who is the legal representative?

The legal representative is the person who represents the victim (the attacked person) in criminal proceedings. The legal representative makes sure that your rights are respected. The legal representative can make proposals, requests and appeals on your behalf and accompany you to all acts of criminal procedure, attend interrogations, etc. The legal representative will help quantify the damage that the offender caused you, and its proper application in criminal proceedings.

Who can be a legal representative?

The legal representative is often a lawyer, but not necessarily. The legal representative does not have to be a lawyer, but it is better for you if he has legal training. You can either choose your legal representative and grant him power of attorney or the court will assign one (see below). If you choose a lawyer as your legal representative, you will pay for his services.

I don't know anything about criminal proceedings and I can't afford a lawyer. Who will help me?

Organizations helping victims of crime can advise you **for free**. They will explain to you how to file a complaint, how the criminal proceedings will unfold, what you are entitled to and how

you can ensure your safety. They can also help you find new housing, make applications for benefits, and most can also help you find additional services (e.g. psychotherapy, free legal representation). Ask the police for a list of organizations to contact or look at the website of the Ministry of Justice (<https://otc.justice.cz/verejne/seznam.jsf>).

May I ask the court for a lawyer?

Yes, you can **ask the court** to appoint a legal representative for free or for a reduced fee. In this case, the legal representative is a lawyer. The state will pay the legal representative only in limited cases – if you have incurred grievous bodily injury, or if you are a particularly vulnerable victim. Particularly vulnerable victims are children, persons with disabilities, victims of sexual crimes, victims of trafficking, victims of domestic violence and victims of hate crimes. You must prove to the court that you do not possess sufficient funds. The court shall always appoint a legal representative for children upon request. It is necessary to apply for a legal representative on time.

Are there other options?

You can also get **free** legal representation through the **Pro Bono Centre**. Conditions for obtaining a lawyer through the Pro Bono Centre are not as strict as in court. Non-profit organizations will help you obtain a lawyer through the Pro Bono Centre. The non-profit organizations will arrange everything for you. They are listed here

<http://www.probonocentrum.cz/nasi-partneri/spolupracujici-nevladni-organizace>.

We did not find a legal representative; my friend is supposed to go to the police soon and she's afraid. Can I at least be there with her?

Yes. You may accompany your friend to the interrogation as her **confidant**. A confidant provides emotional support to victims. The confidant can be anyone (unless they are a witness or also a victim) and does not need to have a power of attorney; however, they cannot intervene in the interrogation in any way. The confidant cannot file a complaint or make any other submission on behalf of the victim. The confidant may, however, accompany the victim and help her by being a familiar face at the police station. Some organizations helping victims of crime can provide the companionship of a confidant.

I don't understand Czech very well. What do I do?

If you do not understand Czech well, you have the right to an interpreter in your mother tongue or another language that you know. **The interpreter is free.**

I understand Czech. Do I need an interpreter?

Yes! Even if you understand ordinary conversation in Czech, criminal proceedings take place in complex official language. Understanding this language is sometimes difficult even for native Czechs. **Always ask for an interpreter.** It is your right, and it's free.



? I don't understand Czech very well and there are many differences between how things work in my country and here. Who can help me?

Communication problems may lie in cultural differences and simple interpretation may not be enough to overcome this barrier. Non-profit organizations can help by providing the assistance of an "intercultural worker", who not only interprets what is said into another language, but also helps in conveying understanding between the communicating parties. They can help you to communicate with your legal representative or assisting organizations, so that they are then better able to defend your rights in criminal proceedings.

? I need psychological or legal help.

As a victim of a crime you have the right to **social, psychological and legal assistance** from registered providers of services for victims. A list of these service providers can be found on the website of the Ministry of Justice. Contact information for some organizations can be found at the end of this publication.

? Who can help me?

Criminal proceedings are complicated and therefore you should not hesitate to contact non-profit organizations that help victims. They will explain the legal issues and can help with other problems that you may have after a crime (for example, they can help you find new housing if the crime occurred near where you live and you no longer want to live there) as well as find other services that you might need (e.g. psychotherapy, free lawyer). **The services of these organizations are free.**

The police or the doctor that treated you after a crime should provide you with contact information for organizations providing assistance. You can also find a list of organizations on the internet: <https://otc.justice.cz/verejne/seznam.jsf>.

IN IUSTITIA, O.P.S.**PRAGUE**

Address: Eliášova 28, Praha 6

Mobile: +420 773 177 636

E-mail: poradna@in-ius.cz

BRNO

Address: Malinovského náměstí 4, Brno

Mobile: +420 773 177 104

E-mail: poradna.brno@in-ius.cz

KLADNO

Address: Váňova 3180, Kladno, 3rd floor, door no. 315

Mobile: +420 773 177 928

E-mail: poradna.kladno@in-ius.cz

Website: www.in-ius.cz

ABOUT THE ORGANIZATION AND SERVICES:

- Free legal and social assistance to individuals exposed to hate violence and racism
- We provide services throughout the Czech Republic
- **Consultation hours:**
 - Prague: Monday and Thursday: 9 – 17, other days by appointment
 - Brno: Monday 12 – 19, Tuesday 9 – 16, Thursday 9 – 16
 - Kladno: Monday and Thursday 9 – 16
- The staff speaks English; an interpreter can be arranged upon agreement

SERVICES PROVIDED:

- Social counselling and legal information
- Free legal representation, support in the process of criminal or administrative proceedings
- Submission of motions, complaints, appeals, etc. for the client
- Psychological support and therapy

TARGET GROUP:

- People at risk of hate violence
- Victims of hate violence, i.e. people who have been attacked for who they are or how they look (and survivors)
- Loved ones and social circle of victims and those at risk of hate violence (family members, partners, friends, representatives of institutions, co-workers, etc.).
- The witnesses of hate crimes
- Victims of crime (at branches in Kladno, Brno, České Budějovice)

INTEGRAČNÍ CENTRUM PRAHA, o.p.s. (PRAGUE INTEGRATION CENTRE)

Address: Žitná 1574/51, Praha 1

Phone: +420 252 543 846

E-mail: info@icpraha.com

Website: www.icpraha.com

ABOUT THE ORGANIZATION AND SERVICES:

- The Prague Integration Centre operates in Prague, where it provides discreet, professional and free services to migrants from third countries (non-EU)
- Consultation hours: Monday to Friday 9 – 17 (by appointment)
- ICP Information Centre – general information, free internet access, foreign language library open every weekday
- The staff speaks English, Russian, Ukrainian, Vietnamese, Arabic, Mongolian and Chinese; an interpreter can be arranged upon agreement

SERVICES PROVIDED:

- Social counselling – assistance with arranging social benefits; job search assistance, problems associated with work in the Czech Republic; finding suitable housing; assistance in securing health insurance and care; assistance with education
- Legal counselling – assistance in applying or renewing residence in the Czech Republic; consultation or assistance in administrative proceedings; assistance in civil proceedings (divorces, unpaid wages by the employer); information on obtaining citizenship
- Czech language courses
- Sociocultural orientation courses and adaptation and integration courses – information about life in the Czech Republic
- Leisure activities – they organize community and cultural events
- Professional education, teaching pre-school pupils and high school students – raising awareness on the topics of integration and migration

TARGET GROUP:

- Nationals of countries outside the EU who reside legally in the Czech Republic under the Aliens Act 326/1999 Coll.
- Nationals of countries outside the EU who are granted international protection status (asylum and subsidiary protection)
- Clients are not nationals of third countries who have applied for international protection which has not yet been finally decided, and EU nationals

LA STRADA ČESKÁ REPUBLIKA, O.P.S.

Address: P. O. Box 305, Praha 1

Phone: +420 222 717 171

Hotline: 800 077 777

E-mail: lastrada@strada.cz

Website: www.strada.cz

ABOUT THE ORGANIZATION AND SERVICES:

- Services are provided free of charge; they provide social and legal services, prevention and education, advocacy and lobbying activities
- The goal of the organization is to contribute to the elimination of trafficking and provide support for exploited and trafficked people and people at risk of exploitation and trafficking
- The organization's hotline operates on Mondays, Tuesdays and Thursdays 10 – 16 and Wednesdays 12 – 20; outside operating hours there is an answering machine and the hotline staff will return your call

SERVICES PROVIDED:

- Accommodation
- Financial and material assistance, including financial contributions for food
- Social counselling
- Arranging professional and legal advice or representation
- Arranging medical and psychological / psychiatric care
- Providing travel to the home country and arranging follow-up care in the country of origin

TARGET GROUP:

- Trafficked and exploited persons who were deceived or forced to perform work or provide services, including prostitution, and others who have been or are at risk of being exploited
- Persons who are in close relations to people who were or are trafficked or exploited
- People who are looking for work or are travelling abroad, and other people who are interested in information about how to prevent the risks of human trafficking and exploitation

META, o.p.s. - Society for the opportunities of young migrants

Address: Ječná 17, Praha 2 (counselling takes place at: V Tůňích 10, Praha 2))

Phone: +420 222 521 446

Mobile: +420 775 339 003

E-mail: poradenstvi@meta-ops.cz

Website: www.meta-ops.cz

ABOUT THE ORGANIZATION AND SERVICES:

- META is a non-profit organization that since 2004 supports foreigners in equal access to education and labour integration, providing free advice mainly in Prague (consulting via telephone, e-mail or Skype also available)
- Consultation hours: Monday 13 – 19, Tuesday to Thursday 9 – 17; please make an appointment by phone
- The staff speaks English, Russian, Spanish; an interpreter can be arranged upon agreement

SERVICES PROVIDED:

- Adult education, job counselling
- Advice on education – information about the educational system in the Czech Republic, assistance with school enrolment, assistance with entrance examinations, assistance with communication with the school; recognition of foreign education – validation; help with the recognition of qualifications and seeking retraining courses
- Czech language courses for children and adults
- Basic social counselling
- Volunteer service – tutoring, assistance
- Community interpreting

TARGET GROUP:

- Migrants regardless of age and country of origin

ORGANIZACE PRO POMOC UPRCHLÍKŮM, o.s. (OPU) (ORGANIZATION FOR AID TO REFUGEES)

PRAGUE

Address: Kovářská 4, Praha 9

Mobile: +420 730 158 779, +420 730 158 781

E-mail: opu@opu.cz

PLZEŇ

Address: Sady Pětatřicátníků 33, Plzeň

Mobile: +420 604 809 165

E-mail: Opu.plzen@opu.cz

BRNO

Address: Leitnerova 9, Brno

Mobile: +420 731 928 388

E-mail: Opu.brno@opu.cz

Website: www.opu.cz

ABOUT THE ORGANIZATION AND SERVICES:

- Free legal assistance and social assistance for foreigners in need in Prague, Plzen and Brno
- Consultation hours:
Prague: Monday and Tuesday 9 – 17, Friday 9 – 15
Plzen: Monday and Tuesday 9 – 17, Friday 9 – 12 (by appointment).
Brno: Monday, Wednesday 8:30 – 17, Tuesday, Thursday 8 – 16, Friday 8:30 – 15
- Special attention is paid to vulnerable groups (unaccompanied minors, single women, etc.); the only organization of its kind in the Czech Republic, with an expert team providing care to minors unaccompanied by parents for more than 10 years

SERVICES PROVIDED:

- Legal advice
- Halfway House for clients who have reached legal age
- Help integrating foreigners in the Czech Republic
- Thanks to its volunteer program, the OPU brings together the Czech public with refugees and foreigners
- Educational activities for the general public and experts to prevent extremism and discrimination against foreigners, minorities or ethnic groups
- As part of international projects, the OPU operates a day centre for seniors and a hostel called Gvirila in Khashuri, Georgia

TARGET GROUP:

- Foreigners with all types of residence permits from countries outside the EU and their family members
- Foreigners from EU countries who face poverty and are unable to get their bearings in a new environment
- Applicants for international protection, refugees, holders of subsidiary protection and their family members

PERSEFONA, z.s.

Address: Jiráskova 8, Brno

Phone: +420 545 245 996

Mobile: +420 737 834 345 (pro oběti a jejich blízké)
+420 731 442 731 (pro osoby s potížemi se zvládáním agrese)

E-mail: poradna@persefona.cz; domacinasili@persefona.cz (for victims and their loved ones)
bezpecnesouziti@persefona.cz (for people with difficulty coping with aggression)

Website: www.persefona.cz

ABOUT THE ORGANIZATION AND SERVICES:

- They provide expert free advice to victims of domestic and sexual abuse in Brno and throughout the South Moravian Region; they offer a program aimed at helping people who commit acts of violence cope with aggression
- Consultation hours: Monday to Friday 9 – 17; they provide consultation in person, by telephone and by e-mail

SERVICES PROVIDED:

For victims of domestic and sexual abuse and their loved ones

- Legal advice and representation – mainly in family, civil, criminal, administrative and social law
- Social consultancy – explaining the system of social benefits; housing issues; unemployment; communication with authorities, assistance in filling out applications and documents
- Psychological counselling
- Group therapy for victims of domestic abuse
- Self-help group for victims of sexual abuse
- Sociotherapy
- Accompaniment to meetings with authorities, courts, police, etc.

For people with difficulty coping with aggression

- Program focused on managing aggression – individual meetings, group meetings, counselling
- Mediation related services
- Transferring contacts to other specialists

TARGET GROUP:

- Women and men over 18 years of age
- Victims of domestic abuse, sexual abuse and rape, and their loved ones
- Persons who have difficulty coping with aggression

PORADNA PRO INTEGRACI (INTEGRATION ADVISORY CENTRE)

Address: Velká Hradební 33, Ústí nad Labem (Ústí Region)
Opletalova 921/6, Praha 1 (headquarters)

Phone: +420 475 216 536

Mobile: +420 603 281 269

E-mail: usti@p-p-i.cz; paha@p-p-i.cz

Website: www.p-p-i.cz

ABOUT THE ORGANIZATION AND SERVICES:

- Advisory services provided professionally and free of charge
- Consultation hours: Monday to Thursday 8 – 17
- The staff speaks English, Russian and Vietnamese;
an interpreter can be arranged upon agreement
- They provide services in Prague, the Usti Region and the Central Bohemia Region

SERVICES PROVIDED:

- Legal counselling – especially in the area of residence in the Czech Republic
- Social counselling – assistance in finding housing, employment, acquisition of documents, health care, assistance in communicating with authorities, information on starting a business, family support
- Employment counselling – entering into or terminating employment, working conditions
- Psychosocial counselling – difficult situations related to migration
- Family counselling – marriage, divorce, child care arrangement
- Education – Czech language courses and sociocultural orientation;
tutoring the children of foreigners

TARGET GROUP:

- Foreigners from third countries residing legally in the Czech Republic

PROFEM, o.p.s.

Address: Plzeňská 66, Praha 5

Phone: +420 224 910 744

Mobile: +420 608 222 277

E-mail: poradna@profem.cz

Website: www.profem.cz

ABOUT THE ORGANIZATION AND SERVICES:

- Advisory services provided discretely, professionally and free
- Consultation hours: consultation is available every weekday 9 – 15; it's best to arrange a personal consultation by phone to ensure that staff is available
- Consultation is possible in English
- They provide services in Prague and at branch offices in Beroun, Benešov and Píbram, or by telephone or e-mail

SERVICES PROVIDED:

- Professional social counselling – situation mapping, help finding housing, mediation of contacts for follow-up care, etc.
- Legal advisory services in the areas of family and criminal law
- Psychological counselling
- Accompaniment to meetings with authorities, police, courts, etc.
- Educational workshops for high schools

TARGET GROUP:

- Victims of domestic and sexual abuse over 18 years of age

ROZKOŠ BEZ RIZIKA, z.s. (R-R)

PRAGUE

Address: Bolzanova 1, Praha 1
Phone: +420 224 234 453
Mobile: +420 777 180 107
E-mail: praha@rozkosbezrizika.cz

BRNO

Address: Vlhká 10, Brno
Mobile: +420 722 938 044
E-mail: brno@rozkosbezrizika.cz

ČESKÉ BUDĚJOVICE

Address: Česká 20, České Budějovice
Mobile: +420 775 133 133
E-mail: budejovicko@rozkosbezrizika.cz

Website: www.rozkosbezrizika.cz; **Internet consulting R-R:** www.poradna-rr.cz

ABOUT THE ORGANIZATION AND SERVICES:

- Free specialized advisory services in connection with questions related to work in the sex industry
- **Consultation hours:**
Prague: Monday 17 – 20 (social services), Thursday 16 – 20 (social and health services)
Brno: Wednesday 17 – 20 (social and health services)
České Budějovice: Wednesday 17 – 20 (social and health services)
- R-R staff usually speak English and in some cases German; an interpreter can be arranged upon agreement

SERVICES PROVIDED:

- Social services: counselling aimed at reducing sexual risks, assistance in crisis and personal problems, social and legal counselling, basic debt counselling, mediation of contact to other facilities (shelters, crisis centres, hospitals, etc.) and accompaniment, assistance in finding employment outside the sex industry, housing, hygiene services
- Health services: testing for sexually transmitted diseases (HIV, syphilis, gonorrhoea, chlamydia, hepatitis, etc.), ensuring treatment

TARGET GROUP:

R-R Advisory Centre and R-R Internet Consulting:

- Women older than 18 who work in the sex industry (provide paid sexual services), have worked in the sex industry in the past and are dealing with problems associated with such work, or who are considering working in the sex industry

R-R field programs

- Women over 18 years of age who provide paid sexual services
- They also provide services for: women and men who work in the sex industry

PROBAČNÍ A MEDIAČNÍ SLUŽBA ČESKÉ REPUBLIKY (CZECH PROBATION AND MEDIATION SERVICE)

Address: Hybernská 18, Praha 1 (directorate)

You can contact representatives of our organization in all regions of the Czech Republic. All contacts at branches in various cities are listed on our website - www.pmscr.cz

ABOUT THE ORGANIZATION AND SERVICES:

- Free services in resolving conflicts linked to crime
- Integration of the accused person or offender into society
- Involving the injured person in the compensation "process", restoring the sense of security, integrity and trust in justice

SERVICES PROVIDED:

- Mediation – possibility of extrajudicial conflict resolution based on the consent of both parties
- Probation – supervision by magistrate or state representative over the offender if it is considered important to monitor and control their behaviour for a certain period of time
- Parole – conditional release from prison with supervision, assistance in preparing the transition from prison to freedom and fulfilment of the conditions set by the court
- Home detention – deprivation of personal liberty of the offender (staying in their place of residence), staff of the Probation and Mediation Service monitor such detention
- Penalty entry ban – staff of the Probation and Mediation Service set the method of the sentence and control it
- For children and youth – offering advisory services and sponsorship for children and teens who have participated or have come into contact with crime

TARGET GROUP:

- Victims of crimes
- The accused and offenders
- Relatives and all those who are in some way affected by crime

SDRUŽENÍ PRO INTEGRACI A MIGRACI, O.P.S. (ASSOCIATION FOR INTEGRATION AND MIGRATION)

Address: Baranova 33, Praha 3

Phone: +420 224 224 379

Mobile: +420 603 547 450

E-mail: poradna@refug.cz

Website: www.migrace.com

Flyers: <http://www.migrace.com/cs/podpora/ke-stazeni/prakticke-informace-pro-cizince>

ABOUT THE ORGANIZATION AND SERVICES:

- They provide discrete, professional and free legal and social advice in Prague and the Central Bohemia Region
- Consultation hours: Monday 9 – 19, Wednesday 9 – 17, Thursday 9 – 17, with break from 12 – 13, other days and times only by appointment
- The staff speaks English, French, Russian and German; an interpreter can be arranged upon agreement

SERVICES PROVIDED:

- Legal counselling – especially in the area of residence in the Czech Republic
- Social counselling – assistance in finding housing, employment, acquisition of documents, health care, assistance in communicating with authorities, information on starting a business, family support
- Employment counselling – entering into or terminating employment, working conditions and health and safety, mediation in negotiations with the employer in the event of a dispute
- Psychosocial counselling – difficult situations associated with migration, partner problems
- Family counselling – marriage, divorce, child custody issues, maintenance
- Education – provision of mediation and specialized courses of study, requalification
- Cooperation with schools to promote tolerance, multicultural programs

TARGET GROUP:

- Applicants for international protection
- Foreigners residing on a visa or various kinds of residence permits
- Foreigners without a residence permit
- EU citizens

