CRIME, CRIME PREVENTION AND SOCIETY

Brochure of the contributions from a professional conference which was held on the occasion of the first National Crime Prevention Day
Dear Readers,

You are currently reading, either on our web site or in a printed version of the brochure, some of the contributions from a professional conference with international attendance called „Crime, Crime Prevention and Society“ which was held as part of the first National Crime Prevention Day in Brno on the days of 19 and 20 September 2017.

This brochure neither can nor will cover the whole range of topics discussed, firstly because the processing of the conference contributions was entirely voluntary, and also because, in addition to the lecture blocks, panel discussions were held regularly, and all ran concurrently in three places at one time. A total of 49 lecturers (according to the data on attendance sheets) from the Czech Republic, Slovak Republic, Republic of Romania and the European Forum for Urban Security (EFUS) were recorded. The EFUS working lunch on the prevention of discriminatory violence in Europe and the role of the local level was also attended by the High Commissioner for Human Rights from Vienna.
Contents:

Stanislav Jabůrek: A Few Sentences by way of an Introduction 4
Jiří Buriánek: Domestic Violence as a Challenge for Empirical Research 6
Martin Cejp: The Threat of Organised Crime 18
Luboslav Fiala: Caretaker Academy. Caretakers’ Preventive Minimum Domovnická akademie. Domovnické preventivní minimum 26
Luboslav Fiala: Senior Academy. An Active – Self-confident – Informed Senior Citizen 32
Soňa Haluzová: Psychological Care for Employees of the Prison Service of the Czech Republic 39
Jan Kepka: Integration of Foreign Nationals in the Czech Republic 43
Jaromír Kolářík: Forensic Identification Marking of Bicycles, Compensatory Aids and Urban Furniture 56
Gabriela Lubelcová: Reflections on Penal Policy in Slovakia 64
Miroslav Mareš: Selected Issues of Contemporary Extremist Meetings in the Czech Republic 73
Lidija Pilat: To Move on From a Place – What a Challenge 84
Miroslav Scheinost: Immigration to the Czech Republic – Risks and Reactions of the Public 87
Karel Schmeidler, Kateřina Maršálková: Minimising Social Pathology and Crime by Adjusting the Urban Living Environment? 100
Ján Suchár: About Migration and a Little More 115
Jan Tomášek: About Turn, Forward March: The Effectiveness of Probation in the Light of Criminological Research 133
Martina Urbanová, Markéta Štěpániková, Klára Brožovičová: The New Civil Code in the Context of Legal Awareness 147
Jan Veselý, Michaela Fialová: Drug Free Brno Project 174
At this point, it is polite and necessary to thank all those who participated in the promotion of the first season of National Crime Prevention Day in Brno.
A Few Sentences by Way of an Introduction

Repetitio mater studiorum est. Repetition is also a necessity of life. Because not everything that we now consider to be new actually is new, and not everything that is new is also good. The same mistakes should not be repeated. The elimination of errors and mistakes by warning about them timely and in advance was also one of the ideas for which the National Preventive Day took place.

The second idea was to analyse the causes of the swinging of the pendulum of history. In our specific case, whenever the shorter hand was pointing to the right, the area of crime prevention was significantly supported in the Czech Republic (unlike in other countries). And conversely – about 130 million crowns from the state budget came to 16 cities without their own participation in 1996. Today, when we have more than fifty cities involved, as well as regions and associations of municipalities, there is only about one third of that amount assigned to prevention projects in the Ministry’s budget. If we want and hope that it is our common interest to succeed in crime prevention, then it needs to be adequately financially provided for. This is also related to an unresolved position of the area of crime prevention in our legislation.

Another such issue that is interwoven with the fields of crime, the fight against crime and crime prevention, has been, since time immemorial, corruption. The first anti-corruption reforms were already recorded on clay tablets from the period of Sumerian civilization. And already in those times it was about the machinations of civil servants for the purposes of their own enrichment. However, corruption does not mean just bribery. It also includes nepotism and clientelism. It is interesting to observe how those who came to the scene with the purest intentions get pulled into these networks. Anyway, it also applies here that if a person perpetrates a crime, they should be caught, questioned and investigated, charged, accused, tried, convicted and punished.

Finally, the word “society” in the title of the conference can be replaced by a word such as community, city or region. And it applies here that only a safe society can develop. That is a society in which nobody’s life, health or property are threatened and no-one is blackmailed or susceptible to extortion. If only one of these items is missing then the society does not develop but stagnates, and progress is replaced by regression. Our
conference was also supposed to point this out. At the final plenary session of the second day of the meeting, a “Declaration of Brno” was adopted, the wording of which we are presenting to you.

We, the participants of the first edition of the National Crime Prevention Day, hereby declare

our willingness for further cooperation among all entities dealing with the issue of crime and its prevention.

We support mutual meetings of a wide range of prevention entities through continuation of the National Prevention Days platform.

We encourage central bodies, regional, municipal and local authorities, schools, institutes and institutions and non-governmental non-profit sector to support such meetings.

We support further development of cooperation with the non-governmental sector, which we consider to be an essential pillar of civic society and an irreplaceable implementer of numerous helpful projects that are beneficial for crime prevention.

We call for a larger support for scientific research in the area of criminology, continuous professional analysis of causes and conditions of crime and the perception of security among citizens at the local level, and for a more effective use of these findings in development of particular prevention programmes as well as conceptual and strategic documents related to crime prevention.

We express our wish for crime prevention to be systematically and permanently embedded in our legal system.

In relation with security threats and challenges, we intend to continue innovating and developing our activities at all levels and call for adequate financial support for prevention activities.

In our professional and private life, we intend to strive to bring about a safe society where nobody’s life, health or property is threatened or subject to blackmail.
Domestic Violence as a Challenge for Empirical Research

This paper aims to recapitulate the main findings on domestic violence gathered in the field of empirical research, which is not a routine matter, as it has to deal with a number of methodological problems. At the same time, we want to demonstrate that these difficulties are manageable and that research and surveys are nowadays solidly and reliably mapping the situation, thus offering numerous suggestions and certain guidelines for reflections on prevention (additional sources of information are offered for example by Čírtková, 2008, or Martinková et al., 2014). We have focused thematically on the issues of intimate partner violence.

A specialised and targeted survey (we have in mind a quantitative and representative survey of victimological focus) can answer a number of essential questions: Does intimate partner violence (IPV) present a real problem? What data are available about it and how big is the problem? Who is affected by the problem, what structure does it have and what consequences does it bring? How is the issue perceived by the public?

Violence against women

The first systematic data basis was provided by a survey conducted in 2003; it was an international project entitled the International Violence Against Women Survey (IVAWS), which focused on violence against women (not only in partnership). It also offered a comparison of the level of victimisation in different parts of the world (we might be interested in countries such as Switzerland, Denmark, Poland, Australia ...). In the Czech Republic, 1980 women from 18 years of age were interviewed; we prepared specially trained female interviewers to conduct the interviews (F2F) and prepared quality materials for international publication (Johnson, Ollus and Nevala, 2008) as well as for a national report (Pikálková, 2004; Buriánek and Pikálková, 2013).

In the period 2012-2014 we followed up with the project GAČR 404/12/2452 “Intimate partner violence: Follow-up research to IVAWS 2003” in an effort to replicate and expand on the original research (with topics such as stalking). We proceeded in two phases: in December 2012, we started collecting data from a subset of men (a quota selection was chosen, N = 1001 respondents) using the CASI technique combined with face-to-face questioning. In spring 2013, research was conducted on women
(random walk, N = 1501).

Already the first project from 2003 offered rather alarming data on the prevalence of this previously hidden phenomenon. The occurrence of violence was admitted:

- by 59% of the women researched (38% in their partner relationships and 37% outside their partner relationships) in the course of their lifetime (from the 15th year of age on),
- by 41% of the women over the last 5 years, and
- by 15% of the women during the last year (9% in their partner relationships, 7% outside their partner relationships).

Obviously, the last figure has the highest informative value. It is interesting, however, that data from IVAWS 2003 were matched by data from several concurrently conducted, more or less standard, surveys into citizens’ feeling of safety. In the case of a declared personal (general!) experience over the past two years, the percentage share of “at least once” was:

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threats</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Physical assault</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Psychological abuse, blackmail</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Violence in the circle of close people</td>
<td>25</td>
<td>28</td>
</tr>
</tbody>
</table>

Even before, in a security risk survey conducted in 1999 (Buriánek, Kovařík, 2006), we recorded 5% of men who reported being physically assaulted by their female partners in one of the relationships (Buriánek, Kovařík, 2006). The estimates of about 10% of women who are the object of intimate partner violence were then more or less equal even with the use of rather different methodology.

At that time, the Czech Republic appeared to be a highly problematic country in an international comparison (see Table 1). However, we felt that the high prevalence rates could be both the result of a carefully prepared data collection and the overall willingness of Czech respondents to answer sensitive questions truthfully. It is symptomatic that from the range of the most serious forms of violence, a slap was mentioned more often than elsewhere (it can also be understood as a relatively settled cultural pattern of reaction, however inappropriate).
Table 1 – *International comparison of prevalence of violence against women (2003)*

<table>
<thead>
<tr>
<th>Violence against women</th>
<th>Czech Republic</th>
<th>Denmark</th>
<th>Poland</th>
<th>Switzerland</th>
<th>Australia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lifetime rates – any man</td>
<td>58</td>
<td>50</td>
<td>35</td>
<td>39</td>
<td>57</td>
</tr>
<tr>
<td>Last year rates – any man</td>
<td>14</td>
<td>5</td>
<td>6</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Last year partner (some form)</td>
<td>9</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>LT rate partner – physical</td>
<td>35</td>
<td>20</td>
<td>15</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>LT rate partner – sexual</td>
<td>11</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>LT rate partner – current</td>
<td>16</td>
<td>3</td>
<td>7</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>LT rate partner – previous</td>
<td>38</td>
<td>25</td>
<td>29</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>LT rate another man (some form)</td>
<td>35</td>
<td>37</td>
<td>25</td>
<td>31</td>
<td>31</td>
</tr>
</tbody>
</table>

**Most serious case:**

<table>
<thead>
<tr>
<th>Most serious case</th>
<th>Czech Republic</th>
<th>Denmark</th>
<th>Poland</th>
<th>Switzerland</th>
<th>Australia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slap</td>
<td>56</td>
<td>34</td>
<td>40</td>
<td>43</td>
<td>30</td>
</tr>
<tr>
<td>Gun threat</td>
<td>8</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td>15</td>
</tr>
</tbody>
</table>

*Note: Life-time (LT) rate = victimisation over the whole lifetime (from 15 years of age). Last year rate = incidence in the last year.*

In the overview of various forms of physical or sexual violence, also threats, punching or hitting with an object stand in the foreground apart from the slap; in all these cases, the male partner is much more often the perpetrator. This applies even to forced sexual intercourse (i.e. rape); concerning other forms of sexual violence or harassment, a higher proportion of attackers is already represented by other men.
Hence, serious assaults take place in a partner relationship, which is also reflected in the assessment of their consequences from the point of view of the victims:

- In a partner relationship, consequences are rated as serious (69%), half of the people see it as a breach of law, but in spite of that, only 8% report the incident (if it occurs in a partner relationship).
- In the case of intimate partners, some rougher forms of physical violence occur; 41% of the respondents saw them as life-threatening; 28% reported the necessity of seeking medical treatment. Efforts to manage the situation often result in the use of drugs or alcohol (26%).
- An overall impact on the feeling of safety has been also demonstrated, the psychological well-being of the victims is remarkably impaired.

The survey conducted in 2003 also highlighted the importance of previous experiences, although it is mainly predispositions that only partially increase the probability of becoming a victim of domestic violence:

- The incidence of violence in the original family increases the prevalence by about 10%, increasing overall victimisation over lifetime considerably increases in sexually abused children.
- Long-term experience is higher in divorced persons; divorce is
probably a consequence, after it the incidence decreases (even below the average).

- As regards social background, the influence of ethnicity as well as the relation with unemployment and low socio-economic status were implied here.

As far as the lifetime rates of victimisation detected in 2013 are concerned, they are decreasing: in a partner relationship, physical or sexual violence was experienced by 17%, outside a partner relationship by 22%. Overall, 36% of Czech women experienced violence after their 15th year of age. Data from international research (FRA survey, FRA 2014) confirm this situation: for the Czech Republic 21% respondents report lifetime victimisation by a partner. In this, the Czech Republic ranks just below the European average.

According to the FRA (2014), the annual rate of victimisation by a partner totals 3%, and according to our research even 1.3% only. This would mean a rather significant decline, but we remain very cautious when interpreting it because we are not able to capture the effect of using interrogation networks which may be professional, but still oriented on another type of research. Some role may also played by a larger use of computer support in data collection, as we can calculate on a greater option for female respondents to choose “escape” variants of answers. This opinion can be illustrated by the following graphic showing the structure of the forms of violence captured.

**Picture 2 – Forms of violence by type of relationship (Conflict Tactics Scale – 2003)**
Prevalence rates have decreased in intimate partner violence, the differences are not as remarkable, but the structure of experience remains without a change (Pikálková et al., 2015). In any case, these are signs of a positive trend. If there is a decrease in prevalence, we can consider a number of causes. It may be partial effects of changes in legal regulation (e.g. application of the perpetrator debarment sanction), general awareness, but maybe also a feeling that this topic is less pressing after some campaigns are over.

However, the structure is not changing, and in 70% of cases women report their former husband as the culprit of a violent incident (occurred over the last five years). This is evidenced by the most common forms of violence used in the last incident: slaps dominate (70%), while one half of the women also indicate hitting with an object or threats. Sexual violence cannot be neglected either, as forced sex was admitted by 14% of the women, and the share of attempt at forced sex is even a little higher.

More than one half of all attackers were under the influence of alcohol and 36% of the assaulted women suffered some form of physical injury. In this respect, the situation of the victims is not changing at all.

**Comparison of the situation of men and women**

Concerning physical or sexual violence on the part of a partner, lifetime prevalence rates show every tenth man has this experience. Men, however, more often attribute it to the previous partner (8%) than the current one (3%). In this group, too, the most common forms of violence are slaps (or kicks, bites...). Nevertheless, we must still count on the fact that despite all the awareness-raising, it is still remarkably difficult for a man to admit anything like this, so maybe a better chance for them would be a survey that does not ask such direct and specific questions (Buriánek, 2013).
### Table 2 – Psychological violence in gender comparison

<table>
<thead>
<tr>
<th></th>
<th>Women 2003</th>
<th>Women 2013</th>
<th>Men 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequently / all the time</td>
<td>Sometimes</td>
<td>Never</td>
</tr>
<tr>
<td>He / she got angry when you talked to another woman</td>
<td>10,9</td>
<td>35,8</td>
<td>53,2</td>
</tr>
<tr>
<td>He / she insisted on always knowing with whom and where exactly you are</td>
<td>9,9</td>
<td>26,9</td>
<td>63,2</td>
</tr>
<tr>
<td>He / she suspected you and was jealous of your “out-of-home” activities</td>
<td>9,3</td>
<td>26,0</td>
<td>64,7</td>
</tr>
<tr>
<td>He / she offended you, scolded you, verbally humiliated you</td>
<td>7,7</td>
<td>21,8</td>
<td>70,5</td>
</tr>
<tr>
<td>He / she tried to restrain your contact with your family or friends</td>
<td>5,7</td>
<td>11,5</td>
<td>82,8</td>
</tr>
</tbody>
</table>

Therefore, in order to compare the situation of men and women, we mainly choose indicators from the field of psychological violence or abuse. These particular indicators are less by gender-related differences. In Table 2 we only quote selected indicators; if you are interested in a more detailed description, please refer to the relevant literature (Buriánek et al., 2014, 2015).

In the following table (3), we then offer a comparison based on the consequences brought about by the described incident (in the field of physical violence). It is likely that men generally report less and only the most serious cases, but nevertheless, it is obvious that the situation may not be so one-sidedly asymmetrical under all circumstances.
Table 3 – Consequences of IPV (partner incident) in comparison of men and women

<table>
<thead>
<tr>
<th></th>
<th>Women 2003</th>
<th>Women 2013</th>
<th>Men 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>abs.</td>
<td>%</td>
<td>abs.</td>
</tr>
<tr>
<td>Seriousness of the situation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very serious</td>
<td>184</td>
<td>25,7</td>
<td>63</td>
</tr>
<tr>
<td>Relatively serious</td>
<td>308</td>
<td>43,0</td>
<td>112</td>
</tr>
<tr>
<td>Not too serious</td>
<td>180</td>
<td>25,1</td>
<td>68</td>
</tr>
<tr>
<td>Don’t know / no answer</td>
<td>45</td>
<td>6,3</td>
<td>16</td>
</tr>
<tr>
<td>Life threat feeling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>291</td>
<td>40,6</td>
<td>74</td>
</tr>
<tr>
<td>No</td>
<td>329</td>
<td>45,9</td>
<td>137</td>
</tr>
<tr>
<td>Don’t know / no answer</td>
<td>97</td>
<td>13,5</td>
<td>48</td>
</tr>
<tr>
<td>Total number of persons who experienced violence from a partner</td>
<td>717</td>
<td>36</td>
<td>259</td>
</tr>
</tbody>
</table>

It is true, however, that men assess the situation as less serious from the point of view of the consequences, apparently because they do not admit vulnerability to such a strong extent.

Search for help by victims of intimate partner violence

Recognised specific features of the situation of victims of intimate partner violence (IPV) include a strong degree of dependence (emotional, financial, joint housing, children) on the perpetrators, cyclical occurrence and closure from the environment. The results of a long-term abuse include fear, low self-esteem, self-accusation, social isolation, depression, anxiety, acquired helplessness or post-traumatic syndrome (PTSD). All of these factors complicate the solution, hence victims need effective and significant help and support (material, legal, but also psychological, emotional, medical...). Considering the prevention of IPV through public awareness raising, we can also benefit current victims by helping them realise their situation and begin to tackle it, or their situation may be noticed their closest neighbours. The first step obviously must be a certain breaking of the taboo of domestic violence, explanation of its substance and the struggle against the numerous myths associated with it. Of course, also important is the effect of legislation adopted and general awareness of the criminal

---

1 This subchapter summarises the conclusions of the contribution delivered by Mgr. Zuzana Podaná, Ph.D. with her kind permission.
nature of violence. This can result in greater willingness to help, awareness of solutions, including knowledge of organisations that help IPV victims. Assistance to IPV victims cannot only include quality, comprehensive and accessible services for the victims: the basic requirement here is the awareness of these services and the opportunities for the victims, but especially their own willingness to use them. Only under these conditions can some new trends in victim care, various forms of intervention for IPV perpetrators, mediation, etc. be applied.

Because an important role in these matters may also be played by the police, we can point out some problems associated with the use of this institution. According to our latest IPV research conducted in 2013, 11% of women and 5% of affected men reported the latest incident to the police. For some of the incidents, the reporting rate for women was 16%, which is also relatively low. It is obvious from the data that if a woman reports an incident, it is already very serious because about 80% of the female respondents reported that the incident was life-threatening or resulted in an injury. Virtually the same result is offered by an international survey on violence against women conducted during the same year (FRA):

- 8% of women said they had reported the most serious incident (EU average – 14%)
- Satisfaction with the solution – 56 % (EU – 59 %).

The reasons for not contacting the police are similar for men and women, even though women are trying harder to cope with the problem by themselves, while men more often tone down the situation. The third reason for the two categories is the option “does not want anyone to know about it”, which is picked roughly by a quarter of the victims. On the women’s side, fear of the perpetrator is also frequently encountered. The good news is that the level of mistrust in the police is decreasing in women (from 41% to 28% over 10 years). In the FRA research, it was confirmed that Czech women stated more often that they did not want anyone to know about the incident and also more often did not know whom to turn to.

As regards the seeking of professional counselling, 16% of the victims sought professional counselling at least once. When they described the most serious incident in the FRA research, the sources of help included:

- 10 % – hospitals
- 14 % – healthcare professionals, other healthcare facilities

---

2 The above quoted replication of IVAWS – survey on violence against women and men (2012/2013), Czech Republic, N = 2.500
3 European Union Agency for Fundamental Rights (FRA) – Violence against women (2014), EU, N = 42.000
• 9% – lawyers, legal advice (EU – 12%)
• 6% – social services
• 1% – victim support organisations (EU – 4%)
• 2% – asylum homes (EU – 4%)

The rating of satisfaction with these sources of help was relatively high (68–87%).

The public attitude to IPV is described in relative detail by the Eurobarometer. On the one hand it shows that intimate partner violence is perceived as something unacceptable: 87% (84% in the EU) of the respondents believe that IPV against women is unacceptable and should always be punishable (an increase of 7 percentage points compared to 2010). Four-fifths of people also consider IPV perpetrated against men unacceptable, stating it should always be punishable. However, a certain part of the population shares some stereotypes:
• 16% (EU – 15%) – Domestic violence is a private matter and should be addressed inside the family, and
• 26% (EU – 17%) – violence against women is often provoked by the victim herself.

Awareness of IPV-oriented legislation was pictured by the FRA project: 49% (49% EU-wide) of the surveyed women know that there is specific legislation / political initiative in place, focusing on the prevention of violence against women, 64% (EU – 59%) of the surveyed women know that there is specific legislation / political initiative in place, focusing on the protection from violence against women, 25% reported they knew at least one assistance organisation. However, in this last respect, the Czech Republic finds itself at the bottom of the rankings, and can only look with envy at countries such as Sweden or Germany, because almost 100% of female respondents there declare they have such knowledge.

In terms of both prevention and accessibility of assistance, the situation is still far from entirely favourable. Although the level of mistrust in the police is declining, the level of contact with the police and other victim services is relatively low (relatively more for men). It is good that IPV is considered unacceptable or downright criminal, but some myths still persist nonetheless. This may also lead to the underestimating of its prevalence and a reduction in the chances of identifying the victims in the close neighbourhood. A very low knowledge of victim support organisations is also a challenge: our commitment to awareness-raising, including presentation of the topic of IPV in the media, continues to apply.
Conclusions and experience from intimate partner violence research

During the monitored period, we recorded a slight decrease in the prevalence of serious physical violence in partner relationships. For psychological violence, the decline is smaller, however, the structure and seriousness of intimate partner violence is the same. The problem also affects men (especially in the field of the so-called situational violence). The proven relation to childhood experiences opens the question of to what extent we can change the patterns of violence in the family (and their rooting in culture). In this area (for example, concerning corporal punishment), the international comparison shows a rather unfavourable position for the Czech Republic.

It can be considered good news that the Czech public does not ignore the problem, but on the contrary people consider it important. For most of the men surveyed, the issue of domestic violence is relatively important (72%), while only for 7% it seems to be of little importance.

From a methodological point of view, we can state that the different, though extensive, indicators of victim experience correspond with the image of prevalence but cannot replace specialised victimological research, which only can offer a more precise definition of the acts, their time interval or frequency. Information on the perpetrator and the consequences invoked by their offense can also be found out about. No less important is the finding that a report of psychological violence can serve as a predictor of more serious issues.

An important condition of the survey is the fact that the Czech environment is still open towards the researchers, which may be related to a more general tendency towards a liberalisation of discourse. It can also bring greater public awareness, which we consider to be one of the preconditions of effective preventative action.

Sources:
Martin Cejp

The Threat of Organised Crime

The text of this paper is intended for professionals and practitioners who deal with crime prevention, but do not specifically address serious forms of delinquency. It is an introduction to a subsequent discussion. Its aim is to illustrate some of the circumstances surrounding organised crime, to orient the audience in the issue, and possibly raise their interest in a more detailed explanation of some topics that they would choose themselves for a more in-depth illustration during the discussion. This is not a thorough analysis - it is merely a brief outline. Each of the topics could be made into a separate paper, article, and some of them even into a whole publication. The paper highlights those facts that can be considered characteristic for this area. At the same time, it contains warnings about some inaccurate or distorted ideas that sometimes appear in this context.

Organised crime, terrorism and economic crime

One such inaccuracy sometimes occurs when distinguishing what is organised crime, what is terrorism and what is economic crime. These are distinctive fields of crime with different characteristics and different goals. The goal of organised crime is to maximise profit with a minimum of risk. It tries to obtain significant financial means, possibly in a hidden manner, mostly by way of corruption; it does not manifest violence and uses it only in the most necessary cases and rather inside its groups. It does not want to be connected with terrorism, as that is too visible and represents a risk. The goals of terrorism are mostly ideological or power-related. Financial gain is not in the first priority, violence is manifested and maximum risks are run. Terrorists can sometimes use their own organised criminal activity to gain financial means: for example, they trade in drugs or arms. The relationship between organised crime and economic crime is more complicated. These areas partly overlap. Organised crime interferes with many areas of the economy, for example, creating fictitious businesses, fictitious accounts and abusing public procurement procedures. On the other hand, those who abuse their positions in financial institutions, so-called “white collar criminals”, may operate on the basis of organised crime. The extent to which this is happening cannot be assessed at the time when this activity takes place but only after it has been tracked down. And this is, for the time being, rarely the case.

What belongs in the area of organised crime

In order to include a certain criminal activity in the field of organised crime,
the following three mandatory criteria should always be met:
- cooperation of three or more persons,
- for a continuous, indefinite period of time,
- perpetrated as a serious criminal activity,
- for the purpose of profit or power.

No illegal activity belongs in the field of organised crime, unless it meets all of the above mandatory criteria. For example, in a group of pickpockets, there are usually more than three perpetrators, they are very well organised, but in the vast majority of cases they are not undertaking serious criminal activities. And an opposing example: serious economic crime can be perpetrated by a single individual; hence the criterion of at least three persons forming a group is not met.

In addition to the mandatory criteria, other optional criteria may, but need not, exist:
- the assignment of specific tasks or roles,
- the use of certain forms of discipline and internal control,
- use of violence,
- influencing politics, media, public administration, legal authorities and government by way of corruption and otherwise,
- the use of commercial and business structures,
- engaging in money laundering,
- operating on an international level.

In order to be included in the area of organised crime, the decisive criteria are mandatory. If they are met, the group does not need to be structured in any manner, it does not have to operate internationally and it does not have to use violence – and still it is organised crime. On the other hand: even if there were, for example, the use of violence or the group operated on a large territory and did not meet all the three mandatory criteria, then we cannot talk about organised crime. It does not mean that such criminal activity is not punishable. However, it is not possible to use extraordinary means of investigation and to set a higher penalty rate.

In accordance with the above-mentioned features, organised crime is defined in the framework of research studies carried out in IKSP as recurrent (systematic) perpetration of purposefully coordinated serious criminal activity (and activities to support that activity), the subject of which are criminal groups or organisations (mostly with a multi-level

---

4 These criteria apply in Europe. In the USA, mandatory and optional criteria have not been distinguished since 1972; it is sufficient if at least three of all the above criteria are met.
vertical organisational structure), whose overriding objective is to achieve maximum illegal profits while minimising risk (secured through contacts in decision-making social structures).

**Structure of organised criminal groups**

The assignment of specific tasks or roles and the use of certain forms of discipline and internal control do not belong among the basic criteria for determining whether the group has the character of organised crime, however, some more developed groups have a three-level, vertically arranged organisational structure.

The **highest leadership** represents the control centre. As a rule, it does not participate in criminal activities, does business legally on a high level and, in this context, maintains contacts with political and economic leaders of society. It identifies the basic strategy, concentrates and redistributes all profits. It has legal and economic advisers, IT specialists and security guards.

The **medium levels** perpetrate and control the criminal activity. They have relative autonomy in choosing the place, the manner of its committing and the selection of people. Profits, however, are always redistributed by the top management. Medium levels thus form an insulating layer between ordinary members and the leadership, between society and the leadership and between crime and the leadership.

**Ordinary members** carry out criminal acts or provide services. Third parties are often used, or rather misused, to provide services. They do not know anyone from the leadership, they do not know anything about the focus and structure of the organisation, and hence they cannot reveal anything.

**Typical characteristics of developed organised groups**

A well-organised group is characterised by certain peculiarities.

Any activity is preceded by perfect **preparation**. Information is gathered about the business or the person to be victimised, economic calculations (to maximise profits) are conducted, as well as strategic and legal preparation (to minimise the risk).

Given that considerable efforts have been put into the preparation, the work is **systematic**. Consistency is supposed to bring profit for as long as possible, but at the same time it can be a weakness because sooner or later the criminal activity can be tracked down.
Operations on as much space as possible, often across borders or even continents, are beneficial to the group for several reasons. The larger the territory, the greater the profit. An extensive territory also provides protection to the highest leaders, often in a completely different country or on another continent than where the criminal activity is actually taking place. New forces can also be dispatched from the centre and they can be replaced as needed.

For developed groups, an absolute concentration of power in the hands of the highest leaders is also characteristic. Unlike the traditional mafias, in which the patron provided protection to all their members, nowadays organised crime has a completely impenetrable vertical structure, members are hired and even given up as necessary.

Violence occurs mainly inside the groups, where it serves to maintain discipline. Open fights for markets or “settling of accounts” among the groups no longer occur frequently. For the sake of higher profits, the groups prefer negotiating. The use of violence against society and citizens is completely exceptional. Developed criminal groups do not wish to be made too visible.

Another typical feature is extensive corruption. Organised groups have considerable profits from their illegal activities. They either re-invest them into legal business or gathering information and ensuring impunity, sometimes into influencing public procurement procedures and creating fictitious firms. In all these cases, they prefer corruption to violence.

Specific features of organised crime in the Czech Republic

Based on expert estimates conducted since 1993, for which the staff of special services of the Police of the Czech Republic have been interviewed, and since 2012 also the staff of the General Directorate of Customs Duties and the Customs Directorate of Prague, we can provide some indicative data from the most recent surveys.

Depending on the degree of organisation, we distinguish between organised groups that are arranged in a horizontal structure or fully hierarchically structured groups that have a three-level management structure – with the highest leadership, middle levels and ordinary members. In a recent survey that was held in 2017, fully developed groups that have a three-level management structure on the top of which is the highest leadership, on the second level relatively autonomously operating units and, at the lowest level, regular members and third parties, represented about one third
of the organised crime scene of the Czech Republic, while incompletely organised groups made two thirds.

Organised crime also involves **third parties**. In previous surveys, they were about half of those in the groups, while in 2017 their proportion dropped to one third. They performed both simple and more complex service activities, provided logistics, information and fictitious actions, and maintained contacts and acquaintances.

Organised crime consists of over 10% of **women**. According to the 2017 survey, women participated in simpler as well as more demanding service activities, providing organisational background and management (provision of contacts and information), economic and financial backing, economic and financial crime (covering fictitious accounts and fictitious companies), procuring for prostitution and trafficking of people for the purposes of sexual exploitation, in some cases even forced labour, pornography, dealing in narcotics and psychotropic substances, organisation of internet crime and illegal migration.

Since the beginning of the 1990s, **foreign nationals** have made up one half of the organised crime scene in the Czech Republic.

In the structure of organised crime in the territory of the Czech Republic, broken down by individual foreign nationality, Ukrainians and Russians were the most strongly represented in the 1990s in the long term. After 2000, Vietnamese and Albanians (mostly from Kosovo) joined them, and since then, their share has been rising steadily. In 2017, Vietnamese, Ukrainians, Russians and Albanians were the most represented. In the second group, there were Serbs (an increase against 2015), Slovaks, Bulgarians and Romanians. Poles stepped down to the third group (although they still occupy 9th place, their share has declined), along with Chinese, and Nigerians were in the same group. In the fourth group, there were Croats, Turks, Armenians (a decrease against 2015), Syrians and Chechens. There were few Bosnians, Iraqis and Georgians (a decrease against 2015), Tunisians, Dagestanians, Lithuanians, Israelis, Moldovans, Algerians, Thais and Macedonians. Against 2015, the proportion of Germans declined, and there were no Italians at all.

In the long run, we have also recorded the **activities** run by organised crime groups. In 2017 the most frequent was production, smuggling and distribution of drugs. Economic crime consisted mostly of money laundering and corruption. Credit card fraud has increased. Somewhat
lower was car theft as well as the organisation of prostitution and trafficking in women. A slight decline continued in tax, credit, insurance and bill of exchange fraud, with a certain drop in illegal production and smuggling of alcohol and cigarettes and the creation of fraudulent and fictitious firms. There has been a slight increase in the abuse of EU funds and the misuse of computers for the purposes of criminal activity and debt recovery on demand. Gambling has grown considerably.

**How is society threatened by organised crime**

Organised crime represents one of the greatest security risks in the world today.

From the point of view of the international context, the status and development of crime in the Czech Republic is primarily influenced by the expansion of organised crime groups from abroad, of money from criminal activities and used for the funding of criminal activity. Smuggled goods are traded, such as drugs, alcohol, cigarettes, electronics, clothes imitating brand apparel, in addition to objects of an artistic nature, guns, stolen cars, hazardous waste and sexual services. For example, transnational criminal groups can use our territory for transit, they can create a base here for their expansion into other countries, they can try to legalise profits from criminal activities here, etc.

The political system is damaged by the fact that the world of crime seeks to misuse politicians to consciously or unconsciously support their own illegal activities. It attempts to influence strategic decision-making for its own benefit, and needs to gain important information. It wants to secure as much impunity for itself as possible. The area of politics is furthermore damaged by the loss of public confidence.

The economic system is damaged in particular by the fact that organised crime brings illegal practices into it. It creates a market for illegal services and goods. Criminals who penetrate into financial circles under the cover of legal business use illegally gained financial means in the legal economy, causing an increase in the extent of the so-called “grey economy” and causing considerable losses on the revenue side of the state budget resulting from unpaid taxes and levies. Fictitious firms are emerging that can obtain unjustified benefits. The founding of fictitious companies often also serves for tax evasion. The introduction of criminal practices into the economic system leads to the emergence of an unstable and untrustworthy environment that can hamper activities in legal entrepreneurship or discourage foreign investors.
Organised crime also threatens the legal system. It attempts to influence the legislative process so that laws are set in such a way that the risk is either very low or non-existent. In order to reduce the risk, it tries to obstruct criminal justice proceedings, influence witnesses, or make it possible for charged or convicted persons held in custody to escape. If the justice system fails to stand up for law enforcement, if it fails to succeed in recovering debts, assets, liabilities and contracts, confidence in justice and the options of law fall, the prestige of courts is low, and confidence in courts also falls. The problem lies in the low level of legal awareness and disrespect for the law.

Organised crime seeks to penetrate the state administration, in particular because it needs information, the provision of documents, support, or coverage for its actions. The problem is also that citizens negatively perceive disorder, the failure to discharge basic duties, the incompetence and arrogance of civil servants and other shortcomings, and as a result they do not trust the state administration.

Organised crime attempts to misuse the media. Criminal groups can push the media to influence public opinion in favour of something that is beneficial to them. Organised crime is interested in creating “appropriate” public attitudes towards various activities it manages and which are on the borders of or beyond legal business. It can secretly promote drugs, prostitution, etc. It can support attitudes casting doubt on the honest efforts of legislators, state attorneys, police officers and judges. The media can even unwittingly glorify evil, and emphasise a lifestyle that is inherently relatively close to unethical, and frequently illegal, practices.

How citizens are threatened by organised crime
Organised crime brings disproportion into the social structure. Its leaders seek to either themselves belong to the elite that sets the rules or to have good contacts with decision-making leaders. Based on these contacts, they get information or advocacy from official circles without having to resort to corruption or even violence. Organised crime perpetrators have a feeling of a certain superiority. They rely on the fact that they are untouchable thanks to their position on the social ladder, the support of influential people and as a consequence of the poor performance of law enforcement authorities.

Organised crime brings pathological phenomena into people’s lives. Profits are frequently based on the fact that people are offered products or services of an illegal nature. These are mainly narcotic and psychotropic
substances, smuggled goods, cigarettes, textiles, electronics, stolen goods, especially cars, or even artistic products, erotic services and loans. By artificially generating demand for these services and products, increasingly numbers of people fall into addiction.

Organised crime threatens decision-making leaders. Those who have become victims of extortion or occupy a position that the organised group intends to use are directly jeopardised. Politicians may be threatened by aggressive attempts at bribery, and can be compromised, menaced or blackmailed.

Organised crime jeopardises society also by trying to recruit collaborators from among ordinary people. It targets not only experts in the fields of economics, informatics and law, but also specialists in various craft professions, which are essential for servicing any criminal business. It also seeks to recruit police specialists as well as those who can influence public opinion. And last but not least, it uses all those who can provide apartments, cars, information, etc.

Only exceptionally, there is an immediate threat to citizens from organised crime. People may be at risk if they become casual participants in armed conflicts taking place among criminal groups. There have been no such conflicts recently. Since they lead to a reduction in profits, organised crime tries to avoid them as much as possible. However, the intimidation of witnesses may occur.

**Conclusion**

If we want to act against organised crime, whether preventively or reprehensively, we need to analyse in detail its concepts, basic features, structures, male and female perpetrators, objectives and methods of their achievement, coverage methods, criminogenous factors that enable the committing and securing of criminal activity, recruitment of collaborators and clients, we need to know how it jeopardises society and citizens. Specific measures can then be effectively applied against specific elements of the system and specific activities and causes. Global and general proclamations have no effect.
Luboslav Fiala

Caretaker Academy. Caretakers’ Preventive Minimum

Housing provides a number of basic human needs, especially shelter, safety and privacy. Permanent dwelling is also a prerequisite for the full inclusion of a person in society, so it is supported by the state in various ways. The housing of a person is significantly influenced by politics, the culture of the given society, the economy and also the social environment. The house, apartment, room or dwelling in which a person lives, nevertheless always has great and essential value. A great deal of personal and family life takes place in this particular space.

There is however a permanently increased level of both subjective and objective threat posed by crime, interpersonal relationships, generational problems, social or ethnic minorities and unsettled disputes between neighbours. At the same time, a low willingness and ability is expressed by the inhabitants of residential buildings to undertake independent activity and assume responsibility for their safety, order and the overall improvement of coexistence.

On the other hand, we notice a high number of interventions by the police, local authorities and the state administration, which, within the limits of their legal competencies, focus mainly on the re-establishment of a lawful situation, and not on the elimination of the causes of the problems. Such interventions are expensive both administratively and personally, less effective, and difficult to accept for the community as a whole. A significant problem lies in the low awareness and willingness of the public to solve problems in a residential building with the use of services provided by non-governmental non-profit organisations (social, leisure, counselling, nursing, etc.).

The set of these issues and their mutual overlap and strengthening creates an environment in which unresolved problems are exacerbated, and those inappropriately resolved create new problems. In the communities of residents in residential houses, but also entire streets and neighbourhoods, there is a growing feeling of danger, intolerance, bitterness and frequently even aggression.

Interventions by the police and local authorities, or possibly the state administration, into the internal relations of the community of residents in residential buildings are limited to handling already committed illegal
behaviour, which may be stopped by the police and sanctions or penalties may be imposed; however, they do not deal with, seek or address the real causes that led to such behaviour. They rely only on the effect of so-called “general prevention” (deterrence by way of sanction or penalty). In the communities, however, such interventions create new social and communication barriers, deepen the crisis of interpersonal relations and create conditions for new conflicts. This all is, as a final consequence, expensive and ineffective.

All this led the Brno Municipal Police on a quest for new, more socially-balanced and sophisticated forms of prevention. Our long-term and proven experience showed that external interventions in the community do not lead to long-term and satisfactory solutions. The key argument was the idea that real, functional and acceptable solutions to problems in the community must arise from the community itself. Therefore the objective of our joint efforts is to have communities of residents in residential buildings be as independent as possible, supported by local authorities, but also by the non-governmental, non-profit or business sectors.

Currently, the role of human factors has not been not fully appreciated regarding the provision of safe housing in residential buildings, in particular the ability to respond to early impulses by way of prevention: at a moment when a risk situation still can be timely detected and assessed, thus preventing damage to property, health or life. General prevention alone, which uses the principle of deterrence by way of penalty, comes too late from the perspective of the victims. That is, at a moment when the damage and its consequences are already harming the victim, and regardless of whether or not the perpetrator has been apprehended and punished.

In the years 2009–2012, with the support of the Statutory City of Brno and the Department of Crime Prevention of the Ministry of the Interior of the Czech Republic, a pilot project entitled “SAFE LOCALITY – SAFE LIVING” was implemented by the Brno Municipal Police. Its goal was to design, implement and verify the effectiveness of all available regime, organisational and technical measures in the context of social, situational and general prevention, which would not only lead to optimisation of safe housing arrangements for residents in tenement houses, but also to the maximum independence of owners and tenants in residential buildings in ensuring the safety of their own dwelling.

The project was implemented in the conditions of a selected residential
building in the Brno-Nový Lískovec city district, where serious social, public order and security issues were reflected. We gave this residential building the working nickname “K5”. Its community of more than 500 tenants in 156 housing units was made up of different social, ethnic and national minorities, as well as ordinary residents who were not at risk of social exclusion or under any other security or social risks.

All the developmental stages of the project, from selection and education through sociological surveys to actual implementation and subsequent evaluation were carefully documented and assessed. The effectiveness, efficiency and legitimacy of the measures adopted were monitored. An important role was assigned here to the acceptability of the technical and regime arrangements for the tenants and for the owner and manager of the residential building.

Emphasis was placed on the balancing of general, situational and social prevention, so that security and public order in the residential building are not just a question of enforcement and intervention in the form of repressive instruments of the local authority and state administration, but to make them of natural interest to at least a majority of the tenants.

In 2013, we also published a booklet entitled SAFE HOUSING MANUAL, which describes systematically and clearly the steps taken and their effectiveness in providing safe housing in the house at Koniklecová 5, where we implemented the pilot project “SAFE LOCALITY - SAFE LIVING”.

One of the key measures to increase safety in residential buildings is, among other things, the establishment and functioning of the caretaker position. Our experience has shown that meaningful and efficient functioning of caretakers also requires their qualified training to enable them to be a useful partner for the tenants in residential buildings.

Therefore, in 2015, we opened a “zero season” of the “CARETAKER ACADEMY” – an educational programme running in cooperation with the Police Training and Service Preparation Department of the Czech Republic Police, the South Moravian Region’s Fire Rescue Service, the Secondary Polytechnic School, the Guild of Mechanical Lock Systems and the Association of Technical Security Services.

The programme was attended by 10 people who developed basic knowledge and skills in communication, conflict management, mediation and communication with the components of the integrated rescue system.
The participants also received basic information on the possibilities of crime prevention, fire prevention and social services that can be useful for safe housing. The course also included orientation in basic standards in the field of misdemeanours, criminal and civil law. The course also dealt with the optimum settings of mechanical and electronic systems for the security of residential buildings.

When choosing the concept of the training programme we put great emphasis on it being usable by the caretakers in the everyday practice. Hence not only in the field of crime prevention but also in ordinary activities related to the maintenance and management of the building as it is also a part of the road to safe housing. Practical skills were acquired by the programme participants in professions such as bricklayer, drywall installer, carpenter, glazier, cooling and air conditioning equipment installer, plumber, floor fitter, painter and decorator, electrician and locksmith. In the course of the training the participants went through the above crafts and tried their own simple repairs to the most common defects such as repairs of plasters, plasterboard being kicked through, repairs to tiles and flooring, renovation of various types of floor, painting and decorating work, locksmithery, repairs and maintenance of door fittings, operation of electrical devices, regular maintenance of electrical equipment without voltage, basic service of air conditioning equipment, maintenance and repairs of water pipes, boiler rooms – operation, simple repairs, repairs to small furniture and doors, and simple glazing jobs.

In 2016, we offered the public a shortened version of the “CARETAKERS’ PREVENTIVE MINIMUM” educational programme, which did not include the teaching of craft skills, but focused solely on knowledge and skills related to the prevention of crime and fire. It was attended by 22 people such as homeowners, administrators, caretakers and members of owners’ associations.

In 2017, we opened the second season of the “CARETAKERS’ PREVENTIVE MINIMUM” programme. This educational programme covered fundamental basic knowledge and skills in communication, conflict management, mediation and communication with the components of the integrated rescue system. The participants also received basic information on the possibilities of crime prevention, fire prevention and social services that can be useful for safe housing. The learning also included orientation in basic standards in the field of misdemeanours, criminal and civil law. The course also dealt with the optimum settings of mechanical and electronic systems for the security of residential buildings. Several lessons
were focused on information about personality disorders that we may encounter in neighbour relationships.

The “CARETAKERS’ PREVENTIVE MINIMUM” programme is spread over 15 teaching days and comprises of 56 lessons.

Department of Crime Prevention of the Ministry of the Interior of the Czech Republic

<table>
<thead>
<tr>
<th>Topic</th>
<th>Provider</th>
<th>Lessons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication skills</td>
<td>Police Training Department – Police of the Czech Republic</td>
<td>8</td>
</tr>
<tr>
<td>Legal minimum</td>
<td>Police Training Department – Police of the Czech Republic</td>
<td>8</td>
</tr>
<tr>
<td>Electronic security systems</td>
<td>Association of Technical Security Services</td>
<td>4</td>
</tr>
<tr>
<td>Mechanical security systems</td>
<td>Association of Locksmithery Services</td>
<td>4</td>
</tr>
<tr>
<td>Fire prevention</td>
<td>South Moravian Region’s Fire Rescue Service</td>
<td>8</td>
</tr>
<tr>
<td>First aid</td>
<td>South Moravian Region’s Fire Rescue Service</td>
<td>4</td>
</tr>
<tr>
<td>Mental diagnoses in relationships</td>
<td>City Psychiatry Outpatient Clinic</td>
<td>4</td>
</tr>
<tr>
<td>Conflict and its management</td>
<td>Police Headquarters – Police of the Czech Republic</td>
<td>8</td>
</tr>
<tr>
<td>Condominium meetings – planning, leading...</td>
<td>Police Headquarters – Police of the Czech Republic</td>
<td>4</td>
</tr>
<tr>
<td>Neighbour disputes and community plan</td>
<td>Brno Municipal Police</td>
<td>4</td>
</tr>
</tbody>
</table>

The introduction and placement of skilled and thus competent caretakers living in residential buildings and the introduction of assisted support for active communities of condominium residents is the essence of our project. It is the way to set up social, organisational and technical measures in residential buildings and entire neighbourhoods, apply modern and functional technologies for the strengthening of safe housing and activate the communities.

In 2018, we will follow up with a project named SAFE ADDRESS, which counts on clearly and understandably defined indicators and criteria representing basic technical, social and regime arrangements in condominium buildings. These criteria should create optimum fundamental conditions for raising the standards of safe housing and above all for its maintenance. Compliance with these criteria will be a prerequisite for
labelling a condominium with the SAFE ADDRESS logo.

The expansion of the safe address network will be supported by the APROPO Municipal Police Assistance Program, which includes not only systematic education in the caretaker Academy courses, but also on-going updating seminars for caretakers, tenants and owners of residential houses. We include in them not only on presentations of news in the fields of crime prevention, legislation and technical systems but also the exchange of experience among homeowners and householders themselves. We expect that the obtaining of the SAFE ADDRESS label will be motivating not only for house owners but at the same time will help the public as one of the criteria for finding a suitable dwelling.
Luboslav Fiala

Senior Academy.
An Active – Self-confident – Informed Senior Citizen

A safe senior citizen is an active and informed senior citizen. We are convinced that activity and awareness are the key to safe aging. If society creates enough space for an active life of senior citizens and fills it in with appropriate formats for receiving and processing information, it will be the best basis for a safe life. Needless to say, it is “only” the basis. It is as important as the foundations of any construction, but it is not possible to live on the foundations alone. Safety and comfort will be provided to us by the building standing on them and it is in the hands of the senior citizens themselves.

Building their own safety is not only a necessity for elderly people but it can also be a meaningful use of their leisure time. Cultivated, comprehensible and dignified self-education, which must be of an appropriate form and scope, is the “construction material” without which the construction of a safe environment cannot be carried out. Let us give senior citizens motivation, “building plots” so to speak, and give them an instruction manual for such construction. Let us give them guarantees that we will support their constructions and help protect them. It goes without saying that natural handicaps due to age will affect the “size and resilience” of that imaginary building, but it is important that eventually it is standing and it is ready to provide adequate safety and that the police have something to follow on from.

The Brno Municipal Police have been making efforts at this for several years already. Among other things a crime prevention programme named Senior Academy has also been running, intended for the elderly. They learn how to build safety for themselves, how to maintain it and how we can help them do so. They are studying and are developing honest efforts to keep up with all the good and the bad brought by the present time. In our view, this is the way forward – to prepare, support and maintain an informed, active and self-confident generation of elderly people.

Let us make sure that the elderly are not isolated from the rest of society, not only in terms of information, but also socially and culturally. They should be an integral part of it, which we shall neither underestimate nor overestimate. Let us not feel sorry for them, but let us not grumble about them either. Let us perceive them as partners that we may help in case of
need and who can help us as well. Their handicaps do not exclude them from everyday life, but they make it a little more difficult for them.

**Senior Academy** is a special study programme in the format of lifelong learning (similar to Third Age Universities – ‘U3V’) intended for senior citizens. The subjects of study are oriented on the topics of criminal, public order, traffic or fire risks threatening elderly people in today’s society. Over the past ten years, educational topics have been expanded by a number of subjects that raise senior citizens’ awareness as regards consumer rights, health care, social, psychological and financial issues. Professional lecturers help students get oriented in complicated life situations and, at the same time, lead them to efficient, effective and comprehensible communication with the state administration, local authorities and Integrated Rescue System components so that the assistance and services offered by these institutions are accessible and usable for the elderly.

Our system of lifelong learning for senior citizens comprises of four levels of educational programmes and a level of active community volunteering. The Basic Programme focuses on a set of issues under the title “HOW NOT TO BECOME A VICTIM.” The Advanced Programme prepares senior citizens for their role as “VICTIM, WITNESS, REPORTER” and their communication with the state administration, local authorities and Integrated Rescue System components. The Postgraduate Programmes are designated for seniors who have already completed both of the previous programmes and serve to consolidate and complement the skills and knowledge gained through intensive learning. Free Educational Programmes are designated for seniors in various civic and interest organisations. These are thematically adapted to momentary needs and requirements at a given place and time. By completing the Basic Programme, the graduates become ‘A.S.I. seniors’ (active, self-confident and informed) with the opportunity to participate in the raising of awareness in their natural environment of family and acquaintances. After completing the Advanced Programme, the graduates have additional opportunities to engage in a programme of volunteer services that give them the opportunity to actively participate in a range of social and educational activities at their place of residence. The Basic and Advanced Programmes are followed on by graduate programmes. These include a “Summer Defence Education Seminar;” “Discussion Club Evenings” and the possibility to subscribe free of charge for a printed periodical called “Alumni Newsletter.” Since the school year 2014/2015, the Brno Municipal Police has launched its cooperation with the association “Presafe” that prepares an “Extension Study Programme”, which deepens the knowledge gained at the academy.
Intensive study of the Basic and Advanced Programmes lasts for 12 months; teaching is provided by lecturers from the Brno Municipal Police, Police of the Czech Republic Regional Headquarters of the South Moravian Region, Police of the Czech Republic City Headquarters Brno, South Moravian Region’s Fire Rescue Service, Brno City Court, Regional Public Prosecutor’s Office, Customs Administration, White Circle of Safety, Consumer Defence Association, Office of the Public Defender of Rights, Police Headquarters, Probation and Mediation Services of the Czech Republic, Emergency Rescue Services of the South Moravian Region, Railway Infrastructure Administration, the companies Brněnské komunikace (Brno Road Management) and Technické sítě Brno (Brno Utility Networks), the Czech National Bank, the company Dopravní podnik města Brna (Brno Public Transport Company), the Brno-Jih City District Council, the Brno City Bailiff Office, the Brno City Municipality Social Welfare Department, the Czech Social Security Administration, BESIP (a road safety organisation run by the Ministry of Transport of the Czech Republic) and some non-profit organisations.

The Basic Study Programme is intended mainly for senior citizens from Brno, but also from municipalities and towns in the South Moravian Region. All those who are already retired (for age or disabilities) and will have the time for their own education, as well as those senior citizens who, though not yet retired, will find the time to study, can sign up for our courses.

We have no strict definitions for the terms “senior citizen” or “retirement age.” For the preparation and implementation of our study programs, this target group of citizens is characterised not only by age, but also by their social status, background, experience and, last but not least, their level of awareness, which all determine their degree of vulnerability and social defencelessness against expressions of unethical, lawless, or even criminal behaviour by some fellow citizens. All elderly people can sign up, regardless of whether or not they have achieved a full secondary school education. This programme for senior citizens is FREE OF CHARGE, being subsidised by the Statutory City of Brno, the South Moravian Region and of course the Brno Municipal Police.

The structure of subjects taught within the Basic Study Programme is oriented to a senior citizen as a possible victim of unlawful or unethical behaviour. That is, to provide the information, knowledge and skills that are important for a safe life in society, or – HOW NOT TO BECOME A VICTIM. The intensive Basic Study Programme (first semester) lasts
from September to April of the following year. During the six months of the course, students will go through a series of lectures and exploratory excursions. In the offer of basic study there are also optional courses for practical training of some specific knowledge and skills. They also have the opportunity to become free subscribers to the printed periodical “Alumni Newsletter” (quarterly). In case of interest, after completing the Basic Study Programme, all students are enrolled in the Advanced Programme (second semester), which freely follows and further develops the topics discussed in the previous classes. There are a total of 93 lessons. Lectures are held every Monday from 9.00 a.m. to 12.00 noon. The teaching also includes individually chosen courses and exploratory excursions. Since 1 January 2016, the lectures have been held in our own prevention education facility at Bauerova Street No. 7. The lecture hall is equipped with modern heating, air-conditioning and audio-visual equipment and is arranged in order to be easily accessible for elderly people. It has adequate sanitary facilities and a cloakroom.

The courses give various options to the student, so that they assess themselves their own physical or health constraints, the extent of their existing knowledge and skills, or possibly their professional qualifications. The courses are held in the building of the Centre for Professional Training of the Brno Municipal Police and in our Traffic Education and Training Facility. The courses are organised in groups of 20 people so that the lecturers can fully dedicate themselves to the students.

Excursions to specialised facilities are organised in groups of about 20 people so that they are comprehensible and beneficial to the students while not interfering with the work of the regime facilities of the Integrated Rescue System. Demonstrations of activities of specialised units of the Municipal Police will take place in the open area of the Riviera complex. The dates of the individual excursions and all organisational instructions will be provided to the students during the course.

Graduates from the first semester (Basic Study Programme) receive the opportunity to continue their learning in the following school year, but already at the given moment they are ready not only to protect their own safety, but also to disseminate their knowledge and skills among their peers in the natural environment of the family, acquaintances and friends. In addition, they gain the opportunity to participate in all other “graduate programmes”.

The Advanced Study Programme (second semester) was launched in
the school year 2011/2012 and was created as a follow-up to the **Basic Programme**. It is based on the fact that its students already have sufficient information to help them not to become victims. They are ready and willing to contribute with their knowledge and skills to increase the safety standards of people living in their neighbourhood, especially concerning their less active peers. It is precisely for senior citizens with this qualification and motivation that the programme is intended. Therefore, only those seniors who have completed the Basic Programme may continue their studies.

The structure of subjects taught within the **Advanced Study Programme** is oriented to the senior citizen as a potential victim, witness and reporter. It follows on the Basic Programme and broadens the knowledge and skills of its graduates about those that are important for a crime report or testimony as regards their content and formal value and usability, but also ordinary communication with the state administration, local authorities and Integrated Rescue System components. The intensive Advanced Study Programme lasts from September to April of the following year. During the six months of studies, students go through a cycle of specialised lectures. The advanced study options include facultative exploratory excursions, which are thematically related to the lectured disciplines. Students of this programme have the opportunity to use all of the graduate programmes of the Academy.

The teaching consists of 25 lecture blocks with a total of 75 lessons. Lectures are held every Monday from 1.00 p.m. to 4.00 p.m. About 12 classes in this programme are dedicated to exploratory excursions. The total scope of the teaching is about 87 hours. The lectures are held in our own prevention education facility at Bauerova Street No. 7. The lecture hall is equipped with modern heating, air-conditioning and audio-visual equipment and is arranged in order to be easily accessible for elderly people. It has adequate sanitary facilities and a cloak room.

Excursions to specialised facilities are organised in groups of about 20 people so that they are comprehensible and beneficial to the students while not interfering with the work of the regime facilities and institutions. The dates of the individual excursions and all organisational instructions will be provided to the students during the course.

The **Summer Defence Education Seminar** belongs in the category of graduate study programmes; therefore, it is intended for graduates from the Basic or Advanced Study Programmes. The Summer Defence Education Seminar is a combination of physical activities and lectures or other forms
of information mediation.

It is organised once a year, normally in the second half of August. Its first part consists of walking a march of 8 to 10 kilometres. During the march or at its destination, participants are given information, either in the form of checkpoints on the route of the march, or in its destination, in the form of a lecture on a selected topic. During these seminars, the graduates will get to know each other better.

Graduates will become better acquainted with these seminars, establish new relationships and receive up-to-date information from various fields of passive and active safety. The Summer Seminar is open to graduates of all academic years that have run since 2006.

We prepare **Discussion Club Evenings** four times a year and invite interesting guests to attend, who are in some way connected with the city of Brno and have something to tell the elderly about themselves, about their work and issues related to the mission of the Academy. Since 2011, they have been included in the SENIOR ACADEMY to offer more of a chamber format of education.

All graduates who have ever attended our Academy, no matter what year their class was, are welcome to attend club nights. The tickets are free for all guests and their number is limited by the capacity of the hall. They can be collected always one month before the date of the Club Evening at the ticket pre-sale counters of the Tourist Information Centre. We will inform you about each upcoming Club Evening through our “SMS Operator” system.

The **Alumni Newsletter** is a response to the community of graduates growing all the time and a result of our efforts to keep them informed after completing the Basic or Advanced Study Programmes. Its goal is to provide information on new trends in crime prevention or abusive practices that are harming senior citizens. On four pages of the A4 format, the readers will also find reflections, practical advice and recommendations on how to increase their safety standards, information on the dates and content of graduate study programmes, as well as the experiences of senior citizens themselves. You can find the Newsletter on our website at [http://www.mpb.cz/absolventske-listy/](http://www.mpb.cz/absolventske-listy/). Those who are interested in the printed form can collect their Newsletter at the ticket pre-sale counters of the Tourist Information Centre. It is the same place that hands out tickets for the Club Evenings. We will inform you about each upcoming Newsletter issue.
through our “SMS Operator” system.

Our **Free Educational Programmes** are meant especially for the organised part of the elderly population. These are, for example, non-profit organisations, civic, professional and interest associations, but also in senior citizens’ clubs, homes for the elderly and condominium administration committees. They are not study programmes as they are not part of a continual study scheme; in fact, they are one-off events are of more educational character. They thematically focus on the prevention of fraud and theft, available methods of securing of flats and houses, traffic education and safe and conflict-free co-existence of people and dogs in cities.

**Awards:**

**In 2011,** the Senior Academy receives the Prize of Regions, Cities and Municipalities awarded by the Ministry of the Interior of the Czech Republic for the best programme of prevention of crime committed on seniors.

**In 2012,** the Sociological Institute of the Academy of Sciences of the Czech Republic included the “Senior Academy” in the international project HELPS (Housing and Care Solutions for Elderly and Vulnerable People in Central European Cities), which involves partners from 8 Central European countries and Brno is the associated partner of the year.

**In 2013,** the “Senior Academy” was selected by the Ministry of Labour and Social Affairs for presentation of good practice in the UN Newsletter, which should focus on the prevention of the abuse of seniors.

**In 2016,** the Brno Municipal Police with its Senior Academy project won a prestigious award for the best project of crime prevention in Europe. The European Crime Prevention Award (ECPA), which has been awarded since 2005, headed to the Czech Republic for the first time. The police constables succeeded in the competition of twenty projects from various corners of Europe.
Soňa Haluzová

“Whenever you improve conditions for inmates, you should do something for the staff as well.”

Psychological care for employees of the Prison Service of the Czech Republic

The Prison Service of the Czech Republic is an armed security force that runs remand prisons and penitentiary facilities, and ensures the protection of public order and security during court hearings and in the administration of courts, in the activities of the prosecutor’s offices and of the Ministry of Justice. The Prison Service of the Czech Republic was established with effect from 1 January 1993 by Act No. 555/1992 Coll., on the Prison Service of the Czech Republic Service and the Judicial Guard of the Czech Republic.

As of 13 September 2017, almost 23,000 persons were imprisoned behind the gates of the Czech Republic’s 35 remand prisons and penitentiary facilities; hence, the accommodation capacities were filled to an average of 107%. The Prison Service of the Czech Republic had about 11,000 officers and employees as of the same date. There were also 135 psychologists in Czech remand prisons and penitentiary facilities.

Work with the Prison Service of the Czech Republic (just like with police, army, fire-fighters, etc.) belongs among professions with increased risk of possible post-traumatic reactions. Stress is nowadays a ubiquitous phenomenon in the working life of a person and we can find it in all professional areas. For both the organisation and its staff, the increased demands of work tasks can have both positive and negative effects. However, in vulnerable professions, which also include service or work in prison, negative effects of stress predominate over the positive. In addition, coping with common stress can be made difficult by, for example: the low social prestige of the profession, a shift work regime, more frequent contact with the misery of life (see infobox: YAVIS syndrome), attendance at subjectively unpleasant or intimate situations of prisoners, authoritative management style with minimal involvement of the worker in decision-making, virtual impossibility to influence the situation when the original enthusiasm “I’m going to re-educate prisoners” meets with reality, the risk of health damage (such as TB, HIV, jaundice, mumps, etc.), menaces and dangerous situations, extreme situations – finding a person who has tried to commit suicide, finding a dead body, etc.
YAVIS (sometimes YAVIS syndrome) is an abbreviation consisting of the initial letters meaning Young, Attractive, Verbal, Intelligent and Successful, i.e. an ideal client or patient. Although the term originated in the US in conjunction with clients of psychotherapy, it has much in common with the forensic environment. In Czech prisons, the majority of the accused and convicted inmates are people who are rather typically HOUND (Homely, Old, Unsuccessful, Nonverbal and Dumb).

According to some findings, an officer, but also a civilian employee performing work in direct contact with inmates is exposed to from 6 up to 14 adrenaline situations daily (Mezník et al., 1995). There is a demonstrable relationship between the length of service and increased alcohol consumption, increased incidence of stomach ulcers, increased risk of high blood pressure and heart attack, depression and frequency of relationship problems and divorce rate. Compared to the general population, they also have a lower life expectancy (e.g. Cornellius, 1994).

Is John Wayne to blame for everything?

Some officers seemingly cope with difficult or extreme situations with lightness, while others struggle to keep their feelings to themselves and attempt to deal with their problems in hiding – especially from their superiors. Both options, however, are parts of a set of symptoms that experts call John Wayne syndrome (note: John Wayne (1907-1979)).

John Wayne Syndrome is a set of symptoms named after an actor who appeared in American movies between the 1930s and 1970s. In his roles, he embodied the image of a hero, the ideal of an invulnerable and extremely resilient individual, both physically and emotionally. He represented “a rough guy” and the belief that the right man must not show weakness and emotion even in situations that shake every ordinary person.

Often, even officers frequently identify themselves with this idea and believe that they can stand up to the difficult conditions of their work themselves, and perceive any need for help as their own failure. However, problems that are solvable in the beginning can gradually grow into something far more serious. And the myth that the “right prison guard” must not show weakness even in situations that otherwise shake everybody can lead to a dead end.

Working with demanding clients, such as prisoners, threatens to cause burnout and potential traumatisation. Care for soul and body should be a matter of course.
A daily overview of extraordinary events clearly shows the demanding nature of working in a prison. Every extraordinary event represents, for the employee or prison officer concerned, at least an additional administrative burden, and in cases such as the finding of a dead body of a prisoner or a person who has attempted suicide, etc., frequently also a shock and trauma. And it is the timely help in particular that determines whether and how quickly the critical incident can be recoded into a bearable form.

At the end of 2016, the Psychological Unit of the Prison Service of the Czech Republic issued for its internal use a methodological handbook entitled Care of Staff in the Prison Service of the Czech Republic, which was subsequently distributed to remand prisons and penitentiary facilities. It is intended not only for psychologists, but for all, meaning both the superiors and ordinary staff, who are aware of the importance of this topic. The handbook does not order anything, but provides 24 pages of advice and recommendations on how to contribute to the mental health of officers and employees and, as far as possible, also on how to cope healthily and without consequences with the psychologically challenging situations, which occur in the environment of the Prison Service of the Czech Republic.

It focuses its attention not only on preventative psychological measures, for example in terms of the importance of a thorough selection of job candidates, but also on the possibilities of psychological first aid in prison (“a psychologist in prison is not only for the inmates”), the activity of the Anonymous crisis helpline, which is intended for officers and staff of security forces, available 24 hours a day 365 days a year, or on the recommended psychological measures after an extraordinary event. In a number of prisons it applies all the time that after an extraordinary event, the officer affected continues in his duty, also because there is no-one to replace him at his post. And although the symptoms of acute response to stress show great variability, and individual vulnerability and stress management capacity are also important, in a majority of cases the impact on the person affected means, as a consequence of the event, a narrowing of consciousness and attention, as well as a reduction in the ability to receive stimuli and understand their meaning to the full extent. A person then functions only on mobilised reserves and puts into effect balancing mechanisms that may not appear outwardly at the beginning but do not guarantee a full and responsible performance of the service. It is also important that psychological care is provided to the affected person as soon as possible, not only for the sake of psychological balance (to know that he and his feelings also deserve attention), but also because
timely assistance also determines whether the individual manages to process the incident into a bearable form. The provision of help should be automatic, as it is irrelevant to ascertain whether the affected individual is interested in being helped by the intervention, also with respect to the above mentioned John Wayne Syndrome. The affected person in fact has a tendency to deny the impact the event has had on him, in order to “remain a strong man” in the eyes of others, or he is ashamed of his emotions, or “he simply does not want to bother anyone.” However, the reality is usually different.

The handbook also provides all persons in question with information on crisis intervention and long-term psychological care in the sense of “how to care for yourself.” It points out the risk of unresolved, unprocessed or forcibly “forgotten” events, excessive alertness syndrome, which again typically affects members of the security forces in the sense of constantly looking at people and things in their neighbourhood as potential threats and to be “on duty” practically all the time, as well as on the effects of the professional burnout syndrome. It is in fact good to feel the meaning of your work, but it should not be the only goal, purpose and interest in life.

Sources:
The Integration of Foreign Nationals in the Czech Republic

Arrangement of foreign nationals’ integration in the Czech Republic

The integration of foreign nationals can be described using many different definitions. Given the topic of this lecture, it is essential to see what the Czech Republic’s position towards this topic is in official documents approved by the government. The integration of foreign nationals is conceived of primarily as a long-term process of integrating foreigners into society in the Czech Republic, in which both parties – immigrants and the host society – must inevitably be involved. This two-way process presupposes willingness to be integrated on the side of the foreign nationals and willingness to create conditions for integration on the side of the majority. Among the most important tasks of the host society are promotion of the active participation of immigrants, guarantee of anti-discrimination measures and creation of conditions for conflict-free coexistence in society. Immigrants are expected to have personal responsibility, initiative, willingness to engage in society, compliance with laws and regulations and respect for the values of the host country and the EU. In general, it may be assumed that, as opposed to the current voluntary principle, some integration measures will be compulsory in the future, as is already the case with the Czech language exam at A1 level, which has been one of the conditions for granting permanent residence status since 1 January 2009.

The development of the integration process cannot be waived. It has been confirmed that migration can be effective and beneficial both to the foreign nationals and the majority only if it is directly interlinked with integration measures. Integration is, among other things, a condition for achieving mutually beneficial and seamless coexistence between newly arrived foreigners and the local population, and maintaining social cohesion in the state. It works as prevention of social exclusion of foreign nationals, against the creation of their own parallel social structures and the rise of closed communities.

Integration takes place primarily at local level – where foreign nationals live and work. Integration is not an attempt to assimilate foreign nationals.

Composition of foreign nationals in the Czech Republic

The following data are valid as of 31 December 2017. The number of foreign nationals in the Czech Republic totals 496,413 legally residing foreign
nationals, of which 284,364 are foreign nationals from third countries. Compared to 1989, the number of foreign nationals has increased more than fourteen fold. Foreign nationals account for about 4.7% of the Czech Republic’s population. There are an increasing number of people who have been granted permanent residence status – currently approximately 68% of foreigners from third countries have permanent residence status, 32% are foreigners from third countries that have some other residence status.

More legally settled foreign nationals live in the Czech Republic than the total in Poland, Hungary and Slovakia put together. Citizens of Ukraine (110,245 persons), Vietnam (58,080) and Russia (35,987) account for almost three quarters of the main target group of integration measures, followed by US citizens (8,763 people), Mongolia (6,804), China (6,139), Kazakhstan (5,639), Moldavia (5,260), Belarus (5,054) and Serbia (2,888).

At the time of the economic crisis – starting from 2009 onwards – the increase in the number of foreign nationals gradually started to slow, and sometimes even slightly declined. Nevertheless, the number of foreign nationals is growing very quickly, especially thanks to the arrival of foreign employees.

**Concept of integration of foreign nationals in the Czech Republic**

The first Concept of Integration of Foreign Nationals in the Czech Republic was adopted by the central government in 2000. The government responded thus to the increase in immigration into the Czech Republic and the gradual development since the 1990s when the Czech Republic ceased to be a transit country for migrants and gradually became their destination.

The Concept was updated in 2006 and subsequently in 2011 and 2016. Every year, the central government annually adopts a resolution concerning the Concept’s implementation process, within which financial means and integration tasks are always allocated for the following year.

Coordination of the implementation of the Concept of Integration of Foreign Nationals is entrusted to the Ministry of the Interior of the Czech Republic, but a number of other ministries are involved in the implementation of the Concept. Each of the ministries is responsible for implementing integration policy within the scope of its responsibility.

In 2006, four main integration priorities were set out in the framework of the updated Concept; these priorities have remained valid ever since:
• Knowledge of the Czech language (for example, support for language courses, Czech language exams for obtaining the permanent residence status).
• Economic self-sufficiency (for example, partial simplification of administrative duties, a 60-day protection period for the search of new employment in cases defined by law).
• Orientation in society (for example, support for introductory courses, information publications and websites).
• Relationships between individual communities (for example, support for NGO projects such as Family Next Door, Colourful Planet, intercultural education of public administration staff).

**Objectives and principles of integration**

The objective of integration policy in connection with migration is to support the integration of foreign nationals into society, achieve peaceful coexistence with foreign nationals, prevent the occurrence of negative social phenomena and ensure the protection of the rights and safety of all the population of the Czech Republic.

Integration policy focuses on greater involvement of foreign nationals in society, preventing the problems of coexistence between foreign nationals and the majority, prevention of the onset of closed communities, prevention of social exclusion of foreign nationals and integration of the second generation of immigrants. The main principles include an emphasis on the effectiveness of integration measures, clear and measurable results, practical cooperation of all those who can contribute to the success of integration, and support for the development of civil society. Emphasis is placed on integration in regions and municipalities through the implementation of new integration tools such as municipal integration projects (previously called ‘emergency projects’) and regional centres for the support of the integration of foreign nationals.

Integration policy aims to promote the self-sufficiency of foreign nationals so that they are able to fully participate in the life of society and to tackle by themselves their own life situation and the situation of those depending on them, without relying on other entities. It is important for foreign nationals to be capable of living a dignified life in the Czech Republic and perceiving themselves as part of this society.

Integration measures must reflect the actual needs of foreign nationals as well as those of mutual coexistence; therefore, they must be targeted and broadly accessible.
In this regard, the objective of integration policy is to make sure that foreign nationals:

- know about their rights and are able to meet their obligations,
- are oriented in the new environment, habits and way of life in the host country, which they chose as their new (whether temporary or permanent) home,
- understand the Czech language and are able to communicate in it,
- are independent and self-sufficient in social and economic terms, and
- have enough information about where to find help and support in case of need.

Through the measures adopted, integration policy also seeks to make sure that majority society is open and forthcoming to foreign nationals and encourages their efforts to become integrated into society.

Integration policy is based on the experience that preventing problems in coexistence is always easier than facing the consequences of integration that got out of hand. It is therefore necessary to pay attention to the coexistence between foreign nationals and other inhabitants of the Czech Republic and continue to deepen our active integration policy. Integration is a shared responsibility of foreign nationals and the majority society in the Czech Republic.

Updated Concept of Integration of Foreign Nationals in the Territory of the Czech Republic – In Mutual Respect (Government Resolution No. 26/2016)

The material consists of three chapters. The reference point is the “Analysis of the Current Situation in the Field of Integration of Foreign Nationals”, which focuses on a detailed description of the population of foreign nationals residing in the Czech Republic with regard to the integration needs of these foreign nationals and formulation of integration measures. The second chapter is the “Updated Concept of Integration of Foreign Nationals – In Mutual Respect”, which defines the Czech Republic’s approach in the field of integration of foreign nationals and takes into account the development, new trends and current needs arising in the Czech Republic in connection with the integration of foreign nationals and issues concerning foreign nationals in general. In the third chapter, entitled “Procedures of Implementation of the Updated Concept of Integration of Foreign Nationals in 2016”, specific measures are proposed by which the respective departments responsible for the implementation of the integration policy will support successful integration of foreign nationals in the Czech Republic in 2016.
The Concept is based on these fundamental principles:
• effectiveness of integration measures and financial resources deployed,
• diversification of integration measures according to the time and purpose of the foreign nationals’ stay and reflection of their specific needs,
• integration of foreign nationals as a precondition for the benefits and efficiency of migration.

Target group of the Concept of Integration of Foreign Nationals:
• Primarily, foreign nationals, also from third countries (i.e. countries outside the European Union, EEA countries and Switzerland) who have been legally resident in the Czech Republic in the territory of the Czech Republic for a long time,
• newly also holders of international protection who can use the relevant integration tools beyond the framework of the State Integration Programme according to their needs, including access to adaptation-integration courses,
• citizens of the European Union countries – only exceptionally, if it is necessary to resolve their personal critical situation,
• the majority society, given that integration is a two-way process,
• specific integration measures will also be targeted on foreign nationals in the pre-migration period in their countries of origin.

International protection seekers are not a target group of the Concept.

The Updated Concept of Integration of Foreign Nationals – In Mutual Respect puts emphasis on the following issues:
• The development of the integration policy will aim to create a system of integrated care of foreign nationals through the interconnection of individual integration stakeholders.
• The target group has been significantly expanded – newly also by holders of international protection, beyond the framework of the State Integration Program. EU citizens remain a complementary group that can be targeted only if they are at risk of social exclusion in their own country.
• A priority of the integration is to create a comprehensive system of informing foreign nationals, already as potential migrants in the countries of their origin. Initial integration and adaptation courses have proved to be very effective, the offer of Czech language courses is expanding, assistance to foreign nationals is ensured at centres run by the Ministry of the Interior, schools and local authorities.
• Dissemination of information will be aimed at both the professional
Adequate provision of information is an important preventive measure against feelings of insecurity and danger in the majority population that can take the form of xenophobia or rejection of foreign nationals.

- The objective of the Concept is to enhance public confidence through a new communication strategy that will provide greater openness and information sharing with the public on issues of migration and integration, and lead to a public debate.
- Activities of foreign nationals will be supported, including their activities as intercultural workers, teaching assistants and interpreters.
- Integration will continue to expand to the level of regions and municipalities. Integration projects of municipalities will be supported in cooperation with non-governmental non-profit organisations and the development of a network of Regional centres for the support of integration of foreign nationals.
- Emphasis is placed on continuous monitoring of the situation and mutual relationships, which can serve as an early warning system and stimulate a rapid response or solution to the identified problem in direct co-operation with local authorities.
- Growing attention will be paid to the education of children of foreign nationals, as the number of children and students from third countries in the Czech Republic has been increasing significantly.

Integration has so far been based on the principle of voluntariness. The Concept considers the introduction of compulsory participation of foreign nationals in integration, such as completing an initial adaptation-integration course for newly arrived foreign nationals or increasing the required knowledge of Czech for a permanent residence permit from A1 to A2 under the Common European Framework of Reference for Languages.

Funding

Every year a certain amount from the state budget is assigned, by government resolution, for financing the integration of foreign nationals (e.g. in 2015 it was CZK 25,000,000 and in the year 2016 there was an increase to CZK 54,290,290). Other sources from which integration programmes can be funded (European Social Fund, grants from regions and municipalities, grants from the Ministry of Labour and Social Affairs for social services, endowment resources, etc.) must be added to this amount. A key change in the financing of integration of foreign nationals in 2009 was the implementation of the European Fund for the Integration of Third-Country Nationals 2007-2013 (hereinafter referred to as the EIF), and since 2015 the Asylum Migration and Integration Fund. It is assumed
that the total amount put aside for the integration of foreign nationals in the Czech Republic has exceeded CZK 150 million annually in recent years.

**Overview of selected integration activities**

The government regularly deals with integration and approves resolutions on the integration of foreign nationals every year. The integration policy of foreign nationals is thus continuously updated and can respond flexibly to new challenges. In the long run, a wide range of projects by non-governmental non-profit organisations have been supported, which in many cases have a welcomed share in implementing the integration in practice. With the possibility of using the EU’s financial resources it has been possible to increase the scope and level of support for the integration of foreign nationals. Emphasis is put on the mainstreaming of the target group and on the maximum use of support from different financial sources. Starting in 2009, Czech language tests have been introduced as a requirement for permanent residence status (approximately level A1 of the Common European Framework of Reference for Languages), with the first attempt to pass the exam being fully paid for by the state.

At selected residence status departments of the Asylum and Migration Policy Section of the Ministry of the Interior of the Czech Republic, foreign nationals are provided direct assistance by workers of non-governmental non-profit organisations (NGOs) within projects, which are among others subsidised by subsidies of the Ministry of the Interior. Children of foreign nationals from third countries (not only the EU) have the right to be taught Czech as a part of compulsory schooling; schools have the opportunity to apply for a subsidy from the Ministry of Education, Youth and Sports for teaching Czech and tutoring foreign children. There are sites on the integration of foreign nationals primarily for authorities and NGOs managed by the Ministry of Labour and Social Affairs and the Ministry of the Interior of the Czech Republic – www.cizinci.cz. As regards the residence status of foreign nationals, the immigration portal of the Ministry of the Interior – www.imigracniportal.cz – is available. The Research Institute of Labour and Social Affairs has designed a list of integration indicators of foreign nationals in the Czech Republic, which is updated every six months. Every year, a Yearbook of the Czech Statistical Office entitled “Foreign Nationals in the Czech Republic”.

In order to raise awareness of foreign nationals and to support legal migration and integration, three projects by the NGO ‘Slovo 21’ were implemented in cooperation with an expert group composed of representatives of NGOs, IOM, Integration Centres and the Asylum and
Migration Policy Section of the Ministry of the Interior of the Czech Republic. The outcome of each project is a “package” – a documentary film and printed information materials in selected languages. The set called “The Next Stop Is the Czech Republic” is intended for those foreign nationals who are considering migration to the Czech Republic and should come into their hands at Czech consulates in their country of origin before arriving in the Czech Republic. The adaptation and integration course “Welcome to the Czech Republic” will provide foreign nationals with orientation in the practical aspects of life in the Czech Republic, their rights and duties, and a range of integration measures. “How to Do It” is an instructional animated film screened at the residence status departments of the Asylum and Migration Policy Section of the Ministry of the Interior of the Czech Republic (without soundtrack) and a leaflet summarising information on the resident status permission and extension procedure. The outcomes of all three projects are published on www.imigracniportal.cz.

Projects at the local level:
In 2008, the situation required the implementation of the first emergency projects at the local level. These are funded by the Ministry of the Interior and implemented and co-financed by local authorities. They were established as a tool for addressing the critical situation in cities with a significant number of foreign nationals, where tensions have grown between foreign nationals and other residents. Currently, they are called “community projects” and serve to promote conflict-free coexistence and enhance integration activities. At the same time, they allow local authorities to develop their own integration strategies. They consist in a comprehensive set of integration activities that enable a flexible response to local problems based on their analysis. Emphasis is placed on the prevention of xenophobia and on direct cooperation of all stakeholders in the municipality or in the city district (in addition to local authorities, the projects also involve integration centres, schools, clubs, hospitals, NGOs and other entities). In 2017, municipal projects were implemented in the cities of Brno, Teplice, Havlíčkův Brod, Pilsen and in the city districts of Prague 3, 4, 5, 7, 9, 10, 11, 12, 13, 14 and 17 and Prague-Libuš. Important annual events are the nationwide conferences of cities that allow the sharing of good practice experience and presentation of current trends in the integration of foreign nationals from the point of view of local authorities.

Network of Regional Integration Centres:
In 2009, the first Regional Centres to support the integration of foreign nationals were opened – their establishment was made possible in particular by the financial support of the European Integration Fund.
These Centres are supposed primarily to be partners of the administrative authorities and provide support to foreign nationals in preparation for administrative proceedings or during their course. Their tasks are mainly to facilitate activities in the regions aimed at integration, multiply integration activities in the region, serve as a source of information for both foreigners and those individuals and institutions that provide services or assistance to foreign nationals, support the development of civil society in the region, and activate all stakeholders in the region to share experience and to perform joint activities within these platforms. The activities of the Centres include, for example, counselling, training courses (Czech language and socio-cultural orientation) and other preventive activities (cultivation of the relationship between foreign nationals and the majority society, platforms, etc.), analysis and permanent monitoring of the situation, and support for the development of civil society. The operation of the Centre should be carried out in close cooperation with regions, their activities are provided directly by the Centres’ staff, as well as non-governmental non-profit organisations and other integration stakeholders.

In 2017, there were such Centres in 13 of the 14 regions of the Czech Republic, nine of which were administered by the Ministry of Health, others then by non-governmental non-profit organisations – the Advisory Centre for Integration (Ústí nad Labem Region), the Diocesan Catholic Charity of Hradec Králové, the Prague Integration Centre run by the city of Prague, and one region (South Moravian). The Centres have created a network that covers virtually the entire Czech Republic (except the Central Bohemian Region) and operates primarily at regional and local levels.

Support for projects by non-governmental non-profit organisations
The Ministry of the Interior announced a state budget grant award procedure in 2017 for non-governmental non-profit organisations titled “Integration of Foreign Nationals 2017” in order to support the following areas:

1. Direct assistance to foreign nationals from third countries at OAMP departments of foreign nationals’ residence status,
2. Streetwork in the environment of foreign nationals and/or training of street workers,
3. Implementation of projects aimed at providing pre-departure information, adaptation and integration courses and support to better orientation of foreign nationals in OAMP offices,
4. Training of the staff of OAMP departments of foreign nationals’ residence status and of state administration and local authorities’ staff,
5. Support of integration activities based on the foreign nationals’ own activity,
6. Research into the position of women-migrants in society and/or research in the field of integration of foreign nationals, monitoring and creation of integration indicators
7. Activities aimed at informing the general public in the field of integration of the target group

Raising awareness
Providing basic information for the orientation of foreign nationals in society and for their awareness of their rights and duties is an essential part of the support of integration of foreign nationals and one of the priorities of the integration policy. The goal is to create a comprehensive system of informing both foreign nationals and the majority society, and its permanent updating.

• A three-level information system for foreign nationals was created to support legal migration and integration in the Czech Republic in order to strengthen the orientation in terms of entry and residence in the Czech Republic, rights and duties and orientation in the Czech Republic:
  » Adaptation and integration courses for newly-arrived foreign nationals in order to help them orient themselves in a new environment, to acquaint them with their options, rights and duties, as well as with the risks of non-fulfilment of these obligations, local conditions and habits and the core values of the Czech Republic and the EU. The information website www.vitejtevcr.cz offers a list of currently opened adaptation and integration courses with the possibility of registering online. The database of lecturers and interpreters was expanded.
  » Pre-departure information “The Next Stop is the Czech Republic” (video + leaflet) is distributed to potential migrants through embassies in the countries of origin and on the websites of the Ministry of Foreign Affairs and the Ministry of the Interior.
  » Instructional film and leaflet “How to Do It” serves to guide foreign citizens in their dealing with residence status matters at the Asylum and Migration Policy Department offices. It supports self-sufficiency of foreign nationals and their protection against the risk of abuse. Currently, seven language versions are available of the

---

5 This three-stage set of information was prepared within the framework of the project of the civic association ‘Slovo 21’. The processing of information materials and their updating were co-operated on within the working group also with other non-governmental non-profit organizations, the IOM and the Center for the Support of the Integration of Foreigners.
instructional film and leaflet “How to Do It?”

• **Assistance to foreign nationals at the offices** of residence status of the Asylum and Migration Policy Department: through a project of assistance services subsidised by the Ministry of the Interior, in cooperation with NGOs using intercultural mediators and community interpreters, directly at the offices of the Asylum and Migration Policy Department of the Ministry of Interior in Prague and in a number of other cities.

• **Courses of socio-cultural orientation** in society for long-term residing foreign nationals, usually connected with the teaching of Czech, and possibly with thematic seminars (provided by the Centres for the Support of Integration of Foreign Nationals and NGOs)

• The publication **“Information for Foreign Nationals with Permanent Residence Status in the Czech Republic”** was updated

• **Information websites:**
  » Updated information is available at [www.mvcr.cz](http://www.mvcr.cz) in the section “Asylum, Migration and Integration”
  » The website [www.cizinci.cz](http://www.cizinci.cz) run by the Ministry of Labour and Social Affairs in cooperation with the Ministry of the Interior for the employees of state administration and local authorities, non-governmental non-profit organisations working with foreign nationals, the public and the foreign nationals themselves.

• To raise awareness of foreign nationals on issues of residence on the territory of the Czech Republic, the website [www.imigracniportal.cz](http://www.imigracniportal.cz) (in the English version: [www.immigrationportal.cz](http://www.immigrationportal.cz)) is continuously updated, with information for foreign nationals about residence status agendas, also in Czech and English, basic information also available in Russian.

• Information services for foreign nationals from the Ministry of the Interior (both by mail and by telephone) are still provided. The Ministry of the Interior also supports the Charity of the Czech Republic information line – consultancy available in Vietnamese and Mongolian.

• **Preparation for permanent residency and the citizenship exam** is carried out through non-governmental non-profit organisations and the Centre for the Support of the Integration of Foreign Nationals (e.g. Czech courses, mock exams) and with the help of the website [http://cestina-pro-cizince.cz](http://cestina-pro-cizince.cz)

**Integration of foreign nationals – recommended links:**
Information of the Ministry of the Interior – migration, asylum and integration
Ministry of the Interior:

Regional Centres for the Support of Integration of Foreign Nationals:
http://www.integracnicentra.cz/

Choice of materials supporting the socio-cultural orientation of foreign nationals available at

A website run by the Ministry of Labour and Social Affairs in cooperation with the Ministry of the Interior
http://www.cizinci.cz/

Information for foreign nationals

Information publications for foreign nationals: Manuals, leaflets, project films The Next Stop is the Czech Republic, Welcome to Czech Republic, instructional film and leaflet How to Do It

Information on migration and the integration of foreign nationals
www.imigracniportal.cz

The Czech for Foreigners Portal – information for foreign nationals who apply for permanent residence status in the Czech Republic or citizenship of the Czech Republic and are about to take a Czech language exam or a Czech facts, life and institutions exam.
http://cestina-pro-cizince.cz/

A portal focusing on the inclusion of foreign pupils into Czech schools
www.inkluzivniskola.cz

Ministry of Labour and Social Affairs – employment of foreigners
https://portal.mpsv.cz/sz/zahr_zam

Information by the Ministry of Health Care
http://www.mzcr.cz/cizinci/

Czech Statistical Office

European Website on Integration (EN, DE and FR)
http://ec.europa.eu/ews/cz/

Helpline in Vietnamese and Mongolian – Charity of the Czech Republic

Open platform especially for non-profit sector entities and their activities in the field of culture and education focused on intercultural dialogue:
www.mezikulturnidialog.cz

Bilingual communication cards for communication between Czech healthcare professionals and foreign patients:

Information provided by the Czech Medical Chamber on providing health care in the Czech Republic for migrants:
**Jaromír Kolářík**

**Forensic Identification Marking of Bicycles, Compensatory Aids and Urban Furniture**

**Forensic identification marking**

Forensic identification marking is a modern asset protection method, primarily with a preventive effect. By applying forensic identification marking, unique codes placed in microdots are transmitted. The size of the microdots does not allow for them to be easily found on the object and their durability makes them virtually impossible to be removed even in the case they are discovered.

**What is forensic identification marking?**

Forensic identification marking as such means a solution of glue and microdots with a unique identification code. The size of a microdot is 1 mm. Hence, they are not normally visible to the human eye. After the solution has dried, it is transparent on the object, which makes it essentially invisible to the naked eye. That is why a UV factor is added to this solution, making the marking visible under UV light. In addition, the special glue with microdots and UV factor is composed of four chemical substances similar to human DNA. Each packaging of this forensic marking, thanks to this DNA technology, contains its specific synthetic DNA code, which is advantageous if the perpetrator removes all the microdots. The identification of the object is also possible thanks to the composition of the glue.

The resilience of this marking is great – it resists normal temperatures occurring in the Czech Republic during summer and winter months, water, fog, acid solutions and salt. Also, mechanical removal of the marking is very difficult.

The marking can be applied to all possible objects (household, office, vehicles, boats, heavy industry products, works of art, antiques, religious objects, etc.). As part of the Ministry of the Interior’s project it is applied on bicycles, compensatory aids and urban furniture.

The number of microdots in the package is individual, the standard quantity is 1000 units per package, each microdot in the package has the same code and the whole package has its own specific DNA.

The marking is harmless both to health and nature.
The marking causes no damage to the object on which it is applied.

The application of the forensic identification marking is very simple. The marking is carried out either by professional workers from the field related to the marked objects (for historical, sacral etc. objects), by police constables under Ministry of the Interior’s project, or by owners of the objects who purchase the marking sets by themselves.

Illustration image:
*Photo on the left – road bicycle frame with forensic identification marking applied on it*
*Photo on the right – the same road bicycle frame under a UV lamp (the forensic identification marking is “shining”)*

Illustration image: *a microdot of the forensic identification marking with a specific code (100x zoom)*

**Brief description of the Ministry of the Interior’s project “Forensic Identification Marking of Bicycles, Compensatory Aids and Urban Furniture”**

Protection of bicycles, compensatory aids and urban furniture with the help of forensic identification marking is a modern method of asset protection, primarily with a preventive effect. And since there is no decline in bicycle theft nationwide, and theft of compensatory aids and items belonging to urban furniture seem to be growing all the time, the Ministry of the Interior has prepared a project in the framework of crime prevention
and in cooperation with the cities of the Czech Republic and the Police of the Czech Republic entitled “Forensic Identification Marking of Bicycles, Compensatory Aids and Urban Furniture”.

Each bicycle, compensatory aid or urban furniture object marked with a forensic identification mark is fitted with appropriate stickers, warning about this marking. These stickers warn the perpetrator that the bicycle, compensatory aid or piece of furniture is specially tagged and can be better identified by the police. For enhanced protection, the marked object is also described in detail, photographed and then registered in the local database of the municipal police and in the international REFIZ database – a register of identified objects tagged with forensic identification marking.

The Ministry of the Interior bears approximately 90% of the cost of the project, the remaining 10% being paid by the relevant municipality or city.

Under this project of the Ministry of the Interior, the municipality or city will obtain all the necessary items for the marking and registration of bicycles, compensatory aids or urban furniture.

This means, in particular, marking sets, cleaning wipes, forensic identification marking applicators, stickers, QR codes, identification means – UV lamps, microscopes, appropriate registration forms, instructions for the marking, access to registers (local and international REFIZ), training for the marking and registration. These items are supplied by the supplier of the marking. In addition publicity leaflets and rollups for project and marking publicity, holders for bicycle marking, a camera and other items necessary for the marking and registration can be obtained under this project.

What can be tagged:
All types of bicycles, electric bicycles, scooters and other means of transport propelled by human power. Additional objects that can be tagged include compensatory aids, such as mechanical and electric wheelchairs, special wheelchairs for children, prams, electric bikes, handbikes, walkers, sports wheelchairs, various tricycles, staircase climbers, wheelchair platforms, as well as compensatory aids for other people with disabilities, such as special aids and PCs for the blind, etc. Outdoor and indoor urban furniture can also be tagged.

Benefits of the forensic identification marking:
- discourages potential thieves
- reduces crime – for example, bicycles theft
• makes further use of stolen items impossible
• increases the offender’s risk of being captured
• restricts the sale of stolen items
• minimises insurance fraud with bicycles, compensatory aids, etc.
• improve the reputation of the municipal police
• show citizens that their city is interested in doing something for its citizens and their security

Description of methods and activities:
The project is carried out by municipal police constables in the period from July to November each year. The implementation of the project is usually preceded by an information campaign for the public, especially for bicycle and wheelchair owners as potential property crime victims.

Procedure for marking and registration:
Bicycles, compensatory aids or urban furniture are marked at predetermined locations, tagged with the sticker, described, photographed and registered in databases. One police constable is sufficient for the marking and registration of the marked items (however, it always depends on the number of marked and registered items).

Who can register a bicycle or a compensatory aid:
In particular, a citizen of a specific city older than 15 years who holds a valid ID, younger persons must be accompanied by their legal guardian. The marking and registration are free for each citizen.

Registration of the marked items:
Registration of the marked bicycles, compensatory aids or urban furniture is inscribed in local registers of the municipal police (either in the existing municipal police register or in the local Bike-guard register provided). If a municipal police uses the local Bike-guard register, then access to this register is only available to that particular municipal police force. This register records not only bicycles, compensatory aids and urban furniture (their description and photo), but also complete personal data of their owners.
Additional registration of the marked objects is entered in the REFIZ international register.

The REFIZ international register is a register in which the forensic identification marking is registered of bicycles, compensatory aids and urban furniture (their description and photo) for all municipal police forces that carry out protection of objects using the forensic identification marking.

This register is supported by the Ministry of the Interior.

At present (in 2017) forensic identification marking and registration in REFIZ are carried out by the following cities and municipal police forces: (Note: MP = Municipal Police) : MP Krnov, MP Opava, MP Hlučín, MP Kravaře, MP Bílovec, MP Vítkov, MP Ostrava, MP Orlová, MP Karviná, MP Český Těšín, MP Příbor, MP Bruntál, MP Rýmařov, MP Vsetín, MP Valašské Meziříčí, MP Valašské Klobouky, MP Nový Jičín, MP Frenštát pod Radhoštěm, MP Kroměříž, MP Břeclav, MP Znojmo, MP Rumburk, MP Varnsdorf, MP Ústí n/Labem, MP Domažlice, MP Přeštice, MP Plzeň, MP Praha, MP Kolín, MP Kralupy n/Vltavou, MP Mělník, MP Neratovice, MP Žďár n/Sázavou, MP Jeseník, MP Prostějov, MP Hranice, MP Litovel and MP Frýdek-Místek, which conducts the marking and registration under public contract also in the following municipalities: Sviadnov, Dobrá, Paskov, Vyšní Lhoty, Baška, Bílá, Čeladná, Frýdlant nad Ostravicí, Janovice, Kunčice pod Ondřejníkem, Lhotka, Malenovice, Metylovice, Ostravice, Pržno, Pstruží and Staré Hamry.

In Poland, the forensic identification marking and registration in REFIZ are carried out by the municipal police (Straż Miejska) in Jastrzębie-Zdroj, and from 2018 in Cieszyn.

At present (November 2017), more than 15,000 tagged items are registered in REFIZ.

In crime statistics of individual municipalities and cities, since the beginning of bicycle marking using the forensic identification marking in individual municipalities and cities, we have seen a decline in bicycle theft!
Municipal Police Karviná:

Chart – bycicle theft from 2013 to 2016.
(The Municipal Police in Karviná has been tagging and registrating bicycles in REFIZ using the forensic identification marking since 2014)

Why do cities in the Czech Republic prefer forensic identification marking to other methods of protecting objects from theft?

As we all know, objects such as bicycles that are exposed to an increased risk of theft can be protected in a variety of ways. Forensic identification marking as one of the few systems, however, offers the protected object so-called blanket protection. It is not enough for the perpetrator of the theft to remove only a single point of protection placed on the object in order to make it impossible for the police to identify a protected object after the theft; in fact, the perpetrator must count on at least 10 such points on an object protected by forensic identification marking. Moreover, an object protected by forensic identification marking is registered in the REFIZ international register and therefore very easily traceable throughout the Czech Republic. In addition, the REFIZ international register is supported by the Ministry of the Interior as the only bicycle register.

The Ministry of the Interior’s project “Forensic Identification Marking of Bicycles, Compensatory Aids and Urban Furniture” always also involves the Police of the Czech Republic:

- by borrowing identification means from the municipal or city police and their use in tracing of stolen bicycles, compensatory aids, etc.;
- the use of (the possibility of entry into) the REFIZ international register.

The Police of the Czech Republic can also engage itself directly in its own marking.

The entire system of forensic identification marking, including the REFIZ international register, is approved and supported by the Ministry of the Interior, the Czech Republic’s Criminology Institute, municipal police forces and the Police of the Czech Republic.

More information on the marking of objects by means of forensic
identification marking, the registration of objects marked with forensic identification marking in the registers and the creation of projects for the marking of objects using the forensic identification marking within the framework of crime prevention of the Ministry of the Interior:

JUDr. Tomáš Koníček, Department of Security Policy and Crime Prevention of the Ministry of the Interior

Bc. Jaromír Kolářík, Guarantor of forensic identification marking for the Czech Republic
Phone: +420 773 011 171, e-mail: kolarik@refiz.eu
Urban System of Interdisciplinarity – the Role of the City of Brno in Prevention

Issues of Domestic Violence – Violence in the Family

Position in the context of strategic planning

• A system of assistance in Brno started to shape up in 2005
• The activities were covered by a political declaration
• Currently, this topic is being prepared for insertion in the city’s strategic document:
  » Vision until 2030.
  » Strategic, program and action plan.

Working with the whole family

• The system allows the provision of assistance and services to all actors of domestic violence (victims, offenders, children, witnesses of violence)
• The goal is to stop violence and protect vulnerable people
  » by protecting victims from the perpetrator of violence (barring him from home...)
  » through a comprehensive approach to the family system
• A comprehensive approach may in some cases lead to:
  » rehabilitation of the family and setting up a model of healthy coexistence
  » correction of behavioural patterns in the family
  » preventing violence in the next relationship
• A comprehensive approach is not always possible, it is important to evaluate when to protect the victim of violence

Interdisciplinary cooperation

• Coordination by a public institution
• Functional and communicating network of specialized institutionalized assistance
• Timely, quick and adequate case solving
• Mutual help and support
• Comprehensive assistance to the client
Reflections on Penal Policy in Slovakia

Introduction

The social response to crime is traditionally associated with the administering of penalties. Sanctions are a major tool of social control for enforcing compliance with human behaviour rules and standards. Social control provides for the social order of a society, and predictability and security for members of that society. The means for its implementation are systems of standards that determine how individuals should act, or what actions they should avoid, and what reactions (rewards or punishments) will follow their actions.

Social standards can be informal in nature and act as traditional rules of social ethics and coexistence of people, which are maintained as cultural patterns transmitted through socialisation. In a modern society however, formal standards that are precisely formulated and standardised gain more weight. A dominant position is occupied by legal standards that have some specific features distinguishing them from other social standards. These are in particular: their generally binding nature and their state-defined and recognised form, and penalties enforceable by the state power (Urbanová 2006, p.70).

The threat of a penalty as a regulatory pressure on behaviour is mainly linked to the area of criminal law. It is related to the nature of the subject of regulation – they regulate crime, which is the most serious form of behaviour deviating from the norm. It represents extremely undesirable and unacceptable behaviour, especially dangerous for others (Lubelcová 2005, 2009). The basic reasons for social regulatory intervention are, on the one hand, the fact that it is a behaviour that directly damages and causes harm to other people, and on the other hand, the fact that it also undermines the authority and stability of the social order. Negative sanctions (punishments) have therefore become a basic instrument of the regulatory force of criminal law. The classic model of criminal justice is based on a link between crime and punishment, which has deep cultural and psychological roots.

---

Penal policy – key development trends

Development in the criminal justice system in modern society was linked with basic approaches to penalty and punishment. Although several functions of punishment (Karabec, 2001) mingled in them, it can be said that in our (but in a broader sense also European) conditions, the most dominant justice model has been, historically, a model based in particular on the principles of retribution and punishment, in connection with rehabilitation (resocialisation) efforts during the execution of criminal sanctions. This model shaped up and maintained its dominance during the 20th century as well.

Development in the last decades of the 20th century has brought some new impulses for the area of punishment and criminal justice. As the British criminologist Y. Young says, such key impulses were the development of crime, the development of criminology and the development of penal policy (Young 1999). Traditional criminology was confronted with two crises: a crisis of etiology and a crisis of penal sanctions.

The etiological paradigm in criminology has been one of the main orientations since the very beginning of its formation. Its main role has become to answer the question of how to explain criminal behaviour, helping thus to identify the causes of such deviant behaviour. Despite great scientific and research efforts and the formation of a whole range of criminological theories interpreting the social determination of crime, criminology did not offer a clear answer to the questions of determination of crime and thus the also the practical needs of regulating and controlling crime. This also led to a certain resignation from the traditional etiological criminological orientation. The overwhelming attention of criminological theories started to shift from the socially and personally determined perpetrator to the situation in which crime occurs. Crime started to be perceived as a risk of everyday life, as a product of suitable situations where opportunities are offered to prosper from a greater profit than the risk of loss. An expression of this approach is an increase in situational crime prevention on which it is oriented in the application.

The above mentioned characteristics and development trends have been reflected in the penal policy strategies. Perceiving crime as an increased

---

risk of everyday life, detecting crime latency (against the background of victimisation research, and discovering the phenomenon of domestic violence) has prompted pressure to shift the issue of crime control to the forefront of public discourse and public policies. At the end of the 20th century, therefore, the issue of crime regulation also became a political priority and turned into criminal policies that have become an important part of the political struggle for public opinion and political preferences (Garland 2000).

In principle, two key approaches can be reflected:

One approach was to strengthen punishment, increase the efficiency and speed of punishment, but also to tighten criminal sanctions and imprisonment rates. This approach was applied in the 1990s especially in the USA and was mainly linked to the application of the “zero tolerance” and “three strikes and you are out” principles, and to increased mandatory minimum limits for criminal sanctions for certain offences (Garland 2000)\(^\text{12}\). The strengthening of punishment was also associated with the application of deterrent forms and effects of punishment, such as binding prisoners with chains and making them work alongside roads for public deterrence, exemplary, shocking punishments for juveniles for a part of the punishment for the effect of deterrence, etc. (Karabec 2001)\(^\text{13}\). In criminology, however, the criticised effect of such practices was an increase in prison population and, in particular, the risks of the counterproductive effects of such a massive exclusion of the risky population, which, however, had a difficult return to normal life after the expiration of the sentence, with the risk of reoffending and continuing their criminal activities.

On the other hand (especially in the European area), penal policies became more differentiated, inclining to innovative approaches (principles of restorative justice) and alternative strategies, including the strengthening of crime prevention.

The question of what is effective in social response to crime, what is the position and function of punishment, to what form of criminal sanctions penal policies should be transposed, this all still remains a challenge.

**Reflection on the development of crime and penal policies in Slovakia**

The system of criminal justice in our conditions has long been determined

---

by a generally accepted retributive model, reinforced in addition in the second half of the 20th century by the specific impact of the totalitarian socio-political establishment. The state and state interests had a dominant position, and in criminal law repressive elements were also applied to the regime’s opponents inside society. Although the re-socialisation function was emphasised in the application of penal sanctions, criminal penalties were particularly important in the administration of criminal justice. The criminal justice system was anchored in the Criminal Code and Criminal Procedure Code of 1961. The change in the social arrangement after 1989 required a different regulation of criminal law and a need for a comprehensive change was quickly demonstrated in order to respond to changes in the social environment, the development of crime, as well as trends on penal policy on the international scale.

Social transformation not only brought about a new form of political arrangement but also an economic change, namely in ownership relations. It led not only to the reduction of politically motivated criminal acts, but also opened up a new area for criminal law regulation against the background of privatisation processes and the shaping up of market economic relations. The process of complex social change also brought an unprecedented increase in the crime rate, which became a manifestation of the wobbliness of the normative and value systems of a society in the process of change. Crime rate development in Slovakia was characterised by its sharp increase in reported crime, which from the level of about 45 – 50,000 crimes reported per year in the second half of the 1980s, soared threefold by 1993 (approximately 145,000 crimes per year). There was a need for establishing new types of charges, especially in the economic crime. The most dynamic growth was recorded in property crime. During the 1990s, the levels of crime stabilised, and although crime has also grown after 2000, this is attributed rather to the criminalisation of property crimes (determination of the limit of theft by the damage caused) (Holcr et al., 2008). In recent years there has been a steady decline in the number of reported criminal offences. Since 2010, they have dropped below the level of 100,000 crimes per year, and in recent years they have been hitting the figures of less than twice the reported crime before 1989.

Trends in the development of the crime rate and structure (against the background of transformational changes in society) led to a necessity
for comprehensive recodification of criminal law. Preparations for the recodification of criminal law took several years and resulted in the adoption of a new Criminal Code and Criminal Procedure Code with effect from 1 January 2006.

The legislative intent and explanatory report emphasise the need for a comprehensive and conceptual change in criminal law that should reflect the new social situation as well as modern trends in this area. Partial changes in the 1990s already eliminated interference with civil rights and supported decriminalisation and depenalisation tendencies. The new shape of criminal law regulation was supposed to respond to the crime status quo, reflect the demands of a high level of respect for human rights (including the strengthening of crime victims’ rights), streamlining and speeding up criminal proceedings (including enhancement of its transparency and strengthening the principle of contradiction as a means of reliable fact-finding). Particular attention was paid to punishment and penalties. Although the Criminal Code lays down a sentence of detention (deprivation of liberty) for all charges, the philosophy of the new penalty concept was to, wherever possible and appropriate, replace prison by other alternative sanctions unrelated to imprisonment. In this respect, the use of community service was counted on, and probation and mediation of disputes between the offender and the injured was envisaged. Considered sanctions continued to include the use of existing protection measures that proved themselves efficient and the introduction of new ones (community supervision and detention). (Legislative Intent of Criminal Code and Criminal Procedure Code, 2000).

Although the intent of recodification emphasises the requirement to restrict the application of a custodial sentence as an ultima racio and articulates the requirement to strengthen the application of alternative sanctions, in reality the new Criminal Code often put more emphasis on punishment (see Chovancova 2010, Šamko 2011)\(^\text{16}\). Significant depenalisation practices and alternative sanctions, which fulfil the philosophy of new, restorative justice, seem to be only marginal in the Criminal Code and Criminal Procedure Code. The institutes of mediation and probation were put into practice by a separate law (Probation and Mediation Officers Act 2003) even before the recodification and have thus remained on the margins of application practice. The troublesome application of mediation in particular

---

was shown also by the following development when its application has weakened in recent years, with significantly differentiated level of application in various districts (many district courts do not apply it at all) (details in Lubelcová 2015).17

We were therefore interested to learn how the criminal law recodification was reflected in the application practices of criminal penalties, as well as the proclaimed change in the philosophy of punishment and the application of alternative sanctions.

**Development of criminal penalties in the Slovak Republic**

We looked at the development of sentencing of convicted offenders based on statistical data of the justice department’s criminal justice agenda between 2000 and 2014. Such a time interval includes the period of the beginning of the application of the new Criminal Code (since 2006) and allows capturing changes in the structure of criminal sanctions over a relatively longer period of time. In this comparison, we can only refer to the official statistical classification of sentences administered to convicted offenders, according to which it is possible to compare, in particular, the ratio of unconditional and conditional sentences, as well as the proportions of other punishments.

We were interested in how the structure of the sentencing reflected the significant change in criminal legislation, and whether we can also talk indirectly about the real implementation of the above legislative intention and the new philosophy of punishment in the application of criminal policy.

An interesting finding (Table 1) was the fact that the proportion of imprisonment (unconditional sentence) was essentially maintained to the same extent between 2000 and 2012. It was administered to about one-fifth of those convicted, with the differences during the period under review practically ranging only within two percentage points. Thus, we can state a stable proportion of prison sentences, even after the recodification of criminal legislation. Only in recent years could we see a certain decrease in the proportion of prison sentences (especially in 2012–2014). Taking into account the proclaimed intention of recodification to apply unconditional punishment as the ultima racio, we can formulate a conclusion that application practice responded to the requirement of changing the philosophy of punishment with a certain delay.

---

With the decrease in the administering of unconditional sentences, the share of other penalties increased. At the same time, this increase did not apply to financial penalties, in which can notice some slight decrease in their granting. According to the statistics of the Ministry of Justice of the Slovak Republic, the imposition of compulsory labour in particular has been increasing in recent years as part other alternative penalties. Therefore, we can assume that the decline in the granting of unconditional punishment is linked to the growth in the application of alternative penalties, but caution should also be exercised when assessing the application of elements of restorative justice, as the quantity of probation supervision has increased in the last few years on in case of conditional sentences but, as we have already mentioned, the granting of mediation has had a decreasing tendency in the Slovak Republic since 2011.

As a context of the situation, the table below also includes data on the development of reported crime and the number of convicted persons. We can note that, in addition to the trend of decreasing reported crime rate, the number of concluded criminal cases (number of convictions) has been increasing, which we can consider to be a positive trend. An open question remains, however, as to whether this increasing capacity of the criminal justice system stems from the strengthening of flexibility of decision-making against the background of changes to the criminal procedure and its new institutes after the recodification, or to an overall reduction in crime rates with a subsequent decline in the criminal court agenda. An adequate conclusion would require a more comprehensive survey.

Table 1: Development in reported crime, numbers of convicted offenders and structure of sentences administered in the period 2000 to 2014 in the Slovak Republic

<table>
<thead>
<tr>
<th></th>
<th>Number of crimes reported</th>
<th>Number of convicted offenders</th>
<th>UNCONDITIONAL. (%)</th>
<th>CONDITIONAL (%)</th>
<th>Financial (%)</th>
<th>other (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR 2014</td>
<td>81 245</td>
<td>33 610</td>
<td>15,9</td>
<td>61,1</td>
<td>3,7</td>
<td>17,9</td>
</tr>
<tr>
<td>SR 2013</td>
<td>89 677</td>
<td>36 079</td>
<td>14,1</td>
<td>62,6</td>
<td>3,9</td>
<td>18,0</td>
</tr>
<tr>
<td>SR 2012</td>
<td>90 351</td>
<td>35 007</td>
<td>16,9</td>
<td>60,5</td>
<td>4,3</td>
<td>16,8</td>
</tr>
<tr>
<td>SR 2011</td>
<td>92 873</td>
<td>30 110</td>
<td>19,1</td>
<td>62,9</td>
<td>5,1</td>
<td>11,2</td>
</tr>
<tr>
<td>SR 2010</td>
<td>95 252</td>
<td>31 179</td>
<td>20,2</td>
<td>65,0</td>
<td>5,2</td>
<td>7,8</td>
</tr>
<tr>
<td>SR 2009</td>
<td>104 905</td>
<td>30 953</td>
<td>19,2</td>
<td>67,1</td>
<td>5,5</td>
<td>6,2</td>
</tr>
<tr>
<td>SR 2008</td>
<td>104 759</td>
<td>28 681</td>
<td>18,8</td>
<td>67,5</td>
<td>5,9</td>
<td>5,9</td>
</tr>
<tr>
<td>Year</td>
<td>Number of crimes reported</td>
<td>Number of convicted offenders</td>
<td>SENTENCES – percentage shares</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------------------------</td>
<td>-------------------------------</td>
<td>--------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>UNCONDITIONAL. (%)</td>
<td>CONDITIONAL (%)</td>
<td>Financial (%)</td>
<td>other (%)</td>
</tr>
<tr>
<td>SR 2007</td>
<td>110 802</td>
<td>27 067</td>
<td>20,1</td>
<td>64,4</td>
<td>4,3</td>
<td>9,0</td>
</tr>
<tr>
<td>SR 2006</td>
<td>115 151</td>
<td>25 764</td>
<td>20,9</td>
<td>68,8</td>
<td>5,1</td>
<td>3,2</td>
</tr>
<tr>
<td>SR 2005</td>
<td>123 563</td>
<td>27 729</td>
<td>18,8</td>
<td>72,0</td>
<td>4,7</td>
<td>2,1</td>
</tr>
<tr>
<td>SR 2004</td>
<td>131 244</td>
<td>26 806</td>
<td>19,5</td>
<td>70,7</td>
<td>5,1</td>
<td>2,1</td>
</tr>
<tr>
<td>SR 2003</td>
<td>111 957</td>
<td>27 177</td>
<td>19,4</td>
<td>69,8</td>
<td>5,1</td>
<td>2,5</td>
</tr>
<tr>
<td>SR 2002</td>
<td>107 373</td>
<td>24 102</td>
<td>19,5</td>
<td>69,8</td>
<td>5,1</td>
<td>5,5</td>
</tr>
<tr>
<td>SR 2001</td>
<td>93 053</td>
<td>23 159</td>
<td>18,7</td>
<td>71,0</td>
<td>4,9</td>
<td>5,5</td>
</tr>
<tr>
<td>SR 2000</td>
<td>88 817</td>
<td>22 363</td>
<td>20,2</td>
<td>69,3</td>
<td>5,0</td>
<td>2,1</td>
</tr>
</tbody>
</table>

Note: SR = Slovak Republic
Processed data from crime statistics of the Ministry of the Interior of the Slovak Republic and judicial statistics of the Ministry of Justice of the Slovak Republic

Conclusion

Penal policy as part of public policies focuses on the area of crime control, in particular using the means of criminal law. An important part of it is the area of the system of criminal sanctions and their application. It is significantly influenced by the concept of criminal sanctions, which depend on social context, traditions, crime development, criminological concepts and the current situation. The application of criminal sanctions should fulfil an important principle of criminal justice – the proportionality of the sanction in relation to the seriousness of the offense committed. The increasing differentiation of crime and its social significance is manifested in the differentiation of the applied criminal penalties. In addition to the traditional custodial sentence, other (alternative) sanctions are being extended (also under the influence of reflecting its counter-productive effects on the comprehensive rehabilitation of the perpetrator). This trend was followed by a process of changes in criminal legislation embodied in the recodified Criminal Code in Slovak conditions. Its objective was (in addition to endeavouring to make the criminal procedure more efficient and flexible) to strengthen the application of the custodial sentences as the ultima racio and to give space to the granting of alternative punishments. Monitoring the application of criminal sanctions in the Slovak Republic highlighted a considerable inertia of law enforcement agencies (courts in particular) in sentencing and convicting. Some decline in the awarding of unconditional custodial sentences has only been noticed in recent years. This also points to the need to pay more attention to the application
practice of criminal sanctions, including qualified criminological research, which could answer more specifically some open questions of the factors determining the implementation of changes in practical criminal law decision-making, and thus answer the question of real trends in crime sentencing in Slovakia.
Miroslav Mareš

Selected Issues of Contemporary Extremist Meetings in the Czech Republic

The current extremist scene is undergoing a process of relatively fundamental changes in its structure and overall impact. This also has implications on the meetings organised by extremist entities. This article will describe and analyse selected issues related to contemporary extremist meetings, particularly in terms of criminogenic risks and wider implications for the security of the Czech Republic. Firstly, the main risks will be identified and the main contemporary trends in extremist meetings in the Czech Republic will be characterised. Attention will also be paid to the impact of legal standards and decisions, whether in the area of criminal law or assembly law (in the latter case, mainly on the interpretation of Act No. 84/1990 Coll. and its amendment No. 252/2016 Coll.). In order to clarify the issue, real-life examples of security and justice practice as well as internal discussions in the extremist scene will be used. The selection of cases and supporting quotes was carried out on the basis of the expert judgment of the author based on long-term systematic monitoring of the extremist scene in the Czech Republic (including the observation of the public activities of extremist entities) as well as debates with members of the security forces in the Czech Republic.

Major risks associated with extremist meetings

Extremist meetings can be understood as such meetings as are organised by the extremist scene or which are characterised by the prominent participation of extremist activists. The term extremism is defined in the Czech Republic in policy papers, not in legal standards, and is also the subject of academic debates. At this point, it is possible to recall the valid official definition of extremism, which originates from the Report on Extremism Issues in the Czech Republic in 2002 and the author of which is the Ministry of the Interior of the Czech Republic: “The term extremism is used to characterise well-defined ideological attitudes, which diverge from constitutional, legal standards, are characterised by elements of intolerance and attack basic democratic constitutional principles as defined in the Czech constitutional order. These principles include:

• respect for the rights and freedoms of man and of citizens (Article 1 of the Constitution),
• a sovereign, unitary and democratic state governed by the rule of law (Article 1 of the Constitution)
• any changes in the essential requirements for a democratic state
governed by the rule of law are impermissible (Article 9 (2) of the Constitution)

- sovereignty of the people (Article 2 of the Constitution)
- free competition among those political parties which respect the fundamental democratic principles and which renounce force as a means of promoting their interests (Article 5 of the Constitution)
- protection of minorities in majority decision making (Article 6 of the Constitution)
- freedom and equality of people in dignity and rights; fundamental rights and freedoms are inherent, inalienable, non-prescriptible and not subject to repeal without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth, or other status (Article 1 and Article 3 of the Charter of Fundamental Rights and Freedoms).

Extremist attitudes are capable of transitioning into activities that act destructively, either directly or in the long run, against the existing democratic political and economic system, i.e., try to replace a democratic system by a non-democratic system (totalitarian or authoritarian regime, dictatorship and anarchy). (Ministry of the Interior of the Czech Republic 2003: 9).

Public meetings are organised by the extremist scene for the same reasons as by other political groups, such as reinforcing the unity of their own activists and supporters while at the same time addressing other potential supporters (including potential voters). In this sense, extremist meetings help extremists achieve their general objective to significantly influence politics or even change the political regime, which should be seen as a threat to state security. Extremist demonstrations entail increased risk due to their stark nature and the participation of militantly-minded activists in a number of them (Mareš 2011).

The main criminogenic risks are those listed in the following table with examples from the Czech Republic from recent years:
Criminogenic risks associated with extremist meetings:

| Conflicts between adversarial groups from different meetings | Conflicts between participants in an anti-Islamic meeting and participants in a countermeeting in Brno on 26 June 2015 |
| Escalation of an initially peaceful meeting into violence against the security forces and surroundings | Anti-Roma demonstration in Duchcov on 22 June 2013 |
| Violent activities against opponents and security forces after official dissolution of a meeting | Violence after demonstration in Nový Bydžov on 12 March 2011 |
| Attacking adversarial meetings | Attacking participants of a pro-immigration demonstration by their opponents in Prague on 6 February 2016 |
| Verbal and similar crime and delinquency (visual in the sense of illegal use of symbolism, etc.) at public extremist meetings | Gun shooting in the air at an anti-immigrant demonstration in Prague on 6 February 2016 |
| Provocative meetings and happenings capable of triggering a risky response in an immediate or longer time horizon | Happening of Islam opponents in Old Town Square in Prague on 21 August 2016 |

The degree of risk in the above-mentioned types of threats depends, of course, on specific circumstances. These may include, for example, the number of participating activists in violent clashes and, above all, the intensity of violence that derives from the means used (it can be said in a quite banal way that a thrown plastic bottle represents different danger than a thrown functioning hand grenade).

Selected trends and events at extremist meetings in the Czech Republic

At present, extremist meetings are organised all the time by several entities that can be described as a “traditional extremist spectrum” (Workers’ Party of Social Justice and Workers’ Youth, National Democracy, etc.). At these demonstrations, currently the main risk is the threat of confrontation with anti-protesters, whether from an openly left-wing extremist spectrum or ideologically unprofessional or pro-systemic opponents of the extreme right. Mass violence committed by members of the right-wing extremist scene was last typical of a large wave of anti-Roma demonstrations on the territory of the Czech Republic in the late summer and early autumn of 2013. The Czech Security Information Service (BIS) then commented on them thus: “Initially, anti-Roma demonstrations were different from typical right-wing extremist events, as the dominant part of the participants were local citizens who manifested their dissatisfaction with what they saw as inadequate solutions to problems with the Roma minority and the approach
by public authorities responsible for this area. Gradually, however, their character changed. The events organised by dissatisfied citizens dwindled, while the number of those organised by right-wing extremists grew. Also, the participation of local people in these events has been gradually decreasing. The locals were no longer making up the majority, and the meetings were more often attended by right-wing extremists, hooligans and various rioters” (The Czech Security Information Service 2014).

These large-scale riots have not reoccurred since 2013. The wave of anti-Islamic and anti-immigrant demonstrations in 2015 and 2016 did not include any major violence or other criminal activity, though a number of partial incidents did occur (see table above). Also, the organisers of these demonstrations could not always be identified as belonging to the clearly defined spectrum of right-wing extremists (see below). As was mentioned earlier, present-day demonstrations sometimes include clashes with police and opponents. For example, at the demonstration on the 1 May in Brno, organised by the Dělnická mládež (Workers’Youth) where “a clash with the opponents of the gathering, mostly activists and members of the public, occurred” (Ministry of the Interior of the Czech Republic - the Ministry of the Interior 2017). According to the the Ministry of the Interior, about 150 people attended the gathering. One of the clashes has been taken to court and the time of writing, the case has not yet been resolved and has become a subject of interest for activists monitoring the upholding of subjectively interpreted legal values (Pecina 2017).

New anti-Islamic and anti-immigrant groups do not always fulfil the aforementioned definition of extremism and their labelling as being in the extremist spectrum can be problematic from scientific criteria too (Mareš et al. 2016). Nevertheless, extremists do participate in some of the gatherings and a part of the anti-Islamic spectrum has moved into extreme positions. Their gatherings can then be attacked by left-wing extremists and some provocative acts also raise concerns over a possible reaction from Islamic extremists, though these have not materialised so far.

The annual report for 2017 by the internal intelligence service contained the following: : “The BIS has characterised manifestations of Islamophobia as one of the radicalising factors of the Muslim community in the Czech Republic. The Islamophobic tendencies of a part of Czech society took shape in the form of several meetings focused against Muslims and Islam in the Czech Republic. For example, the burning of a Koran in front of the Brno mosque, the staged invasion of Prague by the Islamic State or the publishing of a list of Muslim businessmen in Teplice. These events have
not caused a negative reaction from the Muslim community” (The Czech Security Information Service 2017). It is also necessary to point out that the activities at these demonstrations were not identified as illegal, despite legal action being attempted against them (Echo 24 2016, Kovářová 2017).

The left-wing extremist scene, respectively its anarchist part, takes part in demonstrations against the far right, which they call fascists (this term is abused to mean a very large spectrum of ideologies), but has also in the past years conducted demonstrations in support of an anarchist activist jailed as part of the Phoenix initiative and similar interventions against the far-left spectrum. The point of these demonstrations can be explained in the following account of one of them: “On the evening of 9/9/2016, we met before the gates of the jail in Litoměřice. Our objective was to support our friend and comrade Lukáš Borl by form of a noisy demonstration, so that he wouldn’t feel alone in his cell, and to let him know that the solidarity between comrades is an important part of the Czech anarchist scene. He is always in our minds and hearts, we miss him and we will do all we can to lighten the hard times he has to go through” (North Bohemia anarchist federation 2016). These demonstrations carry with them the risk concerning the situations in jails, because they can incite even large groups of “normal prisoners” to protest or riot (Prison Service of the Czech Republic). The extreme left is also able to mobilise supporters for the defence of vacated squats, specific types of meetings which combine various types of activism.

Even though it is controversial to speak about consistent Roma ethnic extremism in the Czech Republic, there have been extreme situations in the Roma demonstrations in Žatec in 2016 and partially also in Chomutov in 2017. Both demonstrations were reacting to the deaths of Roma that were according to them caused by the racist prejudices in the majority population. Some of the participants in the demonstration in Žatec were sentenced for verbal hate crimes (Romea 2016). A part of the militantly charged Roma demonstrators attempted to attack the far-right counter-protesters, who are strongly against the Roma (Sasaneti TV 2016).

Compared to the nineties or selected demonstrations from the first decade of the 21st century, the current trend seems to be smaller demonstrations with less violence. Both the extreme left and the extreme right have also interestingly developed something of a retro trend, when the early 2000’s generation of activists transferred their knowledge and experience to the younger generation. It is visible for example in the publication of commemorative publications, that also deal with demonstrations. An
example of this from the extreme right wing is the book by the one-time activist of right-wing extremist organisations, Filip Vávra, entitled “Těžký boty to vyřešej hned. Skinheads v Praze na konci 80. a začátku 90. let” (“Heavy boots will solve it all immediately, Skinheads in Prague at the end of the eighties and beginning of the nineties”). It includes among other things an account of an attack on an anarchist demonstration near the Prague Exhibition Grounds by the skinheads on May 31 (Vávra 2017: 156–159). An example from the extreme left is a publication by Sergej Fomičov, a Russian eco-anarchist, who writes about his experiences from anti-globalisation demonstrations from the early 2000’s, including street fights in Prague during protests against the IMF conference and the World Bank in September 2000 (Fomičov 2017: 7–27). Even though there is not enough potential for the reoccurrence of these events in the Czech Republic, it cannot be ruled out for the future.

**Extremist symbols at gatherings: clarification of legal interpretation**

In the past, there was a relatively large number of offences concerning the public use of Nazi or neo-Nazi symbols at extreme right rallies. This was usually classified under Section 261 of Act No. 140/1961 Coll., or Section 261 of the same law. In the current Criminal Code, it falls under Section 404 The showing of sympathies to a movement advocating the limiting of the rights and freedoms of people and Section 405 The denial, questioning and justification of genocide. The authorities dealing with the legal procedures started to interpret these paragraphs rather extensively, which was also helped by the resolution of the Constitutional Court of the Czech Republic IV.ÚS 2613/10 on 19/5/2011.

In it, the Constitutional Court rejected a complaint by a complainant who had been, by verdict of the Municipal Court on 10/6/2009 č. j. 3T 120/2009-96 “found guilty of the crime of support and propagation of a movement advocating the limiting of the rights and freedoms of people according to the provision Section 261a of the Criminal Code, which was committed in the centre of Brno at a gathering of members and supporters of the Dělnická strana (Workers Party). The defendant wore a hoodie, belt and badge with the inscription “Eighty-eight” and the number “88”, these numbers referencing to the order of letters in the Latin alphabet, thus HH, which is an abbreviation for the Nazi salute “Heil Hitler.“ The defendant knew of the meaning, due to the circumstances of the gathering. The verdict of the County Court in Brno on 2/9/2009 č. j. 5To 407/2009-134 rejected the complainant’s appeal due to it being unjustified. The verdict of the High Court on 9/6/2010 sp. zn. 11 Tdo 409/2010 rejected the complainant’s appeal due to apparent unjustifiability” (Constitutional Court 2011).
The Constitutional Court, among other things, stated in the justification: “The number 88 is a symbol intended to convey in short a certain view, idea or mood. For fascism and German Nationalism, the use of symbols referring to the numerical positions of letters in the alphabet meaning the initials of fascist personas is typical” (Constitutional Court 2011). Further, the constitutional judges examined the objective and subjective parts of the crime: “Although the number 88 is considered a symbol with a hidden racial motive, the wearing of clothing bearing these letters does not in and of itself constitute the factual basis of the crime according to provision Section 261a of the Criminal Code; the deciding factor is what the motivations of the wearer of these symbols is. This can be determined by for example their explicit statements or by the circumstances surrounding the display of the symbol. The will to subscribe to the Nazi ideologies is not given when for example filming a historical movie showcasing this part of history. The courts have not been mistaken when they identified the complainant’s actions as the fulfilment of the subjective side of the crime (at least in the form of indirect intention), given the circumstances where the clothing was worn. The complainant was not convicted for the act of wearing improper clothing or for the knowledge of the meaning of the number 88, but for the justification of Nazi crimes, which was manifested in the attendance on the gathering of a political party, whose programme is to cause national, racial, ethnical and social intolerance toward specific groups of Czech citizens (similar verdict sp. zn. Pl. ÚS 13/10 available at http://nalus.usoud.cz), he presented himself wearing symbols that sympathise with these ideas.” (Constitutional Court 2011).

This rather open interpretation was realistically narrowed down in later years by the verdicts of some municipal courts and other legal authorities. Even though the Czech Republic does not have a precedent-based legal system, in the real application process many verdicts have a large effect on the assessment of similar cases. With the relatively small number of extremist crimes, the knowledge is often shared at meetings of police specialists and a large role is also played by communication channels in the structure of the state authorities.

It is necessary to view in this context the verdict of the Municipal Court in Brno 3T 195/2011-233, by which a defendant was acquitted, who had: “in the time between 12:00 and 15:00 on 1/5/2011 at the park on Koliště street in Brno took part in a gathering of approximately 500 people, called the “Workers’ Day celebration,” wearing visibly a red t-shirt with a symbol on the back of a white cogwheel with a black filling and the illustration of a red sword and hammer. This symbol is used by the current neo-Nazi scene as
one of their so-called placeholders for the showing of sympathies toward such a movement, which itself is based on the ideas of racism, xenophobia and antisemitism. This was viewed as the delict of showing sympathies toward a movement advocating the limiting of the rights and freedoms of people according to Section 404 of the Criminal Code.” (Municipal Court in Brno 2011).

According to the Municipal Court in Brno, the deed is not a crime. The court focused on the objective side of the act and stated the following about the symbol in question: “The use of this symbol is intended for identification between sympathisers, which the court views as very important. Even though, this symbol does not have to be illegal, as it would be for example under the German legislation. In the local extremist scene, reaction comes only after an expert opinion with respect to the use of new symbols as a reaction to the ban on former symbols. Thus, it is more than likely that when a certain symbol would be classified as a Nazi symbol and thus declaring it as propagation of a movement specified under Section 403, the perpetrators would simply combine several symbols from the Nazi era and persons sympathetic to its ideals. But the simple fact of these sympathisers identifying between themselves by means of different symbols, as would for example sports fans by means of clothing and outfits in the colour of their club (unknown to society), cannot be defined as a crime. For the explicit showing of sympathies, it is necessary for these symbols to cause the fear of the return of these illegal manifestations from historically earlier periods in other people” (Municipal Court in Brno 2011). The Municipal Court also dealt with the aforementioned court verdicts concerning the use of clothing with the number 88 on it, where it stated, that the combination 88 – “Heil Hitler”, is “completely significant” and the aforementioned act from 2009 was committed as a direct intent (Municipal Court in Brno 2011). The result of this verdict is, when dealing with public demonstrations, a greater emphasis by legal authorities on significant extremist symbols for the purposes of prosecution under Section 404 and Section 405 of the Criminal Code.

**Chosen effects of the amendment**

The confrontational violence at public gatherings, or at least open animosity between the participants of various gatherings, not necessarily extremist ones (for example if one of these had to be banned given the holding of another), was also in part caused by the inadequate methods of dealing with the collision of more gatherings at one place. The new wording of Section 8 of the law concerning gatherings helps to deal with this, as to be seen under paragraph 2: “The authority can in necessary situations, for the
purposes of protecting public order or the rights and freedoms of citizens, specify the circumstances of the holding of the gathering. The authority can specify the conditions for the holding of the gathering notably when there is supposed to be another gathering, or cultural, sporting or other event open to the public, and the organisers or the organiser and the person holding the event that is open to public did not agree a change of time or place of the holding of the gathering or the event that is open to the public.” (Act No. 84/1990). In paragraph 3, the rights of the Representative of the authority (paragraph 5 gives this right to police officers) “to give orders for securing the gathering, for eliminating discrepancies, or for securing the protection of public order, the lives and belongings of citizens at the place of the gathering.” (Act No. 84/1990).

The collision of a religious gathering and “commonplace” political gathering has not been clearly defined. Long before the aforementioned amendment, the the Ministry of the Interior published an opinion regarding attempts to block extremist gatherings with religious ones: “Religious gatherings do not have to notify the authorities of their holding, but the law concerning gatherings applies in the same way in all other points as with the normal gatherings. When dealing with the collision of a religious and a notified gathering, it is necessary to use an analogy to determine which gathering has priority. With all types of gathering, the organiser has the right to ask the police for help, if they are concerned about the disrupting of the gathering or if the gathering is already being disrupted. This does not mean that the police has to always allow the holding of the procession along the notified route” (Ministry of the Interior 2011).

As Jan Potměšil and Kateřina Jamborová state, it is possible to have doubts about the religious character of many “religious” (primarily political) gatherings. According to both authors, this kind of gathering was organised by some activists, “in part for the option of an operative decision in determining the location of the gathering without regard to other gatherings, often also to block said gatherings, and also in part out of the erroneous assumption that religious gatherings have absolute priority, or even that the law concerning gatherings does not apply to them, although that is not true.” (Potměšil, Jamborová 2017: 240).

The authors of the comments on Act No. 84/1990 Coll. Petr Černý and Lenka Lehká do not agree with the aforementioned interpretation by the Ministry of the Interior, which acknowledges the privileges of religious faiths, but only for purely religious ceremonies. If the target of the religious gathering is to block another gathering, it already qualifies as a political statement,
and thus has to comply with the gathering obligations (Černý, Lehká 2017: 162–164).

In the amendment to the law, Section 4 paragraph 1, letter b) was modified by adding a footnote referencing Act No. 3/2002 Coll., which concerns freedom of religious expression, the social status of religions and religious groups and the alterations of some laws (the law concerning churches and religious groups). This however does not change much, since a footnote is just an explanatory guide (Potměšil, Jamborová 2017: 239). A religious ceremony can also be conducted by an unregistered church or by an individual, and vice versa a registered church may attempt to block a political gathering. When assessing the intent, it is necessary to take into account the possible political overlap of the gathering.

Conclusion

As mentioned in the above text, the risks associated with extremist gatherings are currently not very important. However, there is a stable level of partial problematic phenomena (clashes, provocations, verbal crime, etc.) A part of the extremist spectrum can find inspiration in the “wild” nineties, but currently does not have the potential to repeat the large demonstrations reminiscent for this period, and the extreme right has not visibly continued the trend of anti-Roma demonstrations from the years 2008-2013. This could possibly change. A clarification of the criminal case law regarding the use of symbols at demonstrations helped to clarify the situation in one of the criminogenic fields, when it became necessary for the public to understand these symbols. The amendment of the law concerning gatherings from 2016 will also have an impact on “deconfrontation”, even though case law (for example in the case of confrontation between religious and “normal political” gatherings) may play in important role in the future.

Zdroje:

Potměšil, Jan – Jamborová, Kateřina (2017): Změny shromažďovacího práva po velké novele, roč. 50, č. 5, s. 233-257
Sasaneti TV (2016): Agresivní účastníci rómské demonstrace útočí na Čechy v Žatci, dostupné z https://www.youtube.com/watch?v=zlZbJytCHAI
Act No. 84/1990 Coll., Assembly Right Act
Act No. 252/2016 Coll., amending the Act No. 84/1990 Coll., Assembly Right Act, as amended by later legislative acts
TO MOVE ON FROM A PLACE – WHAT A CHALLENGE

In our paper, we attempted to tackle the issues of addiction and crime, in the context of the transtheoretical model by DiClement and Prochaska (‘Stages of Change’). Our service is meant for clients who have come into conflict with law due to addiction. As external staff, we go to prisons and try to increase their motivation for a change in their dysfunctional, routine behaviour, prepare them for their prison term and help them cope with it and use it to work on themselves and prepare for their return to society. The institutions with which we work most closely are: the prison service, the probation and mediation service, and the network of social services.

Just a few words at the beginning about the ‘Stages of Change’ model itself: it is based on the observed fact that the motivation for a change in an individual goes through stages characterised by various levels of his readiness and openness to take specific steps to recovery. Accordingly, we distinguish the stage of Precontemplation, Contemplation, Preparation, Action and Maintenance. It is a process that can be influenced and facilitated, and conditions can be created for the process to run. Some go through these stages repeatedly, while others consider a change for a number of years without making a substantial decision. The lapse and relapse segment may or may not occur, however, in any case it belongs to the treatment process as one of the sources of learning about one’s own limits and bravery. Our goal is to capture the client as soon as possible, to create an environment in which he can make changes in his thinking, and get to know his needs better. Together with the client, we search for possible motivators, reveal ambivalence and resistance, and help him find the meaning of his journey.

Perhaps everyone can imagine a client’s stage of change: we most often meet him when he begins to think about a change in his life, often after repeated debacles, when he wants anchoring and stabilisation. Often during the cooperation, we move to action: for example, to the treatment of addiction when still in prison.

And now imagine that even his close ones are going through a similar stage. They consult us on how to encourage the family member concerned to take responsibility for his life, to maintain abstinence, to go for therapy. They are looking for support in implementing decisions they have long
hesitated with. They are asking how to set clear boundaries and rules, helping their addicted family member to form and obey them by himself.

We, the workers, join this pair. Our service goes through changes that are not obvious at first sight. Like our clients, sometimes we find out that we are groping around without moving on. Our work routine suddenly seems to us ineffective. For example, we take up new methods. And we also relapse! It happens when we find ourselves working with our client “as before” – and it takes us until the new approach to work becomes natural to us and we feel good about it. We learn patience and sensitivity to the pace of the client himself so that he can keep pace with us. It is important for our service and its “survival” to be open to change. What motivates us to move on? The actual experience of the meaningfulness of what we do is the value of our work for the client, his family and for society. And because we do not operate in a vacuum, frequently we find ourselves between the millstones of different expectations.

The client expects us to help him handle addiction and find his place in the world. His family expects us to bring their family member back home and that he will be able to take on his family roles, such as parenthood. Then there are institutions such as the prison service, the probation service, in simple words: society that expects our client to no longer commit offences related to addiction and to integrate into social life. Expectations can be realistic, but also exaggerated – or even too modest.

At the society level the changes in attitudes and public opinion are less obvious, the process of changing the stages is slower – but it does move! The approach to drug addicts in prisons clearly illustrates how slowly but surely changes in thinking and attitudes towards this issue have taken place in the closed system. Changes arose from a rapid increase in this prison population, whose numbers could no longer be neglected. For these reasons, the doors were opened to external staff and they were allowed to work in prisons, where their own programmes began to shape up, often based on practical findings made by external staff. Over time, this has led to changes in their settings, improving the service they offer in their system, and to richer and more effective collaboration.

If these stages were standing rigid beside each other, there would be hardly any shifts and changes at their individual levels. But we are mutually influenced. Clients who have found sense in the change they have gone through, have managed to find an anchor in their lives and achieve their goals, are a positive model for others who are only thinking about
it. This is evidenced by the increased demand for capacity in treatment programmes, regardless of whether they are run by the Prison Service of the Czech Republic programmes or under a care system outside.

As consultants, we are the first to reach the goal in this regard; we are the ones who approach the client’s inner resources on which he will build his efforts to change. We have the opportunity to share our achievements in cooperation with other services, colleagues, at conferences or in annual reports. We share our experience with each other. We contribute to changing public opinion, attitudes to the potential of our clients, for whom trust and belief in their possibilities is of enormous value. The speed at which the individual wheels of change spin now and in the future will depend on the urgency and readiness for a change: in individuals, services and society.
**Miroslav Scheinost**

**Immigration to the Czech Republic – Risks and Reactions of the Public**

**Introduction**

Nowadays, migration is more than a live topic, debated with a strong emotional charge and a strong link to security policy issues. For some political entities, migration was an essential part of their pre-election presentations.

For a responsible assessment of the issue, however, it is more useful to leave behind emotions and stick to the facts.

One such fact is that migration is a natural and permanent historical phenomenon, including mass migration and not just individual; the causes of migratory movements are usually very deep and multidimensional, which implies that migration cannot be solved merely by some isolated administrative measures in the destination or transit countries.

Another fact is that, with mass migration in particular, security risks can be associated not only concerning the destination countries, but also with the transit ones and sometimes even the countries of origin. It is not the purpose of this paper to analyse all the real and potential risks, but in terms of destination and sometimes also transit countries, the risks of mass migration – expressed in very brief terms – could stimulate the destabilisation of society.

In accordance with the National Security Audit\(^\text{18}\), the emergence and increase of such risks can generally be considered as a consequence of two essential errors:

- the consequence of uncontrolled and unmanaged mass migration; and
- as a result of unsuccessful integration of immigrants (while the experience of countries with significantly larger experience with immigration than the Czech Republic shows that it is often unsuccessful integration of the second or third generation of immigrants).

From this point of view, again I generally consider it necessary for states – both at national level and collectively, because I believe that current migration movements are unmanageable if individual states proceed in isolation; it only transfers the burden of the problem to others – to take

---

\(^{18}\) Audit národní bezpečnosti, Praha 2016
measures to ensure that migration is controlled and manageable and that effective integration mechanisms are in place with regard to immigrants. I leave aside the fact that the most effective measures can be considered to be those that reduce the causes of migration in the countries of origin.

As a criminologist, I would like to focus on the current real situation in the Czech Republic in terms of immigration or transit movements that concern us, crime related to foreign nationals and reactions of the public.

In terms of criminology, the consequences of unmanaged migration and integration risks can be reflected in:

a. an increase in crime perpetrated by foreign nationals;

b. the emergence and growth of conflicts between the majority and minorities;

c. an increase in so-called hate crimes, i.e. crimes that imply hate, in this case motivated by resistance to certain religions, cultures or nationalities.

In order to be able to think realistically about these risks, we need to refer not to a misleading media picture, but from the real status quo in this field in the Czech Republic.

At first, let us take a look at the numbers of foreigners in the Czech Republic and their structure.

Foreign Nationals in the Czech Republic
The number of foreign nationals residing for a long time or permanently in the territory of the Czech Republic grew relatively quickly especially in the second half of the 1990s. Between 1994 and 1999, it more than doubled from around 100,000 to around 200,000 resident foreign nationals. In 2016, the number of foreign nationals living legally in the Czech Republic reached 493 thousand; on 30 June 2017, according to the Czech Foreign Police data, there were 510 thousand foreign nationals, of these approximately 278 thousand with permanent residence status. Thus, the share of foreign nationals in the total population of the Czech Republic was about 4.8%19, as of 30 June 2017. The largest number of foreign nationals living in the Czech Republic are citizens of Ukraine (112 thousand), Slovakia (109), Vietnam (59) and the Russian Federation (36). If we consider resident people from Islamic states, their number is minimal – the most numerous were, as of 30 June 2017, people from Syria – 122, 587 from Pakistan, 526 from Iraq.

508 from Iran and 455 from Afghanistan. These figures naturally do not include foreign nationals arriving in the Czech Republic for a short stay or people residing here illegally.

**Foreign Nationals in the Czech Republic**

permanent and long-term residence status (long-term = over 90 days)
Nationalities present in the Czech Republic in numbers over 10 thousand – comparison between 2005 and 2015

![Graph showing nationalities comparison between 2005 and 2015](image)

Source: Czech Statistical Office

Concerning this table, let us just add that according to the Czech Statistical Office the number of Romanians living here exceeded the limit of 10 thousand in 2016 (2005 = 2701, 2016 = 10,826).

Numbers of foreign nationals from Islamic states permanent or long-term residence status in the Czech Republic

<table>
<thead>
<tr>
<th>State</th>
<th>2005</th>
<th>2015</th>
<th>30. 6. 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFGHANISTAN</td>
<td>359</td>
<td>419</td>
<td>455</td>
</tr>
<tr>
<td>IRAQ</td>
<td>269</td>
<td>496</td>
<td>526</td>
</tr>
<tr>
<td>IRAN</td>
<td>159</td>
<td>414</td>
<td>508</td>
</tr>
<tr>
<td>SYRIA</td>
<td>378</td>
<td>1071</td>
<td>1228</td>
</tr>
<tr>
<td>PAKISTAN</td>
<td>243</td>
<td>543</td>
<td>587</td>
</tr>
</tbody>
</table>

So far we have only discussed legal migration. However, given the developments in recent years we must also take a look at illegal migration. The Migration and Integration Report for 2016 implies that 5,261 people in total were detected during illegal migration in the Czech Republic in the year 2016, which is a decrease by about 3,300 on 2015. The year 2015 marked the highest recorded number of illegal migrants in recent years, but it is, however, still incomparable with the situation in the mid-1990s, when in 1993, for example, the number of illegal migrants detected in the territory of the Czech Republic amounted to 43,000 people. Out of the 2016
number, 222 (i.e. 4.2%) were found to be illegally entering the external Schengen border of the Czech Republic (which here means only at airports) and 5,039 (i.e. 95.8%) were staying illegally.

In terms of nationality, illegal migrants in 2016 were mostly Ukrainians (1,552 people, i.e. 30.8% of the total), and they were mainly Ukrainian workers remaining in the Czech Republic after the expiration of their residence permit. In second place were citizens of the Russian Federation (402, i.e. 8%), in third place citizens of Kuwait (336, i.e. 6.7%), but this was a matter of spa guests who did not leave the Czech Republic after the expiration of their residence permit. Fourth place was occupied by the Vietnamese (269 people, i.e. 5.3%) and fifth place by citizens of Afghanistan (155 people, i.e. 3.1%), who were detected, as opposed to the previous ones, usually not during their stay but during transit. In general, if we look at citizens of Islamic states illegally transiting through the Czech Republic, their numbers are really minimal in 2016 (AFG – 155, SYR – 153, IRQ – 109, PAK – 55, IRN – 35).

As regards the crimes of organising and allowing illegal crossing of the state border under Section 340 of the Criminal Code, it cannot be inferred that in the last few years there has been any dramatic increase in the number of people against whom criminal charges were pressed. The phenomenon of illegal migration has so far not essentially materialised in the Czech Republic, but it certainly cannot be ruled out in the future. On the territory of the Czech Republic, according to Interpol and the authorities of the Czech Police, no stable international transit networks for the transit of refugees have been established; only individual cases have been identified\(^20\).

As opposed to the 1990s, nowadays the Czech Republic does not lie on the main migration routes that are known and identified, although they may vary depending on the situation and countermeasures. The journey of refugees from Islamic countries through Central Europe usually leads through Turkey, Greece, the Balkan countries and Hungary; for the small number of them who choose a route via the Czech Republic, we are a transit country. Migration from North Africa and sub-Saharan countries...
has not yet affected our territory. Extensive Ukrainian migration has a different nature: for more than 15 years the Czech Republic has been a destination country for labour migration, especially for economic reasons, and in recent years also for security issues arising in the home country of the Ukrainian migrants. The main reason for their arrival is to find a job here, to be able to support their families living in Ukraine, or to leave areas of conflict. The problem related to Ukrainian labour migrants – in addition to being sometimes inadequately paid by their Czech employers without being able to oppose them in an effective manner – is that they often fall victim to their compatriots who as job intermediaries have them under almost total control and exploit them.

It can be stated that compared to the migration wave of the first half of the 1990s, the situation is significantly different in terms of the number of migrants detected and the organisation of migration, in simple words – it was worse in the 1990s. Nevertheless, the attitude and interest of the public, media, etc., has changed visibly: in the 1990s, the number of migrants was incomparably higher, and the interest of the public, the media and the political sphere was incomparably lower. The reason is probably that at that time no group of migrants was presented as potentially risky from the point of view of security, even though there were also Muslims and, perhaps, even civil war fighters. Today, the wave of migration is presented as a civilisational threat to Europe, not only in the context of terrorism. Migration is largely perceived that way also in the Czech Republic, although the majority of foreign nationals who come to the Czech Republic originate from European countries, except for the Vietnamese. Hence, the potential risk in the public space is gaining the character of a real threat.

**Crime committed by foreign nationals from the point of view of the public**

Let us look in this context at the sensitive issue of crime by foreign nationals. Public opinion surveys show that people have a tendency to overestimate the proportion of foreign nationals in crime. In a public opinion poll conducted by IKSP in 2009, respondents reported an average of 20% share of foreign nationals in the number of offences committed and resolved\(^\text{21}\). In reality, this share exceeded 9% only in 2016. Of the number of known and prosecuted perpetrators, the share of foreign nationals had been relatively stable for a long time, at between 6 and 8%.

According to a survey of public attitudes towards foreigners conducted regularly, usually in March each year, by the Centre for Public Opinion Research (CVVM), 67% of respondents identified foreign nationals as a

\(^{21}\) Zeman, P. a kol., Veřejnost a trestní politika. IKSP, Praha 2011, str. 94
cause of the increase in crime rate in 2017; only 9% expressed disagreement with this view (the rest had no opinion). A comparison over time of the results of these surveys shows that the tendency of the public to attribute to foreign citizens a negative impact on crime has been in place for a long time.

**Table 2: Opinions on foreign nationals living for a long time in the Czech Republic – time comparison (in %)**

*Foreign nationals are the cause of an increase in crime*  
(percentage of answers: agree / neither agree nor disagree / disagree)

<table>
<thead>
<tr>
<th>period</th>
<th>III/09</th>
<th>III/11</th>
<th>III/12</th>
<th>III/13</th>
<th>III/14</th>
<th>II/15</th>
<th>III/16</th>
<th>III/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>% answers</td>
<td>74/17/6</td>
<td>70/20/7</td>
<td>62/24/10</td>
<td>67/23/6</td>
<td>65/25/7</td>
<td>66/22/9</td>
<td>66/22/8</td>
<td>67/20/9</td>
</tr>
</tbody>
</table>

Zdroj: CVVM 2017

To this we can only add that the opinion not only does not correspond to reality regarding the share of foreign citizens in crime, but also in recent years there has been no increase but a decrease in registered crime (hence the increase in the share of foreign nationals in the number of committed crimes and perpetrators is more optical because their share is calculated from a lower baseline). However, opinion on the negative impact of foreign nationals on the level of crime in the Czech Republic is, of course, stable and probably reinforces the potentially generally unfavourable attitude of the public towards the settlement of foreign nationals in the Czech Republic, as shown, for example, by the results of a CVVM survey conducted also in March 2017.

39% of the respondents believed that too many foreign nationals live in the Czech Republic. One half of the public (50%) thought that the numbers of foreign nationals in the Czech Republic are adequate, and only a small number of people (2%) think that there are too few foreign nationals in this country. These results are completely comparable with the results of 2016. 49% of respondents believe that foreign nationals threaten our way of life, but the number of respondents who believe that foreign nationals also increase the unemployment rate in this country has sunk by 12%.

Hence, we know how the public is looking at foreign nationals and their delinquency. What is the real status quo of crime committed by foreign nationals?

Foreign nationals and crime – criminal offences registered

Let us therefore take a look at the real share of foreign nationals in crime, in particular the number of committed and registered offenses\(^2\). It should be borne in mind that the statistics of registered crimes committed by foreign nationals do not distinguish between the shares of foreign nationals living in the Czech Republic on long-term residence status from foreign nationals with short-term or illegal residence status.

For the sake of comparison, we will indicate the development of the number of crimes that have been resolved, including the number of resolved offences committed by foreign nationals and the proportion of crimes committed by foreign nationals in the total number of crimes that were resolved between 2013 and 2015. We also break down the crimes committed by foreign nationals into offences committed by citizens of the European Union and those committed by third country nationals.

### Table 3: Development in the number of recorded and resolved offenses committed by foreign nationals in the Czech Republic 2013–2015, including EU and third country nationals

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of resolved offences</td>
<td>117 596</td>
<td>114 392</td>
<td>101 597</td>
</tr>
<tr>
<td>Total number of crimes committed by foreign nationals</td>
<td>7 470</td>
<td>7 385</td>
<td>7 264</td>
</tr>
<tr>
<td>Total number of offences committed by foreign nationals from third countries</td>
<td>2 857</td>
<td>2 849</td>
<td>2 717</td>
</tr>
<tr>
<td>Total number of offences committed by foreign nationals from the EU</td>
<td>4 613</td>
<td>4 536</td>
<td>4 547</td>
</tr>
<tr>
<td>Share of offences committed by foreign nationals in the total number of offences</td>
<td>6,35 %</td>
<td>6,46 %</td>
<td>7,15 %</td>
</tr>
<tr>
<td>Share of offences committed by foreign nationals from third countries in the total number of offences</td>
<td>2,43 %</td>
<td>2,49 %</td>
<td>2,67 %</td>
</tr>
</tbody>
</table>


It is obvious from the development (apart from the overall decrease in recorded and resolved crime that has been evident in recent years in the

---

\(^2\) This concerns crime that is known, i.e. detected and recorded crime, not undetected, unreported, called latent (hidden). The extent of this latent crime can be very difficult to estimate; we can only assume that the share of foreign nationals in perpetrating it does not differ significantly from their share in the crime registered.
Czech Republic) that the proportion of offences committed by foreign nationals in the total number of crimes committed and clarified has been relatively stable over a relatively long period of time, ranging from 6.4% to 7.8%. Looking at the share of crimes committed by foreign nationals from so-called third countries (i.e. except citizens of the European Union), it is clear that their share in the last three years is basically minimal, at a level of about 2.4 to 2.7%.

The Report on the Situation in the Field of Internal Security and Public Order in the Czech Republic in 2016 (as compared to 2015) shows a certain increase as regards the number of crimes committed by foreign nationals. In 2016, foreign nationals committed 9,252 (+292) crimes, or 9.1% (+1.1%) of directly resolved crimes. Of the total number of 93,379 criminally prosecuted people, there were 7,559 foreign nationals, representing 8.1% of the number of prosecuted people (in 2016, however, the number of registered offences and the number of prosecuted people dropped, so the percentage is calculated from a lower baseline).

Most of the convicted foreign nationals were from the Slovak Republic – 1,735 people (33.9% of convicted foreign nationals), Ukrainian citizens – 1,001 people (19.6%) and the Socialist Republic of Vietnam – 355 people (6.9%).

Table 4: The ten most frequently represented third countries in the Czech Republic and the number of detected offences committed by their citizens

<table>
<thead>
<tr>
<th>State</th>
<th>Number of people living in the Czech Republic as of 31 December 2015</th>
<th>Number of offences 2013</th>
<th>Number of offences 2014</th>
<th>Number of offences 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukraine</td>
<td>105,614</td>
<td>990</td>
<td>994</td>
<td>1,055</td>
</tr>
<tr>
<td>Vietnam</td>
<td>56,900</td>
<td>806</td>
<td>846</td>
<td>620</td>
</tr>
<tr>
<td>Russia</td>
<td>34,710</td>
<td>196</td>
<td>198</td>
<td>166</td>
</tr>
<tr>
<td>USA</td>
<td>6,478</td>
<td>26</td>
<td>23</td>
<td>22</td>
</tr>
<tr>
<td>Mongolia</td>
<td>5,986</td>
<td>58</td>
<td>46</td>
<td>22</td>
</tr>
<tr>
<td>China</td>
<td>5,721</td>
<td>26</td>
<td>18</td>
<td>20</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>5,141</td>
<td>36</td>
<td>42</td>
<td>37</td>
</tr>
<tr>
<td>Moldova</td>
<td>5,032</td>
<td>94</td>
<td>88</td>
<td>110</td>
</tr>
<tr>
<td>Belarus</td>
<td>4,491</td>
<td>46</td>
<td>33</td>
<td>40</td>
</tr>
<tr>
<td>Serbia and Montenegro</td>
<td>2,698</td>
<td>53</td>
<td>49</td>
<td>49</td>
</tr>
</tbody>
</table>

Source: www.czso.cz/cs/csu/cizinci/cizinci-v-cr-bez-azylantu
Source: Czech Foreign Police Service Headquarters
These data show that the largest share of crimes committed naturally belongs to citizens of the most widely represented third countries, i.e. Ukraine, Vietnam and Russia, followed by the less numerous Moldovan citizens. A relatively greater number of crimes committed than would correspond to the numerical representation of the citizens appears in the case of Belarus and Serbia and Montenegro.

**Conclusion**

Criminal activity of foreign nationals is not as serious a problem in the Czech Republic as in some other European countries. Similarly, so far, there has been no major problem of illegal migration, which can also be said about legal immigration. Therefore, foreign nationals do not present a significant risk at this moment. I am not talking here about the risk of terrorism, but this risk is not directly proportional to the number of foreign nationals in the given territory.

Nevertheless, public opinion perceives foreign nationals as one of the factors that greatly influence the level of crime in the Czech Republic, even though this idea is wrong. The level of the share of foreign nationals in crime, both in the number of offences and in the number of identified and prosecuted offenders, has been stable in the long run at about 7%. The share of third-country nationals in the number of committed and registered offences ranged from 2.43 to 2.67% in the years 2013 to 2015. This applies in particular to the citizens of Ukraine, Vietnam and Russia, which corresponds to the numerical representation of these nationals in the Czech Republic; they are followed at a distance by citizens of other third countries. Generally speaking, however, the crime by foreign nationals from third countries has not reached the levels of a greater security risk. In spite of that, public opinion is the way it is, and roughly half of the population consider foreign citizens a threat to our way of life.

Hence, at the moment, the disturbed public attitude towards foreign nationals and migrants does not stem from the actual status quo, but rather responds to the presentation of migrants as a global security and civilisational threat (while the media and the public at the moment are essentially identifying migration as such exclusively with migration from Islamic states). However, it would definitely be wrong to deny that uncontrolled immigration, moreover illegal (or even illegal transit migration, if it reached high numbers), could pose a serious risk of destabilising the social and security spheres.

What should we learn from it? A real response to the risks of migration
should be based on a realistic assessment of the true situation rather than emotions. We need to establish a real migration, immigration and integration policy, while migration policy should be coordinated with other relevant states. Existing policy documents of the Czech Republic, namely the National Security Audit (2016), the Strategy of Migration Policy of the Czech Republic (2015) and the Concept of the Integration of Foreign Nationals (2016), quite adequately reflect the situation and possible threats; I see more as a problem that they are probably not widely known and adequately communicated.

At this moment, however, let us put aside general global, or maybe European, political solutions, and let us remain in the field of prevention. What can we do in terms of prevention to mitigate the risks associated with migration, immigration and crime perpetrated by foreign nationals?

First of all, we should take a look at the real status quo within our sphere of competence, rather than feelings and emotions. Then we should analyse needs in the places and regions where we operate, which are certainly different in relation to the individual group of migrants, their social and cultural background and motivation to come. Preventive action will be different in relation to working immigrants who assume temporary residence and who are tied to the country of origin and in relation to immigrants assuming permanent or long-term stay in this country. The aim should be to provide immigrants with information in order to facilitate their orientation in our environment, useful for solving possible problems. In the case of immigrants with prospects permanent or long-term residence status, preventive programmes and resources can co-operate in educational programmes of adaptation to the Czech environment. Regarding the response to the criminality of foreign nationals as well as the possibilities of its prevention, I think again that we should look as the real situation in specific places and regions according to the nature of the problems, the type of crime, etc. In addition we should, as crime preventers, be familiar with the peculiarities of individual ethnic and nationality groups, in order to avoid misunderstanding, unwillingly inducing a negative reaction and possible conflicts in the course of our contacts – obviously, this does not mean tolerance of not abiding by Czech law. Finally, let us not forget to develop communication in relation to the Czech environment in avoiding blanket negative stereotypes based more on ignorance than on facts.
Prameny

Scheinost, M. Nelegální migrace a převaděčství jako jedna z aktivit organizovaného zločinu. Institut pro kriminologii a sociální prevenci, Praha, 1995
Statistics of the Police of the Czech Republic
Strnad, Š. Sociální profil azylantů a žadatelů o mezinárodní ochranu v České republice z hlediska konceptu sociální radikalizace. Bezpečnostní teorie a praxe 2017(1)
Zeman, P. et al. Veřejnost a trestní politika. Institut pro kriminologii a sociální prevenci, Praha 2011
Zprávy Centra pro výzkum veřejného mínění Sociologického ústavu Akademie věd ČR. (Reports by the Public Opinion Research Center of the Institute of Sociology of the Academy of Sciences of the Czech Republic) http://cvvm.soc.cas.cz/tiskove-zpravy
MINIMISING SOCIAL PATHOLOGY AND CRIME BY ADJUSTING THE URBAN LIVING ENVIRONMENT?

Introduction: The role of the environment in criminal behaviour

Property protection, health and safety issues are a matter of paramount importance in cities with high population density and diversity as well as a substantial concentration of activities. The prevention of social pathology in the Czech Republic and abroad is a broadly discussed field where knowledge of social aspects of architecture can be applied in practical activities. This concerns primarily various forms of deviant behaviour, prostitution, crime (violent offences, terrorism, robbery and theft), social conflicts, civil disorders, vandalism, etc. These phenomena are now explored by a number of scientific disciplines: ethology, urban sociology, urban planning, and the theory of the urban way of life. The influence of high concentrations on social disorganisation changes traditional stereotypes of behaviour, when under certain conditions co-operation and mutual assistance are weakened, while aggressive behaviour of individuals strengthens. This can even lead to a weakening of the population and sometimes to its endangering and shrinking.

Social scientists have noticed that the problems of crime, alienation, mental disorders, suicide rate, unemployment and other deviations start to grow at the moment when countries begin to undergo intensive urbanisation. “Urbanisation contributed to the breakdown of traditional communities and created a space for encounters of strangers, the development of communication enabled everyone to become familiar with the role of an alien, creating spaces with extremely low social control, focal points of pathology.” (Prof. Jan Keller, Brno sociologist, 1997) “We have witnessed a steep rise in security facilities and the construction of residential neighbourhoods surrounded by walls and protected by security agents. This is caused by a strong increase in crime, especially violent assaults...” (S. Badenhorst, professor of urban studies, 1999) Crime, frequently associated with drug issues, has increased in European cities to the point of becoming one of the fundamental political, public and scientific problems affecting urban society. There is a growing concern about rising crime in European cities, which to a certain extent is related to living conditions in some neighbourhoods, social structures and the nature of the
environment. Does urbanisation then automatically mean an extension of social pathology? What other factors influence its existence and expansion within cities? Can cities be designed in a way to reduce or eliminate crime? It is for sure that the fast-paced growth of cities often meant the disruption of existing social structures, worsening social cohesion, expressions of racism, social exclusion and civil conflicts. The increased concentration of the population in urban centres led to a loss of human scale and an erosion of social and material structures. Citizens’ daily life has become more uniform, while isolation, passiveness and indifference to collective goals and social initiatives have become common phenomena. The increase in density was reflected in the loss of open spaces, parks, squares and social buildings used by people for their encounters. The degradation of streets as a social and living environment contributes to the decay of cities and hampers security in their streets.

Personal creativity and the opportunity to express one’s own opinion have also been suppressed by these processes. Sometimes this may be related to the small capacity of some areas to provide the growing population with full employment, a meaningful leisure time programme or adequate services. One of the principal causes of crime is social alienation and difficulty associated especially in young people with problems of identification with a culture, family, school or society as a whole. It happens all over the world that many traditional communities have often been “thrown out” from their environment and forced to live in disproportionately large prefabricated blocks of suburban housing estates, where their members are isolated and lonely. The interconnection of their social network and mutual assistance is broken. Families with children have been allocated small flats where there is no chance for kids to play, there is a dependence on cheap, malfunctioning lifts, and there is little opportunity for contact with neighbours. Panel blocks do not belong to the people but to the state. There are large areas – no-man’s land – for which no one is responsible. Lifts, staircases and corridors are destroyed (vandalism) and abusively painted (graffiti)...

Earlier studies often confused and overestimated the pathology of urban society. Although it is now generally accepted that in particular large cities have a greater frequency of deviations and pathologies than rural areas, when comparing divorce, drug abuse, the crime rate, unemployment or mental disorders. For example, according to the MF Dnes newspaper (of 18 April 1999), the probability that a city resident might fall victim to violent crime is 1:60, while for inhabitants of rural areas or small towns the probability is 1:2000. It is also assumed that unemployed and deviant
personalities gravitate to cities where they benefit from anonymity and various opportunities, or they are simply pushed out of rural areas and small towns. A deeper study of social pathology in cities and municipalities has shown that there is a need to distinguish between pathological phenomena, which:

1. arise in the period of adaptation to the urban environment (anomy rules), and
2. are characteristic for a city.

As expected, city centre areas report the highest rate of social pathology. Surveys show (McHarg 1969) that there is the highest rate of the most serious crime, murder, suicide, drug abuse, alcohol addiction, robbery, rape, battery, juvenile delinquency and a relatively high child mortality rate (which is a sign of insufficient parental care). This has been reaffirmed by a study named “The Criminal Area” by Terence Morris (1958). Deviant groups and gangs in central city areas (1943) were dealt with by William Whyte, who described his research in the study “Street Corner Society” (1981). The dichotomy between centre and periphery is similar here as in the case of physical and mental illnesses. Prostitution studies have shown its greatest frequency in central city areas. It is typical for prostitution to be located in urban areas with high rates of crime and social issues – with a large number of immigrants, unemployed people, where there is a significant gender disproportion, etc. According to police statistics, even family fights to which the police are called for assistance are more common in central, densely populated areas.

So, what does affect crime in here? It may be a combination of physical, social and economic factors that creates an environment allowing pathologies to emerge. The influence of the city on the frequency of pathologies is seen in two aspects of action – physical and social:

The effects of physical conditions include pollution, excessive stimulation (noise), poor quality environment, especially its visual aspect – e.g. monotony of suburban housing estates, poor living conditions, etc. City noise is very intense and long-standing as regards its effects. Hence, noise disturbs sleep by interrupting dream sequences, increases physical and psychological tension, affects blood pressure, heart functioning and the entire nervous system. The impact of poor housing on social pathology has been discussed many times. Monotony and visual degradation also seem to play their role. Their impact is all the more serious considering that, for example, many children spend all their time in such environments. Experiments with rats have shown that when they have to pass through
insufficiently varying environments to reach food, they choose a different path each time or fall into apathy (Prof. Rappaport, Prof. Kantor, Berkeley, USA). Given the daily hurry, people often do not have such an option...

Negative conditions of a city, which we can describe as social conditions, consist mainly in overpopulation (high population density), poor socio-economic conditions and social isolation. City centres are areas with a higher incidence of mental illnesses, social disorganisation, large numbers of people living in loneliness without family ties, with dilapidated homes, with a multitude of individuals with alcohol addiction and other issues. An increased number of socially pathological phenomena occur wherever interpersonal interventions are confined to situations involving specialised and limited aspects of personality: the so-called partiality of social roles. This fragmentation and limited integration of heterogeneous roles can lead to alienation, a condition without social standards that is a manifestation of a weakly integrated social structure. Lack of meaningful contact results in pathologies from isolation.

Recently, the relationship between environment and social pathology has been intensively surveyed on the scale of individual buildings and their compounds. As early as 1972, a pioneer in this area, the American researcher Oscar Newman presented the results of his research, in which he compared 100 different locations in New York and surveyed the incidence of crime. He found that the highest crime rate was recorded in the largest buildings, and that most of the crimes occurred in those parts of these buildings that were closed despite being designated public spaces.

Based on analyses, Newman determined that the crime rate was greatly influenced by the nature of the physical environment. There are certain types of buildings and residential environments where more crime is taking place than elsewhere simply because these buildings were poorly designed. Further research in many countries, particularly in Europe, confirmed these conclusions. Every environment, and even every building, means a certain risk in this respect. By long-term research into a number of implemented projects and their analysis, a clear relationship was found between the form and the layout of a building and the number of acts of vandalism or criminal offences perpetrated in it. Analyses have shown that inappropriate architectural design promotes the growth of crime. In particular, a poor spatial layout can help increase crime. By research and analysis it was discovered that vandalism and the perpetration of crimes happen in determined places under entirely specific conditions. There are potential “crime producing places” “...in suburban housing
estates of large cities, there is a danger of crime. In modern complexes with unclearly defined and mutually interconnected vacant spaces, no-one feels responsible for what is going on in there. A thief has a thousand possibilities to escape in any direction in an uncontrolled way.” 1)

This potential crime grows wherever there are no people around, in confused spaces where little force is needed to commit a crime and there is no need to worry about the risks. Confusion and the hiding nature of the environment can cause problems. Large areas, which are not looked at by anyone and which seem to belong to no-one, stimulate so-called ‘crimes of opportunity’. The above-mentioned maximum density of population on a minimal area, anonymity or poorly shaped-up social structure also contribute to this phenomenon.

Relatively high rates of crime or deviant behaviour are reported in high-rise buildings starting from a certain number of storeys, disarranged entrances, lifts, hallways, staircases and fire escape stairs, underground garages and corridors25. Easy access to flat roofs is problematic especially where roof skylights are used for overhead lighting. Burglaries occur frequently using this means of access. Similarly, wrongly placed grown trees can become a ladder to flat roofs or less secured windows. Grown shrubs can hide intruders and make checks and prevention difficult. Schools are also a very frequent target for burglary and vandalism.

How to act preventively? Newman believed that if architects and urban planners thought more about people and their protection, the amount of urban crime would drop significantly. A good architectural design can reduce crime opportunities. If some parts of cities were rebuilt, there would be a decline in crime and vandalism, as people would create a sense of shared responsibility for these places. As Jeffrey (1971) emphasises: “... crime can be reduced in those urban areas where security is designed in the streets, buildings and parks. Cities can also be designed so as to promote contacts between people. Our city life need not be characterised by anomy, loneliness and alienation...” The concept of any building, its structure and its situation in the environment are factors that affect the likelihood of criminal offences being committed. For example the extent to which the indoor environment of a building provides an area suitable for social contacts and group influence, i.e. a semi-private space capable of defence relates to a feeling of safety in the population.

Long, unarticulated corridors are unlikely to be suitable for being

25 For details see Newman Oscar: Defensifle space, New York, Macmillen 1972
transformed into semi-private territories; on the other hand, corridors split in a way to form smaller “nests” (flats, workrooms, etc.) provide a greater chance of falling under the influence of grouped room users. As a precaution, it is advisable to make public buildings and spaces as transparent as possible, including entrances, hallways, corridors and lifts. Clear shapes and transparent floor plans of buildings are not attractive for the gatherings of deviant groups and gangs. The opportunities for criminal activities and antisocial behaviour are thus minimised and the building has an even greater chance of acquiring aesthetic qualities.

The living environment should be conceived so as to provide a defence space – a space that is arranged in such a manner that makes the committing of any crime more difficult and people have control over the neighbourhood. Visual transparency is very important, whether for the public or for the police. People would know and recognise each other and watch strangers and public places. For residential buildings, it is advisable to create a diversified range of flats to create a normal demographic structure, i.e. with the representation of all age groups. Citizens of post-productive age, i.e. OAPs and also housewives then have neighbourhoods and especially entries to the buildings under supervision all day long. They can indicate and report the movement of suspicious persons who do not belong to the neighbourhood in a timely manner. Good artificial lighting in the evening after dark can discourage potential intruders, while dark corners and courtyards can cause trouble. Designing is advocated on a small, comprehensible scale so that every building can be controlled by its users (Table 72). Security can be achieved by increasing the sense of territoriality of most users. Identification of people with the environment leads to its protection. A sense of identity and assurance also provokes the intensive use of public spaces under the control of the community. It is based on Jane Jacobs’ ideas that “…it is important to realise that public security is not primarily provided by the police, however important the police are. It is provided by behavioural standards and maintained by an intricate, mostly unconscious network of public voluntary control among people. No number of police officers can keep civilisation where normal mutual relationships have broken down…”

Protected space can be defined by real and symbolic barriers that aggregate the adjacent environment and take it under the protection of users. Oscar Newman highlighted the importance of such simple measures as creating a significant demarcation line between the public and private spheres around buildings in large housing estates. Survivors will reconsider twice

26 Jane Jacobsová: Death and Life of Great American Cities.
the transgression of these borders and disruption of private or semi-private space. Architectural elements that help social cohesion and encourage an individual's ability to regulate his social experience are potentially effective in enhancing social control. “...Bofill’s semi-private spaces are uniquely assigned to one group of people who consider them to be their own. The entrances are also clearly defined and allow informal control. This all functions in Les Arcades... Because free-standing blocks in the landscape do not create an urban environment capable of taking over the socialisation functions of a city, historicising Spanish postmodern architect Ricardo Bofill returns to the classical block... This creates semi-private spaces clearly assigned to the respective inhabitants where a mother can watch her children on the playground and where neighbourly help and control works...”  

1) The symbolic “making crime more difficult” can limit crime (Sommer 1974). If the inadmissibility of antisocial behaviour is visualised, certain illegal activities and expressions of vandalism can be effectively counteracted. Therefore, it is stressed that reflections on security should be included in the earliest designing stages.

The assessment of designs of residential and public buildings in terms of safety and crime prevention measures, and recently also measures against bomb planting in buildings, known as a Crime Prevention Survey Report, is nowadays a matter of routine in the USA, Canada, UK and other countries. The reduction of risk already in the planning process presupposes the development of an analytical methodology aimed at identifying existing and potential risks, assessing possible threats, their substance and depth. It is based on the so-called crime triangle (author: Timothy D. Crowe), which is a graphical representation of the links between the crime and its essential components. These components, which are necessary to complete a criminal act, are:

- motive,
- opportunity, and
- victim.

By eliminating or substantially reducing the occurrence of one of these components, it may be likely to reduce or even prevent the occurrence of criminal acts. The identification and assessment of risk consists of the following parts:

1. Identification of threats, probability of occurrence in a certain area over a certain period of time, characteristics and local effects.
2. Effect of exposure on users and inhabitants – extent, quality and quantity, what can be damaged or destroyed.

---

27 Jan Čejka: Tendence současné architektury, Praha, ČVUT 1992, str. 22
3. **Vulnerability** (both physical and functional), i.e. the tendency of an object or organism to be damaged or destroyed due to its characteristics and qualities. Vulnerability can be evaluated with respect to various components.

4. **Risk assessment** where risk is perceived as the product of the three variables mentioned above – if one of them is zero, the overall risk is zero. It can be quantified as the extent and depth of damage that will occur in the area, building or complex of buildings under consideration.

In this respect, there are several ways of assessing risks in an architectural environment:

- **Absolute risk** – the highest degree of damage, difficult to calculate.
- **Relative risk** – various levels of threat.
- **Acceptable risk** – based on the fact that a totally risk-free environment is unrealistic.

A balance is sought between the risks and costs that minimise them. This balance represents an acceptable level of risk for the given environment. Based on the definitions above (risk as a product of the three variables – threat, exposure and vulnerability), we can say that reducing any risk means essentially a reduction of at least one variable out of three. It is usually possible due to different types of threat and their different levels:

Reduction of threat means reducing it or affecting the likelihood of it happening. It is the most effective way, but sometimes difficult to achieve. Reduction of exposure requires measures to reduce the number of endangered features, threat times, etc. Finally, reduction of vulnerability means another possibility of reducing the threat. There is a need for a global and integrated approach to this topic. A global solution is possible if the problem is analysed in its complexity of the various aspects that play a role and their mutual relations.

In this sense, Newman showed that if we have security in mind when designing a residential environment, we can significantly reduce the amount of crime. Consideration should be given to the following four key factors when designing a residential or other environment:

**I) Territory:**
There should be areas or zones to which the inhabitants should have a relationship as if they were directly owned by them – for example, entrances and front yards. If the area does not belong to anyone or is
understood as such, it is neglected, unprotected and dilapidating. The danger of vandalism is rising sharply. If people feel that the area is their own, they take care of it and protect it.

II) Surveillance:
Some premises in traditional apartment buildings, administrative and distribution buildings have a lot of spaces, such as staircases, passages or lifts that are not under surveillance, and nobody knows what’s going on in there. If buildings were designed to allow residents to keep track of what is going on, intruders and emergencies would soon be identified. In that case, it is less likely that criminal acts or vandalism will occur. Also, it is necessary to prevent the depopulation of central parts of cities, usually called “the city”, where housing recedes in competition with the use of space for retail and administration. These urban areas, crowded and pulsating, depopulate in the evening and become unguarded. The possibility of criminal acts is increased by attractive, aggressive advertising, appealing shop offers and an abandoned environment. It is good to leave at least 20% flats offered for rent out of the total area in the locality. One option to increase surveillance is the introduction of police cameras. According to the Department of Crime Prevention at the Ministry of the Interior, these cameras were installed in twenty cities of the Czech Republic (Prague, Ostrava, Olomouc, Kladno, etc....). The outputs from the cameras of “industrial CCTV” thus used go to the departments of the Municipal Police, the Police of the Czech Republic or the surveillance agencies that intervene when a crime is detected. According to the first experimental implementations, it turns out that in the exposed areas where these systems were installed crime rates dropped, and in places almost disappeared. This is partly due to the fact that crime moves elsewhere due to the cameras, it is pushed out of the centre, guarded car parks, etc. However, this move also leads to a reduction in crime, especially theft, the distribution of drugs and public indecency. The opportunity to commit crimes is much lower in places where there are not as many interesting objects as in the centre. That is why there is a clear positive assessment heard from representatives of those cites, in which CCTV systems have been installed to help curb criminality. But many people are bothered by the cameras, claiming they disturb their privacy, they feel them as a “Big Brother’s” eye. Strict rules must be laid down on how police officers can handle the footage in order to prevent its possible misuse.

III) Image:
The building looks safe or else suitable for the committing of a crime inside it. The building’s type of image affects the likelihood of perpetrating crimes
of opportunity. These crimes are those that are not planned in advance but are perpetrated whenever there is a suitable opportunity. Most burglaries are of this kind; thieves get inside through a window or a door and take advantage of the opportunities offered to them. After completion of an architectural study, a discussion on the safety of the proposed buildings should be conducted. Prior to making implementation plans, expert evaluation should be carried out in terms of crime, vandalism and security. The lighting design, window layout and glazing are to be assessed. To check the security of a building it is necessary to evaluate all the doors, their location and their fitting with quality locks and closures. Great attention should be paid to the closest neighbourhood, especially to green areas, shrubs and trees.

IV) Environment:
Crime prevention experts claim that environmental designers should be aware of the level of crime at every location that is selected as a future construction site. After locating the construction site, it is recommended that they familiarise themselves with the crime profile in the locality as well with its verbal commentary. The land that surrounds the future property should be designed so as to be safe and provide a sufficient overview. There should be no narrow lanes that expose passers-by to potential assault. The protection area provides a secure and easy connection to the rest of the world and gives its residents, when they are home, a safe and enjoyable environment. Thus, architects can eliminate many opportunities for committing criminal offences, especially theft, assault and extortion, by respecting the above principles.

Crime prevention through architectural and environmental design has been verified in practice and is the subject of a book by the criminologist Timothy D. Crowe “Crime Prevention Through Environmental Design”; he claims that the physical environment can be manipulated in such a way as to influence people’s behaviour with regard to reducing fear and frequency of crime while improving the quality of life. His CPTED concept – Crime Prevention Through Environmental Design – provides a framework that serves to safeguard the intended characteristics of the environment. By changing the environment and rebuilding it, criminal activity and losses caused by vandalism are reduced to a minimum. Statistics from localities in the hinterland of Toronto (Peel Region west of Toronto) are very impressive, where the frequency of crimes reported to the police was reduced from 98 in 1993 to only 9 in 1995 after adjustments made in 1994. Here, it was proved that features such as the concept of buildings, their interiors, parking lots and the street network can be designed or modified
to reduce crime. Appropriate design and sophisticated use of space leads to a reduction of crime and fear of it, and can make a significant contribution to the improvement of life in the city.

The CPTED concept assumes that crime and vandalism are by-products of such human activity as does not work properly. The objective is to design and implement an environment where the arrangement and utilisation lead to a reduction of fear and the incidence of crime, and improve the quality of life. CPTED emphasises that it is particularly the designing of the environment often makes it difficult for the intended function to work successfully. Spaces and plots of land do not support the intended function. Therefore, the intention is to propose a strategy to ensure that the design of the environment safeguards the facilitating of the intended activity, which has to run properly, promoting directly the control of human behaviour. In the environment, human activities should be marked in order to be supported by the spatial arrangement (‘space assessment’). The key, mutually interwoven principles of CPTED include:

a. natural overview,

b. natural access control, and

c. natural territorial reinforcement.

placed in locations that are transparent and naturally monitored all the time. It is recommended to create “eyes on the street” by orienting windows, workrooms and other activities towards these places of vulnerable activities. It is necessary to check how each stage of the project increases the natural visual overview drawn by the designer. This is particularly important in the implementation of public lighting and the planting of green vegetation.

The natural control of access axes is a process that aims to reduce opportunities for criminal acts. The primary aim of this strategy is to reduce access to potential victims and to raise awareness of imminent risks for potential attackers. When designing spaces, the means of architecture should allow people to always recognise where they are and what is and what is not allowed in that particular place. The number of access ways should be limited, though providing some flexibility to the users. Particular attention must be paid to driveways and increased possibilities for their surveillance. The design of the environment should function as a catalyst for visual transparency and access control.

Territorial consolidation is an “umbrella” design strategy suggesting that an architectural design can create or enhance the sphere of influence so
that environment users create a sense of belonging and responsibility for it. Territorial strategies often increase natural overview and natural access control. This can be done by increasing the feeling of legitimacy of ownership, while reinforcing public control by using symbols. These may be symbolic barriers or signs as described in this publication. The creation of ambiguous, messy places should be minimised. Places and environments are unclear if the idea of their use or a libretto of what and whom they are intended for are missing. This should be complemented by the identification of no-man’s zones (intermediate docks, staircases, basements, spaces around panel blocks, etc.). It is necessary to make sure that these places are taken into someone’s responsibility. Places should be designed in such a way as to enable the intended purpose and, where possible, their continuous use. The need for maintenance should be such as not to hamper the natural overview and natural access control.

The CPTED approach to space assessment provides a simple guide for laypersons to determine how a space is designed and used. This concept is based on three functions (dimensions, if you like) of human space. These are specifically:

1. Space for people has a designated purpose.
2. Each space for people has its social, cultural, legal and physical definition, which sets proposed, and at the same time acceptable, behaviour.
3. Each space for people should be designed in a way to encourage and enable control over the proposed behaviour.

While underlining the determination, definition and layout of the space, it is possible to assess it by asking the following questions:

**DETERMINATION:**
What is the proposed purpose of the place?
What was the place originally intended for?
How does the spatial layout support the intended use?
Is there a conflict between different types of use or between the function of the space and its layout?
The space should be marked in connection with its use, and natural barriers such as landscaping and distance should be used to separate conflicting activities.

**DEFINITION:**
How is the space defined?
Where are its boundaries?
Are there social or cultural definitions that affect the use of the space?
Are there any legal or administrative standards that clearly state and support usage rules?
Is it all marked with symbols?
Is it entirely clear to whom this space belongs?
Is there a conflict or ambiguities between the intended purpose of the place and its definition?
The controlled space should have clearly marked boundaries. Also transition zones, indicating movement from the public space to the private zone, should be clearly signposted.

SPATIAL LAYOUT:
Physical design should assist in the intended use of the area. Which parts of the design can best influence behaviour?
Does the physical design express the intended use? It is important to ensure that physical space is designed in the context of users’ needs.
Does physical design obstruct a productive use of the space or is it in conflict with it? The layout of the space should allow it to be used effectively with optimal use load.
Does physical design obstruct correct space functionality intended for human activities, or is it in conflict with them? Premises should be designed to enhance natural overview, access control and territoriality.
Does the architectural or urban design provide the means for everyday users to naturally influence the activities of others? Vulnerable areas, including those where there is limited natural overview, approach control and territoriality, such as parks and parking lots, need to be identified. The risk can be minimised here by locating safe activities in their proximity.
Is there a conflict or ambiguity concerning the way the design of the environment intends to influence human behaviour? After identifying vulnerable activities (cash manipulation, care for little children, etc.), the risk can be mitigated by locating them in places with very strong natural supervision, screening of entering persons, and developed territoriality.

DESIGN BACKGROUND:
Spaces should be marked so that their marking supports the intended function. The purpose of this principle is to mark the functions required for natural overview, approach control, and conscious territory, including the space that can provide for them.
It is appropriate to use natural barriers such as landscaping and distance to physically separate conflicting activities. The purpose of this principle is to reduce fear causing conflicts by effectively separating conflicting activities. Suitable barriers to conflicting activities can be distance, landscaping and activities that can be described as neutral or complementary. An example of conflicting activities may be a football field near a retirement home. The sounds and activities on the pitch can disturb and negatively affect elderly people.

The controlled space should be marked with clear boundaries. This is based on the legal requirement that space is also defined so as to allow the exercise of the rights of the owners. A connected principle is that every person must be able to recognise that they are moving from a public to private space. Fences, certain types of shrubs and architectural signs are examples of boundary definition – the determination of a boundary can be physical or symbolic.

Also essential are clearly defined transit zones, which indicate movement from public to semi-public or private space. Environment users must be advised when they enter a controlled area. It has been found that if the transition areas are widened, the extent of excessive or inappropriate behaviour is reduced.

**DESIGN BACKGROUND CONCLUSIONS:**

Security is in everybody’s interest. The right to live in the city cannot be fully enjoyed until the safety of its inhabitants is guaranteed and the fear of crime is reduced.

a. It must be ensured that material space is designed in the context of the needs of everyday users of that space. It must be designed and signposted according to the intended use. This is best done by marking the physical design of the space, which also caters to the physical, social and psychological needs of its permanent users.

b. The design and organisation of space should ensure a critical density of people for its effective use. It has been found that the efficient and productive use of space generates a certain density in space, which causes abnormal users to feel more at risk (due to stronger control and intervention possibilities). Permanent users will feel safe and less endangered.

c. A well-designed space enhances the perception of reality, i.e. surveillance, access axes, and territoriality. A precondition is to emphasise natural user-oriented forms of overview and control – through the orientation of windows, direct unlimited range of view
and spatial definition. In particular, kitchen windows should be oriented so as to overlook the street and children’s playgrounds. The purpose is to minimise the barriers to routine use and experience of the environment.

d. Vulnerable spaces, including those without natural overview, access control and territoriality, such as parks and parking lots, must be identified and the risk in them reduced by the placement of safe activities – meaning the placement of “safe” activities in “dangerous” areas. This will increase the potential of witnesses and controlling behaviour. These measures have an impact on increasing the feeling of safety in normal users of the environment and an increased feeling of risk, surveillance and possible intervention in potential intruders.

e. Sensitive identification of vulnerable activities and persons, such as cash handling and children’s activities, can be placed inside spaces with great natural overview, movement control and territoriality. The benefit from this will be the placement of vulnerable activities in the safest possible places. By locating sensitive activities near windows of populated places and in controlled areas, the risk can be overcome and users will feel safer.

Sophisticated spatial design and urban planning should support measures against the causes of social disorder and crime in cities. Frequently even small changes will do, which may be more useful than complicated theories. You will agree that such practical improvements as better lighting, thoughtful planting of greenery, increased transparency and rerouting of pedestrian pathways will enhance security in the environment and reduce crime.
The topic of my contribution was not just the general topic of migration – which is so widely discussed nowadays in expert circles and especially in the media, not even a detailed analysis of the situation at the European level. This is despite the fact that the current situation in the area of migration in Europe is a “problem” that continues and swells with an infinite dimension. Today, unlike in 2015 and 2016, especially in the African Sahel countries, the focus is on the southern and south-western part of the European Union as a springboard zone to travel to the rich countries of the European Union. It is therefore an undeniable fact that the current wave of migration is largely motivated by economic reasons, and the people who are setting in motion in this wave are mostly looking for a significant improvement in their life situation and economic benefits. Although these reasons are rationally understandable and in themselves do not pose a significant security risk, they are in utter conflict with the rules on the right to international protection. Today, more than in previous years, there is a discrepancy between the theoretically well-established legal standards and the practical observance of these standards. The driving force behind the migration crisis has also become a flagrant crackdown on these standards by some politicians, but also by the governments of some EU Member States. Migrants always come to places where they were not born and have no ties to. They often migrate not only because of an expectation of improving their economic situation but often they do not migrate from their own free will. Their only motivation for leaving the ancestral country is a simple effort to survive. Hence, they become refugees. They are the most endangered members of human society who come to an unknown land, frequently left at the mercy and lack thereof of the majority. Population movements can therefore generally be divided into two streams: people who voluntarily leave their ancestral lands and embark on a journey for a better life – they become migrants. The second stream is the people who have come from the countries of their origin involuntarily – and have become refugees. Forced migration occurs as a result of violations of human rights, violence, takeover aggression and genocide in certain areas of the world. (in: Psychické trauma a jeho terapie, Praha Portál 1999 – Daniela Vidinová, Marek Preiss).

Migration and refugees, today more than before, are one of the major social problems that often cause passion on the side of the majority, an onset of frustrations and fears often supported by the hideous actions of
fanatics. On the other hand, they are accompanied by deprivation or even post-traumatic stress disorders in many migrants.

Nevertheless, the topic of my contribution was not as broad as that. It was focused on refugees in the Czech Republic, a brief description of the asylum procedure in the Czech Republic, the statistical numbers of refugees in the Czech Republic over the past twenty years, with a special focus on the activities of the Administration of Refugee Facilities of the Ministry of the Interior, its individual departments and partial steps, which ideally should lead to the smooth integration of refugees into mainstream society.

At the beginning of the paper, it is necessary to clearly specify the target group and answer an elementary question: who actually is a refugee?

The term *refugee* (refugees) has been the subject of many mass media reports especially in the last few years. Without this term, no single evening news can be broadcast, frequently blending individual groups of foreigners under the umbrella term *refugee*.

The terms “migrant”, “asylum seeker” or “applicant for international protection” are often confused with the terms “refugee” or “asylant” (in Czech or German). An asylum seeker means a person who claims to be a refugee and applies for international protection against persecution or danger of serious harm in the country of origin. Therefore, every refugee is in terms of law at first an applicant, but not every applicant will eventually be recognised as a refugee. At a time when someone is waiting for his or her application to be accepted or not, we are talking about an “asylum seeker”, or, formally, an “applicant for international protection”.

The very term “applicant for international protection” has a historical development and does not include an assessment of eligibility for refugee status. It means solely and exclusively the fact that the given person has applied for international protection and his or her eligibility for refugee status will be decided on the basis of national legislation. People whose applications are not accepted under regular procedure, or where international protection is not granted to them either in the form of asylum or as a subsidiary protection, can be returned to the country of origin. (UNHCR). Only modern society has been able to find a consensus on the formal determination of the legal status of such people, agreed on the status of refugees and precisely defined who can actually enjoy the legal protection implied by it. In 1950, the United Nations General Assembly set up the Office of the High Commissioner for Refugees (UNHCR), which was
made responsible for the international co-ordination of refugee protection and solutions to related problems. The most important role of UNHCR is so-called “international protection”, or the safeguarding of human rights of refugees, including the possibility to seek asylum. (UNHCR). It was this particular consensus that, in 1951, that led a clear act in the form of the adoption of the Convention Relating to the Status of Refugees, also known as the Geneva Convention, which for the first time in history anchored the consensus among nations on the issues of persecuted people and their protection by international law.

Therefore, in setting a precise definition of “refugee” we must take into account a quotation from this Convention, clearly specifying and characterising those who deserve international protection. Under this agreement, a refugee is:

...a person, who is outside the country of his nationality for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country.

What is important for distinguishing a refugee from a migrant who is usually motivated by a vision of improving his economic situation in the future is “the legitimacy of his fears”. An objective assessment of this legitimacy is certainly questionable and we have to rely on the transparency and democratic principles of the institutions that assess the objectiveness.

Very generally speaking, refugees are people who have not decided to migrate voluntarily. But this generalisation hits the subjective perception of each individual's situation. Even economic circumstances may seem unbearable and hopeless to an individual, but they cannot mean entitlement to the granting of refugee status. Similarly, a wrongful act committed on an individual in his country of origin is not a reason to apply for international protection in another country if he could seek protection by the authorities of his country. A simplified guideline for the distinction between refugees and migrants is presented in the following table:

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Refugee</th>
<th>Migrant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motivation</td>
<td>Expelled</td>
<td>Attracted</td>
</tr>
<tr>
<td>Source</td>
<td>Oppression</td>
<td>Own aspiration</td>
</tr>
<tr>
<td>Country of origin</td>
<td>Rejected by it</td>
<td>Rejected it</td>
</tr>
</tbody>
</table>

29 Westermeyer, Holzman and Bornermann, 1990
<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Refugee</th>
<th>Migrant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision</td>
<td>Involuntary</td>
<td>Voluntary</td>
</tr>
<tr>
<td>Departure</td>
<td>Sudden</td>
<td>Planned</td>
</tr>
<tr>
<td>Context</td>
<td>Losses, fears</td>
<td>Expectations, hopes</td>
</tr>
<tr>
<td>Return home</td>
<td>Impossible</td>
<td>Possible</td>
</tr>
<tr>
<td>Control over the situation</td>
<td>Out of control</td>
<td>Taking control</td>
</tr>
<tr>
<td>Time orientation</td>
<td>To the past</td>
<td>To the future</td>
</tr>
<tr>
<td>Social network</td>
<td>Other refugees</td>
<td>Local residents</td>
</tr>
<tr>
<td>Expectations</td>
<td>Change in the situation at home</td>
<td>Job, education</td>
</tr>
</tbody>
</table>

It is obvious from the above that the current wave of migration in Europe meets the criteria of economic migration rather than anything else. It is equally clear that this wave was also given impetus by non-compliance with the principles of international law by some EU Member States, in particular by failing to comply with the so-called Dublin Convention of 15 June 1990, which contains the principles that guide the process of harmonising the asylum policies in individual European Community states. In short, it can be characterised, among other things, by specifying the state in which the foreigner is required to apply for international protection, while remaining there during assessment of the application. This is the first so-called safe country – hence, in the case of the 2015 migration wave, it was Greece. But that did not happen.

The theme of the migration wave has therefore become the number one topic in Europe, of course in the Czech Republic as well. Here we deal with a paradoxical situation. There is little talk in the media about the fact that the Czech Republic was virtually avoided by the migration wave. Yet it has become a society-wide topic, but also, unfortunately, a political issue. At the same time, clear statistical data have been accurately conducted and publicly searchable for decades. From the detailed statistics of the Ministry of the Interior of the Czech Republic on the number of applicants for international protection in the Czech Republic, this fact is more than obvious:

Numbers of applications for international protection in individual years (1990–2016)\(^{30}\)
<table>
<thead>
<tr>
<th>Year</th>
<th>Numbers of applications for international protection</th>
<th>Year</th>
<th>Numbers of applications for international protection</th>
<th>Year</th>
<th>Numbers of applications for international protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>1 602</td>
<td>1999</td>
<td>7 218</td>
<td>2008</td>
<td>1 656</td>
</tr>
<tr>
<td>1991</td>
<td>2 226</td>
<td>2000</td>
<td>8 794</td>
<td>2009</td>
<td>1 258</td>
</tr>
<tr>
<td>1992</td>
<td>841</td>
<td>2001</td>
<td>18 094</td>
<td>2010</td>
<td>833</td>
</tr>
<tr>
<td>1993</td>
<td>2 207</td>
<td>2002</td>
<td>8 484</td>
<td>2011</td>
<td>756</td>
</tr>
<tr>
<td>1994</td>
<td>1 187</td>
<td>2003</td>
<td>11 400</td>
<td>2012</td>
<td>753</td>
</tr>
<tr>
<td>1995</td>
<td>1 417</td>
<td>2004</td>
<td>5 459</td>
<td>2013</td>
<td>707</td>
</tr>
<tr>
<td>1996</td>
<td>2 211</td>
<td>2005</td>
<td>4 021</td>
<td>2014</td>
<td>1 156</td>
</tr>
<tr>
<td>1997</td>
<td>2 109</td>
<td>2006</td>
<td>3 016</td>
<td>2015</td>
<td>1 525</td>
</tr>
<tr>
<td>1998</td>
<td>4 086</td>
<td>2007</td>
<td>1 878</td>
<td>2016</td>
<td>1 477</td>
</tr>
</tbody>
</table>

It is undeniable that the Czech Republic was affected by the migration wave of 2015, but so marginally that its impact on the number of applications for international protection meant an increase in the absolute figure by fewer than four hundred applications. All this does not deny the fact that the unmanaged migration wave (not only in 2017) is a European problem, the partial causes of which have been described above.

However, bare figures say nothing about the motivation of those individuals who are represented in the statistics. Previous waves often corresponded to war conflicts in Europe and its immediate vicinity; the absolute numbers were also affected by the fact that we were not part of the European Union until almost mid-2004. In spite of that, we have always been rather a transit country in the context of migration, which we still remain.

It is also clear from the statistics and the above-mentioned international legal norms that democratic countries must have a functioning system ready to accept applications for international protection, a system of care for applicants for international protection, as well as for people who have been granted refugee status.

For this purpose, the Czech Republic has also set up its own internal legal norms in compliance with international law, in particular the Asylum Act No. 325/1999 Coll., which was adopted on 11 November 1999, and has already been amended in many of its partial provisions. It governs the conditions of entry and residence of a foreign national who intends to ask the Czech Republic for international protection in the form of asylum or subsidiary protection in the territory of the Czech Republic, and the residence of an
asylum seeker in our territory. It also regulates the procedure for granting international protection in the form of asylum or its withdrawal, the rights and obligations of an applicant for international protection, an asylum seeker and a person enjoying subsidiary protection, the competence of the Ministry of the Interior, the Ministry of Education, Youth and Sports and the Police of the Czech Republic in this area of state administration, state integration programme and asylum facilities.

To exercise state power in the field of asylum and migration, the Ministry of the Interior of the Czech Republic has established the following organisations and agencies:

Department of Asylum and Migration Policy of the Ministry of the Interior of the Czech Republic (OAMP), for the exercise of competence granted to the ministry in the field of international protection, refugees, foreigners’ entry and residence, the concept of integration of foreigners, the state integration programme and Schengen cooperation. The Department is a unit of the Ministry in charge of methodological management of the state organisational unit Administration of Refugee Facilities of the Ministry of the Interior; it submits proposals for the establishment or change of the type of asylum facilities or detention facilities for foreign nationals. The Administration of Refugee Facilities of the Ministry of the Interior (SUZ) itself is an organisational component of the state (represented by the Ministry of the Interior of the Czech Republic). It is a civilian component, which was established in 1996 by its factual separation from the administrative authority in the matters of asylum and migration. The SUZ mainly deals with the care of refugees, i.e. foreign nationals, applicants for international protection and asylum seekers. The care includes, in particular, the ensuring of accommodation, food and the provision of social, healthcare and other essential services. Since 2017, the SUZ has also been the general provider of integration services under Czech Republic government regulation and it also manages the Centre for Integration of Foreign Nationals. It is not primarily a social care organisation, but social care and pedagogical services are strongly represented in the organisation’s activities.

That is why, in the Czech Republic, the process through which an incoming foreign national applying for international protection can become a refugee is relatively well arranged. This process could be briefly described as follows:

A foreign national who demonstrates his intention to apply for international protection is formally a refugee and is granted this status. He enjoys
protection by international law as well as protection by the country that decides on his application.

In the Czech Republic, the authority entitled to decide on the application is the Department of Asylum and Migration Policy of the Ministry of the Interior. The application for international protection, to be written by an employee of the Ministry of Interior together with the foreign national, must contain, aside from factual data on the foreign national, also the reasons that led him to leave the country of origin. At the same time, he obtains information about his rights and duties.

In the initial phase of assessment of the application, the applicant is usually placed at a reception centre run by the Administration of Refugee Facilities of the Ministry of the Interior. There, he must submit not only to the collection of identification data, but also to medical examination. The refugee must not leave the reception centre until it is ascertained that he does not represent an immediate health and safety risk. Upon completion of the admission procedures the refugee has the option of moving to a residential centre of the SUZ. He also has the possibility to go to private accommodation if he has any in the territory of the Czech Republic, but he has to appear at the designated OAMP offices for interviews on scheduled dates.

Residential accommodation free of charge and subsistence allowances are provided in residential centres, as well as social care and education. In all types of government facilities refugees can also use a range of services provided by non-governmental organisations, namely in terms of leisure time activities and legal counselling. After consultation with social workers, the care of a psychologist can also be provided and he can also use health care in the scope of public health insurance. The system is set for a fast, efficient and smooth administrative procedure. The fact that a person has fallen into a difficult life situation does not mean that he has lost all his appetite for an active life and working habits. Therefore, the time spent in state facilities should serve to restore his feeling of safety while ensuring dignified living conditions. Refugees’ children attend primary schools during their stay and are subject to the compulsory school attendance system.

In the meantime, his application for international protection is verified and assessed. Refugees have the option to ask for voluntary repatriation to their country of origin or to a safe third country for the whole duration of their stay. The Administration of Refugee Facilities of the Ministry of the
Interior has carried out voluntary returns in cooperation with international and non-profit organisations on the basis of Section 54 a) of Act No. 325/1999 Coll., Asylum Act, since as early as 1996. The assessment should be completed by the OAMP within ninety days, except for demonstrably complicated cases. Unfortunately, the reality is that most cases are not decided on within this deadline.

The Asylum Act, however, sets the timeline for the procedure in a fairly vague manner, and if we consider the possibility of the case being reverted by court, the procedure may go on for years.

Once the refugee’s request has been assessed, the OAMP officers make an administrative decision, either to accept the request and grant the refugee asylum or subsidiary protection, or to reject the application – to refuse it as unfounded.

However, the process does not necessarily have to end here because an unsuccessful applicant has the right to seek protection of his rights at an independent court by filing an appeal against the decision made by the administrative authority. The petition is filed within the prescribed time limit with the locally competent regional court. An unsuccessful applicant who has adhered to the time limit and filed a petition against the decision of the administrative authority in good time may continue to enjoy the rights conferred on him by the status of a refugee – an applicant for international protection. He can continue to stay free of charge at the residential centre and enjoy all the benefits. The court may then uphold the petition and refer the case back to be decided by the administrative authority (OAMP). The administrative authority must then decide again.
For a better idea and understanding, the system of “shaping up a refugee in the Czech Republic” can be schematically described thus:

1. **arrival of the foreign national to the Czech Republic**
2. **statement of intent**
   - applicant for the award of international protection
     - negative decision by OAMP
       - filing a petition to the regional court
         - voluntary repatriation to the country of origin
         - regional court has confirmed the OAMP’s decision
           - end of procedure – exit visa
           - cassation complaint to the Supreme Administrative Court in Brno
             - confirmation of the regional court’s sentence
               - end of procedure – exit visa
               - new sentence by the regional court etc.
             - reverting the case back to the regional court
               - positive decision by OAMP
                 - asylum
                 - subsidiary protection
               - regional court has sent the case back to the OAMP
                 - end of procedure – exit visa
Throughout the stay of a foreign national in the position of an applicant for international protection in the territory of the Czech Republic, but also after the acquisition of some form of international protection, these people normally use the services of the Administration of Refugee Facilities.

The Administration of Refugee Facilities (SUZ) was established as of 1 January 1996 as an organisational component of the state. It was created by separation from the then Department for Refugees of the Ministry of the Interior in order to separate the execution of state administration in the field of asylum procedures and the provision of services to applicants for international protection, to people granted international protection and to foreign nationals placed in a facility for the detention of foreign nationals. The SUZ is based in Prague and reports to the Deputy Minister of the Interior for Public Order and Security. It is headed by a director of administration and this organisational component is further divided into departments, including individual asylum facilities for refugee care. The concept of care covers a wide range of services and activities performed by the SUZ staff. These include, in particular the provision of accommodation, food, basic hygienic supplies and pocket money.\(^3\)

The SUZ is the operator of receiving, accommodation and integration asylum centres. As of 1 January 2006, the SUZ has taken over from the Foreign Police the operation of facilities for detention of foreigners, which since then have undergone a fundamental change especially in terms of the approach to the detained foreigners. These centres provide, in particular, accommodation, food, psychological, social, educational and consultancy services and organise also leisure time activities. Another completely new area covered by the SUZ since 2009 has been the theme of the integration of foreigners. Since that year, the SUZ has run Centres for the Support of Integration of Foreign Nationals in which it provides services to certain groups of foreigners living in the territory of the Czech Republic (SUZ 2010 Annual Report).

The SUZ cooperates with governmental and international organisations, local authorities and non-governmental organisations. Since 2006, some of its activities have been co-funded by the European Refugee Fund, namely the programmes of prevention, integration, repatriation, facility equipment and some services to clients. Since 2009, the SUZ has also drawn funds from the European Return Fund.

The SUZ is an organisation responsible for providing a range of services

---

31 The Administration of Refugee Facilities Final Report for the Year 2008, p. 5
to applicants for international protection in asylum facilities and asylum seekers in integration asylum centres. In all these cases, the SUZ provides an accommodation and information service. The Asylum Act speaks about so-called asylum facilities. This means a reception centre, a residential centre and an integration asylum centre\textsuperscript{32}. Asylum facilities serve for collective accommodation of applicants for international protection and refugees under conditions safeguarding the preservation of human dignity. Their operation is in the competence of the SUZ. In these facilities, the SUZ provides, in accordance with the Act on the Residence of Foreign Nationals and the Asylum Act, namely accommodation, food, social, healthcare and other services. The distinction between individual asylum facilities is based on the purpose that the individual centres serve.

Integration asylum centres provide asylum seekers in particular with initial assistance in contact with the Czech authorities, assistance in finding suitable employment, and runs intensive education, especially the teaching of the Czech language.

Over the years, the SUZ, depending on the number of incoming applicants for international protection, changed the infrastructure of individual facilities. The scope of competency of the SUZ is gradually changing and expanding.

The organisation is headed by the Director of the SUZ, who reports to the First Deputy Minister of the Interior of the Czech Republic. The Director of the SUZ has a proxy and he also supervises the otherwise independent internal auditor. The office of the SUZ Director is located in Prague, where also the SUZ Organisation Department, the Department of Work with Clients and the SUZ Economy and Operation Department are located. The departments are further divided into separate sections and groups. In the regions, there are the asylum facilities themselves, which also have the department status. At the moment, the asylum facilities are evenly distributed – two reception centres, two residential centres, three facilities for the detention of foreign nationals (all these facilities have the status of a separate department) and four integration asylum centres, which are run by the individual facilities.

The reception centres serve to accommodate newly arrived applicants for international protection until the basic admission procedures have been completed. At present, the reception centres are located in the

municipality of Zastávka u Brna and in the transit area of the Prague-Ruzyně International Airport. Every foreign national is obliged to submit to fingerprinting and the capturing of a visual record in order to identify or verify their identity. Taking of fingerprints is conducted by the police, while the capturing of a visual record is provided by the ministry. An initial interview is conducted with the foreign national, and he or she goes through a prescribed initial medical examination to ascertain if he or she suffers from a disease threatening his or her life or health or the life or health of others. The foreign national is obliged to surrender his or her travel document and is issued with an ID card of an applicant for international protection for the purpose of his or her identification. The foreign national files an application for international protection here, and subsequently, a procedure for granting international protection is launched by the administrative authority. At the reception centre foreign nationals are provided with food, accommodation, pocket money, basic hygienic supplies and medical care.

After completing the admission procedures, the applicant is transferred to a residential centre. The transport to the residential centre is organised by the ministry. The residential centre serves to accommodate the applicant for international protection until the decision on international protection gains legal force. An applicant for international protection has the right to be provided accommodation, meals and other services in the asylum facility in which he or she is registered for residence, and under the conditions set out in the Asylum Act, he or she is also entitled to receive pocket money. He or she also partially covers the costs of food and accommodation; however, only the applicant’s financial resources exceeding the subsistence minimum amount of the applicant and the people assessed together with him or her, may be used to cover such costs. The applicant also has the possibility to leave the residential centre subject to certain conditions, or even stay in private accommodation (only if the ministry, on the basis of police information, gives permission to leave for the private address). In the event that the applicant is registered for residence outside the residential centre, he or she may be granted a financial contribution under certain conditions, which is paid for a period of up to three months and is meant to help overcome difficulties arising during the first months of stay outside the asylum facility. Residential centres are located in the municipalities of Kostelec nad Orlicí and Havířov. Those foreign nationals who have been granted international protection in the form of asylum may enter the State Integration Program and apply for temporary accommodation in these centres. The time spent here is mainly used to acquire sufficient knowledge of the Czech language and to find
independent housing. Accommodation is provided here for a maximum of 18 months, and asylum seekers pay a fee for the accommodation in the asylum centre. Four asylum integration centres are operated by the Administration of Refugee Facilities in the municipalities of Brno-Židenice, Předlice, Jaroměř and Havířov.

Centres for Integration of Foreign Nationals are gradually being established in all regional cities in the Czech Republic. Their purpose is the smooth integration of all migrants, but they do not focus on refugees. The centres mainly organise language courses of the Czech language, courses of a socio-cultural minimum so that every foreign national can get an overview of the conditions in the country he or she came to. The emphasis is on respecting the democratic establishment, the Constitution and the Charter of Fundamental Rights and Freedoms, especially the equality of all members of society, regardless of their origin, colour, religion, ethnicity, political opinion, etc. Emphasis is also placed on equality between men and women and on the abiding by the laws of the Czech Republic and the EU.

Facilities for the detention of foreign nationals (sometimes also called detention or extradition facilities) are used to detain the people who have been issued a decision by the Foreign Police on administrative extradition and detention. These are usually two groups of people - either unsuccessful asylum seekers who have not been granted international protection or foreign nationals residing illegally in the Czech Republic without relevant documents for residence in the territory of the Czech Republic.

Social work with refugees under the competency of the SUZ primarily concerns applicants for international protection or asylum seekers living in asylum facilities. What stage of the international protection procedure the client is in and in what cultural environment he lived before has a great influence on the approach chosen by the social worker and on the course of the whole process of working with the client.

Social assistance and services are provided by social workers of the Ministry of Interior in asylum facilities and by social workers of non-governmental non-profit organisations throughout the whole period of international protection proceedings and even after the granting of asylum. The difference between a social worker of the state and one from a non-governmental organisation is primarily that each position allows for a different degree of control and support for the client. The basic prerequisite for any social worker’s interventions is to understand the
client’s real needs, from dealing with partial problems of adaptation to the new environment to solving the whole situation – integration, while the client should be able to participate in everything as much as possible.

Social workers from the Ministry of the Interior work in asylum facilities and are in daily contact with the people who live there. They are in close contact with their clients. The disadvantage in gaining clients’ trust may be for them that they are employees of a state institution and clients rarely distinguish that they are not from the institution that decides on their application for international protection. These employees are required to supervise the provision of basic services envisaged by law.

Social workers of non-governmental organisations do not have the powers of government officials. Social workers from non-governmental non-profit organisations visit asylum facilities several times a week. A significant benefit is that a client living in an asylum centre comes into contact with someone “from the outside”. For each asylum centre there is an agreement between the SUZ and NGOs providing legal and social assistance, enabling NGOs to enter the relevant asylum facility. As opposed to state social workers operating in asylum facilities, the NGO staff also provide their services to applicants for international protection and asylum seekers living in private accommodation.\textsuperscript{33}

Social and pedagogical work with refugees has its own specific features. Specific features that should be taken into account during the work with the client include: the language barrier, different meanings of gestures in nonverbal communication, the concept of the roles of men and women in their society of origin, the change of the social status of a person – because in people’s eyes, the status of a refugee represents almost the lowest possible status.

However, social work with applicants for international protection is also specific by addressing a relatively narrow group of clients whose life is limited to a certain extent because they have applied for international protection in the Czech Republic.

A social worker is also seen by the clients as a mediator of contacts between the host society and the clients themselves. He or she should not forget that they act as representatives of the host society towards the client, and at the same time as its advocate towards the majority society. As a result,

some clients may overestimate the options of a social worker, leading to unrealistic expectations and disappointment. It is therefore necessary for a social worker in contact with a client to define his or her role from the very beginning and explain the client all the time what is in his or her possibilities or what exceeds his or her possibilities.34

The goal of social work during the stay of the asylum seeker in an asylum facility is to handle the actual social situation of the client, his or her adaptation to the conditions of the asylum facility, creation of dignified and safe conditions for the stay, prevention of conflict situations and preparation of clients for their integration or possible voluntary repatriation. For pre-school children, children’s centres are set up in all asylum facilities, which are equipped like nursery schools. Children gain basic hygienic habits here, learn how to work and live in a team with a view to adaptation in the new environment of the host country and also learning the Czech language through playing games.

Additional facilities where children can spend leisure time are various creative workshops. Asylum facilities are equipped with sewing, carving or creative art workshops, libraries and, in some cases even tearooms. Every centre employs a leisure time educator; these are qualified professionals who develop creative talents and manual skills of the clients and reduce the clients’ tension by means of controlled leisure time activities. Due to the high psychological burden caused by migration and residence in a foreign country, the creative activities, together with the teaching of the Czech language, act therapeutically and is one of the possibilities of filling the daily programme of all clients. Efforts are made to involve the clients as much as possible in the preparation and implementation of leisure time programmes so that during their stay in the asylum facility they do not lose their ability to act independently and feel personal responsibility. Popular leisure time activities include the mentioned voluntary learning of the Czech language. The goal of the meaningful spending of leisure time is to relieve tensions and eliminate the occurrence of socially pathological phenomena.

Children of school age attend primary schools in the locations of the individual asylum facilities under similar conditions to Czech children. Prior to joining the school, if necessary, they attend Czech language classes so that they can easily get involved in regular learning. According to the requirements of the teachers, they are equipped with the necessary school

---

Reception and residential centres offer the accommodated asylum seekers a number of options of spending their leisure time. Clients also have a playground and various sports equipment at their disposal.

The SUZ also carries out voluntary repatriation on the basis of Section 54a of the Asylum Act. This also belongs to the sphere of competence of the social workers from the SUZ. The possibility of voluntary return is presented to the applicants for international protection by social workers once the client arrives at the centre. Any unsuccessful applicant or an applicant who has decided to withdraw the application for international protection may apply within the statutory time limit for the reimbursement of the costs associated with his return to the country of origin. When repatriation is carried out, the SUZ not only provides an air or other travel ticket to the client, but in cases where the client does not own a valid travel document, it also assists him or her in obtaining it, and in case the client is interested, provides him or her with accommodation and necessary assistance.

Social work also focuses on purely practical matters of everyday life. Social workers mediate first contact with physicians and explain the system of healthcare services in the Czech Republic to applicants for international protection. The applicants for international protection are provided healthcare in the scope of public health insurance. They are insured with the Všeobecná zdravotní pojišťovna (General Health Insurance Company); the insurance premium is paid by the state.

An applicant for international protection can only get a job after six months following the filing of the application. They need a work permit that they have to apply for at the employment office. If the applicant earns money above the subsistence minimum, he or she contributes with a certain proportion to the payment of the services provided in the asylum facility. In such cases, applicants do not receive a financial contribution instead of meals but, on the contrary, they participate in the costs associated with their stay. This relatively complicated system of calculation is also explained by the social workers to the applicants in the centres.

I am firmly convinced that even the current system, relatively sophisticated at first glance, deserves some minor modifications and amendments. For example, an obligation for applicants for international protection to attend Czech language classes while staying in the asylum facility. It is not rocket science, as common sense commands: “He who pays the piper calls the
tune.” So far, these classes for applicants for international protection have been understood only as a form of leisure time activity. The attendance of the applicant for international protection at the classes of the majority language is also compulsory in other countries, for example in Slovakia, but also in Denmark. However, enforcing this obligation is often rather complicated. Sanctioning non-participation is often impossible, as it frequently faces opposition from human rights organisations, but also from institutions and legislators. However, it would be enough to choose another procedure in the Czech case – initiate an amendment to the Asylum Act, the wording of a specific paragraph, which now reads as follows:

If a food service is not provided in the asylum centre, the applicant for international protection shall receive a financial contribution corresponding to the amount of the minimum subsistence level of the applicant for international protection with the persons assessed together with him. During the period of the provision of the financial contribution, the applicant for international protection shall not be entitled to pocket money. If the state of health of the applicant for international protection requires, according to the recommendation of the competent medical practitioner, an increase in the cost of dietary meals, the financial contribution will be increased by the amount envisaged by a special legal regulation to be added to the amount of the person’s subsistence due to dietary meals. The financial contribution shall be granted to the applicant for international protection only during the period of his presence in the asylum facility and shall be provided in advance in the form of an advance payment.\(^35\)

A minor amendment could then read thus:

If a food service is not provided in the asylum centre, the applicant for international protection shall receive a financial contribution corresponding to the amount of the *existence minimum level* of the applicant for international protection with the persons assessed together with him, which may be increased by the ministry’s decision up to the *subsistence minimum level*, as a reward for the applicant’s activity. During the period of the provision of the financial contribution, the applicant for international protection shall not be entitled to pocket money. If the state of health of the applicant for international protection requires, according to the recommendation of the competent medical practitioner, an increase in the cost of dietary meals, the financial contribution will be increased by the amount envisaged by a special legal regulation to be added to the amount of the person’s subsistence due to dietary meals. The financial contribution shall be granted to the applicant for international protection only during the period of his presence in the asylum facility and shall be provided in advance in the form of an advance payment.\(^35\)

---

\(^35\) Current wording of Section 42 para. 4) Act No. 365/1999 Coll., Asylum Act
only during the period of his presence in the asylum facility and shall be provided in advance in the form of an advance payment.

Such an amendment would have a certain financial effect, but above all a significant integration effect. The amount would be increased especially for active participation in the Czech language classes, or even for attending the courses of facts and institutions. There would be no need to stipulate the obligation to attend the Czech language classes by law, nor would there be any sanctions for the applicants who do not attend the classes. On the contrary, it would be a bonus for their active approach to their own integration, the scope and method of teaching could be set in the rules of accommodation approved by the ministry for each individual facility of the SUZ.

At the conclusion of my paper, two basic facts ought to be communicated:

The migration wave, and the subsequent migration crisis of the past few years, is not a direct threat to or a risk for the Czech Republic, as some media and many populists often present. On the contrary, these precise statistics clearly point out that over the last twenty-five years, the Czech Republic was sometimes affected by migration to a much greater extent. In this context, the catastrophic visions look laughable as they are presented in the media and in political statements by some populists about the threat of migration wave for the Czech Republic, especially considering a statistical comparison, for example, between 2015 and 2001 in the Czech Republic. In 2001, the Czech Republic absorbed more than 18,000 applicants for international protection without great interest from the media and the public. At that time it was not even a “hot” political theme.

Migration has accompanied mankind since the dawn of history, it always was, is, and will be part of it. There is no effective defence against it, perhaps just the possibility of building an effective and highly transparent regulation system based on democratic principles. The building and enforcing of these principles, however, must also be followed by their respecting on all sides. We are all descendants of migrants, especially those who adapted to the environment and integrated themselves. Inadaptable individuals and unintegrated societies were always swept away by the next migration waves.
Jan Tomášek

About Turn, Forward March: The Effectiveness of Probation in the Light of Criminological Research

Introduction

The effectiveness of various sanctions or criminal justice measures has become one of the central topics of criminological research in recent decades. No matter that this is an area, the study of which is complicated by a number of (not only) methodological problems, criminologists, given their focus and the role that modern criminal policy expects from them, must face this challenge with their heads up. They should present convincing evidence both about the efficiency of new and innovative approaches, and of those that are purely traditional, as we are still confronted with a series of questions and doubts, rather than with satisfactory answers and facts that would lead to a clear and rational orientation of criminal policy. Probation, despite its more than a hundred years’ history and its strong position in the criminal justice systems of most economically advanced countries, is not an exception in this respect.

Its effectiveness, as in the case of other punishments or measures, is being considered today mainly in relation to the reduction in reoffending of the perpetrators on whom it is imposed. The pressure on the almost exclusive use of this criterion is such that some authors even speak about some form of a dangerous obsession that stems from our current sensitivity to risks or threats of all kinds. The professional public has accepted it to such an extent that it may seem unbelievable how long this question has been overlooked in connection with probation and its use. The reasons, however, were clear. Probation evolved in the 19th century from a religious or philanthropically motivated missionary activity, and no-one doubted its positive impact on perpetrators. The first probation officers – missionaries – were not selected on the basis of their expert knowledge or skills, but above all because of their character and firm Christian faith, through which they could strive for the salvation of “sinful souls.” As Raynor and Robinson, point out in their work, it is not without interest that crime was at that time considered to be one of the accompanying signs of excessive alcohol drinking, and so work with delinquents was mainly focused on

The link to the missionary character of probation was evident at the beginning of the twentieth century. Even during that period, it was believed that the role of a probation officer lay primarily in the provision of advice, support and friendly assistance, with probation itself not being understood as a punishment but as a measure that the court could impose instead of a penalty. A change came only in the following decades, and with it the question of the real effect of probation on the life of a perpetrator. Thanks to increasingly influential psychological and psychiatric theories of crime causes, criminality ceased to be perceived as a manifestation of moral decay and began to be thought of as a symptom of certain mental disorders. This resulted also in a change in the principles of working with offenders. Probation became a fully expert activity, based on the understanding of criminogenic factors and the subsequent search for and development of appropriate intervention, which naturally led to a gradual professionalisation of probation services.

**From scepticism to optimism**

The first criminological surveys aimed at verifying the real effectiveness of positivistically conceived probation in relation to reoffending appeared at the end of the 1950s. While pioneering studies yielded relatively positive findings (for example, a survey conducted in collaboration between the Cambridge University Department of Criminal Science and the UK Home Office), later research did not suggest that probation would be more effective in the relevant sense than penalties or other measures. Given that many offenders faced problems of an economic or social nature, doubts arose as to whether probation oriented rather to psychological assistance corresponds to the real needs of practical life. Conclusions of surveys conducted at that time, however, spoke rather about the fact that the interventions offered by probation officers did not have a major influence on the prevention of reoffending, even if the number of clients per officer was experimentally reduced.

Results of this type, but above all political, economic and social changes,

contributed to the fact that the view of probation and the possibility of correcting criminals gradually changed, with a belief prevailing in the 1970s that in fact “nothing works” in the field of resocialisation. It did not mean, however, that probation was not used. The approach to it was purely pragmatic, as it was not perceived as a promising way to correct the perpetrator, but it continued to represent a possibility of reducing the number of people serving custodial sentences. The negative effects of imprisonment on the perpetrators and on the state budget were known, so in most countries the justice system in some sense split into two – while perpetrators of more serious felonies were given custodial sentences, an expanding range of various diversions and alternative penalties was created for all the other offenders. The benchmark for probation efficiency then became the ability of the probation service to handle a rapidly growing number of clients, because in a situation where “nothing works” an undoubtedly better option is the one that is at least cheaper.44

Opinion about the sense and effectiveness of the re-socialisation of offenders, and thus also probation work with clients, began to gradually change to more optimistic only in the early 1990s. An impetus for this was the increasing popularity of theories that sought links between criminal behaviour and social learning, offering practical instructions for effective intervention in the sense of trying to change the offender’s thinking patterns, thought styles or attitudes. Proof that some types of programme were working was also provided by systematic reviews of existing research based on the meta-analysis method, and a growing number of local studies that successfully validated the effectiveness of specific rehabilitation projects or measures on small samples45 could no longer be overlooked either. Based on all these findings, a movement called “What Works” was gradually formed between the professional public and probation officers themselves. Its objective was to enforce measures in criminal policy the effectiveness of which can be reliably proven by empirical criminological research. In practice, this led, in particular, to the promotion of various strategic materials and national standards to ensure that only methods and techniques of work with proven efficacy were applied in probation. Accredited re-socialisation programmes based on a cognitive-behavioural approach became very popular. Extensive surveys that dealt with their effectiveness however did not only bring positive, but more often mixed or not very convincing conclusions46. That is why, at

the turn of the millennium, there is growing concern among experts as to whether the imaginary victory of the “What Works” movement over the dogma of “Nothing Works” was not only temporary.47

**Probation and desistance**

An answer to these doubts is the rapid increase in the popularity of criminological theories as well as of the research related to desistance. Using this term we refer to the end of a period during which an individual committed criminal activities48. Interest in this set of issues was triggered by some criminal career surveys that convincingly talked about the relationship between age and crime. Its frequency and the number of offenders of the population at first increase sharply during adolescence with the peak at the beginning of adulthood, and subsequently there is a gradual decline, which results in only a small number of people at the age of seniors committing crimes49. There are many theories to explain this phenomenon. Some associate desistance with natural processes of growing and aging, others emphasise the rational choice of the offender himself, and a number of criminologists emphasise the role of important life milestones that can reverse the course of a criminal career (this means primarily the finding of a life partner and establishing one’s own family, getting a stable job and delivering oneself from a group of problematic peers)50. What is also important, however, is how the perpetrator interprets the changes for himself, and what meaning they have for him, for while desistance is invoked in some individuals by a certain situation, in others the same situation does not result in the same effect. This is why an ideal theoretical model of desistance seems to be the interweaving of three groups of factors, namely the natural maturation of the offender, important transitional changes in life and individual narrative constructions that the offender creates for himself around the key events and changes51. It is useful to distinguish between primary desistance, which can happen in virtually any period during which the offender does not commit crimes, and secondary desistance, within which the role and identity of a person who has changed is accepted52.

---

50 Farrall a Calverley, výše citované dílo.
As McNeill\textsuperscript{53}, points out, one of the fundamental differences between the paradigm “What Works” and the paradigm of desistance lies in looking at the offender's own reform process. The formerly mentioned movement primarily monitors the effect of specific criminal justice measures or other interventions on the individual’s future destiny, while the paradigm of desistance applies a much broader view. Based on criminal career surveys, it assumes that the essential factors of desistance are in fact out of the reach of the judicial system, since individuals who quit a criminal career solely thanks to the interventions of the judicial system alone are very few. The subject matter of interest lies therefore not only in remedial programmes and their effect, but also in human life in its entire historical and biographical context. Only through its understanding can we find out why and in what way some programmes work for some individuals, while for others they do not. There is also a change in the methodology of research is also in constant change towards a greater use of qualitative and narrative methods.

According to the quoted author, the paradigm of desistance also assigns a different role to probation officers than before. They should not see themselves as providers of correctional care that belongs to experts in the spirit of the traditional handling of a perpetrator, but rather as promoters of the process leading to the termination of the criminal career, which in essence belongs to the perpetrator. It is not a rejection of the principles of professional treatment in the absolute sense, but the understanding of professional interventions only as one of the many elements that facilitate desistance, and whose main “designer” is always the individual himself. This view also changes the understanding of possible failure. While for the “What Works” movement another crime is a sign of an error in the intervention, the paradigm of desistance highlights the responsibility of the offender himself. The intervention is understood to be an offer of help, which may have had some shortcomings in the manner of its provision, but the one who has decided to commit another crime despite the options offered is always the offender himself.

Studies that have focused specifically on the importance of probation in the process of desistance are still only few. Most of them are based on direct testimonies of the offenders who have gone through probation. One of the pioneering achievements was the work of the New Zealand author J. Leibrich in the early nineteen-nineties\textsuperscript{54}. Her sample consisted of 48


\textsuperscript{54} Leibrich, J. What do offenders say about supervision and going straight? Federal Probation, 1994, str. 41–46
randomly selected individuals who were sentenced to a penalty connected with their supervision by probation services. The research was conducted in the form of interviews. At the moment when the respondents had to think of what helped them to terminate their criminal career, only a handful of them spontaneously mentioned probation. When asked directly about its impact, half of the respondents admitted that this type of punishment was of certain importance, while a third of those who, in their own words, no longer committed any criminal activity, mentioned a direct impact of probation on the reduction of reoffending. The feeling that probation had “brought something” to the respondent was closely linked to a positive assessment of the probation officer as such. Especially highly valued was their respectful attitude and sincere interest. The respondents appreciated the fact that the probation officer saw them as “a human being,” not a “thing” or a “number.” Equally, the ability to clearly define the requirements of a probation officer towards the client, as well as trust in the client at the time he deserved it, were highlighted. Those clients who expressed negative views of probation officers, on the other hand, felt that they were treated by them impersonally, i.e. without a deeper interest in their destiny, or did not observe the agreed appointment times.

Greater significance was attributed to probation by convicts, who were questioned by S. Rex in his research. A total of 68% of them during the interview expressed their belief that probation had had a direct impact on the limitation of their criminal activity or other forms of conduct directly related to it (such as drug abuse or loss of self-control). The respondents saw as very important the support that the probation officer expressed concerning their own efforts to end their criminal career. Especially appreciated was his ability to express empathy and understanding, willingness to listen and sincere interest in the client and his situation. At the same time, they saw expert skills in probation officers, which they attributed to the experience shown and the necessary knowledge. Thanks to those, they were also willing to share confidential information with the probation officer and follow the advice they were given by such an officer.

An extensive and longitudinally designed study focusing on the relationship between desistance and probation was conducted by S. Farral. The sample consisted of 199 convicted individuals who were under supervision of probation services at six different centres in the United Kingdom. The author repeatedly questioned them during the probation

period, and also interviewed the probation officers who were in charge of their cases. The central theme of the interviews was how the respondents understood the supervision and how they perceived it, what their living conditions were, and to what extent the probation officer’s activity could affect them. Great attention was paid to risk factors and possible further criminal activities. The objective of the interviews was to reveal the most common obstacles faced by convicted individuals, the way they responded to them, how probation motivated them, and what events had a positive or negative impact on their lives, including the impact on their attitudes. Signs of desistance were observed by the author on 46% of the sample. Significantly more likely to meet with desistance were convicts who had less previous criminal experience and fewer social problems, and on the other hand had stable employment and housing. An essential role was played by motivation. Those convicts who at the beginning of the research expressed their doubts about leaving their criminal career desisted significantly less frequently. As far as the direct influence of probation itself on the desistance is concerned, the research has not brought much evidence about it. According to Farral, such a result could be anticipated because the work of a probation officer is always limited by the activity of the clients themselves as well as the conditions in which they live. This, however, does not mean that probation does not work. The debate on its effectiveness must also include aspects of motivation, employment or other important events, as the client’s living conditions are the object of the intervention, while the desired changes can be achieved through them. A strength of probation compared to other types of punishment is, according to Farral, its ability to focus on these conditions. The client in fact remains part of the community and his own skills and abilities to solve problems can be developed. The effect of probation is not direct, but only indirect, while we should understand the social and personality context as an integral part of it.

Farral’s research illustrates well the fact that the main driving forces of the process of desistance are the motivations of the individual and the changes in the social conditions in which his life takes place. Motivation itself changed frequently, according to the author, particularly as a result of these changes. This is also why he emphasises the importance of social capital. At the same time, he points out that the economic changes that took place in the last quarter of the twentieth century resulted in its significant reduction, which was reflected especially in the socially weaker groups or communities. Probation is frequently imposed on people who have limited legitimate resources both on an individual level (for example, certain skills or abilities) and the social level, which inevitably
leads to a lack of expected effect of this criminal justice measure. In fact, it misses the core of the problem faced by those individuals who are under supervision. While “human capital” can be increased relatively easily (for example through different training or requalification courses), social capital represents a much more complicated issue. If economic and social conditions do not guarantee a job offer, then probation cannot help, even if it were as intensive as possible, its methods were the most sophisticated, and the enthusiasm of probation officers for their work were the greatest. According to Farral, the strengthening of social capital should therefore become one of the main objectives not only of social but also of criminal policies, and thus the focal point of attention of probation services.

Similar findings were made by D. Healy\textsuperscript{57}, whose research sample included 73 offenders with imposed supervision by probation services in Dublin, Ireland. The data were obtained through semi-structured interviews, designed to encourage the respondents to express narratives concerning their criminal career. The research produced a number of themes for a discussion on the influence of various factors on desistance. For example, it was revealed that those individuals who in their view of the story of their accentuated their own power to influence important events more frequently desisted. However, the substantial influence of some external factors has also been confirmed, both in terms of social support and structural barriers that inhibit desistance (for example, unemployment). Most of the convicts were positive about probation, expressly negative attitudes were only exceptional. As expected, those individuals who showed signs of desistance had a positive attitude to probation more often than those who continued in their criminal career. The relationship to probation was not associated with age or previous criminal track record. The respondents were also asked to describe which elements of probation they considered to be the most useful. Two topics emerged most frequently, namely the provision of practical assistance (especially in the areas of employment, education and treatment of drug addiction) and the opportunity to meet someone who is frankly listening.

Furthermore, the study also suggested that pro-critical attitudes and criminal thinking styles, linked to previous criminal activity, play a significant role in the early stages of desistance. Healy therefore believes that measures and programmes that focus on this issue are meaningful in the probation practice. However, their effect appears to be rather short-term, hence it is also necessary for other measures to take action to maintain desistance for a longer period of time. In agreement with S.

Farral, the author points out, in particular, the need to solve problems in the social area, without which positive changes are not possible. The impact of this type of factor on further criminal activity seems to be less relevant in the short run, but all the more its importance grew over time. Sufficient social capital (primarily in terms of personal relationships and employment) greatly fuelled and strengthened the convicts’ own efforts to desist. It even turned out that the availability of strong social resources can compensate for any shortcomings in the individual’s will and ability to terminate his criminal career.

Qualitative research focused on narratives associated with obtaining non-criminal identity was carried out by S. King on a sample of clients of probation services. Most of the respondents evaluated the experience with probation positively, especially in the sense of a good relationship with the probation officer. The attributes or abilities they mostly valued in him were the same as those highlighted in the other surveys mentioned above in this paper. It was primarily his willingness to listen, a friendly and non-judgmental approach, and also his openness and reliability. Only seldom, however, the probation or practical assistance of the probation officer were mentioned in the narrative of the problems faced by the convict on his way to terminating his criminal career. If ever such a comment was made by a respondent, it involved mostly minor help such as filling out a form or making a phone call. Very often, experience appeared that a probation officer, in the context of solving a particular problem of the client, only referred him to the services of another organisation, which many of them evaluated negatively (did not have good experience with these organisations in the past, or considered this form of assistance to be inadequate).

King considers very significant the finding that most of the respondents spoke about the influence of probation on their own ability to decide in the right way, and also on enhancing their optimism towards a life without criminal activity and on the belief in their own ability to achieve such a status. Thus, from this point of view, the effectiveness of probation does not derive from direct help with problem solving, but rather from a contribution to the development of certain skills or abilities of the client, thanks to which he can overcome the obstacles by himself. The respondents considered self-confidence to be one of the most important factors in their desistance, while according to their experience, desistance was facilitated by some of the programmes they attended as part of their probation.

---

supervision as well as by personal consultations with the probation officer. In both cases, there were situations where the individual in question was forced to reflect on his attitudes, values or opinions. Discussions on topics such as the impact of crime on the victim or the consequences of crime for the perpetrator himself (for example, loss of contact with the family and relatives due to a custodial sentence) had a clear effect on moral sentiment, which further strengthened his new, non-criminal identity, or the distinction between the new and the previous (read: criminal) identity was highlighted. Discussions with the probation officer on the social roles that the client would like to play successfully in the future (for example, “a good father” or “a good husband”) also had the same positive impact.

King, based on the findings acquired, believes that probation can make the perpetrator think about how he sees himself and how he wants others to see him. Such a moment can then mean the beginning of a process leading to the desired change in identity. It is therefore necessary to accentuate the level of relationship between the probation officer and the client. A probation officer can play an important role in the motivation and self-confidence of the convict and can assist him in developing some skills and abilities that will facilitate the process of desistance, including direct influence in the early stages of his changing self-perception. On the other hand, probation can help somewhat less to sort out specific social or personal problems. In this respect, it can only have an intermediate effect, in two senses: on the one hand, as a catalyst, in which experience with probation encourages individuals to think about changes in their lives and ways to achieve them; and on the other hand, as a means to develop specific skills and abilities of the client.

The significance of the social context in assessing the influence of probation on desistance has been emphasised by T. McCulloch. Existing research, in her opinion, has already shown quite convincingly that the effectiveness of any corrective action or programme is always conditional on the offender's life situation. In her own inquiry, based on interviews with probation officers and their clients, she came to a similar conclusion to S. Farral. Although probation officers try to help clients overcome the obstacles they are faced with, the success of such an effort is conditioned by factors that the officer cannot influence to a significant extent. Also in her sample, however, the importance was demonstrated of the fact that in the probation officer his client acquires a person who is interested, honestly listens to him and discusses with him possible solutions to

his life situation. Interviews that take place between them are even more important, according to McCulloch, than is usually assumed. The experiences of her respondents in fact suggest that this can lead to the development of the client’s ability to think critically about his life (cognitive training) and of his own power to overcome successfully all difficulties and obstacles.

The common denominator of the conclusions from the above mentioned studies is their emphasis on the importance of the quality of the relationship between the probation officer and the client. As observed by R. Burnett and F. McNeill\textsuperscript{60}, this element has remained the basis for efforts to correct the perpetrators of criminal acts, no matter what the approach to probation or its overall conception was like. It was always considered the main tool or method of work, both in the early and “missionary” periods of probation, and in the later era of “handling.” According to the quoted authors, it is a big mistake that the 1990s with their fascination with group programmes caused the personal relationship between the probation officer and his client to be overshadowed. However, if we consider the effectiveness of probation in the context of desistance and the factors that are demonstrably related to it, this relationship will come back again to the centre of our interest. A number of existing studies highlight the importance of reconstructing the offender’s identity by means of narratives. Emotional support that a probation officer can offer thanks to a good relationship, along with practical help with overcoming obstacles and with meaningful engagement in social networks, can play a very important role in this respect.

**Experience from the Czech Republic**

From our point of view, it is important that the principles brought by the paradigm of desistance into the discussions on effective probation are resonating promisingly with the opinions of Czech probation officers. This was convincingly demonstrated by a survey conducted by the Institute for Criminal Science and Social Prevention in 2016, which involved nearly two-thirds of officers dealing with the supervision of adult offenders\textsuperscript{61}. Their experience, in line with foreign surveys, says among other things, that clients highly value the “human side” of probation, in particular the opportunity to share with the probation officer their problems and get

---


motivation or encouragement from him to lead a proper life. The officers
themselves see those skills and abilities, which are directly or indirectly
connected with the establishing and maintaining of a good relationship
with the client (among others, the ability to communicate and listen,
empathy, assertiveness, consistency, etc.) as essential skills or abilities
needed for the effective performance of their profession.

Great attention was paid in the survey to the causes of reoffending and
desistance, or the opinion of probation officers concerning to what extent
they can influence them by means of probation. Regarding the factors of
reoffending, the respondents emphasised especially the influence of non-
alcoholic drugs and alcohol, the poor motivation of clients to lead a proper
life, the client’s asocial friends, his own asocial personality, debts and
unemployment. On the other hand, less frequently they saw as a cause of
reoffending a low degree of client’s education, inadequate housing or his
family problems. In terms of desistance factors, the respondents agreed
with those survey findings, which spoke about the meaning of “milestone”
life events. Also, according to their experience, those offenders who find
employment, interrupt relationships with problematic friends, set up their
own family or establish a good partner relationship most frequently desist.
Less frequently they encounter a change in the client’s view of himself
or in the role he has in his life as a reason to quit his criminal career. In
some clients, a positive impact of increased self-confidence, altered values
and awareness of the impact of criminal activity on one’s own life can be
noticed, yet on the other hand only exceptionally is desistance caused by
thoughts about what the offender has done to the victims of his crimes.

In the opinion of the probation officers, the greatest chances of influencing
the factors of reoffending by means of probation were linked with the area
of the client’s motivation to lead a proper life, with unemployment, debts
as well as problems with substance abuse and alcohol addiction. A rather
weak chance was seen by them in the case of an asocial personality or
when reoffending is caused by a low degree of education. The majority of
respondents did not even believe that probation would positively affect the
causes associated with asocial friends and with life in a socially excluded
community. The fact that probation officers assume the possibility to
intervene efficiently, especially where at the same time they see the most
frequent causes of reoffending, can be considered a generally positive
finding. Only clients with antisocial personality traits make an exception
in this sense.

The possibility to contribute by probation directly to the occurrence of
the above mentioned “milestone” changes in life (such as the founding of a family) is naturally limited. An exception, according to the probation officers, is the chance to desist thanks to employment, where most of them feel a high or at least a medium chance of assisting the convicts in getting a job. However, the potential for one’s own positive action is seen by them in the leading of clients in their views on crime, particularly in terms of its impact on their lives and the lives of their loved ones, as well as on the lives of the victims. According to them, work can also be relatively effective with the use of fear of further punishment. The observation that a greater chance of influencing the client is seen in the factors of desistance rather than the factors of reoffending can be considered to be very important.

**Conclusion**

It cannot pass unbeknown that the skills and abilities of probation officers that are most frequently mentioned in the context of desistance, turn the interest of the professional public to the very roots of probation, meaning the principles on which probation came into existence more than one hundred years ago. A model of effective probation, derived from the paradigm of desistance, emphasises in fact the importance of three basic elements, namely the motivation of the offender to change, his ability to achieve such changes and the opportunity to do so. The probation officer himself then steps into the entire process in a combination of three different roles at the same time: as an adviser who wakes and develops the client’s motivation; as an educator whose job is to work on the human capital of the client (his abilities and skills necessary to overcome obstacles); and as a defender or advocate or advocate making effort to develop the client’s social capital. It is important to focus on the future and the client’s own options to influence the future directly. Therefore, probation officers should focus more on the factors of desistance and their possible use than on the causes that have triggered the criminal activities and which reverse their attention to the past. As quoted above, McNeill underlines that the relationship between the client and the probation officer is a crucial factor in the effectiveness of probation. By establishing such a relationship, the whole process begins and the effectiveness of each of its subsequent stages depends on its quality. The ability to create an effective relationship with the client is therefore not only one of the numerous required skills in a probation officer but a key competence that predetermines all other aspects of the probation activity.

However, reoffending cannot be significantly reduced unless this topic

---

becomes a part of a broader social policy. It is obvious that the factors of reoffending and desistance are in many cases related to the limited social capital of the offenders, while the probationer has no realistic chance to influence them in a more significant manner. Criminal policy must therefore also address issues such as employment or resolution of the offender’s debt situation. Analogously, it is necessary to develop appropriate resocialisation programmes for adult offenders, including the creation of a long-term support system for them. Probation, but also other alternative measures or penalties, moreover requires greater awareness raising among the public, which generally has rather punitive attitudes. Surveys show that the attitudes of citizens can be changed by providing them with sufficient information and understanding of the principles of alternative sanctions. Only a community that believes that offenders can be corrected creates conditions in which the chances of such correction are large enough.
The New Civil Code in the Context of Legal Awareness

Introduction

Legal awareness is the projection of the discipline of law into the awareness of social entities. The concept of legal awareness is one of the most frequently used terms used by legal professionals as well as the general public. In the Czech Republic, we hear information about the lack of legal awareness of the Czech population almost every day. Unlawful behaviour is often explained as a failure of the legal awareness. Violation of the law or its circumvention or, as the case may be, impunity for offenders, result in considerations about the imperfection or distortion of legal awareness. Nevertheless, the importance of legal awareness is indisputable as legal awareness forms an intermediary link between objective law and legal behaviour. In particular, sociological and legal analyses indicate the importance of legal awareness as a mediator between the law and the factual behaviour of entities where legal awareness is consistent or contradictory vis-a-vis the law. In this context, legal awareness is often referred to as an intervening variable that causally "intervenes" between two otherwise "independent variables", which are the law and social behaviour of legal entities. Legal awareness is formed in the process of socialization and forms the basis for an actual, real and responsible relationship between the individual and the law. Legal socialization as part of a lifetime socialization process is understood as becoming adapted to the demands of the legal system and the ability to make use of what the legal system provides to individuals and groups in a necessary extent.

Legal awareness is a form of social awareness that contains a number of views, feelings, emotions, thoughts, theories, concepts and attitudes that characterize the relationship of people, social groups and the society as a whole to the applicable or required legal regulations as well as everything

---

63 The text was drawn up as part of a specific survey support MUNI/A/0829/2013 (ID=26710) Theoretical-empirical baseline for examining legal awareness in the international context.

that is governed by legal regulation\textsuperscript{65}. It is therefore unquestionable that legal awareness is also influenced by the entire legal culture, which makes the field of survey significantly unclear.

Let us come back to the introduction to this paper. There is certainly no doubt that the Czech population shows shortcomings in relation to legal awareness and that without adequate legal awareness we can not talk about the effectiveness of law in terms of achieving the goals that are associated with the legal norm. Legal awareness refers to the general knowledge of the law, ideas about its applicability and validity. This is centred around the idea of law, i.e. the concept of what is “by law but it can also be quite different from the valid law.

“\textit{Ignorantia iuris nocet, neminem excusat “ but it is not in the power of most citizens to follow changes in the law all the time. There are too many laws, the system of law is unclear, often incomprehensible and it is changing very quickly. Therefore, there are reproofs in the theory of law that attempt to modify the absolute validity of the above-mentioned principle. E.g. Terezie Smejkalová indicates in her paper\textsuperscript{66} that it cannot be assumed that a man in the street will the law directly from the legal sources. “In line with this idea there are opinions that legal texts are not primarily addressed to ordinary citizens, and therefore it is not reasonable to assume or expect such a level of clarity for these types of texts that would correspond to the entity with average education in the given legal system.”\textsuperscript{67}

Given the complexity of the applicable law, hypertrophy of legislative acts and, unfortunately, the occasional law content quality, people cannot do without the professional advice given by a qualified person, which is often recommended to them but it can also become relatively difficult with respect to certain social classes that our survey focuses on. In everyday life, we try make do with our ideas that may not always correspond to the applicable law. However, awareness of the applicable law is one of the prerequisites for the applicable influencing as effectively as possible the human behaviour they govern. In the modern state, emphasis is placed on making the knowledge of applicable law available to all. However, the legal code is no best-seller and people usually learn about the applicable law indirectly (from the press, radio, television, by the word of mouth, often by hearsay) and the information is thus considerably distorted. Even changes related to the NCC have received considerable attention in the media.

\textsuperscript{65} VOLYNKA K.H. “Teorija deržavy i prava”. Navčalny posibnyk Kiev.: MAUP, 2003. s. 192.
\textsuperscript{66} SMEJKALOVÁ, T. Srozumitelnost práva. Právník. roč. 152, č. 5. 2013. s. 447–472.
\textsuperscript{67} Ibid., p. 449
In spite of the current widespread possibilities of “getting informed”, various statistics clearly show that there is a growing number of Czech citizens whose property has been foreclosed, who have been cheated through a transfer of real estate that was not properly addressed by lawyers, people who can not assert their rights in employment relationships or people who have unresolved family-related matters, including relationships to their own children or community property.68

As stated by Otakar Motejl: “Even a superficial observer of our public life must be chased by the disturbing idea that legal awareness is a current problem which is a relatively high on the agenda and that the society faces the problem of how to improve the situation. We have shortcomings in the legal awareness and these shortcomings do not consist in just not knowing our rights but they consist in the fact that we do not know, or - what is even worse - we do not want to know and do not want to realize our legal obligations.”69

In the present post-modern era manifested by the plurality of normative regulations, the way of thinking, the way of acting, the value system and orientations, hypertrophy of legislation and socio-technical efforts in legal policies, the need for a comprehensive examination of legal awareness which is continuously regarded here as the knowledge of law, less than the opinion of the law is is being updated. Studies involving the entire complex structure of legal awareness are rather exceptional. In research work, legal awareness is governed rather by the awareness of law and legal information level, i.e. the factual familiarity with the law. Nevertheless, the structure of legal awareness is much more complicated as emphasised as early as the 1980s by Josef Prusák, who distinguished between70:
Legal awareness de lege lata manifested as the knowledge of law in the form of ideas and information on a specific legal system and knowledge of factual legal and illegal behaviour of people on the basis of the legal system in question.

Legal awareness de lege ferenda, which is manifested in the form of emotional and rational value judgement, attitudes, feelings, emotions, moods, ideas and notions understood as right/wrong law, just/unjust law,

good/bad law,

Legal-historic awareness, which reverts back to earlier laws, other legal cultures and historic types of law.

However, current empirical studies of legal awareness are based more on two elements of legal awareness, which is indicated by Roger Cotterrello, who divided legal awareness into:\footnote{1}:

- knowledge about law – this contains cognitive elements (cognitive - information, knowledge),
- opinion about law – this contain both evaluation elements (emotional and rational value judgements and ideas) and attitude elements.

The first component, i.e. the knowledge about law, can be related to an individual, group, or to the whole society, and it can be relatively well captured in empirical terms. What is more complicated for the empirical presentation is the second element – the opinion about law which expresses a rationally and emotionally evaluating approach to the legal field in the form of an evaluative view of the law - evaluative ideas and judgements of the law, attitudes to the law – as long-established evaluative approaches to the law, whose verbalized form is the view (opinion) and the real consequence is then a certain behaviour.

The law evaluation process consists in confronting a legal phenomenon with the evaluator's evaluation criteria resulting in allocating a certain importance (value) to that phenomenon. It represents a specific interaction between the personality of the evaluator and the law as a the object of value update engaging all elements of the personality.

Attitudes, just like values, are not innate, but they are formed by social experience and also reflect personal characteristics. Individuals shape their attitudes according to how social influences they are exposed to meet their needs, how they correspond to the established value system and their personal characteristics. Attitudes as an expression of the process of social learning are taken over from other people and social groups and the individuals are subjected to social pressure to adopt such attitudes. Chantal Kourilsky-Augeven in her study\footnote{2} comes to the conclusion


List of bibliographic references
that later legal behaviour, attitudes to the law and legal awareness are significantly influenced by how we become familiar with the law during our childhood. The crucial age is between 13-14 years, which is considered as a certain turning point as the way of thinking usually changes at this age. Chantal Kourilsky-Augeven draws attention to the differences in the development of both genders where women try to resolve disputes in a non-confrontational manner and they are generally feel more comfortable about rules they have learned. Men, on the other hand, at the cost of protecting individual rights, if they come to believe that these rights are infringed, do not hesitate to start a conflict and they generally approach and evaluate rules more critically.

The current issue related to legal awareness is the knowledge and opinion of the NCC which the text below will focus on.

**Sociological examination of legal awareness in selected groups**

Within the framework of the specific research project titled Theoretical and empirical starting points in examining legal awareness in the international context a sociological examination of legal awareness was conducted and the impact and understanding of the new Civil Code in selected social groups were monitored. The survey was designed as a start-up pre-survey, which does not aim at mapping a certain phenomenon in a comprehensive way in the entire population but instead it provides for a detailed insight into the examined issues in selected groups. The surveyed target group was socially and economically vulnerable people as we assumed that changes in the law could have a significant impact on this target group, in particular. The other groups that we chose for the survey, especially for the comparison purposes, were two groups of students. The individual groups were distinguished by different socio-economic status, education (calculated as the average within the group), age composition and other socio-cultural characteristics, such as experience with criminality. In the qualitative part of the survey we worked with employees of non-profit organizations and the Authority for Social and Legal Protection of Children (OSPOD) of city districts, i.e. practitioners who mediate changes in the NCC to the clients from amongst the public.

The survey was divided into two parts – qualitative and quantitative – according to the approaches used. In the first part of the survey we used a qualitative approach, where interviews were conducted according to predefined questions and the material was subsequently analysed according to the content of the responses. This helped us obtain detailed information, especially specific examples of the practical impacts of the
new Civil Code. On the basis of the findings of the qualitative survey material, we then prepared a quantitative survey, i.e. a questionnaire that was distributed among the target groups. To clarify the methodology used, we will briefly focus on the characteristics of both approaches.

**Results of the qualitative sociological survey of legal awareness**

The qualitative survey runs across all social sciences- it is a comprehensive approach that is not based on statistical findings. The qualitative approach is contextual and strives for a detailed finding, use of a variety of survey materials is typical. Information can be provided by, for example, analysing relevant texts, analysing visual data, participant observations where the researcher monitors the behaviour directly in a natural environment. A qualitative survey approach is characterised by conducting interviews with respondents, or these methods can be combined within the qualitative approach.

Data obtained through qualitative surveys is contextual and specific, focused on the micro-perspective of the phenomenon under investigation. Qualitative data can well explain the partial social phenomena; however, the disadvantage is that the data can not be generalized at a general level (in terms of population). A good strategy for how to use qualitative data is to develop a qualitative pre-survey which will help us map out the current situation of the social phenomenon and which will provide valuable information on the basis of which we are then able to develop a more extensive more quantitative (statistical) survey.

The qualitative data is processed by means of software, when we compare the collected material and we repeatedly process the material with respect to the newly acquired data so that we finally obtain a comprehensive objective image of the phenomenon regardless of previous individual varying information provided by individual respondents.

Given the fact that the qualitative approach works mainly with micro-perspectives, in our survey we can make do with small groups or individuals, and therefore we focus on specific information. In our case we conducted semi-structured interviews, which are characterized by a predetermined structure, which is expanded or otherwise modified during the interview as needed. The respondents were the employees of the social and health care departments of individual city districts and the staff of non-
profit organizations focusing on clients endangered by social exclusion.

The objective of the partial qualitative survey was to find out what areas of the NCC the OSPOD and NGO employees deal with most/most often, how they view the NCC, what areas are problematic in their view in relation to the practice and, possibly, what kind of trainings concerning the NCC they attended.

In terms of attitudes, the interviewed OSPOD and NGO staff expressed their concerns concerning primarily the ignorance and uncertainty of orientation in the new Civil Code, where they were particularly afraid of the consequences of the lack of experience with the NCC application in the current practice. A negative point frequently mentioned by the respondents was the unclarity of terms which, in their view, stems from the NCC application. In addition, possible misuse of some amendments was mentioned. For example, according to the OSPOD staff, one of such amendments is the new possibility of verbal agreements where, according to their statements, they expect a possible increase in the number of problematic contracts for the socially weak clients. On the other hand, the new provisions concerning rental and housing relationships, where the lessor's position is strengthened and there is a possibility of legalizing housing in non-residential premises, makes it possible, in NGOs view, to find a more viable solution to social and legal situations for a number of socially endangered clients.

Other frequently dealt with areas of the NCC related to the OSPOD include the effects of the Family Act repeal, which governed the issues related to paternity, surrogate maternity and social and legal protection of children in practice.

The staff trainings in the field of the NCC were carried out mainly in non-profit organizations on a voluntary basis. As regards the OSPOD trainings, the staff attended courses organized by the City of Brno Municipality complemented by other courses at their own discretion. The trainings took place from autumn 2014 until spring 2015, with the trainers including Ombudsman’s Office, the Faculty of Law at Masaryk University and, last but not least, individual officers. The presented topics covered family law, consumer contracts, changes in inheritance-related matters, etc.

The qualitative survey was used as a primary input form the field work and the mapping of the NCC application in practice, and the resulting data was subsequently used to draw up a questionnaire for the extended
Results of the quantitative sociological survey of legal awareness

Quantitative surveys are included in the category of empirical or statistical approaches, which are originally based on natural sciences. As regards the quantitative approach, we need to have a precise knowledge of the issue and a clear idea of the precise project targeting at the very start of the research. We proceed by making a priori determination of the operationalized definition, which means that at the beginning of the quantitative survey, we start with a certain hypothesis that we either refute or confirm through the findings. The tool for collecting data in quantitative surveys is a questionnaire; i.e., we collect a predefined set of narrowly focused data from a large number of respondents.

A typical procedure in quantitative surveys is statistical data processing, which gives us an advantage in a representative sample of respondents consisting in generalizing the survey results across the population. Given the fact that this in our case this a pre-survey, we leave aside this ambition of the full-scale generalization for the time being.

The frequent disadvantage of the questionnaire survey is the low data return rate, where the information is only collected from a fraction of the respondents given the total number of extended questionnaires. Since the interviewer does not directly ask the respondents, there is often a postponement in the questionnaire completion or the questionnaire is not completed by the respondent, which results in the data being lost for the purposes of the survey. Another disadvantage is the potential decontextualization of the data and the impossibility of adding and clarifying the questions asked if needed. The absence of a direct participation of the researcher in data collection can also be advantageous in the sense that we avoid the inadvertent influencing of the respondent’s personality.

If we are talking about the generally low questionnaire response rate in quantitative surveys, an exemplary situation is the low response rate.

---

77 If the context and data are lost, misinterpretation may occur; Viz HENDL, J. Kvalitativní výzkum: základní teorie, metody a aplikace. 2nd updated edition, Prague: Portál, 2008, p. 50–63. Tab. 2.3. Advantages and disadvantages of quantitative research and Tab. 2.5. Advantages and disadvantages of the qualitative survey
in relation to the so-called “hard to reach group”\textsuperscript{78}, which includes the monitored group of socially vulnerable respondents from asylum homes. In terms of survey, this is a hard to reach group of inhabitants due to specific criteria for selecting respondents, physical reachability, increased fluctuation of the target group, the respondents’ ability to understand the submitted questionnaire etc. Taking into account this fact, in the final result of the survey we receive data that is unique compared to the majority groups and the data provide information on the specificities of the monitored group.

Questions in the questionnaire survey were selected and formulated based on two sources. The first source the interview with the OSPOD staff, which identified problematic areas of the new legal regulation in relation to people coming from socially disadvantaged environments. The second source was the website of the Ministry of Justice, specifically http://obcanskyzakonik.justice.cz/. It should be emphasized that the objective of the proposed pre-survey was not to make a legal comparison of the knowledge of the original and new regulations governing civil-law relations, but to identify the level of legal awareness in the society where the NCC was only used as a suitable example of a newly adopted regulation with a broad impact and significant media coverage.

It is the effort of the government to ensure the best possible public awareness of the new legislation which is essential from the point of view of the legal awareness. While it is aimed at strengthening legal awareness, it must be reflected in the long-term awareness of the law and attitudes to the law must also get influenced by these efforts. The means used by the government to achieve this objective include the aforementioned presentation on the Internet, open lectures and seminars organized by universities for the professional and general public, seminars and lectures for public servants\textsuperscript{79} or introduction of the legal regulation in the media\textsuperscript{80}.

In addition to these means used by the government but not on the basis of an obligation laid down in the law, there are also some other ways which are explicitly imposed by the law.\textsuperscript{81} One of them is the preparation of the RIA


\textsuperscript{79} Civil servant training regarding private law [online]. In: New Civil Code [quot. 9th January 2015].

\textsuperscript{80} Media [online]. In: New Civil Code [quot. 9th January 2015].

\textsuperscript{81} This includes, for example, preparation of an explanatory memorandum as a whole or practice of the courts publishing.
Report (Regulatory Impact Assessment) which is used to assess the impact of legal regulations. This is a set of methods performed ex ante during or after the adoption of the legislation. Both the European Commission, the OECD and the World Bank support the RIA mechanism\textsuperscript{82}. In the Czech Republic, this is laid down in the Legislative Rules of the Government in Article 2, General Requirements for Legal Regulation\textsuperscript{83}, in Government Resolution No. 922 of 14 December 2011 on General Principles for Regulatory Impact Assessment (RIA) and on Amendments to Government Legislative Rules and the Rules of Procedure of the Government\textsuperscript{84}, as amended by the Government Resolution of 8th January 2014, No 26, on the draft amendments to the General Principles for Regulatory Impact Assessment (RIA)\textsuperscript{85}. However, no RIA was drawn up for the NCC.\textsuperscript{86}

The selection of questions from the website of the Ministry of Justice was motivated by the effort to capture those parts of the legislation that the government and the lawmaker considered essential. In the absence of new case law this, albeit non-binding, interpretation becomes the most accessible relevant source of information on the legal regulations. This is no authentic or legal interpretation and an official interpretation is out of question in this case but it is precisely the influence on the legal awareness of the society that makes it important to take this into account. This option was used by most of the countries that have passed through or are undergoing a similar civil-law re-codification as the Czech Republic, which the NCC lawmakers took into account. These include the Netherlands, Lithuania, Russia, Romania, Hungary and Slovakia.\textsuperscript{87}

**Regarding the individual questions**

\textbf{a. In general}

In the first part of the questionnaire, the respondents were asked to


\textsuperscript{83} Legislative rules of the Government approved by Government Resolution No. 188/1998, as amended. CODEXIS ONLINE [legal information system]. Atlas Consulting [quot. 9th January 2015].

\textsuperscript{84} Government Resolution No 922 of 14 December 2011 on General Principles for Regulatory Impact Assessment (RIA) and on Amendments to the Government Legislative Rules and the Rules of Procedure [online]. In: Government of the Czech Republic [quot. 9th January 2015].


\textsuperscript{87} Analysis of experience with the implementation of new private law abroad [online]. In: New Civil Code [quot. 9th January 2015].
express their opinion as to whether they thought the introduction of the NCC affected them in any manner. The findings were very significant across the groups. Respondents at risk of social exclusion believed in 94% of the NCC did not affect them at all and that this new legal regulation has no effects on their lives. The degree of being convinced about the effects of the NCC on the individuals then increases with the second surveyed group, being students of law in the first year. The respondents believe that they are affected by the legal changes -57% of the questioned respondents. As regards the master’s degree programme, the conviction about the direct impact of the NCC on the life of a particular individual increases to 82% of the respondents.

We also obtained a similar result with a survey using attitude scales where the respondents marked their positions using a five-point scale. We asked whether the respondents think that the legal system is needed and functional and to what extent. Respondents from both the student groups strongly gravitated towards the need for a legal system (85% for the first group of students, 86% of master programme students), while the group of respondents from asylum homes was not unambiguous, with only 39% of the respondents answering with certainty.

A similarly increasing tendency was also observed in the assessment of the statement that “Without respecting the law, there would be chaos in the society.” A clearly affirmative opinion was provided by 39% of the group of socially disadvantaged respondents, with the student groups expressing consent in 76% - bachelor programme students and 82% - master programme students. Therefore, the preliminary shows that the confidence in the legal system and the belief in its direct influence on individuals significantly increases in groups with a higher socio-economic status or depending on education.

The responses concerning the respondents’ awareness of the new Civil Code precisely correlate with the opinions on how the individuals are affected by the legal rules. Groups of respondents from amongst the students were informed in an identical way, the bachelor students in the first year - 86% of the respondents and their colleagues in the master programme in 100%. Respondents from amongst asylum seekers tended to express entirely opposite value tendencies. The question showed that 67% of the respondents suffering from socio-economic deprivation were not informed about the NCC. It is therefore apparent that the socio-economic position does not only affect the opinions but also the factual awareness. In order to analyse awareness in a comprehensive manner, we also tried
to identify the information channels of each of the groups. Both groups of student respondents reported as the main source of information their studies, both in secondary school or in the form of lectures at the university. Other sources of information for these groups are media and, for the most part, the Internet and, in some cases, their jobs. It is interesting that quite a large part of the students mentioned their family as a direct source of information, which indicates an obvious effect of the social capital. The group of socially endangered respondents reported media as the main source of information. From the interviews conducted with the NGO staff we concluded that a number of socially vulnerable clients had limited or no access to the Internet and they are therefore reliant on mass media, especially television, radio, and the press. Thus, the low awareness of this group clearly results from the limited material and social possibilities and the situation is further intensified the frequent conviction that the legal regulations have ultimately no effect on the lives of individuals.

b. Specific results (see the questionnaire, Appendix 1)

In the following text we will focus on the individual questions in the questionnaire in order to show how the respondents responded to them and how the lawmakers and the professional and lay public, on the other hand, deal with the relevant issues.

Section 559 specifies a general rule of juridical act informality, which was the subject of the first question about the mandatory written form of all contracts. Most respondents from asylum homes did not know the answer, which confirms that they can become an easy victim of a “man dressed in a suit” as mentioned in the qualitative interviews conducted with the OSPOD staff.

The question related to the newly introduced possibility of registering the limitation of community property of spouses, based on the provisions of § 980, is based on the possibility of publishing the information on the changed regime in a public register and the resulting practical protection against the creditors of the other spouse. However, the results of the survey showed inadequate knowledge of this area as well as low awareness of the law applicable in this area.

89 Act No. 89/2012 Sb., Civil Code, as amended: In: ASPI [legal information system]. Wolters Kluwer ČR [quot. 9th January 2015].
As regards business activities of a minor, the lawmakers are inclined to adopt the provisions of § 33 of the NCC, which allows the minor to conduct business independently on certain conditions. These conditions include the granting of the consent of his/her legal representative and the leave of a court. However, the minor has a limited legal capacity in all other areas. This regulation is based on the BGB and transfers the primary responsibility for taking decisions to the minors themselves. This new possibility is not widely known to the public, either.

The previous question is counterbalanced by the question concerning responsibility for debts incurred by minors. Here, the provisions of Section 31 apply stipulating that a minor is eligible for legal action depending on his/her rational and volitional maturity. Paradoxically, the respondents chose answers that indicate more parental responsibility than it is in reality.

The question of the possibility of revoking the consent or refusal of one of the parents by the court in relation to family-related matters is based on the newly adopted provisions provided in Section 692 (2). According to this provision, the court shall replace such consent if the refusal is unreasonable or contrary to the interest of the family. Another possibility of replacing the consent is a situation where such consent cannot be given at all. However, the interpretation of such “unreasonability” or “interest of the family” is not described in the explanatory memorandum.

The current regulations concerning legal capacity contained in the provisions of Section 55-65 is still generally unknown to the general public, although from the point of view of the authors of the explanatory memorandum to the NCC it is a fundamental matter. The confusion concerning the amended regulation may also be caused by the change in the terms from “the capacity to manage one’s own affairs” to “legal capacity”. This inconsistency then causes a discrepancy between positive legal regulations and legal awareness.

A similar situation occurs in relation to the question of balancing the rights and obligations between the tenant and landlord. The originally permitted contractual fine with has become a prohibited stipulation under

---

93 Act No. 89/2012 Sb.
the provision of Section 223996, but despite the visibility of this change97,98, the legal awareness in this respect is very low.

However, as regards foreclosed property, the situation is different. The vast majority of respondents answered correctly. This is even true even with respect to parrot seizure which was treated in practice very differently for a long time compared to the current practice. A separate change in this respect was not introduced by the NCC in the provisions of Section 49499, although it could be deduced from its rejection to view a living animal as a thing.

As regards inheritance-related question, the answers were almost equally divided into two groups. One of the answers corresponded to the original Civil Code and the second to the NOZ. According to Act No. 40/1964 Sb., the Civil Code, the provisions of Section 470 (1), the heir was accountable for debts up to the amount of the inheritance. Newly, according to the provisions of Section 1701 (1), the heir is accountable for all debts, unless the law provides otherwise. However, this major difference100 has not really reached the legal awareness of the general public.

On the other hand, the majority of respondents chose the correct answer to the question on the awareness of the possibilities of addressing domestic violence introduced in the NCC under the provisions of Sections 751-753, i.e. the substantive private law regulation concerning domestic violence. This corresponds to the importance attached to the government to this issue where the explanatory memorandum stipulates that this issue should be given more attention to than to other phenomena101. It is therefore now possible to limit or even exclude the right of the violent husband to reside in the relevant flat or building for a period of up to six months (even repeatedly)102.

Another question was selected based on the qualitative interviews.  

96 Act No. 89/2012 Sb.  
99 Act No. 89/2012 Sb.  
102 Act No. 89/2012 Sb.
It is based on the provisions of Section 971 (1) and concerns decision-making concerning institutional education. More emphasis is placed on protecting the rights of both the child and the parents at the expense of the complexity of the decision-making process.

The question of returning to the ancient Roman principle of “Superficies solo cedit” has been largely answered correctly, which is attributable to the wide publication of this legal change.

The last of the questions focused on the possibility and limiting the testator in the testament in case of death, and the answers show that the interpretation in the media could be rather detrimental rather than to the benefit of legal awareness. What is essential is the degree of freedom of the testator where the state emphasizes its strengthening, but at the same time the provision of Section 1643 (1) retains the institute of forced heirship.

Conclusion

The above results do not provide for a representative survey, it was not the


target, nor within the possibilities of the authors. Nonetheless, the results provide information on the knowledge and perceptions by certain social groups in relation to the NCC and can also serve as a pre-survey for other similar studies.

In planning the impact assessment of the new Civil Code, the quantitative and qualitative approach was used, with the qualitative survey mapping out the given issue and the most frequent areas of the NCC impacts in practice. It may be stated that both approaches suitably complemented each other during the survey and, ultimately, we collected data that clarify the issue from multiple points of view and through two types of data.

When drawing up the questionnaire, especially attitudes to the law, the attitude scale used in the survey which took place at the Department of Legal Theory of the Faculty of Law of Masaryk University in Brno in 2001-2004 within the grant of the GA CR, the project “Legal attitudes and value orientation of delinquent women” was made use of. The project focused mainly on matters related to values, attitudes and legal awareness of delinquent women and highlighted different socialization and the associated creation of the hierarchy of value and attitudes to the law. The attitude scales coming from this survey were also used for the purposes of the NCC survey and they demonstrate the general validity of this methodology application. However, given the complexity of the empirical capturing of the legal awareness, we must not leave aside the multifactuality of influences, when a number of biogenic, psychogenic and sociogenic factors, including momentary trust in the law, affect the current legal awareness, which makes it difficult to research this matter, however, we should not resign in our empirical research, which was also the effort expressed in this paper.

Sources

- CRESWELL, J. W. Qualitative inquiry and research design: choosing among five


List of bibliographic references


The authors of this paper can be contacted via e-mail: urbanovam@law.muni.cz, Marketa.Klusonova@law.muni.cz, brozovicova@phil.muni.cz,
QUESTIONNAIRE

We are addressing you on behalf of the Faculty of Law of Masaryk University in Brno with a kind request to complete this questionnaire, the data in which will help us address a research task focusing on legal awareness and the New Civil Code. The questionnaire is anonymous and the information you provide will only be used for the purposes of our research. Thank you in advance for your willingness and assistance in completing the documents.

On behalf of the implementation team: Doc. PhDr. Martina Urbanová, Ph.D.

1. At the beginning of this year, the New Civil Code (hereinafter referred to as the “NCC”) came into force. Has it affected you in any manner?

☐ Yes  ☐ No

How? Please explain:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

2. Has anyone informed you about the new Civil Code?

☐ Yes  ☐ No

Who?

____________________________________________________________________________________

3. What relationships are governed by the new Civil Code?

Relationship between people as private persons

☐ Yes  ☐ No  ☐ I do not know
Relationships with business companies
☐ Yes    ☐ No    ☐ I do not know

Inheritance
☐ Yes    ☐ No    ☐ I do not know

Family relationships
☐ Yes    ☐ No    ☐ I do not know

Relationships inside business companies
☐ Yes    ☐ No    ☐ I do not know

4. Has your rental agreement been modified this year?
☐ Yes    ☐ No    ☐ I do not know

5. Do you think all the agreements must be made in writing?
☐ Yes    ☐ No    ☐ I do not know

6. Was this also the case before the new Civil Code?
☐ Yes    ☐ No    ☐ I do not know

7. Can the landlord effectively oblige the tenant to pay a contractual fine in connection with renting a flat?
☐ Yes    ☐ No    ☐ I do not know

8. When your wife/husband and you have entered into a prenuptial agreement because you want to protect yourself from the debts of your wife/husband, can anyone else know about it?
☐ Yes    ☐ No    ☐ I do not know
9. When a executor/debt collector comes to your home, what household equipment can be seized?

- Toothbrush
  - Yes
  - No

- Television set
  - Yes
  - No

- Mink coat
  - Yes
  - No

- Parrot
  - Yes
  - No

- Coffee cups
  - Yes
  - No

- Branded jeans
  - Yes
  - No

- Microwave oven
  - Yes
  - No

10. If your next of kin who owned a car died and left behind large debts that are higher than the value of the car, draw a circle around the answers that you think are right: Please draw a circle around the correct answer.

1. I will inherit the car but not the debt.
2. I will not inherit the car, but I will inherit the debt, i.e. that I will pay all the debt from my own pocket.
3. I will inherit the car as well as the debt, i.e. I will pay a part of the debt by selling the car, and I will pay the rest from my own pocket.
4. I will not inherit the car, nor a debt because the sale of the car will settle a part of the debt and I will be pardoned the rest.

11. When you beat or physically assault your wife/husband:
Please draw a circle around the correct answer.

1. It will be handled by the police but I cannot bring my wife/husband to a civil court.
2. I can myself bring my wife/husband to the court on the basis of the new Civil Code.
12. **Who decides on the placement and relocation of children to institutional care?**

Please draw a circle around the correct answer.

1. Parent  
2. Court  
3. Juvenile correctional institution  
4. Department of Social and Health Care of the relevant district

13. **Can a minor child do business?**

☐ Yes  ☐ No  ☐ I do not know

14. **Are parents responsible for their children’s debts?**

Please draw a circle around the correct answer.

1. No, the debts are only children’s.
2. No, but it could happen that someone will successfully collect the money from the parents in court.
3. Yes, they are automatically responsible for all their children’s debts.
4. Yes, but only those they are demonstrably aware of.

15. **Can the court repeal the consent / disagreement of one of the parents when deciding on family-related matters?**

☐ Yes  ☐ No  ☐ I do not know

16. **Can a person to be deprived of his or her legal capacity?**

☐ Yes  ☐ No  ☐ I do not know

17. **Does a building form part of a land plot? If you have a plot of land but you do not own the building constructed on it, then:**

Please draw a circle around the correct answer.

1. Under the new Civil Code, it will automatically come to your possession.
2. Thanks to the new Civil Code you have a pre-emptive right to buy it but nothing happens automatically.
3. You will automatically become a co-owner of the building.
4. You will automatically lose the land plot.
18. **In case of death: Do you have any limitations on how you can dispose of your property after your death?**

Please draw a circle around the correct answer

1. I can do what I want to and leave it to whoever I want to.
2. If I want to bequeath it, I must address the whole property.
3. I can do what I want to do with the property, but I have to respect the obligatory share that must be left to my children.
4. I can bequeath it but I cannot impose any obligations or add conditions.

19. **Is there any difference between heritage and inheritance?**

☐ Yes   ☐ No   ☐ I do not know

If you answer is YES, please specify.

20. **Attitudes towards law**

In the next section, please make a cross on the five-point scale to specify to what extent you agree or disagree with the statement.

I agree  ☐ ☐ ☐ ☐ ☐ I disagree

Observance of the law cannot be demanded at all costs. ☐ ☐ ☐ ☐ ☐

A legal regulation must be followed even if we think that it is unfair. ☐ ☐ ☐ ☐ ☐

A person respects the law mainly in order not to be stand out from the majority society and to be loyal to the state. ☐ ☐ ☐ ☐ ☐

Circumvention of the law and operating on the verge of the law cannot be considered as something immoral. ☐ ☐ ☐ ☐ ☐

In some situations, a person does not avoid violating the law is the way to achieve the goal. ☐ ☐ ☐ ☐ ☐

Law is important in the society in order to maintain law and order. ☐ ☐ ☐ ☐ ☐

People do not respect the law because the neighbourhood they live in does not respect it either. ☐ ☐ ☐ ☐ ☐
Any behaviour that is lawful is good, fair and just. The law is primarily intended to achieve personal goals using permitted legal procedures. There are situations that excuse the violation of a law if it does not suit a person. If the law limits the freedom of human behaviour, it can be violated. Failure to respect the law is considered normal in our society. The law is considered to be a respected, morally important social norm that should always be observed. The law is to be used to gain personal success. The law is a malfunctioning system and should be abolished. Without respecting the law, there would be chaos in the society.

Please specify:

21. Whether you are: ☐ woman ☐ man

22. Year of your birth: .............................................

23. Highest education: Please draw a circle.
   1. Uncompleted primary
   2. Primary
   3. Trained
   4. Trained with GCSE
   5. Secondary without GCSE
   6. Secondary with GCSE
   7. University – bachelor degree
   8. University – master degree

24. Your Family Status: Please draw a circle.
   1. Single
   2. Married
   3. Divorced
   4. Widowed

25. Number of children: Please draw a circle.
   1. One
   2. Two
   3. Three
   4. Four or more
   5. None

26. Have you ever been convicted? ☐ Yes ☐ No
Attachment No. 2
In this paper, we introduce a project named *Drug Free Brno*, which is focused on working with groups and individuals threatened by the onset of socially pathological phenomena and possible occurrence of risky behaviour. The project responds to the needs of the city of Brno identified in the SPSZ document, while relying on the results of an analysis of the drug situation in the city of Brno and related recommendations for drug urban strategy (Škuřapová, Nepustil, Černý 2016). The Drug Free project focuses on the support of people with addiction or endangered by addiction and their family members (the primary target group is planned at the age of 15-19, the secondary one includes close relatives, especially parents and people living in a common household), i.e. people at risk of social exclusion or already socially excluded living in the territory of the city of Brno.

The basis of this project is a programme aimed at minimising health and social risks run by persons using drugs or endangered by drugs and the risks associated with gambling, educational activities for families and individuals that highlight the symptoms of substance abuse and inform about the possibilities of helping people who use drugs, and support to their families (prevention of decay and breakdown of the family due to substance abuse by their members).

Independent research teams under the ESPAD project collected data on drug abuse in 40 countries, targeting students in the age of 15-16 years. The most remarkable is above all the high rate of use of cannabis drugs (37% compared to the European average of 16%), with the figures covering all the respondents who have ever used a cannabis drug. Also, the indicator of alcohol use by young people shows a high rate of its use in the Czech Republic – 68% of Czech pupils students reported they had used alcohol in the last 30 days, while the European average was only 48%. In a similarly asked question about smoking, 30% of Czech students stated that they had smoked in the last 30 days, while the European average was 21%. Also unfavourable were results concerning the use of non-prescription sedative medicines, where the Czech average was 16%, while the European average was only 6% (Chomynová, 2014).

Authors Škuřapová, Nepustil and Černý (2016, p. 26) report that “the rate of experience with illegal drugs in all three time horizons (used at least...
once in life, in the last 12 months and in the last 30 days) is significantly higher in the population of young adults than in the population as a whole, and at the same time the difference between the inhabitants of the Czech Republic and those of the South Moravian Region increases. If we take into account in our demographic considerations also the population of students who do not come from Brno but have their habitual residence in Brno, our estimate is that there are 22 thousand users of cannabis drugs under the age of 34, five thousand ecstasy users, two thousand pervitin users and the same number of LSD users, and less than a thousand users of cocaine, heroin and new synthetic drugs. “There are a total of 112 primary schools in the territory of the city of Brno attended by 24,688 pupils, and 57 secondary schools attended by a total of 26,684 students. The project proposes a solution, in line with the National Drug Policy Strategy for the Period 2010-2018, aimed at reducing the extent of experimental and occasional drug use by young people in particular (Strategic Goal I). The Regional Strategy of the South Moravian Region, which is based on this document, places an emphasis mainly on the prevention of risky behaviour.

The objective of the Drug Free Brno project is to achieve a positive change in the occurrence of addictive behavior in the target group, reducing thus the occurrence of risky behaviour and postponing experimentation with addictive substances to a later age. As a natural contact point there are primary and secondary schools with increased risk behaviour of their students in socially excluded localities and in institutions where an increased number of people from socially excluded localities appear. The target group of the project includes adolescents aged 15-19 years who are at risk of social exclusion or are already socially excluded, in which the project endeavours to prevent the occurrence of drug use or at least to postpone the occurrence of drug use to a higher age of the target group and thus effectively reduce health or social risks; the project will also focus on close relatives at risk of social exclusion or already socially excluded, to whom the project provides advice and support in solving problems concerning the risk behaviour of their household member – these persons will be contacted if a project participant shows interest in solving his or her situation in the family or with a family member.

The project has chosen to use forms of work consisting in the use of working groups in selected schools, using experience pedagogy and sharing information in a participatory form (role playing, guided discussion, interactive and documentary theatre, etc.). The groups will serve as a contact point for recruiting individual persons from the target group into individual counselling (consultations for the target group...
and close relatives of the target group) as well as individual work with the individuals, which will subsequently lead to an improvement in the situation of the target group in the area of health and social risks (mitigation of expressions of risk behavior, including the occurrence of addictions). A component of the project is also the provision of situational interventions, which allow in a short moment to radically influence the situation of client from the target group, and weekend programs that are designated for the most risky persons from the target group. The project has an objective, in the framework of evaluation, a comparison of the evaluation of the minimum preventive programs, in which the school methodologists of prevention report every year the number of students in whom risky behaviour of a certain type was noticed and also in which such behaviour was suspected. In addition, the project will conduct its own evaluation survey, which will measure the status before the start of the programme and after its completion (measurability: photographic documentation, questionnaires, evaluation plan, evaluation reports, etc.). The purpose of the evaluation will be to measure the impacts of the implementation of key activities on the target group and the socially excluded locality and assess the effectiveness and efficiency of the implemented measures.

The estimated number of young adults affected by the program is 2,400 (800 people per year, of which 40 individuals will go through individual consultations and counselling each year; at the same time, parents or other household members of the target group will be contacted as part of the programme and will be offered a form of individual counselling in handling the risky behaviour of a member of their household, i.e. an additional 105 people). A total of 159 working group meetings will be held for the groups of 15 – 20 members of the target group. Weekend programmes that will provide support for over 40 hours, will concern 49 people. As mentioned in the introduction, the project aims to minimize risks and respond to the needs of the target group and the city.

**Literature sources:**
