For effective victim-focused legislation, evidence-based knowledge is essential, thus making criminological research of great importance. Victimization surveys represent a globally recognized type of criminological investigation. Although they are primarily focused on measuring the dark figure of crime, they can also provide a broad spectrum of information on victimization-related issues. The latest victimization survey was carried out in the Czech Republic by the Institute of Criminology and Social Prevention in 2013. Through face to face interviews, victimization was explored through eight selected offences in the period of 12 months prior the survey. The representative sample included 3000 respondents 15 years of age and older. The next round is planned for 2017. Since 2013, a new Act no. 45/2013 Coll., on Victims of Crime has come into effect in the Czech Republic. This paper will discuss how victimization surveys can enrich the knowledge on victimization-related issues and how they can help in the evaluation of criminal policy.

**Key words:** victimization, victim survey, criminology, Czech Republic, Act on Victims of Crime

**Preface**

Mainly thanks to the development of victimology, increased interest in the issue of victims of crime could be seen worldwide in recent years, including the shift of lawmakers’ attention from offenders to those who have been
harmed by criminal offence. Issues related to the improvement of the status of victims of crime represent a new and developing area also in the Czech criminal law.

**Victim-focused legislation in the Czech Republic**

In 2013 the new Act no. 45/2013 Coll., on Victims of Crime was adopted in the Czech Republic, coming into effect on 1 August 2013, which can be considered a milestone in the regulatory approach to victims of crime. This Act incorporates the relevant regulations of the European Union, namely Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings\(^1\) and Council Directive 2004/80/EC relating to compensation to crime victims\(^2\), to which the Act itself refers. The Act should, however, also implement subsequent Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime,\(^3\) which replaced Council Framework Decision 2001/220/JHA. The main aim of the new Act was to improve the treatment of victims as well as their position in criminal proceedings. The Act introduced new victims’ rights and new institutes to criminal proceedings; already existing rights were strengthened and expanded; and fragmented regulation of victims’ compensation by state was improved and unified. The contents of the new law can be summarized as follows. The Act guarantees several rights to individuals who became victims of criminal offences. These comprise the right to receive professional help including psychological and social aid, legal assistance, the right to receive legal information or the right to undergo restorative programs to the extent and under the conditions laid down in this Act or other legislation. At the first contact the police have a

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duty to provide the victim with information on his/her rights. According to the law the victim will receive other necessary information on the case from organizations providing aid to victims of crime and other subjects involved in the criminal proceedings. The victim always has to be informed in an understandable way, taking into account his/her age, mental and moral maturity and health, including mental health. In case of imminent danger, the victim has the right to police protection. The victim, also, has the right to the protection of privacy and to protection against secondary victimization. At any stage of the criminal proceedings the victim has the right to make a statement about the impact of the committed crime on his/her life (victim impact statement). Last, but not least, under the conditions laid down in this Act, the victim has the right to financial aid from the state. The lump-sum payment should help the victim to overcome a deteriorated social situation, if the damage caused by the crime has not been fully compensated otherwise. The Czech Code of Criminal Proceedings No. 141/1961 Coll. considers a person against whom the criminal offence was committed to be an “injured party”. The legal definition of the word “victim” is new in the Czech legislation. A victim is an individual who was or could be bodily harmed or to whom property or non-material damage was caused by a criminal offence or the perpetrator has enriched himself at the victim’s expense by a criminal offence. Any person, who feels to be a victim of crime, should be considered a victim, until it is proved otherwise or unless it is clearly an abuse of the victim status under this Act. Whether or not the perpetrator has been identified or convicted has no effect on the status of the victim. In addition, the Act defines a special category of particularly vulnerable victims, to whom it provides a higher level of protection. These are children, disabled persons and victims of particular offences such as human trafficking or sex offences. The next section of the Act is devoted to the regulation of organizations providing aid to victims of crime. Subjects that intend to provide aid to victims under this Act must be accredited by the Ministry of Justice for one or both services, which are (1) providing legal information and (2) restorative programs. Accredited organisations can apply for financial support from the state budget for these activities. Other services for victims are provided according to different laws.

4 Code of Criminal Proceedings (CCP) was also amended by the Act on Victims of Crime, mainly in relation to the application of procedural rights of the injured party in criminal proceedings. Moreover, for example, the institute of interim measures was introduced to the CCP (Section 88b to 88o CCP).
All subjects providing aid and services to crime victims can be found in a register operated by the Ministry of Justice that is accessible online. The register, also, includes contacts to probation and mediation services and attorneys who agree with providing legal aid to vulnerable victims at least to a limited extent for free.

Although the adoption of the Act specifically devoted to victims of crime is undoubtedly a very positive step, law on paper itself is not enough to change the situation. At the same time practical functionality of the new Act and its real benefit for victims has been criticized (Jelinek, Pelc, 2015; Kozák, 2015).

Experts (Jelinek, Pelc, 2015; Kozák, Jiřovec, 2015) criticize mainly insufficient implementation of EU law and discrepancies with the Directive 2012/29/EU. For example, the regulation of the right to information has been seen as inconvenient. Victims have to receive all the information at the first contact with the police, which can cause a victim to be immediately overwhelmed with the bulk of information, much of which is unnecessary at the given moment. In practice, victims just sign several leaves of paper, without any special treatment and real impact. The duty to provide all the information at the first contact does not allow taking into account individual needs and actual psychological condition of the victim. Moreover, this regulation goes beyond the standards of the Directive 2012/29/EU which set in Article 4 right to receive information from the first contact with a competent authority. Training of law enforcement representatives is also insufficient; insensitive approach to victims by police and courts is often criticised as well (Kozák, 2015). Among other practical or terminological shortcomings (Jelínek, Pelc, 2015), it can be also mentioned that although the Act regulates victim support that should be provided by different parties, only a few attorneys are willing to provide legal aid for free; in addition, those who provide this service are disproportionately concentrated in a few major cities, while the rest of the Czech Republic is not sufficiently covered by the service; and the same applies to accredited victim support organizations (Kozák, 2015).

Evaluation of the new Act made by NGOs also pointed out to many practical shortcomings.5 We can conclude that although the Czech Act is formally perfect, it seems that it has not brought much of real benefit for crime victims, whose position should be improved according to legislator and thus it

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is questionable whether the aim of the Act has been met. These drawbacks should be eliminated by the proposed amendment to the Act; however some experts are also sceptical to this one (Kozák, Jílovec, 2016).

Obviously, there exist several discrepancies between the law on paper and its real practical implication. For effective victim-focused legislation, these discrepancies should be identified and solved. Law experts, NGOs or other stakeholders can provide us with, although very valuable, limited view to the problem. More comprehensive information is needed. What are the experiences, opinions, attitudes and needs of the target group of this legislation – victims of crime? Criminological research could be helpful in answering these questions.

**Victimization surveys**

The value of persons harmed by a crime as a source of information for criminological research has been known for some time. Information from victims plays an important role in the investigation of the dark figure of crime. Official crime statistics gathered by law enforcement agencies are burdened by a number of shortcomings. Crime victim surveys were primarily developed as a supplement to official statistical data for these reasons (Hough, Maxfield, 2007).

Victimization surveys are retrospective sample surveys focused on crime measurement that mostly gathers information from a large sample of randomly selected individuals or households. Respondents are requested to tell whether some of the specified crime had victimized them within a given reference period. Surveys usually use face-to-face interviews or are conducted by phone (Holomek et al., 2013). From the US, where this kind of research was carried out for the first time in 1960s, it very quickly spread to the rest of the world. Over time, especially in Europe, victimization surveys have started to focus on a wider range of crime-related issues (Van Dijk, 2015). Using standardized questionnaires, in addition to their primary objective – to explore the dark figure of crime, they are currently used to collect data on the reasons for the non-reporting of offences to the police, the perception of the work of law enforcement authorities, insecurity felt by potential or actual victims and preventive measures taken (Shapland, 1993). Some of them, also, contain pure
victimological components focused on the subjective feelings of the victims (Holomek et al., 2013).

Best known projects of this kind surely include the US National Crime Victim Survey (NCVS)\(^6\), the British Crime Survey (currently Crime Survey for England & Wales)\(^7\) and the International Crime Victimization Survey (ICVS)\(^8\). The objective of victimization surveys is, thus, to explore crime from the perspective of potential or actual victims. Information gathered from these surveys always reflects the subjective view of the respondents (Štefunková, 2013). Although public opinion on crime may not directly correspond with objective reality, victimization surveys help to understand the relationship between crime and its social context and the consequences of crime, while these connections cannot be deduced from official statistical data. If they are performed properly, these surveys can provide a wide range of information about crime and its trends. Victimization surveys are an important research technique for criminology and much can be learned by using this technique, which cannot be learned in any other way (Sparks et al., 1977: 223).

**Victimization surveys in the Czech Republic**

It is very positive that the tradition of victimization surveys also exists in the Czech Republic. The Czech Republic took part three times in the ICVS.\(^9\) For the first time it joined the second ICVS sweep as a part of the former Czechoslovakia in 1992. As independent states, the Czech and Slovak Republics participated in the third round of the ICVS – 1996/97 (Válková, 1997; Zvekic, 1998). The last ICVS survey was conducted in 2000 and compared to previous sweeps, this time the survey was restricted just to the capital – Prague (Martinková, 2002). To date, four other surveys – 2005 (Martinková, 2006), 2006 (Martinková, 2007), 2010 (Martinková, 2012) and 2013 (Martinková, 2015) were carried out on a national level by the Institute for Criminology and Social Prevention (IKSP). These surveys were based on ICVS methodology. On the

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\(^7\) Available at: http://www.crimesurvey.co.uk/ page accessed 28.1.2016.


\(^9\) The ICVS survey has always been carried out by and under the supervision of the Institute of Criminology and Social Prevention (IKSP) in Prague.
one hand, this enables comparison with the previous surveys on the other hand, nationally specific crime issues were omitted (see Štefunková, 2013; Štefunková, 2014). For ICVS project, priority is to obtain comparable data from different countries of the world and overcome the national and methodological differences. As an international comparative sample survey, it was designed to respond to the current problems, was inexpensive and enables comparison of data in space and time. ICVS still remains the main comparative empirical project in the field of crime prevention and criminal justice, with particular emphasis on the peoples’ victimization experiences around the world. However victimization survey on national level can go beyond these ambitions, as for example British Crime Survey does.

As mentioned above, the last victimization survey was carried out in the Czech Republic in 2013. For comparability reasons research design remained the same as in 2010. Compared to previous rounds, the questionnaire was unfortunately very brief. The survey was conducted on a representative sample of 3000 individuals aged 15 and over. The sample was representative by age, region, education, gender and size of residence of the respondents. The data collection for the IKSP was conducted in September and October 2013 by an external agency using CAPI (Computer-Assisted Personal Interviewing). The reference period for eight offences (theft of a car, theft from a car, burglary to a dwelling, burglary to a cottage, robbery, theft of personal property, assault and threat by assault) was set to the period of 12 months prior the survey. Re-victimization within the reference period, reporting the incident to the police and the subjective feelings of the respondents’ security were explored as well.

Due to the brevity, recent information from this data source is quite limited in some respect. Graph 1 summarizes the percentages of respondents victimized by selected offences in comparison with the previous survey carried out in 2010. Interviews were done face-to-face at the end of 2010 by the external agency. The nationally representative sample included 1003 respondents 15 years old and older.

10 Although some slight differences existed among surveys (e.g. sample size, the number of offences, length of the questionnaire, reference period, surveying mode, type of research-independent/omnibus).

11 The first four offences were related to all members of the respondent’s household (property offences), the other half was related only to respondent personally (personal offences).
The theft of a car, theft from a car and burglary to a cottage only relate to respondents who stated that during last year they themselves or members of their household were using a car or, respectively, owned or used a cottage or chalet. In 2010 two thirds of households (67%) used a car; in 2013 it was more than three quarters (77%). The proportion of cottage owners has increased as well: from one-fifth (20%) in 2010 to almost one-fourth of households (24%).

**Graph 1:** The shares of respondents who have been victimized by selected offences during the 12 months preceding the survey

<table>
<thead>
<tr>
<th></th>
<th>2010 (N= 1003)</th>
<th>2013 (N= 3000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft of a car</td>
<td>3.3</td>
<td>2.9</td>
</tr>
<tr>
<td>Theft from a car</td>
<td>14.1</td>
<td>13.4</td>
</tr>
<tr>
<td>Burglary to a dwelling</td>
<td>6.0</td>
<td>8.5</td>
</tr>
<tr>
<td>Burglary to a cottage*</td>
<td>18.1</td>
<td>23.1</td>
</tr>
<tr>
<td>Robbery</td>
<td>3.0</td>
<td>3.1</td>
</tr>
<tr>
<td>Theft of personal property</td>
<td>12.7</td>
<td>14.5</td>
</tr>
<tr>
<td>Assault</td>
<td>3.6</td>
<td>3.6</td>
</tr>
<tr>
<td>Threat by assault</td>
<td>6.4</td>
<td>6.2</td>
</tr>
</tbody>
</table>

* Only car owners/users 2010 (N= 674) 2013 (N= 2310)
** Only cottage owners/users 2010 (N= 199) 2013 (N=727)

The comparison of victimization prevalence showed that results of both surveys were quite similar. The most vulnerable group seems to be the users of recreational objects since almost one out of every five surveyed claimed victimization by burglary in 2010. In 2013 this number increased by 5%. In 2013 there was also an increase in the proportion of victimized respondents for burglary to a dwelling. In addition, among those who were victimized by burglary to a dwelling, there was a significant increase of those who were victimized by this offence more than once (Martinková, 2015). A decline was recorded for car thefts and thefts from cars.

As regards offences which relate personally to respondents, theft was the most prevalent offence, with a 2% increase in 2013. Other offences remained
at almost the same level. No statistically significant differences were detected (Martinková, 2015). With regards to the victims’ characteristics, it can be said with simplification that a typical victim of a personal offence is a young man (age group 18-29 years) with a primary education, living in a city with a population of 20 to 100,000 inhabitants. Conversely, older women (65+) with higher education are least likely to become victims of personal offences.

The research results are thus in line with the findings from abroad (see e.g. Sparks et al., 1977; Biles, 1988; Dignan, 2004; Holomek et al., 2013), which confirmed that the profile of the victims of violent crime is similar to that of a typical offender and refuted the myth that vulnerable old women are particularly becoming victims of violent crime.

The questionnaire also included the question on whether the respondent reported the last incident to the police. Results of both surveys are indicated in Graph 2.

**Graph 2: The shares of victimized respondents who reported an offence to the police**

![Graph 2](image)

<table>
<thead>
<tr>
<th>Year</th>
<th>Theft of a car</th>
<th>Theft from a car</th>
<th>Burglary to a dwelling</th>
<th>Burglary to a cottage</th>
<th>Robbery</th>
<th>Theft of personal property</th>
<th>Assault</th>
<th>Threat by assault</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>100,0</td>
<td>72,6</td>
<td>73,3</td>
<td>69,4</td>
<td>56,7</td>
<td>40,2</td>
<td>33,3</td>
<td>18,8</td>
</tr>
<tr>
<td>2013</td>
<td>97,0</td>
<td>77,8</td>
<td>72,4</td>
<td>77,0</td>
<td>41,0</td>
<td>36,9</td>
<td>21,8</td>
<td>16,5</td>
</tr>
</tbody>
</table>

It is evident that respondents tend to report property offences more. All victimized respondents (except for two cases in 2013) reported car theft to the police and this proportion is also quite high for other property offences. It can be assumed that the main motivation for such a report is property insurance.

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12 In case of repeat victimization, the respondent referred to the last one. The results do not include missing answers and answers – “I do not know”.

33
Unfortunately, a question exploring the respondent’s motivation was not part of the questionnaire. On the contrary, offences directly affecting a respondent personally usually stay unreported. Respondents most often reported being victims of a robbery, but in comparison with 2010 this share decreased by almost 16%. There is also a visible decline between both surveys for theft and assault; however, none of these differences were statistically significant (Martinková, 2015). When considering the level of crime latency, it is important, however, to bear in mind that incidents captured through the surveys do not have to necessarily fulfil the criteria of a specific criminal offence. Especially for physical assault and threat, these incidents could take place in a specific context and the respondent may not consider the situation to be serious enough to report it to the police. As stated above, the research results unfortunately do not allow for the analysis of the reasons and motivations of respondents.

The biggest difference between the results of the two surveys was observed for multiple victimization, as indicated in Graph 3. This finding could be considered quite alarming. Unfortunately, the survey data does not allow the exploration of the reasons of this change.

**Graph 3**: The shares of respondents victimized by the same offence more than once within the reference period

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft of a car</td>
<td>4.5</td>
<td>14.3</td>
</tr>
<tr>
<td>Theft from a car</td>
<td>16.8</td>
<td>21.5</td>
</tr>
<tr>
<td>Burglary to a dwelling</td>
<td>11.7</td>
<td>23.2</td>
</tr>
<tr>
<td>Burglary to a cottage</td>
<td>13.9</td>
<td>27.6</td>
</tr>
<tr>
<td>Robbery</td>
<td>16.7</td>
<td>21.3</td>
</tr>
<tr>
<td>Theft of personal property</td>
<td>19.7</td>
<td>14.9</td>
</tr>
<tr>
<td>Assault</td>
<td>11.1</td>
<td>25.6</td>
</tr>
<tr>
<td>Threat by assault</td>
<td>28.1</td>
<td>42.2</td>
</tr>
</tbody>
</table>

When we look at these results from wider international perspective and compare them with the results from ICVS based surveys carried out in recent years in different countries, it seems that, in structure of victimization preva-
lence, property offences are more dominant in the Czech Republic and this pattern differs from published results from other countries (Van Dijk, 2013). There are many possible reasons for these differences which would deserve separate paper. In this respect however, comparison with Slovak survey is more interesting. In Slovakia ICVS based survey on national level has been carried out regularly since 2007 (Holomek et al., 2013). Czech and Slovak Republic share common history and are still quite close to each other also in other characteristics. These similarities are probably reflected also in surveys results as indicates Table 1.13

Table 1: Selected results from Slovak victimization surveys: The shares of respondents who have been victimized by selected offences during the 12 months preceding the survey (2010); the shares of victimized respondents who reported an offence to the police (2009); the shares of respondents victimized by the same offence more than once (2010).

<table>
<thead>
<tr>
<th></th>
<th>Theft of a car</th>
<th>Theft from a car</th>
<th>Burglary to a dwelling</th>
<th>Burglary to a cottage</th>
<th>Robbery</th>
<th>Theft of personal property</th>
<th>Assault</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Victimized 2010</strong></td>
<td>3.8</td>
<td>10.9</td>
<td>12.2</td>
<td>17</td>
<td>3.3</td>
<td>22.7</td>
<td>8.6</td>
</tr>
<tr>
<td><strong>Police reporting 2009</strong></td>
<td>76</td>
<td>70</td>
<td>47</td>
<td>68</td>
<td>41</td>
<td>45</td>
<td>29</td>
</tr>
<tr>
<td><strong>Multiple victimization 2010</strong></td>
<td>19.6</td>
<td>16.9</td>
<td>20.3</td>
<td>28.3</td>
<td>16.1</td>
<td>25.9</td>
<td>33.7</td>
</tr>
</tbody>
</table>

Source: (Holomek et al., 2013)

In Slovakia, property offences are also dominant. Compared to Czech Republic, respondents were more frequently victimized by assault. In police reporting also similar patterns are visible. Slovak respondents less often report car thefts and burglaries. Shares of those who were victimized repeatedly are more similar to Czech results from 2013 survey. This similarity can imply that the difference between the two Czech survey results is caused by other factors, rather than by the real increase in multiple-victimization (Holomek, 2013). Trend data of this indicator, including also previous Czech victimization surveys, support this hypothesis (Štefunková, 2015).

Despite their specific limits (Holomek et al., 2013), these results indicate that victim surveys represent a useful research tool that can provide information on victimization and its structure, including its latent part which would otherwise stay hidden. Thanks to the ICVS project these data can be analysed in wider international perspective. It is unfortunate that today we can rely

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13 Comparison is based on published results from 2010 and 2009 (Holomek et al., 2013). Due to author’s doubts about reliability of 2013 results, we did not use these for the comparison (see Holomek, 2013).
in this respect only on ICVS based national surveys and that unfortunately standardized comparative survey is not planned in the near future (Van Dijk et al., 2010; Van Dijk 2013; 2015). Thus, due to the methodological differences, these comparisons have to be considered with caution.

On the other hand national surveys can better address specific national criminological issues. Among others, victimization surveys seems to be good tool for assessing victim focused legislation e.g. monitoring implementation and application of binding EU legislation in this field such as Directive 2012/29/EU (Holomek, 2015; Van Dijk, 2015). Important indicators in assessing the effectiveness of victim focused legislation are victims’ views and their satisfaction with the treatment by different actors involved in criminal proceedings. Actually, the Directive itself also requires provision of data on its application in Member States (Article 28) and victimization survey results can serve as valuable source of information in this respect.

Conclusions

Since 2013 the new Act on Victims of Crime has been effective in the Czech Republic, which should improve the victims’ treatment and their position in criminal proceedings. Although special legislation focused on victims was highly appreciated, the practical benefit of this Act has been criticised from various sides. Objections of those who are applying/using the law in practice should definitely be taken into account. This will require some compromise, because the interests of law enforcement authorities and NGOs may sometimes be in contradiction.

At the same time we know almost nothing about the views of those to whom the Act is intended – victims of crimes. Victimization surveys revealed that substantial part of victims remains hidden to any organization dealing with this issue. Only less than a half of personal offences were reported to the police. This number is even more alarming if we take into account that a relatively large proportion of respondents has been victimized repeatedly. Unfortunately information on why these victims did not report the incident is missing. We also do not know, what are experiences of those who reported the incident; whether they were satisfied with the treatment by police; whether victims searched for other victim support; whether they found such a ser-
vices helpful or whether they are even aware of them and could reach them in place of their residence. Containing also latent cases, victimization surveys somehow distort the picture of typical victim. Along with particularly vulnerable victims, it would be very interesting to know what are experiences and needs of young men victimized by personal offences or those victimized by property crimes in the area of victim support. As these victims form probably the major part of the target group of the new legislation.

All these issues may be addressed by victimization survey. Currently a new victimization survey is being prepared by the Institute of Criminology and Social Prevention. This one should better exploit the research potential of this tool. Among other changes, the new survey should contain a module focused on victim support and the impact of the new law in practice. A subjective view of the population is very important in this respect, especially in the light of above mentioned critique. Overall awareness of identified and potential victims of their rights and options in criminal proceedings can indicate the fulfilment of legislation’s aim.

Thanks to the previous rounds we could also explore whether new victim-focused legislation has had any effect on the level of victimization or the tendency to report incidents to the police. Through their views and experiences, respondents can also help in the assessment of the quality of the work of different subjects involved in criminal proceedings such as the police, probation and mediation services, judges, attorneys or victim support organizations. Above mentioned unintended effects and weaknesses can be proved and addressed or the new one identified that could not be visible from available sources until now. We believe that all this information can help in the evaluation of victim-focused policy and legislation. Findings can be used for future improvements of legislation and the better allocation of funds provided by the Ministry of Justice for victim support. Finally, victim support organizations can also benefit from this information. As they only have knowledge of their clients, who form only the tip of the iceberg, the views and needs of the real or potential victims gathered through the representative survey may help better target their interventions and services. We can thus hope that in the future our findings from the victimization survey will represent a positive example of how research findings can lead to the improvement of the criminal justice policy of the Czech Republic and victim
support will not be only declared *de iure*, but will also *de facto* bring real benefit to those who was (or potentially could be) harmed by crime.

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Potencijal kriminoloških istraživanja u evaluaciji politike i zakonodavstva usmerenog ka žrtvama u Češkoj


Ključne reči: viktimizacija, anketa o viktimizaciji, kriminologija, Češka, Zakon o žrtvama kriminaliteta.