

Lenka Holá

Palacký University Olomouc

ORCID: 0000-0002-5915-8908

lenka.hola@upol.cz

Kateřina Macigová

Palacký University Olomouc

ORCID: 0009-0008-6354-3850

katerina.macigova01@upol.cz

Mediation in Criminal Proceedings in the Czech Republic in the Context of Research on the Development of Restorative Justice*

*Mediacja w postępowaniu karnym w Republice Czeskiej
w kontekście badań nad rozwojem sprawiedliwości naprawczej*

ABSTRACT

The article examines the position of mediation in criminal proceedings in the context of the development of restorative justice in the Czech Republic and presents partial findings of a representative national research project. The study combines legal-theoretical analysis with empirical research on public attitudes. Its aim is to analyse the conditions for implementing restorative justice in the Czech legal environment and to define the role of mediation as an instrument for the protection of victims of crime. The first part analyses the incorporation of mediation into Czech law. The second part introduces the research project “Mediation in Criminal Proceedings in the Context of Restorative Justice (2024–2026),” focused on the current use of mediation and legal and practical barriers to its broader application. The empirical part focuses on public attitudes towards restorative justice and mediation, especially victims’ position and their needs. Based on an online survey of a representative

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sample of the Czech population ($N = 3,577$), the findings show strong support for victim protection and demonstrate that acceptance of mediation is significantly influenced by public awareness and value orientations.

Keywords: restorative justice; mediation in criminal proceedings; victim of crime; public attitudes; research; victim protection

INTRODUCTION

In the Czech Republic, the issue of modernising and increasing the efficiency of the criminal justice system has been widely discussed over the past two decades, both in connection with the development of new national criminal law legislation and in line with the objectives of international instruments. At the same time, the current criminal justice system in the Czech Republic faces a number of challenges. In comparison with other European countries, one of the most significant problems is the very high prison population.¹ Another challenge is the need for a broader promotion of victims' rights and the improvement of their position in connection with the use of restorative approaches in criminal proceedings.² The Theses of Criminal Policy state that one of the aims of criminal law is the restoration of relationships between the offender, the victim and society, with particular emphasis on ensuring the needs of all persons whose lives have been affected by a criminal offence. This principle of restorative justice is regarded as an indispensable trend in modern criminal justice (Thesis No. 4), and the restorative approach should be developed at all stages of criminal proceedings with the support of assistance services (Thesis No. 10).

The development of the use of mediation in criminal proceedings is usually dated to the late 1970s and early 1980s in the United States, and to the 1980s in Europe.³ Gradually, mediation has become the predominant model for the application of restorative justice. For the purpose of terminological clarification, it should be noted that, in line with the prevailing scholarly views, mediation is considered

¹ See: *Highest to Lowest – Prison Population Rate*, World Prison Brief, 2021, https://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14 [access: 13.10.2025]; General Directorate of the Prison Service of the Czech Republic, “Statistical Yearbook” 2021, <https://www.vscr.cz/media/organizacni-jednotky/generalni-reditelstvi/odbor-spravni/statistiky/rocenky/statisticka-rocenka-2021.pdf> [access: 13.02.2026].

² Theses of Criminal Policy. Office of the Government of the Czech Republic, Secretariat of the Government Council for Human Rights, 2021, https://www.vlada.cz/assets/ppov/rp/vybory/Pro_trestni_politiku/Teze-trestni-politiky_1.pdf [access: 10.02.2026], p. 1.

³ See: M.S. Umbreit, *Victim Offender Mediation. An Evolving Evidence-Based Practice*, [in:] *Handbook of Restorative Justice*, eds. D. Sullivan, L. Tift, Abingdon 2008, pp. 5–62.

a means of restorative justice.⁴ According to Paul McCold, mediation is so closely connected with the concept of restorative justice that: “In the beginning, mediation was restorative justice and restorative justice was mediation.”⁵ Similarly, paragraph 5 of the Recommendation of the Committee of Ministers to member States of the Council of Europe concerning restorative justice in criminal matters, adopted on 3 October 2018 (hereinafter DoRJ), states that restorative justice may also be referred to as “victim–offender mediation,” “criminal mediation,” “restorative conferencing,” and other related terms. The relationship between mediation and restorative justice is also evident from Recommendation No. R(99)19 of the Committee of Ministers to member States of the Council of Europe concerning mediation in penal matters, adopted on 19 September 1999 (hereinafter DoM), although the document itself does not yet contain the term “restorative justice.” For the purposes of our research, mediation is therefore understood as an instrument of restorative justice and, unless stated otherwise, the term refers to mediation in criminal proceedings.

The aim of this article is to answer the following research question: What are the conditions for the implementation of restorative justice in the Czech Republic, and what role does mediation play in this process as an instrument for the protection of victims of crime? This question is further specified through partial questions concerning the legal framework of mediation, obstacles to its use, and public attitudes towards mediation and victims of crime. In order to answer the main research question, the article combines methods of legal and social science research. Critical legal analysis makes it possible to identify the normative framework of mediation, its development, and possible shortcomings, while the empirical part, based on quantitative questionnaire research, provides insights into public attitudes. These attitudes are crucial for the practical implementation of mediation, as they influence both individuals’ willingness to use mediation and trust in its outcomes. The combination of methods reflects the multidisciplinary nature of the issue and enables a comprehensive analysis of the conditions for the development of restorative justice in the Czech Republic, including the relationship between the normative and practical dimensions of its application.

⁴ For example: A. Drašík, *Trestní řád: Komentář*, Praha 2017, commentary on § 307, point 11; P. Štern, L. Ouředníčková, D. Doubravová, *Probace a mediace: možnosti řešení trestných činů*, Praha 2010, pp. 29–31; P. Masopust Šachová, *Restorativní přístupy při řešení trestné činnosti*, Praha 2019, p. 18; H. Zehr, *The Little Book of Restorative Justice*, Prague 2003, p. 32.

⁵ P. McCold, *The Recent History of Restorative Justice – Mediation, Circles and Conferencing*, [in:] *Handbook of...*, pp. 23–25.

RESEARCH AND FINDINGS

1. Restorative Justice as a Theoretical Concept

Restorative justice represents an alternative approach to addressing criminal behaviour based on the premise that a criminal offence is not merely a violation of a legal norm, but primarily a harm caused to specific individuals and the community.⁶ For this reason, it places emphasis on the needs of the victim, the acceptance of responsibility by the offender, and the active involvement of all affected parties in addressing the consequences of the criminal offence. According to the definition of the Council of Europe, restorative justice may be understood as a process in which the victim and the offender, and possibly other affected persons, have the opportunity to actively participate in resolving the consequences of the criminal offence, usually with the assistance of an impartial third party.⁷ Practical instruments for implementing the restorative approach include, in particular, mediation between the offender and the victim, restorative circles, conferences, and various programmes aimed at compensation for harm and the restoration of relationships between the persons involved.⁸

In line with the trend of strengthening victims' rights and the subsequent examination of how to ensure adequate protection of victims' rights and needs in criminal proceedings, Directive 2012/29/EU of 25 October 2012 (hereinafter also referred to as the Directive) was adopted, establishing minimum standards on the rights, support and protection of victims of crime. The protection of victims' rights is thereby strengthened already by the form of the legal regulation itself, which guarantees a higher level of legal enforceability. Within the scope of victim protection, the possibility of involving restorative justice services in criminal proceedings is included. In this regard, Article 2(1)(d) of the Directive provides its own definition of restorative justice, equating the restorative concept with restorative programmes, stating that it refers to "any process which enables those harmed by crime and those responsible for that harm to participate actively, if they freely consent, in the resolution of matters arising from the crime through the help of an impartial third party." The Directive includes restorative justice services (including, and perhaps especially, mediation) among the instruments for the protection of victims and, at the same time, establishes binding rules for the use of these services in Article 12.⁹

⁶ J. Braithwaite, *Restorative Justice and Responsive Regulation*, Oxford 2002, p. 11.

⁷ Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters.

⁸ L. Coufalová, L. Duffek, B. Melková, *Moderní trestní právo – roustoucí role restorativního přístupu, část: Restorativní justice jako nová zásada trestního řízení. Trestní odpovědnost*, Rowan Legal, 2025.

⁹ P. Masopust Šachová, L. Holá, P. Zhřivalová, *The Path to Restorative Justice Paved with Soft Law in the Czech Republic: Participation as a Stronger Trigger for Restorative Justice Development*

2. Criminal-law Aspects of Mediation in Criminal Proceedings

Although the Czech Code of Criminal Procedure traditionally derives from the principles of legality and officiality, some of its institutions have long reflected a restorative approach.¹⁰ The principal criminal procedural regulation, Act No. 141/1961 Coll., the Code of Criminal Procedure (hereinafter also referred to as the Code of Criminal Procedure), states that the purpose of the Code is to regulate the procedure of authorities involved in criminal proceedings so that criminal offences are properly detected and their perpetrators are justly punished in accordance with the law (§ 1(1)). The purpose of the Czech Code of Criminal Procedure of 1961 is therefore punitive. As mentioned above, elements of restorative justice have been present in the Czech legal environment for some time; however, in recent years efforts have been directed towards its systematic incorporation directly into the Code of Criminal Procedure. This development was reflected only recently, when, as of 1 January 2026, the restorative approach was explicitly included among the fundamental principles of criminal proceedings and became one of the interpretative principles of the criminal process. This provision imposes an obligation on authorities involved in criminal proceedings to strive, in appropriate cases, to create conditions for the active participation of victims and offenders in addressing the consequences of criminal offences. Particular emphasis is placed on compensation for harm and the restoration of disrupted relationships (§ 2(16) of the Code of Criminal Procedure).

The legal regulation of mediation in criminal matters in the Czech Republic is very brief and is primarily contained in Act No. 257/2000 Coll., on the Probation and Mediation Service. Mediation is defined as out-of-court facilitation aimed at resolving a dispute between a suspect or accused person and the injured party, and as an activity directed towards settling a conflict situation carried out in connection with criminal proceedings (§ 2(2)). The same provision emphasises that mediation may be carried out only with the explicit consent of the suspect or accused person and the injured party. An important provision concerning mediation can also be found in § 4(7) of the Act on the Probation and Mediation Service, according to which, after the initiation of criminal prosecution, a probation officer may, in appropriate cases, carry out mediation activities even without authorisation from an authority involved in criminal proceedings, unlike other activities for which such

after a Missed Opportunity by the EU Victims' Rights Directive Revision, "European Journal of Crime, Criminal Law and Criminal Justice" 2025, vol. 33(4), pp. 375–400.

¹⁰ Typical examples include settlement under § 309 of the Code of Criminal Procedure or conditional discontinuance of criminal prosecution under § 307 of the Code of Criminal Procedure, which allow criminal cases to be resolved in a consensual manner with an emphasis on compensation for the harm caused (Act No. 141/1961 Coll., Code of Criminal Procedure).

authorisation is necessary, particularly upon the initiative of the accused person and the injured party. The probation officer must immediately inform the competent authority involved in criminal proceedings of the initiation of mediation. That authority may decide that the case will not be referred to mediation, in which case the mediation will not continue. For the sake of completeness, it should also be mentioned that § 7(4) of the Act on the Probation and Mediation Service prohibits a probation officer from carrying out probation and mediation activities in the same case. In the Code of Criminal Procedure itself, mediation is mentioned only in one provision, namely in relation to the person authorised to perform mediation activities in criminal proceedings.¹¹ The list of relevant provisions of criminal legislation explicitly dealing with mediation is therefore essentially exhausted. However, Czech criminal law also contains a number of legal institutions whose application is closely related to the use of mediation.¹²

3. Research Project “Mediation in Criminal Proceedings in the Context of Restorative Justice”

The preparation of the research project was based on a thorough understanding of the conditions under which mediation is carried out within criminal justice, both in the international and Czech contexts. Although restorative justice is guided by common theoretical foundations and principles, its programmes differ significantly across countries depending on cultural norms as well as social and legal conditions.¹³ For this reason, the European Forum for Restorative Justice¹⁴ was established in 2000 as an important platform for the development of restorative justice in Europe. It was one of the three implementers of the European project “Restorative Justice: Strategies for Change (RJS4C) (2019–2023),”¹⁵ whose aim was to contribute to the broadest possible implementation of the Council of Europe’s recommendations in the field of restorative justice and mediation into the national policies, legislation, and practices of EU Member States. In the Czech Republic, the result of this joint

¹¹ According to § 27b, mediation activities in criminal proceedings are carried out by a probation officer. However, it should be noted that this provision determines the competence of the probation officer in criminal proceedings but does not imply that mediation related to criminal proceedings could not also be carried out by another person.

¹² See also: F. Ščerba, *Právní úprava a využívání mediace v českém trestním právu*, “Acta Universitatis Carolinae – Iuridica”, 2025, no. 2, pp. 85–100.

¹³ G. Mousourakis, *Restorative Justice: Perspectives on Contemporary Theoretical and Empirical Issues*, “Hungarian Journal of Legal Studies” 2018, vol. 59(3), p. 248.

¹⁴ For more details, see: <https://www.euforumrj.org/en> [access: 13.02.2026].

¹⁵ For more details, see: <https://www.euforumrj.org/en/restorative-justice-strategies-change-rjs4c-2019-2023> [access: 13. 02.2026].

dialogue was the Strategy for Restorative Justice for the Czech Republic.¹⁶ The commitment to promote the concept of restorative justice in connection with the Strategy for Restorative Justice for the Czech Republic was also included in the Programme Statement of the Government of the Czech Republic for the 2021–2025 electoral period.¹⁷

Despite this legislative support, statistics from the Probation and Mediation Service indicated that mediation was used only rarely and that its use was in fact declining.¹⁸ This led the research team to consider whether the conditions for the application of mediation in criminal practice were sufficient and whether its effective use might be hindered by obstacles that have not yet been identified through research. Although research on mediation in criminal proceedings in the Czech Republic was conducted by the Institute for Criminology and Social Prevention in 2009–2010,¹⁹ its findings can now be considered outdated due to changes in the Czech legal system and in the overall concept of criminal policy. In 2022, a study examining the implementation of mediation in criminal proceedings in the Czech Republic and Slovakia²⁰ was carried out; however, the findings were not sufficiently detailed. The research project of the Czech Science Foundation (GA ČR) entitled “Mediation in Criminal Proceedings in the Context of Restorative Justice,” with a duration of 2024–2026, therefore addresses the existing gap in knowledge regarding mediation in criminal proceedings in relation to the rapidly developing principles of restorative justice and their implementation within the Czech legal order. In this way, the project may contribute to shaping the future of Czech criminal policy, to the development of conditions for the practice of mediation in criminal proceedings in the Czech Republic, and to conceptual changes highlighted by research conducted in 2020.²¹

¹⁶ For more details, see: <https://restorativni-justice.cz/wp-content/uploads/2021/03/PROHLEDNOUT-STRATEGII-RJ-PRO-CR.pdf> [access: 17. 02.2026].

¹⁷ For more details, see: <https://www.vlada.cz/assets/jednani-vlady/programove-prohlaseni/programove-prohlaseni-vlady-Petra-Fialy.pdf> [access: 17. 02.2026].

¹⁸ *Agendy Probační a mediační služby v letech 2017–2021*, Praha 2022, https://www.pmscr.cz/wp-content/uploads/2022/03/statistiky_agendy_pms_2017-2021.pdf [access: 13.10.2025], pp. 16–19.

¹⁹ J. Rozum, P. Kotulan, M. Luptáková, M. Scheinost, J. Tomášek, *Uplatnění mediace v systému trestní justice I*, Praha 2009; J. Rozum, P. Kotulan, M. Luptáková, M. Scheinost, J. Tomášek, M. Špejra, *Uplatnění mediace v systému trestní justice II*, Praha 2010.

²⁰ *Zpráva o aktuálním stavu mediací v trestním řízení v Česku i na Slovensku*, Institute for Restorative Justice and the Ministry of Justice of the Slovak Republic, June 2022, <https://restorativni-justice.cz/zprava-o-aktualnim-stavu-mediaci-v-trestnim-řízení-v-cesku-i-na-slovensku-je-nove-na-webu/> [access: 17.02.2026].

²¹ M. Scheinost, *Criminal Policy in the Views of Justice Professionals*, “Trestněprávní revue” 2021, no. 2, pp. 112–119.

3.1. RESEARCH OBJECTIVES

The main objective and the partial objectives of the research project “Mediation in Criminal Proceedings in the Context of Restorative Justice” are formulated on the basis of the identified needs of both the theory and practice of mediation in criminal proceedings in the Czech Republic and in accordance with the principal themes of research and development interest of the European Parliament and the Council in the field of mediation and restorative justice. The primary points of reference are Recommendation No. R(99)19 of the Committee of Ministers to Member States of the Council of Europe concerning mediation in penal matters, adopted on 19 September 1999, Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States of the Council of Europe on restorative justice in criminal matters, adopted on 3 October 2018, and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime. The implementation of European documents in the field of mediation has had a significant impact on the legal regulations of the Member States. However, the extent of this impact varies depending on the already existing national criminal justice systems. This fact, in particular, explains why specific areas and the corresponding partial research objectives were formulated in accordance with the selected themes addressed by the above-mentioned European documents.

The main objective of the research is to identify, analyse and evaluate the current state of the practice of mediation in criminal proceedings in the Czech Republic in the context of restorative justice and to determine the conditions for its further development. This main objective is further elaborated into four partial objectives: to examine the impact of European documents on the legal regulation of mediation, to identify and analyse legal barriers to the broader use of mediation in criminal proceedings, to analyse the factors influencing the use of mediation in space and time, and to determine the level of public awareness of mediation in criminal proceedings and public attitudes towards it.

In order to achieve the stated objectives, and with regard to the multidisciplinary nature of mediation, a combination of research methods from both legal and social sciences is employed, namely critical legal analysis, questionnaire research, and spatio-temporal analysis. This approach makes it possible to connect the normative dimension with the actual functioning of mediation and to identify not only formal conditions but also factors influencing its acceptance in practice. The empirical part of this article specifically aims to identify and analyse the attitudes of the Czech public towards restorative justice and mediation, with particular emphasis on the position of victims and the possibility of fulfilling their needs through mediation.

3.2. ATTITUDES OF THE CZECH PUBLIC TOWARDS RESTORATIVE JUSTICE²²

To examine the attitudes of the Czech public towards restorative justice, we employed a research design based on an online questionnaire survey with the aim of obtaining, through quota sampling, a representative sample of the population aged 15 years and older in the Czech Republic. Data collection was carried out with the assistance of an external agency during the first half of December 2024. The survey was anonymous, participation was voluntary, and respondents were able to terminate their participation at any time. A total of 3,577 fully completed questionnaires were collected, of which 1,736 (49.1%) were men and 1,841 (50.9%) were women. The average age of respondents was 48.0 years. In addition to socio-demographic characteristics and a screening question regarding knowledge of mediation, the questionnaire contained 18 questions, of which 12 were adopted from previous research²³ and 6 questions focused on the role of the victim, reflection on the causes of criminal behaviour, and attitudes towards reparation and compensation for harm caused. This allowed us to deepen our understanding of the issue and, in line with the development of restorative justice theory, enabled new interpretations of the obtained results. In accordance with the focus of this article, we further concentrate only on public attitudes towards victims, their needs, and various aspects of their treatment.

The analysis revealed interesting connections with public justice orientations. The results showed a generally high level of agreement with most of the presented statements. The strongest agreement was expressed with the statement concerning the need for sensitive and respectful treatment of victims, followed by the statement regarding the requirement to repair and compensate for the harm caused. These findings indicate a strong consensus on the importance of dignified treatment of victims and the significance of both material and non-material forms of reparation. The analysis also revealed differentiated relationships between individual statements and orientations towards justice. The most pronounced difference was recorded for the statement concerning the direct meeting between the victim and the offender (mediation), which clearly illustrates a distinctive element of the restorative approach. Conversely, the statement concerning the necessity of repairing and compensating for damage showed the strongest correlation with retributive orientation among all examined items. At the same time, interestingly, it also correlated

²² Detailed research results are published in: D. Fiedor, L. Holá, P. Masopust Šachová, F. Kovařík, *Restorative Justice Through the Eyes of the Public Using the Example of the Post-Socialist Czech Republic*, "Victims & Offenders" 2026, pp. 1–21. In this article, the results are summarised with reference to changes that have occurred in the Czech legal environment since the publication of that study.

²³ T.G. Okimoto, M. Wenzel, N.T. Feather, *Retribution and Restoration as General Orientations Towards Justice*, "European Journal of Personality" 2012, vol. 26(3), pp. 255–275.

with restorative orientation. This result suggests that compensation for the victim represents an important element for supporters of both retributive and restorative approaches to justice.

Although the requirement to repair and compensate for harm imposes certain demands on the offender and may restrict them by requiring behavioural change, it represents manifestations of retributivity through the demand for a “reaction.” At the same time, however, it also reflects a restorative narrative addressing the question of what response should follow and why, particularly in terms of examining the causes of criminal behaviour, the needs of victims, and the rehabilitation of the offender. Furthermore, the examination of the causes of the committed offence showed a stronger relationship with restorative orientation than with retributive orientation, which corresponds with the emphasis of restorative justice on understanding the context of criminal behaviour. Other statements concerning victims’ procedural rights and the consideration of their needs showed moderately strong correlations with both orientations, suggesting that these aspects are considered important across different approaches to criminal justice.

CONCLUSIONS

The study analysed the conditions for the implementation of restorative justice in the Czech Republic, with particular emphasis on the role of mediation as an instrument for the protection of victims and the strengthening of their position in criminal proceedings. Based on theoretical reflection, legal analysis, and empirical findings, several conclusions relevant for further research and criminal justice policy may be formulated.

The findings do not allow Czech society to be clearly classified on a scale between retributive and restorative conceptions of justice. However, this conclusion must be understood in the context of current developments, where both approaches are no longer perceived as opposing but rather as complementary. Restorative justice does not deny the importance of punishment; however, it rejects reducing punishment solely to the infliction of harm upon the offender and instead emphasises responsibility, reparation of harm, and the restoration of disrupted relationships. It may therefore be concluded that public attitudes towards criminal justice in the Czech Republic are ambivalent and contextual. The protection of victims represents a broadly shared value across the spectrum of opinions, regardless of the preferred conception of punishment. The perception of victims as legitimate participants in criminal proceedings has already become part of broader social consciousness. Nevertheless, declared support for victims does not automatically imply support for specific instruments strengthening their position. In this respect, mediation emerges as a distinctive institution perceived differently by the public

from other forms of criminal justice response. Empirical findings demonstrate that support for mediation is closely connected with respondents' restorative orientation. Such respondents more frequently support direct meetings between victims and offenders and appreciate their potential in addressing the consequences of crime. Mediation therefore functions not only as a procedural instrument but also as an indicator of broader value orientations and changing perceptions of the purpose of criminal proceedings.

A key factor is awareness. Knowledge of mediation and awareness of its functioning significantly influence public attitudes. Research on attitudes towards criminal justice indicates that orientation towards the needs of victims appears both among individuals inclined towards a retributive conception of punishment and among those with a stronger restorative orientation. Support for the protection of victims therefore does not necessarily imply support for alternative methods of resolving criminal cases. A different situation may, however, be observed regarding attitudes towards direct meetings between victims and offenders within mediation. According to the findings, this form of conflict resolution is more strongly associated with respondents' restorative orientation. At the same time, more informed individuals demonstrate greater support for restorative approaches and lower tendencies towards an exclusively retributive understanding of justice – the more they incline towards restorative conceptions, the more frequently they support the possibility of mediation between victims and offenders. Awareness therefore appears to be a key factor in the acceptance of alternative methods of resolving criminal matters. This finding has significant practical implications. The development of restorative justice cannot be reduced merely to legislative or institutional reforms, but requires systematic work with public opinion. Increasing awareness of mediation, its principles, and its process may contribute to reducing distrust and increasing willingness to accept restorative approaches. Important roles may be played by professional institutions, the media, educational systems, and civil society organisations. Particular attention should also be paid to informing victims themselves. Victims often lack sufficient awareness of their rights and of the possibilities for active participation in addressing the consequences of criminal offences. Mediation may enable them to formulate their needs, express emotions, ask questions to offenders, and participate in seeking reparation. A lack of information, however, significantly limits this potential in practice.

From an institutional perspective, mediation in the Czech Republic possesses significant but still insufficiently utilised potential. Although the legal framework and the activities of the Probation and Mediation Service provide a stable foundation, statistics indicate that mediation remains a relatively marginal instrument in practice. The reasons include a combination of insufficient awareness, persisting stereotypes within the legal environment, procedural habits, and limited motivation among some actors in criminal proceedings to use mediation actively. Mediation

may be understood as part of a broader modernisation of criminal justice reflecting changing societal expectations. However, it cannot constitute a universal solution applicable to all cases. Its use must always depend on individual assessment, voluntary participation, and the protection of victims' safety. Restorative approaches should complement, rather than replace, the fundamental guarantees of a fair trial. Based on the presented research, it may be concluded that mediation is perceived by the public as an instrument strengthening the position of victims; however, its broader use remains significantly conditioned by awareness of this institution. Awareness is therefore a key prerequisite for changing public attitudes as well as for the practical implementation of restorative approaches.

For further development, deeper integration of mediation into the criminal justice system is therefore essential. This includes strengthening the role of prosecutors and courts in identifying the suitability of mediation, expanding education in restorative approaches, systematically evaluating the effectiveness of mediation, and sharing examples of good practice. It is also necessary to ensure sufficient institutional capacity and professional quality of mediators. The successful implementation of restorative justice in the Czech Republic therefore depends on the interaction between legislative conditions, institutional infrastructure, and changes in public perceptions of criminal justice. In this respect, mediation represents not merely a practical instrument, but also a symbol of a broader transformation towards a more sensitive and effective model of criminal justice.

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Legal acts

- Act No. 141/1961 Coll., Code of Criminal Procedure, as amended.
- Act No. 257/2000 Coll., Probation and Mediation Service Act, as amended.
- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.
- Recommendation No. R(99)19 of the Committee of Ministers to Member States concerning mediation in penal matters.
- Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States concerning restorative justice in criminal matters.

ABSTRAKT

Artykuł analizuje pozycję mediacji w postępowaniu karnym w kontekście rozwoju sprawiedliwości naprawczej w Republice Czeskiej oraz przedstawia częściowe wyniki reprezentatywnego ogólnokrajowego projektu badawczego. Badanie łączy analizę prawną-teoretyczną z badaniami empirycznymi dotyczącymi postaw społecznych. Jego celem jest analiza warunków wdrażania sprawiedliwości naprawczej w czeskim środowisku prawnym oraz określenie roli mediacji jako instrumentu ochrony ofiar przestępstw. Pierwsza część analizuje wprowadzenie mediacji do prawa czeskiego, natomiast druga przedstawia projekt badawczy „Mediacja w postępowaniu karnym w kontekście sprawiedliwości naprawczej” (2024–2026), skoncentrowany na aktualnym wykorzystaniu mediacji oraz prawnych i praktycznych barierach jej szerszego stosowania. Część empiryczna skupia się na postawach społecznych wobec sprawiedliwości naprawczej i mediacji, w szczególności na pozycji ofiar i ich potrzebach. Na podstawie internetowego badania ankietowego przeprowadzonego na reprezentatywnej próbie populacji czeskiej ($N = 3577$) wyniki wskazują na silne poparcie dla ochrony ofiar oraz pokazują, że akceptacja mediacji jest istotnie kształtowana przez świadomość społeczną i orientacje aksjologiczne.

Słowa kluczowe: sprawiedliwość naprawcza; mediacja w postępowaniu karnym; ofiara przestępstwa; postawy społeczne; badania; ochrona ofiar