

Abstract of the Thesis

This thesis deals with a problem of surveillance in public spaces. In the introduction it was specified that the main aim of the thesis is to give a complex view on the topic of surveillance cameras in public areas from the constitutional law perspective. In the Czech republic, no further discussion has developed and legislatively, the issue is only regulated by the personal data protection law. And this regulation is not even complex, it only deals with CCTV kind of cameras, excluding the ones without storing the data.

In the beginning of the thesis I explain right to privacy and under which conditions it can be limited. The core of the paper deals with camera systems themselves, their use, pros, cons and effectiveness. Later I describe opinions of some offices and states on the topic. Proportionality test of the constitutional court and the ECHR to balance right to privacy with the state responsibility for public safety was conducted in the last part of the thesis.

The advantage of CCTV is that they provide impression of security to the citizens. They discourage potential perpetrators and help to maintain security of individuals, property and public interests, as well as detection, prevention and conviction of criminals. It helps securing proofs for future trials. On top of that, CCTV increase the effectiveness of police, hence save the cost of more staff and decreases reaction time in case of need.

On the other hand, use of cameras can lead to their misuse by police or even by the outsiders. Also, this system is very discriminating as such, being based on search for similar signs among potential culprit. The result is that certain social groups are monitored significantly more than the other. It is also important to mention the negative effect on the use of other connected rights, such as free speech or freedom of religion.

There are several foreign studies regarding the effectiveness of CCTV use. They have not provided any relevant proof of their positive impact on criminality level. They showed that specific offences decreased in monitored areas, but adequately increased in the surrounding areas. In addition, they had no effect on violent crimes or pickpocketing.

Use of camera records ex post brings better results. Nevertheless, it is still necessary to provide other proofs in order to convict the suspect. Otherwise, mistake could lead to a conviction of an innocent.

In the last part of the thesis, proportionality test according to constitutional court and ECHR case law was conducted. I came to the conclusion that under current conditions, the use of CCTV is disproportionate to the limitation of privacy needed. As the legal basis is rather vague and gives too much room for various interpretations and rules by the office for

the personal data protection which in many cases cannot be brought before courts. It has not be proven that this measure would be any more efficient than other optios available, which would not limit privacy right that much. Therefore, I believe that CCTV should not be used until better legislation has passed or until their effectivity increases significantly.