

**Report on Public Order and Internal Security in the Czech  
Republic in 2002  
(compared with 2001)**

A shortened version

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# 1. Introduction

**The Report on Public Order and Internal Security in the Czech Republic in 2002** (hereinafter the “Report”) was drawn up under the responsibility of the Ministry of the Interior (hereinafter the “MI”) and was compiled from documents provided by the Ministry of Justice (the “MJ”), the Ministry of Defence (the “MD”), the Ministry of Finance (the “MF”), the Ministry of Culture (the “MC”), the Ministry of Labour and Social Affairs (the “MLSA”), the Ministry of Education, Youth and Sports (the “MEYS”), the Ministry of Industry and Trade (the “MIT”), the Ministry for Local development (the “MLD”), the Ministry of Informatics (the “MoI”), the Ministry of Transport (the “MT”), the Ministry of Foreign Affairs (the “MFA”), the Ministry of the Environment (the “ME”), the Ministry of Health (the “MH”), the Security Intelligence Service (the “SIS”), the National Security Authority (the “NSA”), the Supreme State Prosecutor’s Office (the “SSPO”), the Office for Foreign Relations and Information (the “OFRI”), the Industrial Property Office, the Personal Data Protection Office, the Office for the Protection of Economic Competition, and the Office for Representing the State in Property Matters.

**In terms of internal security policy its principles are defined in the Security Strategy of the Czech Republic, which is currently under preparation** and follows up the Security Strategy of the Czech Republic as approved by the State Security Council’s Resolution No. 141 dated 19 December 2000.

*The Security Strategy of the Czech Republic is based on the fact that “internal security results from policies ensuring the democratic co-existence of citizens living in a free, legal state and serving to establish human dignity and the free life of citizens in the legal order which enable the efficient protection of citizens and of their freedoms.*

*All elements of the security system of the Czech Republic are involved in ensuring the internal security of the state, whilst an important role in this field is played by the responsibility of citizens. The MI of the Czech Republic is the main actor in the area of internal security of the country. Alongside the Czech police, rescue and emergency squads, armed forces and intelligence services, the Ministry participates in ensuring the protection of the lives, health, safety, property and the environment of the inhabitants of the Czech Republic, and managing all kinds of security threats.*

*Therefore the principal objective of the internal state security policy is to formulate and implement principles aimed at protecting democratic fundamentals of the state, ensuring internal security and public order in the Czech Republic. Internal security policy is composed of a set of strategies and measures of both legislative and non-legislative nature. The Czech Republic, through relevant legally authorised institutions, continuously analyses the situation in the field of public order and internal security in the Czech Republic, identifies threats, assesses risks, and initiates proposals for solutions”.*

- provide an overview of trends in crime and their dynamics, developments in individual types of crime, and the structures of delinquency and criminal offenders;
- provide an overview of developments in internal order and security;
- enable the use of information gathered to combat crimes, in particular to prepare legislative decision making, strategic, and organisational objectives;
- provide information on the activities of executive bodies in security policy, on drawing up strategies and legislative and non-legislative measures;
- identify and highlight those areas to which public authorities need to devote special attention.

Thus the **Report** should perform an **informative function** and at the same time it should be "live" material **needed** mainly to identify areas for drawing up **new strategic approaches** and to **correct the activities of all responsible ministries** on the basis of published **information**. Without being aware of the development of internal security, without knowing criminal trends, there would be a risk of setting up purposeful and selective priorities and therefore also of adopting purposeful and incongruous measures, even though well-meant. Thus the Report should help to ensure a systematic follow up of individual steps.

With several exceptions, the Report **does not deal with the evaluation of individual adopted measures** (without describing the whole context and connections this could be unintelligible and too simplified), since these are mostly assessed in **separate reports, information and analyses** however the Report does refer to them.

As was stated in the previous Reports **it is impossible to determine all factors influencing the dynamics of crime development** as well as factors causing crime as a whole. This cannot then be and is not the goal of the Report. Such factors are dealt with in multi-disciplinary criminal-law sciences (however even such sciences do not possess a universal theory of crime), including opinions on crime of other scientific branches. Causes<sup>1</sup> can be explained in two ways: the first emphasises the importance of biological factors (psychological structure of an offender and genetic prerequisites are considered to be the most important ones) and the second emphasises the social nature (the background environment: family, peers, media, education, influence of social, economic, and cultural conditions in a given society). Crime development is connected with the level of social control, which decreases with a higher density of inhabitants and in large conurbations.

**The Report** contains data on developments in individual types of criminal offences and security risks, offenders and crime victims (including sociological surveys) and **notes basic measures adopted or proposed, and may also include important aspects of co-operation between relevant bodies**. It does not deal with the range of well functioning mechanisms

The Report provides information on a number of issues and is quite extensive; therefore for the purpose of good arrangement there is **a brief summary of each respective issue** at the end of each **basic block** or chapter.

The Report also mentions fire protection, the Integrated Rescue System, and crisis management, which all play an integral role in the protection of public order and internal security of inhabitants. **The conclusion** of the Report suggests, on the basis of the gathered findings, **draft priorities concerning security policy** with regard to public order and internal security for the next period.

Annexed to the Report are **tables** to which the text often refers.

The statistical data used is based on **criminal statistics** (unless a different source is indicated, for example the Ministry of Justice statistics). The official police criminal statistics system specifies individual types of crime according to aspects of criminal law as well as according to criminological aspects. **Citizens or facts ascertained by the Czech police indicating that a crime has been committed record crimes in the criminal statistics on the basis of reports**. The condition for their inclusion into records of crimes is the establishment of their criminal law classification. A criminal offence is considered to have been solved if a person has been officially accused of or charged with an offence, or if the case has been suspended pursuant to provisions of Section 159a (2) and (3) of the Code of Criminal Procedure. The item "Prosecuted and Investigated

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<sup>1</sup> See for example Novotny, O., Zapletal, J.: *Základy kriminologie* (Basis of Criminology, Prague: the Faculty of Law of Charles University, 1996; Kaiser, G.: *Kriminologie* (Criminology), Prague : C.H.Beck, 1994

Persons” includes persons who have been officially charged with an offence, persons suspected to have committed an offence or persons whose prosecution is impermissible (e.g. persons under 15 years of age; offenders who have died before being accused, persons exempted from the authority of penal proceedings bodies; persons whose prosecution is conditional upon the approval of the injured; persons who have been lawfully sentenced for the same criminal offence or whose prosecution was lawfully discontinued for the same crime or terminated by a final and conclusive decision to transfer the cases), or unreasonable (for example the punishment would be of no importance in comparison with the punishment already or about to be imposed upon the person). The amount of damage included in police statistics is ascertained mainly from the information provided by aggrieved persons, by the relevant police body or investigator, by an authorised appraiser, a sworn expert, or by an insurance company. When any investigation is commenced, the damage first ascertained is recorded. Provided that the criminal investigation has not been closed, the value of the damage caused is included for information only.

Court statistics do not deal with offences or offenders whose cases have been suspended under Sec. 159 of the Code of Criminal Procedure prior to penal prosecution (for example because of the age of an offender, amnesty, or insanity), discontinued under Sec. 172 of the Code of Criminal Procedure (for example the crime has not been proven to have been committed by the accused), or where the prosecution was recessed. A convicted person is a person against whom a judgement was delivered and which judgement came into effect. Under this kind of statistics a prosecuted person is understood to be a person against whom penal proceedings were brought to a close under Sec. 160 of the Code of Criminal Procedure in the year monitored.

Results arising from criminal statistics **are not directly comparable with the statistics of the Ministry of Justice**, which is responsible for the State Prosecutor’s Office and court statistics. This is because of differences in time. In some cases there are differences of several years between the terminations of individual phases of the criminal prosecution of an actual case. Police statistics record individual cases at their inception, whilst the court statistics record them once they are closed.

Court statistics record the numbers of prosecuted persons and defendants whilst police statistics also record crimes where the offender is unknown, allowing for a wider view of criminality, especially when taking into account the traditionally low clear-up rate of crimes against property. To provide the most comprehensive picture of criminality, police statistics also include solved crimes committed by children who have not yet reached the age of liability for crime.

Criminal statistics provide an **official picture of crime** in society. They only reproduce a certain part of the actual extent of crime and **do not express so-called latent crime**. The range of crimes which are not recorded depends on the kind of crime and can change in time due to the influence of variable factors (for example insurance aspects, control/inspection activities, citizens’ willingness to report crimes, the intensity of policing). **Police statistics do not cover and cannot cover the differences in effort made and resources and time used in solving recorded crimes**. In assessing offenders’ crime it is necessary to bear in mind that the data only refers to the proportion of crimes solved.

The results of police statistics indicate some security trends and they are the basis for the formulation of security policy. These, however, should not be overestimated, since citizens’ attitudes are also essential for drawing up successful security policy and any evaluation of how successful it has been. Therefore the Report also contains the results of sociological surveys.

The crime statistics of 2002 should be considered with respect to the amendments of criminal legislation effective from 1 January 2002: the amendment to Act No. 265/2001 Coll. the Code of Criminal Procedure, a newly regulated calculation of the amount of damage for the purpose

of criminal proceedings - amounts determining the limit of criminal liability for some crimes against property and classification of the circumstances of such crimes depending on the amount of the damage have been increased up to CZK 5,000 (formerly CZK 2,000). In relation to this neither assumptions of a radical change with regard to a decline in the number of criminal offences of total crime nor expectations relating to a further decrease in the number of crimes in the Czech Republic recorded in the two past years have been confirmed. It is very difficult to comment on such criminal development without a broader analysis. The above-mentioned legal regulation especially involves crimes against property but also economic crimes, and probably impacts upon the number of child and juvenile offenders.

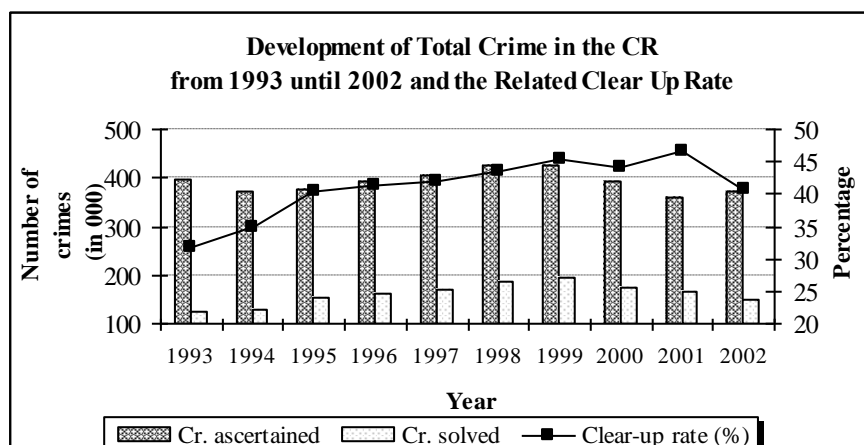
Section 159 of the amendment to the Code of Criminal Procedure newly lays down the period for terminating the verification of facts indicating that a crime has been committed. While, until the end of 2001, files containing an unknown offender were terminated on the basis of internal standards of the police within 30 days, now the law stipulates a period of two months (for a case under the jurisdiction of a single judge), of three months (for cases under the jurisdiction of the District Courts), or of six months (for cases under the jurisdiction of the Regional Courts). This could affect the decline in the number of cleared-up crimes as well as the clear-up rate since in the aforementioned period the number of unfinished criminal proceedings increased by more than 100 percent (from 17,789 to 36,019).

It is also necessary to mention that statistical data for 2002 is problematic not only for the reason of the aforementioned amendment to the Code of Criminal Procedure but also because of a change in reporting. At the beginning of 2002 a modification in reporting crimes was made. The Czech police began to report individual steps of criminal proceedings (*see Annex "Tables" – Table 1*) including cases where the criminal-law classification had not been specified. In past years crime registers included cases where criminal-law classification had already been determined. From 1 July 2002 the data was changed so as to become comparable and the police statistics then included data of the same importance as prior to the amendment to the Criminal Code. So gradually files containing acts which had not been classified on the basis of police investigation as criminal offences were deleted. With statistic certainty it is possible to say that data for 2002 is comparable with that of 2001 (*see Table 1*). **Therefore the submitted Report contains, on the basis of the data from the Police Presidium of the Czech Republic, the numbers of detected crimes compared with numbers from 2001.**

*Data provided for in the Report, if not stated otherwise, relates to the year 2002. Further information relating mainly to adopted measures is valid as of 28 February 2003.*

## 2. Crime, Development in Individual Types of Crime, and Security Risks

### 2.1 Basic Data on Criminal Activities



#### Criminal statistics<sup>2</sup>

- number of detected crimes in total: 37,341 (+3.8 %, +13,764 crimes.)
- total number of detected crimes per 10,000 inhabitants of the CR: 363 (+14)
- number of persons prosecuted and investigated: 123,964 (-1.8 %, -3,892)
- number of crimes solved of total crimes : 151,492 (-9.2 %, -15,335)
- number of additionally solved crimes in total: 2,945
- total number of crimes solved: 154,437 crimes
- rate of crimes solved: 40.7 % (-5.8 %)
- amount of damage ascertained: CZK 43,288,724, 000 (-22.3 %, CZK -12,452.369,000 )
- amount of damage recovered: CZK 2,393,989,000 (+13 %, CZK +276,145,000), i.e. 3.8 % (in 2000 0.4 %) of ascertained damage

#### Court statistics

- number of persons accused: 77,210 (-9 %, -7,645)
- number of lawfully sentenced persons: 65,099 (+8.2 %, +4,919)
- number of crimes committed by sentenced persons: 86,448 (+4.8 %, +3,948)
- After a decline in crime in the last two years (2000-2001), in 2002 crime in the Czech Republic **moderately increased or stagnated**. This movement around the zero axis (+3.8 %) could be marked as a stagnation of crime as **it was the second ever lowest number of ascertained criminal offences since 1993**.

*\* However if we take into consideration the fact that some previous criminal acts were transferred into the category of misdemeanours we can rather talk about an increase in crime. Effective from 1 January 2002 the amendment to Act No. 265/2001 Coll. the Code of Criminal Procedure, a newly regulated calculation of the amount of damage for the purpose of criminal proceedings - amounts determining the limit of criminal liability for some crimes against property and classification of the*

<sup>2</sup> At the beginning of 2002 there was a change in reporting crime. The Czech police began to report already commenced steps of criminal proceedings (see Annex – Tables – Table 1) contrary to past years including those cases where criminal-law classification was not specified. **In 2002 in total 414,326 commenced steps of criminal proceedings were reported.** Since 1 July 2002 the data has gradually become comparable and thus total data relating to crime in 2001 and 2002 is comparable.

*circumstances of such crimes depending on the amount of the damage have been increased up to CZK 5,000 Kč (formerly CZK 2,000). According to the data of the Police Presidium of the Czech Republic the Czech police recorded about 75,000 misdemeanours, which were in 2001 considered to be criminal offences.*

*\* In **summary pre-trial proceedings** units of the Czech police reported 16,695 cases (11% of all solved crimes) and 16,816 persons were notified that they are suspects (13.6 % of the number of offenders).*

*\* Growth in the number of crimes ascertained was accompanied by a **decrease in the number of solved crimes** and by a decrease in the **clear-up rate** (the share of solved crimes in the total number of crimes ascertained).<sup>3</sup>*

*\* The most considerable fluctuation in crime development was that the number of **economic crimes** ascertained **increased** and this **growth** was accompanied by a considerable increase in the number of recorded crimes of **credit fraud**. At the same time the number of violent crimes increased as well and this was accompanied mainly by a **growth** in the number of **robberies**. On the other hand the number of recorded **murders stagnated** and the number of crimes of **dangerous threats** decreased. Certain **stagnation** in the number of **crimes against property** was accompanied by an increase in the number of burglaries of family houses and flats, and a quite considerable increase in **burglaries of shops, thefts of cars and things from cars** was recorded.*

*\* A **quite substantial decrease in damage ascertained, in particular in terms of economic crimes**, was accompanied by the continuing growth of damage recovered.*

- The view of **crime development is substantially corrected by sociological surveys**. In this context we consider to be important especially data on the population affected by criminal offences, the feeling of being safe, and concerns of citizens with regard to being affected by crime. The following data is taken from the survey called “2003 Victimisation and Citizens’ Feelings of Being Safe”<sup>4</sup>.

*\* During the course of the calendar year 2002, 26 % of persons interviewed were directly affected by a crime (in 2001 23 %, in 2000 25 %, in 1999 24 %, and in 1998 19 % of interviewed persons).*

*\* In 2002 56 % of affected respondents reported the crime to the police (in 2001 56 % respondents as well, while in 2000 61 % respondents reported the crime to the police).*

*\* Sociological findings show that, in comparison with 2001, the number of respondents who marked the countrywide security situation as being poor slightly increased (about 75 % in 2000, in surveys held in 2002 only 55 %, in the survey carried out in 2003 58 %). This indicator however can be considered to be stable. 23 % respondents perceive the security situation in the place of their residence to be more or less bad (21 % in the previous year and 31% in 2000).*

*(For more details see Tables 1-3)*

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<sup>3</sup> Section 159 of the amendment to the Code of Criminal Procedure newly lays down the period for terminating the verification of facts indicating that a crime has been committed. Whilst, until the end of 2001, files containing an unknown offender were terminated on the basis of internal standards of the police within 30 days, now the law stipulates a period of two months (for a case under the jurisdiction of a single judge), of three months (for cases under the jurisdiction of the District Courts), or of six months (for cases under the jurisdiction of the Regional Courts). This could affect the decline in the number of cleared-up crimes as well as the clear-up rate since in the aforementioned period the number of unfinished criminal proceedings increased by more than 100 percent (from 17,789 to 36,019).

<sup>4</sup> The research paper called “2003 Victimisation and Citizens’ Feelings of Being Safe” was, on the basis of the requirement of the MI, implemented by the UNIVERSITAS agency (the responsible manager - doc. PhDr. Jiří Buriánek, CSc.), and it follows up previous grant projects “The Continuous Research of Victimisation and Citizens’ Feelings of Being Safe 2000 –2002” and “1999 Security Risks”. For the needs of the Report we are using signal information of this survey while the data was gathered in April 2003 by the method of standardised interviews - a sample of 1,500 respondents of over 15 years of age from the whole country. The sample was selected using so-called quota selection. So far data from 1,425 questionnaires is available. Basic parameters confirm that the sample was representative enough.

## 2.1.1 Crime by Regions. Regional Variations.

### Basic data on the CR in 2002:

Area in km<sup>2</sup>: 78 866

Number of inhabitants: 10 269 726

Density of population in the Czech Republic: 130 persons/ km<sup>2</sup>

Average unemployment rate: 7,3 %

### Development of Crime With Regard to the Higher Territorial Self-Governing Units (Regions)<sup>5</sup>:

The development of crime, with regard to higher territorial self-governing units (i.e. newly established regions) has been monitored in police statistics since 2001, and it is impossible to compare the results with those of a longer period of time. The capital city of Prague and Central Bohemia are the same as before shifts. For more details on crime development in the relevant region see the Annex to this Report.

- The sequence of the regions **has not been changed**. The highest number of criminal offences is attributed to the capital city of Prague, followed at a distance by the Central Bohemian Region, the Moravian-Silesian Region and the South Moravian Region, while the Usti Region seems to be problematic as well. The Vysocina Region and the Pardubice Region display the lowest number of crimes.
  - \* Compared to the previous year the unambiguously highest increase in crime was recorded in the South Moravian Region and the Liberec Region (*the increase exceeded 10 %*), followed by in the Karlovy Vary, Usti, Pardubice, and Vysocina Regions which displayed an increase exceeding 5%. In other regions only a moderate growth was recorded (movement around the zero axis). The Czech police recorded a decline in the South Bohemian Region.
  - \* The sequence of regions taking into account crime **per 10 thousand inhabitants** has changed. Prague is followed by the Liberec Regions (a shift from 4<sup>th</sup> place), the Usti Region and the Central Bohemian Region (a shift from 2<sup>nd</sup> place), while the Vysocina, Zlin, and Pardubice Regions occupy the last places on the scale (*despite the increase in crimes*). The different sequences, according to whether an absolute number of crimes was used, or a calculation using crimes per 10,000 inhabitants, can be seen mainly in the Karlovy Vary Region (thirteenth place in the number of all ascertained crimes, but fifth place when using a calculation per 10,000 inhabitants).
  - \* A higher than 50% (or around this value) clear-up rate was recorded in seven regions, whereas in other regions it was from 25.6 % to 47.5 %.
- The capital city of Prague shows with 28 % the highest share in total crime, followed at a distance by the Central Bohemian, Moravian-Silesian, South Moravia, and Usti Regions
  - \* *The crime rate in large conurbations is caused by a number of factors - a high population density, extensive housing estates, anonymity, a large number of shops and institutions along with a high*

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<sup>5</sup> The division of the Czech Republic in accordance with Constitutional Act No. 347/1997 Coll., on the Establishment of Higher Self-Governing Territorial Units and on the Amendment of the Constitutional Act of the Czech National Council No. 1/1993 Coll., the Constitution of the Czech Republic as amended, by which the higher self-governing territorial units were established as the Capital City of Prague, the Central Bohemian Region, the South Bohemian Region, the Pilsen Region, the Karlovy vary Region, the Usti Region, the Liberec region, the Hradec Kralove Region, the Pardubice Region, the Vysocina Region, the South Moravian Region, the Olomouc Region, the Moravian-Silesian Region, and the Zlin Region.

*concentration of ex-prisoners, etc.* With the exception of violent crimes, burglaries and credit frauds, Prague displayed (unemployment rate – 3.5%) the highest number of selected types of criminal offences (murders, robberies, burglaries of flats, car thefts and thefts from cars, etc).

\* **The Central Bohemian Region** (unemployment rate – 4.9 %) is characterised by the highest rate (within all regions) of burglaries. Furthermore, it ranks among regions with a high number of murders, car thefts, tax evasion, embezzlement or a total number of crimes against property.

\* With regard to thefts the most problematic region, after the capital city of Prague, is the **South Moravian Region** (unemployment rate – 7.4 %), where economic crime also remains a problem. **The Moravian-Silesian Region** (unemployment rate – 7.9 %) reports the highest rate of violent crimes and quite a high number of recorded crimes against property and economic crimes, the highest number of crimes of credit fraud was recorded in this region.

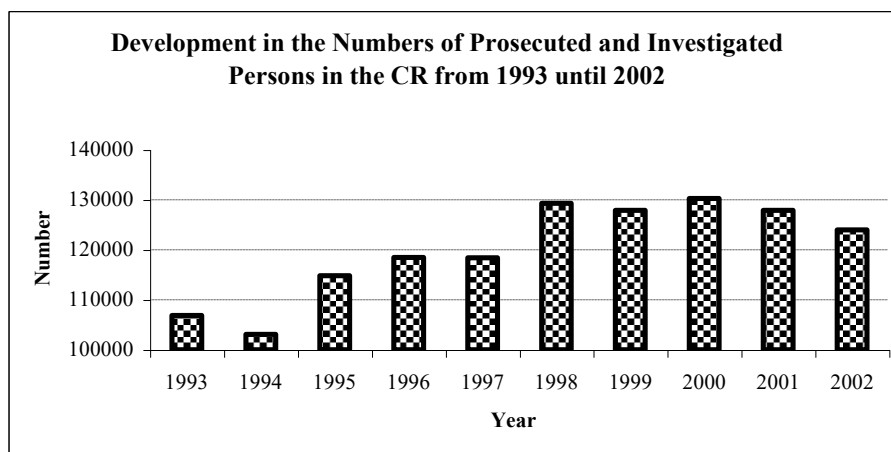
\* **The Usti Region** (unemployment rate – 12.9 %) is among those regions where the number of recorded crimes exceeded the amount of 30,000 criminal offences. The problem is mainly violent crime (robberies, murders), burglaries of flats, bicycle thefts and credit frauds.

\* The issue in question is the relationship between the development of crime and the unemployment rate. Comparisons of the number of ascertained crimes per 10,000 inhabitants and the unemployment rate in 2002 does not yet confirm this relationship. For example a higher unemployment rate and a lower crime rate is apparent in the Olomouc Region, contrary to in Prague and the Central Bohemian Region where the unemployment rate was low but at the same time there was a high crime rate. A high crime rate alongside a high unemployment rate occur in the Usti Region. Unemployment is only one of many factors affecting the crime rate.

- The territorial division of crime is also reflected in the results of the sociological survey of the UNIVERSITAS agency.
  - \* The proportion of respondents who were affected by a certain crime in the last year was the highest in Prague, the Usti, Central Bohemian, and Pilsen Regions, and the lowest in the Karlovy Vary, Hradec Kralove, and Pardubice Regions.
  - \* The security situation in the place of their residence is perceived worst of all by inhabitants of the Usti Region, Prague and the Central Bohemian Region. Contrary to this, respondents from the Zlin, Vysocina and Pilsen Regions evaluate the situation as being quite good.

*(For more details see map 4 and tables 37-64)*

## 2.1.2 Offenders



### I. Development and Characteristic Features

#### Criminal Statistics

number of prosecuted and investigated persons: 123,964 (-3,892 -3.0 %), of them:  
men (18 years and over): 96,856, i.e. 78.1%  
women (18 years and over): 14,225, i.e. 11.5%  
first-time offenders: 73,567, i.e. 59.4 %

#### Court Statistics

number of sentenced persons: 65,099 (+4,919, +8.2 %)  
number of accused persons: 77,210 (-7,645, -9 %)

- The number of solved crimes decreased and at the same time **the number of offenders fell**.
  - \* The number of offenders aged 20-30 and more considerably the number of offenders aged 30-40 (+1,625), a category to which the strongest population years 1970-1975 fall, and also those aged 40-60 years (+470), grew. When considering the calculation per number of inhabitants of the relevant age category the pattern is different: offenders aged 18-20 (3.2 %), and aged 20-30 (2.5 %) are mostly involved in committing crimes followed by the age category of 30-60 which accounts for 1.3 %.
  - \* The share of **“first time offenders”** in the total number of offenders remains high, despite a **decline** of more than 7 %. The decrease in offenders is accompanied by a **substantial increase in the number of repeat offenders**.
  - \* Considering the education of offenders, **the most markedly numerous group of offenders is formed by offenders with a primary education and certificates of apprenticeship** (47 %), followed by offenders with a primary education and no qualification (21.5 %), and the category of offenders whose education was not ascertained, or by foreigners or children respectively (15.8 %). The group of offenders with a completed secondary education is not very large except for in economic crime (9 %). These groups are followed by a group with a markedly lower number of offenders – offenders who have graduated from universities (2.6 %) and offenders who have attended special schools and do not have any qualification (2.2 %). *These values have not changed in comparison with previous years.*

(For more details see tables 9-11, 49)

**The courts of justice in the Czech Republic lawfully sentenced a total number of 65,099 persons.**

- \* The number of persons sentenced for crimes against property grew by 1,288 persons (+42.7 %), then for crimes of hooliganism by 364 persons (+18.1 %), crimes against life and health (+246, +8 %), robberies (+ 34; +19.4 %), and murders (+8, +5.6 %), and for crimes having a racial context (+44;

+29.3 %). The structure of imposed sentences did not display larger fluctuations; the suspended prison sentence dominated – 34,940 persons which accounts for 53.7 %; sentences of imprisonment – 9,658 persons, i.e. 14.8 %; sentence of community service – 13,424 persons which accounts for 20.6 %; and financial sanctions – 3,500 persons which accounts for 5.4 %.

\* According to court statistics in total 4,940 persons committed a criminal offence under the influence of alcohol and 510 persons under the influence of an addictive substance.

\* In total 12,829 persons served the sentence of imprisonment (-2,448), of these 355 persons in open prisons (category D) (of them 28 women); 4,317 persons in prisons with supervision (category C) (of them 263 women); 7,032 persons in prisons specially guarded (category B) (of them 195 women); and 1,044 persons in top security prisons (category A) (of them 21 women); while 81 juvenile offenders were imprisoned in special departments of prisons or served their sentence in special jails for juveniles (87 juveniles in 2001).

\* Despite partial positive results in the speed and smoothness of proceedings, insufficiencies remain in dealing with older cases and taking into account newly monitored categories, faults are ascertained for example in not commencing a trial within the period of time stipulated in Sec 181 (3) of the Code of Criminal Procedure which was confirmed by the findings of the Ministry of Justice's inspections. Therefore the chairmen and vice-chairmen of district and regional courts pay continuous attention to the speed and smoothness of proceedings related to criminal matters namely they focus on limiting older and the oldest still open cases. It is necessary to continue revealing the reasons for delays in proceedings which lie in inadequate activities of courts, and to adopt measures aimed at improving the current situation, including taking action against those court employees who are responsible for non-activity or longer delays.

\* Centres of **Probationary and Mediation Service (PMS)** recorded in the Czech Republic in total 29,291 new cases (+52 %). Most cases concern community service sentences (15,357 cases, i.e. 66.9% of the total number of cases registered within execution proceedings, while in 2001 it was 10,180 cases, i.e. 60.5%). In connection with the amendment to the Criminal Code and the Code of Criminal Procedure (hereinafter the Code of CP) PMS is responsible, together with the municipal councils, for the control of this type of punishment, and this service newly co-operates with benevolent organisations within which the convicted can (pursuant to the aforementioned amendment) serve a sentence of community service. *After a new criminal-law institute of conditional release on parole with supervision as a part of the amendment of the Criminal Code came into force, it extended to a certain extent a particular group of convicted persons – those potential applicants for conditional release on parole from the service of a sentence of imprisonment.* PMS worked on 1,209 cases (i.e. 5.3 % of the total number of recorded cases within execution proceedings; +681 cases) of convicted who were conditionally released on parole from the service of sentences of imprisonment and at the same time they received an adequate duty/limitation of this type. PMS participates in preventing crimes and co-operates with organisations at the local level, the Czech police, non-profit organisations, and so forth.

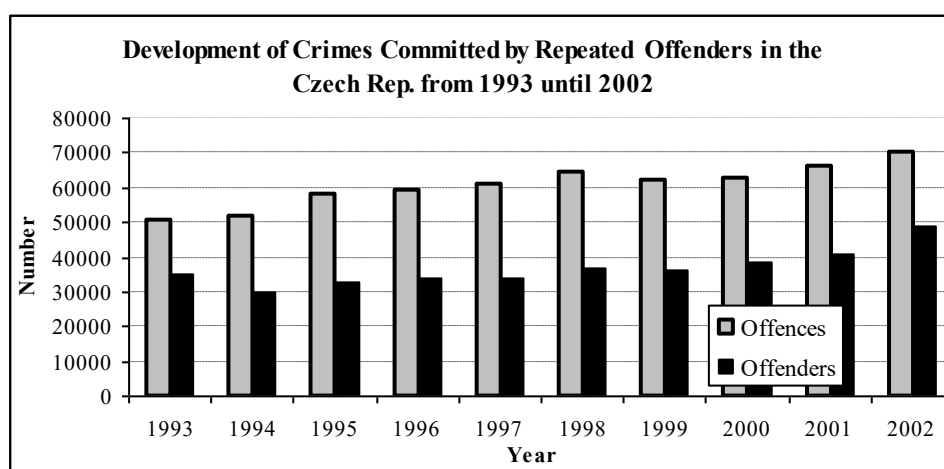
\* In 2002 sixty five (+3) **prisons guards** were assaulted, 36 (+10) wardens while on duty. 22 prisoners in total escaped from unguarded premises, while from guarded prisons only one prisoner escaped (he was apprehended in Germany). There were 13 (-10) mass protests of prisoners in which, in total, 175 convicts participated (of them 17 foreigners, mainly foreigners from the countries of the former USSR). The number of **mobile phones found to be used by convicts** inside jails increased from 121 to 186.

## II. Measures Adopted

- Within analysis of criminal activities the Czech police pay permanent attention to collecting, classifying and **evaluating findings relating to persons who commit criminal offences**. They consistently assess influences affecting individual criminal entities, links to the background environment and other facts and information directly or indirectly impacting on the carrying out of crime and necessary for the detection process.
- **The Prisoners' Service** assesses, on an ongoing basis, the conditions and causes of extraordinary events in prisons and escapes from prisons, and determines suitable measures, the aim of which is to limit the possibility of giving rise to such events. For example equipment serving for the detection of drugs was installed in selected jails; the entrances of jails were improved; and special departments for very dangerous persons from an environment of organised

- crime were established within pre-trial proceedings.
- Co-operation was extended within the PHARE programme and collaboration with the Czech Helsinki Committee was enhanced especially in terms of training wardens and guards to receive a wide knowledge as to how to treat convicts in different ways.
  - Further measures are based on the Strategy of Prevention of Crime in 2001-2003. This particularly highlights aspects concerning the prevention of repeat crimes in preventative prison system related activities, the improvement of programmes aimed at preparing prisoners for their release from prison, and an increase in the number of training activities and in the number of jobs available for prisoners.

### 2.1.2.1 Crimes Committed by Repeat Offenders <sup>6</sup>



## I. Development and Characteristic Features

### Criminal Statistics

- number of repeat offenders: 48,764 (+8,028, +19.7 %)
- share of the total number of offenders: 39.3 %
- number of crimes committed by repeat offenders: 70,473 (+4,377, +6.6 %)
- share of total cleared-up crimes 45.6%

### Court Statistics

number of repeat offenders sentenced: 10,413 (+839, +8.8 %)

- Despite the decline in total number of offenders or prosecuted and investigated persons the **number of repeat offenders increased** substantially and the same applies to their share in the structure of offenders.

\* **This is the highest number of repeat offenders since 1993 in absolute numbers and the highest increase in comparison with the previous year.** A trend showing a decline in the number of solved crimes and growth of repeat offenders was also in 2001. With regard to individual cleared-up crimes committed by repeat offenders, the number of murders increased considerably (from 60 to 85 crimes) and the same applies to the number of injuries to health (+17.1 %), violent crimes – an increase of 20 %; the number of economic crimes grew by almost 10 %, whilst moderate a decline or stagnation was recorded in terms of crimes against property (-2.2 %) – *it is necessary however to*

<sup>6</sup> In terms of police statistics, a repeat offender is one who commits an intentional criminal offence and who was in the past sentenced for the same crime.

mention again the amendment to the Code of CP.

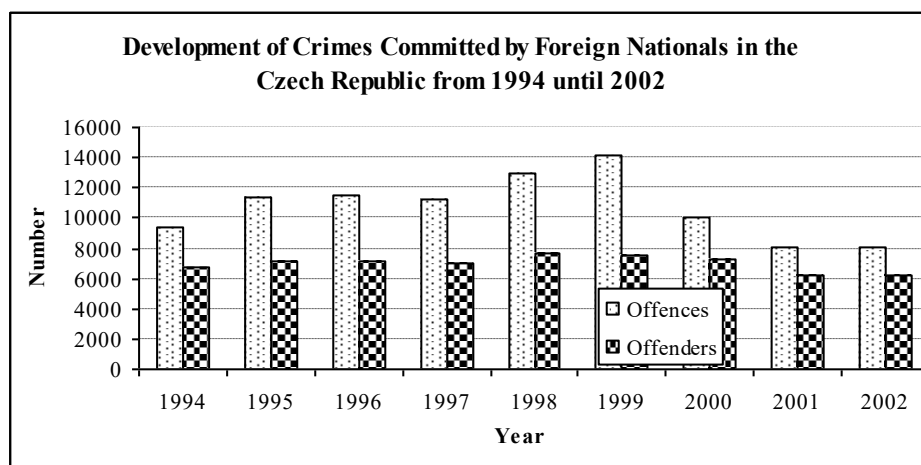
\* Repeat offenders committed in total 1,179 (+268 crimes) armed criminal acts, i.e. 45.1 % of the total number of cleared-up crimes of this type; of these 55 criminal offences were committed with the use of a legally possessed firearm which accounts for 28.2% of solved crimes committed with the use of a legally possessed firearm.

\* The most repeat offenders were prosecuted in the Moravian-Silesian Region (17.2 % of the total number of repeat offenders in the Czech Republic) and in Prague (14.9 %), followed by in the Usti Region (12.7 %) and the Olomouc Region (7.2 %).

(For more details see table 12)

- Of the total number of **sentenced persons**, the courts designated **10,413 persons as repeat offenders**, i.e. 16 %. They were most often sentenced for crimes against property – 5,134 persons, which accounts for 51.3 %. 4,241 repeat offenders were sentenced to punishment without suspension, whilst 2,235 persons were sentenced to a suspended sentence.

### 2.1.2.2 Crimes Committed by Foreign Nationals



## I. Development and Characteristic Features

### Criminal Statistics

- number of foreigners prosecuted and investigated: 6,238 (+72, +1.2 %)
- share of offenders: 5 %
- number of crimes committed by foreigner nationals: 8,014 (-59, -0.7 %)
- share of total cleared-up crimes: 5.2%

### Court Statistics

- foreign nationals sentenced 3,389 (-365, -9.7 %)
- The proportion of **foreign nationals** among persons prosecuted in the Czech Republic has oscillated around 6% since 1993; in the last year it was around 5 %.

\* The number of cleared-up crimes committed by foreign nationals has stagnated, however the number of violent crimes committed by foreigners has substantially increased (+25.3 %) and is quite high; a high proportion of foreign offenders remain mainly in terms of solved murders (17.9 %) and robberies (13.3 %). Links between foreigners committing some types of crimes and international organised crime cannot be overlooked (see chapter “Organised Crime”).

\* Citizens of the Slovak Republic still dominate the statistics of prosecuted foreign nationals (1,982

persons, +207, i.e. +11.7 %), which accounts for 31.2 % of the total number of prosecuted foreigners. Slovaks are followed by citizens of Ukraine – 1,333 persons (+74 persons, i.e. +5.9 %), citizens of Vietnam (550 persons, -27 persons, i.e. -4.7 %), citizens of Poland (383 persons, -27 persons, i.e. -6.6 %), and citizens of Germany (205 persons, +8 persons, i.e. +4.1 %).

\* With regard to crimes committed by foreigners Prague has dominated for a long period of time. However foreigners, whose share in crime is not negligible, have become in a number of cases victims. In Prague 1,858 foreigners who committed a crime (i.e. offenders) were prosecuted (+119, i.e. +6.8 %), i.e. 11.9 % share of foreigners –offenders. In terms of regional division of crimes committed by foreign nationals in the Czech Republic, a certain link can be seen between those areas most frequently used by foreigners for illegal migration through the Czech Republic, areas where there is a higher concentration of foreigners with residence permits, and regions displaying a high share of prosecuted foreign nationals.

\* Of the total number of prosecuted foreign nationals in the Czech Republic, 1,144 (18.3%) foreigners had a visa for up to 90 days, 760 (12.2%) foreigners had a visa for more than 90 days, and 835 (13.4%) were permanent residents<sup>7</sup>. 1,427 (22.9 %) of the total number of prosecuted foreigners were not authorised to reside in the Czech Republic at the beginning of prosecution.

- Most persons sentenced were citizens of Slovakia (923, in 2001 1,010 persons) and of Ukraine (882, in 2001 939 persons). Of the total number of sentenced foreigners 884 (26.1 %) were sentenced without any suspension of a sentence, while 1,171 (34.6%) foreign nationals received a suspended sentence.

*(For more details see table 13)*

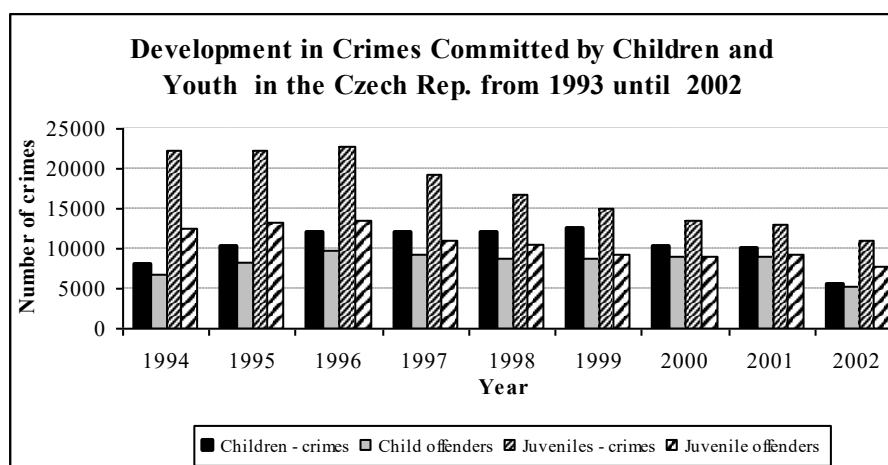
## **II. Measures Adopted**

- Adopted measures concerning criminal acts committed by foreign nationals are provided for in the chapters “Offenders”, “Illegal Migration”, and “Organised Crime”.

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<sup>7</sup> As of 31 December 2002 there were officially 231,608 foreigners holding a long-term residence permit (+20,814, +9.9 %); of them 75,249 (+5,433, +7.8 %) were permanent residents.

### 2.1.2.3 Crimes Committed by Youth



### I. Development and Characteristic Features

#### Criminal Statistics

- child offenders (under 15 years): 5,185 (-3,847, -42.6 %)
- number of crimes committed by children: 5,541 (-4,385 crimes, -44.2 %)
- share of total cleared-up crimes: 3.6%
- juvenile offenders (15-18 years): 7,698 (-1,575, -17 %)
- number of crimes committed by juveniles: 10,901 (-2,012 crimes, -15.6 %)
- share of total cleared-up crimes: 7.1%

#### Court Statistics

juveniles sentenced: 3,948  
(+36, +0.9 %)

- The number of children and juveniles in the total number of offenders has decreased, the number of solved crimes committed by this group of offenders decreased as well and the same applies to their proportion in the total number of offenders.**

\* The number of **child offenders** among known offenders particularly decreased and the number of crimes committed by them declined as well. This fluctuation is not typical and the question is whether the decline in **the number of child offenders of more than 42 %** (in absolute numbers it is a decline of 3,847 persons) and the decrease in the number of crimes **committed by children of more than 44 %**, can be attributed only to the amendment of the Code of CP (in particular the modification of the amount of damage for the purpose of criminal proceedings from CZK 2,000 to CZK 5,000) - or whether criminal offences committed by children are not becoming latent (*this problem could reflect in developing preventative programmes even though it is impossible to equate the criminal statistics and the development of preventative programmes; non-punishment can also be motivating*). A quite **high**, although not dramatic, **decline in the number of juvenile offenders (-17 %) and criminal offences committed by them (-15.6 %) was recorded.**

\* In terms of the frequency of solved criminal offences, crimes against property prevail, especially thefts from cars and burglaries (with regard to child offenders a decline was reported, while the number of juvenile offenders show a stagnation). The decline in the number of crimes recorded mainly in terms of crimes against property could be predicted in relation to the amendment to the Code of CP, however the decline of more than 52% in the case of child offenders could probably not have been predicted by anybody (as for juvenile offenders a decline of 24% was recorded). What is satisfying is the data on a decline in the number of cleared-up crimes of violent criminal acts -23.6 % - where there were child offenders, however even here there is the question as to whether crimes committed by children are not

becoming latent. The number of violent crimes have increased (+8.8 %); so too crimes against human dignity (+26.5 %) where the offenders were juvenile persons (15-18 years of age). Relevant and positive data relating to both categories of offenders (children and juveniles) is recorded in relation to murders; in comparison with previous years children did not commit any murders and juvenile offenders committed five murders (in 2001 eight murders). **The problem concerning both categories of offenders are the crimes of robbery and unauthorised production of possession of psychotropic substances and poisons;** with respect to juvenile offenders **crimes against human dignity** remain a problem, and their share in spray painting is also very high (47.2 %).

\* The range of negative factors does not change and usually has a cumulative influence (poorly functioning families, gangs of peers, more delinquents among unemployed young people, truancy, as well as the use of alcohol and other addictive substances). The motivation is very similar - mainly a desire to become sexually acquainted with peers; as for drug offences there is the desire to try something unknown.

- When converted to offences per **10,000 children** in the Czech Republic, there were 34 (in 2001 59.6; in 2000 59.8) **cleared-up crimes** committed by child offenders. When converted to offences per **10,000 juveniles** in the Czech Republic, there were 271 (in 2001 320.9; in 2000 325.8) **cleared-up crimes** committed by juvenile offenders.
- **Juvenile persons** were most frequently sentenced for crimes against property – 1,849 persons. 2,278 persons were given suspended sentences, whilst 570 persons were sentenced to custody without suspension.

- In the survey carried out by the UNIVERSITAS agency respondents expressed their concerns of being affected by crime using a scale from 1 to 10, where 10 indicates “maximum anxiety”. The category under the heading “Nuisance by Youngsters and Gangs of Juvenile” has an index of 4.4 on this scale (within the last three years it has been stable).
- The significance of the evaluation of surrounding conditions in terms of opportunities for child development (from the point of view of respondents, index on the scale 1 – 10 where 10 means “maximum anxiety”) confirm the data on the feeling of being endangered concerning children and juveniles - respondents expressed concern that their child (aged 5 –17) could be a victim of a car accident (8.15), could become a drug addict (7.39) or a member of a gang or even a street gang (7.05). All these indicators displayed in comparison with the previous year considerably worse values of indices.
- 71 % of citizens are very or quite concerned by crimes committed by youth.

*(For more details see tables 14-15)*

## II. Measures Adopted

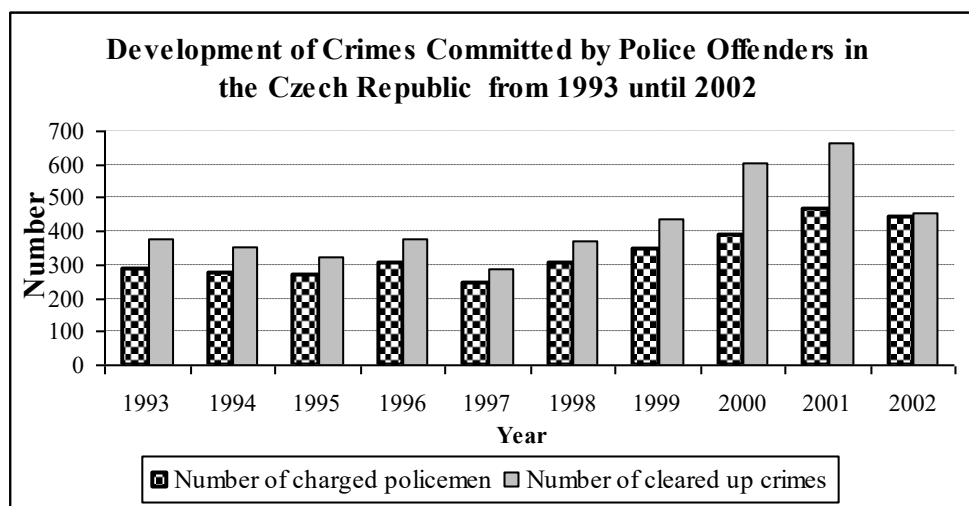
- The Czech police have increased the number of specialists focusing on issues of crime by youth. Permanently high attention is paid to adopting and implementing the whole spectrum of preventative measures, including concrete preventative programmes.
- The Czech police closely co-operate with some non-governmental organisations, in particular with Security Line, White Circle of Security, and the Strep (Potsherd) organisation.
- The MLSA, which had met tasks relating to methodological management of specialised social workers, drew up a transfer of methodological competencies arising from the 2<sup>nd</sup> phase of public administration reform. Preserving the network of social curators was considered a critical task. Therefore the Ministry developed and negotiated with regional councils a model for co-operators of all involved entities, i.e. public administration, Prisoners’ Service of the Czech Republic, and the Probationary and Mediation Service in the transient period of 2003.
- A training project within the project of “**Prompt Intervention Centre**” has been finished. This ensures a systematic approach towards juvenile offenders or child offenders who have committed crimes for which they would have been punished if they had been adults. In the course of

evaluation of activities carried out by the Centre the involved entities state the necessity of working on changes in Centre functioning. In 2003 the model for the Centre should be created.

- The MLSA continued in providing methodological assistance to the providers of services providing by **“Half-Way House”**. There were 21 such houses in the Czech Republic as of 31 December 2002.
- The Probationary and Mediation Service devotes special care to juvenile offenders and offenders of a similar age. This service co-operates with all stakeholders participating in solving this issue.
- The Government submitted, just for its information, “Evaluation of Adopted Legal Regulations Relating to **the System Approach Towards the Care of Delinquent Youth** and Evaluation of Activities and Efficiency of the Prompt Intervention Centre Experimental Project“. Because of the short period from the adoption of the document to the time of this Report it has not been possible to fully evaluate the adopted measures; further evaluation will be made in 2004.
- An important item in the system of penal justice is the **Draft Act on the Liability of Youth for Illegal Acts and the Judicial System Concerning Youth**. (The bill was approved by the Chamber of Deputies on 21 May 2003 and if it is approved by the Senate and signed by the President of the Republic it will come into effect on 1 January 2004). This Act should introduce new and modern trends in treating non-adult delinquents, and halt an unfavourable tendency towards the growth of a new generation of criminal offenders
- The system of preventative education in schools and educational institutions is defined especially by documents issued by the **Ministry of Education, Youth, and Sports (MEYS)** – Strategy of Preventing Pathological Social Phenomena of Children and Youth, methodological instructions to prevent and solve bullying among pupils in schools and school facilities and the instruction to proceed jointly when allowing pupils to leave schools and punishing truancy, and last but not least the document called the “National Curricula for Training Methodologists of Primary Prevention in Schools and School Facilities.” Intentions arising from Act No.109/2002 Coll., on the Execution of Institutional Education and Protection Education and on Preventative Care in School Facilities are being implemented. An analysis of a “project aimed at creating and implementing a system of secondary prevention applicable in schools and educational facilities to influence individuals displaying conduct disorders, risk groups of children and youth, and persons experimenting with narcotic and psychotropic substances” showed, *inter alia*, the need to establish further special facilities for children and youth with experience of experimenting with drugs and the need for the further training of staff working in such facilities. Projects aimed at preventing pathological social phenomena of children and youth are to help mainly in directing children and youth towards a healthy life style, in acquiring positive social behaviour and in developing their personalities. They should also help them refuse various forms of self-destruction, aggressive behaviour and violation of laws. MEYS continued implementing minimal preventative programmes. Such programmes are determined for schools and educational facilities and focus mainly on the abuse of narcotic substances, xenophobia, racism, truancy, and so on.
- MEYS will also in 2003 implement measures and support programmes aimed at preventing violence in schools and school facilities, develop and support leisure activities for children with a focus on risk groups, national minorities and ethnic groups, continue the currently run programmes while placing an emphasis on preventing the abuse of drugs, and will stress the damaging influence of alcohol and tobacco. The Ministry will also continue programmes supporting the co-operation of schools with parents and general public, and will participate in selected projects of other entities including the Czech police.

## 2.1.2.4 Crimes Committed by Members of the Czech Police, Czech Army, Employees of the Customs Administration, and Members and Civilian Staff of the Czech Prisoners' Service

### Crimes Committed by Members of the Czech Police



### I. Development and Characteristic Features

#### Criminal Statistics

- number of police-offenders: 444 (-24, -5 %)
- number of crimes: 453 (-212, -47 %)
- number of crimes per 1,000 policemen: 9.8 (-4.7)

#### Court Statistics

policemen sentenced: 110 (-18, -14 %)

- The Inspection of the Minister of the Interior has recorded since 1998 every year an increase in the number of prosecuted members of the Czech police as well as in the number of crimes committed by policemen. The **growth stopped** in 2002 and a considerable decline in the number of recorded crimes was reported. This data concerns only cleared-up criminal offences. *A longer period of time will show whether the recorded decline means that adopted measures in the field of control, human resources and organisations showed their impact.*

\* Investigations of 444 offenders have so far been **closed in 287 cases**, of these in **215 cases** by a **motion submitted to the relevant state prosecutor to bring charges** under Sec. 166/3 of the Code of CP. In 41 cases prosecution was suspended and in 26 cases prosecution was discontinued.

\* 293 offenders were lower ranked warden officers (66 %), while 151 offenders were higher ranked senior officers (34 %).

\* 296 criminal offences (-219) were committed by policemen whilst on duty and 156 (+0) were committed off duty. Compared with 2001 the proportion of crimes committed by policemen on duty markedly decreased from 77 % to 67 %.

\* In terms of **age composition the situation has changed**. The number of offenders in the age categories from 30 to 40 years (+28 policemen) and from 40 to 50 years (+14 policemen) increased, whereas the number of offenders up to 30 years substantially decreased (-56 policemen). These facts correspond with the indicator of **length of the service**, where a considerable decline in the number of crimes committed by policemen serving for less than five years was recorded (-109 crimes).

\* The development in the share of police offenders in **leading positions** was negative, displaying 9.2

% (+2.6 %; in absolute numbers it means an increase from 31 to 41 offenders; with regard to the share as well as the number in absolute numbers it was the highest value from a long term point of view. *Such development is serious mainly because these were senior officers - managers*).

\* As in previous years **police on the beat** (48.4 %), **traffic police** (20.5 %), and **criminal police** (13.1 %) were the most frequent offenders of crimes.

\* The following crimes display the largest share in cleared-up crimes committed by police: an **abuse of power by a public official** (39 %), **insurance fraud** (10 %), **traffic criminal offences** (9.3 %). Policemen also committed four crimes of corruption, namely bribery, and four crimes of unauthorised manipulation of personal data.

\* According to the findings of the Inspection of the Minister of the Interior the principal reasons for crimes committed by members of the Czech police is insufficient control and inadequate disciplinary responsibility concerning wrong conduct. A problem is also the evaluation of some policemen when their violent behaviour is understood positively, i.e. "to know how to face difficult situations". This all affects the general culture of policing.

- Results of the survey carried out by the UNIVERSITAS agency in 2003 demonstrate a slight increase in trust declared in the Czech police – full or certain trust was expressed by 66 % respondents (64 % in the previous year and in 1998 only 52 %). A moderate growth in the satisfaction of citizens with total police work continues – 29 % respondents (28 % in the previous year). Attitudes towards individual aspects of police work slightly improved.
- People typically **point out the "low visibility"** of the police or their poor accessibility in the place of people's residence. Respondents also expressed requirements such as stricter criteria for the policemen recruiting and better technical equipment of the Czech police.
- During the course of 2002, 56 % of aggrieved persons reported offences to the police (in 2001 it was the same number = 56 % and in 2000 61 %). A long-term comparison shows that doubt as to whether the offender would be detected (43 %) and unwillingness to undergo investigative procedures (16 %) were given as the decisive reasons for failure to report a crime.
- Half of those (48.2 %) who reported a crime to the police considered their reaction to be fair and adequate to the situation, while each fifth person (20.9%) of this group of respondents stated a negative experience (unwillingness or no response), and the rest see the reaction of the police as being long or slow.

*(For more details see tables 17-18)*

## II. Measures Adopted

- An emphasis is put on checking up procedures as a necessary part of prevention against illicit conduct by the police.
- The annual Report on Corruption in the Czech Republic deals also with issues of corruption among policemen (analysis and measures).
- Professional seminars and training courses for the Czech police in the field of police ethics and education towards human rights are being run.
- In accordance with the amendment to the Code of CP (this came into force on 1 January 2002) investigations are being carried out by state prosecutors. A three-party agreement was entered into between the Supreme State Prosecutor, the Police President, and the Director of the Inspection of the Minister of the Interior on co-ordination in criminal proceedings against policemen.
- The Inspection of the Minister of the Interior continues using a stricter system of selection of people applying for work in the Inspection of the MI including a special psychological examination. Policemen hired for the Inspection are trained on an ongoing basis. The inspection of the MI considers co-operation with the Czech police, the Criminal Institution in Prague, the Institution for Criminal Sciences and Social Prevention, and the Czech Helsinki Committee and other organisations to be important. They have also started co-operating with counterparts in

Slovakia and Germany.

## Crimes Committed by Members of the Army of the Czech Republic

### I. Development and Characteristic Features

#### Criminal Statistics

- number of cases with grounds for suspicion: 3,599 (-1,012 crimes, - 21.9 %)

#### Court Statistics

Czech Army members sentenced: 1,022 (-148, -12.6 %)

- The **decline in the number of prosecuted members of the Czech Army** continued. This positive development relates mainly to a reduction in the number of armed forces of the Czech Republic.
  - \* A decisive part of illegitimate conduct is carried out, from a long-term point of view, by (91 %) **national servicemen** (national servicemen – 2,821 persons); 181 offenders were professional soldiers (they committed mostly crimes against property). In terms of the age of professional soldiers, crimes were committed primarily by soldiers of at least or exactly 35 years (about 50 % of all investigated persons in this category – as in previous years).
  - \* Within summary pre-trial proceedings 78 cases were solved, which accounts for about 2% of the total number of cases investigated.
  - \* Of the total number of investigated crimes committed by members of the armed forces **military crimes** represented 73 % (in 2001 – 69 %). When considering military crimes, **national servicemen** most often committed the criminal offences of **absence without leave and desertion (68 %, in 2001 - 58 %)**. During the floods the Military Police (MP) investigated nine cases of crimes against property when the trust of citizens was abused. The MP further investigated 749 cases of suspicion that crimes against property had been committed, 56 cases of economic crimes, and **113** (the same number as in 2001) **offences of violation of soldiers' rights and protected interests** - meaning bullying. This kind of unlawful conduct represents **about 3 %** of the total crimes committed by members of the Czech Army.
  - \* The MP investigated in Czech Army squads altogether **nine cases** of a suspected criminal offence of **unauthorised arming**. Of this number, **four cases** involved **more serious thefts** of weapons, army material, and explosive agents (rifles, RG F-1, TNT). The reason is in particular insufficient and too formal checking-up of the activities of relevant bodies, failures in record keeping, inconsistent inventory-taking and inconsistent adherence to measures.
  - \* **In total 396 persons** (+37 persons) were investigated by the MP for crimes or misdemeanours relating to narcotics. It was ascertained that **96 % of offenders** had used **soft drugs** (mainly smoking of marijuana). It is possible to talk about addicts as about **2-3%** of investigated persons. Psychotropic substances were possessed and used particularly by national servicemen; 28 national servicemen grew marijuana and 12 of them directly in army facilities or in the space belonging to the army.
  - \* The MP recorded 315 road accidents caused by drivers of army cars with the total damage exceeding CZK 9.4 million. Furthermore the MP investigated 1,594 misdemeanours, 536 of which related to traffic.
- Of the total number of sentenced members of the Czech Army the most frequent crimes were offences of absence without leave under Sec. 284 of the Criminal Code - 300 persons (29.4 %, in 2001 24.3 %), and the crime of desertion under Sec. 282 of the Criminal Code - 114 persons (11.1 %, in 2001 6.9 %).

### II. Measures Adopted

- Preventative actions aimed at **searching for drugs** using the police dogs of the military police will continue. (*In 2002 236 searches were carried out and in 189 cases drugs were found. Soldiers often hold drugs in publicly accessible places where it is difficult to find out who the real offender was.*)
- To solve and document cases of qualified **crimes against property and economic crimes**

competent bodies of the Ministry of Defence will closely co-operate and co-ordinate their activities. They will also co-operate with other ministries, and in particular will proceed in close co-operation with special Czech police units.

- The MP will actively participate in the activities of the MO's Council for Preventing and Eliminating Negative Phenomena and in activities carried out by commissions established at different commanding levels. An emphasis will be placed on the mutual provision of information and on a single procedure for adopting measures.
- The prevention of pathological social phenomena within the Ministry of Defence will be implemented in co-operation with commanding bodies through measures arising from the "Concept and Programme of Prevention of Pathological Social Phenomena within the Ministry of Defence in the Period of 2000 – 2004". Assignments resulting from the "National Strategy of Anti-Drug Policy for the Period of 2001-2004" are being met. The implemented programmes are evaluated on an ongoing basis and the conclusions of such evaluations are reflected in the activities of relevant Czech Army units. A programme analysis will also be used to draw up new strategies under the conditions of the fully professional Czech Army.
- In the near future completed laboratories for computer and chemical expertise will help to speed up the process of pre-trial proceedings.
- The MP's preventative activities will further concentrate on meeting tasks arising from the "Action Programme for Increasing Road Safety". Technical and improvement training will focus on young drivers.
- Primary prevention was aimed mainly at national servicemen, pupils, students, and students of military colleges. Training was targeted also at professional groups and squads for international missions. The human resources policy of the Ministry will make training of the staff working for the Centre for Selection of Czech Army's Personnel more efficient.
- Methodological instructions will be drawn up to make co-operation with other ministries, inter-ministerial commissions, self-government bodies and non-profit organisations more efficient.

### **Crimes Committed by Members of the Security Intelligence Service (the SIS)**

- The police body of the SIS investigated in total 12 cases, of which:
  - \* nine cases were suspended under Sec. 159a (1) of the Code of CP;
  - \* investigations are on-going in two cases, however it is assumed that they will be suspended under Sec. 159a (1) of the Code of CP;
  - \* in one case an offence was transferred for disciplinary proceedings under Sec. 51 and following Act 154/1994 Coll., as amended.

### **Crimes Committed by the Customs Administration Staff<sup>8</sup>**

#### **I. Development and Characteristic Features**

- **106 cases of reasonable suspicion of unlawful conduct by customs administration staff in relation to their service (in 2001, 54 cases)** were reported to the law enforcement bodies on the basis of internal control.
  - \* 47 employees were found guilty (61 employees in 2001) particularly for abusing the power of a public official (Sec. 158), bribe taking (Sec. 160), and evasion of taxes, fees and similar mandatory dues (Sec. 148) and theft Sec. 247 of the Criminal Code).
  - \* In less serious cases disciplinary punishment was imposed - 93 reprimands, 90 written reprimands; and in 116 cases a decrease in salary; seven employees were temporarily suspended from duty and based on the inspection findings 19 employees were dismissed.

#### **II. Measures Adopted**

- An emphasis continues to be placed on prevention including the basic levels of professional

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<sup>8</sup> Elaborated on the basis of the document provided by the Ministry of Finance.

training of customs officers and civilian employees where attention is paid to the issue of ethics and combating corruption.

- Criminal offences committed by customs officers are regularly analysed and evaluated (mainly the causes and conditions for corruption and serious crime). The results are presented to managers at the meetings of the General Directorate of Customs Administration and serious cases of corruption are disclosed in the Customs Administration Journal.

### Crimes Committed by Prisoners' Service Staff<sup>9</sup>

- Number of offenders who were members of the Prisoners' Service: 210 (-116, -35.6 %)
- Number of offenders who were Prisoners' Service civilian staff: 21 (-5)
- In accordance with the provisions of Sec. 159a (1) of the Code of Criminal Procedure, cases of suspicion of an offence being committed on duty or off-duty were suspended for 132 (-84) PS members and pursuant to Sec. 159/1b a 171/1 of the Code of Criminal Procedure 30 (-24) PS members were transferred for disciplinary proceedings. Prosecution was halted for 9 (-1) PS members; 13 (-16) PS members were charged, and 22 (+7) PS members are still being investigated. Criminal proceedings were commenced for 9 (0) civilian PS employees, however these cases were adjourned by the Czech police.
- **The courts lawfully sentenced 14 PS members** and four civilian employees.

### Summary of Chapter 2.1.2.

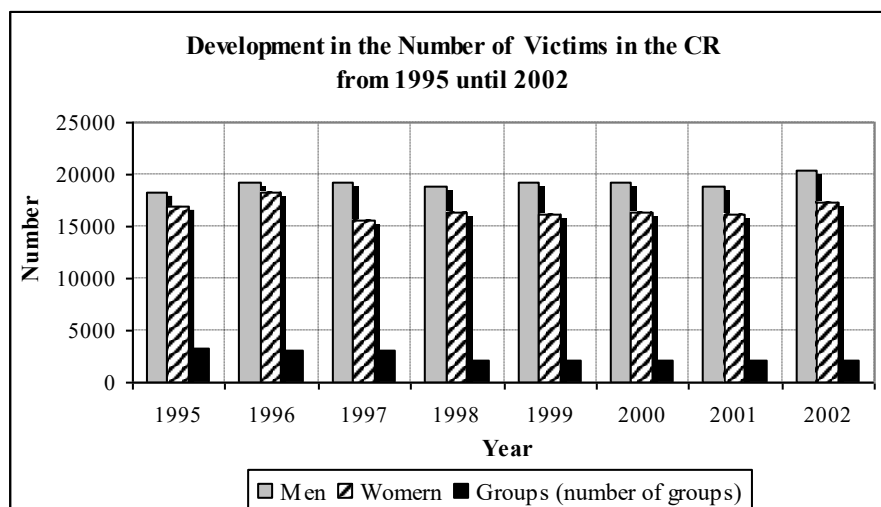
The decline in the number of offenders is accompanied by:

- a substantial **increase in the number of repeat offenders** (this has been the highest number of repeat offenders since 1993 in absolute numbers and the highest increase in comparison with the previous year). The number of murders committed by these offenders has risen considerably;
- a stagnation of the number of cleared-up crimes committed by **foreign nationals**; however the number of violent crimes committed by them substantially increased;
- a substantial decline in the number of **child and juvenile offenders**; the number of cleared-up crimes committed by this category of offenders decreased as well as their share of the total number of offenders decreased (crimes of unauthorised production and possession of psychotropic substances remain a problem and the same applies to crimes against human dignity committed by juveniles); the next year will probably show what the reason for such a considerable decline was; the question is whether crimes committed by children are not becoming latent - this problem could be projected into the development of preventative programmes (of course this does not mean equating criminal statistics and the development of preventative programmes); "non-punishment" can also be motivating;
- a halting up to now of an every year growth in the number of prosecuted **members of the Czech police** (although this trend cannot be unambiguously evaluated, the future will show whether the recorded decline means that adopted control, personnel, organisational and other measures are effective); the number of police offenders working in managerial posts increased and their age structure has changed; the number of offenders in higher age categories are increasing;
- a decline in the number of offenders - PS members and Czech Army members; the number of charged employees of customs administration decreased as well (however the number of reasonable suspicions of unlawful conduct of customs administration employees in relation to their service duties increased).

<sup>9</sup> Elaborated on the basis of the document provided by the Ministry of Justice.



### 2.1.3 Victims of Crimes



#### I. Information on Victims of Crimes

##### The numbers of victims of crime:

- men: 20,411 (+ 1,566)
  - women: 17,394 (+ 1, 187)
  - groups of persons:<sup>10</sup> 2,093 (+ 17)
  - the number of persons within groups: 5,278 (+ 18)
  - total number of persons–: 43,083 (+2,771)
- **Victims** of criminal offences are citizens who become the object of a direct attack by the offender of the crime committed. This may be an **actual physical assault by an offender** or injury to property.
  - Information and findings on **victims of crime** in the Czech Republic have not been very systematic. The police statistics are still the only statistics available containing certain data on victims of crime.
  - The position of victims of crime is generally not considered to be adequate and the necessity to improve it was incorporated in the Programme Statement of the Czech Government. Due to current criminal legal regulations and criminal proceedings, victims were often exposed to great psychological pressure with respect to repeated summons by the police, re-examinations, administrative procedures or sometimes direct contact with an offender. All this can worsen the situation of a victim and can lead to so-called secondary victimisation.
  - The position of particularly vulnerable groups of victims such as women and children is very sensitive. Within the competencies of the MI the good training of policemen in methods of treating victims is especially important. This should involve all policemen having contact with victims. This approach corresponds to the Council of the EU Framework Decision concerning the position of victims in criminal proceedings.
  - According to criminal statistics **the number of victims has increased** in absolute numbers. This

<sup>10</sup> The category “groups of persons” enables the determination of only the total number of persons in groups, but it is not possible to differentiate the numbers of men and women. In the total numbers of male and female categories these persons are not included.

growth generally corresponds to the growth in total crime.

- \* The numbers of victims of robberies and pick-pockets has increased most of all, followed by the number of male victims of wilful injury to health and the number of female victims of crimes against human dignity.
  - \* Women are more often victims of crimes against human dignity (rapes, sexual abuse), whilst men are most commonly victims of violent crimes.
  - \* Most often both men and women become victims of pick-pockets, wilful injury to health, robberies, dangerous threats, and extortion/blackmailing.
  - \* According to the age of victims, persons in the age category 19 –30 years were the most frequent victims of robbery, wilful injury to health, and extortion; persons aged 41 –60 years were the most frequent victims of murders motivated by personal relations and dangerous threats. Women in the age category of 19 – 30 years most often became victims of rapes.
- **Domestic violence** is generally defined as violence inside a family, which can take various concrete forms: psychological, physical or sexual violence between a man and a woman (between a husband and a wife or between partners), or ill-treatment and neglecting one's children or tormenting elderly people. In relation to domestic violence it should be said that there is insufficient official information which could describe the qualitative or quantitative situation in this field<sup>11</sup>, which is a result of the inconsistent approach towards this phenomenon. A range of measures adopted by the state administration is however aimed at solving all aspects of this phenomenon including its investigation and prosecution.
  - The Czech police also **recorded an increase** in most crimes monitored in relation to **criminal offences the victims of which are young people**. The number of child victims has increased by 6 %. Contrary to this, the number of juvenile victims has slightly decreased.
    - \* Crimes committed against young people can create a background for the emergence of subsequent criminal activity. The consequence for the victim of such a crime is mainly psychological, such as behavioural disorders, development of tendencies to perceive violence (this does not have to be only sexual violence) as acceptable behaviour, and the risk of increasing asocial behaviour. The most serious cases have remained sexual abuse and cruelty to a minor in the charge of an adult, and the endangerment of morals of juveniles. Child pornography spread via the Internet is also a problem. This type of crime is characterised by high latency which is mainly a result of the fact that such cases are not reported by victims or are impossible to prove. (*See also "Computer Crime"*).
    - \* **The number of cases of battery of a person entrusted in another's care has increased** by 28.9 % (194 crimes in 2002, while in 2001 138 cases). This is the highest ever number since 1993. In combating this type of crime the co-operation of citizens with governmental and non-governmental bodies and organisations has improved and the same applies to the co-operation of the Czech police with school facilities where pedagogical staff notify any signs of physical punishment.
    - \* Recorded crimes of sexual abuse have moderately increased.
    - \* During the course of the year monitored a growth in crimes of wilful injury to health in school facilities, even in primary schools, was recorded. *Policemen pay to this issue as well as to the issue of domestic violence and bullying special attention within co-ordinating and methodological activities and lectures held for pedagogical staff and staff participating in leisure activities of youth. Pedagogical centres in the whole republic showed their interest in lectures emphasising mainly criminal-law issues, including procedures and mutual co-operation between the MI and MEYS.*
    - \* The Czech police investigated several cases of selling alcoholic drinks to juveniles. The mass media paid considerable attention to this issue. These were cases of primary school pupils who were not able to learn at school because they were under the influence of alcohol or they had to be taken to hospital (emergency department) since they suffered from alcohol intoxication.

- Victimological research (i.e. research concerning victims of crimes) provides very significant information on the number of people affected by crimes. This also involves latent crime (i.e.

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<sup>11</sup> High latency is given mainly by a nature of this kind of crime which is committed in the closed family environment.

crime not recorded by the Czech police). The following data is taken from a research paper called “2003 Victimisation and Citizens’ Feelings of Being Safe”<sup>12</sup>.

- \* During the calendar year 2002 26 % of citizens interviewed had been directly affected by a criminal offence (23 %, in 2001, 25 % in 2000, 24 % in 1999, and 19 % in 1998)<sup>13</sup>.
- \* The most frequently mentioned offences were thefts of property or money - in the street, at work, on public means of transport or in similar public facilities (13 %, 14 % in 2001), thefts from cars or wilful damage to cars (12 %, the same number as in 2001) and burglaries (i.e. thefts of objects from flats, weekend houses and cellars) (11 %, 9 % in 2001).
- \* During the year 2002 56 % of those aggrieved reported the crime to the police (in 2001 this was the same percentage of respondents, i.e. 56 % while in 2000 61 % of respondents reported the crime)<sup>14</sup>. A long-term comparison shows that doubt as to whether the offender would be detected and unwillingness to undergo investigative procedures were given as the decisive reasons for failure to report a crime.
- \* More than half of those (51.6 %) who reported a crime to the police considered their reaction to be fair and adequate to the situation, while each fifth person (18.5 %) of this group of respondents stated a negative experience (unwillingness or no response), and the rest regard the reaction of the police to be long or slow.

## II. Attitudes of the Public Towards Crime (sociological survey findings)

- From a long-term point of view crimes are reported in public opinion as the most important social problem<sup>15</sup>. This fact is confirmed by the latest data coming from the survey carried out by the UNIVERSITAS agency where “on the scale of principal problems” crime was given first place, followed by unemployment (the greatest increase), economic development, and organised crime.
- Sociological data shows that, in comparison with 2001, the number of respondents who rated the security situation in the whole country as being poor in 2002 moderately increased (about 75 % in 2000, only 55% in 2002 and 57% in surveys carried out in 2003). This indicator however can be considered to be stable. 23 % of respondents perceive the security situation in the place of their residence as being more or less bad (21 % in the previous year and 31% in 2000). Thus it is confirmed that there is still a difference between how the security situation is perceived by citizens at the local level and at the level of the country. This difference is probably caused by the influence of the mass media.
- The worsening opinion of respondents on the overall security situation in the state is depicted by quite a considerably worse subjective rating of crime development in the Czech Republic. 52 % of respondents stated that, in their opinion, the total level of crime was increasing (in the previous year this opinion was supported by 42 % of respondents).
- A certain discrepancy between the feeling of being safe at home and in the street within the place of one’s residence has been confirmed, whilst both parameters illustrate a trend towards a reduction of concerns (especially from 1995 until 1999) and can be considered to be stable. 89 %

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<sup>12</sup> The research called “2003 Victimisation and Citizens’ Feelings of Being Safe” was, on the basis of the requirement of the MI, implemented by the UNIVERSITAS agency (the responsible manager - doc. PhDr. Jiří Buriánek, CSc.), and it follows up previous grant projects “The Continuous Research of Victimisation and Citizens’ Feelings of Being Safe 2000 –2002” and “1999 Security Risks”. For the needs of the Report we are using signal information of this survey while the data was gathered in April 2003 by the method of standardised interviews- a sample of 1,500 respondents of over 15 years of age from the whole country. This was selected using so-called quota selection. So far the data from 1,425 questionnaires is available. Basic parameters confirm that the sample was representative enough.

<sup>13</sup> The stated rates of victimisation are however lower than in the reality since they do not reflect the situations when people are affected by crimes several times or the crimes they are affected by are combined.

<sup>14</sup> The share of crimes reported to the police has been in recent years about 60 %, however this value fluctuates dependent on the type of a criminal offence – from maximum (car thefts) to almost minimal values (sexual violence)

<sup>15</sup> The exception was the year 1999, when some problems in economic area became topical (the issue of crime occupied the third place behind unemployment and economic development).

respondents felt secure or very secure at home in the evening; 73 % of respondents felt safe in the surroundings of their home in the evening. The inhabitants of Prague and of smaller cities felt safer in their homes in the evening, while the inhabitants of large cities do not feel so safe.

- The opinions of people relating to actual risks have not seen any considerable shift. (Scale 1- 10, where 10 indicates “maximum anxiety”):

	2002	2003
* pickpockets	6,35	6,57
* road accident	6,07	6,13
* stolen cars	5,95	5,92
* burglary (of house)	6,29	6,33
* mugging (robbery, violence)	4,63	4,72
* physical assault, bodily injury	4,30	4,24
* rape	3,34	3,24
* fraud	5,71	5,57

- The sequence of risks in order of (subjective opinion) can be summarised as follows (scale from 1 to 10, where 10 means a high probability):

	2002	2003
* car theft	5,43	5,64
* burglary (house and/or flat)	5,44	5,66
* mugging (violence, robbery)	3,95	4,17
* physical assault, bodily injury	3,60	3,69
* rape	2,72	2,82

- The significance of the surrounding environment in terms of child development (from the point of view of respondents; a scale from 1 to 10 where 10 is maximum anxiety) is confirmed by data showing the perception that children and youth might be endangered. Respondents expressed concern that their child (aged 5 –17) could be a victim of a car accident (8.15), or could become a drug addict (7.39) or a member of a gang or even a street gang (7.05). All these indicators display, in comparison with the previous year, worse values of indices.
- The reaction of people regarding perceived risks has remained strong, which means that people avoid risky places and certain groups of people, or they are often accompanied by another person, and so on. There has not been any tendency towards civic “self-assisting” activities. Awareness of introducing preventative programmes and technical systems moderately increased. An active approach towards better technical security (of property and personal security) is becoming rather typical.
- The results of the survey carried out by the UNIVERSITAS agency in 2003 show a slight increase in trust declared in the Czech police - 66 % of the respondents trusted the police fully or to a certain extent (in the previous year this was 64 % of the respondents)<sup>16</sup>. Contrary to this, trust in other relevant institutions has fallen: 51 % of respondents declared full trust or a certain trust in courts (in the previous year 56 % of respondents), 43 % trusted state prosecutor’s offices (in the previous year 46 % of respondents), 31 % expressed their trust in prison facilities (in the previous year 34 % of respondents), 41 % of respondents declared their trust in the Ministry of the Interior (in the previous year 46 %), and 24 % of respondents trusted the SIS (in the previous year 30 %).
- A moderate rise in citizens’ satisfaction with the work of the Czech police continues – 29 % of respondents (in the previous year 28 %); attitudes towards individual aspects of police work have improved moderately.
- People typically **point out the “low visibility”** of the police or their poor accessibility in their place of residence. Respondents also expressed requirements such as stricter criteria for the

<sup>16</sup> Lower trust in the police was to be found in larger cities by people on the lower social levels, and contrary to this, wealthy people, older respondents, and women trust the police more.

selection of policemen and better technical equipment for the Czech police.

- People would welcome more “aggressive” action by the police with respect to pollution of the environment, threats endangering children and youth (drugs, sale of alcohol), evasion of taxes and violent conflicts in families.
- The results also show that quite a high tendency towards punishment continues, namely that people require stricter sentences and stricter regimes in jails.

### **III. Measures Adopted**

- Courts consistently respect the legal rights of victims in penal proceedings (victims of crime) stipulated in the provisions of Sec. 43 and following of the Code of Criminal Procedure (Act No. 141/1961 Coll., on Proceedings in Courts of Justice, as amended), and in cases where a victim has suffered financial damage, proven by examination, they have imposed obligation on the accused person to pay for such damage.
- The Act on Provision of Financial Aid to Victims of Crime was amended by Act No. 265/2001 Coll. and came into force on 1 January 2002. This Act newly determines an option to provide, in well-justified cases, financial assistance to victims of crime by paying such victims a flat amount, and also the Act determines an option to provide funds in the event that it has been proven that a victim of a crime has lost his/her salary(ies) or subsistence allowance(s) or due to a crime will undoubtedly lose a salary(ies) or subsistence allowance(s) in the future (this measure is important particularly in cases in which one of the parents of a minor child has died).
- After Act No. 209/1997 Coll. came into force, in total 583 applications for financial aid were filed with the MJ. Of the total number of 538 applications, financial aid was provided in 129 cases and reached CZK 4,830,418. Of this number, 168 cases were investigated in 2002, while 56 applications were settled positively and the amount provided was CZK 2,705,394.
- The Probationary and Mediation Service also works with victims of crimes (staff of this service try to mediate possible solutions to the consequences of a crime between both sides, offenders as well as victims, and they endeavour to motivate the offender to become responsible for his/her conduct and try to find solutions to the damage caused). In 2002 they worked on 3,781 cases (in 2001 they solved 1,553 cases). Within such activity 1,414 agreements on the manner of solving the consequences of crimes, including recovery of the damage caused, were concluded with the help of the Probationary and Mediation Service (624 agreements were entered into in 2001).
- The Czech police devoted their attention to the issue of domestic violence. In co-operation with the MI, the Czech police of North Moravia and White Circle of Security drew up a pilot project aimed at training policemen in treating victims of crimes. The White Circle of Security, a non-governmental organisation devoting long-term attention to this issue, was required to implement a pilot project (this will be commenced in the mid of 2003). After the chosen methodology is verified this course will be offered to other regional police administrations.
- The Working Commission for re-codification of the Criminal Code and the Code of CP of the Czech Republic pays special attention to setting up new legal grounds of domestic violence which should simplify the position of a victim of domestic violence and the way the victim provides evidence. In this context modifications of provisions of the Code of CP concerning the agreement of the aggrieved with the prosecution are being considered. The draft Act of the new Criminal Code and the legal intention of the new Code of Criminal Procedure will be submitted to the Czech Government by 30 June 2003 the latest.
- On 24 February 2002 the first of six intended round-tables concerning the issue of domestic violence, protection against it and sanctions against its consequences was held. It was attended by representatives of the state administration, non-governmental organisations, and the academic sphere. The objective of this project is to propose a conception of a co-ordinated and efficient system for combating domestic violence in the Czech Republic.

- In the course of 2002 the MI alongside non-governmental organisations drew up a project on “Priorities and Approaches to Pursue the Equality of Men and Women”, which will be implemented in 2003.
- Police experts specialising in youth issues are regularly informed at joint meetings on the various forms of domestic violence, the options given by legislation to punish these, with possibilities of co-operating with governmental and non-governmental organisations in dealing with this problem.
- The White Circle of Security within its promotional campaign and co-operation with the police ensured sponsorship for the needs of the Czech police, of 50,000 leaflet and stickers containing instructions on how to work with victims of domestic violence (adults and children). A seminar on this issue, also for the staff of preventative information police groups, will be held in 2003. An information campaign “Domestic Violence”, continued by the publication of a bulletin “Behind the Closed Door” (currently its re-publication is being prepared) and by creating a public information web site on the issue of domestic violence.
- At the beginning of 2002 the Methodological Instruction - the Common Approach Towards Allowing Pupils to Leave School Lessons and Preventing and Punishing Truancy was implemented. Police experts participated in its preparation. Its implementation directly and positively made an impact on growth of crimes relating to endangering the moral education of youth (punishment of parents).
- A representative of the Czech police participates in activities carried out by the Commission for Preventing Crime in the Health System and is a member of the co-ordinating Centre of Social and Legal Protection of Children which was established within the Department of Social Affairs of the Central Bohemian Regional Council.
- In 2002 the MLSA, in co-operation with the MI, the MJ, the MH, and the MEYS, drew up the “National Action Programme Aimed at Eliminating the Worst Forms of Child Work”, which was submitted to the Government in January 2003 (at its meeting the Government decided to withdraw this document from the Government’s discussion and asked the relevant involved parties to change it according to the comments provided by individual ministers).
- Government policy aimed at protecting children and youth in compliance with international obligations of the Czech Republic is reflected in the measures contained in the National Plan on Combating Commercial Sexual Abuse of Children. Since 2000 this strategy has been evaluated and updated every two years. An updated version of the National Plan on Combating Commercial Sexual Abuse of Children was approved by Czech Government Resolution No. 716 dated 10 July 2002. All involved ministries met, on an ongoing basis, assignments resulting from this Plan, the measures of which are directed towards a legislative culture of prevention, increasing the efficiency of prosecuting crimes and protecting victims and aiding their return to the society.
- The MLSA drew up in 2002, within its policy of providing subsidies, a sub-programme for 2003 called “Support for MLSA’s Priority Tasks”. Projects focusing on supporting victims of crime and particularly victims of domestic violence rank among the priorities the MLSA intends to support.

*(For more details see Tables 16, 19-20)*

## 2.1.4 Searches for Persons and Articles

- The Czech police announced **searches** in **25,021** (+1,969) cases, of which **19,247** (+1,243) cases were successfully closed, and in total 23,851 (+489) persons were found.

\* The largest category was that of wanted persons (20,307). This group was dominated by persons accused of committing crime (8,687; 6,617 persons were apprehended i.e. 76.2 %). In addition,

searches were announced for 4,381 suspects of criminal offences. 3,103 i.e. 70.8 % were apprehended. In 3,048 cases searches were also launched for persons wanted in criminal proceedings, and 2,077 (68.1 %) of these were found.

\* Furthermore, searches were announced for 33 (26 apprehended) escaped prisoners, for 782 persons for whom an arrest warrant had been issued (185 apprehended), for 302 persons who were to be brought to law enforcement bodies (98 brought), and for 42 (21 apprehended) persons from facilities for the execution of protectional health treatment or protectional education. Searches were announced for 4,805 missing persons (4,617 persons found) – these were especially juveniles in 1,929 cases (1,884 persons found), and children in 1,428 cases (1,392 children were found). 2,469 of the total number of 2,830 persons were returned to the special institutions from which they escaped.

\* On the request of its foreign partners Interpol Prague announced searches for 3,839 persons, 3,273 of whom were sought on the basis of arrest warrants. Searches were announced for 324 missing persons and in 242 cases the place of residence was searched. On the request of various foreign countries Interpol Prague apprehended 33 offenders who were being searched for internationally and 31 of whom were extradited.

- Further searches concentrated mainly on stolen motor vehicles – 10,993 (+3,383) have been found. Furthermore, 54 motor vehicles stolen abroad were found in the Czech Republic, and 219 motor vehicles stolen in the Czech Republic were found in foreign countries. International searches for objects of movable cultural heritage were announced in 21 cases, while the Czech Republic announced 34 republic-wide searches.

*140 TV programmes focusing on searches were broadcast, 49 searches were published on the Internet which disclosed information on 130 wanted persons, 140 missing persons, six dead unknown persons, eight unknown offenders, and published seven invitations for witnesses of crimes. Ten extraordinary programmes focusing on searching for missing persons were prepared. Journal Novy Prostor (New Space) published in 26 editions special sections searching for wanted and missing persons. In 50 cases the helicopters of the air police forces were used in searches for missing persons.*

## **Measures Adopted**

- The system for recording found and stolen art articles contains in total 19,630 records. *In 2002 353 were deleted, 46,898 records were verified, and four stolen articles were identified.*
- MI's Regulations No. 13/2002 regulating the procedure for searching for persons and articles was drawn up on the basis of Sec. 2 (1) (m) of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended.

## 2.1.5 Misdemeanours <sup>17</sup>

### I. Development and Characteristic Features

- In total, the members of the **Public Order Police Service (Beat Service Police)** recorded 1,115,383 (+25,226) **misdemeanours** under Act No. 200/90 Coll. on Misdemeanours, as amended; most misdemeanours, despite their decline, (-30,642) related to **road safety and the smoothness of traffic** (68 %, under Sec. 22 of the Act cited), followed by misdemeanours against property (+55,200, +42.5 %, Sec. 50 of the Act cited).

\* With regard to **fine and penalty proceedings (the hearing of administrative delicts)** the number of misdemeanours increased while the amount collected fell.

\* Furthermore, the police on the beat reported or tabled (Sec. 58 (1) (3a) of the Act cited) in total 189,741 (+22,414) misdemeanours. They left in abeyance (Sec. 58 (3b) of the Act cited) a total of 157,998 (+46,444) misdemeanours, of which, in 139,380 (+43,475) cases, the offender was not detected.

*(For more details see table 8)*

- The **Administrative Service of the Police** solved misdemeanours
  - \* **committed by holders (natural persons) of firearm licences** – in total 4,991 (+3,018) misdemeanours. Of this number 2,530 (+1,846) were resolved by the issue of a fine, and the police penalised offenders by a total amount of CZK 1.14 million. Kč (+CZK 837 thousand). The rest of the 2,461 (+1,171) misdemeanours were reported as having been solved by the relevant administrative bodies. The most serious misdemeanours in the field have, in the long-term, constituted the insufficient securing of firearms and ammunition against thefts, losses, and abuse. 69 (-63) administrative misdemeanours were revealed among businesses working in the field of weapons and ammunition and other holders of firearms certificates. They were penalised by a total amount of CZK 541.5 thousand (-CZK 162.1 thousand).
  - \* In the field of protection from alcoholism and other types of addiction (pursuant to Sec. 30 (1) (j) of the Act cited), the administrative service of the police dealt with 761 (-43) misdemeanours, which were penalised by a total amount of CZK 605.4 thousand (-82.8 %).
- The **Railway Police Service** ascertained altogether 45,129 (+3,078) misdemeanours, of which 39,936 (+2,942) misdemeanours were solved in fine and penalty proceedings. In total this amounted to CZK 17.1 million (+CZK 4.8 million).
- The **Traffic Police** ascertained in total 834,703 (-171,148) misdemeanours committed by motor vehicle drivers and 26,430 (-5,831) traffic misdemeanours committed by others.
  - \* For such misdemeanours the police imposed fines totalling CZK 332.6 million (-CZK 25.9 million). The police settled 752,434 (-137,516) misdemeanours at the place of the misdemeanour, and 108,699 (-39,463) misdemeanours were reported to the relevant administrative bodies. As in the previous year, the largest group of misdemeanours were committed by motor vehicle drivers who exceeded the speed limit.
- The **Immigration and Border Police Service solved during the course of the year monitored in this Report a total of** 165,297 (-4,853) misdemeanours, of which 54,256 (+5,478) violated Act No. 326/1999 Coll. on Alien Residence in the Czech Republic, as amended, and imposed fines of CZK 29.3 (+5.0) million. 111,041 (-10,331) misdemeanours were solved in compliance with the Act on Misdemeanours, and fines amounting to CZK 38.7 (-0.2) million were imposed.

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<sup>17</sup> This chapter deals with misdemeanours solved by the police of the Czech Republic, however there are no statistical records of misdemeanours.

*Note: Policemen from the Units of the Beat Service Police settled in total 74,503 misdemeanours which would have been categorised as crimes in 2001. Of these, in 13,787 (18.5 %) cases the misdemeanours were cleared-up, 3, 620 (4.9 %) were settled by imposing fines, and proceedings for 56,004 (75.2 %) misdemeanours were suspended. These misdemeanours heavily impacted upon the increase in the number of misdemeanours recorded. The rise in the total number of misdemeanours and the number of misdemeanours against property is a result of the decriminalisation of such offences by the amendment to the Criminal Code (increased limit for damage caused by crimes).*

## **II. Measures Adopted**

- **The Act amending Act No. 200/1990 Coll., on Misdemeanours, as amended**

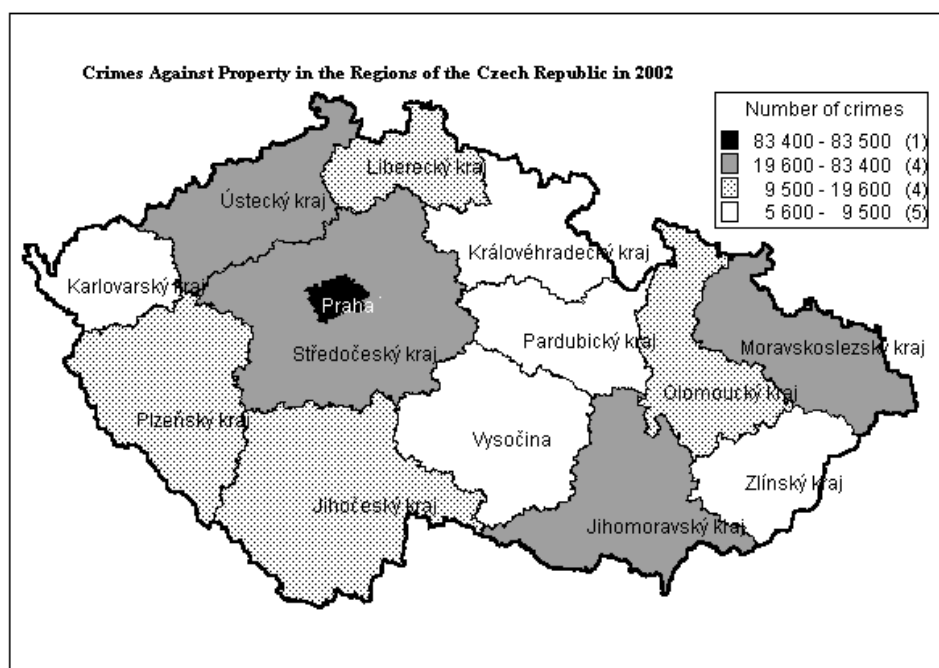
This Draft Act regulates new types of misdemeanours in relation to Acts already adopted – for example the Act on Identity Cards, the Act on Travel Documents, the Act on Railways, acts related to birth registers, or the Act on Names and Surnames. It also extends some types of misdemeanours and at the same time responds to the current frequency of certain misdemeanours and increases an upper limit for fines, for example in the field of road economy as well as in agriculture, game management and fishery. *(The Act came into force on 1 April 2002.)*

- **The Draft Act on Administrative Punishment**

This Draft Act shall lay down the basis of liability for a misdemeanour, the types of sanctions and protective measures available as well as the method of their application, and shall regulate the procedures of administrative authorities when dealing with misdemeanours. The classification of the grounds of individual misdemeanours shall be described in the so-called sanction provisions of special acts regulating the execution of state administration in different fields.

## 2.2 Development in Individual Types of Crime. Analysis of Individual Issues in Internal Security and Public Order

### 2.2.1 Crimes against Property



### I. Development and Characteristic Features

#### Criminal Statistics

- number of crimes ascertained: 256,308 (+411 crimes, +0.2 %)
- share of total crime: 68.8%
- number of persons investigated and prosecuted: 41,879 (-10,376, -19.9 %)
- number of crimes solved: 56,815 (-16,015 crimes, -22 %)
- clear-up rate: 22.2 % (-6.3 %)
- amount of damage caused: CZK 12,862,694,000 (+CZK 2,581,472, 000, +25.1 %)
- amount of damage recovered: CZK 129,103,000 (+10,913, +9.2 %)

#### Court Statistics

persons sentenced: 25,467 (-1,114, -4,2 %) (Sec. 247, 248, 250, 251 of the Criminal Code)

- **The number of ascertained crimes against property stagnated, and from a long-term point of view this was the lowest number of crimes ever recorded since 1993. If we take into account the fact that some of what had formerly been criminal offences were shifted to the category of misdemeanours, we can talk rather about a crime increase. Simultaneously, the number of solved crimes declined. Burglaries accounted for 28% of crimes against property, thefts 64 %.**

## The Situation with Regard to the Higher Territorial Self-governing Units

- The highest number of crimes against property was recorded in the capital city of Prague (83,430 crimes. *Mainly car thefts and thefts from cars remain a problem since the number of this type of crimes recorded by the Czech Police is increasing. Development in the number of other crimes against property was not so dynamic*), followed by the Central Bohemian Region (31,052 crimes; *a dynamic growth in the number of burglaries of family houses was recorded*) and the South Moravian Region (23,021 crimes; *this increase was caused mainly by thefts from cars*). The lowest number of crimes of this type was recorded in regions where the number of crimes against property did not exceed six thousand, such as in the Vysocina Regions, or did not exceed nine thousand – in the Pardubice, Karlovy Vary, Zlin, and Hradec Kralove Regions.

## Burglaries and Common Thefts; Crimes Against Movable Cultural Heritage

- **A sustained downward trend in the number of burglaries recorded since 1994 not only stopped in 2002 but a growth in burglaries was registered (+14 %).** This increase related to burglaries of shops, restaurants, flats, weekend-houses and family houses. However the number of 72,040 burglaries is still the second lowest since 1993.
  - \* Generally, the situation has not changed. Burglaries show more and more **signs of organised crime** and are professionally planned. Criminal gangs have a steady hierarchy, starting from the people who provide tip offs about places to be burgled, to those who sell the stolen goods. The most common burglars have remained interested in money, jewellery, antiques, and electronic appliances. Offenders are also interested in weapons. Items of art are frequently stolen on order.
  - \* From a territorial point of view the highest number of burglaries occurred in the Central Bohemian Region (18.7 %; *the highest number of such burglaries, especially burglaries of family houses was recorded there*) and Prague (17.1 %), while the South Bohemian Region displays the lowest number of burglaries (5.4 %). The share of all regions in burglaries of shops is approximately the same.
- The number of recorded **common thefts stagnated**; with 41 % thefts from cars dominating, followed by car thefts – more than 15 %.
  - \* The majority of **car thefts are well-organised**. Stolen vehicles are transported abroad (using false licence numbers), their identity is changed and the car is reported as stolen. When altering identification signs, plates and documents, and breaking electronic driving systems, offenders of this type of crime use up-to-date computer technology and special devices which all complicate the identification of a stolen vehicle, and thus prevent documentation of these crimes. *It is worth for offenders to invest in technical equipment (e.g. a device for the disconnection of immobilising equipment costs about CZK 25,000 and metal detectors for breaking alarms usually imported from Germany used to cost about DM 1,000).* **Thefts from cars**, which rank among the most common thefts, substantially affect the feeling of being safe. **Bicycle thefts fell** (*however it is necessary to mention the amendment to the Code of CP*), on the other hand the number of **pickpockets increased** (whether this is because this type of crime is less latent the future will show). *The efficiency of measures operatively adopted in places with a higher occurrence of this kind of criminal conduct (on means of public transport, in department stores, in the street, etc) fluctuates, and moreover it is difficult to prove such crimes. What is most effective if to catch the offender on the spot. Working teams “Kapsa” (“Pocket”) operate in various cities, however the results of such activity is very weak. For example in Brno they managed to partially push “pickpockets” away from the places most often visited by tourists, however the outskirts of the city were immediately affected, especially shopping centres.*
  - \* The situation in Prague has remained the most problematic (the highest number of car thefts), followed by the Central Bohemian, South Moravian, and Usti Regions (with the highest number of thefts from cars).
- Negative development was recorded in **the field of cultural heritage crime** in terms of a growth in the number of crimes and damage caused. Such offences are, to a large extent, serial and well organised. This is confirmed by findings of the Czech police relating to problems in securing

some facilities and with the fact that offenders orientate towards articles in open-air.

\* A statistical growth in the number of burglaries of shops selling antiques and objects of art was recorded. The occurrence of forged works of fine art is permanently high (if in the past the main reason for such fraudulent conduct was to receive a high bank loan, currently the interest is stimulated by increasing prices for artistic articles and investments in art). In the second half of 2002 the police started to map the situation in the field of illegal archaeological excavations. According to the findings of the Czech police it is obvious that criminal activity in this field is not adequately controlled by involved entities. An imprecise number of individuals and organised groups which carry out illegal excavations operate in the Czech Republic. Besides the damage caused by the theft of such objects which are discovered, the archaeological places are often destroyed, which causes irreplaceable damage.

\* We can positively evaluate the fact that selected historical facilities are mechanically and electronically secured and some works of art are transported into central church depositaries or to warehouses of museums and galleries. The interest of the administrators of such facilities in co-operating with the Czech police when assessing the efficiency of the current security of historical places continues to increase. Attention is also paid to the pre-project preparation of technical protection of premises (policemen were invited to assess the technical protection of state chateaus Ratiborice, Nachod, Chrudim, Jezeri, Chudenice, and the City Museum in Policka). Despite this, according to the findings of the Ministry of Culture, church premises are still in danger, and hundreds of churches and other religious premises are not protected.

- **The structure of the category of offenders of crimes against property** has not changed. Offenders recruit mainly among repeat offenders who are interested in articles for their own needs. Another group of offenders commit such crimes mainly “to order”.

*(For more details see tables 21, 46-48)*

## **Findings of the Sociological Survey**

- According to the survey carried out by the UNIVERSITAS agency 26 % of citizens who were interviewed were in the course of the calendar year of 2002 directly affected by a crime (23% in 2001). In 2002 the respondents stated as being the most frequent crimes: common theft of things or money – in the street, at work, on public transport or at public places (13 % while in 2001 14 %); theft from cars or wilful damage of cars (12 %, as in 2001); and burglaries, i.e. theft of personal belongings or movables from a flat, a weekend house, or a cellar (11 %, in 2001 9 %).
- Respondents also expressed their concern about being affected by crime, using a scale from 1 to 10 where 10 denotes “maximum anxiety”. *The findings show that people are concerned mainly about pick pocketing (index of 6.57), burglaries of houses or flats (6.33), and car theft (5.92).*

## Summary

With respect to **citizens' feelings of being secure**, damage caused by crimes against property and in some areas also in terms of quantity, the following crimes against property have remained a problem, despite adopted preventative measures:

\* **burglaries of flats, houses, and weekend houses, car theft** (a several times higher number of car thefts is recorded in Prague than in other regions of the Czech Republic) **and theft from cars**, followed by **burglaries of shops and pick pocketing**;

\* crimes related to **movable cultural heritage** (forged works of art and theft of articles of art at easily accessible places).

Other problem factors are as follows:

\* the sale of stolen goods is often carried out through second hand shops and pawnshops; (*the MI is involved in modifying the relevant legal regulations*), and

\* the low quality of protection of some premises, namely shops or premises belonging to a church (however the situations is improving).

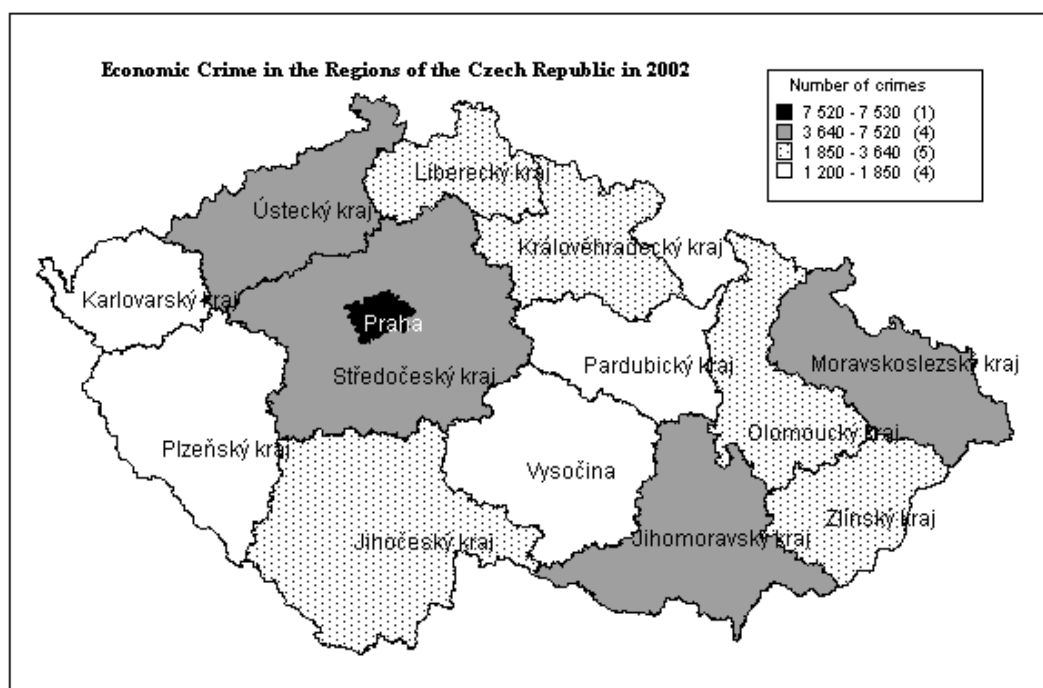
## II. Measures Adopted

- Policemen involved in combating motor vehicle theft participated in drawing up and implementing training seminars in co-operation with the Czech Association of Insurance Companies – “Insurance Fraud”, in co-operation with the Metropolitan Police of London - “Motor Vehicle Thefts and Their Revelation”. Alongside car manufacturer SKODA AUTO, a.s. and the Institution of Criminal Sciences in Prague a seminar titled “Secondary Identification of Cars” was prepared for selected police experts from the Czech Republic, Germany, Austria, and Italy.
- The Czech police co-operate with ALL IN SERVICE CZ, a.s., an operator of “after theft” systems and the national representative of the Czech Republic in the EUROVOC system registered in Great Britain, whose members are operators of “after theft” systems from the EU Member States, the Czech Republic, Slovakia and Poland, alongside police forces of the EU Member States.
- The Decree of the Ministry of Transport No. 341/2002 Coll., on Approving Technical Eligibility and Technical Conditions for Land Transport introduced vehicle identification numbers (VIN) as a certain number of signs, digits and letters which are specific to a given vehicle.
- The information system of automatic vehicle control (IS LOOK) was assessed and conceptual steps to increase its efficiency were suggested – such as involvement in the Schengen Information System, the possibility of international co-operation at border crossings by installing similar equipment, and possibilities of evaluating across-the-border movement.
- In September 2002 a co-operation agreement between the National Gallery in Prague and the Czech police was signed. Such co-operation should ensure the qualified verification of seized articles where there is reasonable suspicion that they are forged. *According to estimates made by Interpol more than a half of all works of art traded in Europe are fake. The process of verification of authenticity is the most efficient measure against fraud.*
- The Czech police are preparing the disclosure of a database of objects suspected of being forged. This database will be published on the web sites of the MI under the heading “We are Searching for Forged Works of Art”.
- The Czech police participated in the International Congress ICOM held in Brno in October 2002.
- Ministries involved in the integrated system of the Protection of Cultural Heritage Movables (ISO) continued in meeting the relevant assignment:
  - \* The MC continued four sub-programmes: 1. to secure with the use of security systems facilities

holding cultural heritage movables while other premises were newly secured or security systems were renewed 2. funds were provided to continue recording and documenting articles owned by the Roman-Catholic Church which are at risk; 3. funds for purchases of articles of extraordinary cultural value (especially in relation to the fact that the majority of museums and galleries will be transferred from the responsibility of MC to the responsibility of newly established regions; 4. funds for “Preventative Protection against Adverse Influence of the Environment” were provided to state and regional museums and galleries.

- Policemen worked on the wider use of records of found and stolen works of art (SEUD). German and English versions were made available on the MI’s web sites. SEUD contains in total 19,630 entries.
- The Office for Industrial Property is drawing up a project “Information system for Pursuing Intellectual Rights”, information on the protection of industrial rights is provided on web sites, etc.
- The MC inspected six authorised organisations with regard to the agenda arising from Act No. 71/1994 Coll., on the Sale and Export of Articles of Cultural Value, as amended.
- Act No.214/2002 Coll., on the Export of Some Cultural Objects EC Customs Area which created within our legal system an environment for the direct application of Council Regulation No. 3911/92 EEC and relating provisions following the Czech Republic’s accession to the EU.
- The MC submitted to the Government a draft act amending Act No. 101/2001 Coll., on the Return of Cultural Objects Unlawfully Removed from the Czech Republic, which incorporates into the Act the Directive of the European Parliament and the Council No. 2001/38/EC of 5 June 2001.
- The MC will submit to the Government Draft Act No. 71/1994 Coll. on the Sale and Export of Cultural Objects as amended.
- Ceska posta s.p (the Czech Postal Service) pays permanent attention to burglaries of post offices and thefts from postal parcels (shipments). A comprehensive project for the security of postal operations was drawn up and published. An emphasis was placed on scanning data from shipments, data transfers and data “warehouses”. Precise measures create the preconditions for decreasing the consequences of crime.
- Information on possibilities of securing and protecting property on the side of the Preventative Informative Group of the Czech police is provided on a permanent basis, and also on the MI’s and the Czech police’s web sites. *(An example is a pilot republic-wide preventative project of the MI and the Czech police called “Safe Locality” which focuses on the protection of property and people in a concrete place using urban planning.)*
- A number of preventative programmes are aimed at increasing citizens’ feelings of being safe and their active participation in protecting people (see chapter “Crime Prevention”).
- The Government by its Resolution No. 73 dated 22 January 2003 set up an inter-ministerial commission headed by the Minister of Industry and Trade to solve the issue of the sale of stolen articles in second hand shops, pawnshops and antique shops.

## 2.2.2 Economic Crime



### I. Development and Characteristic Features

#### Criminal Statistics

- number of crimes ascertained: 40,213  
(+4,951 crimes, +14 %)
- share of total crime: 10.8%
- number of persons prosecuted and investigated: 24,498  
(+1955, +8,7 %)
- number of crimes solved: 31,303  
(-1,884 crimes -5,7 %)
- clear-up rate: 77.8 % (-16.3 %)
- damage ascertained: CZK 29,017,531,000  
(-CZK 15,101,601,000, -34.2 %)
- damage recovered: CZK 2,221,087,000  
(+CZK 254,056,000, +12.9 %)

#### Court Statistics

persons sentenced: 1,452 (+44, +3.1 %)  
(Sec. 118 - 152 of the CC)

(For more details see tables 22-25, 43-45)

- In the number of **economic crimes ascertained**, development of this type of crime reached almost the level of 1999, when the number of recorded crimes exceeded for the first time in history the ceiling of forty thousand (42.907 crimes).

\* Fraud still accounts for the largest portion of economic crime (the share of frauds under Sec. 250 of the Criminal Code is about 30 % of economic crime ascertained, the share in damage ascertained caused by economic crimes is about 36% and in recovered damage about 70 %). **Credit fraud** displayed a considerable increase, a new trend with regard to the substantial growth in the number of recorded crimes is represented by crimes of **unauthorised possession of debit/credit payment cards**.

\* In terms of **the year when crime commitment actually started**, about 20 % of economic crimes were commenced directly in 2002 but 80 % of recorded crimes started in the past years - almost 35 % in 2001, more than 16 % in 2000, 12 % in 1999, and 6 % even in 1998. With regard to the **occupations of offenders of economic crime**, they are unambiguously most frequently entrepreneurs and self-employed individuals. The second largest category represents those people who are recorded in police statistics without any data on their employment (according to police information in this category these are mainly unemployed people who had lost their jobs once they became criminal suspects).

\* To depict the situation in the field of economic crimes, indicators for **customs offences** are significant (if a debt on customs duty was ascertained), breaching customs regulations, customs misdemeanours (see table 8) – in all such cases a decline was recorded.

\* Economic crimes are committed with great sophistication and it can be assumed that they are not committed only inside entities (such as banks, saving associations and other entities) but it more from the outside, i.e. such crimes will be committed by offenders specialised in a certain kind of banking or in financial products). According to the Supreme State Prosecutor's Office misuse of subsidies provided by EU funds will increase. Today, due to badly functioning control mechanisms, this crime is latent.

- **Damage caused by economic crime ascertained by the Czech police** substantially decreased and the amount of damage recovered increased.

\* The trend of decreased damage was reflected in the share of ascertained damage in total crime which fell to the value of 67 % (-12.2 %). The growth of recovered damage must be, without any doubt, evaluated positively although the growth is not as dynamic as in the previous year which was a turning point with respect to the trend of recovered damage. **Customs bodies** assessed in 22,154 cases fines exceeding CZK 90 million, and in 16,804 cases they calculated additional customs duty and taxes totalling over CZK 1.3 billion.

### **The Situation with Regard to the Higher Territorial Self-governing Units**

- The highest number of economic criminal offences was recorded in Prague (7,522 crimes; *the growth in the number of economic crimes was not very dynamic*), followed by the South Moravian Region (4,877 crimes; *the highest rise in the number of recorded economic crimes with a considerable increase in credit fraud was recorded in this region*) and the Moravian-Silesian Regions (4,715 crimes; *this was the second largest increase with the highest number of recorded crimes of credit fraud within the regions*). Territories where the number of economic crimes did not exceed the limit of CZK 1.6 thousand, are (in an ascendant order) the Vysocina, Karlovy Vary, and Pilsen Regions.

### **Financial Crime**

- A development trend in terms of crimes and individual types of crime does not essentially differ from the past period. In particular there were classical fraud, credit fraud, breaches of the duty to administer another's property, unauthorised possession of credit/debit payment cards, crimes against currency, and so forth.

\* For the purpose of the unauthorised obtaining of banking products offenders submit applications with the false identity of a client, forged confirmation of their income, forged or altered payment instruments, etc. The approach of banks and other entities operating in the field of finance towards providing their products and services is now far more prudent than in the past.

\* A consistent growth in findings and information demonstrating the legalisation of proceeds from economic crimes and financial frauds seems to be serious.

\* The consequence of the absence of the duty to trade only in public markets means that a certain amount of trade is implemented outside such markets *In the second half of 2002 more than a half of stocks were withdrawn from public trading*. A corporation owing such securities is not obliged to provide information to the Securities Commission (the prospectus of a security, account, closing accounts, etc), and this enables such a corporation to perform almost uncontrolled shifts of assets, even

abroad. Thus the corporation is not regulated in terms of administrative law.

\* So-called “tunnelling” (i.e. “milking money out”) of savings associations is often caused by a conscious (contradicting legal provisions) decision taken by the Board on using all the deposits of the customers, usually in the form of unsecured collateral loans amounting to millions provided only to “selected” clients. These loans are then transferred (sold) as receivables to other entities. A significant role is played by undocumented, unreasonable and useless overhead costs which are in the majority of cases paid to companies (in which the Members of the Board have their personal interests), through purchases of subsidiaries and increasing the capital in such subsidiaries while transferred funds gradually “disappear”.

\* A common reason for those cases revealed by the police, as stated in previous reports as well, is **insufficient external as well as internal control of involved parties** which should, of course, function as primary control and has not fulfilled its role for a long period of time.

\* The Czech police recorded cases where offenders managed to circumvent the Act on Bankruptcy and Settlement when obligations were created of the future insolvent debtor to persons who were linked to such debtor and after bankruptcy it was announced that these obligations had become collectible receivables (a bankruptcy trustee is obliged to include such receivables since they were duly applied for). Up to 90 % of receivables applied for within bankruptcy proceedings are created in this way. Consequently, most proceeds from bankruptcy proceedings are transferred back to insolvent debtors.

## Protection of Fiscal Interests of the State

- **The fiscal interests of the state are jeopardized by financial crime** taking various different serious forms of criminal offences relating to a wide scope of criminal conduct concerning financial operations. Problems from previous years persist. The detection of crime in the field of financial interests of the state is extremely difficult. Crimes committed are highly sophisticated, they are organised and remain latent. The efficacy of punishment is still very low.

\* In terms of the amount of damage caused by **tax evasion**, indirect tax should be particularly mentioned – an excise duty on hydrocarbon fuels and lubricants and the related production and distribution of crude oil products (mistaking products, mixing, fictitious exports or illegal imports), further an excise duty on pure spirit and spirituous liquors. In illegal business with spirits an entity does not own a license to produce spirits using “cold method”; an offender cannot be prosecuted for the crime of tax evasion or curtailment of taxes, fees and similar mandatory dues but only for the crime of unauthorised undertaking or for the infringement of trademark rights, a trade name or protected original, for all of which the sentence or penalty is incomparably lower. The punishment of offenders is efficient if pure spirit or other alcoholic drinks are confiscated. The concealment of a profit gained as a result of criminal conduct cannot be considered a tax offence regardless the fact that such a profit can be pursuant to relevant regulation by tax base, since the offender would indirectly force him/herself to announce his/her activities. Last but not least excise duty on tobacco products (cigarette smuggling or their illegal production) must be mentioned. Very high tax losses occur to the state budget and which are not efficiently dealt with by an efficient control regime.

\* **Customs bodies** in co-operation with the Czech police revealed an extensive case of the illegal production and distribution of alcoholic **drinks** when about 16 thousand litres of pure spirit and about 28 thousand litres of spirituous liquors were seized. Tax evasion reached more than CZK 7 million. Customs administration also submitted a motion to commence tax proceedings in connection with the import of CARBOPUR with tax and customs duty evasion totalling CZK 42 million. Tax evasion, VAT and excise duty was calculated in the case of smuggled **cigarettes** to be more than CZK 103 million. Customs bodies seized more than 58.3 million cigarettes without duty stamps and five million cigarettes were seized during searches at market places and in shops. Breach of customs regulations seemed to be serious in the case of oil products. During customs supervision 210 thousand tons of fuel with a customs debt about CZK 2.7 billion were confiscated. Other cases with damage of about CZK 18 million concerned imports of bearing oil and crude oil fractions which were then sold as fuel without paying any taxes.

\* A frequent phenomenon is a procedure whereby an entity obliged to pay taxes, tries to avoid lodging criminal information on the side of a relevant Tax Authority relating to not meeting tax obligations or tax curtailment, and submits a tax return however it does not pay the relevant financial amount.

\* Fuel producers note that the distribution of fuels has fallen recently by 6 - 8 %. Indirectly it is

possible to believe that this percentage reduction is not a consequence of a decline in transportation but that this amount is replaced by illegal sources, domestic or imported.

\* Another problematic area is machinations with value added tax (in accordance with Act No. 588/1992, coll.). It is mainly abuse of this act (an issue of a basic and decreased rate), not clearly arranged chains of companies which are to receive excessive VAT deduction. According to current findings this system is being continuously improved, is growing, and proportionally the helplessness of Tax Authorities is rising. It is typical for there to be economic and personnel links of these companies in the Czech Republic with abroad.

\* Taxes are evaded also in cases when **funds are transferred abroad** (in this context customs bodies reported to the Financial Analytical Department 21 cases). Reports provided to the FAD (the Czech police received 113 such reports) usually show massive transfers of funds in foreign currencies abroad. We are talking about tens of millions in foreign currencies (mainly in USD) transferred from the Czech Republic especially to China, Vietnam, the countries of the former Soviet Union, and Hong Kong, while in the majority of cases it is impossible to prove the origin of this money or links between persons executing such transfers with the criminal environment. Only rarely is it possible to successfully solve such cases and to denote them as criminal offences of tax evasion or curtailment of fee and similar mandatory dues. A comparative analysis performed on the basis of the data gathered from criminal information submitted to the FAD unambiguously confirms that it is an organised and mutually connected activity showing international elements, where the connecting links are accounts (usually maintained with Chinese banks) to which amounts of millions in foreign currencies are transferred from Czech banks by seemingly non-involved people.

\* The number of reports from the FAD, the banking sphere and other financial institutions on suspicious trade has decreased (in 2000 there were 1,917 reports, in 2001 there were 1,750 reports while in 2002 there were only 1,246 reports). *This fact is related to the obligation of financial institutions to report only trade which is directly suspected of money laundering. Then their duty was to draw up an overview of possible indicators for demonstrating money laundering, so such lists were elaborated showing a greater professional approach.*

\* The increasing amount of unauthorised use of state subsidies is serious. Such subsidies are abused by a range of companies which use their contact with bodies at regional and local levels of self-government and with some regional politicians. These are subsidies for cultivating land after it has been used by the mining industry, subsidies for creating new jobs, various agricultural subsidies and subsidies for the construction of flats.

## II. Measures Adopted

- The amendment to Act No. 61/1996 Coll., on Some Measures Against the Legalisation of Criminal Proceeds
- In the field of avoiding tax evasion the Czech Republic is involved in co-operation within the Fiscal Committee of the OECD. International co-operation in other bodies such as the Council of Europe or the WCO (the World Customs Organisation) is of unambiguous significance.
- Implementation of PHARE 2000 – CZ 2000-07-03 project (“Strengthening the Struggle against Organised Crime”) continued. Seven technical seminars were held in the Czech Republic, attended by 15 experts from Great Britain, and seven short-term study stays and technical courses in Great Britain (for 24 specialists of the Czech police, the Supreme State Prosecutor’s Office and the FAD of the MF). The Section for Revealing Corruption and Major Economic Crime implemented 17 courses of criminal intelligence analysis for 253 specialists. The Czech police implemented training for 152 specialists coming from 84 districts and 36 specialists coming from sections having republic-wide powers or competencies at the regional level; also 84 software I2 installations were distributed. A project aimed at training analysts was commenced on 1 December 2001 and was implemented mainly during the year 2002. Courses will be held until the end of 2003.
- Amended provisions of Sec.59 (3-6) of the Code of CP enabled an improvement in receiving and settling submitted criminal information, whereas in previous years law enforcement bodies were burdened by a high number of various reports and information.
- In revealing breaches of customs regulations, international co-operation can be evaluated positively with the exception of China and Turkey.
- Information from the international computer system for information exchange on breaching

customs regulations was used for a number of analyses to map the smuggling of goods in an international context.

- Amended Act No. 141/1961 Coll., the Code of Criminal Procedure, as amended, significantly strengthens the competencies of customs administration bodies (customs bodies can execute criminal proceedings relating to criminal offences committed through breaching customs regulations and import, export, and/or transit regulations, and customs bodies are allowed to execute so-called summary pre-trial proceedings, etc.), and Act No. 13/1993 Coll., Customs Act, as amended, improved their powers as well (the transfer of the issue of investigating and criminal proceedings from being within the competencies of customs authorities to being under the responsibility of customs directorates; the competencies of a customs officer were extended by the option to use so-called supportive operative investigation means; and so forth).
- Amended provisions of Sec. 8 (4) of the Code of CP should be assessed positively. According to the findings of the Supreme State Prosecutor's Office these have been so far used in ten cases, however their broader application is assumed - especially in cases where a valid legal regulation inadequately solves the issue of the duty of non-disclosure for the purpose of receiving data necessary for criminal proceedings. The problem is the duty of non-disclosure under current Act No. 337/1992 Coll., on Tax and Fee Administration, as amended. Therefore the MF is drawing up the Draft Tax Rules of Procedure under which law enforcement bodies should have wider access to information on tax matters which have not yet been disclosed under the duty of non-disclosure.
- The Czech police's specialists participate in work carried out by the inter-ministerial Commission for Agenda of Spirits and for Sale in Stalls.
- In connection with the large spread of usury and illegal loans within the Roma community and on the basis of Government Resolution No. 761 of 5 August 2002 related to the Draft Action Programme To Eliminate Applications by Members of the Roma Community from the Czech Republic for Asylum in the EU Member States and in Norway the Police President issued Order No. 181 date 14 November 2002, by which a team called "LICHVA" ("USURY") was established.
- The issue of confiscating proceeds from criminal activities is described in full detail in the chapter "Organised Crime".

## Other Areas of Major Economic Crime

### Intellectual Property

- crime in the field of intellectual property includes **industrial rights (rights to trademarks, patents, protected designations of origin or geographical origin, etc) rights to business names and copyright**. The year monitored can be characterised by a statistical decline in the number of ascertained crimes of infringement of rights to a trademark and infringement of copyright.
  - \* Pirate CD and MC music recordings, clothes and shoes marked by protected trademarks without any authorisation; according to customs officers most cases related to forged Adidas, Nike, and Hugo Boss trademarks). This kind of crime causes high losses to the producers, shop owners who respect laws, and to copyright owners; moreover it also deceives consumers. Infringing the rights of **trademarks** means the unauthorised use of a trademark for marking goods which are sold especially at market places. With regard to the **infringement of copyright** this means especially the illicit production and distribution of pirate music and film media. Copyright is also breached by the unauthorised use of film and music works in public performance when the authors have not provided their agreement.
- Crimes relating to intellectual property (Sec. 150-152) are prosecuted by the Czech police more consistently and customs bodies increased their activities in the borderlands. An important role is

played by the Czech Trade Inspection which can seize forged products or solve some cases independently within administration proceedings.

\* As in previous years the majority of forged goods (textiles, shoes, electronic devices, spirits, etc.) were imported from foreign countries (China, Turkey, Italy, Poland); pirate musical media came mainly from Ukraine. According to the findings of the Czech police it is a latent, well-organised criminal activity. Continued intensive controls with an emphasis placed on adherence to copyrights, laying down the obligation for unambiguous identification of digital media by their producers or producers of copied products contributed to the fact that the Czech Republic was, contrary to the original proposal from the beginning of 2002, excluded by the USA from the Watch List (the Watch List is supported by Article 301 of the US Commercial Code; the Czech Republic was included in this List in the previous three years – since 2001).

\* According to findings of customs bodies, forged products are imported from Asian countries using container or road transport. Customs bodies for example found forged goods of more than 850 thousand items, the customs value of which was higher than CZK 365.6 million.

*According to the findings of the Czech police the situation is intolerable/ untenable especially in the West Bohemian Region (Cheb – market place Dragoun and others), where forged copies of musical works and films, textiles, etc. are openly offered. Information on penetration of influence of criminal structures into state administration bodies is gathered. The same cannot be excluded in relation to the police.*

### **Measure Adopted**

- The general public is informed on activities of the MI in the field of intellectual property via the MI's web sites or at the international fair of information technologies Invox in Brno.
- The MI and the Czech police co-operate with non-governmental organisations with the aim of monitoring all criminal cases in the area of intellectual property.
- The inter-ministerial Commission for Combating Unlawful Conduct against Intellectual Property Rights established at the MIT deals with issues relating to the above-mentioned *Watch List*. Its agenda also included an extraordinary meeting with non-governmental organisations (measures adopted at these meetings for example helped to institute the compliance of OSA (OSA = the Protective Union of Authors) procedures with the Act on Copyright under which it is possible to copy CDs only with the approval of the producers of such recordings). Bilateral negotiations between involved entities focused on various areas of protection of intellectual property in particular on the production of digital information media and enforcing trade licences and other inspections aimed at ensuring adherence to copyright. The project "Enforcing Rights to Intellectual Property" which was commenced on the basis of Government Resolution No. 330/1999 related to the Strategy on Combating Crime in the Field of Intellectual Property Crime. Its objective is to ensure an exchange of information among state administration bodies involved in protecting intellectual rights, to develop methodology for a training programme, and to ensure practical training for employees of these bodies. (The following bodies are project participants: the MIT, the MF – the General Directorate of Customs, the MF – the Central Financial and Tax Directorate, the MC, the MJ, the Czech police, the Czech Trade Inspection, the Industrial Property Office, and SZPI.)
- The MC developed efforts toward a single application of the Act on copyright and provided more than one hundred opinions on questions asked by consumers.
- The amendment to Act No.102/2001 Coll., on the General Safety of Products, which will come into effect as of the Czech Republic's accession to the EU, will contribute to safety for consumers.
- The Czech Trade Inspection (the CTI) has taken over responsibility for a considerable part of administration offences and it organises its own control actions:
  - \* In their inspections the staff concentrate mainly on the protection of consumer rights relating also to intellectual property, product safety, adherence to acts relating to packaging, consumer protection etc. The CTI carried out in total 52,387 inspections (faults were ascertained in 33.3 % of cases), and imposed 10,756 fines on the spot (CZK 9,427,600) and 3,472 fines within administration proceedings (CZK 18,396,200). They

found 412,637 forged products (in the total value of original goods CZK 381,900,000).

- Customs bodies adopted efficient control measures directed towards confiscation of a wide range of forged goods.

## Computer Crime

- Computer (IT) crime, encompassing **information technology and the Internet**, is a specific form of crime. Its markedly increasing activity can be seen in using information technology (IT) itself for committing criminal offences where IT is used as the tool for a crime, not as a target of attack. The situation in the field of software piracy has remained similar to the situation in the previous period.
  - \* It concentrates especially on the unauthorised use and dissemination of computer programmes - pursuant to Sec. 152 (software piracy) and damaging or misusing records on data carriers (Sec. 257a of the Cr. Code). Such offences are often concealed in statistics, as mentioned in previous Reports, behind crimes of fraud in the financial and banking sector, embezzlement or tax offences where unauthorised access to a computer or computer programmes is a means of carrying out another offence.
- It is possible to build on and confirm foreign experience that the further trend of **IT** development and its forms of misuse will show growth.
  - \* Quite a large part of mutual communication which used to take place through direct phone calls or via traditional mail has been transferred to electronic communication nowadays. This is a consequence of IT implementation and the continuously wider use of the World Wide Web by individuals and by businesses. The level of Internet use in the Czech Republic is, however, in comparison with trends in other developed countries, lower, due to the current service infrastructure and quite high costs.
- It is obvious, on the basis of the analysis of **software piracy**, that the illegal production and distribution of software is not carried out through big businesses but is the work of individuals – who, so that they are not identified in a very short-period of time and so that the crimes committed by them are not solved – gradually change their activities to become more organised.
  - \* A recurring phenomenon is the use of software in more places than is stipulated in the licence agreement. A permanent problem (a legislative obstacle) remains the possibility of obtaining primary evidence in businesses. The downloading of illegal software from the Internet and the utilisation of limited programme versions in combination with so-called “cracks” is on the rise.
- A moderate statistical growth was recorded in the area of **attacks against data**; nevertheless such attacks are, according to different research, much more numerous. This situation is affected by very high level of latency and, in cases that an attack is found out, by the unwillingness of the aggrieved to solve this problem through legal procedure (see repeat attacks by viruses).
  - \* Formerly active groups reduced their activities in the form of open attacks (for example “binary.division”), however they are still active. There are operative findings that they commit a number of attacks and are preparing new ones, however such information is not reasonably justified, since server administrators do not want to publicly admit such attacks and try to solve them internally by adopting newer and newer security measures. On the contrary, there is sufficient active co-operation with the administrators of stated administration servers who, in some cases, discuss preventative security measures in advance. The Czech police actively search for attackers applying computer viruses. This, of course, relates to technically complicated evidencing of such conduct.
- **Electronic commerce**, after the previous worldwide decline which also affected our country, has stabilised.
  - \* The institute of an electronic signature was not used as expected, and thus no cases relating to its misuse were solved. An increase in home banking, offered in various modifications by almost all banks operating in the Czech Republic, led to some cases of abuse of this system; however in almost all case this was caused by human failure. A growth in abuse of electronic purchases via the Internet was recorded. This was partially caused by poor verification of payments for some Internet purchases.

In a similar way the situation of Internet Exchanges can be described, where offenders rely on the trust of the aggrieved.

- Personal data was not basically misused through computer attacks in particular thanks to higher security priorities of server administrators.
- The Czech police consider as a key task to be the search for crimes on the Internet in the field of **extremism and unlawful pornography**.
  - \* The task in the field of **extremism** is, *inter alia*, monitoring information about prepared actions, demonstrations and especially monitoring guest-books, chatrooms and other discussion clubs and auditoria. Gathered information is used as evidence for proving crimes or misdemeanours, or serves in the adoption of preventative measures. The Czech police concentrated on the issue of extremism and related security risks in connection with the Autumn NATO Summit in the Czech Republic. The police continuously collected information on real threats aimed at disturbing the NATO Summit.
  - \* The Czech police are solving the occurrence of **child pornography** and bestiality (zoophilia) mainly on domestic Internet servers. Servers providing their users sites free of charge are most frequently used for such illegal activities. Findings of child pornography on foreign servers were sent via Interpol to the relevant country. Revelation is difficult because the server owners are not legally obliged to save for a certain period of time log files. A new trend is the creation of closed communities within which child pornography is produced and distributed. These especially use new coding and other methods. The fact that the conditions for using some servers were made stricter should be evaluated positively.
- The dissemination of e-mails offering very advantageous loans, where a creditor acts as a person from a third country, increased. Frauds are in many cases very precisely executed. The person lending money is then involved in illegal activities so that he/she cannot submit criminal information. Similar to this are invitations sent via e-mail containing an offer of high profit, i.e. invitations for money laundering. The purpose is to gain access to the bank of account of the aggrieved in order to withdraw money from it.

### Measures Adopted

- Co-operation between the Czech police and the Institution of Criminal Sciences in Prague resulted in gathering evidence on the presence of illegal software in the computer directly on the spot without the necessity of physically seizing hardware. The preliminary results can be assessed within 24 hours from the seizure of software.
- A pilot project was aimed at involving training Czech police's units in computer expertise. Trained staff are able to perform basic steps related to criminal sciences as well as and technical steps. Automated procedures determined for analysing disk contents were developed.
- The restructuring of the Computer Expertise Unit of the Institution of Criminal Sciences in Prague has brought better and faster expert verification.
- The Czech police set up a 24-hour contact point for IT. Communication with foreign permanent services was ensured via the permanent service of the National Headquarters of Interpol in Prague.
- Several specialised training courses were held for the Czech police organised within the PHARE programme and attended by foreigner trainers.
- The objective of a research project "Combating Computer Crime" (approved and financed by the MI; manager – the Faculty of Electrical Engineering of the Czech Technical University in Prague along with faculties of universities in Pilsen and in Brno. It will be finished at the end of 2003) is to contribute to creating an infrastructure ensuring the permanent and efficient provision of information to professionals as well as the general public and thus creating professional links among specialised departments of universities and the MI's departments and units.
- In compliance with general rules, principles and methods aimed at checking up on the use of computer programmes, approved by Government Resolution No. 624/2001, the software audit was performed at the Office of the Government which proves the legitimacy of its use.

- Changes in the field of information technology will be reflected in the scope of internal security audit and in security measures adopted to protect the information of Ceska Posta, s.p (the Czech Postal Services).

## Environmental Crime

- **Environmental crime**, despite a certain increasing trend (a still very low amount of crime recorded), is **latent and dangerous**. It requires a special approach by all state administration units, in particular by the Czech police, the Czech Inspection for the Environment (CIE), the State Fund of the Environment, the ME and the General Directorate of Customs.
  - \* It is characterised by crimes related for example to the transit and import of waste (we are both a target and a transit country, false documents are used, loads are declared to be less defective, and reason for imports is justified by the secondary use of waste), illicit trade in endangered species of animals and plants (a high level of illicit transactions - this ranks among the most profitable illegal activities; according to the findings of customs bodies, products of traditional Chinese medicine were found containing extracts of protected animals and plants), crime committed in forests (illegal production of timber, direct damage represents only a fragment of real ecological damage), air and water pollution, the unauthorised production and possession of radioactive material, endangering health by defective food, animal torture, poaching, breakdowns and operational failures, and looting localities an abundance of precious stone and semi-precious stone.
  - \* A great deal of crime uncovered is related to illegal logging. According to the information of the Czech police, attention devoted by central state administration bodies should result in the drawing up of a strategy aimed at eliminating the existing system of conditions which enables such criminal offences to be carried out. In particular, professional supervision of private forests is not found to be sufficient. Forest personnel do not have adequate conditions for “watching” either private or municipal forests. The current situation in the market with wood also enables such crimes since mainly small manufacturers do not have the chance to purchase timber from larger producers with a dominant position, and therefore they purchase “raw material” from any sources and they often even finance illegal logging when this provides prepayments.
  - \* Expensive expert opinion is a problem to obtain along with the demanding and ambiguous calculation of damage caused.

## Measures Adopted

- **An amendment to the Criminal Code** was adopted and its provisions of Sec. 181a and Sec. 181b were defined more precisely and, moreover, new provisions were added.
- Arrangements at the European level are important and often binding on the Czech Republic; for example Council Framework Decision 2003/80/JHA of 27 January 2003 on the protection of the environment through criminal law. Pursuant to this Decision both individuals and corporations should be responsible for crimes and misdemeanours against the environment and the Decision defines suitable and deterrent punishments and so forth.
- The ME drew up a document “Evaluation of Risks of Chemical Substances” because all activity connected with the use of chemicals is a source of risk for human beings and the environment. The Ministry is currently drawing up the “Report on the Situation in Water Protection”.
- The strategy of the MI “**Combating Ecological Crime**”, approved by the Minister of the Interior at the end of January 2002, defines basic steps. (*Published on the MI's web sites, section of documents – www.mvcr.cz*).
- Members of the inter-ministerial commission (which was set up on the basis of the Updated Strategy on Combating Organised Crime) solve, *inter alia*, issues relating to more effective waste and dangerous waste management in cases where waste is, for customs purposes, declared as goods; and issues connected to an option to distribute responsibility for solving the liquidation of dumping sites.
- During the years 2001-2002 one or two police specialists were appointed in all District Directorates of the Czech police and Regional Headquarters of the Czech police which are

responsible for issues of ecological crime. A specialised department will be established within the Czech police, namely within the Section of the Criminal and Investigation Police Service for Uncovering Organised Crime. This department will focus on issues of illicit highly dangerous substances and waste management.

- **Contact with Responsible Officers of the Czech Inspection of the Environment**, with Departments of the Environment of regional councils and municipalities executing powers of state administration is on an ongoing basis established with individual district and regional units of the Czech police.
- An agreement between the CIE and the Czech police is being prepared. According to its provisions the CIE would attach to their motions for prosecution an expert opinion.
- The competencies of police in the field of crime against the environment were formulated and were or will be incorporated within the content of the relevant **training programme** (specialised and innovative courses).
- Act No. 76/2002 Coll., on Integrated Prevention, Restriction of Pollution, on the Integrated Register of Pollution, on the amendment to some related acts, on the amendment to Act No. 86/2002 Coll., on Air Protection, and on the amendment to some other acts, was approved. Moreover a number of decrees of the ME were approved.

*The Rajchertov cadastral was accused that without the approval of the Department of the Environment of the District Office in Jindřichuv Hradec, had ploughed 65 hectares of meadows including land in the protected area of natural reservation Hadí vrch within the Rajchertov cadastral. By doing this they destroyed a biotope at that land formed by grass and herbal phytocenosis, through which they endangered and damaged communities and the population of wild animals and plants, in particular they damaged 18 species of specially protected animals. The ploughing of meadows is described as significant damage, even destruction, of a biotope and to eliminate it will be very costly. The total damage is estimated as being CZK 230 million.*

- **Crime in the area of communications** has been, in the opinion of the Czech police, for a long time connected with fraudulent withdrawals of postal slips of H and B types; co-operation between the Czech police and the General Directorate of Postal Services helped to introduce new protective elements. With regard to the area of **telecommunications** no substantial changes have occurred.

\* Some employees offer paid services for intermediation of phone calls abroad to the account of their employer. Unauthorised production and use of “endless” telephone cards remain a problem. So called “colour lines” are often used for other purposes such as unauthorised connection of telecommunication data networks. Stealing coins from public telephones is a problem as well and the highest damage is represented by the cost of repairs.

## Findings of the Sociological Survey

- In surveys carried out by the UNIVERSITAS agency, respondents expressed their concern of being affected by crime, using a scale from 1 to 10, where 10 indicates maximum anxiety. The survey showed that fraud was the concern of highest priority (frauds in investment companies, travel agencies), with an index of 5.57 (5.71 in the previous year).
- 68 % of respondents feel very or partially anxious about fraud in the field of investments and financial operations.
- To the question of whether the police should monitor, investigate and prosecute, for example, the copying of computer programmes, games or CDs, 16 % of respondents answered “yes always”, 26 % answered - “yes, if the victim minds this kind of crime”, 43 % of respondents stated that they would rather the police did not, and 14 % answered “absolutely not”.
- To the question of whether the police should monitor, investigate and prosecute pollution of the environment and “wild dumping sites” 73 % respondents answered “yes always”, 17 % answered - “yes, if the victim minds this kind of crime”, 9 % of respondents stated that they would rather

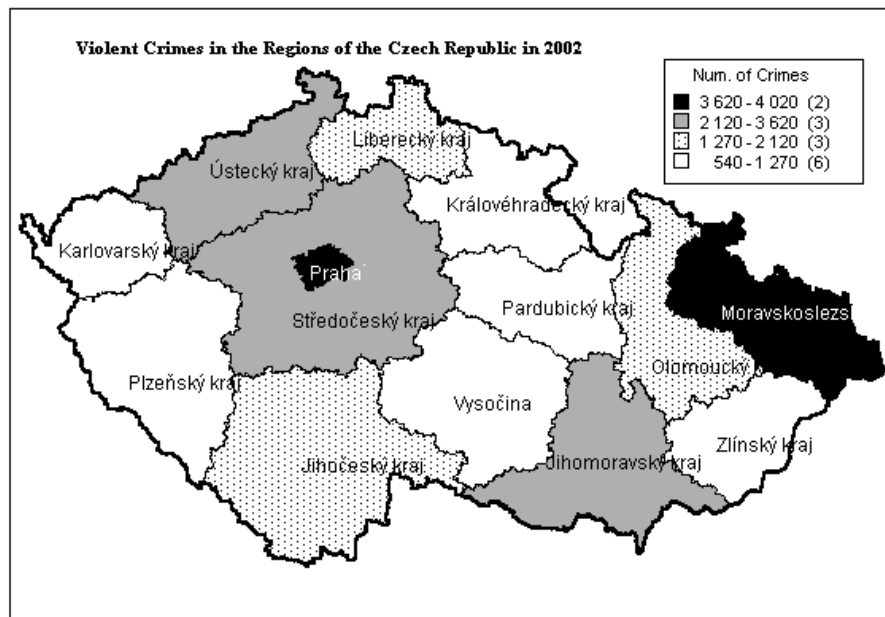
the police did not, and 1 % answered “absolutely not”.

## Summary

The number of economic crimes ascertained exceeded for the second time since 1993 the limit of 40 thousand crimes. The growth in recovered damage and decrease in damage ascertained occurred in the second year in sequence.

- The number of crimes of credit fraud has increased markedly, a new trend in the sense that a considerable growth of recorded crimes is shown in the number of crimes of unauthorised possession of a payment card.
- **Taxes are** a problem; an entity obliged to pay taxes may try to avoid lodging criminal information on the side of a relevant Tax Authority relating to not meeting tax obligations or tax curtailment, and may submit a tax return however some entities then do not pay a relevant financial amount of tax calculated. Taxes are evaded also in cases of funds being transferred abroad. Only rarely is it possible to successfully solve such cases and to declare them as criminal offences, tax evasion or curtailment of fees and similar mandatory dues. So-called “tunnelling” of savings associations often takes place as a result of a conscious (contradicting legal provisions) decision taken by the Board.
- An active approach by involved ministries was positively reflected in the field of intellectual property. The Czech Republic **was not included in the Watch List** (*however almost every year it is proposed that the Czech Republic be included in this list of countries who have insufficient protection of intellectual property*). A number of forged products were seized.
- A markedly extensive use of IT in connection with the committing of crime can be seen. IT is applied as a tool. According to forecasts the further trend of **IT** development and its forms of misuse will show growth.
- **Environmental crime** remains, despite a certain increasing trend (still a very low amount of crime is recorded) **latent and dangerous**. It requires a special approach by all state administration units, in particular that of the Czech police, the Czech Inspection for the Environment (CIE), the State Fund of the Environment, the ME and the General Directorate of Customs. The majority of crimes ascertained relate to the illegal production of timber. According to the Czech police’s findings the problem is inadequate supervision over professional inspection of private forests.

## 2.2.3 Violent Crimes



### I. Development and Characteristic Features

#### Criminal Statistics

- number of crimes ascertained: 23,555  
(+1,846 crimes; +8.5 %)
- share of total crime: 6.3 %
- number of persons prosecuted and investigated: 17,365  
(+566, +3.4 %)
- number of crimes solved:  
17,456 crimes (-267 crimes -1.5 %)
- clear-up rate: 74.1 %
- number of murders ascertained:  
234 crimes (0 crimes)

#### Court Statistics

persons sentenced: 3,065 (+197, +6.9 %)  
(Sec. 221, 222 and 225 of the Criminal Code)

- **The number of ascertained violent crimes increased and from the long-term point of view this was the highest number of recorded violent crimes since 1993**, which indicates that it moderately exceeded the values of 1998, when this number culminated. The growth was accompanied by a stagnation in the number of crimes solved. The number of murders stagnated while the number of recorded robberies increased.

\* The number of ascertained violent crimes remains influenced by repeating factors. The largest problems are caused by good organisation of such crimes, by abuse of alcohol and drugs, and by relapse into such crime. The use of weapons is more common. The percentage of repeat offenders committing such crimes is 39 %, foreigners 6.7 % (for example foreigners committed 17.8 % of the total number of murders); the proportion of children is 5.6 % and the share of juveniles accounts for 7 %. The aggression and brutality of offenders has increased, and a specialisation in certain violent crimes can be seen – murders, mugging, and extortion (*see chapter titled Organised Crime – Activities of Criminal Organisations Including Violent Crimes*).

## Development of Crime With Regard to the Higher Territorial Self-Governing Units

- *The highest number of criminal offences was recorded in the Moravian-Silesian Region (4,011 crimes), followed by in Prague (3,625 crimes) and the Usti Region (2,272 crimes). On the other hand the lowest number of crimes, i.e. regions where the number of violent crimes ascertained did not exceed the limit of 800 crimes, is typical for the Vysocina and Pardubice Regions. A percentage reduction was recorded in the Central Bohemia, South Bohemian and Olomouc Regions, whereas in other regions an increase was recorded – from 23.4 % in the Liberec Region to 5.2 % in the Zlin Region. Prague reports a several fold higher number of recorded robberies (1,718 crimes) in comparison with other regions of the Czech Republic where the number of such crimes varies from 76 crimes in the Pardubice Region (+31 %) to 644 crimes in the Moravian-Silesian Region (+31.2 %).*

## Murders, Attempted Murders, and Robberies

- **The number of murders ascertained stagnated** and was accompanied by a higher number of crimes cleared-up. From the long-point of view this means that during the **last two years one of the lowest numbers of murders was recorded. Murders and robberies still raise a feeling of endangerment among the public.**

\* 236 persons were prosecuted, of them 29 women; the number of victims reached 214, of these 90 were women and 124 men. Among this type of crime murders resulting from personal disputes prevail (112); the number of murders with robberies increased from 29 to 37, and the police recorded three hired murders. The situation is similar to that of previous years - professional preparation, the motive of robbery, liquidation of possible witnesses, insolvency of entrepreneurs, getting rid of a competitor, brutality, and devastation of victims, are typical features of current murders.

\* 181 murders and attempted murders were **committed with the use of weapons** (172 were cleared-up.)

*(32 murders using weapons were committed by “cold steel” and in 53 cases offenders used firearms while in 89 cases an “other object” was used). 16 murders were committed using legally held weapons (9.3 % of the total number of murders solved), and 29 murders using illegally held weapons (16.9 % of the total number of murders solved). In the other murders it is not known whether the weapon was held legally or illegally, however the majority of murders were committed using other objects (126 i.e. 69.6 %)*

\* The Czech police recorded 96 (-5) **unidentified corpses** and identified 164 (-3) victims, i.e. 83.6 %, of these 14 (-15) foreigners; 10 (-14) were victims of violent crimes; 21 murders and three cases of fatal injury to health.

\* From a territorial point of view most murders were recorded in Prague - 42 crimes, -16 crimes, i.e. one of the largest declines. Another marked decrease is reported from the Pardubice, (-7 crimes) and Karlovy Vary (-5 crimes) Regions, followed by the Central Bohemian and Moravian-Silesian Regions with 29 crimes.

- The number of **robberies considerably increased**, however this growth was accompanied by an increase in the number of solved crimes; street robberies remain a problem. Robberies of banks decreased. Compared to previous years the number of robberies markedly exceeded 5,000 crimes and the number of offenders was higher than 3,000 persons.

\* The situation has remained unchanged – professional preparation, collection of debts, robberies of petrol stations, shops and post offices (the numbers of robberies of post offices and postmen has stagnated); robberies of financial institutions were carried out primarily by individuals; high brutality, and so forth. Also the causes have remained the same - mainly the easy execution of such a crime and the illusion of getting rich very quickly.

\* 1,271 robberies were committed using a weapon (of them 522 robberies were solved) (271 were committed using so-called “cold steel” (i.e. not firearms) and in 544 cases offenders used firearms; in 324 cases offenders used an “other object”; 34 (6.5 % of totally solved robberies) robberies were committed by a legally held firearm; 85 (i.e. 16,2% of totally solved robberies) robberies were committed by using an illegally held firearm, and the other crimes fall into a category where

*assessment is impossible. However the majority of robberies (725 i.e. 57 %) were committed using other objects.*

\* Territories affected by this type of crime have not changed either. By far the highest number of robberies was recorded in the capital city of Prague (1,718, + 181 crimes), followed by regions where more than 500 crimes of this type were committed (the Moravian-Silesian Region with 644 crimes, the Usti Region with 605 crimes, and the Central Bohemian Region displaying 526 crimes).

- With regard to other violent offences, the most common situations were recorded in terms of dangerous threats or restriction of personal freedom; extortion/blackmailing, wilful injury to health and violation of domestic freedom stagnated or increased slightly.
- The Czech police recorded in total 3,734 (+366, +10.9 %) ascertained **crimes with a weapon**. In total 914 (-83, -8.5 %) crimes were committed using a firearm. Altogether 2,664 crimes committed with a weapon were solved, of which 201 (-1) were committed using a legally held firearm while 195 (-49) crimes were committed using an illegally held firearm; the other crimes fall into a category where assessment is impossible and other kinds of weapons were used (so called “cold steel” and other objects). In total 446 (-28) persons were prosecuted for crimes committed with the use of a firearm, 179 of whom illegally held a firearm which was subject to registration, 16 of whom illegally held a firearm which was not subject to registration, 98 who legally held a firearm which was subject to registration, and 97 who legally held a firearm which was not subject to registration. 56 persons were prosecuted for committing a crime with a weapon which falls into a category where assessment of its possession is impossible. Most frequently these were crimes of dangerous threats, restriction of personal freedom, and robberies. There were 638 (-11) cases of unauthorised arming.

As of 31 December 2002 there were in total 310,201 (-11,014) holders of legally issued firearm licenses, of them 1,790 (+26) foreigners, 70,924 collectors of weapons and ammunition, 117,345 sport shooters, 140,450 hunters, 71,062 firearm license holders who need a firearm for their profession, and 254,550 firearm holders who possess a weapon to protect health, life, and property. 1,827 (-67) persons who legally held firearm certificates were registered, among them there are 471 owners of trade licences, 376 owners of private security services, 623 sporting and hobby clubs, 53 entities operating museums, 264 persons train shooting, and 325 municipalities where there are municipal police. With regard to firearm licence and certificate holders, as of 31 December 2002 in total 602,603 (+10,715) firearms were registered, of this number 238,618 (+23,260) were short rifle firearms, 156,000 long rifles (combined), 170,728 shotguns and 37,257 other firearms.

In the Czech Republic 487 cases of stolen firearms were recorded when in total 592 (+136) weapons were stolen. With regard to firearm certificate holders, six cases of stolen weapons were investigated when in total fifteen weapons were stolen. The police administrative service recorded in total 2,623 (+484) cases of losses and thefts of firearm licenses and 2 (-7) cases of losses and thefts of firearm certificates. Ten cases of purchases of firearms using a stolen or lost firearm licence were recorded – 11 firearms were purchased.

- **184 persons** were lawfully sentenced for the crime of **unauthorised arming** (Sec. 185 of the Cr. Code) (**215 persons in 2001**)
- **The Czech police recorded in total 735 fires<sup>18</sup>** (+99, +15,6 %). A decisive reason for fires was the negligent conduct of people (unprofessional conduct, children playing with matches, safety regulations not adhered to, etc.) and technical failures. Arson was connected, as in the previous year, with insurance frauds, especially with regard to premises of businesses. Findings showing links to other crimes were ascertained (extortion, tax evasion, etc.). Out of 31 explosions (+7) the police cleared up 16, and the total damage caused increased considerably from CZK 2.1 million to CZK 8.5 million.
- Of the total number of sentenced persons, **152** (+8) persons were sentenced for **murder** (Sec. 219) and **1,441** (+12 %; +154) were sentenced for **robbery** (Sec. 234).

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<sup>18</sup> The Czech police statistics recording system records only those fires which are proven to be crimes (this concerns fires reported to the police, or where “well-founded suspicion” that a crime has been committed is ascertained), which is the reason for discrepancy with data from the Fire Brigades, who record all fires.

*(For more details see tables 28-30, 40-42)*

## **II. Measures Adopted**

- A Group for Special Criminal Activities continued working, apart from other things, on activities relating to the analysis of serious crimes, in particular to revealing mutual links among violent crimes.
- A range of preventative programmes focused, on an ongoing basis, on increasing the feelings of citizens of being safe and on their active participation in protecting people (see chapter “Crime Prevention”).
- **Strengthening protection of the staff and the property of the Czech Postal Services** continued and showed positive results – for example the installation of portable counter time vaults and modernisation of safety boxes for money transport (in the next year small safety boxes will be introduced) and extended technical protection for post offices. In selected post offices small equipment called EZS, electronic security systems (special small equipment), will be provided, and a project of distance guarding of all categories of post offices will be verified. An effort to minimise the human factor continued in the form of training aimed at security measures.

## **Findings of the Sociological Survey**

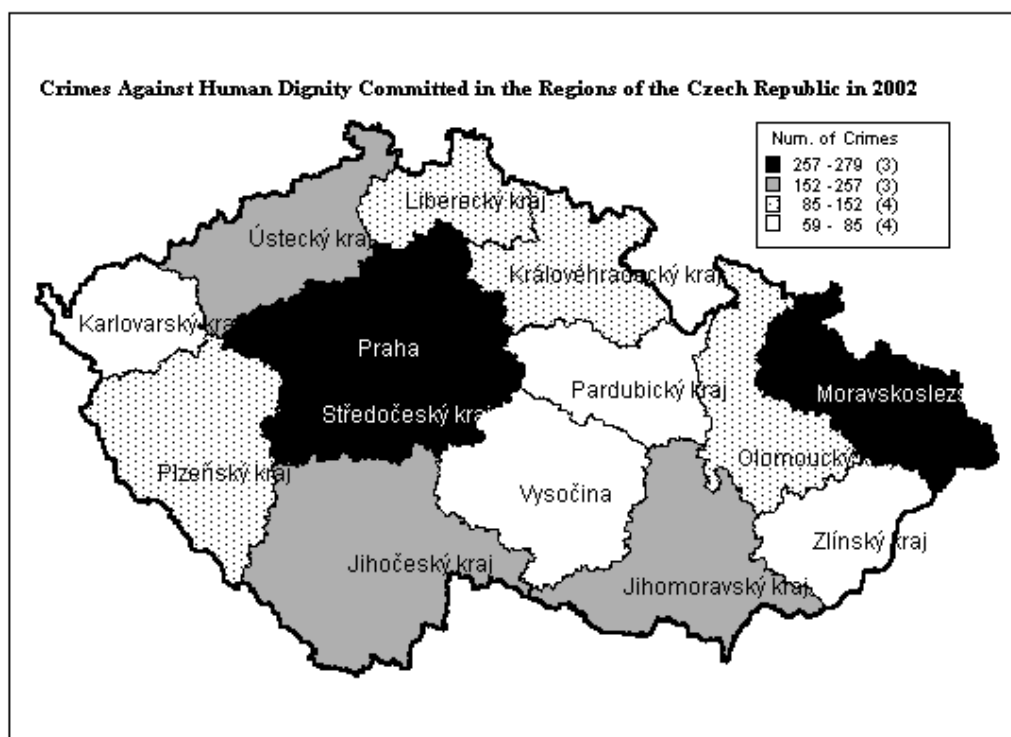
- In the sociological survey of the UNIVERSITAS agency respondents expressed their concern about being affected by crime using a scale from 1 to 10, where 10 indicates maximum anxiety. After crimes against property, the first places were occupied by concerns as to being affected by violent mugging or robbery, showing an index of 4.72 (4.63 in the previous year) and physical assault or bodily injury, having an index of 4.24 (4.30 in the previous year).
- 74 % of respondents were anxious or quite anxious because of violence and aggression in society.

## **Summary**

**The number of ascertained violent crimes has increased, from a long-term point of view, it was the highest number of violent crimes recorded since 1993.**

- The situation has not changed qualitatively – e.g. professional preparation, brutality.
- Markedly the highest number of violent crimes was recorded in Prague.
- **The feeling of being affected by murders is very high among the general public** (murders saw stagnation, but with respect to motives the number of murders accompanying robberies increased) **and robberies** (in comparison with murders, robberies increased substantially, especially street robberies).
- **Crimes carried out with the use of a weapon or firearm stagnated.**

## 2.2.4 Crimes against Human Dignity



### I. Development and Characteristic Features

#### Criminal Statistics

- number of crimes ascertained: 2,046 (+91 crimes, +4.7 %)
- share of total crime: 0.5%
- number of prosecuted and investigated persons: 1,454 (+46)
- number of crimes solved: 1,716 (-64 crimes, -3.6 %)
- clear-up rate: 83.9 % (-7.2 %)

#### Court Statistics

persons sentenced: 515 (+59, +12.9 %)  
(Sec. 241 - 245 of the Criminal Code.)

**For quite a long period of time the levels of crimes of a moral nature have oscillated (except for 1998) around 2,000 crimes per year.**

\* A high latency rate is typical for this kind of crime; reasons for this may be different - concerns about reporting these crimes, a feeling of shame, and a fear of being dishonoured or despised are among the most frequent reasons.

\* All forms of sexual abuse increased, the number of rapes rose while the numbers of crimes of procurement and trade in human beings declined (15 crimes, -12 crimes). The number of ascertained rapes increased moderately (653 crimes, +91 crimes) and the same applies to endangering morale (51 crimes, + 3 crimes).

\* The situation in the field of crimes against human dignity has not changed profoundly - it is mostly spread in cities with a large concentration of the population (Prague, Brno, Ostrava, Pilsen) where mainly cases of rapes, sexual abuse, and procuring were recorded. Locations with concentrated prostitution in the borderlands are heavily affected by procuring.

\* A steady problem connected to crimes against human dignity is procuring which directly relates to a number of other crimes, in particular trade in women, restriction of personal freedom, extortion, but

also thefts and other kinds of criminal activity which show signs of organised crime. Pimps take better care of their prostitutes, give them greater freedom and increase their share of profits, thus giving prostitutes less reason to bring criminal complaints against them or to witness against them in trials, thus increasing in any respect the latency of crimes connected with prostitution. Prostitution is also linked to crimes against property (tax evasion), the spread of venereal diseases, and endangering morale (the production and distribution of pornographic materials). (*The issues of trafficking people are described in full detail in Chapter 2.2.9.2.*)

\* With regard to this type of crime, criminal offences committed via the Internet concern mainly the spreading of all kinds of pornography with a high share of child pornography. *These are especially offers of child pornography on special web sites. In order to be able to find the person who has established such web sites it is necessary to find basic information such as an IP address, the time of access and similar data. Formerly web site providers provided such information to the Czech police but since April 2002 they have refused to do, with the defence that this kind of information falls under telecommunications secrecy. The first provider to justify such non-disclosure of this kind of information was Cesky Telecom (the Czech Telecommunications company), that refused without a judicial order to provide any information. Other providers followed this approach.*

\* Paedophilia, homosexual as well as heterosexual tourism began to come to light more intensively; a network of intermediaries is being created.

(For more detail see tables No. 31)

- **364** persons were lawfully sentenced for crimes of **sexual abuse** (Sec. 242 of the Criminal Code) **and 147 persons for rape** (Sec. 241 of the Criminal Code.).

### Findings of the Sociological Survey

- In the sociological survey of the UNIVERSITAS agency respondents expressed their concern as to being affected by crime using a scale from 1 to 10, where 10 indicates maximum anxiety. Concerns about being raped showed an index of 3.24 (in the group of women this is more weighted – 4.5).

### Summary

The situation in **crimes against human dignity** has not changed, its latency is typical.

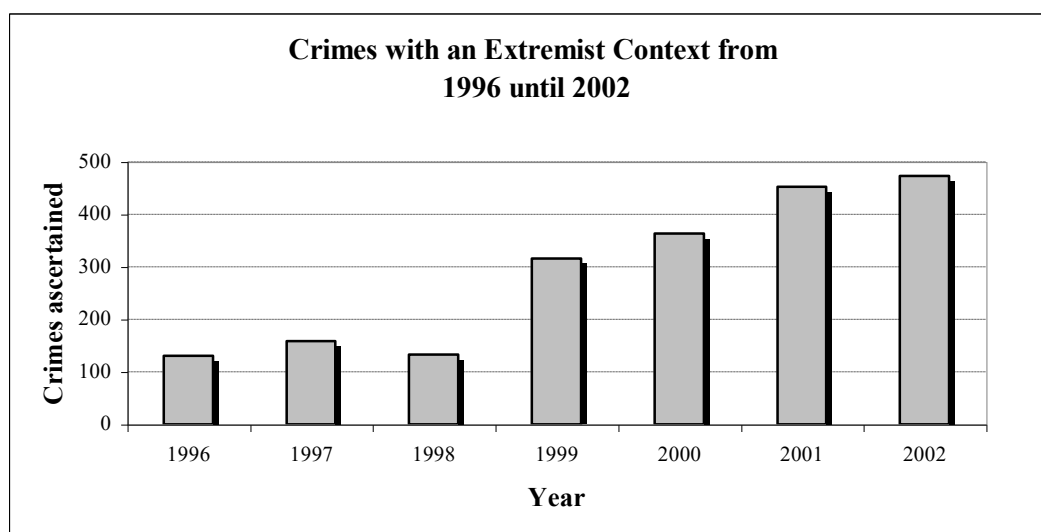
- A steady problem is the **procuring** and dissemination of **pornography, in particular child pornography**, via the Internet.
- A permanently discussed issue is the absence of any legal regulation of prostitution.

## II. Measures Adopted

- The advisory commission of the MI meets regularly to solve issues related to the trafficking of women and commercial abuse of children.
- A constitutional meeting of a trilateral working group at the level of the ministries of the interior consisting of representatives of Germany, Poland, and the Czech Republic, met to solve issues connected with prostitution in the borderlands, sexual tourism and trade in human beings.
- The amendment to the Criminal Code (the so-called Euro-amendment effective from 1 July 2002) regulates provisions of Sec. 246 (“trafficking in women”) so that both sex are protected (the name of the Section will be changed to “trafficking in human beings”) and enables broader protection of trafficked foreigners, both men and women. This amendment also extended provisions of Sec. 205 – endangering morale – by introducing sanctions also for the transport and export of pornography and for its possession for the purpose of further shipment and export, and

- also by stipulating stricter sanctions for spreading “hard pornography”.
- In the field of bilateral co-operation mainly, co-operation with Germany continued within the Trilateral Working Group for solving criminality in the borderlands, with an emphasis placed on crimes of a moral nature.
  - The situation in prostitution is perceived as unsatisfactory – in particular the absence of legal regulation of this phenomenon. Within an assignment arising from the National Plan on Combating Commercial Sexual Abuse of Children, attention will be paid for example to measures against child pornography on the Internet and prevention of the commercial sexual abuse of minor asylum seekers.
  - The MLSA is drawing up the “Programme for Implementing Measures on Eliminating the Worst Forms of Child Labour”, to execute the Convention of the International Labour Organisation No.182 on banning and adopting immediate measures to eliminate the worst forms of child labour. (Under this Convention, using, acquiring and offering a child for prostitution, and the production of pornography and pornographic performances rank among the worst forms of child labour).
  - The Act on the Liability of Youth for Illegal Acts and the Judicial System Concerning Youth and on the amendment of some related acts, in its Part II, the Amendment to the Criminal Code, should newly stipulate the legal grounds of the crime of suborning a person to sexual intercourse, under which it should be possible to punish a person who offers, promises, or provides a person younger than 18 years of age with payment or any other benefit in return for having an intercourse with him/her. This regulation would mean a higher protection of children against being endangered morally.

## 2.2.5 Crimes with an Extremist Context



### I. Development and Characteristic Features

#### Criminal Statistics

- number of racial crimes or crimes with other extremist context: 473 (+4.6 %, +21)
- number of crimes solved: 374 (-32, -0.8 %)
- clear-up rate: 79.1 % (-10.7 %)
- number of persons prosecuted and investigated: 483 (-4.5 %, -23)

#### Court Statistics

- sentenced persons: 194 (+44, +29.3 %)

(For more details see table 32)

- **From a quantitative point of view this kind of crime is not very extensive, however its impact upon the integrity of the society is not negligible.** The proportion of criminal offences linked to crimes having an extremist context was in total crime ascertained as being 0.1% (0%), as in 2001.<sup>19</sup>
  - \* Offenders of the above-mentioned crime were prosecuted mainly for the support and propagation of movements aimed at suppressing human rights and freedoms - 213 (44.1%) persons; 118 persons (24.4%) for the defamation of a nation, race or a belief; and 92 persons (19%) for violence against a group of people or an individual. 22 persons (4.5%) were prosecuted for intentional injury to health. A considerable increase in these crimes was not seen. In 2002, contrary to in 2001, **no murders or fatal bodily injuries were committed.** However, **in two cases the crimes monitored were committed by members of the Czech police.**
  - \* In terms of the composition of crimes, the majority of crimes monitored were committed by juveniles or persons who had just reached adulthood, and almost exclusively by **members of the**

<sup>19</sup>The term crime with an extremist context (extremist crime) is used as a synonym for crime motivated by racial, national, or other social hate. This type of crime is understood as conduct which fulfils the prerequisites for the factual basis of a crime or misdemeanour and is *a priori* motivated by hatred arising from race, nationality, religion, class or another social group to which the attacked belongs. A specific type that could be included in this crime category is crime against the symbols or representatives of an existing social system if this is *a priori* motivated by hatred against it.

**skinhead movement** when verbal or physical attacks were **directed towards Romas equal in age**. Frequently such crimes were committed by repeat offenders. In other cases were predominantly verbal attacks having the nature of a situational conflict between persons from the majority society who had not previously been convicted, and Roma(s) on the other side. These conflicts were often provoked or affected by the prior behaviour of victims, however the attacks were not aimed specifically against the subject of such conflicts but against the ethnic membership of the victims. Exceptionally, there have also been attacks with a racial context by Roma against members of the majority society.

- In 2002 no crimes were recorded in the Czech Republic as having been committed by dangerous religious sects.
- **The representatives of basic extremist streams did not substantially change in 2002.** In 2002, as in 2001, there were **on the Czech Extremist scene** both **right-wing extremist entities** (i.e. neo-Nazi, fascist or nationalist oriented organisations), and **left-wing extremist groups** (i.e. anarcho-autonomous, neo-Bolshevik, and pan-Slavic groups and organisations). There were both unregistered organisations and civic movements registered with the Ministry of the Interior. **Protagonists of the Czech extremist scene, as in the previous year, did not represent a significant danger to the democratic foundations of the state.**
- Development of **the right-wing extremist scene** in the Czech Republic showed efforts to emerge onto the political scene.
  - \* Significant representatives of the right-wing extremist scene have in the recent years endorsed the idea of using the platform of civic associations or political parties or movements and have continued their effort to become part of the political scene. Qualitative changes to the right wing extremist scene, continuing in 2002, did not lead to the removal of differences in views of individual entities operating within this scene. Co-operation among individual associations did not result, despite all efforts, in the unification of right-wing extremist citizens. Thus this scene has remained heterogeneous and fragmented, and its conspiracy and free internal structures have increased.
  - \* Although in autumn 2001 the establishment was managed of a right-wing extremist political party under the name the **Right Alternative** (the RA, formerly the Patriotic Republic Party presenting itself publicly since March 2001 as the “National Social Block”, which however did not exist legally), in 2001 the disunity of its leading representatives made it impossible to achieve its proclaimed election ambitions. On the Board of the RA, whose chairman is Jan Kopal, there are some leading personalities of an unregistered extremist organisation called the National Resistance and at that time the not existing National Alliance. After Jan Kopal was removed in March 2002 from the post of chairman the RA management has changed completely and such modifications have led to changes in RA attitudes towards their participation in the elections. Finally, the RA did not submit its intended list of candidates for the June elections to the Chamber of Deputies, but participated in the November Municipal Elections. The political party National Unity (the NU), founded by the former chairman of the Patriotic Front (a civic association which is defined by the MI as being extremist), and registered with the MI in April 2002, stood for the Municipal Elections as well. Departure from republic-wide policy to community policy visible in 2002 did not bring the required results. All such effort has so far been unsuccessful. Right-wing extremists, after they gave up the idea of succeeding at the republic-wide level, have not yet managed to establish themselves on the political scene at the community level. Currently, according to police findings, the Right Alternative is not publicly active, and the most active entity of the right-wing extremist scene remains an unregistered organisation - the **National Resistance**. This association did not and does not have “political ambitions”, on the contrary it prefers “street action”. It was an organiser of demonstrations and protest marches.
  - \* Unofficial activities such as various smaller celebrations continued to move to private flats and family houses and were attended by a lower number of people. In comparison with previous years the number of rallies of skinhead movement supporters decreased, including the number of concerts of skinhead bands in the Czech Republic, and international participation in such concerts decreased as well.

- Within the **left-wing extremist scene**, as for unregistered organisations, there have not been any

changes; activities of majority of organisations and association focused mainly on protest actions against the Prague NATO Summit.

\* The following organisations were among the largest and the most significant unregistered organisations in the year monitored: the Czechoslovak Anarchist Federation (the CSAF), Organisation of Revolutionary Anarchists – Solidarity (the ORAS) on one side, and the Federation of Social Anarchists (the FSA) on the other side. The most militant entity of this scene has been and is the Antifascist Action (AFA), both in terms of endangering public order and committing criminal offences.

\* A large part of left-wing extremist organisations and associations developed activities relating to the preparation of protest actions against the NATO Summit in Prague in November, however they were not able to adequately solve organisational issues (such as seeking suitable premises for an organisational base, or gathering necessary funds or accommodation for foreign participants). All this was accompanied by problems with planning protest actions themselves. The foundation of a common platform - antiNATO - did not bring the expected effect since this forum demonstrated heterogeneous opinion with regard to the form and course of individual actions. The failure of the protests was marked by a small response on the side of foreign activists whose radical approach organisers relied on. Attendance was, *inter alia*, preconditioned by a planned stricter regime on the national borders and preparations of measures taken by police forces directly in Prague and supported by measures adopted by the national police of neighbouring countries. *It was shown that without foreign assistance activists of the left-wing extremist scene are not able to organise mass demonstrations attended by several thousand of people as occurred in the course of protests against the Meeting of the International Monetary Fund and the World Bank in 2000.*

\* In 2002 left-wing extremists focused on moving important actions outside Prague (according to the police this was for example celebration of the May day in Brno or the 4<sup>th</sup> Street Party, held in Brno as well).

- Of the total number of offenders 37 juvenile **offenders were sentenced** (25 juvenile offenders in 2001) (i.e. 19%), 29 persons (19 in 2001) were denoted by courts to be repeat offenders. Most persons (80) were sentenced under Sections 260 or 261 of the Criminal Code – for the support and propagation of movements aimed at suppressing human rights and freedoms, 35 persons for violence against a group of people or an individual under Sec. 196 of the Criminal Code, 33 persons under Section 198 or 198a of the Criminal Code – for defamation of a nation, race or conviction or incitement of national and racial hatred, and nine persons under Sec. 221 of the Criminal Code for injury to health.

## Findings of the Sociological Survey

- |   |
|---|
| <ul style="list-style-type: none"><li>• According to the survey carried out by the UNIVERSITAS agency 47 % respondents feel very or quite anxious about manifestations of extremism (e.g. verbal attacks, violence).</li><li>• To the question of whether the police should monitor, investigate and prosecute such manifestations of racism and xenophobia if they are exclusively verbal (swearing, abusive remarks) 35 % of respondents answered “yes always”, 43 % answered - “yes, if the victim minds this kind of crime”, 17 % of respondents stated that they would rather the police did not, and 5 % answered “absolutely not”.</li></ul> |
|---|

## Summary

**From a quantitative point of view this kind of crime is not very extensive, however its impact on the integrity of the society is not negligible.**

- The majority of crimes monitored were committed by juveniles or persons who had just reached adulthood, and almost exclusively by **members of the skinhead movement** when verbal or physical attacks were **directed towards Romas equal in age**.
- Crimes committed by dangerous religious sects were not recorded in the Czech Republic.
- The civic association Republic Youth was dissolved.
- **The Commission for Combating Extremism, Racism, and Xenophobia as an advisory body to the Minister of the Interior**, established on the basis of Government Resolution No. 238 of 6 March 2002, is to ensure a co-ordinated approach of state administration bodies to combat extremism, racism, and xenophobia.
- By its Resolution No. 994 dated 14 October 2002 the government also approved the **Rules on Ensuring Co-operation of State Administration Bodies with Police Bodies in Combating Extremist Mass Actions**.
- **Co-operation within the V4 countries and Austria** continued, - the Working Group of V4 and Austria for Combating Extremism.
- A priority of the Ministries is to implement the project **National Strategy for Policing in Relation to National and Ethnic Minorities**.

## II. Measures Adopted

- Concrete activities of the Czech Government, the MFA, the MI and the Czech Police, the MJ, the SSPO, the MD, the MEYS, the MC, and of other state administration authorities relating to the issue in question, are summarised in the annual Reports on the Issue of Extremism in the Czech Republic, which are drawn up by the MI in co-operation with the MJ.
  - \* The aforementioned Reports describe development in the situation of extremism, provide summary information on the issue of extremism in the Czech Republic and related phenomena, and on the impact these have on internal security and public order. The Reports also outline potential risks that need special attention. In this context the Reports put an emphasis on the description of the extremist scene and state the names of actual organisations, including ones registered with the Ministry of the Interior, which form, through their activities or personal links, a basis (hot-bed) for logistics and political support for Czech extremism and its criminal manifestations. In addition, they deal with extremist crime from a national point of view but at the same time paying attention to this kind of crime as it happens in individual regions. They devote attention to basic extremist trends abroad, especially in the Central European geopolitical area, because those activities of the Czech Extremist scene with a number of foreign contacts should be understood separately from this context. Finally, the reports provide information as to how the Czech Republic is evaluated at an international level from the point of view of combating racism and anti-Semitism. In a balanced way these reports provide information on the repression and prevention of extremism, and represent the consensual view of state administrative bodies on the issue in question. In their printed form they are, *inter alia*, used particularly by the Ministry of Foreign Affairs of the Czech Republic. The Reports also evaluate adopted measures and include measures newly proposed.
  - \* In 2002 measures approved by Government Resolutions No. 498/2001 and No. 903/2001, following Government Resolutions No. 720/1999 and No. 684/2000, have remained valid. These measures, having predominantly a permanent nature and ensuring both increased pressure towards the extremist scene and preventative activities, were met on an ongoing basis by all responsible parties. In this context for example the activities of **the Commission for Combating Extremism, Racism and Xenophobia**, an advisory body to the Minister of the Interior, should be mentioned. Its meetings were held on 24 April and 10 December 2002.<sup>20</sup> Reorganisation of the Czech police contributed to

<sup>20</sup> The Commission for **Combating Extremism, Racism and Xenophobia** was established on the basis of Government Resolution No. 903/2001. After the first meeting of the Commission (7 November 2001) the MI suggested modifying Government Resolution 903/2001 so that the Commission could become an advisory body to the Minister of the Interior and the obligatory participation of Government members was not stipulated. The

strengthening the capacity for action of the police forces in combating extremism. The Department of Terrorism and Extremism was established within the Section for Revealing Organised Crime of the Bureau of Criminal and Investigation Police Service. The aim of the newly established department is to ensure the combating of republic-wide organised crime with an extremist context, taking into account its international dimension. The MI continued in applying an offensive approach against organisations breaching the conditions of their registration. The MI decided on 5 February 2002 to **dissolve the civic association Republican Youth**. This decision is currently lawfully valid. One of the most important activities was that carried out by the **Working Group of Visegrad Four Countries and Austria for Combating Extremism** which was set up under the responsibility of the Czech Republic and the MI respectively. Its practical significance was confirmed by the co-operation of experts from the V4 countries and Austria, and invited German experts in preparing safe measures for Prague NATO Summit held in November.<sup>21</sup>

\* “The Report on the Issue of Extremism in the Czech Republic in 2001“ bylaws were approved by Government Resolution No. 715 dated 10 July 2002, and by the Chamber of Deputies of the Czech Parliament.

- Training of policemen dealing with issues of extremism continued on an ongoing basis (e.g. the Czech-British project “Ethnic Minorities Policing” or the project of the Royal Canadian Mounted Police “policing in the Field of Minorities and Communities in Central Europe”).
- The Prevention Crime Programme systematically covered prevention of inter-ethnic violence, a project of which about 90% concentrated on risky groups of children and youth. Implementation of the project “Crime Prevention Programme at a Local Level”, continued. A priority task was to involve the Czech Republic in international co-operation on eliminating fan violence. The Working Group of the Government Council for Roma Community Affairs worked at the MI operated in the area of home affairs and the Czech police.
- The Government approved by its Resolution No. 994 dated 14 October 2002 the document **“Rules for Ensuring Co-operation between State Administration, Self-Government Bodies and the Czech Police in Eliminating Mass Extremist Actions”**.
- The MFA through Czech embassies and through international bilateral and multilateral meetings provided, on an ongoing basis, information to foreign partners on relevant measures adopted by the Government. In this context the MFA presented conceptual and other measures taken by the Czech Government for combating extremism, racism, xenophobia and other intolerance.
- The MJ drew up the Strategy of Probationary and Mediation Activities Within Combating Extremism which the Government took note of on 16 January 2002. (See the minutes from the Government meeting held on 16 January 2002, ref. number 220502.)
- The MLSA drew up the Strategy of Social Work in Avoiding and Eliminating Extremism which was approved by Government Resolution No. 169 dated 20 February 2002.
- The MEYS elaborated the Strategy of Educational Activities in Combating Extremism adopted by Government Resolution No. 268 dated 18 March 2002.
- The Czech Trade Inspection (the CTI) in carrying out its inspection activities paid increasing attention to racial discrimination (inspections concentrate mainly on restaurants and retail sales. Of the total number of inspections performed in 1,173 facilities, three cases of discrimination against Roma citizens were ascertained).
- On 7 February 2002 the Act on Churches and Religious Societies, published in the Collection of Laws under No. 3/2002 Coll., came into force.
- More detailed information on crimes with an extremist context is contained in the “Report on the Issues of Extremism in the Czech Republic in 2002” which will be submitted by the Minister of the Interior, in co-operation with the Minister of Justice, to the Government by 30 June 2003.

*(The Report on the Issue of Extremism is available on the MI's web site- section of documents – [www.mvcr.cz](http://www.mvcr.cz))*

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government approved such alteration by its Resolution No. 238 dated 6 March 2002.

<sup>21</sup> For more detailed information on the Working Group of V4 and Austria on Combating Extremism – see the Report on the Issue of Extremism in the Czech Republic in 2002.

## 2.2.6 Terrorism

- The current situation in the Czech Republic is, in terms of manifestations of terrorist activity, peaceful, as it is in other central European countries: no open manifestations of terrorism occur here.
  - \* The security situation was affected by the NATO Summit – assignments focused on the protection of those interests of the Czech Republic which could be affected by terrorist attacks and on the protection of interests (premises) of foreign allies and partners. The Prague NATO Summit was in this context evaluated as a very risky event. Also thanks to the concentrated efforts of all domestic and foreign entities involved in the safe course of the Summit, this meeting occurred without any incidents indicating involvement of elements of international terrorism as well as without more obvious success for the extremist scene in the Czech Republic. *The Czech Republic actively participated in the establishment of the Final Declaration of the North Atlantic Alliance in Prague showing a strong anti-terrorist dimension.*
  - \* Some members of the Palestinian community support the Hamas movement. The majority of them have links with the Palestinian government and there is a suspicion that some members try to enter into contact with persons involved in illegal trade in weapons.
  - \* There is a latent risk of terrorist activities by a part of the Arab community (some of whom have been present in the Czech Republic in the past – they collect information and maintain links with their countries of origin. A new wave of immigrants, mainly illegal ones, are involved in a whole spectrum of crime, moreover the suspicion exists that members of radical Muslim organisations transit through Czech territory). There is the possibility of logistic support in actions against Israel or American targets, and actions against political adversaries.
  - \* The building and broadcasts of Radio Free Europe to Iran and Iraq were assessed as a potential risk factor (the Radio of Free Iran and Iraq respectively). Persons and premises connected mainly with the USA and Israel – embassies, state visits, air companies, cultural memorials, etc – could become potential targets for possible attacks.
  - \* The potential danger of terrorist attacks cannot be excluded, mainly from the side of radical Muslims who could negatively react to Czech support in the struggle against terrorism. There is also the possibility of a response to the retaliatory action of the anti-terrorist coalition. Smaller individual actions could occur.
  - \* The establishment of Islamic centres may be a risk factor in the future – for example some Islamic centres in Western Europe serve as a hiding place for persons who are searched for, or as warehouses of weapons, etc.
  - \* Financing terrorist activities or other forms of their support represent an equally serious and currently topical area.
  - \* Operative investigations and evaluation of gathered information did not find any serious security risk or phenomena in the field of terrorism in the Czech Republic. The situation worldwide and in terms of the development of world events is developing dynamically especially with the increasing intensity of illegal migration from the countries of Middle East and other countries representing security risks. Some European countries have concrete experience of terrorist networks of Al Qaeda. Measures adopted in the Czech Republic should, to the highest possible extent, prevent the country from being used by terrorist groups or individuals.

## Findings of the Sociological Survey

In the survey carried out by the UNIVERSITAS agency respondents expressed their concern about being affected by crime using a scale from 1 to 10, where 10 indicates “maximum anxiety”. After September 2001 concerns related to terrorist attacks (e.g. a bomb attack) considerably increased, in 2003 there was an index of 4.22 (index 2.46 in 2001 and in 2002 - 3.81).

## Summary

The current situation in the Czech Republic was, in terms of **manifestations of terrorism**, peaceful.

- The building and broadcasts of Radio Free Europe to Iran and Iraq were assessed as a potential risk factor (Radio Free Iran and Iraq respectively). Persons and premises connected mainly with the USA and Israel (*Implementation of traffic measures and installation of closed circles cameras to secure Jewish premises especially in Prague is coming into its final phase*) can become targets for potential attacks.
- The Czech Republic verified all security risk factors and adopted measures which should, to the highest possible extent, prevent the country from being used by terrorist groups or individuals.
- The Czech Republic actively participated in the establishment of the Final Declaration of the North Atlantic Alliance in Prague showing a strong antiterrorist dimension.
- Areas of combating financing terrorism are among the priority measures all stakeholders are actively involved in. Information on such measures and other activities including international co-operation are contained in the Updated National Action Plan on **Combating Terrorism**.

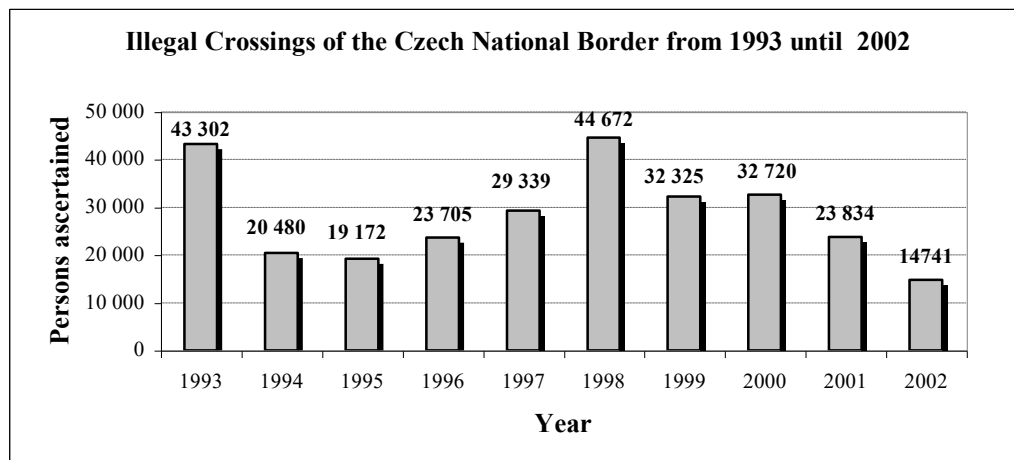
### Measures Adopted

- The active approach of the Czech Republic to international co-operation, including participation in projects drawn up within different international organisations, is not only an expression of our solidarity but also an essential contribution to increasing the security of the Czech Republic. In combating global terrorist networks international co-operation is becoming a vital issue.
- During the course of 2002 Government regulations aimed at strengthening the Czech police using Czech army forces and means remained valid for the purpose of ensuring the protection of selected localities. A range of preventative measures were implemented in relation to suspicion or danger of terrorist attacks in the territories of other countries (for example on the basis of a requirement of the US Air Agency during the meeting of the European Civic Forum in Italy or after the events in the Moscow theatre in Russia).
- Particularly in relation to the NATO Summit the Czech Intelligence Service verified, in co-operation with other security forces of the Czech Republic, all risk security factors. Other ministries were also involved in measures adopted (one of the measures impacted upon civil air operations and the use of the Czech Republic's air space).
- In combating the financing of terrorism relevant entities are involved in activities carried out by the Clearing House Group (the MF – the Financial Analytical Department, the MI and the Police Presidium of the Czech Republic, the MFA, the MJ, the Czech National Bank, and the SIS).
- On the basis of the meeting of the Central Crisis Staff held on 26 April 2002 the MI deals with the security of Jewish premises and their surroundings in the Czech Republic, in particular in Prague. The Working Group, whose activities are carried out by representatives of the MI, the Czech police, the Prague Municipal Council and Jewish institutions, mapped possible threats and risks in given localities and proposed a set of measures on how to secure the main historical centre of Prague (where the most important and the most visited Jewish memorials and premises are concentrated) and Jewish facilities in Prague. Meetings especially brought proposals for increased guard activities of the Czech police, the implementation of traffic measures and the installation of closed circle camera systems of the Prague Camera System. In connection with military operation in Iraq the most significant Jewish premises are under the permanent supervision of Czech police patrols. The Prague City Council is responsible for implementing security traffic measures and installing CCTV systems in 2003.
- In the field of international co-operation there has been an exchange of operative information on persons and organisations of police interest and the exchange of findings relating to terrorism. There was co-operation within the Police Working Group for Terrorism (the PWGT) (in 2002 the Czech Republic was a co-organiser of a PWGT Prague meeting.). This group associates operative police units from the EU Member States, Norway, Switzerland, Poland, Hungary, Slovakia, and Slovenia dealing with this issue. International police co-operation was commenced with Europol, Interpol and the British Centre for Monitoring Terrorist Attacks Committed with the Help of

NVS. Among non-European countries there is co-operation with the USA, Israel, Canada, and Japan.

- Representatives of state authorities participated in international conferences devoted to the issue of combating terrorism (held especially by the United Nations, the Organisation for Security and Co-operation in Europe, NATO, and others).
- New inter-ministerial working groups are intended to be established in 2003. These should pay attention to the issue of combating terrorism. (They are as follows: the “Criminal Law Working Group” and the “Administration Law Working Group”). They will focus on legislative gaps making combat against different forms of terrorism difficult in the Czech Republic.
- In February 2003 the MT performed a security audit at Prague – Ruzyne airport. In 2003 the European Civil Aviation Commission (ECAC) is going to carry out a security audit at Prague – Ruzyne airport.
- The MT is publishing a new National Programme on Protecting Civil Aviation.
- The Amendment to Act No. 61/1996 Coll., on Some Measures against the Legalisation of Proceeds from Criminal Activities, involving also the financing of terrorism, was approved. An obligation to report not only trade suspected of involving money laundering but also suspicions related to financing terrorism was stipulated.
- Comprehensive information assessing a number of actual proposals and steps for involved parties – including international co-operation, combating the financing of terrorism, legislative steps, visa granting and verification of document authenticity or other organisational and technical measures, gradual involvement in the Europol system or the Schengen Information System - are provided for in the updated National Action Plan on **Combating Terrorism** (its text is available on the MI’s web sites, in the documents section [www.mvcr.cz](http://www.mvcr.cz)).

## 2.2.7 Illegal Migration



### I. Development and Characteristic Features

#### Criminal Statistics

- total number of illegal crossings of the national border: 14,741 (-9, 093, -38.2 %)
- number of illegal departures from the Czech Republic: 9,232 (-7,746, -45.6 %)
- persons prosecuted and investigated: (Sec.171a,b,c of the Criminal Code.) 185 (+16, + 9.5 %)

#### Court Statistics

- persons sentenced (Sec. 171a of the Criminal Code) 101 (-36, -35.6%)

### Illegal Migration Across the Czech National Border

- **The total number of illegal border crossings ascertained decreased almost by 40 %** thus reaching the lowest level since the establishment of the Czech Republic.
  - \* The decline – approximately by 57 % - on the national border of the Czech Republic with Germany followed by a more than 27% decline in the number of illegal crossings across the border with Slovakia and about a 24% decrease in illegal crossings across the border with Austria represented the total decline in the number of ascertained illegal border crossings.
  - \* Of the total number of persons who illegally crossed the Czech national border or who attempted to do so 85.7 % were foreign nationals and 14.3 % were Czech citizens.
  - \* The difference between the number of persons ascertained when trying to illegally cross the national border from the Czech Republic (62.6 %) and to the Czech Republic (37.4 %) decreased.
  - \* The highest number of persons ascertained when attempting to cross the national border were caught at the national border between the Czech Republic and Germany (33.5 %), followed by the borders with Austria (23.5 %), Poland (23.1 %), and Slovakia (21.8 %).
  - \* Of the total number of foreigners ascertained as illegally crossing the Czech national border in a direction leaving from the Czech Republic, 20.3 % entered Czech territory illegally, more than 428.5 % legally, and in 51.4 % cases the method of crossing the border to the Czech Republic was not ascertained.
  - \* The ratio of persons apprehended by bodies protecting the Czech national borders and neighbouring countries increased to the value of 2:1. The people apprehended were handed over in accordance with re-admission agreements.
  - \* Of the total number of detected foreigners, 75.4 % came from countries with visa obligations (in the last year 61 %).

\* By nationality, the citizens of China dominated (18.2 %), followed by citizens of India (9.4 %), Vietnam (8.5 %), and Georgia (7.1 %). The number of citizens of Romania decreased markedly (- 93.5 %), Moldova (- 49.8 %) and Armenia (- 48.9 %). During the course of 2002 no signs of waves of illegal migrants from countries of the Middle East were recorded in the Czech Republic. However, the situation relating to a rapid increase in citizens of China is alarming (+349.4 %).

- Illegal migrants often use services provided by **criminal groups conveying illegal migrants** and often use invalid or forged travel documents or are smuggled hidden somewhere in their mode of transport. International groups conveying illegal migrants usually ensure the accommodation and transit of smuggled people from the country of origin to a target country. However the number of cases ascertained considerably decreased. This fact is obviously supported by the detection of several organised groups of criminals conveying migrants but at the same time such reduction can be caused by the better manner and organisation of conveyors. However, it is impossible to estimate latency.

\* 16.9% of the total number of persons ascertained (a decline by 48 %) were assisted when crossing the Czech national border by another person. 3.3 % persons (-314, -39.3 %) of persons apprehended while crossing the national border had forged documents. The number of repeat attempts to cross the border illegally decreased to 12.2 %, i.e. to the total number of 1,804 (- 2,219, -55.2 %) attempts.

- Besides “classical” criminal conveying organised groups there are a number of companies having Czech, foreign or mixed structures and assets and dealing on a commercial base with transporting foreign nationals to the Czech Republic including handling the required travel documents and other relevant documents by finding a job and ensuring residency permits in the Czech Republic, whilst it is obvious that some aspects of such undertaking are on the edge of the law or outside it.
- The permanent growth of foreigners owning long-term or permanent residency permits in the Czech Republic and the development of their business and employment activities indicate that in the future the level and social danger of phenomena related to foreigners in the Czech Republic will be rather more connected with the residence of foreign nationals in the Czech Republic than with illegal migration on the national border.
- **Asylum proceedings** continue to be abused by illegal migrants although to a lower extent.
- The Czech police ascertained in connection with illegal migration 2,067 asylum seekers (decline by 59.1 %). The proportion of asylum seekers in the total number of foreign nationals ascertained when illegally crossing the Czech national border decreased from 24 % in 2001 to 16.4 % in 2002.

\* 8,481 persons sought asylum in the Czech Republic, which accounts for a decline of 53%.

\* This decline must be directly connected with the amendment to the Act on Asylum, which came into force on 1 February 2002 (while in January 2002 1,334 persons applied for asylum in February it was only 678 persons which is almost by 50 % less; since February on average 650 persons have sought asylum in the Czech Republic).

\* 31% of asylum seekers left asylum facilities with authorisation.

\* Most applications were submitted by citizens of Ukraine, Vietnam, Slovakia, Moldova, Georgia, and the Russian Federation.

### **Illegal Migration – Breach of Residency Rules**

- The number of persons who violated residency rules in the Czech Republic moderately increased. The Czech police detected in total 19,573 foreign nationals (+ 6.9 %) residing in the Czech Republic illegally.
- 24.1 % persons were revealed to have been so residing upon their leaving the Czech Republic, the rest of them were detected by the Czech police in the Czech Republic.

\* 78.4 % of the total number of detected persons were citizens of Ukraine.

- \* The illegal residency of foreigners is usually accompanied by other unlawful activities such as performing jobs without a relevant job permit, the thwarting of the task of a public official (when they do not leave the country after they receive a decision on being banished administratively from the country due to their illegal tourist visa, which is often abused by foreigners to work in the Czech Republic. The Czech Republic is becoming a target country for such persons) or crimes against property.
- \* It is difficult to estimate the real numbers of foreign nationals residing illegally in the Czech Republic and stating any number could be misleading.
- A lawful and executable decision on administrative banishment affected 12,700 foreign nationals (increase of 14.8 %).
  - \* Of the total number of issued decisions most were issued to citizens of Ukraine (56 %), followed by, at a far distance, citizens of China and Moldova.
  - \* A prevailing reason for issuing decisions on administrative banishment was the breach of residency regime and unauthorised crossing of the national border.
- On the basis of a lawful and executable decision on administrative banishment 1,481 foreign nationals were deported (-34 %).
- Courts in criminal proceedings pronounced 1,350 sentences of banishment (mostly to citizens of Ukraine, Slovakia, and Romania) and the Immigration and Border Police implemented 677 court deportations.

*The Information on the Situation of Migration in the Czech Republic, which is regularly submitted to the Government by the Minister of the Interior, describes migration issues in full detail (it is available on the web sites of the Ministry of the Interior in the documents section – [www.mvcr.cz](http://www.mvcr.cz).)*

## Summary

**The considerable decline in the number of illegal border crossings ascertained is typical for illegal migration.** Further a decrease in the number of illegal border crossings with the assistance of another person was recorded. The same applies to the reduced number of asylum seekers apprehended when illegally crossing the Czech national border.

The issue of illegal migration will be rather more connected with the residence of foreign nationals in the Czech Republic than with illegal migration on the national border.

## II. Measures Adopted

- By its Resolution No. 490 of 15 May 2002 the government took note of the Report on the Preparedness of the Czech Republic to Take Over the Schengen Acquis and the Overview of Tools for Managing the Process of Implementing the Schengen Acquis which was an integral part of this Report. Simultaneously the Government required the Minister of the Interior to draw up the **Principles for Closing the Process of Implementing the Schengen Acquis**, which were then approved by the Government by its Resolution No. 845 dated 4 September 2002. By its Resolution No. 1202 of 2 December 2002 the Government took note of another periodical **Report on the Preparedness of the Czech Republic to Take Over the Schengen Acquis**.
- The MI elaborated the **Conception of Training for Managers** aimed at Schengen co-operation. On the basis of this Conception the MI prepared and implemented a range of training courses for the MI's staff, the Czech police and other ministries and state administration central bodies. At the same time they started to implement the Conception of Training of Czech police executive officers.
- Within the “**control mission**”, **Norwegian experts** visited the Czech Republic. Their objective was to verify the preparedness of the Czech Republic to take over the Schengen acquis in the field of protection of personal data, border protection, and visa issues. In the framework of this mission Norway provided the Czech Republic with its experiences and also provided very useful

information not only from pre-accession but also follow-up evaluations in states already applying the Schengen Acquis.

- Furthermore, the **assignments directed towards the enhanced protection of the national border and control of persons crossing the national border** pursuant to Government Resolution No. 733/2000 have been met.
  - \* As of 1 January 2002 the Czech police service of immigration and border police based on line management was established. This police service is authorised to protect the national border, to perform border check ups, to reveal and document unlawful conduct relating to breaking the regime of the national border and the residency of foreign nationals in the Czech Republic. This measure is intended to create conditions for central management of this service and to increase the efficient use of forces and resources as a necessary requirement resulting from the current situation and assumed development of the security situation in the field of the national border protection and illegal migration. Regional directorates of immigration and border police were set up. Within rational use of forces current departments of immigration police and units of border police merged into one department and departments for investigating and checking residence were established. Departments of Immigration and Border Police comprehensively ensure the systems of personal checks on the border crossings and other places defined by international agreements for crossing the national border and the protection of the national border in the area between the official border crossings (the so-called green border). Thus basic organisational conditions for finishing the process of harmonising the control of persons and protecting the national border and commencing the system protection of the national border in compliance with the Schengen standards were established.
- The closest co-operation with authorities of neighbouring countries and extended co-operation with bodies of the target countries of immigrants seem to be the most effective in combating groups dealing with the illegal conveying of migrants. Furthermore the extension of operative activities of groups for documentation working at regional directorates and strengthening their competencies in using supportive operative investigation means appear to be very efficient as well.
- In the course of 2002 progress in the EURODAC project (the dactyloscopic information system processing in the EU finger prints of illegal migrants and asylum seekers in the EU) was made.
- On 1 February 2002 the asylum facility Velke Prilepy I was opened, and on 1 July 2002 the facility Frydek-Mistek and on 10 June 2002 the facility Velke Prilepy II in Bela pod Bezdezem-Jezova were put into operation. The latter was established on the basis of comments made by non-governmental organisations especially in relation to relocating families or mothers with children.
- As a follow-up to the Schengen Action Plan the Police President issued Order No. 144/2002, establishing the **“Schedule of Czech Police’s Measures for Ensuring the Process of Taking Over the Schengen Acquis”** and Order No. 90/2002 laying down assignments to take over the Schengen Acquis to be used within the Czech police.
- The Czech side continued in its negotiations with the Slovak Republic on introducing a standard regime for crossing the common national borders and for a replacement of or amendment to the current agreement (the Agreement between the Czech Government and the Slovak Government on Abolishing Visa Obligation and the Agreement between the Czech Republic and the Slovak Republic amending and supplementing the Agreement between the Czech Government and the Slovak Government on Adjusting the Regime and on Co-operation on Common National Borders of 29 October 1992).
  - \* In February 2003 the Slovak party sent its Draft Agreement of the regime on the common national border. Currently the Czech party is preparing its counter-proposal preferring an adoption of the amendment to the aforementioned agreement which would alter the conditions of a visa-free agreement.
- The MFA installed at all embassies and general consulates scanning and assessing **equipment for machine readable documents**. By purchasing 370 pieces of fixed as well as portable scanning equipment the Directorate of Immigration and Border Police finished furnishing all its offices and units participating in personal check ups and visa issuance.

- At the end of 2002 implementation of the 3<sup>rd</sup> stage of the **Alien Information System was commenced**. The aim of this is the flat implementation of this system in compliance with two previous stages. It should integrate the processing of and access to data on foreign nationals used within the ministry and outside it including its future involvement in EU systems.
- The second amendment to the Act on Alien Residence (the so-called Euro-amendment) was published under number 217/2002 Coll.
  - \* The aim of this amendment is to take over, as of the Czech Republic's accession to the EU, a relevant part of the *acquis* regulating the free movement of persons. Some provisions of this Act will come into force on 1 January 2003; other provisions will come into effect as of the date of the Czech Republic's accession to the EU, and the rest of the provisions will come into force as of the date when check ups on the internal border are abolished. The amendment to the Act on Travel Documents, Act 29/1999 Coll. forms a part of the amendment to the Act on Alien Residence. This amendment, in compliance with community law, will enable Czech citizens to travel to EU Member States with only an identity card. The aforementioned amendment also altered some provisions on the Act on Asylum
- The draft Act on Temporary Protection of Foreign Nationals regulating the institute of temporal protection of foreign national in separate legal provisions (so far regulated by the Act on Alien Residence) has been drawn up. The Bill was approved by the Czech Parliament on 22 May 2003.
  - \* The modification was drawn up on the basis of the EU Directive and the necessity of its transposition into the Czech legal order. The draft act regulates conditions for foreign nationals when entering and residing in the Czech Republic for the purpose of providing temporal legal protection and his/her departing the Czech Republic, proceedings on granting and removing residence permits for the purpose of temporal protection, and competencies of the MI and the Czech police in this field
- **The Draft Amendment** amending Act No. 326/1999 Coll., on **Alien Residence in the Czech Republic** and on the amendment to some other acts, as amended, Act No. 359/1999 Coll., on the Social and Legal Protection of Children, as amended, Act No. 325/1999 Coll., on Asylum and on the Amendment to Act No. 283/1991 Coll., the Police of the Czech Republic, as amended (the Act on Asylum), and Act No. 48/1997 Coll. on the Public Health Insurance System and on the amendment and supplement of some related acts as amended, was drawn up. (*The Draft Act was approved by Government Resolution No. 107 dated 29 January 2003*).
  - \* This amendment shall abolish or alter those provisions of the Act on Alien Residence which so far solved issues relating to the residence of foreign nationals in the Czech Republic for the purpose of temporal protection. With regard to law relating to foreign nationals this draft act takes into account newly adopted EU regulations:
    1. concerning the free movement of foreign nationals having a long-term visa which was issued by one of the Schengen states;
    2. laying down the single format of residency permits for third country nationals; and
    3. introducing a harmonised application form for the Schengen visa.
  - \* Mutual recognising decisions on banishment of third country nationals.
  - \* The most substantial alteration will be a new regulation of regimes of transitional residence of foreign nationals in the Czech Republic. Thus it reacts to the praxis of EU Member States which grant residences exceeding one year as residence permits.
  - \* The draft act also responds to the need to legislatively define the procedures of the police in cases where a foreign national in the transit space of an international airport applies for asylum. It clarifies the obligations of foreign nationals and simplifies the procedure of landlords concerning their reporting duty relating to foreign nationals in the Czech Republic.
  - \* It also defines the possibility to solve some less serious administrative offences in the form of fines. It defines the obligation of courts to inform the police on all cases of lawfully sentenced foreigners.
- Act No. 216/2002 Coll., on the **Protection of the National Border of the Czech Republic** and on the amendment to some other acts (the Act on the Protection of the National Border).
  - \* This Act defines the protection of the national border as a set of measures aimed at preventing unauthorised crossing of the national border. It also lays down the powers of the police in protecting the national border in individual zones, and the competencies and duties of individuals and corporations in connection to the protection of the national border, etc. Adopting this act means also to

take over relevant parts of the Schengen acquis. This act came into force as of January 2003, however some provisions shall come into effect once check ups on the internal border are abolished.

- On 1 February 2002 the **amendment to Act No. 325/1999 Coll., on Asylum** and on the amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Act on Asylum) entered into force.
  - \* The amendment to the Act on Asylum (published under No. 2/2002 Coll.) is aimed at **speeding up asylum proceedings** in cases where it is obvious that the reasons stated by asylum seekers are not relevant in terms of the Convention on the Legal Status of Refugees of 1951. The reason is to prevent the abuse of asylum proceedings by foreigners who want to avoid an administrative ban. The second basic feature of the Amendment to the Act on Asylum is to **clarify the rights and duties of persons applying for asylum**. The Amendment also solves partial issues and problems brought about by application practice (it prevents asylum seekers from applying for a job for a period of one year from the filing of their application for asylum, it lays down the conditions whereby asylum seekers can find accommodation outside asylum facilities, and conditions for the provision of financial assistance). The Amendment also specifies legal conditions for the further application of the Dublin Convention (the Convention concerning the determination of a state liable for verification of an application for asylum in one of the EU Member States). Further, the Amendment solves the problem of insufficient independence in re-examining decisions by the Ministry of the Interior within asylum proceedings (re-examination of a decision on asylum by a court).
- Act No. 325/1999 Coll., on Asylum and on the amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Act on Asylum), as amended by Act No. 2/2002 Coll., was amended by Act No. 217/2002 Coll. and Act No. 519/2002 Coll.
  - \* Modifications involved asylum proceedings. In accordance with the amendment to the Act on Asylum made by Act No. 217/2002 Coll., administrative proceedings relating to asylum are solved within one instance. A foreign national has the right to bring an action against a lawful decision of the Ministry of the Interior which is then heard by a regional court within the administrative judicial system. Pursuant to Act No. 519/2002 Coll. court verification of administrative decisions on asylum is distributed to individual regional courts whereas the jurisdiction is given by the place of residence of an asylum seeker in the Czech Republic at the time when he/she brings an action. Furthermore, a new regulation of the Rules of Court Procedure enables the lodging of complaint based on cassation relating to lawful decisions of regional courts in cases on asylum to the Supreme Administration Court seated in Brno.
- On 1 January 2003 Act No. 320/2002 Coll. amending the Act on Asylum in the field of the **State Integration Programme** in relation to the cessation of the activities of District Offices came into force.
- In compliance with Government Resolution No. 1360/2001, implementation of the **Concept of Integration of Foreigners in the Czech Republic continued**.
  - \* In the Framework of this Concept measures aimed at meeting the Principles of the Concept of Integration of Foreign Nationals and the integration of long-term legally residing foreigners in the Czech Republic and their access to fundamental human rights and freedoms, political, economic, social, and cultural rights, are being enforced. A part of the Concept of Integration of Foreigners is to monitor the security aspects of the residence of foreigners and it is of a preventative nature contributing to the development of measures focused on ensuring public order and internal security.
- The intention of the MI is to continue in **concluding re-admission agreements** with those countries that are the largest “producers” of illegal migration (Russia, Ukraine, Belarus, China, Iraq, Iran, Yugoslavia, Macedonia, Vietnam, India, Sri Lanka, Algeria, and Pakistan). Despite these problems, certain progress has been made:
  - \* negotiations on an amendment to the readmission agreement with Bulgaria continued (transports);
  - \* on 2 July 2002 a new readmission agreement with Slovakia better corresponding with European standards and current requirements of the re-admission practice was signed in Bratislava; this agreement was submitted to the Parliament for its approval;
  - \* a proposal to enter into an re-admission agreement was negotiated with Moldova; its signature is assumed to be executed in the first quarter of 2003;
  - \* in September 2002 the first negotiations on a draft re-admission agreement with Armenia were held;
  - \* negotiations on a draft re-admission agreement with Georgia were on the request of Georgia led on a consultative basis;

\* negotiations on a new re-admission agreement with Austria were commenced in December 2002.

- The assignment of transferring all issues concerning the permission of residence of foreign nationals in the Czech Republic and related administrative proceedings from the Czech police – the service of immigration and border police – to being under the responsibility of the MI and regional offices, laid down by Government Resolution No. 733/2000, was postponed by two years, until 31 December 2004, by Government Resolution No. 24 of 9 January 2002. However, by its Resolution No. 647 dated 19 June 2002 the Government decided to keep the above-mentioned issues within the responsibility of the Czech police.
- Implementation of the Agreement between the Czech Republic and Germany on the Co-operation of Police Bodies and Bodies Protecting the National Border at Borderlands should help improve the clearing of persons at the national border. This Agreement came into force on 1 August 2002. The aim of this Agreement is to intensify bilateral relations and broaden mutual co-operation. The Agreement contains a range of up-to-date legal institutions of international police co-operation such as co-operation in commonly used offices, joint intervention, an option to pursue a criminal over the border. This Agreement contains elaborated provisions on protecting personal data. The draft of a similar agreement is being prepared with the Slovak Republic. The first round of negotiations at the expert level was held on 11 – 13 June 2002. Similar agreements with Poland and Austria are being drafted.
- Within the framework of the inter-ministerial body for eliminating illegal working activities of foreign nationals, mainly new ways on how to provide information to foreigners on legal options in getting jobs in the Czech Republic and on the risks of illegal employment were sought. On this basis relevant state administration bodies of Ukraine were addressed, however the willingness of the Ukrainian party did not meet expectations.

## 2.2.8 Corruption

Corruption may be described as the abuse of an office connected with a violation of the principle of impartiality during a decision-making process, motivated by a desire for profit. Corruption is the manifestation of an error made in decision-making (managing) processes. The parts of the corruption relationship are always a person who has the authority to make decisions, his/her power to deflect from given rules, the exchange of thus deflected decision for a certain benefit and the wrongfulness (unlawfulness, amorality) of such relationship of exchange. In a wider sense, this term corruption is understood to be a manifestation of a natural human characteristic of avoiding official rules. The ability of institutions to restrain and fight corruption is also an indicator of the quality of the respective institution as well as the whole institutional system as such.

It is related in particular to the following crimes: Sec. 160 - bribe-taking; Sec. 161 – bribe-giving; Sec. 162 indirect bribery; and Sec. 163 of the Criminal Code as a special provision on effective repentance. The decisive and principal danger of corruption lies undoubtedly in the area of state administration, in its wider sense, including legislative and judicial powers, and involves particularly crimes of abuse of power by a public official (*Sec. 158; for example bribe-giving as one form of corruptive conduct can be successfully solved in accordance with provisions stipulated in Sec.158 (3) of the Code of CP only in exceptional cases of personal courage and the voluntary co-operation of one of the parties*), and thwarting a task through the negligence of a public official (*Sec. 159*). Among criminal offences showing signs of corrupt conduct, the following crimes can be included: violation of statutory provisions on the disposal of goods and technology liable to control procedure (Sec. 124a), breaches of duties in bankruptcy and composition proceedings (Sec. 126), breaches of duty to administer another's property under Sec. 255, misuse of information in business relations under Sec. 128, fraudulent manipulation of public tenders and public auctions under Sections 128a -128c of the Criminal Code, and some other criminal offences.

- Generally, it can be stated that some cases of corruption displayed an increase (for example Sec. 160, 159, 162), whereas others showed a decline (for example Sec.158, 161). In terms of the motives for corruption no substantial changes have occurred.

- \* According to the analysis performed by police experts, all forms of corrupt conduct are becoming more intensive, and principal corruption risks lie in connections between civil servants and businesses when inviting companies for tenders and awarding public and municipal contracts.

- \* According to investigated cases only the corrupt conduct of individuals was detected. It is difficult to document organised corruption especially because of its “routine” and traditional methods between the one who offers a bribe and the one who accepts it. Further it is typical that prosecution is more likely to be carried out for the crime resulting from bribery (e.g. abuse of power by a public official), where it is easier to gather evidence. Cases showing all signs of corruption were solved, however these were denoted as frauds when offenders required a bribe for intermediating a benefit they could not influence in any way.

- \* In the majority of cases only two persons are involved, and are usually happy with the result. Documenting such cases is very complex and the result in criminal proceedings is very uncertain. Particularly those cases where certain documentation of the activities of civil servants existed were successful and officers in certain positions were replaced. Also those cases where one of the parties was pushed towards conditions it could not bear or implement financially, and therefore it was beneficial for it to co-operate with penal proceeding bodies economically, were successfully solved. In some cases, because of the sophisticated approach of an involved entity, it was impossible to prove corrupt conduct, however other criminal activities of an economic or financial nature were documented.

- \* Another characteristic feature of documenting corrupt behaviour is the fact that follow-up documentation of such conduct is very difficult. With regard to this, measures leading to more intensive operative investigation activities were adopted so that police bodies were able to acquire information on corrupt conduct in a timely manner and were able to respond to the assumed situation. A typical example is an application for an occupancy permit procedure where there are signs of corruption on the side of some Construction Offices.

- \* Action taken in combating corruption in previous years is manifested not only in the **increasing**

**willingness of citizens to openly and not in an anonymous way report such cases**, but also in their willingness to be actively involved in exposing these criminal offences. The success rate of solving such cases is very high. The Czech police recorded a more proactive approach also on the side of managing elements and state administration as well as self-government inspection bodies.

\* **A common feature of revealed cases is the fact that the majority of them are relatively less serious cases. A high rate of corruption latency can be assumed.**

## II. Measures Adopted

- **The amendment to the Criminal Code No. 134/2002 Coll.**, came into effect on 1 July 2002. Through it a criminal act for the **legalisation of proceeds resulting from criminal activities** (Sec. 252a) was incorporated into the Criminal Code. This Section provides for the conduct of an offender who hides the origin or otherwise attempts to make it difficult to expose the origin of an item of property or any other property benefit acquired through criminal activities with the aim of keeping up the appearance that such property or benefit were acquired in compliance with the law. It simultaneously stipulates the stricter punishment of an offender who abuses his/her position in occupation or his/her office to commit such an offence.
- On 1 January 2002 **amendment to the Code of Criminal Procedure No. 265/2001 Coll.** came into effect. Its principal objective is to make all stages of penal proceedings more efficient and to remove all useless technical and institutional barriers. It is an important move towards, *inter alia*, the more efficient exposing and punishing of corrupt activities and related criminal offences – for example in the field of more effective co-operation of all penal proceeding bodies. It also should shorten the average length of criminal proceedings through new regulation of police procedures when using operative investigational means and operative technology prior to the commencement of prosecution itself. Then it should be possible to utilise the results as evidence in criminal proceedings carried out exclusively by a state prosecutor when a suspected crime committed by a member of the police is investigated.
- **Amendment to the Act on State Prosecutor's Office No. 14/2002 Coll.** came into effect on 1 March 2002. This amendment lays down more precise rules for appointing and removing officers of state prosecutor's offices, and simplifies and makes relations between individual levels of the state prosecutor's office and state prosecutors more transparent. It also emphasises the co-ordinating role of the Supreme State Prosecutor's Office.
- Adoption of the Act on the Civil Service (No. 218/2002 Coll.) has become an important turning point in issues of **employment in the civil service**. The Act newly regulates the legal relations of civil servants, namely those who perform in state authorities state administration as a service to the general public. This Act will become a basic instrument for improving the performance of the civil service.
- Fundamental tasks for all ministries in combating corruption are defined in annual Reports on Corruption in the Czech Republic. The 2002 Report, approved by Government Resolution, No. 473 dated 19 May 2003, contains an evaluation of assignments including the one to draw up internal anti-corruptive programmes. Furthermore, activities of the Czech Republic at the international level (*GRECO activities, the Criminal Law Convention on Corruption, i.e. an international document for combating corruption initiated by the 10<sup>th</sup> UN Congress*) are elaborated, and legislative steps (*such as amendments to the Code of CP and the Criminal Code which incorporated the criminal offence of the legalisation of proceeds resulting from criminal activities, the Act on the Civil Service, the Act on Financial Control, the amendment to the Act on the State Prosecutor's Office were approved, and discussion on the text about integrity, and so forth*) are described in full detail. The Report provides for concrete measures adopted by the Czech police (*such as organisational changes, internal management acts focusing on combating corruption, Phare programmes*).
- The MI's web sites contain a section called "Combating Corruption". The National Programme on Combating Corruption, Reports on Corruption in the Czech Republic, the Code of Conduct, anti-corruption agreements, information on anti-corruption activities abroad, and similar

documents are to be found there. Information on the issue of corruption is published through press releases of the MI's Information Service.

- Individual ministries have drawn up **drafts of internal anti-corruption measures** and programmes for the areas of their competencies which most incline to the practice of corruption. An important part of anti-corruption measures which cannot be overlooked should also be the monitoring and verification of current internal acts of management for their generality, the number of or non-existence of control mechanisms including the active participation of all involved persons in creating legal standards, and verification as to whether they raise or support an environment of corruption for example as a consequence of the absence of sanctions or free (extensive) interpretation.
- The Czech police continue to implement the **PHARE programme** (twinning project CZ01/IB/JH-05 – Strengthening the Combating of Corruption and Economic Crime). This involves the further training of policemen. Project PHARE 2001 CZ01-07-06 (Combating Corruption and Major Economic Crime) has continued. It was commenced in May 2002 and should be completed in June 2004. Training courses will go on until 2005. The project consists of eight training components implemented mainly by German experts (namely from Baden - Württemberg).
- The Czech Republic is participating in preparing another important **international document in the field of combating corruption** which was initiated by the 10<sup>th</sup> UN Congress on preventing crime and treating offenders, held in Vienna in April 2000. A new global instrument against corruption is to, *inter alia*, define corrupt conduct, stipulate its criminal character and sanctions for it including the confiscation and return of illegally acquired funds, to lay down the liabilities of corporations, to determine rules for witness protection and victims of criminal acts related to corruption, and so forth. A new regulation shall also include the creation of mechanisms of international co-operation aimed at suppressing the legalisation of proceeds resulting from corruption, at collecting and analysing information, technical co-operation and monitoring of how obligations are met by contracting parties.
- **The Criminal Law Convention**, signed by the Czech Republic in Strasbourg on 15 October 1999, came into force for the Czech Republic on 1 July 2002. The Convention makes as criminal offences a number of forms of corrupt conduct having a domestic or international nature. It enabled the utilisation of operative investigation means in combating all forms of corruption.
- **The Group of Countries Against Corruption - GRECO** was established by the Council of Ministers. The Czech Republic has been a member of GRECO since 8 February 2002. Currently GRECO concentrates especially on observing “Twenty Leading Principles of Combating Corruption” (a strategic document of the Council of Europe adopted in 1997 whose purpose is to identify the most important areas in combating corruption and to lay down a long-term strategy). Since the beginning of 2003 (in relation to the so-called second round of evaluating Member States) some provisions of the Criminal-Law Convention on Corruption will form a part of monitoring. The evaluating report of the Czech Republic was approved at the GRCO meeting held in March 2003. This Report contains some recommendations concerning mainly the possibility of increasing the awareness on threats of corruption, defining objectively the meaning of corruption, due and efficient use of operative means in exposing corruption, and suggestions to set out concrete, specific and duly checked steps in compliance with the National Programme on Combating Corruption. Among other recommendations is that of strengthening the role of the Ombudsman and of reconsidering the system of immunity for Czech Parliament Members.
- The MI was responsible for drawing up the “Analysis of Possibilities to Use the **Integrity Test** in the Situation of the Czech Republic and the Proposal of the Manner and Conditions for Its Use”. This document was drafted as an analysis of the possible implementation of the integrity test in our republic and at the same time it contains a conceptual proposal of its legal definition and practical execution. The Integrity Test should represent another element in the system of anti-corruption measures which could, in connection with already existing measures, considerably contribute to restricting corruption in the Czech Republic. The Government required an updated analysis to be submitted by the end of August 2003. The analysis should

- contain a proposal on how to solve criminal-law aspects of the Integrity Test.
- As a follow-up to the amendment of the Code of CP, the Police Presidium of the Czech Republic started internal reorganisation on 1 January 2002. The scope of competencies of the Section for Revealing Corruption and Major Economic Crime and the Bureau of Financial Crime and State Protection, their clear definitions and improving co-ordination with other bodies resulted in their merger, effective from 15 March 2002. Thus a new police unit was established – the Section for Revealing Corruption and Financial Crime. Corruption within the Czech police is investigated directly by specialised state prosecutors.
  - A specialised police unit for **witness protection**, established after the Act on Witness Protection came into force, is fully functional. This unit provides protection of witnesses especially in cases concerning **corruption, economic, and organised crime**.
  - Pursuant to Government Resolution No. 391/2002, by the end of 2002 twenty five officers of regional financial bodies should be transferred to **permanent joint teams of the Ministry of the Interior and the Ministry of Finance** to document and confiscate proceeds resulting from criminal offences, to recover damage caused by criminal acts, and to identify and collect evaded taxes. The MF sent to the MI at the beginning of January 2003 a list of officers of financial directorates who were determined to co-operate with the police. In the following period it will be necessary to set up mechanisms for their efficient co-operation.
  - With regard to insufficient regulation of the duty of non-disclosure the MF submitted a draft legal regulation which forms an integral part of a new tax order (this should come into effect as of 1 July 2003).

(For more details see tables 26-27)

### Findings of the Sociological Survey

- 34% of respondents participating in the UNIVERSITAS agency research perceived corruption as being a consistent, uncontrolled issue, whilst 24% of respondents thought that corruption in the Czech Republic had reached a stage when we can speak about organised corruption. Half of the respondents attributed corruption to the sphere of high policy or neglectful care of the state.
- In respondents' opinion corruption was most frequent in public authorities (36 %), ministries (13 %), within the police (13 %), in the health system (12 %) and within the judicial system (9 %).
- Approximately 30 % of respondents stated that in the past year they had offered or accepted a bribe.

### Summary

- With regard to the corrupt motives of offenders of this kind of crime there have not been any substantial changes in comparison with previous years. Corruption is present in invitations for tenders and awarding state and municipal public contracts. A common sign of revealed cases is the fact that the majority of them are relatively less serious. A high rate of corruption latency can be assumed despite measures adopted. It is hard to document organised corruption. A common denominator of cases detected by the police (major economic crime or corruption) is, as was also stated in previous reports, the insufficient external and internal involvement control of involved entities which should be given priority.
- Activities of the Czech Republic at the international level have been important. A crucial step was the adoption of the Anti-Corruption Programme for the Czech Republic, and adoption of the integrity test as one of the most important anticorruption measures. However wire transfers and similar transactions have not been solved within legislative measures. *A good framework for undertaking and economic competition as well as process rules enabling the fastest possible law enforcement must be decisive. **Sufficient control mechanisms and clearly defined and transparent state administration must play key roles.** For a detailed analysis see the 2002 Report on Corruption in the Czech Republic approved by Government Resolution No. 473 dated 19 May*

*2002. Recommendations for combating corruption published therein concern for example the awarding of public contracts, judicial solving of commercial matters, Land Register Offices, clashes of interests, and alteration to the immunity of the Members of Parliament*

## 2.2.9 Organised Crime

**Organised crime represents a universal security risk.** Organised criminal activities are more and more in evidence as a particularly complex form of committing crime, overlapping with other areas of serious crime and many areas of social life. **Organised crime is distinguished by its military structure, total hierarchy and absence of conscience.** The members of organised criminal groups use any means to achieve their objectives, including brutal ones.

**Criminal organisations** usually operate in many European as well as overseas countries, **with multiple criminal activities** (murder, extortion, robbery, fraud, etc represent for them the means of achieving their primary targets). They do not specialise in one type of crime, but **in anything leading to profit and the acquisition of influence.** Therefore the approach of a state must be systematic and continuous, with the combating of corruption and financial crime as the principal means leading to the confiscation of proceeds from crimes (the threat of losing such profits may be more effective than the threat of loss of freedom).

- Monitored criminal organisations are directly linked to foreign countries and their activities on the Czech territory copy trends typical of international organised crime. In view of the Czech Republic's accession to the EU, increasing interest from criminal organisations was registered as a means of penetrating Western Europe via the Czech Republic.

\* Criminal organisations operating in the Czech Republic are based on a national or ethnic principle, each organisation having a different form as to the number of members, hierarchical division, spheres of interest (however, these change them time from time) and ways in which they commit their criminal acts. Their activities relate mainly to organising illegal migration and conveying activities; motor vehicle theft; organising trafficking in human beings including organised prostitution; forging credit/debit payment cards, goods, and documents; selling and purchasing stolen articles, collecting of debts to the order; racketeering; trading in weapons and narcotic substances; fraud; and other criminal acts. The above-mentioned organised crimes are "supported" by murders or injuries to health, extortion, threats or kidnaps.

**Individual forms of organised crime are described in separate chapters or they are included in various kinds of crime (for example, crime against property deals with car theft, and crimes in the field of cultural heritage; and corruption, serious economic crime, environmental crime, the misuse of information technology and the attacking of information systems are all described in the chapter titled "Economic Crime").**

**The following criminal organisations currently operate in the Czech Republic:**

- **Russian speaking organisations**

- \* These rank among **the most active**, having shown a considerable increase in crimes committed.
- \* They are predominantly organised into criminal structures or "brigades". The "brigades" are based on a leadership principle; meetings of top representatives were held in several cases in the Czech Republic, then these meetings were moved to the territory of the former USSR.
- \* According to the findings of the Czech police they use the Czech Republic as a hiding place for offenders of criminal acts.
- \* Their **criminal activities** have not changed; they vary and include mainly violent crimes - racketeering - "KRISCHA" (criminals regularly require **regular payments** for protection, threatening entrepreneurs with violence or even murder) and they extort prostitutes from the former Soviet Union. "Krischa" (i.e. racketeering) brings to extorted entrepreneurs a certain spectrum of "services", from the protection of property to the collection of bad debts. Other crimes are: illicit trading in weapons, trade in narcotic drugs, the legalising of profits gained through crime (carried out through fictitious companies; procurement, organised conveyance of people, motor vehicle theft, and others. Ukrainian, Russian, and Chechnyan organised criminal groups are **notably involved in violent crimes**, which are very brutal with the devastation of their victims, they particularly use firearms; the number of serial

robberies has increased as well.

- \* In the Czech Republic, they invest money mainly in real estate; their business operate in particular in Prague and in Karlovy Vary and their owners are often persons having direct links to the top criminal structures.

- \* Ukrainian criminal organisations are the most active, mainly the "Lvovska (Lvov) Brigade", followed by the Mukatchev, Uzhorod, Kiev and Luhanska Brigades. Among Russian criminal organisations the most active are: Solncevskaya, St. Petersburg, Chechnya, Dagestan, Armenian, and Yekaterinburg Brigades.

- Organisations coming from **former Yugoslavia, from Bulgaria, Albania, and Italy**

- \* In the year monitored the considerable growth mainly on the side of **Bulgarian criminal organisations** was seen in connection with **trafficking women** and organising prostitution; it is particularly the organised "import" and "sale" of women into erotic clubs while in some cases members of criminal structures are direct owners or partners of such clubs (this crime is also accompanied by the forging of personal documents, drugs, and extortion). Crimes focusing on car theft and organised pick pocketing of foreign tourists continue in co-operation with Romanian pickpockets. Criminal organisations from **former Yugoslavia** concentrate mainly on **trade in drugs** (in particular Albanians from Kosovo), the organised conveyance of people, violent crimes, extortion (for this purpose they often merge with Russian speaking criminal organisations), and the smuggling of gold to jeweller's shops.

- \* The activities of **Italian criminal organisations** are highly latent, so far focusing on buying up real estate in Prague as one possibility for money laundering. There are findings showing involvement in exports of antiquities.

- Organisations from **Southeast Asia**

- \* **Chinese and Vietnamese groups** are the most active, and display close coherence along with brutality.

- \* Compared to previous years Chinese criminal organisations have not displayed more marked manifestations of violence; they are organised into groups with respect to their place of origin in China and the types of crime they are involved in (money laundering, trade in "trademark" goods - here they co-operate with Vietnamese criminal groups – and the organisation of illegal migration); some Chinese citizens began to communicate with police bodies more intensively, in exposing criminal offences.

- \* The activities of Vietnamese criminal groups have remained almost unchanged – they have been involved especially in the organising of illegal migration and smuggling goods, and the related legalisation of proceeds resulting from such activities; the increasing abuse of drugs in the Vietnamese community has led to the creation of a drug-dealing network; trends proving increased co-operation with criminal groups from the former Soviet Union have continued.

- Organisations from **Arab countries**

- \* The situation is similar as in recent years. As these groups do not set up classical criminal organisations they associate persons who have lived in the Czech Republic for a longer period of time, or they are Czech citizens now.

- \* They concentrate especially on drug smuggling, trade in weapons, and financial fraud, however these organisations are also involved in illegal migration.

- \* The principal persons managing the criminal activities are people who have lived for a long time in the Czech Republic, which allows for their good knowledge of the local environment.

- \* They usually use non-existent companies for their operations (trading companies established for the purpose of money laundering) and they are involved in trade in stolen cars including leasing fraud.

- Organised **crimes of a violent nature**. *(This area is also described in the section dealing with organised criminal groups and in the chapter titled "Violent Crimes")*

- \* The number of violent crimes increased (in terms of composition especially the number of robberies or mugging went up; some people are murdered by hired murderers); criminal organisations use violence mainly when psychological pressure, corruption or public discrediting fail.

- \* Specific and dangerous criminal activities relate to the use of booby traps and explosives often with the aim of covering up a criminal offence itself, or relate to the collection of bad debts; booby traps

installed in public places or publicly accessible places remain a problem.

- \* Offenders are becoming “more professional”, the organisation of violent crimes is elaborate, whilst aggression and brutality of offenders remain the same.
- \* Groups coming from the former Soviet Union are the most active.

## Measures Adopted

- Both co-operation within the Ministry of the Interior and at the inter-ministerial level is standard, and international co-operation is very good (for example participation in joint security actions). Within the MI, **activities carried out by multi-disciplinary working groups established to help solve issues of organised crime continue**. Experts from individual security forces, representatives of state prosecutor’s offices, and other central administrative bodies regularly meet to discuss individual topics such as terrorism, forgery, money counterfeiting, trafficking in human beings, and so on, for the purpose of analysing the situation and enhancing the co-ordination of these institutions.
- Projects focusing on confiscating proceeds from criminal activities or the issues of a material witness were completed and will be or have been submitted for professional and political discussions. One of the assignments imposed on the basis of an “Updated Strategy on Combating Organised Crime” of October 2003 is to create, on an ongoing basis, legislative and organisation conditions for **confiscating proceeds from criminal acts**. The Minister of the Interior is accountable for this assignment along with the Minister of Justice, the Minister of Finance and the SIS Director. In 2002 the team “Výnosy” (i.e. Proceeds) was transformed into a proper department of the Section for Revealing Corruption and Major Economic Crime of the Service of Criminal and Investigation Police. One of the assumptions on establishing this specialised department was to acquire concrete, practical findings on legislative and organisational barriers preventing the due search for, seizure and confiscation of proceeds resulting from criminal activities. These findings have been elaborated in proposals of actual legislative and organisational changes. In the course of 2002 the MJ drew up in co-operation with other ministries, in particular with MI, the draft action on seizure of property and belongings within criminal proceedings. The MF assigned a certain number of tax collectors to co-operate with police units dealing with the search for proceeds from criminal offences.
- Currently the Czech legal order lacks an institute which would sufficiently motivate members of criminal conspiracies or organised groups to leave such organisations and start co-operating with penal proceeding bodies, i.e. **the institute of a material witness**. This institute could to a large extent contribute to breaking criminal structures to expose their criminal activities. Different international organisations express their support of such new approaches towards combating organised crime. The European Union deals with this issue in *Resolution of the Council of the EU No. 497Y0111(01) of 20 December 1996 on individuals who co-operate in judicial proceedings when combating international organised crime*. The *UN Convention against Supranational Organised Crime*, concluded in December 2000 in Palermo, invites contracting parties to support persons who have committed serious crime and are now willing to provide important information. These are the reasons why the MI initiated a draft legal regulation on the institute of a material witness and in its preparation it co-operates with the MJ. The core of this draft legal regulation is the incorporation of a new section called “Proceedings against an Offender in Extraordinary Cases” into the Code of CP. Such proceedings would comprise of two phases of awarding impunity, namely *the phase of temporal suspension of criminal prosecution and the phase of discontinuance of criminal prosecution*. Such construction ensures that the accused will be awarded impunity definitively after he/she meets all conditions stipulated by law and at the same time the accused is guaranteed that this will really happen once such conditions are met. In some cases when the accused does not meet the conditions for being awarded impunity it will be possible to motivate him/her to co-operate with penal proceeding bodies in criminal proceedings by *a promise that he will be sentenced to the lowest possible term of imprisonment*.
- Information on **measures concerning other forms of organised crime** are described, as it is

stated in the introduction to this chapter, in **individual chapters of this Report** - in particular in the sections concerning Crimes against Property and Economic Crime, Terrorism, Illegal Migration, and Corruption, or in sub-chapters of Organised Crime (mainly sub-chapters relating to Trafficking in Human Beings, Drug Dealing and Illicit Trade in Weapons).

- The MVP/EVC System, whereby embassies archive information on applicants for Czech visas, is available to police units and other security units and enables timely information on the movement of persons. The Consular Department co-operates in the project for implementing the “Edisson-Travel Documents Verification” programme which contains databases of travel documents of individual countries and samples of their counterfeits. This programme has been installed in Czech embassies in London and in Vienna. All Czech embassies are furnished with equipment for revealing forged documents.
- MI Regulation No. 5/2002 on managing special funds in relation to providing special protection and assistance.  
 Drawn up on the basis of Sec. 16 (3) of Act No. 137/2001 Coll., on the Special Protection of Witnesses and Other Persons with Respect to Penal Proceedings, and on the Amendment to Act No. 99/1963 Coll., the Code of Civil Procedure, as amended.
- MI Regulation No. 12/2002 laying down the procedures of the MI and the Czech police in providing special protection and assistance and the manner of acquiring and filing documents on the nature of disguise.  
 Drawn up on the basis of Sec. 13 of Act No. 137/2001 Coll., on the Special Protection of Witnesses and Other Persons with Respect to Penal Proceedings, and on the Amendment to Act No. 99/1963 Coll., the Code of Civil Procedure, as amended.
- MI Regulation No. 14/2002 laying down the procedures of the MI and the Czech police in acquiring and filing documents on the nature of disguise.  
 Drawn up on the basis of Sec. 23b of Act No. 283/1991 Coll., on the Police of the Czech Republic as amended by Act No. 265/2001 Coll.

## 2.2.9.1 Illicit Drug Dealing

### I. Development and Characteristic Features

#### The Number of Crimes Ascertained

- unauthorised production and possession of psychotropic substances and poisons: 3,860 crimes (+264 crimes, +7.3 %)
- spreading addiction: 470 crimes (-143 crimes, -23.3 %)

#### The Number of Crimes Solved:

- unauthorised production and possession of psychotropic substances and poisons: 3,613 crimes (+267 crimes, +8 %); of which by children: 155 crimes (+5 crimes, + 3.3 %) and by juveniles: 368 crimes (+35 crimes, + 10.5 %)
- spreading addiction: 446 crimes (-161 crimes, -26.5 %); of which by children: 70 crimes (-32 crimes, - 31.4 %) and by juveniles: 116 crimes (+38 crimes, + 48.7 %)

#### The Number of Prosecuted Offenders:

- unauthorised production and possession of psychotropic substances and poisons: 2,055 persons (+284, + 16 %); of whom children: 85 (-8, -8.6 %); juveniles: 288 (+111, +62.7 %)
- spreading addiction: 149 persons (-32, -17.7 %); of whom– children: 37 (-14, -27.5 %); juveniles: 41 (-3, -6.8 %)

#### The Number of Sentenced Persons:

- 1,168 persons (+74 persons) under Sec.187-188 of the Criminal Code on unauthorised production and possession of psychotropic substances and poisons
- 48 under Sec. 188a of the Criminal Code on spreading addiction

(See table No. 34)

The situation in the area of illicit trade in and distribution of narcotic and psychotropic substances (hereinafter “NPS”) in the Czech Republic is characterised by the following fundamental factors:

- Drugs are available more or less without any problems on the whole territory of the Czech Republic, and the availability of such drugs has spread to smaller towns and villages.
- The trend of a larger number of small deliveries (particularly of heroin and cocaine) continues. The aim is to decrease the risk of being exposed and reduce financial losses when a delivery is seized; **conspiratorial measures** taken by the producers, mainly of pervitine, and distributors of NPS have extended (laboratories are to be found at various locations from flats to isolated places); chains of dealers are being created, and the sale is executed through mobile phones and “dead boxes” as well as various hideouts are used.
- **Thefts of medicines** containing mainly ephedrine and pseudo-ephedrine have grown; attempts were seen by foreign nationals to use the Czech Republic as a place for organising international trafficking in anabolics.
- According to findings of the Czech police the consummation of **ecstasy** tablets increased; their purchase and sale price was substantially reduced;
- Asian criminal groups are more and more involved (some Vietnamese citizens enclose drugs in “originally” packed CDs or cigarettes, they also use containers holding textile goods, and so forth). Some members of the Roma community distribute on the street NPS, and women and children are made use of for the sale of NPS (mainly across the borders).
- With regard to criminal organisations and individuals:
  - \* The dominant group of organisers involved in the illicit trade in **heroin** in the Czech Republic consists of Albanians from Kosovo (in the European market with heroin they however are losing their position); by using the same courier routes they are linked to persons from Bulgaria (Bulgaria became a transit point for further transport) and Croatia; a direct link between Albanian and Vietnamese criminal organisations has been developed.

\* The trend in shipments of **cocaine** changed from that of large consignments, for example within commercial shipments, towards smaller deliveries particularly from South America; criminal organisations from the former Soviet Union – Ukrainian and Chechnyan groups – are increasingly involved in dealing in drugs.

\* Arab criminal organisations had been until 2001 involved in importing **hashish** via the route Morocco-Algeria-Prague. After direct air connection was cancelled, hashish is usually imported to the Czech Republic from the Netherlands and Switzerland where it is substantially cheaper and thanks to liberalisation easily available. The price of hashish in these countries is three times cheaper than in the Czech Republic. Marijuana has remained a fashionable drug and is delivered through mail (mainly air mail) coming from the Netherlands, Spain, and India.

\* Pervitine has remained in the Czech Republic one of the most popular drugs among Czech drug addicts except for in Prague where heroin has acquired the foremost position. The beginning of 2002 meant for **pervitine** producers the lack of its basic ingredient therefore an increased production of methamphetamine made of medicines was recorded – producers used in particular SOLUTAN, MODAFEN, and PARALEN PLUS. In the mid of 2002 an illegal market recorded a sufficient supply of ephedrine. Ukrainian criminal groups are engaged in trading pervitine, along with Czech criminal organisations. The sale of methamphetamine continued in Germany where its demand has increased. It is delivered in its pure white crystal form under the name CRYSTAL.

\* A massive growth in the consumption and number of consumers of **ecstasy** has continued. The purchase and sale prices of ecstasy tablets have decreased and its smuggling has become more intensive (formerly the number of tablets in a consignment was hundreds, now it is thousands).

## II. Measures Adopted

- **The Government Council for Co-ordinating Anti-drug Policy** working at the office of the Government established the Working Group for the Prevention of Synthetic Drug Abuse. Representatives of the commission came from the MI, the Czech police, the MJ and the Government Council for Co-ordinating the Anti-drug Policy and dealt mainly with the issue of whether to carry out at youth dance events the testing of ecstasy tablets in connection with other preventative activities such as programmes to minimise health risks.
- With regard to legislative proposals there are negotiations at the level of the ministries and the Government on the amendment to Act No. 167/1998 Coll., as amended, on Addictive Substances, and negotiations on modifying sections of the Criminal Code relating to drugs. Some alterations were already made in 2002 mainly with respect to Sec. 188a of the Criminal Code on spreading addiction, where the forms of spreading addiction were extended. The Ministry of Health divided drugs into categories according to the severity of the injury they cause to health, in compliance with Government Resolution No. 1177/2001. The aforementioned categories were created by the MH's working group. In accordance with this Government Resolution the assignment was imposed on the Minister of Health in co-operation with the Executive Vice-chairman of the Government Council for Co-ordinating Anti-drug Policy and the Minister of Justice. The Minister of Health informed the members of the Government Council for Co-ordinating the Anti-drug Policy on the categories created.
- In connection with **the National Anti-Drug Policy Strategy for 2001-2004**, conditions for a joint analytical office within the structure of the General Directorate of Customs and the National Anti-Drug Headquarters of the Czech police were created to suppress the availability of NPS.
- Agencies of the National Anti-Drug Headquarters were established in the Czech Republic. Their aim is to increase repressive pressure against the organisers of trafficking NPS at the regional level where in a number of cases the sale is executed across the border.
- One representative of the Czech police is a member of the Commission for Detecting Whether Applicants for Jobs with the Police are drug addicts. One policeman is also a member of the Commission for Reducing Drug Availability in Prague.
- **International co-operation** has become obvious in this field. The General Directorate of Customs regularly sends to the Anti-Drug Headquarters reports on the results of searching for drugs. The Czech Government adopted the Resolution concerning ratification of the Convention

on Illicit Trafficking on the Seas which implements the Article of the UN Convention against Illicit Trafficking in Narcotic and Psychotropic Substances. The Czech Republic was accepted as a due member of the Mar-Info information system and was included in its northern section (countries of Western and Northern Europe). These customs maritime information systems enable the acquisition and exchange of findings on sea transport and container transport in the field of illicit trafficking of drugs and cigarettes.

- Customs bodies seized almost 75 kg of NPS and precursors.
- The Supreme State Prosecutor's Office drew up a special report containing an analysis of current criminal-legal practice in the area of criminal drug offences including their punishment according to the kind and amount of NPS. On the basis of this analysis the SSPO elaborated a proposal of corresponding legislative as well as non-legislative measures. The Report was submitted to the Ministry of Justice.

This Report notifies that the age of drug consumers is declining and gradually consumers are becoming distributors. The extension of this kind of crime with respect to its frequency among wider (and lower) age and national categories has resulted in the development of conditions for the further growth of drug related crimes. An adverse steady growth has changed from a qualitative point of view (including the spreading of "hard drugs"). With regard to criminal liability within substantive and procedural criminal law, current legal regulation is adequate, nevertheless in terms of substantive criminal law it seems to be necessary to modify the prerequisites of crimes conditioning punishment in accordance with Sec. 188 and Sec. 188a of the Criminal Code which miss out the punishment of offenders who commit such crimes in relation to juvenile persons but which is provided for in Sec. 187 (3) (b). As a matter of fact there are no reasons for such different regulations. The SSPO does not recommend amending the valid legal regulation to create diversification in particular in terms of drug categories, i.e. to differentiate them as being either "hard" or "soft". It does not suggest distinguishing among the types of social danger expressed in durations of sentences with regard to the possession and distribution of both kinds of drugs.

These issues have been consistently discussed. For example the representative of the Government for Human Rights considers the opinions of advocates on repression such that it is necessary to make even smoking marijuana a criminal offence so that its smokers do not shift to hard drugs (the theory of "gone wrong"), to be irrational. In this opinion "a rational approach as well as experience from many countries unambiguously show that when "soft" drugs (cannabis) are in the same regime as "hard" they incline to be spread side by side. A high rate of criminalisation of relatively less harmful marijuana means that young people when trying to purchase marijuana get in touch with drug dealers of hard drugs, while the division of legal regimes will prevent such situations.

### 2.2.9.2 Illicit Trafficking in Human Beings

- The situation of trafficking in women remains serious. From an international point of view the Czech Republic has become a target country, the country of origin, and is a transit country as well. A great part of domestically organised prostitution falls in the area of trafficking in human beings. The situation is such that offenders suppress the fundamental human rights of a victim (health, life, and human dignity). Offenders of well-organised criminal structures endeavour to transfer their profits to legal businesses. The majority of organised criminal groups come from the countries of the former Soviet Union.
- Unfortunately, the economic situation of a country quite often “supports” the trafficking in women since individual groups of offenders seek socially weak victims who are ready to enter a risky environment in view of high profits and an easy life. They are lured abroad where they are forced to work as prostitutes. In the year monitored a growth in the number of girls and women from the countries of Eastern Europe (Ukraine, Moldavia, Russia, Bulgaria, and Romania) was recorded, followed by girls and women from Asian countries (Vietnam, China), who are forced to work as prostitutes in the Czech Republic or are transported across the Czech Republic to Western Europe. As for trafficking in Czech women abroad, violence against them is applied mainly in connection with organised prostitution especially in Spain and Italy. In the year monitored no cases of a woman being forced to prostitution through physical violence were ascertained in the Czech Republic. The situation has remained unchanged in terms of prostitution in the Czech Republic. Women are “delivered” to erotic clubs located mainly in Prague and in the borderlands, especially near the borders with Germany and Austria.
- **Trading in children** is a highly latent crime where offenders are predominantly foreign nationals. Child pornography has recently been spread particularly on the Internet. The identification of an offender – a trader in child pornography - is very difficult since criminal groups hire computer experts for the purpose of preventing the identification of the provider of the relevant web site. In accordance with the amended Criminal Code, distributors of child pornography can be sentenced maximally to imprisonment of a term of three years or have a financial sanction imposed upon them. With regard to the relatively high income of this kind of crime it is definitely not a sanction deterring the carrying out of this type of criminal act. The possession of pornographic materials is not considered to be a criminal offence unless it is proven that these were determined for further distribution. Neither is the person purchasing a child considered to be a criminal, and the “seller” is punished by short duration of sentence.
- With regard to criminal offences connected with trading in human organs a change has been made. The amendment to the Criminal Code which came into force on 1 September 2002 stipulates that offenders of such crimes can be prosecuted for the illicit treatment of tissues and organs.

### Measures Adopting

- The Czech police actively co-operate in combating illicit trafficking in human beings with foreign police bodies in Germany, Austria, the Netherlands, Slovakia, Slovenia, Switzerland, and Poland.
- One of the topics dominating international co-operation is the prevention and restriction of trafficking in human beings especially for the purpose of sexual abuse. The MI prepared the participation of the Czech delegation at the conference of the International Organisation for Migration related to trafficking in human beings which was held in Brussels in October. The MI also takes part in implementing the product of this conference – the Brussels Declaration.
- On 10 July 2002 the Czech Government adopted by its Resolution No. 716 the Report on

Meeting the National Plan on Combating Commercial Sexual Abuse of Children for 2001-2002. Simultaneously with this Report the National Plan was updated. The plan has been drawn up for a two-year period (2002 – 2004) and will be assessed in May 2004. Updates in particular concern measures against the circulation of child pornography on the Internet, the improvement of technical conditions of police work with child victims and witnesses of criminal acts, as well as preventative measures taken in facilities for asylum seekers with respect to children who are not accompanied by an adult.

- A proposal was submitted to the Czech Government to sign and ratify the Option Protocol to the Convention on the Rights of Children - against trafficking in children, child prostitution, and child pornography.
- The Czech Republic will continue in implementing the Project on Preventing, Restricting and Punishing Trafficking in Human Beings, Particularly in Women and Children. This project was proposed by the Centre for International Prevention of Crime at the UN Office for the Control of Drugs and Crime Prevention for the Czech Republic and Poland as a part of the “Global Programme on Combating Trafficking in Human Beings”. This Project will last 18 months and was commenced in 2002.
- Within the above-mentioned Project the international conference under the name “A Proactive Approach of the Police in Exposing and Investigating Cases of Trafficking in Human Beings” was held in January 2003. This conference concentrated on researching possible contributions to regulating prostitution by policing in the field of combating trade in people.
- By the second half of 2003, the MI will submit to the Czech Government a document devoted to the issue of trafficking in human beings for the purpose of sexual abuse; this document will also include a model of victims and witnesses in criminal proceedings against the offender of this type of criminal act.
- On 27 March 2002 the trilateral Czech – German - Polish Working Group met at its constituting meetings and discussed the situation in across the border crime especially in relation to illegal migration, illicit conveyance of migrants, and trafficking in human beings, particularly women, as well as signs of sexual abuse and protection of children against sexual exploitation. Their agenda is mainly to exchange information, to create a stable channel for the rapid and reliable transfer of operative police information among involved parties, to hold joint police actions, to draw up preventative programmes, to establish active co-operation with the mass media, and to further the education of policemen and other engaged experts. On 4 September 2002 a meeting on illegal migration and crimes against human dignity was organised in Berlin. In mid-January there was a meeting in Zelezná Ruda where the Czech-German Project concerning the mapping of forced prostitution in the Karlovy Vary Region, attended by policemen from Bavaria, Saxony, the BGS and German non-governmental organisations was commenced.
- On 29 October – 1 November 2002 a seminar under the name “ Trafficking in Children and Women for the Purpose of Sexual Abuse”, organised by the US Ministry of Justice along with the Czech MI, was held for members of specialised Czech police units, state prosecutors and responsible officers from other authorities. This Seminar focused on various aspects of criminal punishment of trafficking in women and children, on investigating techniques of this kind of crime, and American and international values of law related to witness protection for this type of crime.
- The amendment to the Criminal Code (the amendment to harmonise the Czech Criminal Code with the EU legal regulation effective from 1 July 2002) regulated the provisions so that they protect both sexes (the heading was changed to “Trafficking in Human Beings”) and enabled a broader protection of foreign men and women trafficked.
- The amendment to the Criminal Code came into force on 1 September 2002 and the provisions of Sec. 209a newly introduced illicit trafficking in human organs and tissues. The Department of Trafficking in Human Beings of the Section for Revealing Organised Crime of the Service of Criminal and Investigation Police is responsible for organising the combat

of organised trade in human organs and tissues.

### 2.2.9.3 Illicit Trade in Weapons, Explosives, and Radioactive Material

- The situation **relating to illegal trade in weapons and explosives** remains almost identical to that of previous years – interest in the illegal sale and purchase in explosives, weapons, and ammunition remains.
  - \* Explosives are stolen from companies where they are produced or destroyed, or from companies distributing weapons and explosives to retail networks or from persons dealing with pyrotechnical work.
  - \* According to the findings of the Czech police illicit trading in complete weapons, military materials and explosives remains a problem. Offenders try to enter into close contact with public administration bodies with the aim of obtaining permits in contradiction of legal regulations. Involved parties are very careful, a high latency can be assumed.
  - \* Organised groups represent a danger since they acquire this material by committing other forms of criminal acts.
  - \* Among persons dealing with illicit trade in weapons and explosives are businesses trading in weapons, persons who have or had an access to weapons of the Czech army, and collectors of historical weapons.
  - \* Attempts have continued to be made to sell army material to regions where embargoes have been imposed, or to sell larger amounts than the amounts permitted by a licence. Licences based on contractual relations enable the execution of a sale or import from the Czech Republic of a given amount of goods. Customs bodies carry out check ups on exported goods and compare the amounts with the amount of goods included in licences – these point out errors in documents needed for customs proceedings (import and export licences are often missing, or a licence is invalid or the companies try to avoid duties arising from their licences).
- The situation in the Czech Republic regarding **illicit trade in radioactive materials** is also the same as in previous years:
  - \* Most of these materials come from the former Soviet Union; networks of covering companies are used for this purpose. However, according to the findings of the Czech police, no trade was occurred within the Czech Republic.
  - \* Apart from classic radioactive materials, ionising radiation sources are also offered on the illegal market.
  - \* There is a direct risk of radioactive contamination of people and environment.

184 persons were lawfully sentenced under Sec. 185 of the Criminal Code – unauthorised arming.

#### Measures Adopted

- Good, standard co-operation exists between the entities involved, namely the Czech Mining Office, the State Office for Nuclear Safety, the State Office for Radioactive Protection, the State Disposal Site for Radioactive Waste, the Czech Scientific Nuclear Base, the Security Intelligence Service, the Ministry of Defence, and the General Directorate of Customs Administration. These entities cooperate either at an expert level, or during actual actions.
- Customs bodies concentrated on the more efficient control of activities, also in inland, in combating illicit trade in weapons and radioactive material.
- A range of training activities are tailored to focus on the issue of illicit trade in weapons and radioactive material.
- An emphasis is put on international co-operation, in particular with neighbouring countries, frequently in the form of co-operation on the border. Information is also exchanged with other countries (the USA, Great Britain, France, Switzerland, Italy and others).

- The MIT has drawn up information on the Czech legal regulation of foreign trade in military material. This information was disclosed on the MIT's web sites together with the EU Code of Conduct for Exports of Weapons and it was distributed among the holders of licences for the export of military material.
- Act No. 204/2002 Coll. amending Act No. 21/1997 Coll. on Control of Exports and Imports of Goods and Technologies Subject to International Control Regimes came into force.

## 2.2.9.4 Forgery

- The issue of forged money was determined by the euro currency, however the quality of counterfeits was low. Other findings relating to this topic **have not seen considerable changes** (this statement does not concern the counterfeiting of payment cards, where the quality of such counterfeits is getting better); **the occurrence of counterfeits has increased**.
  - \* Counterfeited USD banknotes have remained the most frequent denomination of forged currency (counterfeited banknotes of USD show a very high quality; 360 counterfeited banknotes (+209 banknotes) were ascertained).
  - \* As regards the Czech currency, mainly counterfeits of the nominal values of CZK 500 and CZK 1,000 were a problem (very good counterfeits; 1,208 counterfeited banknotes (+401 banknotes) ascertained).
  - \* Forged cheques, notes, credit cards and payment certificates occur in higher quantities.
  - \* Crime connected with forgery will probably demonstrate an increasing trend and counterfeits will be of a higher quality both in terms of how they are made and the damage the counterfeits cause.

93 (+9) persons were **lawfully sentenced for counterfeiting and altering money** (Sec. 140-142 of the Criminal Code.)

## Measures Adopted

- Establishment of the National Headquarters Against Forgery was drafted by the Czech Police.
- The Analytical and Technical Group is being gradually equipped with special technical equipment (Phare and Schengen Projects).
- Other preventative activities continue, in particular consultations with the Czech National Bank and the General Directorate of Post Services as to proactive elements of their products, and training and lectures for personnel of other police units
- The Czech police operate an information system named "Counterfeited Banknotes".
- Good co-operation on the international level continued.

## Findings of the Sociological Survey

According to the survey carried out by the UNIVERSITAS agency 75 % respondents feel very or quite anxious about organised crime. Organised crime reached the fourth place in the order of the most important social problems.

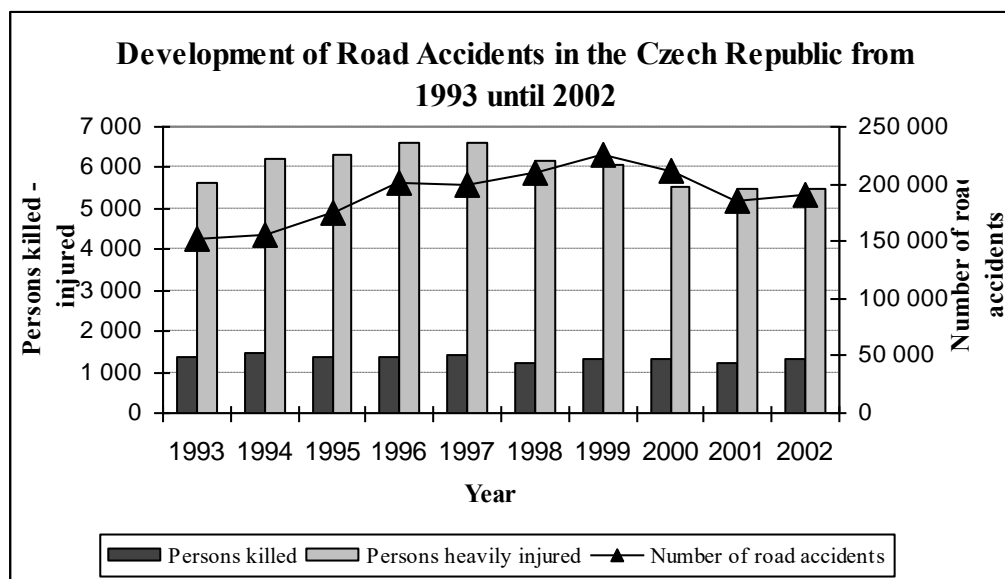
71 % of respondents are very or quite anxious about drugs and the spread of drug addiction. To the question of whether the police should monitor, investigate and prosecute marijuana smoking and its being offered to peers, 46 % of respondents answered "yes always", 23 % answered - "yes, the victim minds this kind of crime", 23 % of respondents stated that they would rather the police did not, and 8 % answered "absolutely not".

The respondents were also anxious about the possibility of their child (age 5-17 years) becoming a drug addict (index 7.39 using the scale from 1 to 10 where 10 indicates maximum anxiety).

## Summary of chapter 2.2.9

- Activities carried out by criminal organisations on our territory are and will be based on trends of international crime. Due to the Czech Republic's accession to the EU, criminal organisations show a continued interest in penetrating Western Europe through the Czech Republic.
- Russian speaking criminal organisations have remained dominant; the struggle for gaining spheres of influence accompanied by violence will continue among criminal organisations.
- An intensive effort by the organisers of crime to influence people working in state administration (police, judicial system, state prosecutor's offices, prisoners' service, customs administration, tax authorities, and so forth) as well as people employed in the private sector (commerce, businesses) or in the mass media remains a risk. Combating organised crime considerably impacts the success rate of combating corruption.
- There is the risk of criminal structures penetrating legal businesses or investing in real estate with the aim of legalising their proceeds which result from criminal offences. Crimes connected with extortion and racketeering will probably increase.
- In combating organised crime there is the problem of insufficient control in the movement of foreign nationals within our republic (only formal addresses are often registered), and also the problem of their illegal employment.
- In some areas, mainly illegal migration, illicit trade in weapons and bobby-traps as well as money laundering, the co-operation of organised crime with terrorist or extremist organisations cannot be excluded.
- Priorities in combating organised crime are as follows: successful combating of corruption, creating legislative and organisational conditions for confiscating proceeds resulting from criminal acts, and introducing the institute of the so-called "material (crown) witness". All these are initiatives which could to a large extent contribute to disturbing criminal structures.
- Illegal sales and purchases of explosives, weapons and ammunition, and an effort to sell this material to regions under embargo or to sell higher quantities than those specified in licences, are of great interest. Currently only customs bodies are responsible for check-ups on whether exported quantities of goods comply with licences and they point out the errors in documents required by customs proceedings (import or export licences are often missing, or the licence submitted is not valid and there is an effort to avoid licensing duties).
- Illicit trafficking in human beings (organised prostitution is dominant) and child pornography, spread especially via the Internet, represent serious and latent criminal areas.
- Increasing consumption of ecstasy pills and the wider availability of drugs in the whole of the Czech Republic characterise the area of illicit trade in narcotic and psychotropic substances. Cases of stealing medicines are growing. The situation remains a problem despite implemented measures. Therefore discussions relating to drafted measures, especially of those of a legislative nature, are held at the level of the Government Council for Co-ordination of Anti-drug Policy and of individual involved entities.

## 2.2.10 Road Safety



- **The increase in the number of road accidents (+2,7 %) was accompanied by higher numbers of persons killed and people who suffered light injuries; the number of people with heavy injuries remained at the level of 2001, while the estimated material damage increased.**

\* Of the total number of **persons killed, 44 (+ 11) were children**, of whom 25 children were “co-drivers”, 12 children were pedestrians, six children were cyclists and one child was a driver of a motor vehicle.

\* The number of accidents where the offender/s left the place of the accident went up by +3.1 %.

\* The number of accidents caused by foreign nationals was lower (-3.8 %), but the number of people killed by foreigners increased by 24 persons.

\* In terms of those who caused accidents, the situation is similar to that of previous years - most traffic accidents were caused by drivers, and the largest share of persons killed in accidents were killed in accidents caused by car drivers (a growth was registered). Pedestrians caused 2,192 road accidents (of them 853 were children), and more than 13 % of these were caused under the influence of alcohol. On pedestrian crossings 55 pedestrians were killed. Bad driving and excessive speed, displaying a considerable increase, remain a problem.

\* **Bad driving** remains the main **cause** of accidents (64.9 % of the total number of all road accidents; 364 people killed) – followed by not enough attention paid to driving, followed by **excessive speed** (15 %, 556 people killed) and **not giving priority** (17.6 %, 172 people killed).

\* A higher number of road accidents occurring under **the influence of alcohol** was recorded (+3.9 %; the number of **killed people increased by 35 persons**).

\* The highest number of traffic accidents happened in the **municipalities**, where all basic indicators increased – the number of accidents and their consequences (the number of killed people grew by 46 persons; however *in 2001 the lowest number of killed people was recorded in the last 10 years*); outside the municipalities the number of those killed increased as well (+49 persons).

\* The number of people killed in road accidents in comparison with the number of inhabitants is two and a half times higher than in the countries of Western Europe.

(For more details see table 35)

**6,514 (+2,114) persons** were lawfully sentenced for **criminal offences committed in traffic accidents** (Sec. 201, 201a, 223, 224, 180, and 208 of the Criminal Code). The highest number of persons (**1,454**) was sentenced **for crimes of injury to health** (severe injury to

health, Sec. 224 of the Criminal Code) and **1,088 persons** were sentenced for **the crime of endangering others under the influence of an addictive substance** (Sec. 201 of the Criminal Code).

### Findings of the Sociological Survey

In the survey carried out by the UNIVERSITAS agency respondents expressed their concern about being affected by crime using a scale from 1 to 10, where 10 indicates “maximum anxiety”. Among concerns of being affected by crime, 3<sup>rd</sup> place is occupied by the fear of being affected by a road accident (not caused by the victim), showing an index of 6.13 (6.07 in the previous year).

### Summary

**Road safety** is at a very low level since we rank among the states with the highest number of traffic accidents and most particularly among states with a high number of people killed on the roads. The number of people killed, including the number of children killed, increased.

- Accidents on **pedestrian crossings** remain a problem and the same applies to accidents under the influence of alcohol (the highest number of killed persons), **excessive speed**, bad driving, i.e. a certain ruthlessness and breaching of laws.
- With respect to aforementioned statistical data it is necessary to state that the current method of prevention with respect to road accidents (traffic education, discussions, special radio and television programmes focusing on this topic) is not sufficiently effective. A higher safety rate on roads will probably not be achieved without a more active presence of policemen on the streets and on the roads.

### Measures Adopted

- The Czech police will continue in road safety activity and attention will be paid to pedestrian crossings. The police will focus on weekend traffic (consequences of road accidents at weekends were markedly high). They will intensively check-up on adherence to traffic rules in municipalities and control whether drivers have consumed alcohol. More attention will also be devoted to using elements of passive safety.
- Almost 500,000 children were trained in road safety programmes (a programme for cyclists-beginners, skilful riding, technical skills, first aid, etc.) and more than 17,000 adults were trained as well (safety driving, courses, discussions). Co-operation with the mass media continued within the INFO-service of the road safety programme. Radio and TV programmes concentrated on road safety, and there were events held focusing on the provision of better information to drivers and so forth.
- The Ministry of Transport focused on evaluating legal regulation relating to road traffic. On the basis of the analysis it will draw up and submit to the Government a draft amendment to the Act on Land Traffic and the Act on Acquiring and Improving Technical Qualifications for Driving Motor Vehicles. Furthermore, the MT will submit to the Government the Report on Meeting the Programme on Increasing Road Safety.
- The MT will ensure methodological assistance to selected regions and municipalities (those having extended scope of powers) in the field of road safety prevention.
- The MD issued new legal regulations having a close relation to road safety. They are for example:
  - \* MT's Decree No. 167/2002 Coll., implementing Act No.247/2000 Coll., on Acquiring and Improving Technical Qualifications for Driving Motor Vehicles and on the amendment to some other acts.
  - \* MT's Decree No. 341/2002 Coll., on Approving Technical Capability and Technical Conditions of Vehicles for Road Traffic.

## 2.2.11 Crimes Committed on Railways

### I. Development and Characteristic Features

- number of crimes ascertained: 3,177  
(-4.3 %, -144)
- number of crimes solved: 1,007  
(-11.5 %, -131)
- clear-up rate: 31.7 % (-2.6 %)

**Crimes committed on railways** account for less than 1 % of total crime. Organised groups are frequently involved in this type of crime. Offenders are both Czech citizens and foreign nationals.

\* Crimes against property form the largest share of this type of crime (66.6 %). The situation in the field of theft of shipments transported on railways remains negative especially with regard to damage ascertained.

\* In total 678 (+243) persons came to harm as a result of thefts on trains, of them 145 (+40) were foreigners who were mainly citizens of Slovakia, Great Britain, Germany and the USA. These are mainly people who only travel through the Czech Republic and report the crime in their home country, which is the final destination of the train. Therefore it can be assumed that the real number of crimes committed is much higher. The danger of this crime lies mainly in its good organisation and the difficulty and demanding nature of solving such crimes.

\* Higher attention continues to be paid to the transport of nuclear fuel, weapons, and ammunition, etc. (The Czech police protected in total 356 such transports, and 20 measures were adopted to protect military transports).

\* With regard to breaching customs regulations the situation has remained unchanged –mostly this is connected with smuggling cigarettes especially on East European routes (694,000 cigarettes were seized). In many cases train crews are actively involved in the illegal transport of cigarettes. When revealing illegal contrabands of smuggled cigarettes the use of trained dogs has been proven as especially effective. The attention of customs bodies was constantly devoted to containers and complete container freight trains.

- **Railway accidents** represent a specific area: **42** (-2) railway accidents were **solved** as criminal offences. The damage caused by those cases was valued at CZK 15.1 million (- CZK 8.6 million) and there were 40 (+12) accidents where trains collided with road vehicles. The damage here amounted to CZK 2 billion (-CZK 2 million). Cases of various objects being thrown onto running trains and obstacles placed on the tracks are very dangerous.
- Of five cases of threats of **installing booby-traps**, the offenders were ascertained in three cases. The most dangerous case was that in Hnevice and in Prague-Kyje.

### II. Measures Adopted

- The Inter-ministerial Czech-Slovak Commission for Railway Safety continued its activities mainly focusing on the protection of the safety of passengers particularly on night trains.
- Attention is paid to prevention against robberies of passengers on trains.
- The General Directorate of Customs Administration entered into agreements with the Metrans and Intrans companies on transporting goods in containers in whole container freight trains. Information gained is analysed in terms of risk with the aim of focusing control activities on the most risky imports of goods.
- Installation of the NCTS system would mean solving the problem relating to common transit where there is misuse of the system of filing documents accompanying shipments.
- Technical preventative measures currently aim mainly at equipping railway carriages in which attractive or dangerous goods are transported, as well as furnishing sleeping cars or cars with berths. Conductors have received mobile phones.
- The security situation on the railway is regularly discussed at an international level.

## 2.2.12 Hooliganism and Street Crime

### I. Development and Characteristic Features

- Generally, public order is affected mainly by **street crime** (thefts from cars, pick pocketing, mugging, the spread of drug addiction, etc), and also by crime with an extremist context, car accidents, hooliganism, and so on.
  - \* The frequency with which this type of crime occurs as well as its clear-up rate influence feelings of being safe among citizens. The situation and development of this crime is described in more detail in the relevant chapters – the number of the above mentioned crimes in the year monitored increased; crimes of hooliganism stagnated.
  - \* Public order was not disturbed in a more severe or extensive manner, which was supported by a range of measures adopted by various police units. The essential task was to ensure the smooth course of the NATO Summit in November 2002 in Prague. The Czech police met all their assignments completely. A number of measures were taken prior to the commencement of the Summit (e.g. measures carried out at the national border), actions focused on road safety were successful, and traffic filters on the roads, strengthened police patrols on the streets of Prague and the use of CCTV, etc acquitted well.
  - \* The number of crimes of spray painting is growing, offenders are primarily young people.
- No changes have occurred in the **behaviour of fans** who are at the international level marked as fans of the “C” category (they are monitored by police involved with extremism).
  - \* During international club matches (UEFA Cups) as well as during domestic matches (league matches) the number of serious crimes has increased. Insufficient steward service impacts on disturbances to public order.
  - \* *124 misdemeanours under Act No. 200/1990 Coll., on Misdemeanours, were recorded. These were mostly disturbances of public order (throwing smoke bombs (cartridges) and other objects onto the football pitch).*

**2,579 (+364) persons were lawfully sentenced for the crime of hooliganism pursuant Sec. 202 of the Criminal Code.**

### II. Measures Adopted

- A new binding instruction of the Police President No.100/2002 was drawn up with the aim of ensuring during risk matches, particularly international ones, good and direct co-operation among specialists coming from district and regional police units.
- The Czech police co-operate on security measures with their foreign colleagues. The police are bound to do so by the ratified Resolution of the Council of Europe No. 2002/C-22/01 and conclusions resulting from the meeting held in Brussels in April 2002 (Council of Europe Resolution No. 2002/348/JHA).
- The working seminar on the issue of spectator violence attended also by policemen from the Netherlands and Austria was held in Prague on 14 March 2002.
- As offenders of street crime are often young people, educational advisory centres prepare, in co-operation with the Czech police, municipal police and departments of social prevention of City District Offices, preventative programmes against spray painting, hooliganism and so forth.

*Other measures relating to street crime are contained in the following Chapters: Crimes Against Property, Violent Crimes, Crimes Against Human Dignity, Crime with an Extremist Context, Road Safety, and particularly in the section dealing with crime prevention.*

## 2.2.13 Protection of Classified Information

### I. Development and Characteristic Features

- In the area of classified information, under Act No. 148/1998 Coll., on the Protection of Classified Information and amending Some Related Acts, as amended (hereinafter “the Act”) there was a slight decline in criminal offences of breaching the protection of classified information.
  - \* **The National Security Authority** (the NSA) reported **38** cases of **unauthorised use of classified information** (11 cases less than in 2001). Criminal information was filed only in two cases. In the majority of such cases NSA Decree No. 244/1998 Coll., on Details of Establishing and Indicating the Degree of Secrecy and on Procedures in Creating, Filing, Transferring, Transporting, Lending, Archiving, and Otherwise Manipulating and Destroying Classified Documents, as amended, was breached.
  - \* The NSA commenced in compliance with provisions of Sec. 71 of the Act in six cases **administrative proceedings on imposing a fine** for breaching duties stipulated by the law. In five cases such proceedings were commenced with respect to individuals (two decisions came into effect and in the case of one of them the duty imposed by the decision, i.e. to pay a fine, was fulfilled, whilst in one case the decision is not yet effective. In two cases the decision has not yet been adopted. In one case proceedings were commenced with respect to an organisation (the duty imposed by the decision, i.e. to pay a fine, was fulfilled). It is possible to state that the threat of financial sanction for breaching duties stipulated by the Act has appeared to be very efficient when enforcing such duties. Thus the National Security Authority will continue paying maximum attention to this issue.

### II. Measures Adopted

- **Amendment to the Act** implemented through Act No. 310/2002 Coll., brought new legal regulation from the following points of view:
  - \* **Justification in the notice on non-issuance or removal of a certificate and confirmation of issued certificates under the Act.** The Act newly lays down that the reasons why a certificate was not issued or why it was removed must be stated in the notice. They are not to be stated only in the case that some reasons are classified information itself. The amendment also brings the possibility to examine the decision on refusing complaints issued under the Act by the Division of Protection of Classified Information working within the Supreme State Prosecutor’s Office. Activities carried out by this body with respect to new provisions of this legal regulation can be evaluated after a longer period of time has elapsed from the date when the amendment cited comes into the effect. However the fact is that although the Division was established as a court-style body, Act No. 151/2002 Coll. provides at the same time to the party of the proceedings, i.e. the one who was not issued a certificate, the possibility of bringing an action to the Administrative Court (not against the decision taken by the Division but against the body which rejected the complaint against non-issuance of the certificate). So this means that it is a situation of a double legal regulation, which will be removed by the approval of a new legal provision which will probably be based on the concept of court examination of the decision made within security proceedings.
  - \* **Brand new legal regulation of verification of the security eligibility of individuals.** This measure responds to the need to extend the group of people who must be screened in the interest of the security of the state or in any other important interest. The current legal regulation enables only the examination of persons who are supposed to work with classified information. The act now extends this by the possibility to verify the security eligibility of persons who carry out activities the misuse of which could endanger the security of the state or any other important interest of the state. In relation to this, the new regulation screening of security eligibility of persons who were involved in preparing and organising the NATO Summit in Prague was performed successfully in compliance with the law and Government Regulation No. 340/2002 Coll., laying down the list of some sensitive activities. At present a draft implementing a decree stipulating a new list of sensitive activities is being negotiated.
- The work on drafting a **brand new legal regulation on the protection of classified information** in compliance with Act No. 310/2002 Coll., which limits the validity of Act No.

148/1998 Coll. only until 31 December 2003, continues.

- The Office of the Government focused in the field of classified information protection on the security of premises (where the most important task seems to be solving the problem of supplementary energy source), followed by security of personnel (unfinished security screening of proposed persons remains a certain problem) and the security of a computer network (this is ensured by consistent division of the network into demilitarised zone and protected internal network).

## 2.2.14 Communist Crime Investigation

The situation for the Office of Documentation and Investigation of Crimes of Communism (hereinafter "the ODICC") was determined in 2002 especially by the adoption of Act No. 265 of 29 June 2001 amending Act No. 141/1961 Coll., on Court Criminal Proceedings (the Code of Criminal Procedure) as amended, Act No. 140/1961 Coll., the Criminal Code, as amended, and amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, which came into effect on 1 January 2002. Since this date the ODICC has become, pursuant the amendment to the Act on the Police of the Czech Republic, a part of the Criminal Police and Investigation Service Office. Since the same date this office, due to the closure of the Bureau of Investigation of the Czech Republic, was included in the structure of the Police Presidium of the Czech Republic. After the reorganisation it was necessary to adopt a number of internal measures to ensure a smooth transfer from the former Bureau of Investigation under the Police Presidium of the Czech Republic. In this context the ODICC organised in advance seminars to which representatives of the Supreme State Prosecutor's Office of the Czech Republic and representatives of the Police Presidium of the Czech Republic were invited.

At the same time the amendment to the Code of Criminal Procedure (implemented by the above-cited Act) essentially altered the proportion and significance of individual stages of criminal proceedings. The amendment to the Code of Criminal Procedure introduces and regulates the transfer of the evidence-finding process from pre-trial proceedings to court proceedings. Such modifications resulted, *inter alia*, in the fact that the investigatory scope of powers of the ODICC should be limited merely and exclusively by the necessary scope of evidence finding and the result should lead to accelerated (summary) proceedings and thus also to the more efficient work of police bodies assigned to the ODICC.

- The ODICC prosecuted in total **84 cases**, 14 of which had been transferred to 2002 from previous years (three new cases were recorded in 2002), nine files were closed and eight remain open. The average period of investigation of a criminal case is 32.2 months, while in 2002 it was 24.6 months.

\* During the existence of the ODICC, i.e. by 31 December 2002, in total **171 charged persons were prosecuted**, the unfinished prosecution of 37 charged persons was transferred to 2002, prosecution was commenced against three charged persons, prosecution against 22 was terminated and prosecution against 18 charged persons has not yet been finished. The number of issued decisions relating to charged persons (total/year 2002) are as follows: discontinued under Sec. 172/1a of the Code of CP - 15 persons/ 0; discontinued under Sec. 172/1b of the Code of CP - 23/0; discontinued under Sec. 172/1c of the Code of CP - 22/0; discontinued under Sec. 172/1d of the Code of CP - 15/0; discontinued under Sec. 172/1e of the Code of CP 1/0, suspended under Sec. 173/1 of the Code of CP - 4/0; **motions for bringing charges - 97/4** (including repeat motions for bringing charges - 170/37); **accused - 77/3** (including repeat indictments - 96/5) **and lawfully sentenced by courts - 40/15**. The persons were charged particularly with crimes of abuse of power by a public official, treason, severe injury to health, breaching the duties of a public official, murder, sabotage, extortion, deprivation of personal freedom, injury to health, oppression, breaching the duties of guard service, and so forth.

\* In total 1092 cases were examined, 83 new cases were recorded in 2002, 131 cases were closed, and thus 99 cases remain open; the average period of examination was 18.3 months.

- **The Unit of Documentation** concentrates mainly on facts relating to the unlawfulness of the communist regime and resistance against it.

\* For example the collection “Securitas Imperii No. 9” was devoted to the issue of foreign relationships of the Czechoslovak communist regime. A publication called “Fritz Case” was issued in the editorial series “Issues” (No. 5), in the editorial series Testimony the book titled “Support Technical Battalions” and the testimony of investigator Doubek called “The State Security Service, About Itself” were published. Surplus prints of the publication titled “With the Shield and On the Shield” are ready and Issue No. 6 – “The State Security Service and Judicial System – the Tools of Class Struggle in Babice Action”.

\* Lectures continued for example at the Faculty of Arts of Charles University, at the grammar school Na Vitezne plani, at the Archbishop Grammar School, at the Secondary Police School in Hrdlořezy, and so on. An exhibition of operative technology of the State Security Service was open and also presented abroad. The ODICC also participated in the exhibition “Czech and Slovak Exiles in the 20<sup>th</sup> Century”.

\* In total 204 cases were documented, while 31 new cases were opened; 19 cases were closed however and as of 31 December 2002 83 files remained still open.

- **The ODICC discloses its information on web sites and concentrates on international co-operation, Its further intention is to extend its current web sites and provide information in the Hungarian and French languages.**

### **3. Fire Protection, the Integrated Rescue System, Protection of Inhabitants, and Crisis and Emergency Civil Management Planning**

Fire Rescue Brigades and other units of the Integrated Rescue System (hereinafter “IRS”) play, together with the Czech police, an important role in internal security. Professional preparation for solving very complicated security tasks was proven in particular during the floods and the Prague NATO Summit. The Central Crisis Staff (the CCS) as well as emergency staff of other bodies were activated. Members of the security forces often risk their own lives to protect the rights of citizens, public order and security.

Demanding tasks were met also in the field of legal regulation covering this area. A number of draft legal regulations were prepared and approved by the relevant authorities. Such regulations were required to terminate activities carried out by District Offices and to transfer their assignments to other entities. Namely they were the amendment to Act No. 133/1985 Coll., on Fire Protection, as amended, Act No. 239/2000 Coll., on the Integrated Rescue System and amendments to some other related acts, and Act No. 240/2000 Coll., on Crisis Management and on the amendment to some other related acts (the Act on Crisis Management), when the tasks carried out by District Offices were transferred mainly to municipalities with so-called extended powers. In relation to this regulation new tasks were assigned to the Fire Rescue Brigades of the Czech Republic. The aforementioned amendments form parts of Act No. 320/2002 Coll. on amending and repealing some acts in connection with the termination of District Offices. On the basis of this legal regulation some implementing provisions relating to these acts were amended.

Within the strategy for education of the FRB of the Czech Republic, the Security Council of the State (the SCS) approved the “Educational Strategy of Crisis Management” which launched the system for the preparation of target groups for emergency management and protection of inhabitants. On 1 January 2002 the Higher Secondary School of Fire Protection was established in Frydek-Mistek. This school, together with the Apprentice Centre of Fire Protection of the Ministry of the Interior in Frydek-Mistek, will be provided with special professional and language instruction for operators of the emergency telephone line - 112.

**The Government of the Czech Republic** dealt, in relation to the above-mentioned areas, mainly with the following documents:

Evaluation of Activities of the Crisis Management System in the Czech Republic after the Terrorist Attacks Against the USA;

Approval of the Decision of the Prime Minister on Declaring a State of Emergency for the Capital City of Prague and Central Bohemian, South Bohemian, Pilsen, Karlovy Vary, and Usti Regions.

Concepts of Government Secret Communication Connections.

Documents dealing with security issues relating to the Summit of the North Atlantic Treaty Organisation and the Euro-Atlantic Partnership Council (EAPC), and so forth.

**The Security Council of the State** also dealt with some of the aforementioned documents and also with the following materials:

Regular up-to-date information regarding security measures on combating terrorism in the world and in the Czech Republic;

The situation in preparing for the Prague Summits of NATO and EAPC in 2002, including the provision of intelligence information and on the security of air space of the Czech Republic during the NATO Summit;

The situation and measures carried out when solving the emergency situation resulting from the extensive floods in August 2002;

Proposal for a telecommunication network for the needs of emergency communication in solving crisis situations;

Schedule of drawing up and processing emergency plans;

Evaluation of international and internal training of emergency management bodies (e.g. NATO-CMX 2002, Zone 2002).

State administration bodies, self-government bodies and other involved entities participated in meeting a range of assignments and measures relating to the issues described in Chapter 3.

### 3.1 Fire Protection

In the field of activities performed by Fire Protection (FP) all kinds of activities monitored (fires, rescue work) increased from 10 to 20% **Increased intervention activities** directly relate to extraordinary events which affected our republic, in particular the floods which affected 43 districts - 10 regions.

Regulations were published on FP. These concern activities relating to transport and possible extraordinary events connected with the transport of radioactive material, intervention in cases of radioactive substances generally, and intervention with regard to dangerous biological substances. Training titled "North Wind 2002" was held in the military area Libava in May 2002. It focused on training for the international co-operation of FP brigades and a special team of the Fire Rescue Brigades of the Czech Republic which has been used for intervening in extraordinary events abroad. Brigades from Poland participated in this training. The methodology facilitating common activities of fire rescue systems of both countries in reporting fires and carrying out rescue and liquidating work was published in two languages.

**During the floods in 2002** about 24,200 firemen in total were engaged in adjusting consequences of the floods, of them 5,100 members of Fire Rescue Brigades of all regions (4,000 members immediately intervening and 1,100 members participating in activities of operative management, in emergency staff for work in the background as logistics support, supply teams, repairs, etc) and about 19,100 voluntary firemen and firemen of Rescue Brigades from corporations. One voluntary fireman died during the crisis, and 136 firemen were injured, 62 of whom were members of the Fire Rescue Brigades of the Czech Republic.

Five firemen died on duty, two of whom were members of fire brigades of municipalities. In 2003 the Government Regulation which as a follow-up to the Act on Fire Protection will be published and its aim is to strengthen preventative care also for voluntary firemen and employees of Fire Rescue Brigades of Corporations.

Total coverage of the Czech Republic by fire protection units, both units of Fire Rescue Brigades of Regions and Fire Rescue Brigades of Municipalities was updated.

The FRB of regions published or prepared for publishing relevant regulations of regions to cover the regions in fire protection and they also amended fire alarm plans and alarm plans of the FRB for their intervention activities.

There is a certain tension among fire rescue brigades of the Czech Republic and of municipalities due to **obsolete and insufficient equipment** since the relevant funds are missing.

The principle of total coverage consists in providing assistance to citizens, municipalities and other legal entities, and it is binding in accordance with the Act on Fire Protection and implementing provisions relating to it. Only so-called selected municipalities which are actively involved in the republic-wide system of fire protection units receive subsidies. The system of total coverage also made optimal expenditure for fire protection, and responded to a dramatic increase in the price of basic fire equipment in 1990s.

The insufficiency of capital expenses for selected fire technology and equipment for Fire Rescue Brigades of the Czech Republic and fire protection units of municipalities is dramatic. Despite all efforts FP was not able to enforce a legal provision stating that insurance companies are to participate in financing fire protection – the majority of values saved by Fire Rescue Brigades represents profits of insurance companies. In comparison with the year 1994 when subsidies for municipalities were withdrawn, **the deficit in equipping fire protection units of the CR and municipalities, taking into account the prices of 2002, is by almost 14 billion higher!**

In 2003 adjustments in professional training will be made. Commanders of the FRB stations in regions should become principal partners of Mayors in municipalities having extended powers when meeting assignments of the integrated rescue system and the protection of inhabitants. Professional methodological hand-books for activities of fire protection units in the case of floods, rescue work in high areas, and in combating terrorism, will be published.

## 3.2 Integrated Rescue System

The year 2002 was for the Integrated Rescue System a transient year during which the system was exposed to several heavy tests when the majority of everyday tasks of IRS were met by district structures of IRS, however the strategic co-ordination of rescue and adjusting work was managed by regions.

Within the reform of state administration, Act No. 239/2000 Coll. on the Integrated Rescue System, on the amendment to some other acts as amended by Act No. 320/2002 Coll., on amending and repealing some acts in connection with the termination of District Offices, was amended. A number of competencies of former District Offices were transferred to municipalities having extended powers. An exception is the decisive part of planning processes when the drawing up of alarm procedures was assigned to regions where these activities are ensured by Regional Councils in co-operation with the Regional Fire Rescue Brigades of Regional plans and territorial disaster plans. Municipalities are responsible only for some external disaster plans demonstrating lower levels of risk, however even in such cases the main developer of the document is a regional Fires Rescue Brigade. On the basis of the aforementioned legislative changes regional regulations containing the alarm plans of the IRS of a relevant region were issued. At the same time District Offices provided Regional FRB with relevant disaster documentation.

A multi-level **training** called **Zone 2002** was implemented. This **verified the preparedness of respective emergency staff** in the case of nuclear breakdown in the Temelin nuclear power plant.

This has been so far the most extensive training of emergency management and ISR units in the history of the Czech Republic. This training confirmed the good level of preparedness of all involved entities as well as the good quality of the external disaster plan.

After the spate flood in the district of Blansko in July 2002, the large **floods** in August 2002 happened in Bohemia and they represented a real heavy test for the Integrated Rescue System.

All basic units of the IRS (i.e. Fire Rescue Brigades of the Czech Republic, Fire Protection units, the Czech police and health emergency service together with the Czech army), as well as other organisations (for example Water Rescue Service, the Czech Red Cross, ADRA organisation, the Czech Catholic Charity, the People in Need foundation, and some others) participated in interventions during the floods. Thanks to functional central co-ordination of rescue and adjusting work performed by the General Directorate of the Fire Rescue Brigades of the Czech Republic not only IRS units from affected regions were used, but also units from the whole of the Czech Republic. The good functionality of the IRS was one of the decisive reasons why the number of victims of the floods was only a third of the number of those of the floods in Moravia in 1997. Besides firemen, the Czech police also perfectly managed all their tasks not only when closing and evacuating affected areas and ensuring diversion routes but also fulfilling in a timely manner untypical assignments such as sinking boats. Rescue and adjusting work including the supervision of public order was ensured also by a large number of army forces and resources in co-operation with the Czech police. The air forces of the Czech army and the Czech police was important. It is possible to state that operational usage of all units was smooth and without considerable problems.

A real problem was the breakdown of the Spolana Neratovice factory during the floods. Although the lives and health of inhabitants were not directly endangered this event together with the huge fire of Setuza in Usti upon Elbe in November 2002 showed that a priority task for future years is to draw up

good external disaster plans and to gradually introduce protection measures. The chemical industry is a big potential source for the possible endangerment of inhabitants.

**Rescue and adjusting work was successfully performed during the floods**, especially thanks to following essential changes made when compare with solutions available for the floods in 1997:

- \* Brand new legislation relating to the Integrated Rescue System and emergency management,
- \* Preparedness for breakdowns and disasters –disaster plans and flood plans drawn up,
- \* Merger of civil defence and fire protection, and
- \* Establishment of Regional Fire Rescue Brigades – the establishment of management and executive structures at the level of regions.

**New conditions enabled:**

- \* inhabitants to be informed in a timely manner through a warning system which is now operated from operative and information centres of the FRB of the Czech Republic (hereinafter “OPIC”),
- \* inhabitants to be informed on a timely and objective manner through the mass media,
- \* people in danger to be informed in a timely manner through supplementary means of the Czech police (such as emergency mobiles),
- \* timely evacuation (spontaneous, unconstrained and forced) to be carried out by fire protection units and the Czech police or municipal police, and
- \* the provision of emergency “survival assistance” for people including supplementary accommodation in compliance with flood plans.

These facts confirmed the correctness of regional arrangement especially in the field of operational management since it was possible to use more forces and resources in a relevant region than in the past within district management. The appropriateness of organisational arrangements of emergency bodies at all management levels was proven as well. However, the flood gave rise to doubt as to the merit of the further existence of flood commissions which are, in the case of extraordinary events, based on collective decision-making which showed to be, in a number of cases, unpractical and not prompt enough due to the speed with which such natural disasters occur. The aim should be in particular uniform and universal measures and management structure when such **extraordinary events occur**. Such a structure is represented by the **Act on the Integrated Rescue System and the Act on Crisis Management**.

Another tough **test for the IRS was the preparation and implementation of the NATO Summit** in November 2002.

Whereas the general public perceived especially security measures and actions as being mainly taken by the Czech police, the whole Prague and Central Bohemian IRS was at the ready. A range of measures prepared for rescue and adjusting work and the protection of people were available. Attention was concentrated mainly on possible terrorist use of war or other dangerous substances, their timely detection and respective decontamination of intervening brigades of fire protection, IRS units and inhabitants.

The above-mentioned events examined the functionality of valid legislative provisions concerning the Integrated Rescue System, namely Act 239/2000 Coll., on the Integrated Rescue System and implementing Decree 328/2001 Coll., and therefore there is no need to alter them substantially. Only state administration reform Decree 328/2001 Coll., will be amended in 2003.

Consultations are currently being held within activities carried out by the Civil and Emergency Planning Committee between representatives of the MFA and the Administration of State Material Reserves on co-ordinating the usage of available material resources needed to solve emergency situations.

### 3.3 Protection of Inhabitants

The Czech Government by its Resolution No. 417 of 22 April 2002 approved the **Strategy on Citizens' Protection** until 2006 with a forecast of until 2015.

The implementation of basic measures arising from this Strategy is spread until 2006 and the final solution of individual measures until 2015. It is a fundamental document adopted by the Government which will affect for a long period of time the development of protection of inhabitants protection. The Strategy of Protection of Inhabitants lays down principal assignments arising from international obligations in particular from our membership in NATO and from being a candidate country to enter the EU.

The implementation plan for the environment, sub-plan – civil protection (hereinafter “CP”), was completed in accordance with Council Decision No. 2001/792/EC, Euratom, establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions.

A principal implementation task, taking into account current situation of the Czech Republic, is particular involvement in a mechanism of information exchange, creating a database of experts for assessment of various kinds of serious extraordinary events, involvement in the system of training of experts and intervention teams used then for an international intervention team (2,000 members) which will consist of individual member state teams. The contact point of the Czech Republic, i.e. the General Directorate of the Fire Rescue Brigades of the Czech Republic, was updated in the EU operational manual deposited in the Brussels Monitoring and Information Centre.

In compliance with the Resolution of the Government Council for European Integration No. 39 dated 7 March 2002, the Ministry of the Interior was authorised to co-ordinate, acquire and maintain the list of experts for nuclear, biological, and chemical protection at the national level and to carry out other similar activities. In this context other concrete measures at the level of the General Directorate of the FRB of the Czech Republic were adopted.

To make preparatory steps toward the Czech Republic's accession to the EU more intensive representatives of the MI – GD of the FRB participated in the technical seminar in Vienna concerning the co-operation of candidate and EU Member States in civil protection. They also took part in the first Forum of Civil Protection held in Brussels and two regular meetings of general managers of civil protection of EU Member States, candidate countries and countries of the free trade zone.

The functionality of mechanisms of the Community to facilitate reinforced cooperation in civil protection assistance interventions was for the first time practically examined during the 2002 August floods. In co-operation with monitoring and operational centres of the Member States as well as candidate countries and the Brussels Headquarters of the European Commission, the everyday exchange of information was carried out and international humanitarian aid solved. Also thanks to such co-operation all Member States and the majority of candidate countries provided material, financial or technical assistance to the Czech Republic.

During the August 2002 floods **the system of organising humanitarian aid in the Czech Republic was examined**. The MI – the GD of the FRB solved, in the framework of internal humanitarian technical aid, the assessing, registering and transferring of offers received from about 800 Czech entities. Other offers, especially from individuals (clothes, food, personal aid) were transferred to non-governmental organisations. In co-operation with the MFA acceptance of **international humanitarian aid** from 36 countries was arranged. With respect to the massive humanitarian aid provided some activities were solved operatively and the existence of a comprehensive system for such situations was missing. Therefore the Security Council of the State decided by its Resolution No. 25/2002 to deal with improving procedures relating to internal and external humanitarian aid.

The extensive floods resulted also in the flooding of a **part of hiding places** thus reducing the possibility to hide inhabitants in the case that the state is endangered. By the end of 2002 a large part of such damaged hidden places had been reconstructed. Moreover, five complete

reconstructions of hiding places having a total capacity of 750 persons were finished.

In August 2002 MI's Decree No. 380/2002 Coll., on Preparing and Implementing Tasks of Inhabitant Protection published on the basis of authorisation provided by Act No. 239/2000 Coll., on the Integrated Rescue System IRS and on the amendment to some other acts came into force. Thus legislative conditions to resolve the protection of inhabitants in the case of extraordinary events and emergency situations were established.

One of the fundamental tasks of protecting people was to establish early warning and informational systems to provide timely information to inhabitants on potential danger.

5,037 sirens, 4,451 of which had remote control, were ready within the competency of the MI. These sirens enable the transmission of warning signals on 80% of the territory of the Czech Republic. From the adoption of Decree No. 380/2002 Coll., verification of the operability of the uniform warning and informational system has been performed each first Wednesday of a month. In accordance with Government Resolution No. 417/2002 the modernisation of this system through the exchange of electric sirens for electronic ones in the zones of external emergency planning, on territory endangered by floods, and by building feedback diagnostics, was commenced.

The early warning and informational system to provide information to inhabitants about the possible consequences of extraordinary events (natural disasters and breakdowns) uses and co-operates with the mass media (in particularly with radio and televisions broadcasting) and the providers of telecommunications. Co-operation with them is on a good level and enables early and republic-wide provision of information on risks and provides basic instructions to protect inhabitants.

In accordance with Act No. 18/1997 Coll., on the Peaceful Utilisation of Nuclear Power and Ionising Radiation (the Atomic Act) and Decree of the State Office for Nuclear Safety No. 319/2002 Coll., on the Functions and Organisation of the Republic-wide Radiation and Monitoring Network, construction of mobile monitoring groups in the neighbourhood of five chemical laboratories under the responsibility of the FRB of the Czech Republic was commenced.

The Committee for Civil and Emergency Planning (hereinafter "the CCEP") discussed the issue of finding, transferring and assessing data about the radiation, chemical, and biological situation when the state is endangered or during a war and in solving emergency situations relating to terrorist attacks. This assignment will continue.

Prior to the NATO Summit and during it, measures to protect inhabitants (such as information leaflets, discussions, information disclosed on web sites and so on) were adopted. The decontamination department for people and technology was put on a state of emergency and co-operated with the Czech army. The same applies to the department for searching for and marking dangerous zones. The forms of preparing inhabitants for self-protection and mutual assistance in the case of extraordinary events occurring were determined and recommended.

The Fires Rescue Brigades of the Czech Republic continued to assist primary and secondary schools with instructions on topics such as the protection of people during extraordinary events. A handbook called "In Case of Danger" (Citizen's Handbook) was published for municipal councils and primary schools. This hand-book contains basic information on methods of protection in the case of extraordinary events. This hand-book was published also in English for the needs of embassies in the Czech Republic. A methodological reference book titled "Self-protection of Inhabitants" was published for state administration bodies, self-government bodies, legal entities and entrepreneurs. It provides for measures required for the improvised protection of people. A number of programmes relating to the issue of protection of people were broadcast on the public mass media.

### 3.4 Crisis Management

In relation to the adoption of Act No. 320/2002 Coll. on the amendment and repeal of acts in relation to the termination of District Offices, the Czech Parliament adopted the amendment to Act No. 240/2000 Coll., on Crisis Management and on the amendment to some other acts (the Act on Crisis Management).

The MI co-ordinated preparation of central state administration bodies and other bodies of state administration as well as self-government bodies to apply changes in the emergency management organisation which came into effect, in accordance with the amendment, on 1 January 2003. The Security Council of the State adopted on 14 May 2002 Resolution No. 295 concerning the schedule of preparation and drawing up of emergency plans which should be finished in 2004.

In accordance with the Decree of the MI No. 328/2001 Coll. on Some Details of Assurance of the Integrated Rescue System, updates of disaster (breakdown) plans of districts and external disaster plans of nuclear facilities were made pursuant to its Sections 25, 27, and 28, as of 30 June 2002.

In order to ensure further procedure towards the final and definite solving of issues of telecommunication connection among bodies of emergency management and municipalities the **distribution of 19,000 mobile phones** with a dual SIM card which second number is specified for problem free connection once emergency situations are announced was commenced.

The content, scope, forms and methods of preparation in the field of emergency planning and preparing were elaborated, and procedures on how to acquire special qualifications of staff of administration bodies were determined.

Ministries and other central state administration bodies established in compliance with legislation relating to emergency situations a **special unit of crisis management** for co-ordinating readiness for emergency situations. For solutions to emergency situations these units set up their own emergency staff. Outside the republic, the Ministry of Foreign Affairs is responsible for the security of embassies, missions, and general consulates. Embassies and consulates proceed in emergency situations according to plans of activities which are drawn up in compliance with a uniform model.

Activities carried out by the Central Emergency Staff (the CES) and administration bodies of the Czech Republic in connection with anti-terrorist measures adopted in 2001 continued at the beginning of 2002. Measures of the Czech police measures performed in co-operation with the Czech army concentrated on preventative protection of specific premises, traffic centres and so forth.

In connection with eliminating the endangerment of inhabitants and their property by falling rocks in Hrensko the Chairperson of the District Office in Decin announced a state of endangering the community, within which the Czech police along with the Czech army protected on the basis of the Government Resolution the property of evacuated people.

With regard to the floods the CES commenced its activities. Upon meetings of Flood Commissions and on the basis of the situation, development emergency staff at all levels were activated and the Government started to deal with the floods.

Via Prime Minister's Decisions No. 373/2002 Coll. and No. 374/2002 Coll. the state of emergency was declared and following this the Government approved these decisions by its Resolution No. 777 (No. 375/2002 Coll.).

The ministries and other central state administration bodies participated in compliance with the requirements of the CES in its activities and ensuring the requirements of other emergency staffs and territorial bodies of emergency management in rescue and adjusting work during the floods. According to actual need the majority of central bodies set up their own emergency staffs chaired by the heads of the respective bodies.

Regional head administrators, chairpersons of District Offices and mayors and their offices and other working bodies on the whole showed their ability to meet the functions of bodies of emergency management in compliance with adopted legal regulations. Experience gathered after the floods in 1997 proved right including preparation for solving emergency situations of a territorial nature and the elaboration of disaster (emergency) plans.

*During the floods a number of telecommunication facilities and cable networks were endangered while the functionality of the activated emergency management system of corporations was examined*

*and the central emergency staff established.*

Another important thing was to ensure the security of the NATO Summit in Prague (21 and 22 November 2002). This event can be evaluated, in terms of organisation as well as security, as having been successful. Inter-ministerial co-operation through the CES and preparation of armed forces, the IRS and security measures to support the NATO Summit were adequate to the importance of this event and the overall security environment in the world, taking into account in particular the risk of terrorism as well as the world-wide change in the security situation after 11 September 2001. Analyses of gathered information and responses from abroad showed that measures adopted to eliminate possible risks were not extravagant. Excellent co-operation with the Czech army and foreign military and security forces played a key role.

The extent of security measures adopted for the NATO Summit was decided after experience from the IMF/WB Meeting (in 2000) in January 2001. Since then preparatory work was launched and tenders for material and technical equipment of the Czech police were commenced in compliance with the Act on Public Tenders. The number of directly intervening policemen was the same as during the IMF/WB Meeting, however the total number of Czech police forces used during the NATO Summit increased by about 5,500 members whilst approximately 2,800 policemen were seconded for the protection of protected persons and premises.

The risk of extremism and its different manifestations in street skirmishes was effectively eliminated as well. The “filter” used at the national border created in co-operation with security forces of neighbouring countries proved to be very effective and helped to limit the arrivals of unwanted persons. All such measures resulted in the fact that internal order was not disturbed in the Czech Republic. Measures taken by the Czech police prior to the Summit (actions of immigration and border police service, criminal and investigation police service, and measures adopted against “darkers”, and so on) resulted in the problem free course of the NATO Summit.

A number of measures for making access onto the premises of telecommunication companies stricter, improving check ups and laying down a regime for the movement of persons in such premises and their neighbourhood were adopted by the CESKY TELECOM, a.s.

Implementation of the Resolution of the Security Council of the State No. 211 of 25 September 2001 on the conception of education in the field of emergency management was commenced. Trainers and organisers of training courses coming from Regional Fires Rescue Brigades were trained. Their task in 2003 will be to train all newly elected mayors. The issue of the protection of inhabitants forms a part of the education for mayors. At the same time basic conditions for launching professional, qualification and supplementary professional education in emergency management and the protection of inhabitants were created. Furthermore, requirements for acquiring professional qualifications in the area of emergency management and the protection of inhabitants for members of Fire Rescue Brigades of the Czech Republic were laid down.

### 3.5 Civil Emergency Planning

The year 2002 was, in comparison with 2001, more important for the area of civil emergency planning (hereinafter “the CEP”) due to several following facts:

- \* Within a continuing revision cycle and reform of the NATO CEP a questionnaire of NATO CEP 2002 was drawn up which was sent to the NATO Senior Civil Emergency Planning Committee (hereinafter “SCEPC”). It was drawn up by the ad hoc Task Force Group set up within the Committee for CEP. The NATO Headquarters appreciated the Document submitted by the Czech Republic. This questionnaire was also presented to the Security Council of the State before the NATO Summit held in Prague in November 2002.
- \* Assignments arising from the approved ministerial directive on CEP for 2001 – 2002 continued to be met. This directive was further elaborated in the document discussed by the CEPC. One of the most important tasks resulting from this document was to draw up the concept of the protection of inhabitants, which was discussed at the meeting of the CEPC and the SCS in 2001 and approved by the Government in April 2002. Further fulfilled tasks concerned the protection of inhabitants from the affects of weapons of mass destruction (hereinafter “WMD”) - in particular to draw up a list of the means and capability of the Czech Republic to remove the consequences of attacks by chemical, bacteriological and nuclear substances; an exchange of information on measures to decrease the vulnerability of population against WMD, and on relevant training programmes and trainings and techniques of efficient response on the utilisation of WMD and development of co-operation with the Euro-Atlantic Co-ordination Centre for assistance in case of disasters (EADRCC). Besides contacts with the EADRCC and the SCEPC there was co-operation with the working committee of SCEPC for the protection of inhabitants, i.e. for the Civil Protection Committee (the CPC). Documents and measures for the protection of inhabitants in cases of natural disaster and technological breakdowns, procedures ensuring basic aid to affected people both in the Czech Republic and outside it, including humanitarian aid, were discussed by this Committee. Representatives of the General Directorate of the Fire Rescue Brigades also actively contributed and are still contributing to this Committee with their experience and new procedures in the field of public information related to civil protection. This active approach is positively evaluated by foreign organisations.
- \* The co-ordination of drawing up of questionnaires by the Czech Republic concerning agenda and reform of planning committees of SCEPC NATO falls under the responsibility of the relevant Czech ministries which are counterparts for the aforementioned planning committees of the SCEPC. These deliver filled in questionnaires to NATO bodies.
- \* As a consequence of the floods in the Czech Republic in August 2002 the frequency of contact with foreign centres co-ordinating assistance in the case of disasters, in particular with the EADRCC, and contacts with other countries, increased while gathering resources for humanitarian aid and their following distribution to entities were affected by the respective disaster. Experience gained during this natural disaster is subject to analyses and preventative measures which are being drawn up to decrease negative consequences. The CEPC discussed a document the aim of which is to select a group of the most serious problems which occurred during the aforementioned floods.
- \* Participation in preparing and the final drawing up of documents relating to the issue of maintaining the continuity of the basic functions of the state, civil protection, a critical infrastructure, public information, seeking for experts, personnel and improving their knowledge for when they are involved in foreign negotiations and the application of results to the Czech situation.
- \* Participation in preparing a new ministerial directive of the CNP NATO for 2003 and 2004 including co-operation with representatives of other ministries in the Czech Republic which are responsible for co-operation with NATO bodies.
- \* Discussions relating to acquiring civil experts on WMD, public administration and infrastructure, according to NATO criteria.
- \* With regard to the above-mentioned assignment there was active and efficient co-operation with representatives of the Permanent Mission of the Czech Republic to NATO and the Permanent Mission of the Czech Republic to the EC in Brussels.

## 4. Conclusion

The Government considers the security of citizens and the protection of their rights, lives, health and property as well as the protection of the whole of society's interests to be its priority. It also places an emphasis on improving internal security whilst increasing the feelings of citizens of being safe.

This Report relies upon the findings particularly of the relevant units of the Ministry of the Interior and the Czech police as well as data from relevant ministries and institutions. To achieve a more accurate description of the situation it uses data from a longer period of crime development and findings from the sociological survey focused on victimisation and the feelings of citizens of being safe and their opinion of the work carried out by respective bodies, mainly the Czech police.

The objective of the Report is predominantly, on the basis of published information on internal security development and public orders and information on adopted measures or measures being adopted now, to open a discussion about the most important issues. **Thus it should act as a source of information for individual entities and as a tool for assessing approaches focusing on the solving of relevant issues.**

With regard to **crime development**, the number of **criminal offences** registered by the Czech police **stagnated** or moderately increased especially when we take into account the fact that some formerly criminal acts were shifted to the category of misdemeanours. Despite this slight growth from a long-term point of view it was **the second lowest number** of criminal offences registered by the Czech police **since 1993**.

In this context we consider the **results of the sociological survey** concerning victimisation of inhabitants, the feelings of citizens of being safe and their concern about being affected by crime, to be very important. During the calendar year 2002 26 % of interviewed people were directly affected by crime (in 2001 23 % of respondents, in 2000 25 %, in 1999 24 %, and in 1998 19 % of respondents). 56 % of affected respondents reported this fact to the police (in 2001 the percentage was the same, i.e. 56 % of respondents while in 2000 61 % of respondents). A long-term comparison shows that doubt as to whether the offender would be detected and unwillingness to undergo investigative procedures were given as the decisive reasons for failure to report the crime. Compared with 2001 the number of respondents who scored the security situation in the country as being poor slightly increased (about 75 % in 2000, while in 2002 only 55 %, and in 2003 57 %). This indicator is considered to be stable. Approximately 23% of respondents perceive the situation in the place of their residence to be more or less poor (in the previous year - 21 %, in 2000 - 31 %). Indicators of subjective concerns of citizens about being affected by crime remain stable as well. Declared trust in the Czech police moderately increased – full or certain trust was expressed by 66 % respondents (64 % in the previous year). People typically **point out the “low visibility”** of the police.

The capital city of Prague was most affected by crime, followed at a far distance by the Central Bohemia, Moravian-Silesian, and South Moravian Regions. The Usti Region remains a problem, while the Vysocina Region followed by the Karlovy Vary and Pardubice Regions are less affected territories.

With regard to criminal offenders the year 2002 can be characterised by the increased number of repeat offenders (despite the decline in the total number of offenders) and considerable growth in murders committed by them. On the other hand, there was a substantial decrease in the number of child and youth offenders which is however difficult to evaluate; a cessation in the increase in prosecuted members of the Czech police; but however a higher proportion of higher ranked police offenders was registered.

With respect to crimes **the growth** in the number of **economic crimes** ascertained continued. This increase was **accompanied by a further considerable increase in the number of registered crimes of credit fraud**. The growth in the number of **violent crimes** ascertained continued as well and was accompanied by a higher number of **robberies**; on the other hand the number of reported **murders stagnated** and the number of crimes of dangerous **threats decreased**. Certain stagnation in the number of ascertained crimes against property was accompanied by an **increase in burglaries of family houses, flats and burglaries of shops; motor vehicle thefts and thefts from cars markedly increased**. Negative development concerning crimes against **movable cultural heritage** continued.

**Organised crime and illegal migration must still be assessed as being highly serious; situation in drugs** has remained **negative**. In terms of **combating corruption**, the situation was particularly adverse in the area of tenders - invitations for tenders and entering into public and municipal contracts. **Utilisation of information technology** in relation to committing crimes is on the rise, crimes against **the environment** remain latent and risky.

Despite measures adopted the relevant bodies **did not manage to reverse** adverse development within the area of **road accidents**.

The Report covers quite an extensive range of issues (common and economic crime, corruption, illegal migration, organised crime and so forth), therefore the key sections of the Report each contain a summary. **With reference to such summaries we can state that crime development and related issues cannot be considered satisfactory**. Combating crime is and always will be difficult and a radical change cannot be obviously expected in spite of an amount of activity carried out by involved entities and citizens. Some results, however, can be evaluated positively – **recovery of damages has improved** – the **confiscation of proceeds** from criminal acts is one of the fundamental assumptions which could markedly help to limit activities of criminal structures. **The institute of “a material (so-called crown) witness”** being discussed now may considerably contribute to the disturbance of criminal structures. **Citizens to a larger extent now report their findings** related to **corruption** and **inspection activities are becoming more important**. Banks are becoming more prudent when providing their products and services.

An uncompromising **fight with terrorism** has continued and the responsible bodies take the same approach when combating **extremism**. With regard to the dynamic development of the situation in the world security risk factors are verified and measures to eliminate as much as possible the use of our country's territory by terrorist groups or individuals are adopted on an on-going basis. These should contribute to security improvement.

Internal security policy should enable the setting up of the system in an optimal way so that it maximally decreases criminal conduct and its impact on citizens.

On one hand there are **measures striving for the successful solution of concrete criminal cases** (including the restriction of organised crime, illegal migration, increasing the recovery of damage caused by crime, etc) which consequently mean prevention if we perceive unpunished criminal conduct as motivating. This role is played in particular by law enforcing bodies.

On the other hand, it is necessary to adopt such **measures which should above all prevent criminal conduct or reduce crime**. In a very broad context this means to take such **preventative measures the priority** of which is to create a good legislative environment and to implement control activities as an obvious part of management, to establish transparent state administration, good migration policy, to conceptually solve individual issues of internal security and to adopt other actual preventative steps (primarily to draw up programmes for juveniles, programmes of secured localities, to enhance security traffic action, etc). All state administration bodies guarantee this role and non-governmental organisations, businesses, the mass media and the responsibility of citizens play a crucial role as well. *The Czech police cannot be fully responsible for the growth in drug consumption among young people – solutions lie in social, psychological and educational areas. Problems related to for example money laundering must be primarily solved legally and by controls.*

The Ministry of the Interior will continue to analyse the situation in public order and internal security in the Czech Republic, to identify other potential risk factors and to initiate proposals to their solutions. Increasing the **feelings of citizens of being safe** and continuing stabilisation in crime development in the Czech Republic are of key importance for the Ministry of the Interior.

In addition to priorities of security policy, bodies under the responsibility of the Ministry of the Interior will focus on operative survey at places where there is an increasing repeat occurrence of criminal conduct which affects the feelings of citizens of being, especially criminal offences of a violent nature and car thefts and thefts from cars.

On the basis of information on trends and dynamics of crime, issues in fields related to internal order and security, and information on the feelings of safety of citizens, the following **priorities of security policy** in terms of public order and internal security can be proposed (at the same time, the establishment of effective protection against all aspects of crime is required).

**Crime committed by youth<sup>22</sup>. Major economic crime (frauds, tax evasions, money laundering). Corruption. Terrorism. Illegal migration. Crime by criminal organisations. Crime with an extremist context. Unlawful conduct in the field of narcotic drugs and psychotropic substances. Infringements of intellectual property rights. Computer crime. Robberies. Burglaries, car thefts and thefts from cars. Breaches of safety rules of road traffic.**

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<sup>22</sup> Although quantitative data shows a marked reduction in crime committed by youth, the amendment to the Code of Criminal Procedure, statistical fluctuations which were so considerable that they can cast doubt, and last but not least the so far adverse situation in this type of crime must be taken into account - therefore we still leave crime by youth as one of the principal priorities of the security policy.