

**Report on Public Order and Internal Security in the Czech
Republic in 2001
(compared with 2000)**

CONTENTS

REPORT ON PUBLIC ORDER AND INTERNAL SECURITY IN THE CZECH REPUBLIC IN 2001 (COMPARED WITH 2000)

1. INTRODUCTION	8
2. CRIME, DEVELOPMENT IN INDIVIDUAL TYPES OF CRIME, AND SECURITY RISKS	11
2.1.1. CRIME BY REGIONS. REGIONAL VARIATIONS.	14
2.1.2. OFFENDERS	17
2.1.2.1. CRIMES COMMITTED BY REPEAT OFFENDERS	20
2.1.2.2. CRIMES COMMITTED BY FOREIGN NATIONALS	22
2.1.2.3. CRIMES COMMITTED BY YOUTH	24
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	29
2.1.3. VICTIMS OF CRIMES	37
2.1.4. SEARCHES FOR PERSONS AND ARTICLES	41
2.1.5. MISDEMEANOURS	42
2.2. DEVELOPMENT IN INDIVIDUAL TYPES OF CRIME. ANALYSIS OF INDIVIDUAL ISSUES IN INTERNAL SECURITY AND PUBLIC ORDER	44
2.2.1. CRIMES AGAINST PROPERTY	44
2.2.2. ECONOMIC CRIME, CORRUPTION	50
2.2.3. VIOLENT CRIMES	64
2.2.4. CRIMES AGAINST HUMAN DIGNITY	68

2.2.5. CRIMES WITH AN EXTREMIST CONTEXT	71
2.2.6. ILLEGAL MIGRATION	78
2.2.7. ORGANISED CRIME	86
2.2.7.1. ILLICIT DRUG DEALING	95
2.2.7.2. ILLICIT TRADE IN HUMAN BEINGS	99
2.2.7.3. ILLICIT TRADE IN WEAPONS, EXPLOSIVES, AND RADIOACTIVE MATERIAL	101
2.2.7.4. FORGERY	103
2.2.8. COMMUNIST CRIME INVESTIGATION	104
2.2.9. TERRORISM	105
2.2.10. ROAD SAFETY	106
2.2.11. CRIMES COMMITTED ON RAILWAYS	109
2.2.11. HOOLIGANISM AND STREET CRIME	111
2.2.13. PROTECTION OF CLASSIFIED INFORMATION	113
 3. FIRE PROTECTION, THE INTEGRATED RESCUE SYSTEM, PROTECTION OF INHABITANTS, AND EMERGENCY MANAGEMENT PLANNING	 114
 5. CONCLUSION	 156

Annexes :

TABLE 1 – TOTAL CRIME IN THE CZECH REPUBLIC

TABLE 2 – DEVELOPMENT IN THE NUMBER OF CRIMES ASCERTAINED AND SOLVED IN THE CZECH REPUBLIC FROM 1999 UNTIL 2001 AND COMPARISON WITH THE PREVIOUS YEAR

TABLE 3 – DEVELOPMENT IN THE ASCERTAINED AND RECOVERED DAMAGE CAUSED BY TOTAL CRIME IN THE CR FROM 1993 UNTIL 2001, ASCERTAINED AND RECOVERED DAMAGE OF TOTAL CRIME FROM 1993 UNTIL 2000

TABLE 4 – OUTPUT OF THE INVESTIGATION DEPARTMENTS OF THE CZECH POLICE IN

THE CR IN 2001

TABLE 5 – ABBREVIATIONS USED IN MAPS

MAP No.6 – THE VOLUME OF CRIME IN INDIVIDUAL DISTRICTS IN THE CR IN 2001 ACCORDING TO THE NUMBER OF CRIMES ASCERTAINED

MAP No.7 – THE VOLUME OF CRIME IN INDIVIDUAL DISTRICTS IN THE CR IN 2001 ACCORDING TO THE NUMBER OF CRIMES ASCERTAINED PER 10,000 INHABITANTS

MAP No.8 – THE VOLUME OF CRIME IN INDIVIDUAL DISTRICTS IN THE CR IN 2001 ACCORDING TO THE DETECTION RATE

TABLE 9 – COMPARISON OF THE NUMBERS OF CRIMES ASCERTAINED PER 10,000 INHABITANTS WITH THE UNEMPLOYMENT RATE IN THE CR IN 2000 AND IN 2001

TABLE 10 – TOTAL CRIME IN THE REGIONS OF THE CR IN 2000 AND IN 2001

TABLE 11 – THE SHARE OF REGIONS IN THE NUMBER OF TOTAL CRIME ASCERTAINED IN THE CR IN 2001, THE SHARE OF REGIONS IN THE NUMBER OF TOTAL CRIME SOLVED IN THE CR IN 2001, THE SHARE OF REGIONS IN THE ASCERTAINED DAMAGE CAUSED BY TOTAL CRIME IN THE CZECH REPUBLIC IN 2001

TABLE 12 – THE DISTRICTS WITH CONSIDERABLE CHANGES (%) IN THE NUMBER OF CRIMES ASCERTAINED IN 2001 IN COMPARISON WITH 2000

TABLE 13 – COMPARISON OF THE NUMBER OF ASCERTAINED AND SOLVED CRIMES IN THE CR IN 2000 AND 2001

TABLE 14 – THE SEQUENCE OF DISTRICTS ACCORDING TO INDICATORS MONITORED IN 2001

TABLE 15 – THE SEQUENCE OF DISTRICTS ACCORDING TO INDICATORS MONITORED IN 2001

TABLE 16 – FACTUAL AND PERCENTAGE CHANGES OF INDICATORS MONITORED IN 2001 IN COMPARISON WITH 2000

TABLE 17 – FACTUAL AND PERCENTAGE CHANGES OF INDICATORS MONITORED IN 2001 IN COMPARISON WITH 2000

TABLE 18 – FACTUAL AND PERCENTAGE CHANGES OF INDICATORS MONITORED IN 2001 IN COMPARISON WITH 2000

TABLE 19 – MISDEMEANOURS

TABLE 20 – CRIMINAL OFFENDERS

TABLE 21 – DEVELOPMENT IN THE SHARE OF PROSECUTED AND INVESTIGATED PERSONS IN POPULATION ACCORDING TO GIVEN AGE CATEGORIES IN THE CR FROM 2000 UNTIL 2001

TABLE 22 – CRIMES COMMITTED BY REPEATED OFFENDERS

TABLE 23 – THE SHARE OF REPEAT OFFENDERS IN THE REGIONS OF THE CR IN 2001 IN THE TOTAL NUMBER OF OFFENDERS AND THE PERCENTAGE CHANGE IN COMPARISON WITH 2000

TABLE 24 – CRIMES COMMITTED BY FOREIGNERS
TABLE 25 – THE SHARE OF FOREIGNERS IN THE REGIONS OF THE CR IN 2000 IN THE TOTAL NUMBER OF OFFENDERS AND THE PERCENTAGE CHANGE IN 2001
TABLE 26 – CRIMES COMMITTED BY CHILDREN (UNDER 15 YEARS OF AGE)
TABLE 27 – CRIMES COMMITTED BY JUVENILE OFFENDERS (15 TO 18 YEARS OF AGE)
TABLE 28 – THE SHARE OF CHILDREN AND JUVENILES IN THE REGIONS OF THE CR IN OFFENDERS AND THE PERCENTAGE CHANGE
TABLE 29 – YOUTH AFFECTED BY CRIMES THE NUMBER OF CRIMES ASCERTAINED
TABLE 30 – CRIMES COMMITTED BY THE MEMBERS OF THE CZECH POLICE
TABLE 31 – CRIMES COMMITTED BY POLICE OFFENDERS ASCERTAINED FROM 1993 UNTIL 2001
TABLE 32 – VICTIMS OF CRIMES
TABLE 33 – VICTIMS OF CRIMES IN THE CR ACCORDING TO THEIR AGE AND A KIND OF CRIME IN 2000 AND 2001
TABLE 34 – CRIMES AGAINST PROPERTY IN THE CR
TABLE 35 – CRIMES AGAINST PROPERTY IN THE REGIONS OF THE CR IN 2000 AND 2001
TABLE 36 – THE NUMBER OF BURGLARIES ASCERTAINED IN THE REGION OF THE CR IN 2001 AND ITS COMPARISON WITH 2000
TABLE 37 – THE NUMBER OF THEFTS ASCERTAINED IN THE REGIONS OF THE CR IN 2001 AND ITS COMPARISON WITH 2000
TABLE 38 – ECONOMICS CRIME IN THE CR
TABLE 39 – ECONOMICS CRIMES SOLVED IN 2001
TABLE 40 – ECONOMICS CRIME (EC) IN THE CR IN 2001
TABLE 41 – THE NUMBERS OF EC OFFENCES ASCERTAINED IN THE CR WITH DAMAGE CLAIMS AMOUNTING CZK 10 MILLION AND OVER FROM 1 JANUARY TO 31 DECEMBER 2001
TABLE 42 – THE NUMBER OF ASCERTAINED AND SOLVED ECONOMICS CRIMES IN THE CZECH REPUBLIC FROM 1 JAN 2000 TO 31 DEC. 2000 AND FROM 1 JAN TO 31 DEC 2001
TABLE 43 – COMONICS CRIMES IN THE REGIONS OF THE CR IN 2000 AND 2001
TABLE 44 – THE NUMBER OF ASCERTAINED CRIMES RELATED TO BRIBERY COMMITTED IN THE CZECH REPUBLIC FROM 1993 UNTIL 2001
TABLE 45 – VIOLENT CRIMES IN THE CR
TABLE 46 – VIOLENT CRIMES IN THE REGIONS OF CR IN 2000 AND 2001
TABLE 47 – ROBBERIES IN THE REGIONS OF THE CR IN 2000 AND 2001
TABLE 48 – THE NUMBER OF MURDERS ASCERTAINED IN THE REGIONS OF THE CR IN 2001 AND ITS COMPARISON WITH 2000
TABLE 49 – CRIMES AGAINST HUMAN
TABLE 50 – THE NUMBER OF CRIMES AGAINST HUMAN DIGNITY ASCERTAINED IN THE REGIONS IN THE CR IN 2001 AND ITS COMPARISON WITH 2000

TABLE 51 – CRIMES WITH AN EXTREMIST CONTEXT

TABLES 52 – ILLEGAL MIGRATION

TABLE 53 – ILLICIT TRADE IN DRUGS

TABLE 54 – ROAD ACCIDENTS

DIAGRAM 56 – SHARES OF INDIVIDUAL REGIONS IN TOTAL CRIME IN THE CR IN 2001

TABLE 57 – TOTAL CRIME IN THE REGIONS OF THE CR IN 2001

DIAGRAM 58 – SHARES OF INDIVIDUAL REGIONS IN VIOLENT CRIME IN THE CR IN 2001

TABLE 59 – VIOLENT CRIMES IN THE REGIONS OF THE CR IN 2001

DIAGRAM 60 – SHARES OF INDIVIDUAL REGIONS IN ECONOMIC CRIME IN THE CR IN 2001

TABLE 61 – ECONOMIC CRIME IN THE REGIONS OF THE CZECH REPUBLIC IN 2001

DIAGRAM 62 – SHARES OF INDIVIDUAL REGIONS IN CRIMES AGAINST PROPERTY IN THE CR IN 2001

TABLE 63 – CRIMES AGAINST PROPERTY IN THE REGIONS OF THE CR IN 2001

TABLE 64 – SHARE (%) OF SELECTED GROUPS OF OFFENDERS IN THE TOTAL NUMBER OF PROSECUTED AND INVESTIGATED PERSONS IN THE CR IN 2001

TABLE 65 – THE CAPITAL CITY OF PRAGUE – DEVELOPMENT IN CRIME IN 2001

TABLE 66 – CENTRAL BOHEMIAN REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 67 – SOUTH BOHEMIAN REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 68 – PILSEN REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 69 – KARLOVY VARY REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 70 – USTI REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 71 – LIBEREC REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 72 – KRALUV HRADEC REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 73 – PARDUBICE REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 74 – VYSOCINA REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 75 – SOUTH MORAVIAN REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 76 – OLOMOUC REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 77 – MORAVIAN REGION – DEVELOPMENT IN CRIME IN 2001

TABLE 78 – ZLIN REGION – DEVELOPMENT IN CRIME IN 2001

**Report on Public Order and Internal Security in the Czech Republic in
2001 (compared with 2000)**

1. Introduction

The Report on the Public Order and Internal Security in the Czech Republic in 2001 (hereinafter the “Report”) was drawn up under the responsibility of the Ministry of the Interior (hereinafter the “MI”) and was compiled from the 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 of Transport and Communications (the “MTC”), 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 Office for Public Information Systems, the Patent Office, and the Personal Data Protection Office.

In terms of internal security policy its principles are defined in the Security Strategy of the Czech Republic as approved by the State Security Council’s Resolution No. 141 dated 19 December 2000. The submitted Report aims to:

- 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, and actual measures taken by the Czech police;
- provide information on the activities of the Executive bodies in security policy;
- identify and highlight those areas to which public authorities need to devote special attention.

At the same time, **the Report** should be "live" material **needed** mainly **to correct the activities of all responsible ministries** on the basis of a published **set of information**

The Report is divided into two parts. The first part contains data on developments in individual types of criminal offences and security risks, offenders and crime victims (including sociological survey results aimed at security risks, the trust of citizens in security policy institutions, their feelings of endangerment, victimisation trends) as well as **section noting 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. With several exceptions, it does not deal with evaluating individual steps since these are mostly assessed in separate reports, information and analyses, however the Report does refer to them. The first part also includes fire protection, the Integrated Rescue System, and crisis management, bearing in mind that all these areas form an integral part of the protection of public order and help to ensure the internal security of citizens. As

some measures can be applied across the whole of public order and internal security (in particular, the Amendment to the Code of Criminal Procedure, the Amendment to the Act on the State Prosecutor's Office, and the Act on Courts of Justice and Judges, etc.) the Report also contains summary information on the Government's policy relating to public order and internal security. **The conclusion** of the first part gives an overview of public order and internal security and on the basis of collected findings it suggests **draft priorities concerning security policy** for the next period.

Annexed to the Report are **tables** which the text often refers to: **information** concerning the continuous research of **victimisation and citizens' feelings regarding their security** "Security Risks and Their Perception by Czech Public" and "**Security in Central Europe in 2000**".

The second part deals in full detail with the situation of public order and internal security in individual regions of the Czech Republic in 2001¹ (compared with 2000); it describes specific features of a region, its risk areas and risk factors. This part is completed by statistical tables as well. *The development of crime with regard to newly established regions (so called higher territorial self-government units) has been monitored by police statistics only since 2001 and therefore it is not possible to compare the data to the previous year. Only the Central Bohemian Region and the capital city of Prague have the same territory. Comments relating to statistics in terms of newly established regions are published in the first ' part of the Report and are completed by basic tables.*

The statistic data used (in both the first and the second parts) is based on **criminal statistics** (unless a different source is indicated, for example the Ministry of Justice statistics). Crime records are based on lists of crimes detailed partially according to criminal law aspects, and partially according to criminological aspects. **Crimes are recorded** in the criminal statistics on the basis of reports by citizens or facts ascertained by the Czech police indicating that a crime has been committed. The police statistics record solved cases where a criminal law has been assessed as having been broken and a suspect has been detected² - in other words, these are the cases where a charge has been made or would have been made if the person were not a juvenile. The amount of damage included in police statistics is ascertained mainly from information from the aggrieved person, by a relevant police body or investigator, by an authorised appraiser, a sworn expert, or 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 damage caused is included for information only.

Court statistics do not deal with offences or offenders whose cases were 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.

¹ With regard to the territorial regions of the Czech police, a region is understood in this Report to be "an administrative area" under Act No. 36/1960 Coll. on the Territorial Division of the State.

² Persons suspected of having committed a criminal offence are recorded in police statistics as "prosecuted or investigated persons".

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 termination individual phases of criminal prosecution of an actual case. Police statistics record individual cases at their inception, while the court statistics record them once they are closed.

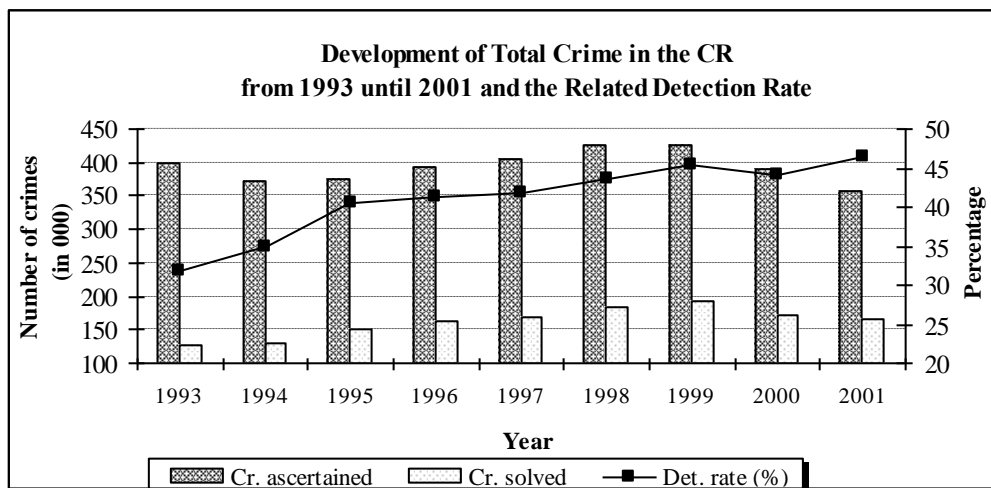
Court statistics record numbers of prosecuted persons and defendants while police statistics also record crimes where the offender is unknown, allowing for a wider view of criminality, especially when taking into account the traditionally low detection rate of crimes against property. To provide the 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, police work intensity). **Police statistics do not cover and cannot cover the differences in efforts made and resources and time used for 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. They, however, should not be overestimated, since citizens' attitudes are also essential for the formulation of successful security policy and any evaluation of how successful it has been. Therefore the Report also contains the results of sociological surveys. In addition, the priorities of European integration and international co-operation, the state's economic interests, and so on, should also be taken into consideration while drawing up security policy. In preparing the Report recommendations and proposals arising from the discussions in the Defence and Security Committee of the Chamber of Deputies were taken into account (e.g. the aforementioned sociological surveys, court statistics, crime development in neighbouring countries, and measures adopted in individual areas).

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

2.1. Basic Data on Criminal Activities



Criminal statistics

- number of detected crimes in total: 358,577 (-8.4 %, -32,892 crimes)
- total number of detected crimes per 10,000 inhabitants of the CR: 349 (-32)
- number of persons prosecuted and investigated: 127,856 (-1.8 %, -2,378)
- total number of crimes solved: 166,827 (-3.1 %, -5,418)
- detection rate: 46.5 % (+2.5 %)
- amount of damage ascertained: CZK 55,741,093 thousand (-12.1 %, CZK – 7,667,746 thousand), amount of damage recovered: CZK 2,117,844 thousand (+749.7 %, +CZK 1,868,590 thousand), i.e. 3.8 % (in 2000 0.4 %) of damage ascertained

Court statistics

- number of persons accused: 84,855 (-1.4 %, -1,219)
- number of lawfully sentenced persons: 60,180 (-4.8 %, -3,031)
- number of crimes committed by sentenced persons: 82,500 (-4.1 %, -3,531)

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 termination of individual phases of prosecution of an actual case. Police statistics record individual cases at their inception, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics record also crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

*The introduction to this Chapter discloses only **basic indicators** relating to the **total amount of crime** and also points out **considerable changes** in the categories monitored. In respective sub-chapters the issue is further elaborated. The data included in the Report relates to the year 2001, unless otherwise stated. Further information particularly concerning measures adopted is valid as of 28 February 2002.*

- * **The number of crimes detected by the Police of the Czech Republic** (hereinafter “the Czech police”) **decreased³**. With regard to long-term development there has been a positive trend in the number of crimes recorded by the Czech police, but a stagnation or moderate decline was already registered in the past two years. The number of recorded crimes reached its peak in 1999. **The lowest ever number of ascertained crimes was recorded in 2001, while the detection rate was the highest since 1993. The Czech police recorded the lowest number since 1993 of criminal offences in crimes against property, burglaries, larcenies, motorcycle thefts, murders, and intentional injuries to health.**
- * The view of **crime development is substantially corrected by sociological surveys** focused mainly on victimisation and citizens’ concerns. According to the data arising from the research: "1999 Security Risks" and "The Continuous Research of Victimisation and Citizens’ Feelings of Being Safe 2000 -2002" (J. Buriánek, UNIVERSITAS, hereinafter "Research Surveys"), during the course of 2001 **23 % of citizens interviewed were directly affected by a criminal offence**, in 2000 - 25 %, in 1999 - 24 %, and in 1998 -19 % - this was **the first decline since 1998**. According to the data of this survey **"61 % of victims reported the event to the Czech police in 2000, while in 2001 only 56 % of respondents notified the Czech police of the crime"**.
- * The development of crime remains **substantially influenced by crime occurring in the capital city of Prague**, where **28 % of all crimes detected in the Czech Republic were committed, despite the fact that there was the highest decline in crimes within the regions of the Czech Republic within the last two years.**
- * The decline in the number of crimes detected was accompanied by **a decline in the number of crimes solved**, while the **detection rate** (the ratio of crimes detected and crimes solved) **increased**. However the following facts should be taken into account: the detection rate for crimes against property was only approximately 26%, for violent crimes it reached 80%, and the detection rate for crimes against human dignity and economic crimes is higher than 90 %. The detection rate is affected by the situation in Prague, where, on one hand, the third highest increase in the detection rate within the regions of the Czech Republic was recorded, however it reached in Prague only 30% whilst in Central Bohemia it was almost 45 %, and in other regions from 53 % to 59 %.
- * **Damage ascertained decreased, namely in terms of economic crimes, whose share of the total amount of damage was 79.2 %** (in 1999 **59.2 %**; in 2000 **80.1 %** - *two cases - Agrobanka and Komerční banka, a.s. in relation to providing letters of credit to the B.C.I. Trading Gmb – considerably contributed to the above-mentioned number; without these two cases the share in total ascertained damage would have reached only 58.7 %*). **The damage recovered rose markedly** (*i.e. the total amount of damage caused by committed crimes or used to commit a crime, or acquired as a result of a crime that was recovered, and value acquired to cover damages caused*) to an amount **higher than CZK 2 billion (+749.7 %)**. Almost CZK 2 billion was recovered within economic crime. The share of ascertained **damage from economic crime, of the total damage caused by criminal offences is nearly at the same level as in 2000, i.e. 18.4 %** (in 1999, 34.8 %).

³ Of the total number of 358,577 ascertained crimes in 2001, 25.6 % were reported by citizens.

- * **A decline in the number of ascertained crimes against property** (-10 %, - 28,398 crimes) and **economic crimes** (-6.3 %, -2,370 crimes.) **was recorded**; the numbers of ascertained violent crimes (-1.3 %, -287 crimes) and crimes against human dignity (+5.3 %, +99 crimes) **stagnated**. **The proportion of individual kinds of crime** to the total number of crimes detected has not changed significantly.
- * **The decline in the number of economic crimes is accompanied by a marked increase in the number of credit frauds recorded**, which is connected with high damages. Certain **stagnation** in the number of violent crimes detected was accompanied by a **decrease** in the number of **murders**, however growth in the number of crimes of **dangerous** threats has continued. A **significant decline** in the number of detected **burglaries** continued in 2001, and there was a slight decline in the number of motorcycle thefts recorded since 1998. A continuing decline in the number of **thefts from cars** was recorded as well.
- * **Crimes committed by youth remain a problem**. The number of child offenders and juvenile offenders has moderately increased but the number of criminal offences committed by children and youth slightly decreased except for crimes of violent nature.
- * The Investigation Bureaux recorded **129,171** (-1.8 %, -2,344) new **criminal cases**. One investigator was in charge of 55.7 files (in 2000, 54.7; in 1999, 56.5; and in 1998, 54.8). When considering the total number of files closed (127,823, -5,752), the number of cases terminated by bringing charges decreased (72,368, -1,327).⁴
- * Results relating to **speed and quality of investigation** stayed at the same level as in the previous year, and moreover, the situation in both categories improved. The average length of investigation of a case closed by a motion to bring charges (hereinafter “MBC”) was shortened to 59.2 days (in 2000, 65.6; in 1999, 65 days). Cases finished by MBC within 2 months showed, compared to previous years, different figures – economic crime from 73.1 % to 89.2 % (in 1999, 73.3 %), crime against property from 69.8 % to 73.6 % (in 1999, 70.1 %), and violent crime from 58.3 % to 63 % (in 1999, 60.4 %). The average length of examination (*from receiving a complaint or from delivering a police proposal until the commencement of criminal prosecution*) slightly shortened to 14.5 days.
- * The quality of investigation, evaluated by **the proportion of cases returned by a state prosecutor or a judge**, has improved, from 6.1% to 5.5%, and on a long term basis has remained on a good level. The state prosecutors and courts returned a total of 4,415 (-536) files. *The most frequent reasons for return were formal errors by investigators, gaps in evidence, and orders for new expert opinions.*

Measures adopted by the institutions involved aimed at particular areas of public order and internal security, always from part of a relevant Chapter. Since some of the measures are essential to the whole of public order and internal security as well as to a more comprehensive picture of the Government’s policy concerning this issue, Chapter 4 describes only issues of internal security.

(For more details see Tables 1-4)

⁴ The Czech Investigation Bureau’s statistics first of all monitor the condition and development of investigation files with the aim of supporting investigation management processes. The Code of Criminal Procedure in Sec. 20 (1) stipulates: "Joint proceedings are taken in the cases of all crimes committed by the same accused person and against all accused persons whose crimes are mutually related."

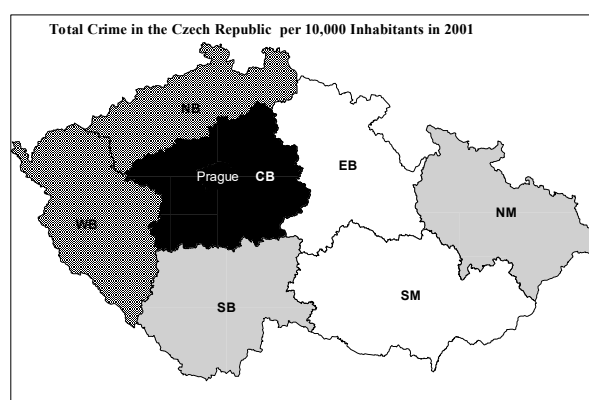
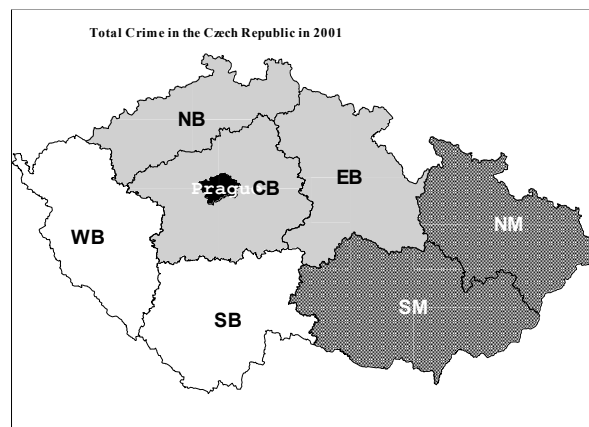
2.1.1. Crime by Regions. Regional Variations.

Basic data on the CR in 2001

Area in km²: 78 866
Number of inhabitants:
10 266 546

Density of population
in the Czech Republic:
130 persons/ km²

Unemployment rate: 9 %



Key to the maps: the scale of grey is directly proportional to the number of crimes in a relevant region, in other words the darkest shade of grey corresponds to the highest number of crimes committed.

The order of the regions⁵, according to absolute numbers of all kinds of crimes ascertained, has not changed. The first three places are again taken by **Prague, North Moravia, and South Moravia**, despite the fact that the most **significant decline** in crimes ascertained was recorded in these regions, mainly in **the capital city of Prague**

The order of regions in terms of crimes ascertained **per 10,000 inhabitants is different** (except for Prague) **from the order of regions by absolute numbers of crimes ascertained.** **Prague, Central Bohemia, and North Bohemia are the most affected regions in terms of offences ascertained per 10,000 inhabitants.** South Bohemia, which is generally known for its lowest number of crimes detected, is in 6th place according to crimes per 10,000

⁵ The division of the Czech Republic in accordance with Act No. 36/1960 Coll. on Territorial Division of the State as amended established the following regions: Central Bohemia, South Bohemia, West Bohemia, North Bohemia, East Bohemia, South Moravia, North Moravia and an independent territory – the capital city of Prague.

inhabitants, while East Bohemia is in the last, 8th, place, while North Bohemia is in 5th place (however, it is the second region with respect to crimes ascertained).

99,966 crimes were detected **in Prague**, which accounts for **28% of the total number of crimes committed in the Czech Republic**. In spite of a considerable decline in the number of total crimes ascertained (in absolute numbers the highest figures within the regions of the Czech Republic; the decline was also reflected in the number of crimes ascertained per 10,000 inhabitants, namely by 5.8 %), in the past two years violent crimes, especially murders and robberies, thefts and drug offences have remained a problem, apart from of course economic crimes. *The development of crime in Prague also results from its particular situation typical to other large conurbations – a high population density, extensive housing estates, anonymity, a large number of shop and institutions along with a high concentration of people who used to be imprisoned*

There was not a substantial increase in the numbers of crimes falling into the categories monitored, with the exception of a **considerable growth** in the number of crimes of **infringement of copyright** (+631.9 %, which represents the highest and the only growth within the regions of the Czech Republic), **credit frauds** (+133.8 %) and **murders** (+18.4 %). However, the Prague police recorded a decline in the number of crimes against property. Although there was a decline in **car thefts** the number of stolen cars (9,238 cases) **is several times higher than in other regions**, where it is from about 3,315 crimes (North Bohemia) to 635 crimes (South Bohemia). Despite a general decline, **thefts from cars** have remained a problem. Taking into account the number of crimes per 10,000 inhabitants, the number of such thefts (24,308) is several times higher than in other regions, and the same applies to **robberies** (Prague's share in robberies in the Czech Republic is 35 %), and **unauthorised production, possession of psychotropic substances and poisons, and procuring**. On the other hand, the Czech police recorded **the lowest number** of crimes of **dangerous threats** (207 crimes) within the regions of the Czech Republic.

The decline was registered also in other regions – **North Moravia** and **South Moravia**, which are known for a long-term high number of criminal offences ascertained. Violent crimes have remained a problem: these two regions display (within the Czech Republic's regions) the highest number of crimes of dangerous threats and extortion, and they belong among the regions with the largest number of credit frauds. South Moravia, along with Prague, are the only regions displaying an increase in economic crimes. Violent crimes have remained a problem in **North Moravia and North Bohemia**, where the most significant increase in this kind of crime was recorded; the same applies to burglaries of family houses. North Bohemia occupies second place in the number of crimes of unauthorised production and distribution of psychotropic substances and poisons.

The issue in question is the relationship between development of crime and unemployment rate. The data available does not confirm such a relationship (see tables – Comparison of Crimes Ascertained per 10,000 Inhabitants and the Unemployment Rate in 2001).

(For more details see tables and maps 5-18)

Development of Crime With Regard to Newly Established Regions⁶:

Development of crime, with regard to newly established regions, has been monitored in police statistics since 2001, and it is impossible to compare the results to the previous year since the area, density of population, unemployment rate, age composition and so on have been newly specified. The fact that the capital city of Prague and Central Bohemia are the same as before shifts Central Bohemia to the second place in the number of ascertained crimes and the number of crimes detected per 10,000 inhabitants. The calculation per 10,000 inhabitants seems to be decisive.

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, the Karlovy Vary Region, and the Pardubice Region display the lowest number of crimes. Using calculations **per 10,000 inhabitants**, Prague (846 crimes) and the Central Bohemian Region (369 crimes) are followed by the Usti Region (357 crimes), while the last places of the scale are occupied by the Vysocina Region (162 crimes), the Zlin Region (207 crimes), and the Pardubice Region (209 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). More detailed division with respect to newly established regions shows the same numbers of crimes in the capital city of Prague and the Central Bohemian Region (only these two regions have the same area as before), thus the Central Bohemian region is the second most affected newly established region, while according to the division into original regions (see Note No. 1) it occupies the fifth place.

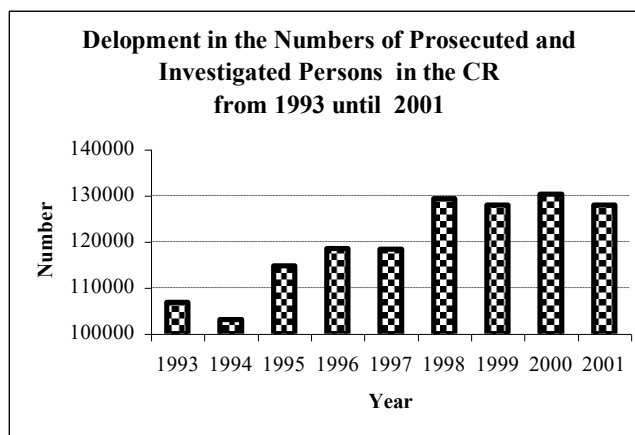
The high detection rate is reached in the Kraluv Hradec Region (61.2 %) followed by the Olomouc Region (60.1 %), and the Vysocina Region (58.5 %). On the other hand, the lowest detection rate is attributed to Prague (29.1 %) and the Central Bohemian Region (44.2 %). In other newly established regions the detection rate is between 50% and 60 %.

With regard to the number of recorded criminal offences of some kinds of crime Prague and the Central Bohemian region are in first place except for dangerous threats (in both regions), procuring (in Central Bohemia), and burglaries of weekend houses (Prague). With exception of these two regions, the Usti Region and the Moravian-Silesian Region occupy first place with respect to murders, robberies, rapes, extortion, burglaries, car thefts, and thefts from cars, followed by the South Moravian Region, especially in terms of common thefts and burglaries of weekend houses (these are the largest problem in the Central Bohemian Region). The Pilsen, Pardubice, Zlin, Liberec, Kraluv Hradec, and Vysocina Regions do not appear in the first places with respect to crimes monitored.

(For more details see tables and maps 56 - 81)

⁶ The division of the Czech Republic in accordance with Constitutional Act No. 347/1997 Coll., on the Establishment of Higher Self-Government 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-government territorial units were established 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 Kraluv Hradec Region, the Pardubice Region, the Vysocina Region, the South Moravian Region, the Olomouc Region, the Moravian-Silesian Region, and the Zlin Region.

2.1.2. Offenders



I. Development and Characteristic Features

Criminal Statistics

- number of prosecuted and investigated persons 127,856 (-2,378, -1.8 %), of which are:
- men (age over 18 years) 95,648
- women (age over 18 years) 13,903
- first-time offenders 85,108, i.e. 66.6 %

Court Statistics

- number of sentenced persons 60,180 (-3,031, -4.8 %)
- number of accused persons 84,855 (-1,219, -1.4 %)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders.

Compared with 2000, the number of offenders fell, along with a decreased number of crimes. Of the total number of offenders, male offenders over 18 years of age investigated for criminal offences account for 71.8%. Of the total number of offenders, female offenders (18 years and older) represent 10.9% (their share has been constantly increasing since 1995). The Czech police recorded 43,054 (-1,314) offenders aged **20 – 30** (this age category corresponds to the strongest population growth years, 1970-1975), which means that offenders in this age category **account for 33.7 %** (in 2000 it was 34.1%) **of the total number of offenders recorded**, while offenders between 30 and 40 years of age account for 23 % (in 2000 it was 25%). Considering the education of offenders, **the most markedly numerous group of offenders is formed by offenders with a primary education and certificate of apprenticeship** (47 %), followed by offenders with a primary education and no qualification (21 %), and a category of offenders whose education was not ascertained, or by foreigners or children respectively (17 %). The group of offenders with a completed secondary education is not very large except for in economic crimes (9 %). These groups are followed by a group with a markedly lower number of offenders – offenders who graduated from universities (2%), and offenders who attended special schools and do not have any qualification (2%).

The Investigation Bureaux **notified** 108,848 (-2,005) persons of a charge. In total, criminal prosecution (*with the transfer of prosecuted persons from the previous period*) was taken against 126,960 (-3,862 persons) persons. In addition, 34,107 persons, who were suspected of committing crimes, were investigated but were not accused in the year monitored. In 2001, the rate of persons who could be brought to the courts reached 84.9 %.

(For more details see tables and maps 56 - 81)

The courts of justice in the Czech Republic lawfully sentenced a total number of **60,180 persons** (-3,031, -4.8 %). Most were prosecuted for a theft (Sec. 247 of the Criminal Code; 33,651 persons) and the charges were brought against 28,000 persons. 4,759 persons in total committed an offence under the influence of alcohol (8.0 %, in 2000 5.2 %) and 472 persons under the influence of other addictive substances (0.72 %, in 2000 0.6 %). The structure of crimes has not substantially changed. 26,581 (+516) persons were lawfully sentenced for crimes against property, 4,400 (+184) persons for traffic offences, and 2,819 (+37) persons for violent crimes.

The North Moravian courts sentenced the highest number of people - 16,037 (20.6 %, in 2000: 20.9 %), followed by the North Bohemian courts – 11,705 (15.1 %, in 2000: 16.1 %), the South Moravian Courts – 11,683 (15.0 %, in 2000: 14.1 %) and the courts of Prague – 10,685 (13.8 %, in 2000: 14.0 %) and the lowest number of sentenced people – 4,785 (6.2 %, in 2000: 5.7 %) come from South Bohemia.

As regards **structure of sentences**, the suspended prison sentence dominated (32,817). 12,533 persons were sentenced to punishment without suspension and pecuniary punishments were imposed upon 3,323 persons. Sentences without suspension were most frequently imposed for up to one year on 8,407 persons, sentences ranging from 1 to 5 years were imposed on 3,563 persons, from 5 to 15 years on 547 persons, exceptional sentences from 15 to 25 years were imposed on 15, and one person received a life sentence. 9,270 persons received a sentence of community service. (The Mediation and Probationary Service, which started its operations on 1 January 2001, participates in facilitating this kind of punishment.)

10,289 (-512) accused persons were taken into **custody**. As at 31 December 2001 there were 4,583 (-384) persons in custody and 14,737 (-834) were imprisoned, in total there were 19,320 (-2,218) prisoners. Of the total number of prisoners 207 were juvenile and 2,126 were foreign nationals. The average length of custody at the District courts was 107 days, and at the Regional Courts 265 days.

Of the total number of 14,737 prisoners, 373 (+34) were **in prisons** with supervision, 5,187 (-224) were in prisons with surveillance, 8,078 (-722) were in prisons with special surveillance, and 1,012 (+101) were prisoners in heavily guarded prisons, while 87 (-23) prisoners, i.e. 0.6%, were in special prisons for juveniles.

According to information provided by the Czech Ministry of Foreign Affairs, there are currently about one thousand Czech nationals in foreign jails, almost a half of these in German prisons. However, it is not possible to determine the total number of Czech nationals apprehended abroad since the majority of states strictly observe the Vienna Convention on Consular Relations, on the basis of which a Czech relevant consular office in a particular country is informed on the seizure or imprisonment of a Czech national only if requested by a citizen.

In 2001, 62 (-13) members of the Prisoners' Service were assaulted, 26 members while on duty. In 2001, 22 (-5) prisoners in total escaped from unguarded premises and from the places where they worked. Prisoners were prevented from escaping in 11 (-3) cases. The number of mass protests by prisoners increased compared with the previous year, by 5 events to 23 events, and 887 imprisoned persons participated in these protests. These were mainly cases when, in particular, foreigners from countries of the former Soviet Union refused to eat. There was a well-founded suspicion that these protests were very probably planned, organised and managed from outside, and their objective was a mutiny followed by an escape of prisoners. Therefore the Prisoners' Service launched on 11 November 2001 in co-operation with the Czech police an extensive security action ("ALCATRAS") with the aim of preventing such mutinies and breaking established structures. This action was evaluated as being successful.

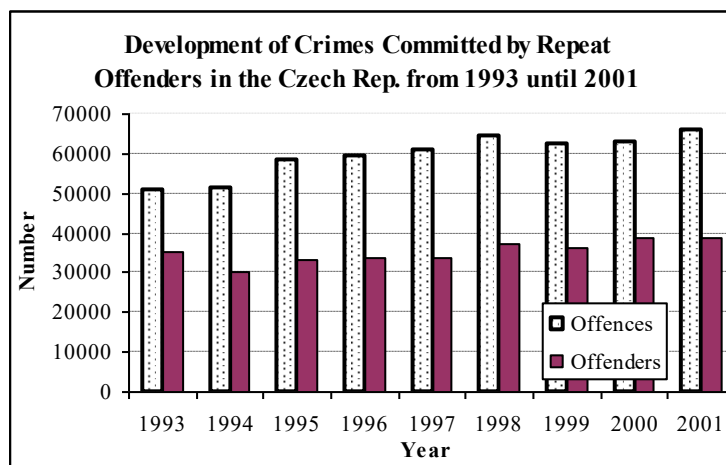
In the course of 2001, there were 3 escapes by prisoners from guarded jails:

- 1) The escape of a prisoner (a citizen of Yugoslavia) from Oracov prison with special surveillance – February 2001
- 2) The escape of a prisoner (a citizen of Ukraine) from Kynperk nad Ohri prison with supervision – July 2001
- 3) The escape of a prisoner (a citizen of Slovakia) from Vsehrdy prison with special surveillance - August 2001

II. Measures Adopted

- 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 decrease the possibility of giving rise to such events.
- Further measures will be based on the Strategy of Prevention of Crime in 2001-2003. This highlights especially aspects concerning the prevention of committing repeated crimes in preventative prison system related activities, the improvement of programmes aimed at preparing prisoners for their release from prison, 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 ⁷



I. Development and Characteristic Features

Criminal Statistics

- number of repeat offenders: 40,736 (+2,072, +5.3 %)
- number of crimes committed by repeat offenders: 66,096 (+3,177, +5.0 %)

Court Statistics

number of repeated offenders sentenced: 9,574 (-358, -3.6 %)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

With a higher number of repeat offenders (i.e. persons whose relapse was recorded by the Czech police), their proportion in the structure of offenders also increased to 31.9 % (in 2000 it accounted for 29.7 %, in 1999 - 28.2 %).

Repeat offenders committed in total 39.6 % (in 2000 35.6 %) of all crimes solved. The proportion of repeat offenders committing various kinds of criminal offences shows their "focus". Repeat offenders committed in total 911 armed criminal acts, accounting for 27 % (in 2000 24.9 %) of the total number of armed crimes. **Most crimes committed by repeat offenders remain crimes against property**, dominated by thefts. The number of **violent crimes and crimes against human dignity** committed by repeat offenders **has stagnated**. On the other hand the number of **economic crimes** committed by repeat offenders has risen. The share of repeated offenders of property crimes is 36.6 % (in 2000, 34.8 %), violent crimes 27.8 % (in 2000, 25.8 %), crimes against human dignity 28.6 % (in 2000, 26.8 %), and economic crimes 24.6 % (in 2000, 21.8 %). Repeat offenders were mostly involved in thefts from cars (40.7 %).

⁷ In terms of police statistics, a repeat offender is the offender of an intentional criminal offence, who was in the past sentenced for the same crime.

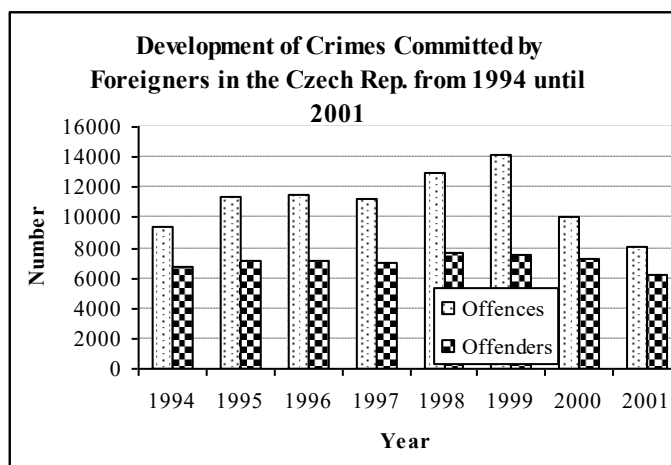
The most repeat offenders were prosecuted in North Moravia (24.6 % of the total number of repeat offenders in the Czech Republic), followed by North Bohemia (16.4 %) and the capital city of Prague (15.1 %), whilst the lowest number of repeat offenders prosecuted was in Central Bohemia (6.3 %) and South Bohemia (7.1 %).

(For more detailed information see tables 22-23)

Of the total number of **sentenced persons, the courts designated 9,574 as repeat offenders** (15.9 %, in 2000: 15.7 %, in 1999: 15.8 %). They were most often sentenced for crimes against property – 3,626 persons (38 %, in 2000: 37.8 %, in 1999: 49.6 %). 5,157 repeat offenders were sentenced to punishment without suspension, while 2,061 persons were sentenced to a suspended sentence.

The most repeat offenders were sentenced, as in the previous year, by the North Moravian Courts – 4,389 (in 2000 4,278), followed by the North Bohemian courts – 2,118 (in 2000, 2,448) and by the South Moravian courts – 2,118 (in 2000, 1,910) persons.

2.1.2.2. Crimes Committed by Foreign Nationals



I. Development and Characteristic Features

Criminal Statistics

- number of foreigners prosecuted:
6,166 (-1,095, -15.1 %)
- share of offenders: 4.8 % (-0.8 %)
- number of crimes committed by
foreigners: 8,073 (-2,025, -20.1 %)

Court Statistics

foreigners sentenced: 3,754 (-804, -17.6 %)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

The proportion of foreign nationals among persons prosecuted in the Czech Republic has oscillated around 6% since 1993. For the first time since 1994, when Slovak nationals started to be recorded in statistics as foreigners, the share of prosecuted foreigners among all prosecuted persons in the Czech Republic decreased to being under 5%. Slovak citizens - 1,775 (-208) of whom were prosecuted – were followed, according to statistical data, by Ukrainians, with a number of 1,259 (-407) persons, citizens of Vietnam - 557 (-273) persons, and Polish nationals - 410 (-27) persons. At a distance, citizens of Romania, Moldavia, and Russia followed.

The highest number of foreigners prosecuted was recorded in Prague and in Central Bohemia. In terms of regional division of crimes committed by foreign nationals in the Czech Republic, a certain link can be seen between 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. Despite a moderate decline, border districts display increasingly higher numbers of prosecuted foreigners than inland districts.

Of the total number of prosecuted foreign nationals in the Czech Republic⁸ in 2000,

⁸ In the past it was impossible to analyse prosecuted foreigners according to their type residency in the

826 foreigners had a visa for more than 90 days (meaning 13.4 %, in 2000: 15.5 %), 750 were permanent residents (12.2 %, in 2000 12.3 %)⁹, 1,995 had a visa for up to 90 days (32.4 %, in 2000: 45.9 %), 39 had received asylum in the Czech Republic (0.6 %, in 2000: 0.5 %), and 1,334 were not authorised to reside in the Czech Republic (21.6 %, in 2000: 23.3 %).

Investigated and prosecuted foreign nationals committed 4.8 % (5.8 % in 2000) of the total number of criminal offences solved. The number of economic crimes and crimes against property solved fell considerably, the number of violent crimes solved declined moderately, whilst the number of crimes against human dignity stagnated. Within the crimes committed by foreign nationals there is a higher share of mainly violent crimes (such as murders or robberies). For example, of the total number of persons prosecuted in the Czech Republic for a murder, foreigners represent more than 17 %. The links of some kinds of crimes committed by foreign nationals with international organised crime cannot be overlooked.

The total number of **sentenced foreigners** was **3,754** (6.2 % of the total number of sentenced persons, 7.3 % in 2000, 7.6 % in 1999). Most of these sentenced persons were citizens of the Slovak Republic (1,010 persons, in 2000 1,159 persons) and of Ukraine (939 persons, in 2000 1,278 persons). Of the total number of sentenced foreigners 1,753 (46.6 %) were sentenced without any suspension of sentence, while 1,085 (29 %) foreign nationals received a suspended sentence.

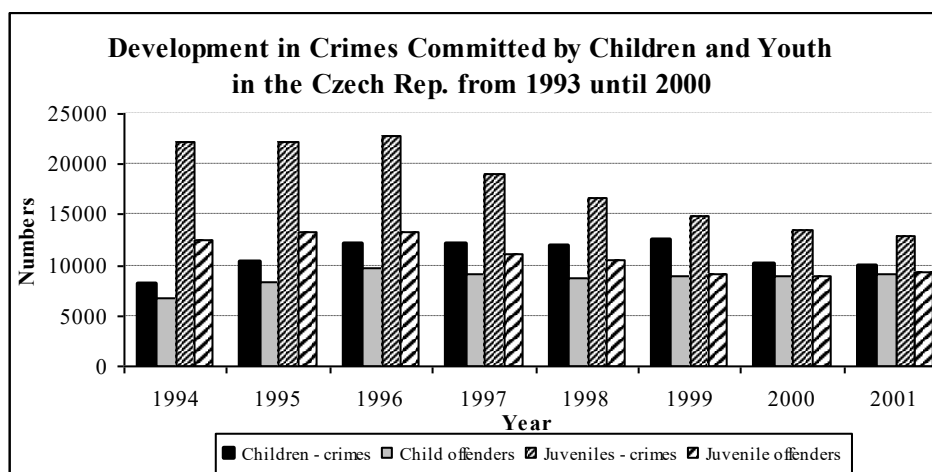
The Prague courts sentenced the majority of foreigners (1,060 persons, in 2000: 1,420 persons), followed by the courts of South Moravia (567 persons, in 2000 721 persons).

(For more details see tables No. 24-25)

Czech Republic, since items on the statistical “Form on a Known Offender” did not comply with Act No. 123/1992 Coll. During the year 2000 a new version was drawn up – No. 19 – which fully complies with the Act on Alien Residency. It came into effect on 1 January 2001.

⁹ As of 31 December 200 there were officially 210,794 foreigners in the Czech Republic holding a long-term residency permit (+9,843, +4.9 %), and of these 69,816 (+2,925, +4.4 %) foreigners were permanent residents

2.1.2.3. Crimes Committed by Youth



I. Development and Characteristic Features

Criminal Statistics

- child offenders
(under 15 years): 9,032 (+133, +1.5 %)
- juvenile offenders (15-18 years): 9,273 (+368, +4.1 %)
- number of crimes committed by juveniles:
12,913 (-594 crimes, -4.4 %)

Court Statistics

juveniles sentenced: 3,912 (-340, -8.7 %)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

The proportion of children and juveniles in the total number of offenders has slightly increased. The percentage share of offenders in the number of inhabitants of a relevant age category rose – as for children (under 15 years of age) this share was in 2000 0.52, in 2001 0.54; as for juvenile persons it was 2.18/2.30. **On a long-term basis (since 1993)** the number of child offenders has increased by **21.6 %** (it was since 1993 the third time when the number of child offenders exceeded 9,000), and **the number of crimes committed by children has increased by almost 23 %**. According to police statistics the number of child offenders reached its height in 1996 and the number of crimes they committed in 1999; the number of juvenile offenders and the number of crimes they committed reached its peak in 1996. It is also necessary to mention **latent offences committed by children and juveniles such as chicanery (bullying)** (very often this kind of crime is **made light of**; revealing, documenting, and proving bullying is quite difficult; extortion – the second most frequent group of victims is formed by children under 15), as well as **minor thefts in shops, in the streets and so on**. When converted to offences per **10,000 children** in the Czech Republic, there were 59.6 (in 2000 59.8, 1999 71.2, 1998 67) **offences** committed by child offenders. When converted to offences per **10,000 juveniles** in the Czech Republic, there were, in 2001, 320.9 (in 2000: 325.8, 1999: 359.8; 1998: 388.6) solved **crimes** committed by a juvenile offender.

A long-term trend seen in crimes committed by youth is the brutality and skills with which more or less all kinds of crimes can be committed. More cunning forms are being used. **Youth criminal activities** are aimed mainly **against property** (mainly thefts) where policemen do not find any differences to similar crimes committed by adult offenders. Such crimes are committed especially in groups and predominantly by juveniles who are neither employed nor are preparing for a future job. What is alarming is the fact that children are catching up with the category of juveniles with respect to number of crimes committed. The number of violent crimes committed by children is even higher than the number of such crimes committed by juveniles. In 2000 the number of **violent crimes** committed by children almost equalled the number of such crimes committed by juveniles, **in 2001 children committed 144 crimes more. Three murders were committed by children (+3 crimes), and eight by juveniles (+3 crimes).** The number of crimes committed by juveniles classified as an injury to health has stagnated, while the number of these crimes committed by children has risen. Young people, almost exclusively skinhead movement supporters, verbally and physically assaulted their Roma peers. In terms of offences of moral nature committed by young people, the motivation is mainly a desire to become sexually acquainted with peers; as for drug offences there is a desire to try something unknown. A range of negative factors 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). A more common phenomenon is the prostitution of both girls and boys when they escape from detention centres for youth. Attention is paid to truancy, which is considered to be a serious criminal factor. *The significance of the surrounding environment in terms of child development (from the point of view of respondents participating in a sociological survey, scaled from 1 to 10, where 10 is maximal anxiety) is confirmed by data showing the perception that children and youths might be endangered. Respondents expressed the concerns that their child (aged 5 –17) could become a victim of a car accident (7.55), could become a drug addict (6.73), or a member of a gang or even a street gang (6.33).*

Crimes committed by youths under the influence of non-alcoholic addictive substances have changed in recent years, in a negative way. The average age of consumers of narcotic and psychotropic substances has lowered. **150 crimes of unauthorised production and distribution of narcotic and psychotropic substances were committed by children (i.e. 4.2 % of the total number of recorded crimes of this type,** compared to the year 2000 this is a stagnation), **juvenile persons committed 333 similar crimes (which accounts for 9.3 %,** a decline in its share by about 5 %). An insufficiency in an applicable legal regulation on drug offences in the Criminal Code is the fact that the age of a “victim” is not differentiated - there is absent a stricter provision for the punishment of offenders in relation to persons under fifteen years of age.

Criminal activities of youth can be documented by a case of a child who raped and sexually abused boys.

In the detention centre in Kostelec nad Orlicí a case of mugging wardens by boys detained in the centre was investigated. At night they assailed and injured in the centre two night wardens. Two main offenders were accused of this crime.

Another serious criminal offence committed by youth, which had been preceded by bullying, occurred in Dobruška, the Prague-West District. A child, using a hunting knife, stabbed a minor on the way to school and badly injured him.

In total **3,912 juvenile persons were sentenced** (6.5 %, in 2000: 6.8 %, in 1999: 7.5 %). Property crimes have remained the most frequent crimes – 2,233 persons (57.1 %, in 2000: 38.5 %, in 1999: 49.9 %). **35 juvenile persons** were sentenced for crimes with a **racial context**. 2,721 were given suspended sentences, whilst 432 persons were sentenced to custody without suspension.

The North Moravian courts sentenced the highest number of juvenile offenders (998, in 2000 1,176, in 1999 1,061), followed by the North Bohemian courts (888, in 2000: 1,037, in 1999: 961) and the courts of South Moravia (740, in 2000: 730, in 1999: 655).

Crimes committed against young people are alarming. The background for the emergence of subsequent criminal activities is also a result of such crimes. **The consequence** for the victim of such a **crime** is mainly **psychological**, such as behaviour disorders, development of tendencies to perceive violence (this does not have to be only sexual violence) as acceptable behaviour, and the risk of increase in 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. A significant feature of these crimes is the high latency which is given by the low rate of reporting such cases on the part of victims, or the impossibility of proving such a crime.

*An operation called "PAVOUK" (SPIDER), aimed at documenting an organised international group of offenders, has been worked on since the end of 1999. Their **criminal activities lay in organising trade in minor and juvenile gay prostitutes**. It was documented that the age of minor boy-prostitutes was under 13 years of age. Minors and juveniles were delivered to a network of gay hotels, gay pensions and gay clubs in Prague on the basis of the orders of foreign guests. The owners of some of these facilities were members of this group themselves who actively participated in such criminal activities. They are foreign nationals who have resided in our country for a long time. The aforementioned group were also suspected of organising the production and distribution of pornographic photographs and videocassettes of a homosexual nature, mainly through web-sites. Simultaneously, such cassettes and photographs also served as an offer to foreign guests of the above-mentioned facilities. Mainly citizens of Germany, Great Britain and the USA, forming a closed community, were visitors of homosexual clubs at which they knew they could find services provided by juvenile and minor prostitutes. It has not been discovered whether the guests of such clubs used violence against minors and juveniles. There were nine house searches and searches of other premises in certain facilities during which computers, photographs, 400 video-cassettes of a paedophiliac nature, photo albums and lists of prostitutes for foreign clients which had very probably been distributed abroad, were seized.*

(For more details see tables 26-29)

II. Measures Adopted

- The Czech police closely co-operate with some non-governmental organisations, in particular with Security Line, White Circle of Security, Potsherd, and a project called "Child Mail Box" (this was held at the Blansko District Directorate of the Czech police) which enables child victims of crimes to report an event without the presence of any other person.
- An important item in the system of penal justice will be the **Draft Act on the Liability of Youth for Illegal Acts and the Judicial System Concerning Youth**. This Act should introduce new and modern trends in treating non-adult delinquents, and halt an

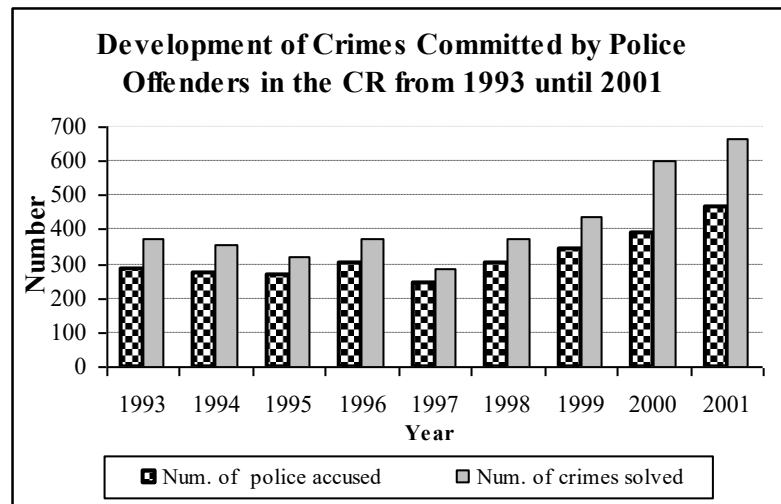
unfavourable tendency towards the growth of a new generation of criminal offenders. (*The Bill is currently being discussed by the Chamber of Deputies.*)

- To create conditions for enhanced activities in detention centres and children's homes, including a definition of basic activities in detention centres, as important preventative educational institutions, the Government in January 2002 adopted the Draft Act on Education in Detention Centres and Protective Education in School Facilities (*This Act has been passed by the Czech parliament and published in the Collection of Acts under No. 109/2002 Coll.; it came into force on 1 July 2002*).
- To strengthen the prevention of crimes committed by youth as well as the prevention of crimes against youth the Police President proclaimed the year 2001 to be "The Year of Juniors". (The Czech police, for example, will hold more intensive discussions and meetings with young people).
- The MLSA in co-operation with Saxony prepared an international conference "Field Social Work with Youth – Present and Future" which was held in April 2001.
- The conceptual intentions of the Ministry concerning the prevention of social pathological phenomena will follow up the Strategy of Crime Prevention in 2001 – 2003.
- The Ministry of the Interior in co-operation with the Czech Centre for Negotiating and Conflict Solving continued organising a project focused on the prevention of youth crime for selected participants of the Czech police and municipal police from cities which implement the Programme of Crime Prevention on a local level. Participants of the course will receive a certificate showing the number of lessons they attended. After this training **constables, policemen, and managers will concentrate mainly on risk groups of youth** in their cities and will hold lectures and preventative seminars in various types of educational facilities, aimed at increasing the awareness of youth of the law. The purpose of involving policemen in a project called Street Law is an effort to increase the impact of Street Law on forming the legal consciousness of youth.
- The MI invites children to participate in contests focusing on phenomena endangering the security of our children. For lower grades of primary schools the following topics were announced: "Home Alone – How it Should Not Be", "What Does Not Belong to Children's Playgrounds" "What I Shouldn't Do, So That Fire Fighters Don't Have to Rescue Me". For children from higher grades of primary schools the topics are as follows: "Drugs", "Bullying", "Vandalism" etc.
- The system of preventative education at schools and educational institutions is defined especially by documents issued by the Ministry of Education, Youth, and Sports (MEYS). A pilot study - "a project aimed at creating and implementing a system of secondary prevention applicable at schools and educational facilities to influence individuals displaying conduct disorders, risk groups of children and youth, and persons experimenting with narcotic and psychotropic substances" - is focused on an analysis of risks related to the abuse of drugs by various groups of children and youth. 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 (hereinafter "MPP"). Their implementation is determined in binding methodological instruction and is subject to the Czech Schools Inspection. Such programmes are determined for schools and educational facilities and focus mainly on the abuse of narcotic substances, xenophobia, racism, truancy, and so on. Training activities, specialised programmes and programmes aimed at co-operating with parents or developing communication skills are implemented within MPP.

- The project “**Prompt Intervention Centre**” (hereinafter "PIC") continued. 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. A network of co-operating organisations (representatives of bodies of social and legal protection of children, Probationary and Mediation Services, The Czech police, non-governmental non-profitable organisations, school facilities, municipalities, etc.) was established. The objective of this co-operation is to create conditions for early intervention in the event of any delinquent conduct by youth. *As of 31 December 2001 1,375 clients were involved in this project (in 2000, 803 clients), who committed 2,544 criminal offences.* The evaluation of how efficient are the legal regulations adopted concerning a systematic approach towards the care of child and youth delinquents, and the evaluation of efficiency of a pilot PIC project will be submitted to the Government in the mid of 2002.
- The Ministry of Labour and Social Affairs (MLSA) through its consultancy days ensures methodological assistance to providers of services, called “**Half-Way House**”. There are 27 of these in the Czech Republic (in 2000, 14).
- Methodological support of youth workers, and social workers and assistants, concentrated mainly on regional needs. Working groups have been established and the methodological activities of the MLSA are to be transferred to Regional Councils.
- In the first half of 2000 the Report on Meeting the National Plan on Combating the Commercial Sexual Abuse of Children, including updates for the next period, will be submitted to the Government.
- On the basis of Government Resolution No. 634 dated 21 June 2000 on meeting Convention of the International Labour Organisation No. 182 on the ban of child labour and adoption of immediate measures to eliminate the worst forms of child labour, an inter-departmental document called “National Action Programme Aimed at Eliminating the Worst Forms of Child Labour” is currently being drawn up.

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' Service¹⁰

Crimes committed by members of the Czech police



I. Development and Characteristic Features

Criminal Statistics

- number of police-offenders: 468 (+79, +20 %)
- number of crimes: 665 (+62, +10 %)
- number of crimes per 1,000 policemen: 14.5 (+1.4)

Court Statistics

policemen sentenced: 128 (+19, +17.4 %)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

The Minister of the Interior's Inspection since 1998 has recorded every year an **increase in the number of police prosecuted** as well as **crimes ascertained**. In 2001, the **highest number so far of police-offenders was ascertained**, and simultaneously **the highest number of crimes** (since 1993) **committed by police was solved**. The data only concerns ascertained and solved crimes. However, the growth in the number of solved crimes committed by police seems to be alarming. For an objective evaluation of the level of solved crimes committed by police it is necessary to consider the measures adopted for revealing and solving the unlawful conduct of police by the Minister of the Interior's Inspections, as well as by the management of the Czech police and the Bureau of Investigation (measures are listed at the end of this Chapter). The rise in the delinquency of policemen is assessed as a **decrease in the level of latent crime** which would have been, without concentrated efforts, concealed or overlooked.

¹⁰ As the Security Intelligence Service submits to the Government its own Report, the Chapter does not contain those crimes committed by members of the SIS.

As for the shares of the individual regions in the total numbers of ascertained offenders, **most crimes were committed by police on duty in Prague** (the largest increase) **and in North Moravia followed by North Bohemia**. *It should be taken into account that the place of duty is recorded at the time the crime was committed and does not have to correspond with a policeman's membership in the relevant regional office of the Czech police (this applies mainly to Prague).*

If we compare the number of ascertained police-offenders with the total number of policemen on duty in the relevant region, **the largest delinquency of 1.6% was recorded in Central Bohemia** (in 1999 this region ranked among the regions with the lowest value) and in Prague and North Bohemia (both regions = 1.2%); the smallest share was in South Moravia and West Bohemia (both regions = 0.7 %).

Of the total number of offenders (468), investigations were **concluded in 253 cases, by means of bringing charges** in accordance with Sec. 166/3 of the Code of Criminal Procedure. In 29 cases there was a withdrawal of prosecution pursuant to Sec. 159/2 of the Code of Criminal Procedure with the reference to Sec. 11/1 (except for amnesty); Sec. 159/3 of the Code of Criminal Procedure with the reference to Sec. 172/2a, 2b of the Code of Criminal Procedure. In ten cases the prosecution was terminated (Sec. 172 of the Code of Criminal Procedure), in one case it was discontinued (Sec. 173/1a of the Code of Criminal Procedure), and in four cases it was terminated with suspension (Sec. 307 of the Code of Criminal Procedure).

331 offenders were warden officers (71 %), while 137 offenders were higher ranked officers (29 %). The ratio of junior police-offenders to senior police officers has remained stable from a long-term point of view. In 2001, to every 1000 warden officers there were 13.1 policemen accused of committing a crime. As for higher ranked officers this figure is 6.6 accused to every 1000 high ranked officers. With regard to these numbers, warden officers commit almost twice more crimes than higher ranked officers.

In terms of **age composition**, the youngest policemen **up to 30 years of age have the largest share** in crime (**46 %**, in 1999 47 %). This feature is, as in previous years, also closely related to **the length of duty service in the Czech police**. Policemen in service for less than 5 years committed a total of 205 offences (212 in 2000 and 135 in 1999), policemen with a service experience of between 5 and 10 years committed 255 crimes (257 in 2000, 190 in 1999), policemen who had been in service for between 10 and 15 years committed 90 crimes (37 in 2000, 43 in 1999), policemen with 15 to 20 years experience committed 45 crimes (46 in 2000, 21 in 1999), and policemen with a working experience of longer than 20 years committed 70 crimes (51 in 2000, 49 in 1999). Although a considerable increase was seen in the category of policemen with experiences from 10 to 15 years and in the group with experience longer than 20 years, **most (69%) solved crimes were committed by policemen who have been in service up to 10 years**. *For the large share of young policemen, this is a consequence of their lack of life and professional experience. The category of prosecuted policemen with shorter periods of service is, to a large extent, identical to the category of offenders aged 20 - 30.*

Of the total number of 665 crimes detected **509 offences were committed on duty**, while **156 crimes were committed off duty**. Compared to 2000 the proportion of crimes

committed by police on duty markedly increased (77 % crimes on duty in 1999, and in 2000, 64 %).

The classification of the 468 offenders can be broken down as follows: **uniformed police** 242 (51.7 %), **traffic police** 104 (22.2 %), **criminal police** 35 (7.5 %), **immigration and border police** 24 (5.1 %) and **police working in the field of investigation** 17 (3.6 %). *The large proportion of uniformed (beat) police results from the high numbers of uniform police and also from the fact that the members of the uniformed police are the youngest.*

Of the total number of criminal offences committed by members of the Czech police, the largest number of crimes (almost 37 %) were classified as an **abuse of power by a public official** (**244 crimes**, 237 crimes in 2000, and 166 crimes in 1999). A two-fold increase was recorded with respect to the crime of **insurance fraud** (98 crimes, 48 in 2000 and 12 in 1999, when this kind of crime was recorded for the first time). There was a decline in solving **frauds** (35 crimes, 50 in 2000 and 44 in 1999) and **wilful injury to health** (**33 crimes**, 39 in 2000 and 17 in 1999). The number of **traffic crimes** increased moderately – these are crimes classified pursuant to Sec. 179, 180, 184, 201, 223, 224, and 257 of the Criminal Code (**52 crimes**, 41 in 2000). Policemen committed **14 offences of bribery** under Sec. 160 - 162 of the Criminal Code (14 in 2000 and 10 in 1999). **2 murders** were solved (a murder committed by a policeman was recorded for the last time back in 1997). With respect to the protection of personal data from misuse, it is alarming that in 2001 seven cases of **unauthorised manipulation of personal data** were ascertained among the police (this kind of crime occurred very rarely in the past). One case of **support and propagation of movements aimed at suppressing human rights and freedoms** was solved. Even though this was the only case it is necessary to emphasise the social danger of such crimes.

During the course of the year monitored, the Czech police handled 6,721 complaints, notifications and other notices concerning the activities of police squads and their members. Of them 5,205 were settled, 728 as legitimate, while 3,869 as illegitimate. The rest of these complaints were settled in a different manner. Legitimate complaints predominantly concerned a laggard approach by the police in fulfilling their duties, or the incorrect interpretation of legal provisions, or insufficiencies in managing and controlling work.

In total, **128 (+19 persons) members of the Czech police were lawfully sentenced** (0.22 % of the total number of sentenced offenders). The offenders were most frequently sentenced for abuse of power by a public official (50, in 2000: 39; Sec. 158 of the Criminal Code), injury to health through negligence (15; Sec. 224 of the Criminal Code), or for bribe taking (12; Sec. 160 of the Criminal Code).

The Prague courts sentenced the highest number of police-offenders (54, in 2000: 42) followed by the courts of North Moravia (36, in 2000: 34). On the other hand, the South Bohemian courts sentenced the lowest number of police-offenders (3, in 2000: 4).

(For more details see Tables 30-31)

According to research regularly carried out by the Institution for Public Opinion (hereinafter “IFPO”) held in October 2001, 58 % of respondents trusted the police (“absolutely” 7 %, and “rather” 51 %). In comparison with February 2001 a positive

evaluation increased by 10 %. The current values are approximately at the same level as in October 2000, when trust in the Czech police sharply increased. However, such increase was probably influenced by activities of the Czech police during the IMF Meeting held in Prague. The lowest level of trust in the police was displayed in February 1998 (23 %) when only 33% of respondents trusted the police.

*In surveys conducted by UNIVERSITAS, in which one of the questions aimed to find out the reasons why a victim does not report a crime, doubt whether the offender would be detected (43 %) and unwillingness to undergo investigative procedures (16 %) were given as decisive reasons for failure to report a crime. A quarter of those who reported a crime to the police considered their reaction to be fair and adequate to the situation, 11 % stated a negative experience (unwillingness or no response), and 18 % stated that the response of the police was lengthy and inefficient. Full or at least partial trust in the police was declared, in this survey, by 64 % of respondents (in 1998 only 52 %). Attitudes towards individual aspects of police work have not changed very much, people still **point out a “low visibility”** of the police. Respondents conceded that the police had professional competences, and agreed that they had technical as well as general support. Among the worse evaluated aspects are the problem of bureaucratic procedures and suspicions of an environment of corruption. More than a half of respondents think that the police should in their work **improve mainly the criteria for the selection of new staff, their technical equipment, and their availability in places of residence of citizens.***

II. Measures Adopted

- An emphasis will be put on checking up procedures as a necessary part of prevention against the illicit conduct of police.
- **The Report on Corruption** in the Czech Republic deals also with issues of corruption among policemen. It is regularly submitted to the Government in March of the relevant calendar year. (*The Report on Corruption was approved by the Czech Government on 17 April 2002.*)
- The Minister of the Interior's Inspection has improved its methodological procedures which have been implemented. The results can be seen especially in the field of revealing and solving crimes against property, namely insurance frauds (Sec. 250a of the Criminal Code). A strategy aimed at increasing the professional level of the MI's Inspection staff by means of specialised university studies was implemented. New inspection departments have been established to cover the whole territory of the Republic by bodies of the MI's Inspection, which meant that the numbers of members of the Inspection markedly increased (from 1999-2001 the number of Inspection staff increased from 99 to 178, the number of departments rose from 11 to 17, and moreover, a special department for revealing major economic crimes committed by police has been newly established). A motivating system of regular performance appraisals of individual policemen and individual departments has been introduced. And last but not least, a new system for selecting applicants to work in the Inspection was implemented. Its basic feature is the introduction of stricter selection criteria.
- With regard to criminal proceedings, co-operation with investigators has been improved. In 2001 a Department of Investigation of Crimes Committed by Policemen was established within the Bureau of Investigation of the Czech Republic. To simplify communication, the management of this Department is located in the office of the MI's Inspection (However, with regard to the Amendment to the Code of Criminal Procedure and in relation to the

new organisation of the Czech police, this Department was cancelled as of 31 December 2001.)

- Enhanced co-operation between the MI's Inspection and the Czech police when revealing crimes committed by members of the police significantly contributed to a high detection rate of criminal offences by policemen. A number of unlawful offences committed by policemen would not have been revealed without the assistance of the Czech police, or the investigation of such offences would not have finished by criminal prosecution against the offender. Thus such "self-cleaning" steps adopted by the management of the Czech police have unambiguously positive results and help reveal and solve formerly latent crimes committed by police, and force offenders to assume responsibility for their crimes.

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: 4,611 (-462 crimes, - 9.1 %)

Court Statistics

Czech Army members sentenced: 170 (-358, - 23.4 %)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

As in the previous year, the number of criminally prosecuted Czech Army members decreased. This positive development relates mainly to a reduction in the number of armed forces of the Czech Republic and to the continuing professionalisation of the Czech Army. In 2001, the military police investigated 4,611 (-462 crimes, - 9.1 %) cases of suspected criminal offences committed by the Ministry of Defence staff or Czech Army members. 4,209 persons were investigated. About two thirds of offenders (2,789) were transferred to be investigated by a relevant Czech police investigator, and one third of these were examined by military bodies of the Czech Army. **National servicemen** (compulsory military service) (97 %) **form the decisive share of criminal offenders**. There were 126 criminal suspects per **1,000 national servicemen** (in 2000: 160, in 1999: 166). Ten persons per 1,000 **professional soldiers** were investigated as suspects by the military police (MP) (in 2000 also ten, in 1999 11). As for professional soldiers, soldiers up to 35 years of age were most frequently among criminal offenders (approx. 50 % of all investigated persons in this category as in 2000).

*The proportion of **military crimes** in the total number of investigated criminal offences was **69%** (in 2000 – 66%). Crimes against property and economic crimes represent 25 %, while other crimes accounted for 6%. **National servicemen** committed, in terms of military crimes (Chapter XII of the Criminal Code), mainly the crimes of **absence without leave and desertion** (**58 %**, in 2000 - 49%). The military police investigated 113 **offences of violation of soldiers' rights and protected interests under Sec. 279a and 279b of the Criminal Code**, so called bullying. In comparison with 2000 (204 cases) this kind of crime declined by **more than 40%**. This kind of illicit conduct represents **about 3%** of total crimes committed by Czech Army members (4% in 2000). In almost all cases the offenders of such offences were national servicemen (98 %).*

In 2001, the military police 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). Compared with 2000 (18 cases) there was a **50% reduction**. All cases of army material thefts have been solved, and the offenders were ascertained and stolen material found and recovered.

In 2001, **in total 359 persons** (in 2000: 410 persons, in 1999: 370 persons) were investigated for a crime or a misdemeanour relating to narcotics. With regard to the trend from previous years the speed of growth **not only slowed down** but for the first time since 1999 a

decline has been seen in the number of investigated persons. It was ascertained that **95 % offenders** had used **soft drugs** (mainly smoking of marijuana). It is possible to talk about addicts as about **1-3%** of investigated persons. Psychotropic substances were possessed and used especially by national servicemen - 99% investigated persons. The military police investigated four cases of the distribution of drugs within the Czech Army.

A **Special Department** of the military police was established within the Ministry of Defence and the Czech Army to investigate **economic crimes**. This Department, in co-operation with specialised services of the Czech police and inspection bodies (of the Ministry of the Interior and the Ministry of Defence), in 2001 investigated in total 32 cases, of which 18 cases were transferred to be examined by the Czech police. Particularly large damages are typical for investigated cases and they significantly influenced public attitude towards areas within the responsibility of the Ministry of Defence.

In total, **1,170 members of the Czech Army were sentenced** (1.9 % of the total number of sentenced persons, in 2000: 2.5 %). The most frequent crimes were offences of absence without leave under Sec. 284 of the Criminal Code - 284 persons (24.3 %, in 2000: 27.5 %), and the crime of desertion under Sec. 282 of the Criminal Code - 80 persons (6.9 %, in 2000: 8.6 %).

The Central Bohemian courts sentenced the highest number of offenders (229, in 2000: 374, followed by the courts of South Moravia (217, in 2000: 311); the Prague courts sentenced the lowest number of soldiers (19, in 2000: 47).

II. Measured Adopted

- A reduction in the number possessing and abusing drugs within the Czech Army and the risk of negative impact on property and health of persons should be achieved by the implementation of **preventative actions aimed at searching for drugs** using the police dogs of the military police.
- To solve and document cases of classified **crimes against property and economic crimes** inspection bodies of the Ministry of Defence should closely co-operate with special units of the Ministry of the Interior, the Czech police, Criminal and Investigation Police Service.
- 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”.
- Professional bodies of the military police will participate in building and operating systems for technical protection of the Ministry of Defence’s and Czech Army’s premises in compliance with Act No.148/1998 Coll. and Decree No. 339/1998 Col. on the Security of Premises, with an emphasis put on **premises included in NATO structures**.

Crimes Committed by the Customs Administration Staff¹¹

I. Development and Characteristic Features

On the basis of special inspections, **ten customs officers were found guilty and dismissed** (in 2000, 15) and 17 customs officers were suspended from duty (eight in 2000). 214 persons received disciplinary punishment, and the salary of 145 of these persons was reduced. **54 cases** were transferred to the penal proceedings authorities (in 2000, 72 cases), and 61 were notified of charges.

II. Measures Adopted

- One of the most important assignments of the Customs Administration internal control bodies is, within a long-term timeframe, to reveal and eliminate corruption which is one of the most dangerous forms of crimes committed by civil servants. With regard to the most serious cases, customs bodies keep close co-operation with penal proceeding bodies.
- In 2001, the Code of Conduct for Customs Administration Employees was adopted.
- Criminal offences by customs officers are regularly evaluated and analysed. All employees of the Customs Administration are informed of the gravest cases of corrupt conduct.
- An emphasis is put mainly on prevention even at basic levels of professional training of customs officers as well as civilian employees, and attention is paid mainly to ethical issues.

Crimes committed by Prisoners' Service Staff¹²

- Number of offenders – the members of the Prisoners' Service: 326 (-51, -13.5 %)
- Number of offenders – Prisoners' Service civilian staff: 26 (-1)

In total, **326 members of the Prisoners' Service** (hereinafter PS) were investigated on suspicion of having committed crimes while on or off duty. In accordance with provisions of Sec. 159 (1) of the Code of Criminal Procedure cases were suspended for 216 (-28) PS members, and pursuant to Sec. 159/1b a 171/1 the Code of Criminal Procedure 54 (-34) PS members were transferred for disciplinary proceedings. Prosecution was halted for ten (-1) PS members, 29 (+16) PS members were accused, and 15 (-5) PS members are still being investigated. Criminal proceedings were commenced for 10 (-1) civilian PS employees, of which nine (0) cases involving civilian PS employees were adjourned by the Czech police.

The courts lawfully sentenced ten PS members (7 in 2000, 13 in 1999). The most frequent crimes were: abuse of power by a public official, and injuries to health through negligence.

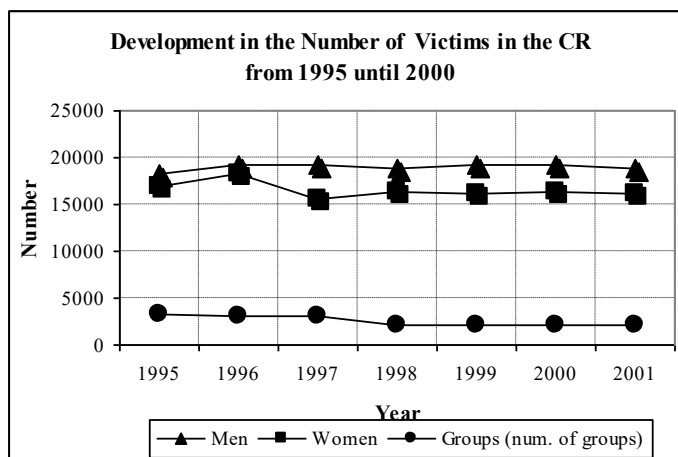
Of the above number, the North Moravian courts sentenced three PS members, the Central Bohemian courts three PS members, the North Bohemian courts two PS members, and the courts of South Moravia and West Bohemia one PS member each.

¹¹ Elaborated on the basis of the document provided by the Ministry of Finance.

¹² 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



- number of crime victims of which
 - men: 18,845 (-411)
 - women: 16,207 (-46)
 - groups of persons: ¹³ 2,076 (-131)
 - number of persons in groups: 5,260 (-231)
 - persons – total: 40,312 (-688)

Victims of criminal offences are citizens who become an object of a direct attack by the offender of the crime committed. This may be an actual physical assault or injury to property. Victims of crimes were not paid the attention needed in the past. 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. Information and findings on **victims of crime** in the Czech Republic has not been very systematic. The police statistics are still the only statistics available containing certain data on victims of crime.

According to the data from the police statistics the number of victims decreased compared with 2001. However, the number of female victims increased since they were victims of dangerous threats and rapes. Both men and women became most commonly victims of crimes of wilful injuries to health, robberies, dangerous threats, and extortion. Women more often than men became victims of crimes against human dignity. 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 (in terms of extortion the second most frequent group is formed by children under 15 years of age); persons aged 41 –60 years are the most

¹³ 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 those persons are not included.

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.

One of the “hot” issues focusing on improving the position of an aggrieved party within criminal proceedings should be the provision of information to victims of crimes. It is a requirement needed for the application of procedural rights of an aggrieved. A range of information may vary: whether the accused person is in custody, whether he/she was released from custody, why charges have not been brought, when a trial will commence, whether the aggrieved party will be called as witness, whether the offender has been sentenced, and what is his/her punishment or when he/she was set free. The Council of Europe Recommendation R 85 (11) deals with the right of a victim to information and just treatment and lays down that the opinions of a victim must be considered. These are to be basic standards in the treatment of victims.

Victimological research (i.e. research concerning victims of crimes) represents one way of obtaining closer knowledge of the size of the population affected by crime. Research data, if the text does not state otherwise, is based on the research documents “1999 Security Risks” and “Continuous Research of Victimisation and Citizens’ Security Feelings (2000-2002)” (J. Buriánek, UNIVERSITAS, a grant of the Ministry of the Interior). During the course of 2001, **23 % of citizens interviewed were directly affected by a crime**, while in 2000, 25 % citizens were affected, in 1999, 24 %, and in 1998, 19 % - this has been the first decline since 1998. The most frequently mentioned offences were thefts from cars or wilful damage to cars (12 %), burglaries (i.e. thefts of objects from flats, weekend houses, and cellars) (9 %), and pickpockets or similar thefts in the streets, at work, in public means of transport or similar public facilities (14 %). According to the data gathered in this survey **“in 2000, 61 % of those aggrieved reported the crimes to the police, while according to the data from 2001, 56 % of the respondents reported the crimes”**. Doubt as to whether the offender would be detected (43 %) and unwillingness to undergo investigative procedures (16 %) were given as the decisive reasons for the failure to report a crime. A quarter of those who reported a crime to the police considered their reaction to be fair and adequate to the situation, while 11 % stated a negative experience (unwillingness or no response).

II. Attitudes of the Public Towards Crime (*research findings*)

Different research involving public opinion showed that the respondents considered crime to be the most real social problem, thus it occupied first place among all other problems. The research performed by UNIVERSITAS in November 1998 indicated, and the latest results have confirmed, the trend that a portion of the public takes into account economic problems as well (crime issues fell to third place behind unemployment and economic development). Fresh data does not confirm this trend, the enhanced economic situation is reflected in public opinion and crime has returned to first place on the scale of prime social problems. Such a tendency is strengthened by the higher sensitivity of the general public towards organised crime.

In addition, the research indicates that in recent years the share of those who rate the security situation in the country as being poor has decreased (grossly 75 % in 2000, however, in a survey held in 2002, only 55 %). In terms of security in places of residence, about 21 % of the respondents perceived this situation as being not very good (in 2000, 31 % of the

respondents perceived it so); the existing discrepancy between the feeling of being safe at home and in the street has been confirmed. The inhabitants of Prague and of smaller cities feel safer in their homes in the evening, while inhabitants of large cities do not feel so safe. Generally, both parameters illustrate a trend towards a reduction of concerns – in 1995, 68 % of respondents felt secure or very secure, in 1998, 82 % of respondents, in 1999, 86 %, in 2000, 88 %, in 2001, 88 %, and in 2002 the number increased to 89 % of respondents. In 1995, 41 % of respondents felt safe in the surroundings of their home, in 1998, 59%, in 1999, 62 %, in 2000, 67 %, in 2001, 70%, and in 2002, 72% of respondents felt safe. We can take into consideration the fact that a part of the population seems to adapt to new security conditions. This adaptation can be seen in respondents' subjective evaluation of crime development trends, which are most favourably evaluated in relation to the place where they live. The reaction of people regarding perceived risks has remained active, 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. Citizens consider as being a problem vandalism, bored young people at a loose end, the presence of drug addicts and dealers in drugs, and Roma or other national group members.

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

	2001	2002
• pickpockets	6,34	6,35
• road accident	6,03	6,07
• car theft	5,83	5,95
• burglary (of house or flat)	6,18	6,29
• mugging (robbery, violence)	4,57	4,63
• physical assault, bodily injury	4,11	4,3
• rape	3,13	3,34
• fraud	5,73	5,71

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

	2001	2002
• car theft	5,42	5,43
• burglary (house or flat)	5,5	5,44
• mugging (robbery, violence)	3,96	3,95
• physical assault, bodily injury	3,71	3,60
• rape	2,62	2,72

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 the 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 (7.55), could become a drug addict (6.73), or a member of a gang or even a street gang (6.33).

The long-term research of the IVVM agency has shown that **trust in social institutions** has stabilised, although we can observe a positive development in recent years. In 1998, 37 % of respondents **trusted the police**, in 1999, 41 %, in 2000, 44 %, and in 2001, 58 % of respondents. A similar trend was recorded in terms of **courts**, which were in 1998 trusted by 26 % of respondents, in 1999 by 27 %, in 2000 by 32 %, and in 2001 by 40% of respondents.

UNIVERSITAS research brought the following values: full trust or partial trust in the police was declared by 64 %, in the courts by 56 %, in the state prosecutor's offices 46 %, in prisons 34 %, in the Ministry of the Interior 46 %, and in the SIS, 30 %, of respondents. 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. Attitudes towards individual aspects of police work have not changed very much, people only criticised the **"low visibility" of the police**. Respondents conceded that the police had professional competences, and agreed that they had technical as well as general support. Among the worse evaluated aspects are the problems of bureaucratic procedures and suspicion of an environment of corruption.

Furthermore, it can be stated that in terms of risk management, citizens' reliance on themselves or on better technical security (of property and personal security) is becoming quite typical. Respondents try, especially in the evening, to avoid suspicious persons or empty places. It has been shown that people would welcome more "aggressive" action by the police with respect to threats endangering children and youth (drugs, sale of alcohol), evasion of taxes and ecological threats. The results also show quite a high tendency towards punishment. A tiny (and latent) erosion of values and principles can be also observed by the fact that within the closest social environment at least each tenth (or rather each fifth) citizen becomes a target of violence, either physical or psychological. The proportion of car accidents is also very high.

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 Proceeding in Courts of Justice, as amended), and in cases where a victim has suffered financial damage, proved by examination, they have imposed an obligation on the accused person to pay for such damage. In comparison with 2000, in 2001 the number of applications filed, in accordance with Act No. 209/1997 Coll. on Provision of Financial Aid to Victims of Crime and on Amendments of Some Other Related Acts, increased almost two-fold. This fact should be attributed to the better provision of information to the general public (the media devoted considerable attention to this issue in connection with the amendment to the aforementioned Act). Of the total number of 116 applications filed during the year monitored, 21 applications were settled positively and financial support at the average amount of CZK 35,888 per applicant was provided. The most frequent reason why it was not possible to satisfy an application was the fact that the damage could not be proven.
- 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 proved that a victim of a crime has lost a salary or subsistence allowance 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).

- The amendment to Criminal Code No. 140/1961 Coll., as amended made by Act No. 144/2001 Coll., which newly regulates evidence of rape as well as punishment for rape, should also better and more consistently protect victims of crime.
- Police also rank among victims of crime. A decentralised system of post-traumatic interventive care was established to ensure the care of police who, as a consequence of their duties, underwent a traumatic event.

(More detail information see Tables 32-33)

2.1.4. Searches for Persons and Articles

The Czech Police announced **searches** in **23,052** (-1,592) cases, of which **18,004** (-1,160) **cases were successfully closed, and in total 22,340 persons were found**. The largest category was of wanted persons (17,198; -282). This group was dominated by persons accused of committing crime, and persons for whom an arrest warrant had been issued (9,234; +599, while 4,887; -1,547 were detained). In addition, searches were announced for 4,178 suspects in criminal offences. 2,264 were apprehended. In 3,670 cases searches were also launched for persons wanted in criminal proceedings, and 2,166 of these were found. Furthermore, searches were announced for 86 army deserters (74 were found) and 35 (20) escaped convicts.

At the request of its foreign partner, Interpol Prague announced searches for 3,495 persons, 3,067 of them were sought on the basis of warrants of arrest. Searches were announced for 172 for missing persons and in 116 cases the place of residence was sought. At the request of various foreign countries, Interpol Prague apprehended 41 (-55) offenders who were searched for internationally, 28 (-13) of whom were extradited.

4,867 searches were launched for **stolen and lost weapons**. Such searches mostly involved pistols and revolvers, the majority of which had been stolen from flats and cars.

2.1.5. Misdemeanours ¹⁴

I. Development and Characteristic Features

In total, the members of the **Uniformed Police Service (Beat Service Police)** recorded 1,090,157 (+667) **misdemeanours** under the Czech National Council Act No. 200/90 Coll. on Misdemeanours, as amended. Out of these, most misdemeanours have remained as being with regard to traffic safety and flow (72,5 %; under Sec. 22 of the Act cited), followed by misdemeanours against property (Sec. 50 of the Act cited.), against public order and civic coexistence (Sections 47 - 49 of the Act cited.), and misdemeanours concerning alcoholism and drug abuse, where a moderate increase was recorded.

With regard to **fine and penalty proceedings** the number of misdemeanours decreased while the amount collected rose.

Furthermore, the Uniformed Police service reported or tabled (Sec. 58 (1) (3a) of the Act cited) in total 167,327 (-122) misdemeanours. They left in abeyance (Sec. 58 (3b) of the Act cited) a total of 111,554 (-11,753) misdemeanours, of which, in 95,905 (-4,024) cases, the offender was not detected.

(For more details see table 19)

The administrative service of the police solved in total **1,973 (+563) misdemeanours committed by holders (natural persons) of firearm licences**. Of this number 684 (-21) were solved by a fine, and the police penalised offenders by a total amount of CZK 304.5 thousand (CZK +13.5 thousand). The rest of the 1,289 (+584) 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. 132 (-14) 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 703.6 thousand (+ CZK 138.4 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 804 misdemeanours (+42), which were penalised by CZK 688,250.

The Railway Police Service ascertained altogether 42,051 (+2,735) misdemeanours, of which 36,994 (+1,753) misdemeanours were solved within fine and penalty proceedings. In total CZK 12.8 million (+CZK 4,4 million) was collected.

The Traffic Police ascertained in total 1,005.851 (+37,907) misdemeanours committed by motor vehicle drivers and 32,261 (+2,998) traffic misdemeanours committed by others. For such misdemeanours the police imposed fines totalling CZK 358.5 million. The police settled 889,950 misdemeanours at the place of the misdemeanour, and 148,162 misdemeanours were reported to the relevant administrative bodies. As in the previous year, the largest group of misdemeanours was committed by motor vehicle drivers who exceeded the speed limit, namely 48,4 % of the total number of misdemeanours ascertained by the Traffic Police.

¹⁴ This chapter deals with misdemeanours solved by the Police of the Czech Republic, however there are no statistical records of misdemeanours.

Basic units of Immigration and Border Police Service solved during the course of the year monitored a total of 53,278 (-4,317) misdemeanours pursuant to Act No. 326/1999 Coll. on Alien Residence in the Czech Republic and on the Amendment to Some Other Act as amended by Act No. 140/2001 Coll. imposed fines of CZK 27.2 (-1.5) million. 2,208 (-255) misdemeanours were solved pursuant to Act No. 329/1999 Coll. on Travel Documents and on the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic as amended and fines amounting to CZK 0.14 (-0.16) million were imposed. 127,912 (-24,926) misdemeanours were solved pursuant to the Act on Misdemeanours, and an amount of CZK 41 (+8) million was collected through fines imposed. In total, units of the Immigration and Border Police solved 183,398 (+20,354) misdemeanours and imposed fines of CZK 68 (+6,3) million.

II. Measures Adopted

- **The Government Draft Amendment to Act No. 200/1990 Coll., on Misdemeanours, as amended**

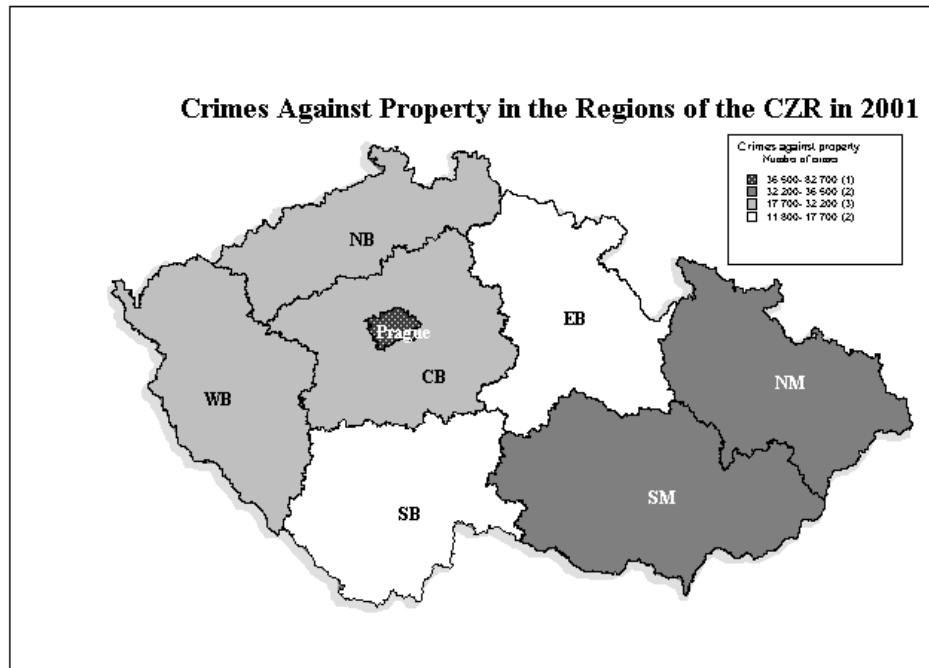
This Draft Act regulates new types of misdemeanours in relation to Acts already adopted – for example the Act on Identity Cards, the Act on Travel Documents, the Act on Railways, acts related to birth registers, or the Act on names and Surnames. It also extends some types of misdemeanours and at the 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, types of sanctions and protective measures as well as the method of their application, and shall regulate the procedures of administrative authorities when dealing with misdemeanours. The classification of 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. The regulation under preparation will not apply to disciplinary and payment offences. (*The Draft Act - in the form of chapters and sections - is to be submitted to the Government by the end of 2002.*)

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: 255,897
(-28,398 crimes, -10 %)
- number of persons investigated and prosecuted: 52,255
(-127, -0.2 %)
- number of crimes solved: 72,830
(-1,095 crimes, -1.5 %)
- detection rate: 28.5 % (+2.5 %)
- amount of damage caused: CZK 10,281,222 thousand
(- CZK 1,079,486 thousand, -9,5 %)
- amount of damage recovered: CZK 118,190 thousand
(-52,898, -30.9 %)

Court Statistics

persons sentenced: 26,581 (+516, +2 %)
(Sec. 247, 248, 250, 251 of the Cr. Code)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond. (For example, frauds under Sec. 250 of the Criminal Code are in court statistics assigned under Chapter Nine of the Criminal Code as "Crimes Against Property", whereas in police statistics some of them will be included in the category "Economic Crimes". According to the rules of police statistics, for example, "fraud" will be included in economic crimes in the case where an offence has been committed by an individual or a group of individuals who have regular access to the facility attacked (employees or similar individuals). The same applies to the case where a suspect is in a contractual relationship with the legal entity attacked.

The number of ascertained crimes against property decreased, and from a long-term point of view it was the lowest number of crimes recorded since 1993. Simultaneously, the number of solved crimes declined, but on the other hand the detection rate rose. The falling trend in burglary continued and accounted for 24 %. The decline in the number of ascertained common thefts was recorded and accounted for 63 % of the crimes against property.

The situation with regard to the regions

In terms of crime location, the number of crimes against property decreased in all regions, particularly in regions most affected by crime – in South Moravia, North Moravia, and in Prague. Despite this recorded decline these regions remain those with the highest number of burglaries. Prague occupies first place with respect to this kind of crime, followed by Central Bohemia.

The situation with regard to the newly established regions (so called higher self-governing territorial units)

The highest number of crimes against property was recorded in the capital city of Prague (82,610 crimes), followed by the Central Bohemian Regions (29,529 crimes) and the Moravian-Silesian Region (25,371 crimes). The highest numbers of burglaries, except for in Prague and the Central Bohemian Region, was recorded in the Moravian-Silesian, Usti, and South Moravian Regions. These regions are also most affected by the number of common thefts and violent crimes. The lowest number of crimes of this type was recorded in regions where the number of crimes against property did not exceed 6 thousand, such as the Vysocina Regions, or did not exceed 9 thousand – in the Pardubice, Karlovy Vary, Zlin, and Kraluv Hradec Regions.

There has been a sustained downward trend in the number of burglaries ascertained since 1994. This reduction has been effected by **preventative measures** as well as an increase in the **protection of property by citizens**. However, this development was accompanied by a decline in the number of offences solved and by stagnation in the detection rate.

*Starting from 2000, police statistics have differentiated between burglaries of flats located in blocks of flats, and burglaries of family houses; in 1999 these two kinds of burglaries were recorded as one statistical item and therefore these categories cannot be compared from a long-term point of view. Offenders are interested mainly in cash, jewellery, antiques and electronic devices, the interests in weapons has considerably increased. **This trend is documented** by the high value of **damage ascertained** (damage caused by burglaries of flats reached the amount of CZK 344,299 thousand, while burglaries of family houses reached CZK 255,376 thousand). This kind of crime shows more and more signs of organised crime and offences 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 sale of stolen goods is often done through **second hand shops and pawnshops**; in Prague there are currently about 1500-1800 such facilities. Currently, the Ministry of the Interior (June 2002) suggests introducing an obligation when entering into agreements between sellers and purchasers in second hand shops and pawnshops, whereby the seller must identify him/herself, and agreements must be in writing and must be filed for a certain period of time. After the obligation of proving the identification of a seller is introduced, some offenders of burglaries and thefts would no longer be anonymous and it would become more*

difficult for them to sell stolen articles. Policemen searching for a stolen item or verifying the activities of a second hand shops or pawnshops within criminal proceedings could require from shop assistants and owners an explanation relating to the origin of a certain article or they could find out how a certain article was duly obtained. Items of art are frequently stolen on the order of a foreign customer. Offenders very often use stolen weapons to commit other violent crimes. Methods of breaking into flats and family houses are very diversified. According to information available to the police there are many offenders who have a deep knowledge of the work of the security forces. The number of ascertained burglaries into family houses rose.

The trend in the decline in the number of ascertained **break-ins into weekend houses and cottages** has also continued, however the damage was CZK 236,163 thousand. The structure of offenders has not changed very much, with offenders coming largely from the ranks of repeat offenders who steal things mainly for their personal use, however youth also largely participate in this kind of crime. A further group of thieves are interested in valuables and antique furniture and commit such crimes largely “to order”.

Burglaries of shops and burglaries of other similar facilities remain influenced by the fact that these facilities are not well secured against burglars. Offenders usually select articles which could be sold easily. Offenders often focus on so called “blitz break-ins”. *(Those involve thefts of the most valuable things from a shop window while the offender disappears in a few seconds).* Break-ins to money vaults remain a problem; these are usually carefully planned thefts.

Policemen recorded the case of an offender who was proven of altogether 85 burglaries into flats and family houses, causing damage of CZK 5.3 million, and the case of an offender who was proven to have caused damage exceeding CZK 46 million.

A case of a group of offenders who broke into vaults and committed criminal offences throughout the republic was revealed. The offenders were accused of 56 offences, with damage of CZK 9 million.

The number of **common thefts** recorded by the police went down and was accompanied by an increasing number of solved offences and a higher detection rate. The police recorded a **decline** in the number of **thefts from cars and thefts of cars** (however, the police in Prague recorded a several-fold higher number of such thefts than was recorded in other regions in the Czech Republic). **A reduction in the number of motorcycle thefts** (the lowest number of such crimes since 1993) was accompanied by **a decrease in damage ascertained** (CZK -184,759 thousand). Offenders were both Czech citizens and foreigners and the majority of car thefts were well organised. Stolen vehicles are transported abroad or, after getting the required documents (a foreign certificate of roadworthiness, purchase agreement, customs clearance, etc.), are registered in the Czech Republic. Offenders try to obtain a vehicle with its original keys and genuine documents. Stolen vehicles usually leave the country with altered “identification” very promptly. Police ascertained a new form of carrying out criminal offences committed mainly by individual importers of motor vehicles. Act No. 56/2001 Coll. on Operations of Motor Vehicles on Land Communications and on the Amendment to Some Other Acts stipulates that only a vehicle can be registered which meets one of the specified conditions – age of a vehicle. Therefore an importer will alter in the original technical documentation the date of the first registration so that it complies with the requirements determined by this Act. By doing so, offenders commit the crime of violation of

another's right, and if they sell the motor vehicle they commit the crime of fraud. When solving motor vehicle thefts a serious problem is their illegal export from the Czech Republic. The theft is usually reported after the car is abroad. According to police records there was a **lower number of stolen bicycles**. The number of **pickpocket offences has remained stable** in the Czech Republic. It should however be taken into account that the true **data on pickpocket offences remains at a latent level**.

Criminal activities of a group of offenders were documented. When "exporting" new motor vehicles from the Czech Republic the offenders misused new Vehicle Registration Documents. 16 persons were criminally prosecuted for frauds and 20 cars have been found.

In the field of cultural heritage crime there were not any considerable qualitative or quantitative changes; among monuments the most frequently affected are church facilities, and the same applies to thefts from cemeteries (including thefts of bars from cemetery entrance gates, sculptures or stone ornaments); in terms of the way such crimes are committed and in what objects the offenders are interested in there have not been any changes. Insufficient or missing photo-documentation remains a problem. Such offences are, to a large extent, serial and well organised (*especially in Central Bohemia, North Bohemia and East Bohemia*) with works of art remaining the focus of interest – sculptures, paintings, liturgical utensils, weapons, porcelain and complete collections of works of art; neither are stolen historical paving church pews exceptions. The decline in ascertained thefts from premises with antique articles and objects of art 86 (-6 crimes) is accompanied by a rise in the damage caused, which reached CZK 42,616 thousand (+37,266 thousand). There were 201 (-127 crimes) burglaries of buildings containing antiques and articles of art, with damage reaching CZK 30,537 thousand (CZK -4,812 thousand). There is inestimable damage caused by the illegal export of archive documents and rare prints. The police are receiving more information on the looting of archaeological spots. Such criminal offences are perfectly organised and the illegal export of objects of cultural heritage is "well paid". An increase in the occurrence of forged works of art has been recorded. Depositaries and private collections could become a problem in the future.

Special teams ("PERUC II"), established within the police of Central Bohemia, North Bohemia, and East Bohemia, continue their activities. 22 offenders were accused of 152 criminal offences of burglaries of church premises. The total damage is estimated to reach more than CZK 150 million. In Western Bohemia a working group ("CITRON") revealed a gang of receivers (middlemen) as well as burglars of church facilities - 12 offenders, 74 cases solved, and 120 sacral articles of a total amount of more than CZK 33 million found.

(For more details see Tables 34-37)

Within the UNIVERSITAS sociological survey respondents expressed their concerns 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 by pickpocketing (index 6.35), burglaries of houses (flats) when they are not at home (6.29), road accidents (6.07), car thefts (5.95) and frauds (5.71).

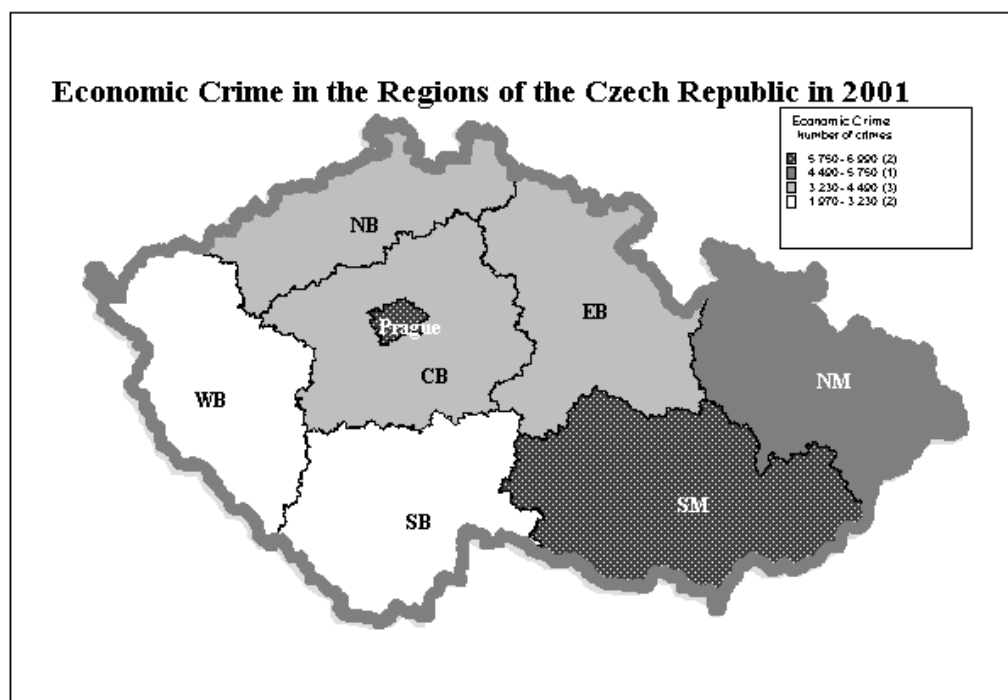
In total, **26,581 persons were lawfully sentenced for crimes against property** (Sec. 247, 248, 250, 251 of the Cr. Code) (i.e. 44.2 %; in 2000 41.2 %, in 1999 43.1 %), which represents an increase by 516 persons.

II. Measures Adopted

- Apart from other things, sufficient information on methods of securing and protecting property provided by the Preventative Information Groups of the Czech police contributes to the decline of detected crimes against property. Similar information, advice and mainly lists of certified manufacturers are published on the web-sites of the Ministry of the Interior and the Czech police. (An example could be the implementation of a republic-wide pilot preventative project of the MI and the Czech police known as “A Security Location” which is aimed at protecting property and persons at a given place using urban plans)
- Preventative activities carried out by the Czech police will concentrate on protection of weekend houses. The Police President announced the year 2002 to be “The Year of Recreational Facility Protection”
- A range of preventative programmes is aimed at increasing people’s feeling of being safe and their active co-operation in the protection of persons (see Chapter “Crime Prevention”)
- With regard to the increasing occurrence of forged works of art, an agreement with the National Gallery on Expert Opinion is under preparation.
- A list of stolen and found articles of art is available on the web-sites of the Ministry of the Interior (SEUD).
- **Co-operation between ministries involved in the Integrated System of Protection of Cultural Heritage Movables** continued. The Government is informed on an annual basis, of how assignments arising from this system are met. For example, the Ministry of Culture continued implementing four sub-programmes: to secure facilities holding cultural heritage movables by security systems and mechanical safe fences (other premises were newly secured or security systems were renewed); the single system of recording and documenting cultural heritage movables (funds were provided to continue recording and documenting articles owned by the Roman-Catholic Church); purchases of articles of extraordinary cultural value (especially in relation to the fact that the majority of museums and galleries will be transferred to the responsibility of newly established regions); and preventative protection against adverse influence of the environment. Due to insufficient funds it was impossible to launch the programme called “Central Database of Certificates under Act No. 71/1994 Coll.”.
- Through the Interpol search system, which involves 16 European countries, access to a database of stolen motor vehicles is possible.
- The Act amending Act No. 71/1994 Coll. on the Sale and Export of Articles of Cultural Value as amended by Act No. 122/2000 Coll. lays down, in comparison with the current Act, inspection activities of the Ministry of Culture, regulates the co-ordination of customs bodies regarding the exports of articles of cultural value, and provides for their right to immediately apply a relevant protective measure. As some altering proposals were not acceptable to the authors the Minister of Culture took the proposal back from further discussion.
- Relevant committees of the Chamber of Deputies of the Czech Parliament discussed the Bill on Export of Some Cultural Articles from the Customs Territory of the European Communities. Act No. 101/2001 Coll. on Returning Illegally Exported Cultural Articles was adopted.

- With respect to measures adopted to prevent the legalisation of stolen motor vehicles, the Ministry of Transport and Communications and the Ministry of the Interior started to co-operate in connecting the vehicle registration systems (EMVO) and systems for searching stolen vehicles (PATRMV). Preparation of a vehicle identification number similar to internationally used numbers (VINs) continued. Such an identification number guarantees that administrative marking of vehicles (VIN) is known in other countries (of course only in urgent cases) and it helps verify vehicles in electronic databases of all kinds (in the future at an international level as well) to be able to find out whether a vehicle (or vehicles) was or was not stolen and later registered. Another issue which is being solved at the moment is an attempt to improve security elements on documents utilising new printing technologies (holograms, which are used, inter alia, on labels verifying registration numbers, on labels for measuring emissions, and on labels on technical check-ups, are particularly important).
- The MTC is interested in participating in EUROCARIS, within which it is possible to permanently exchange information on stolen vehicles in the member states, which, of course, makes registration of a stolen vehicle in the Czech Republic more difficult.
- Act No. 56/2001 Coll. on Land Transport conditions and on the Amendment to Some Other Related Acts regulates, inter alia, procedures to be carried out by a registration body when a vehicle is transferred to a new owner and registered, or when vehicles are changed or a substantial part is changed or a vehicle is newly built. If a vehicle is registered for the first time or if it is transferred to a new owner a protocol on the control of all necessary data (by this protocol an applicant proves that the identification data of a vehicle is identical to the data included in the documents of the respective vehicle and the data listed in the vehicle register).
- In 2001 the system LOOK was installed. This system automatically checks number plates of motor vehicles crossing the national border.

2.2.2. Economic Crime, Corruption



I. Development and Characteristic Features

Criminal Statistics

- number of crimes ascertained: 35,262
(-2,370 crimes, -7.5 %)
- number of offenders prosecuted and investigated: 22,543
(-752, -3.2 %)
- number of crimes solved: 33,262
(-2,707 crimes, -7.5 %)
- detection rate: 94.1 % (-1.3 %)
- damage ascertained: CZK 44,119,132 thousand
(CZK -6,692,155 thousand, -13.2 %)
- damage recovered: CZK 1,967,031 thousand
(CZK +1,906.822 thousand, +3,167 %)

Court Statistics

persons sentenced: 408 (-84, -5.6 %)
(Sec. 118 - 152 of the Cr. Code)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

The number of **economic crimes ascertained**, which had increased on a long-term basis and culminated in 1999, has been slightly declining. The detection rate in this area has

remained very high. Damage caused by this kind of crime moderately decreased and **damage recovered markedly increased by more than CZK 1.9 billion (which accounts for more than three thousand per cent)**. In terms of **the year when crime commitment actually started**, about 19 % of economic crimes were commenced directly in 2001, but 81 % of recorded crimes started in the past years - almost 30 % in 2000, more than 22 % in 1999, 12 % in 1998, and 6 % in 1997. With regard to the **occupations of economic crime offenders**, they are most frequently entrepreneurs and self-employed individuals. The second largest category represents people who are recorded in police statistics with no data about their employment (according to police information in this category there are mainly unemployed people who lost their jobs once they had become criminal suspects).

The proportion of **ascertained damage** from economic crime, in damage caused by total crime is **79.2 %** (-0.9 %; in 1999: **59.2 %**; in 2000: **80.1 %** - *two ascertained cases - Agrobanka and Komerční banka, a.s., relating to the provision of letters of credit to B.C.I. Trading Gmb – considerably contributed to the above-mentioned number; without these two cases the share in total ascertained damage would have reached only 58.7 %*). However, it should be taken into account that the share of economic crimes ascertained in the number of total ascertained crimes accounts for only 9.6 %. The police recorded **213 economic crimes**, with **damage amounting to CZK 10 million and higher per each case**. **Since 1993 there has been a 91.3 % increase in the number of economic crimes ascertained**, while damage increased by **947.5 %**. The number of cases and the amount of damage caused by breaching customs regulations increased. These are cases when a customs duty debt exceeded the limit of CZK 40 thousand (6,853 reports on extraordinary cases, an increase by 11.3 % compared with 2000).

Confiscation of proceeds from criminal acts closely relates to the issues of serious economic crime. On 1 June 2001 a working group (VÝNOSY = PROCEEDS) for the detection and documentation of proceeds resulting from serious crime was established. This group, apart from other activities, investigated a total of 16 cases which resulted in proposals for attaching assets of CZK 100 million. One of the basic tasks of this Group is to identify legislative barriers hindering such confiscations. On the basis of its practical findings this group identified areas preventing the confiscation of criminal profits. These are mainly problems relating to proving the criminal origin of acquired assets (*onus probandi*), accessing some information protected by secrecy (access is closed even for the Police), inadequacies in criminal proceedings, since it is not possible to specify a term for taking an immediate decision about a confiscated article. In the majority of cases, assets do not have a constant value, therefore it will be important to make a decision about the confiscation of assets immediately after a motion for such confiscation is filed. The problem issues indicated should be a subject for a discussion by relevant experts, mainly those who deal with criminal law, after that they will be elaborated upon as actual legal proposals and projected into the respective organisational changes.

The establishment of special units at both Chief Prosecutor's Offices for the supervision of legality in pre-trial proceedings related to the cases of serious economic crimes was shown to be positive. An approach lying in the concentration of means and forces at state prosecutor's office and the Czech police was newly applied. Insufficient **regulation of obligatory secrecy** remains a problem. As the Supreme Prosecutor's Office indicates tax collectors still enjoy an unreasonably privileged position when reporting crimes and providing information to penal proceeding bodies (for example when providing information to state

prosecutors once they decide to bring charges) pursuant to the provision of Sec. 8 (2) of the Code of Criminal Proceedings.

Frauds (33 %) still account for the largest portion of economic crime. Frauds relating to the **manipulation of funds** have prevailed, followed by frauds caused "by "purchase" of goods without any intention to pay invoices and by frauds caused by concluding fraudulent business contracts. There has not been any change in frauds concerning seller-buyer relations – businesses still do not pay sufficient attention to forged documents. Insurance frauds stagnated, whereby **credit frauds** displayed a considerable increase and thus caused tremendous damage. Crimes of applying for a bank loan based on a fictitious business plan, non-existing companies, forged documents or overvalued collaterals, have continued.

Offences of **tax evasion** rank among the most serious economic crimes as they cause much damage. **Tax evasion** relating to **indirect taxes** should be especially mentioned, since such taxes considerably impact upon payments transferred to the state budget. They are predominantly frauds when business entities want to get back excessive VAT as inspections performed by Tax Authorities revealed in 1999-2001. *The experiences of the Czech police in detecting and proving such crimes show problems connected with excessive tax deductions where the absence of a suitable solution to this problem disproportionably extends the whole criminal proceeding. Another problem is the difficulty with which evidence can be gathered (companies do not exist, former authorised representatives are difficult to call as witnesses, accounting records are not available in the majority of cases, etc.). Another issue is the insufficient regulation of payments between businesses (to prove that a payment was made or whether it was just fictitious is very difficult since cash payment for goods and services are still possible). Obligatory non-cash operations could make such crimes more difficult.* According to the findings of the Czech police and Customs Administration **tax manipulations** relating to the **production, distribution, transport, and export of spirits** still rank among the most serious crimes; however, the system of check-ups and tax administration have improved. A specific area is the import of pure spirit since by illegally importing fermented spirit offenders can reach a profit of more than CZK 2 million from one cistern. The problem is that imports of pure spirit are declared as other goods – a high profit is reached through excise duty, documents do not correspond to a respective commodity, and such offences are usually committed along with unauthorised business management (they receive a shorter sentence than that for tax evasion). An extensive case of spirit smuggling has not been detected thus it is probable that offenders are better organised and work in conspiracy, and illegal alcohol producers are supplied with untaxed ethanol from domestic production. **Cigarettes** have remained a risky commodity (*customs bodies confiscated more than 37 million cigarettes without duty stamps - in 2000, 35.5 million cigarettes*). There are findings of highly organised and conspiratorial activities. According to information collected by the Czech police, "DUTY FREE SHOPS" are misused for committing criminal tax related offences. Tax related crimes are also committed in other areas - for example the production and distribution of oil products. The total amount of tax and customs duty evasions related to illegal imports of petrol was CZK 71 million, CZK 82 million in connection with smuggling consumer electronics, and CZK 14 million related to illegally imported gold which was further processed and then distributed in the domestic market. The sale of information or services (it is difficult to prove whether contracts are real or fictitious) is also a problem. The import of raw materials from Russia, with resulting damage of CZK 100 million is also a matter of tax and customs duty evasion. *The majority of business frauds which are revealed by customs administration have fiscal impacts.*

A container containing 9 million cigarettes from China was seized. Czech customs bodies closely co-operated with customs officers from Germany on this case.

According to the information and findings of the police and detected cases, **financial frauds** are among the most serious in society. In a number of cases there are close connections between foreign and domestic organised groups. A long-term analysis by the Czech police demonstrates that an offender is often inside the “attacked” entity. Entities with state participation are frequently affected, financial sources are “laundered” through a number of commercial entities (there has been an increase in dubious operations in the capital market). With respect to the above, there are **four basic criminal offences** – the misuse of information in business relations (Sec. 128 of the Criminal Code), embezzlement (Sec. 248 of the Criminal Code), breaches of the duty to administer another’s property (Sec. 255 of the Criminal Code) and defrauding a creditor (Sec. 256 of the Criminal Code). Similarly important measures could be found within **sufficient and early control mechanisms**, in suitable economic instruments, business ethics, etc. To get a loan, offenders use false documents, especially forged payment cards, or they do not fulfil the conditions contained in loan agreements. The misuse of forged payment cards remains a problem. Offenders use so called “skimming” (they copy data included in the magnetic stripe). A new criminal activity has been constituted by the attack of the ATM’s of CSOB a.s. bank. The Czech police concluded that insider trading (i.e. the misuse of information in business relations) is problem. The same applies to hacking (the misuse of information which the offenders collect through illegal access to a system), misuse of the Czech capital market for making the proceeds of crimes legal, fraudulent decreasing of the share prices of companies with state participation, along with insider trading prior to their privatisation, and so on. **The reason is insufficient external as well as internal control of involved parties.**

A group of offenders from the former management of the Investiční a poštovní banka, a.s. initiated from 1997 until 2000 a number of transactions in Prague, the Cayman Islands, the Netherlands, and in other places, on the basis of false or grossly deformed information, with the aim of getting CZK 7.2 billion through hidden loans. In another transaction, respective persons entered into purchase and sale contracts followed by repurchase contracts within which they carried out sales or purchases with the same entities for different prices and simultaneously used information with the aim of enriching selected entities, detrimental to the IPB a.s. to the amount of CZK 164 million.

Criminal offences of the largest security broker in the Czech Republic - Private Investors were documented. The crime was committed through embezzlement of funds deposited on the accounts of the company’s clients. The damage reached CZK 932 million.

Another case, which occurred in capital markets, is the criminal prosecution of CSOB a.s. bank dealers who when carrying out transactions with foreign instruments caused damage of CZK 2.5 billion.

Another fraud was revealed in the field of banking. A majority owner of Kreditní banka a.s. Pilsen persuaded shareholders at the Annual General Meeting to enter into several agreements on the transfers of titles to real estate as a non-financial deposit while the agreed purchase price was overestimated. Doing so he managed to increase his share and caused damage to Kreditní banka a.s. of at least CZK 116.6 million.

Purchasing shares from voucher privatisation remains a steady problem as a range of entities trade in such shares without a valid licence. Offers relating to the intermediation of **trades in derivatives** (both commodity and financial derivatives) have been rising, however the fact is that the Commission for Securities has not yet issued any licences for trading in

derivatives. According to information acquired by the police, cases of stealing from the accounts maintained with the Securities Centre are not isolated. The misuse of confidential information (i.e. insider trading) is real, especially in connection with the obligatory opening of closed-end funds and with the change of investment funds into open-end funds.

The situation in “money laundering” remained at the level of the previous year. The banking sector is used for transferring huge amounts of money via accounts opened to third parties. The number of persons who are professionally involved in money laundering increased when banks in third countries were used. There is a range of findings, however they cannot yet be proven, on transfers of business funds of some traders abroad, especially Chinese and Vietnamese businessmen. The purpose of such payments is usually a gift, payment for goods, and so on. There is well-founded suspicion of tax evasion, gift taxes not paid, the original source of money not known, the place of permanent residence of the transferring person does not exist, etc.

On the basis of the “Agreement Between the Ministry of Finance and the Ministry of the Interior on Joint Steps and Mutual Assistance and Co-operation in the Approach Against Crimes Jeopardizing the Fiscal Interests of the State” a special unit of the Czech Police – the Service for Revealing of Corruption and Major Economic Crime (hereinafter “the SRCMEC”) - receives notifications concerning unusual transactions and crime related information on legal entities or private individuals.

The SRCMEC filed with the Ministry of Finance’s Financial Analysis Department (hereinafter “the FAD”) in total 101 notifications of unusual transactions, of which 90 % cases were evaluated as a crime of tax evasion or unauthorised business undertaking. *In the opinion of the Czech police, the tax authorities should start tax audits during the course of investigations carried out by the FAD which would speed up criminal proceedings since the retrospective assessment of taxes is required as evidence.* The FAD received from financial institutions a total of 1,750 (in 2000 1,910, in 1999 1,699) notifications of suspicious transactions. The change in criteria for transactions which must be reported (suspicious transactions instead of unusual transactions, pursuant to the Amendment of Act No.61/1996 Coll. on Some Measures Aimed Against Legalisation of Proceeds from Crimes and on Amending and Altering Some Other related Acts) decreased their absolute number but increased its descriptive value with an emphasis put on money laundering. The FAD informed the bodies responsible for penal proceedings of 104 (in 1999 46, which accounts for +120 %) suspicions of criminal offences. According to the FAD’s findings the trend from previous years continued - **the physical transport of cash abroad has risen and there have been notifications relating to suspicious transactions executed by insurance companies.**

Apart from frauds, **embezzlement**, despite its decline, has remained one of the most frequent crimes, mainly in the field of leasing and the unauthorised use of another person’s money. *Embezzlement and accounting machinations are the second most frequent crimes injuring companies in the Czech Republic and in the EU. Three quarters of such crimes are committed by people working for an aggrieved company (see the results of surveys performed in 15 EU states and in three candidate countries). 26.1 % of companies in the Czech Republic have become victims of this type of crime, in the EU, was 27.9 % companies. Although the largest corporations (over 5,000 employees) are the most affected, they are at the same time companies which are learning how to protect themselves.*

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 a manifestation of an error made in decision-making (managing) processes. The ability of institutions to restrain and fight corruption is also an indicator of the quality of the respective institutions as well as the whole institutional system as such. This highly dangerous conduct exceeds the limits of economic crime. However the term “corruption” is not defined in Czech criminal provisions as an individual offence. The decisive and principal danger of corruption lies undoubtedly in the area of state administration, in its wider sense, including legislative and judiciary powers, and involves particularly crimes of abuse of power by a public official (*Sec. 158 of the Criminal Code, since 1994 the number of such offences recorded by the Czech police has been between 321 crimes to 403 crimes*), thwarting a task through the negligence of a public official (*Sec. 159 of the Criminal Code, except for 1995 the number of recorded crimes has been about 20 crimes*), bribe-taking, bribe-giving (*bribery - Sec. 160, 161, 162, of the Criminal Code – the number of such crimes recorded by the Czech police has been between 150 to 190 with the exception of 1995 and 1996 when it considerably exceeded 240 - 280 crimes*), breaches of the duty to administer another’s property, unauthorised use of information in business relations and some selected criminal acts relating to breaches of duties in bankruptcy and composition proceedings, breaches of regulations on the treatment of goods and technologies subject to control, and so on. *In terms of the composition of offenders, civil servants and employees of state organisations were unambiguously more involved in this type of crime in the Czech Republic in 2001 (91 crimes of abuse of power by a public official in 2001, in 2000: 51 crimes, and in 1995: 24 crimes)*. According to the analysis performed by the SRCMEC, **all forms of corrupt conduct are becoming more intensive**, principal corruption risks lie in the possible **penetration of the state administration structure** at central as well as regional levels. Information gathered concerns mainly the fact that corruption is present in awarding public contracts. Its detection arises from the intensity of controls made by relevant state bodies, however a high level of latency is presumed, despite the higher number of such crimes ascertained. It is usually very difficult to prove corruption by using common police methods, and not only in the Czech Republic. As corruption is without any doubt considered to be a security risk of the same level as major economic crime, it means that it will be necessary to find ways to increase the efficiency of criminal punishment, for example to utilise operative, investigation means and to use their results as evidence during a trial. *The general public perceives the corrupt conduct of members of the Czech police very negatively – for more detailed information see chapter 2.3.4.*

Crime relating to **intellectual property** is also considered to be a serious offence. It covers **rights to trademarks, business names and protected designations of origin, industrial rights and copyrights** and the area of **computer crime. Trading in forged and pirate goods** (pirate musical CD and MC recordings, clothes and shoes marked by protected trademarks without any authorisation; according to customs officers most cases related to forged Adidas, Nike, Diesel, Kenvelo, and Fubu 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 is sold especially at market places. Such goods are imported from China, Turkey, Poland, and Italy. Products are imported from Asian countries in special containers and by using haulage and products are very often declared as a different kind of goods. The sale of such forged products is concentrated in the borderlands. With regard to the infringement of copyright this means especially the illicit production and

distribution of pirate music and film media, which mostly originate in Ukraine to where production capacities were moved from Bulgaria. Copyright is also infringed by unauthorised public performances of films or music works, for which the organiser did not receive approval from the relevant author. More efficient protection of copyright contributed, inter alia, to the fact that in 2001 the Czech Republic was excluded from the Watch List (countries with insufficient protection of copyright) which is supported by Sec. 301 of the US Commercial Code. The Czech Republic used to be included in it in the past three years. Inclusion in this List would have an adverse impact on the competitiveness of Czech exports, for example glass, artificial jewellery, and machine tools in the American market.

Despite partial success when individual traders in pirate goods are punished, the main organisers are still escaping. Therefore punishment will be, in the future, focused on the places where pirate products are stored (distribution warehouses, tranship centres) with the emphasis put on a detailed elaboration of each case.

Computer (IT) crime, including information technology and the Internet, is a specific form of a crime with high latency. 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. *(Since 1 January 2002 criminal statistics have enabled, thanks to the extension of relevant statistical items, the identification of unauthorised access to computers and other facilities – such as the Internet, e-mail, or data networks).*

One of the problems identified by the Inter-ministerial Commission for Eliminating Illegal Conduct Against Intellectual Property Rights is to ensure that software programmes are used exclusively by authorised users on the basis of licence agreements in individual ministries and other state administration bodies including entities managed by them.

On one hand, the revelation of crimes has been more or less stable, but on the other hand there has been more unauthorised accessing of data via the Internet. In the field of software piracy – the damage and misuse of data carrier records - no considerable changes have occurred. Illegal production is organised by groups of individuals, data has been better secured but contrary to this offenders have better professional preparation. Aggrieved parties do not usually initiate prosecution and that is why this kind of crime remains, to a large extent, latent. It might be assumed that in some cases the aggrieved does not even discover that his/her data has been accessed by an unauthorised person. There are findings relating to extortions and threats via the Internet and mobile phones. Cases of misuse of mobile phones when accessing money deposited on banking accounts via telephone banking were recorded. *In the course of 2001 a group of hackers known as “binary.divison” was very active. This group altered the web-sites of many entities. Current investigations are directed at revealing an offender or offenders.*

The dissemination of pornography and all forms of extremism via the Internet is considered a very grave crime. Therefore investigations of crimes committed via the Internet focused mainly on these areas. Revelation is difficult because server owners are not legally obliged to save for a certain period of time log files, which are the starting point for the detection of an offender. Some offenders feel safe when they anonymously communicate within web networks and they make maximum use of technical solutions ensuring misinformation about the person committing criminal offences.

The Czech Trade Inspection confiscated in June 2001 at a market place in the Most district almost 2,000 pirate CDs and audio cassettes; they also stated that the copying of CD-ROMs and downloading of recordings from the Internet had spread.

In 2001 the Section of the Czech police for Revealing Organised Crime worked on cases of misuse of mobile phones when accessing funds deposited in banking accounts via GMS banking (classified as a fraud).

Another, very special, form of economic crime is crime **in the area of telecommunications**, committed by both individuals and organised groups. Cases related to public telephone cards and to the use of telephone card simulators (so called endless telephone cards) remain latent. Therefore telecommunication service providers are taking further steps which could contribute to the solution of this kind of crime.

Environmental offences, such as storage, transport and disposal of waste, the illicit import of waste, illicit trade in endangered and protected species of animals and plants, unauthorised production of timber and its export, and **water conservation** (for example large environmental breakdowns are hazardous and could cause damage to the quality of surface and ground water) are still highly latent and risky. The Departments of the Environment of the District Offices, the Czech Environmental Inspection (hereinafter “CEI”) and penal proceeding bodies or relevant ministries within their scope of powers always participate in solving individual cases. *CEI recorded 166 cases in the Czech Republic of accidental pollution and endangering of water quality. Water was most often polluted by oil products.* Organised criminal companies use a wide range of methods – for example false documents are used to acquire an export permit, dangerous waste is declared as completely different substances or are mixed with safe additions. Inconsistent check-ups of transported shipments, the irresponsibility of landowners who rent their land without knowing how their land will be used, and so on, remain a problem. Devastating **logging** has a long-lasting impact on the situation in forests, and in addition neighbouring forests are often damaged or endangered as well. Companies carrying out such logging use the incapability of forest owners (age, diseases, the fact they do not know the Act on Forests, disputes between owners and so on). This kind of crimes displays elements of organised crime. *For example in 2000 CIE uncovered 700 cases of illegal logging, mostly extensive cases. Smaller cases are not revealed at all or are revealed late or by chance.* Trade in **protected fauna and flora** is very lucrative and extremely high profits are reached (according to foreign sources the same groups as groups trading in drugs and weapons participated in this trade). Shipments of ‘trophy’ protected animals, or products from these animals, reptiles, spiders, exotic birds or wild plants, are most frequently transported to the Czech Republic. CEI, in co-operation with customs service and the police, solves urgent cases of illicit transactions at the Czech national border. As the Ministry of the Environment states the Czech Republic is, in an international context, known as a transit country with a high degree of such illegal transactions. In total, 67 (-17 crimes) criminal offences of endangering the environment (intentionally endangering) were ascertained with a total damage of CZK16,871 thousand (CZK +10,355 thousand), and 27 (+1 crime) offences of endangering the environment through negligence were ascertained, with damage amounting CZK 2,135 thousand (CZK –11,177 thousand).

The case of a German national who had illegally imported and stored on his premises in the Czech Republic radioactive material was investigated. In addition, a group of offenders was investigated in relation to pollution of the Forest Spring in Mariánské Lázně spa.

The detection rate of other kinds of crime such as unauthorised business activities, activities detrimental to customers, leasing, lotteries, gambling and betting, has remained the same as in previous years. It is often not possible to detect games of a pyramid nature and these are assessed in many cases as legal businesses.

(For more details see Tables 38-44)

The Centre for Research on Public Opinion considers economic crime to be one of the most serious society-wide problems. (In October 2001, 74 % of citizens – i.e. the majority of citizens - ranked corruption and economic crime as a very urgent problem. At a distance this is followed by organised crime, with 70 % of citizens ranking it as a very urgent problem, and general crime, with 60 %).

The UNIVERSITAS research showed that fraud received the priority among concerns relating to economic crimes (for example frauds in investment companies or travel agencies). To the question of whether the police should monitor, investigate and prosecute, for example, the copying of computer programmes, games or CDs, 23 % of respondents answered “yes always”, 28 % answered - “yes, if a victim minds this kind of crime”, 39 % of respondents stated that they would rather the police did not, and 11 % answered “absolutely not”. According to regular surveys performed by IVVM, corruption remains a problem. It is steadily at first place (80 % of respondents in October 2001).

The Investigation Bureaux **investigated a total of 19,561 (-2,679) economic crimes** (15,478 new cases and 4,083 committed in previous periods). 15,400 files were closed and 6,588 of were concluded by bringing charges. As of 31 December 2001, 4,161 criminal cases were not closed, 1,788 of which had been commenced, while 2,376 had not yet been commenced. The Committee for the Protection of the Economic Interests of the Czech Republic¹⁵ submitted to the Investigation Bureaux 110 cases (through the State Prosecutor's Offices). 86 of these cases were closed; 61 cases were suspended under Sec. 159 of the Code of Cr. Procedure, seven cases were discontinued under Sec. 172 of the Code of Cr. Procedure, and in 18 cases a motion to bring charges was lodged. As for the other cases which are being investigated, in ten of those cases prosecution was commenced.

With regard to the case of the Harvard Investment Funds, two people, on the basis of a resolution, were notified of a charge as of 3 June 2002. In terms of the IPB a.s. case, the majority of available evidence was acquired and analysed and it is not necessary to examine witnesses to confirm or refuse specific investigation versions. After examinations are carried out individual decisions, not only in relation to persons from IPB a.s. but also in relation to the statutory bodies of IPB's subsidiaries, can be expected. The Czech police also terminated other criminal cases by bringing charges – such as H-systém, První pražská družstevní záložna, Moravia banka, a.s. Frýdek Místek, and so on.

¹⁵ The investigated cases were submitted to the Bureau of Investigation by the Coordination and Analytical Group, which was cancelled by the Government. Its role was taken over by the Supreme Prosecutor's Office.

1,408 people were lawfully **sentenced for economic offences** (Sec. 118 - 152 of the Criminal Code) (2,3 %, in 2000 2,4 %, and in 1999 1,4 %) which accounts for a decline of 84 people. **Most people** were lawfully sentenced for the evasion of taxes, fees and similar mandatory dues (382 people; Sec. 147 of the Cr. Code) and for crimes of infringement of rights relating to trademarks, commercial names and protected designations of origin (346, Sec. 150 of the Cr. Code).

114 were sentenced for **bribery** (Sec. 160 - 162 of the Code of Cr. Procedure) (in 2000 116, in 1999 110).

II. Measures Adopted

Major Economic Crimes and Corruption

- The co-operation of the police with **special departments established at the offices of the Chief State Prosecutors** continues. These departments were determined to supervise pre-trial proceedings concerning economic crimes.
- Conditions for capital market operations are more effectively regulated by the Amendment to Act No. 591/1992 Coll. on Securities and Amendment to Act No. 513/1991 Coll. the Commercial Code.
- The Civil-Legal Convention on Corruption agreed in Strasbourg on 9 September 1999 was signed by the Czech Republic on 9 November 2000. Its ratification requires an amendment to Sec. 106 (1) of the Civil Code. This modification should extend the term of prescription with respect to damage caused by corrupt conduct. This modification had been proposed within the amendment to the Civil Code which should harmonise this Code with the EU legal provisions. The amendment was passed by the Chamber of Deputies of the Czech Parliament on 8 February 2002 and has now been submitted to the Senate of the Czech Parliament. The amendment is expected to come into effect on 1 January 2003.
- The Financial Analytical Division of the Ministry of Finance started, on the basis of a new EU Directive concerning money laundering, to draw up an amendment to Act No. 61/1996 Coll. on Some Measures Aimed Against the Legalisation of Proceeds from Crimes, and Amending and Altering Other Related Acts, as amended, which would correspond with new European recommendations.
- The Ministry of Finance proposed amending and modifying the Amendment to the Criminal Code - Sec. 147 so that it is extended to the evasion of tax payments since current legal regulation punishes only tax evasion relating to dependent activities (however the Chamber of Deputies did not accept this modification). It was also proposed to extend the provisions of Sec. 24 of the Act on Tax and Fee Administration par. 5, and to repeal confidentiality concerning two other criminal offences - Sec. 125 (misinterpretation of data relating to economic results and assets) and Sec. 171 (frustrating the execution of an official decision) of the Criminal Code.
- The Ministry of Finance – the Office of State Supervision in Insurance Companies and Pension Funds - submitted the document “State Supervision in the Field of Insurance – 2000 Annual Report” to the Government. The State Supervision should record all failures occurring in insurance companies and strengthen control, bringing about the better protection of consumers.

The Government was informed about the combating of corruption by the document called **“Report on Corruption in the Czech Republic and Meeting the Schedule of Measures Adopted by the National Programme for Combating Corruption”**, which was approved

by Government Resolution No. 144 dated 14 February 2001. *(2001 Report on Corruption in the Czech Republic, including an assessment of measures adopted so far and the proposed further approach towards combating such serious criminal conduct was approved by the Czech Government on 17 April 2002. It is possible to access on the anti-corruption web-sites of the MI– www.mvcr.cz)*

- The Government accepted responsibility for holding the **10th International Anti-Corruption Conference**, held in Prague in autumn 2001. The MI co-operated in its preparation, along with non-governmental organisations. An **anti-corruption training project within the state administration** was launched. A handbook for citizens, instructing them how to defend themselves against corrupt behaviour, was drawn up. This handbook was sent to all district Offices, where it is distributed among general public. In 2001 an “anti-corruption campaign” by the Ministry of the Interior was run in Prague’s public transport, including radio contests. The state administration actively cooperates with non-governmental organisations working in the field of corruption, in particular with Transparency International.
- In 2001, the Ministry of the Interior, in cooperation with the Ministry of Justice, implemented the **“Project of Common Training and a Discussion Platform for the Police, State Prosecutors and Judges”** in charge of the investigation and detection of corruption, so that they may acquire special information about this phenomenon and methodology in combating it”.
- The Supreme State Prosecutor’s Office pays attention to the complete personnel, financial and organisational assurance of activities carried out by special units, and also to co-operation with state bodies and institutions aimed at banking supervision, searching for cases of money laundering, tax and customs, duty issues and so on. A number of state prosecutors from the Supreme State Prosecutor’s Office participated in special seminars held by the UN, the European commission, and the Council of Europe.
- The Institute for Local Development, in co-operation with the Foundation of Hans Seidl and Pardubice University, organised a seminar in May 2001 titled “Issues of Corruption in State Administration” where participants were provided information on corruption, and foreign experience of these issues, and received practical instructions as how to behave in certain situations.
- **“The Report on Investigation Credit Unions and Co-operative Saving Banks”** was discussed by the Chamber of Deputies of the Czech Parliament in October 2001. In this Report the Government provides information about criminal complaints against these institutions, about investigating individual cases, circumstances of criminal offences, about the current situation of investigations, and about the assumed termination of investigations.
- In mid-2001, a working group (VÝNOSY = PROCEEDS) for the detection and documentation of proceeds resulting from serious crimes was established. This group, apart from other activities, should identify some key legislative barriers which to be discussed by relevant experts in the field of criminal law. They will then be included in legislative as well as organisational proposals.
- To strengthen the capabilities of relevant forces combating organised crime and major economic crime, both at a strategic level, and in actual policing, the Twinning Project within the Phare Programme (*Phare Project 2000 – “Strengthening the Struggle against Organised Crime”*) was commenced. A high rank police officer from Great Britain started to work in the Ministry of the Interior in autumn 2001. Phare Projects significantly help in combating serious economic crime and organised crime. For example, a centre for professional courses aimed at intelligence analyses was established, language courses, professional courses, and secondments are organised, hardware equipment and software

programmes purchased, and so on.

- Good co-operation of involved organisations continued with EU partner entities also involved in the areas of financial crime, money laundering, and corruption.
- The SRCMEC has quite intensive contact with partner organisations involved with financial crime, money laundering and corruption in Germany, Austria, Switzerland, Italy, Slovakia, and Poland. Special training programmes held in co-operation with Canadian experts are very beneficial.
- Good co-operation was established with the Association of Banking Cards, the Commission for Financial and Banking Security, and the Banking Association.
- An extension of the scope of powers of special units of the Chief Prosecutor's Office as well of the Supreme Prosecutor's Office, to cases affecting financial or economic interests of the EU, is set out in the Ministry of Justice Decree No. 183/2001 Coll.

Taxes

- The customs Administration is involved in a special programme of the WCO (World Customs Organisation) aimed at combating the smuggling of cigarettes, based on experiences from the struggle against contraband trades in the OPL, and which, besides operative international co-operation, also requires the closer co-operation of the police with customs administration. In the year monitored, information was entered into an international computer system, administered by the World Customs Organisation (WCO), for the future exchange of information about breaches of customs regulations (CEN). This information will be used for a number of analyses, the aim of which is to map the smuggling of goods within international trade. A typical example of an analytical product is the Lasso project which deals with evaluating illicit trade in cigarettes on an international level.
- The customs administration will continue to co-operate with the customs bodies of neighbouring countries when solving the illegal transport of alcohol, cigarettes, fuels and lubricating oils, consumer electronics, cash, gold, and raw materials.
- Proposals as to how to solve the obligatory confidentiality of tax collectors will form a part of an analysis which is currently being worked on by the Ministry of Finance. This issue relates to the detection and documentation of proceeds of crimes.

Audit, Control, Education

- The **"Project of Common Training and a Discussion Platform for the Police, State Prosecutors and Judges in Charge of the Investigation and Detection of Corruption so that They Acquire Special Information on This Phenomenon and the Methodology of Combating It"** was launched in May 2001.

Protection of Intellectual Property. Protection of Customers. Computer Crime.

- The inter-ministerial commission for combating unlawful conduct against **intellectual** property rights (established by Government's Resolution No. 330 dated 14 April 1999) continued its activities. It discussed the document called **"Control of Using Computer Programmes in All Ministries and Other State Administration Bodies Including Entities under Their Responsibility"** (approved by Government Resolution No. 190, dated 26 February 2001). As a follow-up, the Government approved (Resolution No. 624

dated 20 June 2001) "**Rules, Principles and a Manner of Control of Usage of Computer Programmes**". Good co-operation was established between involved ministries and non-governmental organisations (BSA, International Federation of Phonographic Industry, and so on).

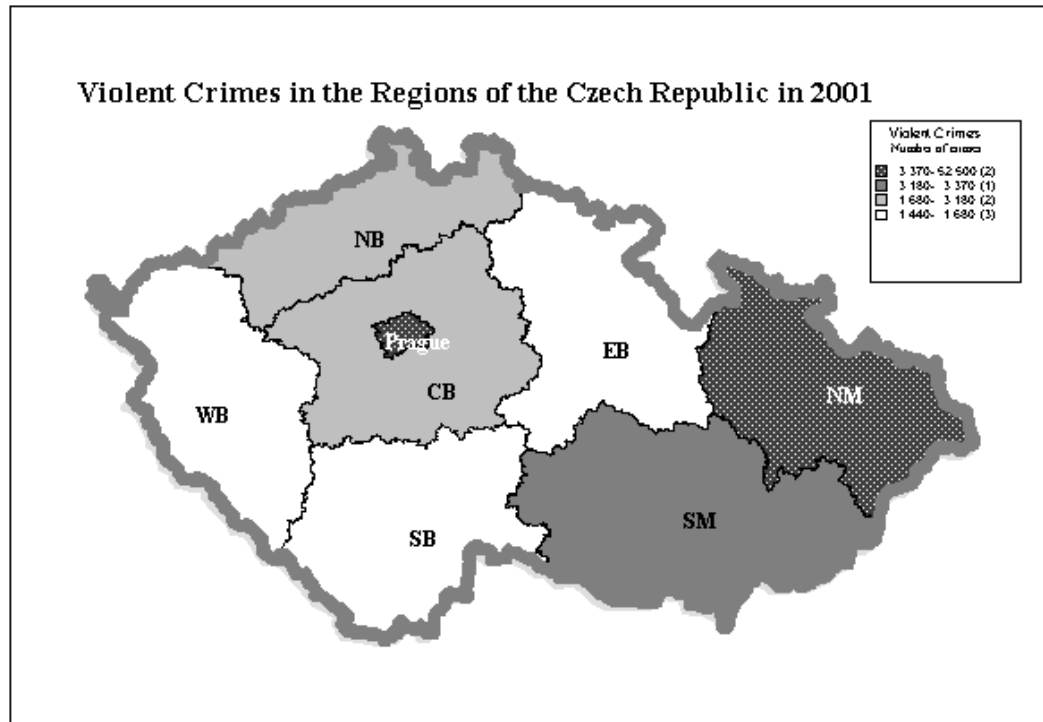
- Act No. 139/2001 Coll. extended the grounds of the crime of damaging or misusing data carrier record by another criminal offence under Sec. 257a of the Criminal Code (this came into effect on 1 July 2001).
- The application of Act No. 145/2000 Coll. contributes to the more efficient punishment of counterfeits because it enables the relevant bodies during a check to confiscate counterfeits and to solve cases independently within administrative proceedings.
- Information concerning the protection of intellectual property is disclosed on the web-sites of the MI "The Work of Mind Under Law". The MI and the Czech police participated in the international fair INVEX where they put an emphasis on the issues of the illicit offering of software and music recordings. Another event was a contest presented by radios aimed at protecting intellectual property. In addition, a conference titled: "The Internet in State Administration and Self-Government" was held.
- The web-sites of the Industrial Property Office provide information concerning articles which are provided protection and in what manner protection is provided.
- Act No. 452/2001 Coll. on Protection of Designation of Origin and Geographical Origin and on the Amendment to the Act on Consumer's Protection defines the rights of users so that it unambiguously complies with the requirements of the Agreement on Trade Aspects of Rights of Intellectual Property (TRIPS).
- The Czech police published for political bodies a Methodological Handbook Aimed at Revealing and Documenting Criminal Offences in the Field of Protection of Intellectual Property.
- The Government, by its Resolution No. 48 dated 10 January 2001, approved the accession of the Czech Republic to the so-called Internet agreements – the Agreement on Copyright of the World Organisation of Intellectual Property and the Agreement on Performances of Artists and on Audio Recordings of the World Organisation of Intellectual Property. These agreements were submitted to the Czech Parliament for its approval. As soon as they agreements come into effect the international protection of works, performances and audio recordings spread by new technologies will be achieved. Both agreements will come into effect in 2002.
- New **legal copyright regulations** concerning the protection of intellectual property rights contributed to a re-evaluation of the level of protection of these rights which is assessed by the Office of an American Trade Representative every year. In 2001 the Czech Republic was deleted from the Watch list (countries with insufficient protection of intellectual property rights) which is supported by Sec. 301 of the US Commercial Code. In previous years the Czech Republic was included on this List.
- In June the Minister of the Interior approved the "**Strategy of Combating Information Technology crime**" (description of trend, an analysis and a set of measures against this type of crime – this document is accessible in the section of documents on the web-sites of the MI – www.mvcr.cz). *On the basis of adopted measures there are bilateral negotiations (the Ministry of the Interior and the Ministry of Culture) aimed at laying down an obligation for the unambiguous identification of information carriers by their producer, or producers of their copies, and also aimed at protecting information sent via e-mails (the Ministry of the Interior and the Ministry of Justice). Bilateral agreements between the Czech police and individual intelligence services should also improve the*

situation. Co-operation with Business Software Alliance, an association dealing with, inter alia, the protection of copyrights of membership entities (Microsoft, Adobe Systems, Apple Computers and others) has been agreed upon. An agreement between the Ministry of the Interior and the Ministry of Industry and Trade on Co-operation in the Field of Trade Licence Inspections (with the emphasis placed on observing copyrights by individual entrepreneurs) was negotiated. Within the Ministry of the Interior works a group established to solve urgent problems in the field of information crime. The emphasis is put on a special course, the objective of which is to acquire skills needed for revealing and documenting this kind of crime. Interpol Prague will ensure through permanent service early and effective communication with foreign partners and specialists in the field of information crime. The implementation of one of the PHARE 2000 Projects (the Phare 2000 Project – “Strengthening the Struggle against Organised Crime”) was commenced in October 2001. Assistance covers material and area and training. Great Britain has become a partner country for this project.

Environmental Crime

- At the beginning of 2002 the Minister of the Interior approved the **Strategy on Combating Environmental Crime**. This document contains an analysis of environmental crimes including draft measures. (This document is available in the section of document on the web-sites of the Ministry of the Interior– www.mvcr.cz)
- To continue check-ups aimed at imports of endangered species of fauna and flora in accordance with the Washington Convention on International Trade in Endangered Wild Animals and Plant from 1973.
- A number of Acts which are to be adopted should help the environmental situation: Act No.254/2001 Coll. on Water and on the Amendment to Some Other Acts (the Act on Water), Act No. 274/2001 Coll. on Water Conduits and Sewerage on the Amendment to Some Other Acts (the Act on Water Conduits and Sewerage), Act No. 185/2001 Coll. on Waste Management and on the Amendment to Some Other Acts, Act No. 477/2001 Coll. on Packaging and on the Amendment to Some Other Acts (the Act on Packaging), and Act No. 100/2001 Coll. on Assessment of Impacts on the Environment and on the Amendment to Some Other Related Acts. *With regard to the aforementioned Act the range of Decrees adopted is very important.* To make punishment for this kind of crime more effective, the Amendment to the Criminal Code (No. 134/2002 Coll.), which should harmonise this Act with EC law, is going to be adopted. It newly defines the regulation of crimes aimed against the environment (Sec. 181a - 181h): endangering and damaging the environment, forest damaging, dangerous waste management, and unauthorised manipulation of protected and wild animals and plants.
- Negotiation on a new contractual document addressing environmental commitments and respective punishment for non-compliance and the event of further damage to the environment is being held within the European Economic Commission and the UN Programme.

2.2.3. Violent Crimes



I. Development and Characteristic Features

Criminal Statistics

- number of crimes ascertained: 2,709
- number of persons prosecuted and investigated: 16,790 (-213, -1.3 %)
- number of crimes solved: 17,723 crimes (+128 crimes, +0.7 %)
- detection rate: 81.6 %
- number of murders ascertained: 234 crimes (-45 crimes)

Court Statistics

persons sentenced: (Sec. 221, 222 a 225 of the Cr. Code)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

The number of ascertained violent crimes stagnated and the same applies to the number of crimes solved, while the detection rate moderately increased. The number of crimes solved remained the same, with the detection rate being slightly higher. The number of murders and robberies recorded decreased, but contrary to this the number of **dangerous threats** increased (this growth was already recorded in the first half of 2001).

The number of ascertained violent crimes remains influenced by repeated factors. The largest problems are caused by good organisation of such crimes, alcohol, drugs, and relapse. The percentage of repeat offenders committing such crimes is 27,8 %, foreigners 5,1 % (for example foreigners committed 17 % of the total number of murders). The proportion of child (7.3%) and youth (6.2 %) offenders is alarming. The aggression and brutality of offenders has increased, and often short firearms and stabbing weapons such as knives are used. A specialisation in certain violent crimes can be seen – murders, mugging, extortion (*see Chapter Organised Crime – Activities of Criminal Organisation Including Violent Crimes*).

Situation in terms of regions:

The order of the regions in terms numbers of criminal offences committed has not changed very much. The majority of violent crimes were committed, typically in North Moravia (5,294 crimes) and in the capital city of Prague (3,373 crimes). Development in individual regions differed = the most considerable decrease was seen in Prague (-7.6 %, -277 crimes), and the highest increase was recorded in Central Bohemia (+7.7 %, +153 crimes).

The situation with regard to newly established regions (higher self-governing territorial units):

With respect to the newly established regions, the highest number of criminal offences is typical for the Moravian-Silesian Region (3,546 crimes), Prague (3,373 crimes) and the Central Bohemian Region (2,134 crimes). However, the Usti Region belongs also among the most problematic regions with regards to the recorded numbers of murders, robberies and dangerous threats. The lowest number of violent crimes, i.e. the regions where the number of crimes did not exceed the number of 700, is typical for the Vysocina and Pardubice Regions.

The number of ascertained murders (*a marked decline by 43 murders was recorded in Central Bohemia, but on the other hand the number of murders in Prague increased by nine cases*) was accompanied by a higher detection rate, which reached 85.9 % (in 2000: 81.7 %, in 1999: 89 %). In total, 230 persons were criminally prosecuted – 31 of them being women. There were 208 victims, both men and women. Among murders cleared up were mainly **murders resulting from personal disputes** (120), the numbers of murders with robberies decreased to 29 (in 2000: 43, in 1999: 36), the police registered two murders “to order”. Professional preparation, a motive of robbery, and brutality, are typical features of current murders. More murders occur with unidentifiable corpses, since the victim is devastated. A further problem is the rising number of murders in which a conflict between criminal organisations is involved. Detection is very complex – motives for a murderer can be from a blood feud to “taking over” a certain territory. Murders may be committed by hired foreigners who leave Czech territory immediately after the crime is committed. Motives for hired-murders can be for example the solution of personal conflicts, an attempt to get money, the liquidation of a possible witness, the insolvency of entrepreneurs, the removal of a competitor, and so on. The majority of murders and attempted murders were committed with the use of weapons (*26 murders were committed with cold steel in 47 cases the offenders used firearms, while in 97 cases an “other object” was used*). *14 murders were committed using legally held weapons (7.7 %), 26 murders using illegally held weapons, however the majority of murders were committed using other objects.* The Czech police recorded 201 (in 2000, 198) **unidentified corpses** and identified 167 victims, including 29 foreigners; in 24 cases these were victims of violent crimes (21 murders and three cases of fatal injury to health).

A murdered Chinese national was found in a railway carriage in Prague 10. His body was cut into pieces. Investigations showed that the murder was committed in Germany. This case was solved in co-operation with German colleagues.

Policemen solved a murder committed in Prague 10. However the body of the female victim, cut into pieces, was sent by post to South Moravia. The victim's partner was found to be the offender.

The number of **robberies** moderately **decreased**, in particular in Prague. In the whole Czech Republic there is an average of four robberies per 10,000 inhabitants while in Prague there are 13 such crimes per 10,000 inhabitants (**the share of Prague in this crime is 35 %** - the share of other regions is from 3 % to 16 %). At the same time, the detection rate increased. The situation has not changed markedly – objects attracting the interest of offenders are money, jewellery, and goods in transit. Another motive for robbery is the collection of debts, together with extortion. The offenders are more brutal; the number of armed robberies or threats with arms is increasing. Besides street muggings there are robberies on lay-bys, where mainly drivers of lorries are robbed. In a number of robberies offenders used Czech police uniforms. Robberies from banks remain a problem. The opinion that the impairment of bank notes is costly and insufficiently effective prevails. Findings from some solved cases show links between offenders and bank employees. The trend recorded in previous years of a decrease in the number of robberies from post offices (41, -7), burglaries of post offices (20, -6) and robberies of postmen (12, -2), has continued. Reasons for robberies have remained unchanged – according to information collected by policemen these are ease and the illusion of getting rich very quickly. The facilities to be robbed are usually determined in advance. Robberies of foreigners have increased. Foreign offenders participate 12.2 % of robberies. **Robberies do not rank among the crimes having the highest number, however their seriousness cannot be assessed only according to the frequency with which they occur, but it is necessary to bear in mind that they can create a strong feeling of being endangered.**

A working team "Kamion", established to combat robberies occurring on lay-bys, solved more than 20 cases. As for serial robberies from banks - eight (the damage caused exceeded CZK 3 million) one offender is being investigated. He is suspected of having participated in six other cases of robberies from bank institutions.

The most frequent violent crime remains **wilful bodily injury**, accounting for 32.5 % of violent crimes. The number of **dangerous threats** has continued to increase, the number of crimes of **extortion** slightly decreased. The Czech police recorded 24 (-6) **explosions**, 12 of which they solved (the same number as in 2000).

The Czech police registered a total of 3,368 (-123) **armed crimes**, an **increasing trend** compared with 1995, when they recorded 3,072 armed crimes (in 1994: 3,980 crimes, in 1999: 3,844). The police also recorded 924 (-225) crimes committed with a **short firearm**. In total the Czech police recorded 997 (-226) criminal acts committed by firearm, of which 202 (-48) were committed using an illegally held firearm, 244 using a legally held firearm, and the other crimes fall into a category where assessment is impossible. In total, 474 (-152) persons were prosecuted, 171 (-69) of whom held a firearm illegally. Most often these were crimes of dangerous threats, restriction of personal freedom, and robberies. There were 649 (-133) crimes of unauthorised arming.

The number of firearm holders (i.e. the number of firearm permits) increased to 321,215 (+17,311) which meant an increase in the number of firearms to 562,320 (+28,176). The highest increase was registered in short rifles, to 215,358 (+15,414). During inspections of

firearms and ammunition, 682 (-21) misdemeanours were recorded which were penalised by the amount of CZK 304,450 (CZK +13,500), and 67 (+11) cases were transferred to penal proceeding bodies, mainly with respect to unauthorised arming. A certain improvement could be seen in the area of securing firearms - 462 (-223) firearms were lost or stolen.

251 persons were lawfully sentenced for the crime of **unauthorised arming** (Sec. 185 of the Cr. Code) (in 2000, 301 persons).

A small decline in the number of fires (arson) recorded by the Czech police was registered ¹⁶ (-76, -10.7 %); the number of killed or injured persons also fell. According to information collected, the motives were above all, as in the previous year, insurance fraud, where offenders focused mainly on business premises. It has been revealed that there were links to other crimes (such as extortion, tax evasion, etc.) A decisive reason for fires was the negligent conduct of people (unprofessional conduct, children playing with matches, safety regulation not adhered to, etc.). Out of 24 explosions (-6), the police solved 12, and damage caused decreased considerably from CZK 37.6 million to CZK 2,1 million.

In terms of damage exceeding CZK 100 million, intentional fires in the OBI supermarket in Opava, and on the premises of VDO Mannesmann s.r.o producing plastic car parts, should be mentioned. A technical fault caused a fire at the TFS International company in Otovice and Haas Fertigbau, s.r.o. in Chanovice.

(For more details see Tables 45-48)

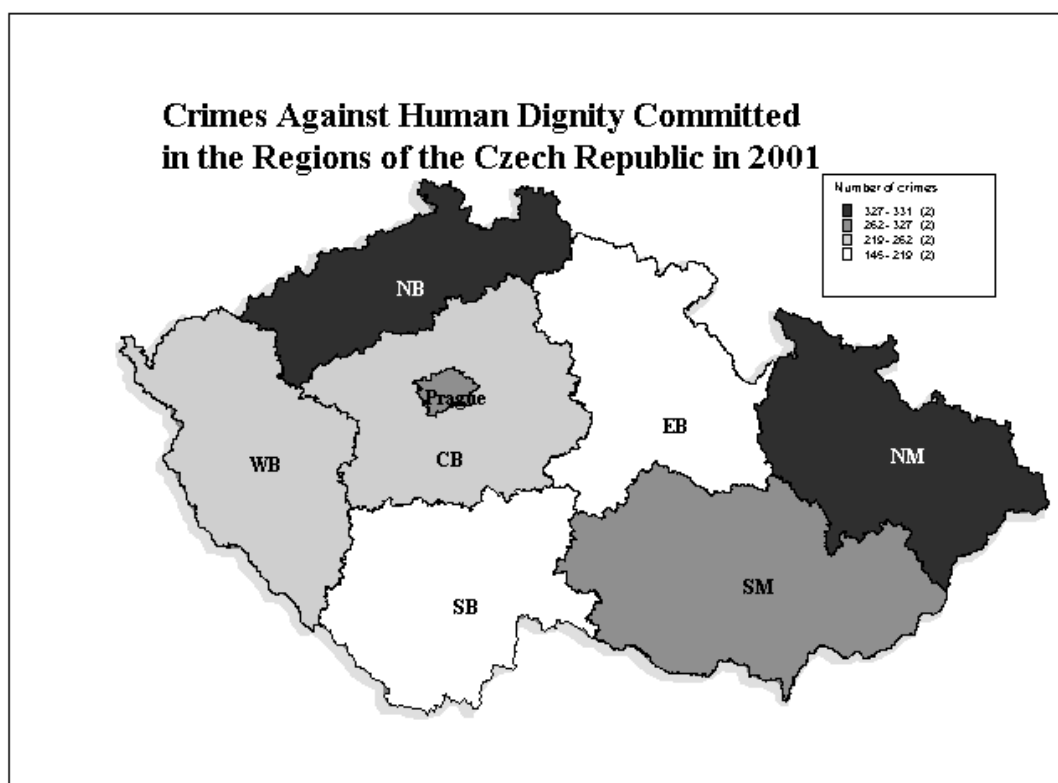
2,819 persons were sentenced for a violent crime (Sec. 221, 222 a 225 of the Cr. Code) (i.e. 4.7 %; +37). **144 (-19) persons** were sentenced for **murder** (Sec. 219) and **1,287 persons** were sentenced for **robbery** (Sec. 234) (i.e. 2,1 %; -140).

II. Measures Adopted

- A Group for Special Criminal Activities continued working, apart from other things, on activities relating to an analysis of serious crimes. The Czech police officially acceded to the ViCLAS system (this was provided by a Canadian party on the basis of Agreement with the Czech counterpart.) for revealing mutual links among violent crimes.
- Better protection of **Czech Postal Service staff and property** had positive results. Portable counter time vaults will be installed and the introduction and modernisation of safety boxes for the transportation of cash will continue. Technical security of post offices will be extended.

¹⁶ The Czech police statistics recording system records only those fires which are proven as 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, which record all fires.

2.2.4. Crimes against Human Dignity



I. Development and Characteristic Features

Criminal Statistics

- number of crimes ascertained: 1,955
(+99 crimes, +5.3 %)
- number of prosecuted and investigated persons: 1,408 (+6)
- number of crimes solved: 1,780
(+102 crimes, +6.1 %)
- detection rate: 91.1 % (+0.7 %)

Court Statistics

persons sentenced: 456 (+4, +0.9 %)
(Sec. 241 - 245 of the Cr. Code)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

There is a fluctuating trend of offences of moral nature in the Czech Republic as demonstrated by police statistics (except for 1998) – this is at about 2,000 crimes a year. The detection rate of this kind of crime exceeds 90 %, however high latency is typical. The number of crimes of **trade in women** increased (27 crimes, +14 crimes), the number of rapes recorded rose moderately (562 crimes, +62 crimes), and the same applies to endangering morale (48 crimes, + 21 crimes) and procuring (150 crimes, +20 crimes), where the number of detected offenders decreased.

In terms of regions, crimes against human dignity are not committed equally, it is mostly spread in cities with a large concentration of population (Prague, Brno, Ostrava, Pilsen). The highest number of crimes against human dignity was recorded by the Czech police in North Moravia and North Bohemia.

A steady problem connected to crimes against human dignity is prostitution, which directly relates to procuring and is tied to a range of other crimes, particularly trade in women, deprivation of personal freedom, extortion, and so on, which often demonstrate signs of organised crime. A certain change in relationships between prostitutes and their pimps was registered in the recent period. 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 their pimps or witness against them in trials. 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). In 2001, the police recorded a considerable growth in prostitutes from the states of the former Soviet Union, Bulgaria, Slovakia, and Poland. *(The issues of trafficking in people is described in full detail in Chapter 2.16)*

The spread of use of the Internet in the Czech Republic brings new ways in which crime is committed, namely the distribution of pornography of all kinds via the web, including child pornography. In 2001, two cases of commercial sexual abuse were ascertained. (In the first case homosexual pornography was spread via the Internet, in the second case minor boys were photographed).

As a response to information collected by some German media concerning alleged child prostitution in Cheb, in 2001 the police carried out investigations in co-operation with the Department of Social and Moral Education of Youth and they did not find any cases of organised commercial sexual abuse of children or the production of child pornography. Of course, it cannot be denied that this kind of highly latent crime occurs, however, according to police information, it is not of an organised nature.

Among the most serious cases ascertained in 2001 is a series of five rapes and attempted rapes at a housing estate in Brno-Bohunice, and at least 14 cases of sexual abuse and endangering the moral education of youth, which were committed in 2000 and 2001 by one offender in Uherske Hradiste.

(For more details see Tables 49-50)

456 (+4) persons were lawfully sentenced for crimes against human dignity (Sec. 241 - 245 of the Cr. Code). Of this number **311 (-4) persons were sentenced for sexual abuse** (Sec. 242 of the Cr. Code) **and 140 (+13) persons for rape** (Sec. 241 of the Cr. Code).

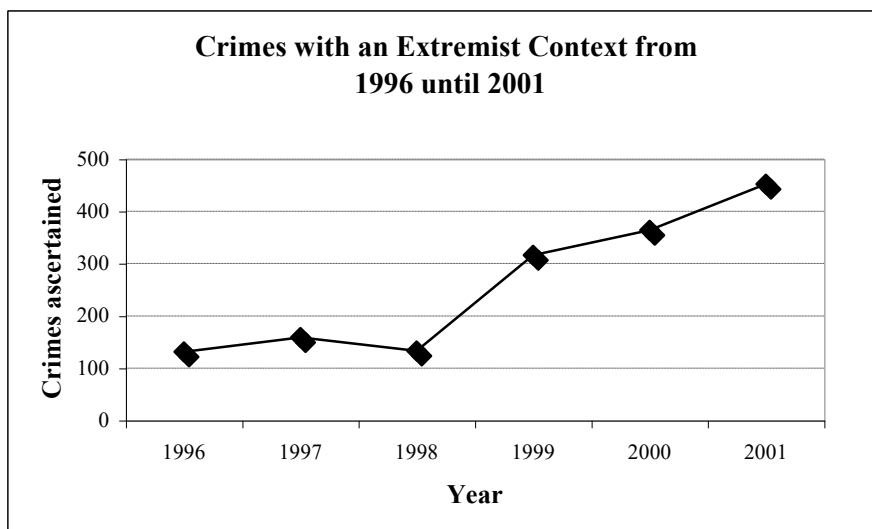
II. Measures Adopted

- The Ministry of Interior was authorised to lead an official delegation of the Czech Republic at the **2nd World Congress Against Sexual Abuse of Children** held in Jokohama, Japan. The MI also guaranteed the preparation of the content of the conference.
- On 8 February 2001 the Minister of the Interior set up the **Advisory Commission for Solving Issues of Trafficking in Women and Commercial Sexual Abuse of Children**. The Commission consists of 26 members from governmental as well as non-governmental organisations and was established to implement assignments contained in Czech Government Resolution No. 698 dated 12 July 2000 on the National Plan Against Commercial Sexual Abuse of Children, and No. 1145 date 15 November 2000, concerning

Draft Measures Aimed at Problems relating to Prostitution.

- The amendment to Act No. 272/2001 Coll. on Social and Legal Protection of Children unambiguously defines the obligation for health workers to inform the police on well-founded suspicions of sexual abuse and ill-treatment of children and gives this obligation priority over the principle of medical confidentiality.
- The Republic Committee for Crime Prevention discussed at its meeting of 28 June 2001 the **Report on Meeting the National Plan on Combating Commercial Sexual Abuse of children.** (*The National Plan is accessible on the web-site of the MI – www.mvcr.cz, in the section of crime prevention.*)
- A training project, “Preparing of Policemen to Work with Crime Victims, Including Care of Child Victims of Crimes Against Human Dignity” was developed in co-operation with the non-governmental sector (White Circle of Security).
- In the course of 2001 it was agreed to establish a trilateral working group at the level of the Ministries of the Interior, consisting of representatives of Germany, Poland, and the Czech Republic, to solve the problems of borderland prostitution, sexual tourism and trafficking in people. Its opening session was held in March 2001.
- The Czech Republic is involved in the in the UN international project **Preventing, Suppressing and Punishing Trafficking in Human Beings, Particularly in Women and Children.** This project was signed by the Ministry of the Interior on 14 February 2001 and is mainly aimed at comparing Czech legislation with the adopted Protocol of Preventing, Suppressing and Punishing Trafficking in People, Particularly in Women and Children, which completes the UN Convention Against Supranational Organised Crime. It also focuses on creating a model of protection of and assistance for victims and for witnesses of trafficking in people and strengthening international co-operation in this field. The Ministry of the Interior set up a working group that deals with the preparation and implementation of individual parts of the project. The project is expected to be finished at the end of 2002.
- An Amendment to the Criminal Code (this amendment will come into effect on 1 July 2002 and will harmonise the Czech Criminal Code with EC law) modifies Sec. 246 (trafficking in women) so that it should protect both sexes (the heading will be changed to trafficking in people) and it should enable a wider protection of traded foreigners (female and male). An extension of the provisions of Sec. 205 – endangering public morals - will introduce criminal punishment for transporting and exporting pornography, and the holding of pornography for the purpose of further shipment or export; also sanctions for “hard pornography” will become more strict.

2.2.5. Crimes with an Extremist Context



I. Development and Characteristic Features

Criminal Statistics

- number of racial crimes or crime with other extremist context: 452 (+24.2 %, +88)
- number of crimes solved: 406 (+79, +24.2%)
- detection rate: 89.8% (-0.1 %)
- number of persons prosecuted and investigated: 506 (+12.7 %, +57)

Court Statistics

- sentenced persons: 150 (+2, +1,35 %)
- (Sec. 196, 198, 198a, 221 (2) (b), 222 (2) (b), 260 and 261 of the Cr. Code)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

Racial crimes or crimes with an extremist context accounted for 0.1 % (+0.01). Such a proportion would appear to be negligible, but this kind of crime **is seriously dangerous to society**.

The highest number of such crimes was committed in North Moravia (128) and Prague (79), followed by Central Bohemia (65) and North Bohemia (61). The lowest number of such crimes was registered, as in the previous year, in South Bohemia (16).

506 persons were prosecuted for committing the above-mentioned offences, mainly for the support and propagation of movements aimed at suppressing human rights and freedoms ¹⁷ – 269 persons (52.8 %); for the defamation of a nation, race or a belief – 86 persons (17 %); and for violence against a group of people or an individual – 59 persons (11 %). **19 persons (3.8 %) were prosecuted for intentional injury to health.** In 2001, contrary to 2000, there was one **attempted murder** (June, Ostrava – Poruba)¹⁷, and one **murder was committed (July, Svitavy)**¹⁸. In both cases the victims were ethnic Roma. Two cases of crimes monitored having been committed by policemen were registered as well.

In terms of the composition of offenders, 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. In other cases were predominantly verbal attacks having the nature of a situational conflict between persons from the majority society who had never been sentenced, and Roma on the other side. These conflicts were often provoked or affected by the previous 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.

Activities carried out by so-called dangerous sects were not ascertained in the Czech Republic in 2001. In contrast with previous years, neither attacks of an extremist nature, nor crimes without a clear motive, against vehicles, buildings or persons using booby traps, were committed in 2001.

Extremism, involving verbal or physical assaults motivated by racism, ethnic or social hatred, occurred during 2001 in the Czech Republic. Cases of extremism involving efforts to completely change the social and political establishment were not recorded in 2001.

The situation in the Czech Republic, as in previous years, did not generally differ from the Europe-wide trend. 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, and there were also three cases of marginal political parties, on the edge of political life. This scene represents an integral part of the European extremist spectrum. It does not differ too much from its European counterparts with respect to its rhetoric, or the opinions and topics discussed.

Efforts towards transformation into political parties continued on the side of the **right-wing extremist scene**. From this point of view, besides the Patriotic Front, an essential role was played by the Patriotic Republic Party (PRP), registered with the Ministry of the Interior since 1996. Members of the National Alliance as well as members of the unregistered National Resistance joined the PRP with the intention of gaining control over the party. In March 2001 the 7th Extraordinary Congress of the PRP was held and proved to be a successful culmination of such tendencies. The whole management of the party was voted out along with

¹⁷ The offenders were taken into custody and the case is under investigation.

¹⁸ The motion to bring charges was filed on 19 December 2001 and there is a trial nowadays.

the members of the Supervisory and Audit Commissions, and the people who had joined from the National Alliance and the National Resistance gained management. The party decided on changing its name to the National Social Block. After the Ministry of the Interior rejected the registration of this change a proposal for a new name was filed. As a consequence a new political party - the **Right Alternative** – was registered with the Ministry of the Interior in November 2001. (The Former Patriotic Republican Party has presented itself in public since March 2001 as the National Social Block, however this entity does not legally exist.) Some leading personalities of the extremist organisations, the National Resistance and the currently non-existent National Alliance – gained management of this party which will participate in the 2002 elections to the Parliament.¹⁹ *The Ministry of the Interior made use of all its legal possibilities to prevent the registration of this right-wing extremist party.*

During the course of the year monitored, individual organisations held a number of joint actions and participated in events held by other right-wing extremist organisations. A certain degree of professionalism was seen on the right-wing extremist scene especially when considering published periodicals. Several concerts of skinhead music bands with international participation – both performers and audience - were held. On one hand, the number of “classical” rallies of skinhead supporters decreased, but on the other hand a trend, recorded already in 2000, in the organisation of smaller private celebrations in family houses and flats, attended by lower numbers of people, increased.

With regard to **the left-wing extremist scene**, the most important activities were carried out by the Communist Party of Czechoslovakia and pan-Slavic entities. Further radicalisation of the anarcho-autonomous movement recorded in 2000 was confirmed. The autonomous movement became more radical, and improved its organisation and mutual links. A sort of “hard core” came into existence, and it was the members of this hard core who committed criminal offences (mainly crimes of damaging property, assaults on public officials, and also in several cases unauthorised arming). Individual criminal offences are often connected with mass events and such crimes are difficult to prove since the offenders form a part of the crowd and mask their faces with scarves, masks or hoods to make their identification more difficult. When preparing security measures for the Prague NATO summit to be held in November 2002 it is necessary to take into account their readiness to commit violence or to destroy property, which was clearly apparent during the Prague IMF/WB meeting held in September 2000. In connection with this, for example a new antiglobalisation platform “Globalise Resistance!” (GR!), established in June 2001 on the basis of Trotskyist ideology, should be mentioned. One of its main aims is to organise a campaign against the Prague NATO Summit.

In 2001, 150 persons (+2) were lawfully sentenced for crimes motivated by racial intolerance, which accounts for 0.25 % of the total number of persons lawfully sentenced. Of the stated number, 25 were juvenile offenders (in 2000 – 35), which is almost 17 %, and 19 persons (in 2000 – 13) were repeat offenders. Most persons (39) 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; 36 persons under Section 198 or 198a of the Criminal Code – for defamation of a nation, race or conviction or incitement of national and

¹⁹ The Ministry of the Interior decided to dissolve the National Alliance on 31 March 2000. This decision did not come into legal force because the NA decided on 18 March 2001 on its voluntary dissolution, adopted prior to the examination of the Ministry of the Interior’s decision by the Supreme Court. On the basis of the NA’s notification, on 15 April 2001 the Ministry removed it from the database of registered organisations.

racial hatred; 34 persons for violence against a group of people or an individual under Sec. 196 of the Criminal Code; six persons under Sec. 221 of the Criminal Code for injury to health; nine persons under Sec. 222 of the Criminal Code for intentional severe injury to another's health (compared with two persons in 2000); seven persons under Section 202 for hooliganism; five persons under Section 235 for racially motivated extortion; four persons under Sec. 238 of the Criminal Code for violation of domestic freedom; two persons under Section 155 of the Criminal Code for assaults on a public official; and three persons under Sec. 247 of the Criminal Code for theft. All crimes were racially motivated.

More detailed information on crimes with an extremist context is contained in the "Report on the Issues of Extremism in the Czech Republic in 2001" which will be submitted by the Minister of the Interior to the Government by 30 June 2002 in accordance with the Government's Resolutions No. 192/1998, No. 720 dated 19 March 1998, No. 720 dated 14 July 1999, No. 684 dated 12 July 2000, and the plan of work for the first half of 2002 (non-legislative assignments).

(The Report on the Issue of Extremism is available in the documents section on the web-sites of the Ministry of the Interior – www.mvcr.cz.)

II. Measures Adopted

- **Development in the field of extremism** is described in the **Reports on the Issues of Extremism in the Czech Republic** which are drawn up annually by the Ministry of the Interior in co-operation with the Ministry of Justice. The aim of the Reports is to provide a summary of information on extremist issues (and related issues) in the Czech Republic, and the impact these had on internal security and public order in 2001. It also outlines 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) of 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 summarise the actual activities of the Czech Government, the Ministry of Foreign Affairs, the Ministry of the Interior and the Czech police, the Ministry of Justice, the Supreme State Prosecutor's Office and other state administrative authorities involved with the issue in question. 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 repression and prevention of extremism, and represent the consensual view of state administrative bodies on the issue in question. They are available on the web-sites of the Ministry of the Interior. In their printed form they are, *inter alia*, used particularly by the Ministry of Foreign Affairs of the Czech Republic²⁰. Currently, some of the adopted measures are met, on an ongoing basis, by responsible parties, and others are being implemented or are under preparation. One of the essential measures is the establishment of the **Commission for Combating Extremism, Racism and Xenophobia**. The constituent meeting of the

²⁰ For more details see "Report on the Issues of Extremism in the Czech Republic in 2001"

Commission was held on 8 November 2001.²¹ Some measures are of a permanent nature. These measures reflected for example, in an increasingly go-ahead manner the Czech police used against the extremist scene (police intervention during concerts of neo-Nazi bands, exposing and prosecuting crimes committed through periodicals, symbols or emblems) and in the approach of the Ministry of the Interior against some registered organisations (such as the Patriotic Republican Party, the Republican Youth, the Communist Party of Czechoslovakia)²², or organisations applying for registration (for example the National Party).

- By its Resolution No. 498 dated 21 May 2001 the Government approved the **“Brief Information Related to the Enforcement of the Legal Possibilities of the Ministry of the Interior and the Czech Police regarding Racism and Xenophobia”**.
- The on-going education of policemen involved with issues of extremism remains a priority. In 2001 there were six seminars within a Czech-British project called **“Police Work in the Field of the Protection of National Minorities”**. These seminars were attended by policemen dealing with the issue of extremism and racial violence, employees of the Ministry of the Interior, and representatives of national minorities. Further, there was a working seminar targeted at the options state bodies have in their approach towards organisations registered with the Ministry of the Interior, political parties, and movements through which activities or personnel links create grounds or provide logistics or political support for Czech extremism and its criminal manifestations, and a seminar called “Extremism and the Law”. The strategy of education in the field of extremism has been developed.
- In view of strengthening prevention in 2001, the Ministry of the Interior initiated the organisation of “round tables”. 93 municipalities were contacted. The work of “Preventative Information Groups of the Czech police” continued and a working group, the Inter-ministerial Commission of Roam Community Affairs, was established for the area of home affairs and issues of the Czech police, chaired by the First Vice-Minister of the Interior. In compliance with the priorities of the Council of Europe and Resolutions adopted by the European Conference of Ministers responsible for sports, the Czech Republic paid higher attention during 2000–2001 to the prevention of racism, xenophobia and intolerance in sports.
- A working seminar under the responsibility of the Ministry of the Interior attended by experts from the V 4 countries and Austria, called **“Seminar on Combating Racism, Xenophobia and Extremism, and on the Role and Methods of the Police”** was held in Prague (13–14 March).
- On 10 October 2001 the meeting of the ministers of the V 4 countries and Austria was held in the chateau of Gödöllő, Hungary. One of the conclusions which the meeting arrived at was the aim of establishing a working group for combating extremism. It is the Czech Republic that is responsible for this task. *The first working meeting of the group of V 4 countries and Austria for combating extremism was held on 7 and 8 February 2002. One of the essential results of this meeting was a preliminary agreement on determining national contact places on the level of the police or a relevant ministry which will serve, if applicable, for the direct mutual communication of experts involved in issues of extremism.*

²¹ The Ministry of the Interior developed the Statute and the Rules of Procedure of the Commission and at the same time proposed changing Government Resolution No. 903/2001 so that the Commission could become an advisory body to the Minister of the Interior and the attendance of the members of Government would not be obligatory. This change was approved by Government Resolution No. 238, dated 6 March 2002.

²² The Ministry of the Interior decided on the dissolution of the Republican Youth (RY) on 5 February 2002. The Republican Youth filed an appeal against this decision with the Supreme Court of the Czech Republic.

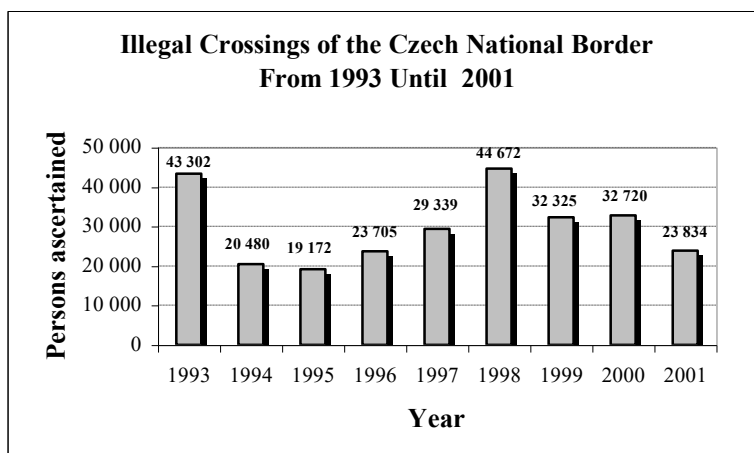
- Measures relating to human rights adopted by the Czech Government were presented both bilaterally and multilaterally. As a consequence, the Ministry of Foreign Affairs provided information about, for example, measures taken by the Government to increase the protection of national minorities (adoption of the Act on the Rights of National Minorities), to continue the integration of Romas into society (implementation of the Strategy of the Government Policy Towards Roma Community Members Helping Their Integration into Society), to fight against racism, racial discrimination, xenophobia and related intolerance (meeting the assignment resulting from the Government Resolution concerning Reports on the Issues of Extremism in the Czech Republic and related Resolutions). For the purpose of the international Forum Against Intolerance (28 – 30 January 2001) in Stockholm, **the Office of the Government of the Czech Republic (the Prime Minister's Office), in co-operation with the MFA, drew up the "Report on the Issues of Racism, Xenophobia, and Anti-Semitism in the Czech Republic"**. This documents considers the following measures to be successful: education of human rights and against racism for professional groups of policemen, investigators, state prosecutors and judges; and the reports on the issue of extremisms in the Czech Republic, regularly submitted to the Government and then by the Prime Minister to the Czech Parliament.
- The MEYS has drawn up the Draft Concept of Educational Activities in the Field of Combating Extremism. This Draft Concept was approved by Government Resolution No. 268, dated 18 March 2002.
- In 2001 a new Act on Freedom of Religious Conviction and the Position of Churches and Religious Societies was adopted (the Act on Churches and Religious Societies) and published in the Collection of Laws under No. 3/2002 Coll. This Act came into force on 7 January 2002. Sec. 5 of this Act lays down conditions limiting the powers of churches and religious societies, the aim of which is to prevent the registration of dangerous religious sects.
- In 2001, the Draft Government Act on the Right of Assembly was approved by Government Resolution No. 1125. The aim of this Draft Act is to solve problems lying in the increasing tendencies of some groups and individuals to abuse this right of peaceful assembly to disturb public order. *(This Act was delivered to the President for his signature on 30 May 2002.)*
- Consistent monitoring of the extremist scene in the Czech Republic and abroad will continue, whilst an emphasis will be put on the punishment of those civic associations (and political parties) registered with the Ministry of the Interior, the activities of which display elements of extremism or whose activities contradict law. Attention will also be paid to the maximal use of all legal powers and competencies of the Czech police in combating extremism and its perpetrators.
- Under the presidency of the Czech Republic, co-operation with the V 4 countries and Austria will continue at the level of the working groups for combating extremism, the first meeting of which was held in February 2002.
- The **National Strategy for Police Work in Relation to Ethnic Minorities** which is under preparation should compensate for the absence of constructive, conceptual documents setting out the approach of the police towards ethnic minorities. The Ministry of the Interior is co-operating in this area with the Home Office of the United Kingdom and Northern Ireland, and the embassy of the United Kingdom. The purpose is to gather comprehensive information about policing in the respective areas, activities helping to achieve a better understanding by the police of the issue of minorities, and the aim is to gain the skills needed for a conflict free and partnership co-operation with minorities. The Strategy should cover key problems such as repression in relation to minorities, recruitment

of members of minorities in the police, the media policy of the police with regard to ethnic minorities, cultural and social competencies of the police, and so forth. Thus the Strategy should help to enforce principles of modern police work

- With regard to the current development in the international situation after the terrorist attacks against the United States of September 2001, and with respect to the threat of terrorist attacks in Europe, the scene of extremism represents a classic environment for a possible rise in the activities of political terrorism, and therefore broad international co-operation will be strengthened.

(For more details see Table 51)

2.2.6. Illegal Migration



I Development and Characteristic Features

Criminal Statistics

- Total number of illegal crossings of the national border: 23,834 (-8,886, -27.,2 %)
- number of illegal departures from the Czech Republic: 16,978 (-10,608, -38.,5 %)
- persons prosecuted and investigated: (Sec. 171a of the Cr. Code) 169 (- 46; -21.4 %)

Court Statistics

persons sentenced: 137 (+2, +1.5%)
(Sec. 171a of the Cr. Code)

The criminal statistics results are not directly comparable with those from 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 termination of individual phases of prosecution of an actual case. Police statistics record cases at their very beginning, while the court statistics record them once they are closed. Another reason may be the fact that the criminal statistics also record crimes committed by unknown offenders. Both sets of statistics cannot be compared because the sections of the Act used for individual crime categories do not always correspond.

In comparison with 2000, in 2001 **the number of ascertained illegal crossings of the national border decreased** by more than one quarter, to the level of 1996. This decrease was caused mainly by the decline in ascertained illegal crossings of the Czech national border at the border with Germany; however at the border with Slovakia, an increase was recorded. With the gradual integration of the Czech Republic into the European Community, the Czech Republic ceased to be a transit country and is becoming a target country to a higher degree, especially for foreigners who are illegally employed in the Czech Republic. The number of illegal attempts to cross the border in a direction leaving from the Czech Republic (particularly from the Czech Republic to Germany) prevails. In 2001, a high increase in asylum seekers in the Czech Republic was recorded, accompanied by escapes from refugee camps and by repeated attempts by applicants for asylum to cross the national border illegally from the Czech Republic. The number of those who fail to legitimise their residence in the Czech Republic slightly declined.

Illegal Migration

*The term “illegal migration” covers the cases of **illegal arrival** in the territory of a certain country for different reasons. There are the cases of **unauthorised ways of leaving the country**, but also cases concerning **illegal residence** in the territory of a country. In other words, a foreigner enters the Czech Republic legally but he/she does not leave the country within the period stipulated by law, and resides in the Czech Republic without a permit, i.e. illegally. Such a foreigner violates the terms and conditions stipulated by immigration laws.*

Illegal Migration Through the Czech Republic

Illegal migration across the Czech national border decreased in 2001 roughly to the level of the year 1996. 23,834 (-8,886, -27.2 %) foreigners were apprehended for attempting to cross or for crossing the Czech national border illegally, and out of this number 21,090 (-9,671, -31.4%) were foreign nationals and 2,744 (+785, +41.1 %) were citizens of the Czech Republic. Since the establishment of the Czech Republic the number of illegal migrants apprehended while illegally crossing the national border in a direction leaving from the Czech Republic considerably has exceeded the number of those being apprehended while crossing the border into the Czech Republic. Despite the substantial decline compared with the previous year, almost a half of all apprehended persons were caught at the national border between the Czech Republic and Germany. Despite the number of migrants crossing the border with Poland falling, the share of this part of the national border in illegal migration increased. Although a total decrease in illegal migration was recorded, the number of persons ascertained at the borders of the Czech Republic with Austria and Slovakia increased. Of the total number of foreigners ascertained as illegally crossing the Czech national border in a direction leaving from the Czech Republic, 12 % entered Czech territory illegally, more than 43 % legally, and in the other cases the method of crossing the border to the Czech Republic was not ascertained. The ratio of persons apprehended by the bodies protecting the Czech national borders and neighbouring countries is, on a long-term basis, 3:2 in favour of the Czech bodies. The people are handed over in accordance with re-admission agreements. The number of persons accepted back into the Czech Republic exceeds the number of persons transferred to neighbouring countries.

Of the total number of detected foreigners, 61% came from countries with visa obligation s (in the last year 54 %).

By nationality – the citizens of Romania dominated in number - 3,911 (-370), followed by citizens of India – the Czech police recorded 2,706 (+132) of such citizens. The number of citizens of Armenia increased markedly from 403 persons in 2000 to 1,573 (+1,170) persons in 2001, and Georgia from 148 persons registered in 2000 to 1,118 (+970) persons in 2001. A large number of asylum seekers in the Czech Republic is represented by the above-mentioned four nationalities. Contrary to this, the number of citizens of Moldavia decreased to 1,742 (-1,268) persons, and Ukrainian nationals to 758 (-1,507) persons which could be, *inter alia*, a consequence of the introduction of visa requirements for these countries. The number of immigrants from Afghanistan considerably decreased to 695 (-3,039) persons. In the Czech Republic no signs of a wave of illegal migrants from Afghanistan after the retaliatory attack of the USA in autumn 2001 were recorded (however the length of the migration route is estimated to be 3-4 months).

In 2001, the number of asylum seekers increased markedly in the Czech Republic. There were 18,082 (more than a two-fold increase in comparison with 2000) asylum seekers.

By nationality, the citizens of Ukraine, Moldavia, Romania, Vietnam, and India dominated. Foreigners quite unambiguously try to abuse asylum law, especially in the detention centres for foreigners. To avoid administrative expulsion foreigners apply in a detention centre for asylum and the immigration police is obliged to transfer them to an asylum facility. In 2001, in total 7,240 (+2,727) foreigners were apprehended in detention centres, while 4,661 (+1,735) foreigners were released to asylum camps, accounting for 65.1 % of all released foreigners. Almost two times more asylum seekers than in 2000 illegally left asylum camps (in 2001: 8,384, in 2000: 4,277) and attempted to illegally cross the national border – 70 % more persons were ascertained in doing so. The situation should be improved by an Amendment to the Asylum Act which came into effect on 1 February 2002.

When illegally crossing the border migrants are usually assisted by other persons, 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. The Czech police ascertained that 4,783 (-2,180, -31.3 %) illegal migrants had been assisted in their illegal border crossing by another person. This decline could have been caused by the better and more organised work of conveyors who are often equipped with better technical means than those that are available to the Czech police. According to the analysis of statements provided by the persons apprehended it is obvious that the number of fugitives who cross the borders hidden in trucks or on trains is many more than statistical data can show, however it is difficult to judge the level of latency

799 (-292, -26.8 %) persons were detained with invalid or altered travel documents. This decline probably does not mean an improved situation but is rather caused by the increased quality of forged documents, which means a higher latency in this kind of crime.

About 60 % of persons apprehended while crossing the national border did not have any travel documents. The majority of detained illegal migrants are not willing to give evidence (for example about the point or manner of their entry to the Czech Republic). A problem is obtaining a relevant interpreter.

The number of repeat attempts to cross the border illegally decreased. However repeat attempts have remained a serious problem in relation to asylum seekers, who accounted for 67 % of those who repeatedly attempted to cross the Czech national border.

137 persons were **lawfully sentenced for crossing the national border illegally under** Sec. 171a of the Criminal Code and one person was sentenced pursuant to Sec. 171a (b) and one person under Sec. 171a (c).

The illegal employment of foreigners is another problem closely relating to illegal migration. As of 31 December 2001 the number of legally employed foreigners was almost the same as three years ago (40,097- *the figure was provided by the MLSA*²³) (as of 31 December 2000: 40,080, and as of 31 December 1999: 40,312). The highest number of legally employed foreigners traditionally come to the Czech Republic from Slovakia, Ukraine, and Poland, whilst during the year monitored the number of employed Slovak nationals increased by the most (apart from other things, the reason was an advised change in residence regime),

²³ This number does not include citizens of Slovakia since they do not need a work permit. The relevant Labour Office only registers them. According to the data of the Ministry of Labour and Social Affairs there were 68,149 Slovak citizens working in the Czech Republic (as of 31 December 2000: 63,567).

followed by Ukrainian nationals (simplified administrative and technical procedures when applying for a job in the Czech Republic). In the field of legislation concerning the employment of foreigners the Ministry of Labour and Social Affairs devoted attention to finishing the amendment (to be in compliance with EC law) solving the free movement of workers within EU states and the possibility of obtaining jobs outside the Czech Republic. New regulations, which are under preparation, should solve the purposeful establishment of trade companies and co-operatives by foreigners concealing the illicit arranging of employment through relations between a customer and a supplier. These regulations should also prevent the abuse of regulations concerning the possibility of providing working labour to another entity, and should strengthen the powers of inspection bodies, enabling them to commence immediate inspection and find the real employers of foreigners. In 2001, inspection bodies of Labour Offices examined 11,238 employers, of which 1,306 inspections were carried out in businesses employing foreigners. 503 check-ups (of 1,306) were performed upon the requirement of the immigration police, and 623 check-ups were carried out in co-operation with relevant bodies of the immigration police. 928 illegally employed Slovak nationals and 1,381 other illegally employed foreigners were detected. To enhance the efficiency of the checks the inter-ministerial body for combating the illegal employment of foreigners (established within responsibility of the MLSA on the basis of Government Resolution No. 1044 dated 23 October 2000) is trying to better facilitate the provision of information, improved co-ordination and the suitable selection of strategies. During 2001 this inter-ministerial body collected information concerning the illegal employment of foreigners at home and abroad which will be used to draw up a relevant strategy in 2002. In the field of the illegal employment of foreigners the MLSA concentrated in 2001 mainly on streamlining administrative and technical procedures serving to implement bilateral agreements (with Ukraine and Vietnam) on the mutual employment of their respective citizens, and also concentrated on drawing up information booklets for foreigners.

Illegal Migration – Breach of Residency Rules

During 2001, the Czech police bodies reported 18,309 (-4,046, -18.1 %) foreigners residing in the Czech Republic illegally, of which 7,400 (-3,112, -29.6%) persons were revealed to have been so residing upon their leaving the Czech Republic – most frequently they had exceeded the permitted period for their residence.

However, it is difficult to reveal the real numbers of foreigners residing illegally in the Czech Republic. The illegal residency of foreigners in the Czech Republic is identified only indirectly by analysing data relating to foreigners who have been banned from the Czech Republic due to having breached the residency rules, and foreigners banished administratively from the country due to their illegal residency. In 2001, administrative bans on residence were pronounced with regard to 11,064 (+1,022, +10.2 %) foreigners (The predominant reason for banning a foreigner's stay in the Czech Republic is a breach of residency rules such as exceeding the valid period of visa, the permitted period for residence, or the period determined for foreigners who do not need visa). The citizens of Ukraine (5,252) dominated among those who were served a ban on residence, followed by citizens of Moldavia (1,296) and Romania (852); however the decline was recorded with respect to all these countries. In the case of Romanian nationals the reason is that they often tried to cross the border illegally as asylum seekers and thus cannot be administratively banned, whilst citizens of Ukraine and Moldavia did not use accommodation in public accommodation facilities but found private accommodation, which the immigration police are not authorised to check. Contrary to this there was a high increase in Indian nationals (661 persons, +584, i.e. +758 %).

A lawful and executable decision on administrative deportation affected 2,258 (+1,193, +112 %) foreign-nationals; mostly from Ukraine, Moldavia, and Romania. On the basis of court sentences, 761 (-481, -38.7 %) foreigners were banished after they had been lawfully sentenced for committing a crime, mostly the nationals of Ukraine, Slovakia, and Bulgaria.

(For more details see Table 52)

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 the migration issues in full detail (including the implementation of re-admission agreements and pilot tests of the project “ Visa Process Updating”. (It is available on the web-sites of the Ministry of the Interior– www.mvcr.cz.)

II. Measures Adopted

- By its Resolution No. 304 dated 28 March 2001, the Government took note of the “**Draft Organisation of Transposing the Schengen Acquis in the Period Preceding the Reference Date for the Accession of the Czech Republic to the European Union, i.e. by 31 December 2002 and in the Period Until Full Commencement of Schengen Acquis**”. The adopted document provides information on the factual and time demands of transposing and implementing the Schengen acquis by the Czech Republic. The meeting of assignments listed in a questionnaire will be regularly evaluated and submitted to the Government once every six months. The resolution relating to this document assigned the Minister of the Interior as being responsible for the Schengen acquis implementation. The first evaluation was carried out in November 2001.
- On 13 September 2001 the EU received the **Schengen Action Plan**, containing information on the current situation in adopting the Schengen acquis, and laying down the tasks which are to be met in the future. The Plan includes both legislative and non-legislative tasks which must be fulfilled by the reference date for the accession of the Czech Republic to the EU, i.e. by 1 January 2003. It also contains assignments which must be met as of the date when the Agreement of Accession of the Czech Republic to the EU comes into effect and as of the day the checks at the internal borders pursuant to the Schengen Agreements are cancelled. With regard to the adaptation of Ruzyně-Prague airport to Schengen standards, such standards are scheduled to be met by 30 June 2005. The Schengen Action Plan also contains a detailed break-down of funds needed to ensure these requirements are met by the end of 2006.
- During 2001, other assignments aimed at improving the protection of the national border and personal checks were met in compliance with Government Resolution No. 733/2000. as of 31 December 2001 special investigating units of the immigration and border police were established with all Czech police administrations, including Prague (as of 1 January 2002 they were included in the newly established organisational structure of the immigration and border police service and thus from the stated date they have not been a part of the Czech police administration and the police administration of Prague, but they form a part of the regional directorates of the immigration and border police service). As of 1 January 2002 a new so-called line unit of immigration and border police was established with republic-wide responsibility). The tasks relating to the termination of the process of personal checks and the protection of the national border in compliance with Schengen standards are being met on an ongoing basis.

- With regard to meeting Schengen standards, the protection of the national border with Slovakia remains a problem. It is so far unrealistic to ensure these standards at this part of the border since there is a non-standard regime for border crossing which, of course, will not be acceptable for a possible external border of the EU. Negotiations with the Slovaks on changing the visa-free agreement and relating agreements on a border regime have not been yet successful.
- 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) came into force. The Amendment to the Act on Asylum in compliance with legal regulations on asylum in EU Member States is aimed at **speeding up asylum proceedings** in cases when 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 by application practice (it prevents asylum seekers from applying for 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 made by the Ministry of the Interior within asylum proceedings (re-examination of a decision on asylum by a court).
- The Amendment to Act No. 326/1999 Coll. **on Alien Residence in the Czech Republic** and on the Amendment to Some Other Acts came into force on 1 July 2001. It reacts to some practical problems related to the application of this Act. The Amendment **strengthens the principle of family unity**, removes problems related to photographs on immigration forms to be filled in when crossing the border connected with the requirement to submit a certificate of health insurance, and it extends both the group of people who can apply for a permanent residence permit without meeting the condition of a previous uninterrupted stay, and the group of people who could generally apply for a permit of permanent residence. On the other hand, the amendment proposes to make stricter conditions subject to which the police may ban a foreigner's residence; the impact of such decisions on the private and family life of a foreigner will be taken into account to a higher degree. On the basis of the experience of the Prague IMF in 2000, an additional reason for rejecting entrance into the Czech Republic was created. A foreigner is not allowed to enter the country if there is a well-founded danger that during his/her stay he/she could endanger the security of the state, or in a serious manner disturb public order. The Amendment also takes into consideration some organisational changes in the Ministry of the Interior and the Czech police as of 1 January 2002.
- To ensure the commitment arising for the Czech Republic from EU membership (to cancel checks on internal borders in compliance with the Schengen Agreements) the draft Act (which should harmonise the law with EC law) No. 326/1999 Coll. on Alien Residence in the Czech Republic and the Amendment to Some Other Acts as amended by Act No. 140/2001 Coll. came to effect (*the Act was published in the Collection of Laws No. 217/2002 with effect from 1 January 2003.*) The objective of the Act is to transpose, by the date of Czech Republic's joining the EU, a certain part of the *acquis* regulating the free

movement of persons. A part of this Amendment is formed by the Amendment No. 329/1999 Coll. on Travel Documentation and on the Alteration of Act No. 283/1991 Coll. on the Police of the Czech Republic as amended (the Act on Travel Documentation). This Amendment, in compliance with community law, enables Czech nationals to travel to EU Member States with only their identity cards.

- At the beginning of October 2001 the Draft Government Act on the Protection of the National Border was submitted to the Czech Parliament (*The Act was published in the Collection of Laws No. 216/2002.*). This Act defines, in the Czech legal order so far absent, terms of protection of the national border, and establishes a legal framework for taking over and meeting commitments relating to the accession to the EU and Schengen area. The Act defines the term of illegally crossing the national border, lays down conditions upon which the national border can be crossed, extends the authorisation of the police relating to the protection of the national border, and specifies conditions for locating security devices on the land in the environs of the national border. The Act also determines a misdemeanour committed by a Czech national entering the Republic if he/she breaches a determined regime, and conditions concerning crossing of the border. The Act will come into force on 1 January 2003.
- In February 2002 a detention centre for foreigners was opened in Velke Prilepy where foreigner will be placed prior to their ban. This facility solves the situation of foreigners who are ordered to **leave the Czech Republic** but of whom a number still illegally stay in the country or repeatedly attempt to cross the border. During 2002 a similar facility will be opened in Frydek-Mistek, but the construction of a detention centre in Javornik nad Velickou was cancelled.
- In 2001, a public tender for equipment for scanning and evaluating machinery readable documents. Such equipment is to be installed by 31 December 2002 at embassies, border crossings and offices of immigration and border police was successful.
- Among other partial contributions of the Czech Government and the MI to solving the issue of illegal migration is the Concept of Integration of Foreigners (Czech Government Resolution No. 1266/2000 and 1360/2001), which is aimed at supporting the integration of long-term legally residing foreigners in the Czech Republic (for example, projects in the area of combating racism and xenophobia, social and legal advisory services, crimes of being illegally employed, media policy). At the same time the Concept is of a preventative nature in relation to illegal migration. A part of the Concept of Integration of Foreigners is to monitor the security aspects of the residence of foreigners, crimes committed by them, and mutual relations between foreigners and the majority society.
- In 2001 an inter-ministerial Commission of the Minister of the Interior for preparing and implementing Government policy in the area of integration of foreigners and the development of relationships among communities was established. A single integration policy of individual ministries including an assessment of proposals and the provision of funds is enforced within the Commission.
- The Czech Republic has so far entered into re-admission agreements with 11 countries (Austria, Poland, Romania, Hungary, Germany, Slovakia, Bulgaria, Canada, France, Slovenia, and Croatia – the latter three have not yet come into effect). Meeting these agreements can be evaluated more or less positively. The intention of the Ministry is to continue in entering into similar agreements with other countries, particularly with those that are the largest producers of illegal migration. From that reason the Czech Republic initiated negotiation on other re-admission agreements, namely with Russia, Ukraine, Belarus, China, Iran, Iraq, Yugoslavia, Macedonia, Vietnam, India, Sri Lanka, Algeria, and Pakistan. However negotiations have been, so far, unsuccessful. Agreements with

Benelux, Italy, Switzerland, and Moldavia are at a pre-expert level. Negotiations on an amendment to the re-admission agreement with Bulgaria are being held. A new re-admission agreement with Slovakia is being prepared. This should comply better with European standards and the current requirements of re-admission practice.

- 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. (*The Czech party ratified the Agreement on 8 February 2002 and it will come into effect once the German party is prepared to exchange ratifying instruments.*) The objective of this Agreement is to intensify mutual relations and to broaden mutual co-operation. Similar agreements are being prepared with Austria, Poland, and Slovakia.

2.2.7. 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 an 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. 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 in Czech territory copy trends typical for 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. International crime is well organised and is becoming more aggressive. **Criminal organisations** operating in the Czech Republic since 1997 have not changed markedly. They come mainly from the countries of the former Soviet Union, former Yugoslavia, Bulgaria, together with Italian criminal groups and criminal groups from Southeast Asia (particularly from China and Vietnam). Currently these organisations **are striving to legalise their positions**, and to gain influence in Czech strategic enterprises. They try to extend their influence by the establishment of corporations covering their crimes, and they are also changing in their spheres of influence. **The Czech citizens provide mainly service– they can provide good knowledge of the business environment and law, contacts, and so on.** In the **near future** we can expect that criminal organisations will make all efforts to **continue legalising** their activities to a maximum extent. They may focus on **purchasing real estate and land**, and continue trading in **narcotics**. It is also understood that **illegal migration** will become more profitable. Increased activity can be expected in trade in **weapons, trafficking in people**, the **misuse of information technology** and **attacks against information systems** by criminal organisations. Organised crime to a large extent focuses on **crimes against the environment and cultural heritage** (the evidence is given by the recent year development since such findings are proved by a considerable increase in damage ascertained).

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

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

- Organisations coming from the **countries of the former Soviet Union**
 - * These rank among **the most active**, recent years have seen a considerable increase in crimes committed by these organisations which also means that formerly latent crimes have been revealed.

- * They are predominantly organised into criminal structures – “brigades”. The “brigades” are based on a leadership principle headed by "PAPKA" (i.e. FATHER), who supervises "STARSCHINA" (i.e. SENIOR OFFICER), whilst all “brigades” are managed by "VOR V ZAKONE" (i.e. THIEF IN LAW).
- * The so-called "**new criminal elite**" is called (particularly in Ukraine) "Komsomol boys". This is a tougher generation of criminals who do not acknowledge traditional “Vor v zakone” (thieves in law). Their profits have soared rapidly and externally they carry out legal activities, however they have links to the **under world (a gangland) and demonstrate a high degree of brutality.**
- * The crimes committed **vary** including mainly violent crimes - **racketeering** - "KRISCHA" (originally only Russian-speaking persons having businesses in the Czech Republic were targeted, recently Czech citizens have been attacked as well; usually once a month criminals require **regular payments** for protection, threatening entrepreneurs with violence or even murder; they use **murders** to show a method of liquidating people but they get rid of inconvenient witnesses who are involved in murders carried out to order); and extortion of 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** (detected weapons licensed in the countries of former Yugoslavia), **trade in narcotic drugs** (with links to Albanian criminal groups), the legalising of profits gained through crime (carried out through fictitious companies; the accounts of such companies serve to transfer funds “earned” in crime from the criminals’ countries of origin to third countries – money laundering); procurement, organised conveyance of people, motor vehicle thefts, and others. Ukrainian, Russian, Chechnyan organised criminal groups are **notably involved in violent crimes**, which are very brutal with the devastation of victims, they particularly use firearms; the number of robberies has increased as well.
- * They penetrate the territory of the Czech Republic covered by various companies (they receive a residency permit for the purpose of being employed in their own company or in a company run by another Russian person), a growth of fictitious (non-existing) companies has been recorded.
- * They control vast amounts of funds, the origin of which is a subject to finding further evidence. They usually come to the Czech Republic with a certain amount of capital from crimes committed outside our country.
- * In the Czech Republic, they invest money mainly in **real estate**. Vast inflows of investments in Karlovy Vary for the purpose of purchasing real estate have been recorded. Thus these criminals can organise their meetings there without being disturbed by the police. The origin of such investments is subject to finding further evidence.
- * Generally, **since 1997**, Russian criminal organisations have **dominated in financial crime**. Penetration of the economic sphere with the consequence of its destabilisation is typical. These organisations try to gain significant influence in strategic industries, and they also try to corrupt state administration and thus affect its decision-making process.
- * They use false documents, especially diplomatic passports (Panama, Belize, Paraguay etc.) or Israeli passports.
- * Ukrainian criminal organisations are the most active; "**Lvovska (Lvov) Brigade**", which has started to operate in the Czech Republic with more numerous structures (*one of the heads of this brigade was detained in Prague on 30 November 2001*),
- * Other “brigades” operating in the Czech Republic are as follows: the Luhanska Brigade (its main seat was detected in Brno, a principal representative is known as "Pascha"; the

person responsible for its activities in Prague and surrounding areas is "Krava" or "Great Andrey"; this brigade operates also in Slovakia, Hungary, Spain, and Germany); the Kiev Brigade (operating mainly in East Bohemia and near Beroun); the Mukatchev Brigade (North and West Bohemia – focusing on car thefts, extortion, and night clubs; one of its main groups operates in Prague, and in the Kladno and Teplice Districts it concentrates on the extortion of entrepreneurs); the Lvov Brigade (the whole territory of our country); the Uzhorod Brigade (Prague, North and West Bohemia); the Irschava Brigade (Central and North Bohemia); the **Solncevska Brigade** (mainly West Bohemia; otherwise it is a world-wide known criminal organisation. Findings on members and their activities bring information building a certain background in the Czech Republic. They introduce themselves as businessmen and enter into commercial relations in the Czech environment); the Krivirovska Brigade (Prague – racketeering, accommodation for foreign workers); the Moldavian Brigade (Moravia, Prague – extortion, frauds, night clubs); the Armenian Brigade – (Prague – forging documents and bank notes, trade in weapons, car thefts); and the Chabrov Brigade (Prague, the Karlovy Vary District - money laundering). The majority of the aforementioned brigades operate in other European countries. Members of other brigades are citizens of Chechnya and Dagestan. In 2001, the occurrence of less “famous” groups was recorded – the Crimea, Tjachevska, Yekaterinburg Brigades, and the St. Petersburg Brigade have all come into the limelight recently.

- Organisations coming from **former Yugoslavia, from Bulgaria, Albania, and Italy**
 - * In recent years, **changes have been underway in the division of influence**. Bulgarian criminal organisations, which are now focusing on motor vehicle thefts and supplying Bulgarian prostitutes to erotic clubs (brothels) – it means that trafficking in women has moderately risen; organised pickpocketing is under the control of Romanian pickpockets; criminal organisations from former Yugoslavia have taken over running erotic clubs and also focus on drug dealing (in particular Albanians from Kosovo), illegal conveyance of people, violent crimes, extortion, (for this purpose they often merge with Russian speaking criminal organisations), and smuggling gold to shops. A problem with Kosovan Albanian members of criminal organisations is that these groups are closed and take an oath of secrecy, and this “law” is forced also on their family members. Another problem is their unconditional support of the liberation army.
 - * 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 co-operation, coherence and solidarity, along with brutality.
 - * Chinese criminal organisations are distinguished by their ethnic coherence, however they do not have the nature of classical Chinese criminal groups (e.g. TRIADS); they are organised into small groups (15-20 persons) by their place of origin in China and by the types of crime they are involved in; they concentrate on running casinos and illegal brothels; they are suspected of money laundering, organising illegal betting and dealing in narcotics; and their groups of smugglers do not only arrange illegal trafficking in people (to the Czech Republic which is both a transit and target country, mainly via Slovakia) but are also involved in the kidnapping of illegal immigrants followed by

extortion of their relatives (such cases are not reported). The trade in “trademark” goods is another kind of crime. Other crime victims are Chinese entrepreneurs – these are selected in advance and a number of them do not notify the Czech police. In the year monitored, criminal offences committed by these groups increased, mainly in the area of violent crimes connected with extortion and ransom, and their co-operation with Russian-speaking criminal groups has been documented. Their growth is reported in the field of illicit conveyance of people. Chinese-Vietnamese gangs of smugglers are documented, however Czech nationals are involved as well. They provide services which closely relate to the forging of documents and visas.

- * Vietnamese criminal groups have been involved especially in organising illegal migration and smuggling goods; the increasing abuse of drugs in the Vietnamese community has led to the creation of a drug-dealing network. Such groups have been under the influence of Vietnamese coming from Germany, against whom there are, in many cases, issued international and/or national warrants, and whose experience is used mainly in the area of recovery of debts, protecting market places, pressure on competitors; all these kinds of crimes mean a shift from street gangs to the establishment of more elaborate organisations. Increasing violent crimes have remained a problem and murders carried out to order were recorded.
 - * Trends proving co-operation between Vietnamese and Chinese criminal groups and 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 do not set up classical criminal organisations on a national principle, it allows them to be involved in typical criminal structures established on a national principle they have links to persons and organisations formed on the basis of Arab fundamentalism and terrorism in the world.
 - * They concentrate especially on drug smuggling, trade in weapons, and financial frauds, however these organisations are also involved in illegal migration (in particular from Sri Lanka, Pakistan, and Afghanistan).
 - * The principal persons managing the criminal activities are people who have lived for a long time in the Czech Republic, which allows for a good knowledge of the local environment.
 - * They usually use non-existing companies for their operations (trading companies established for the purpose of money laundering) and they are willing to participate in any kind of crime – for example the illegal exchange of foreign currencies (under-hand money changers), the sale and production of telephone simulators (endless telephone cards), and trade in stolen cars including leasing frauds.
 - **Organised crimes of a violent nature** (*this area is also described in the section dealing with organised criminal groups and in the Chapter “Violent Crimes”*)
 - * No essential changes have occurred in crimes of **violent nature**, i.e. the gangs are more brutal; criminal organisations operating in the Czech Republic are involved.
 - * Offenders are becoming “more professional”, and attempts to influence witnesses as well as judicial bodies have been recorded. Extortion (*threats of contaminating food have also appeared*), kidnapping, hostage taking and deprivation of personal freedom

are closely linked to violent crimes; the restriction of personal freedom, kidnapping, and hostage taking remain highly latent.

- * Robberies of small shops to large banks, petrol stations and mugging of foreign tourists remain a problem
- * A number of murders are carried out to order and murderers immediately leave our country.
- * Aggression and brutality has risen, victims are often devastated.
- * Groups coming from the former Soviet Union are the most active.
- * ASIANS form a specific group – their crimes are aimed mainly against their fellow-countrymen.

A person from Kazakhstan known in his own circle as “Ivanovich” was the main organiser of hunger-strikes of Russian-speaking convicts in the Czech Republic. Other contact persons used mobile phones to be able to communicate directly from their prison cells. Some organisers of this mutiny wanted to escape to their domestic country to avoid extortion or they wanted to acquire “higher credit” within the criminal hierarchy. The police prevented open mutiny, any escapes of prisoners, and the murder of one persons who ignored their organisational structure; by transporting mutiny leaders to other jails the police broke their organisational structure.

The offenders of robberies carried out in Prague from June 2000 until May 2001 have been detected. Altogether there were 7 robberies 2001 causing damage of CZK 7 million. The offenders were one Lithuanian national and five citizens from Ukraine.

The Section for Revealing Organised Crime of the Czech police (hereinafter “SROC”) solved 69 cases of violent crimes (this Section recorded 149 crimes committed by 95 offenders, 42 of them being foreigners), and 37 cases related to organised criminal structures (this section recorded 139 crimes with 103 offenders involved, 58 of whom being foreigners).

- The activities of criminal organisations in the Czech Republic copy the trends of international organised crime including groups which do not carry out any activities relating to organised crime in our country but aim their activities at neighbouring states.
- Organisations from the former Soviet Union remain dominant, however Asian and Arab criminal organisations have a strong position as well. They all undermine the economic interests of the Czech Republic. A risk is their influence on civil servants and the wider involvement of Czech nationals in organised criminal offences. It can be assumed that mainly racketeering and extortion will increase.

UNIVERSITAS research respondents expressed the degree of their anxiety in relation to various problems in society using a scale from 1 to 4, where 4 represents great anxiety. The index, using this scale, showed that people are mostly concerned by organised crime (3.1) and aggression and violence (2.99).

Measures Adopted

- A number of state prosecutors from the Supreme State Prosecutor’s Office participated in special seminars held by the UN, the European Commission, and the Council of Europe.
- Both co-operation within the Ministry of the Interior and at 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.
- A significant step in combating organised crime was taken in the adoption of the **Act on Special Protection of Witnesses and Other Persons with Respect to Penal Proceedings**, which came into force in July 2001. This Act solves the comprehensive protection of witnesses in the most serious criminal cases, especially organised crime. A special protection programme will be created for endangered witnesses who can receive personal protection, protection of their homes, can be moved within the Czech Republic, will be assisted while looking for a job, can be provided social help, and in the most serious cases may receive a change of identity. At the beginning of 2000, a special police unit was established within the Directorate of the Criminal Police. This unit deals with the issue of witness protection and since 2001 it has formed part of a squad having republic-wide powers and responsible for the provision of such protection.
- **Czech Accession to the UN Convention on Supranational Organised Crime** was, on behalf of the Czech Republic, signed by the Non-departmental Minister – the Head of the Office of the Government – in Palermo on 12 December 2000. Two additional Protocols were opened. They are: the Protocol on Prevention, Suppressing and Punishing Trafficking in Human Beings Particularly in Women and Children, and the Protocol Against Smuggling Immigrants on Land, by Sea and by Air. Both Protocols are being discussed in the Ministry of the Interior and by the Czech police. They are assumed to be ratified alongside with the UN Convention against Supranational Organised Crime.
- In legislation, particularly the **Amendment to the Act on the Police of the Czech Republic**, which came into force in February 2001, represents an important step in combating organised crimes on the basis of international co-operation. This Act has been fully harmonised with ES/EU laws. The subject of the regulation is mainly the special processing of personal data by the Czech police when preventing and revealing crimes and solving and investigating criminal offences. It defines the necessary differences from a general legal provision contained in the Act on Personal Data Protection which obviously arise from specific features of police work aimed at revealing criminal acts. Exceptions resulting from a general legal regulation are defined and shown to be positive. This Amendment also creates prerequisites for the facilitation of efficient international co-operation mainly in combating terrorism, illicit trade in drugs, and other serious forms of international crime. The objective of the Amendment is, *inter alia*, to prepare in the shortest term possible conditions for entering into bilateral co-operation with Europol. The Agreement on Co-operation in Combating Serious International Crime was signed (in March 2002) by the Minister of the Interior and the Director of the European Police Office. This Agreement allows for the exchange of information on actual crimes, or information on investigative methods, crime prevention or training. International teams will be established for solving special criminal cases.
- In mid- 2001 a working group (VÝNOSY = PROCEEDS) **for the detection and documentation of proceeds resulting from serious crimes** was established. This group, apart from other activities, should identify some key legislative barriers which should be discussed by relevant experts in criminal law. They will then be included in legislative as well as organisational proposals.
- To strengthen the capabilities of relevant forces combating organised crime and major

economic crime both at a strategic level and in actual policing, **the Twinning Project, within the Phare Programme**, was commenced. A high rank police officer from Great Britain started to work in the Ministry of the Interior in autumn 2001. Phare Projects significantly help combat serious economic crime and organised crime. For example a centre for professional courses aimed at intelligence analyses was established, language as well as professional courses and secondments are organised, hardware equipment and software programmes purchased, and so forth.

- The objective of seminars aimed at combating organised and financial crime, corruption, and money laundering, was not only to provide information but also to help certain procedures carried out by the Czech penal proceedings bodies to comply with those taken in EU Member States.

Meeting assignments resulting from the Schedule of Measures Arising from the Updated Strategy of Combating Organised Crime (the Minister of the Interior was required to inform how the assignments contained in the Reports on the Situation of Internal Security were met):

A co-ordination role of the Security Council of the State is assured by the submission of regular information on the **activities of individual groups at the meetings of the Security Council of the State**. On 22 January 2002 the Security Council by its Resolution No. 257 took the note of the “Information on Activities of Expert Working Groups of the Ministry of the Interior Established to Solve the Issues of Organised and Financial Crime” – updated as of 31 December 2001 - and required the Minister of the Interior to submit at the Security Council’s meeting further updated information along with information on the efficiency of measures adopted in connection with the Amendment to the Code of Criminal Procedure by 31 December 2002.

In the struggle against individual aspects of organised crime the MI supports, by means of grants, **specific research (projects such as Combating Computer Crime, New Threats of Terrorism, Revealing Serious Crimes Committed by Individuals as well as by Organised Groups, Monitoring and Analysing Information Usable for a Terrorist Bomb Attack, etc.)**. The research centre of the Ministry of Justice - the Institution for Criminology and Social Prevention - within its research CEZ: 101/98 called “The Research of Possibilities of Enhanced Enforcement of Law; Forms and Trends of Crime and Pathological Social Phenomena in the Czech Republic and Options of Their Control” solves a number of research assignments concerning public order and internal security (mainly the following research tasks: Trends and Probable Crime Development in the Czech Republic, The Research of Organised Crime in the Czech Republic, The Research of Economic Crime – has been carried out since 2000, The Project of Combating Trafficking in Human Beings, etc.). The Ministry of the Interior co-operates with scientific institutions dealing with the issues in question (the Institute for Criminology and Social Prevention, the Institute of International Relations).

The issue of **confiscating proceeds gained by criminal activity** is closely related to the issue of major economic and financial crime, therefore a group of experts solving economic and financial crime was involved. On the basis of a discussion led in the Ministry of the Interior since October 2000 a thesis for a further procedure was developed. As a follow-up it was decided in March 2001 to establish a unit under the Section for Revealing Corruption and Major Economic Crime which should serve as a basis for building structures which would concentrate on the confiscation of proceeds from crimes. The team called “Vynosy” (Proceeds) was set up in mid-2001, whose main task was to search for illegally acquired assets

and at the same time is a special service site for solving actual requirements submitted by special police forces. The European supporting programme Phare considerably contributes to its activities. During the first six months of the activities carried out by this team its members suggested confiscating proceeds of CZK 100 million. Its members, at the same time, methodologically co-operate with other police professionals and thus contributed to increasing the value of things confiscated within criminal proceedings (in 2000 the amount was approximately CZK 249 million, in 2001 it reached CZK 2,118 million). At the beginning of 2002 this team was transformed into a regular unit within the Section for Revealing Corruption and Major Economic Crime of the newly established Criminal and Investigation Police Service. One of the prerequisites when establishing this new specialised unit was to gather concrete practical findings on legislative and organisational barriers preventing the due searching, ascertaining and finally confiscation of proceeds coming from crime. This assignment is being met, the team has prepared for the inter-ministerial working group documents containing a description of the individual obstacles preventing an effective approach towards confiscating criminal proceeds. They are mainly problems relating to the management of confiscated assets, problems connected to proving the criminal origin of acquired property (the issues of reverted burden of proof), problems concerning access to some information so far protected by the confidentiality of some state bodies (even against the police), insufficiencies in criminal proceedings since it is not possible to lay down a term for an immediate decision about a confiscated thing. These findings will be, in the upcoming period, elaborated into proposals of concrete legislation and organisational changes.

*With regard to preventing the legalisation of **stolen vehicles**, work on re-connecting the vehicle registration systems (EMVO) and systems for searching for stolen vehicles (PATRMV) was commenced.* These two systems were officially disconnected on the basis of the modification of legal regulations which had been stipulated by the Decree of the Ministry of the interior No. 145/1956 U.I, on Road Traffic, and now specified by Act No. 56/2001 Coll. on Conditions of Land Transport and on the Amendment to Act No. 168/1999 Coll. on Liability Insurance Against Third-Party Risks and on the Amendment to Some Other Related Acts (the Act on Liability Insurance) as amended by Act No. 307/1999 Coll. and Act No. 478/2001 Coll. altering Act No. 247/2000 Coll. on Acquiring and Improving Professional Roadworthiness of a Person and on the Amendment to Some Other Acts altering Some Other Acts. *The signature of inter-ministerial agreements on long-term co-operation determining, for example, the co-ordination of procedures taken by the Czech police and city councils when data from EMVO and PATRMV is identical can be expected at the end of 2002. In addition, the preparation of vehicle identification numbers similar to internationally used numbers (VINs) continued. Such identification numbers guarantee that the administrative marking of vehicles (VIN) is known in other countries (of course only in urgent cases) and helps to verify vehicles in electronic databases of all kinds (in the future at an international level as well), to be able to find out whether a vehicle was or was not stolen and later re-registered. Another issue which is being solved at the moment is an attempt to improve security elements on car documents utilising new printing technologies (holograms, which are used, inter alia, on labels verifying registration numbers, on labels for measuring emissions, and on labels on technical check, are particularly important).*

The inter-ministerial commission for combating illegal employment was established under the responsibility of the MLSA. This body has prepared its own independent information on its activities which was provided to members of the Government for their information.

Further, the Ministry of the Interior in co-operation with the Ministry of the Environment and other state bodies has drawn up a conceptual document **“Crime Against the Environment – an Analysis and Draft measures”** which includes draft measures aimed at solving some aspects of punishing environmental crime. On the basis of the results from the meeting of the working group the following measures have been implemented:

* In the second half of 2001 employees of various units of the Criminal Police Service were

assigned tasks related to activities in the area of the environment. In each district one or two employees are involved in these activities.

- * Personal contacts with regional offices of the Czech Environmental Inspection and the Departments of the Environment at individual District Offices were established at the level of District and Regional Czech police squads to acquire necessary information on issues of unlawful conduct against the environment and to use these administrative bodies to obtain expert opinions.
- * Currently a special unit aimed at the illegal management of highly dangerous substances and waste is being established within the Section for Revealing Organised Crime of the Criminal and Investigation Police Service of the Czech police.

*Three ministries are systematically involved in the protection of **cultural heritage** – the Ministry of Culture, the Ministry of the Interior, and the Ministry of Finance, alongside the General Directorate of Customs Administration. An advisory committee of the Vice-Minister of Culture consists of representatives of the aforementioned ministries and representatives of the Catholic Church. The Czech Republic has adopted a range of measures aimed at regulating exports and the protection of cultural heritage movable items. Legislative, technical, and informative tools were created. However these tools were not integrated and thus their effect was not efficient enough. As early as in 1991 the program of the Ministry of Culture, the Ministry of the Interior, the Office of the Government of the Czech Republic (Prime Minister's Office), and deputies of the then Czech National Council "Protection of Cultural Movables and Articles of Art" came into existence. The project "Integrated System of the Protection of Cultural Heritage Movables" (hereinafter "ISP") was set up within the Programme. The purpose of the ISP Project is to ensure the comprehensive, systematic efficiency of all available tools and to improve them on an ongoing basis. Since 1991, the Czech police have been building up within the ISP Project, a computer database of articles of art – SEUD. The original intention was to create a database of stolen works of art. This database helps policemen and customs officers to search for, identify, and return stolen articles to their original owners. The graphic interface of the SEUD system enables the processing of any format of text or picture information. Currently it is available on the web-sites of the Ministry of the Interior under the name I-EUD. In this form the database contains approximately 14,000 image and text frames determined for the identification of found or confiscated articles of cultural value.*

In 1996, a bilateral Agreement between the MC and the MF on Transferring Articles of Cultural Value was concluded. These are articles seized at border crossings and fallen caduceus to the state.

*Modern **information technology** is under rapid development nowadays and it may be expected that the society of the 21st century and mainly its economy will be built on information technology. On the other hand, state-of-art information technology will be to a higher degree utilised for committing crimes which could, unless all relevant bodies combat it in a pro-active manner, considerably hinder the desirable development of society. The Ministry of the Interior has drawn up the ministerial strategy of combating information technology crime. (This document was approved by the Minister of the Interior in June 2001 and is available on the web-site of the MI in documents section– www.mvcr.cz. The aim of this document is to describe, in full detail, the present situation and the development of the crime in question (not only from the point of view of organised crime). It takes into account all problems occurring. It contains the schedule of measures and concrete assignment for individual units within the Ministry of the Interior. This approach is in compliance with the approach taken by the international community and presented, inter alia, in international forums targeted to combat organised crime where information crime is considered to be a security risk which should be, in connection with possible abuse by organised criminal groups, addressed early and systematically.*

The following measures have been implemented in this area:

- * *To meet a requirement arising from the Convention of the Council of Europe on Crime in Cyberspace, a contact place was established within the National Headquarters of Interpol Prague. This contact place is available for 24 hours a day to ensure early and effective communication with foreign counterparts when supranational cases of information crime*

are investigated. This service will be able to inform without undue delay members of the specialised group of the Criminal and Investigation Police Service for solving information crime.

- * A basic structure of Czech police units specialised in combating information crime was set up and conditions for their effective communication including mechanisms of strengthening personnel and finance, on an ongoing basis, were created.*
- * The implementation of the PHARE 2000 Project (the Phare 2000 Project – “Strengthening the Struggle against Organised Crime”) was commenced in October 2001. Policemen from the Section for Revealing Organised Crime will receive material and technical assistance and will be provided training, in which they will participate in courses targeted on Internet and information crime in connection with organised crime. Assistance covers the material area and training. Great Britain has become a partner country for this project.*

2.2.7.1. Illicit Drug Dealing

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 on offer, as in 1999, more or less without any problems in the whole territory of the Czech Republic, and in smaller towns and villages; a dangerous trend seems to be a slight decrease in the price of cocaine followed by the growth in its consumption mainly at dancing parties (discos);
- conspirative measures taken by the producers and distributors of NPS: laboratories of NPS are moved to smaller villages or remote places, mobile phones and the Internet are widely used, and street dealers have on them only the minimum amount of a drug (they use other partners and people who cannot be accused – mainly minors);
- a growing role of offenders speaking Russian in all activities relating to drug crimes, mainly the production and distribution of methamphetamine, and organising large consignments, in particular of heroin and cocaine;
- with regard to other groups of offenders – a direct link between Albanian suppliers of NPS and Vietnamese distributors is being developed; Arab criminal groups cannot be neglected – they operate among other groups and they use especially Czech nationals for street dealing; several groups from Algeria who are involved in the distribution of heroin are active, their members usually have permanent residence in the Czech Republic and they acquire asylum seekers as dealers; Algerian groups shifted from street dealing to bars at gambling facilities; Tunisians who are involved in illicit dealing in NPS sell especially by phone;
- growing efforts to get ephedrine outside the Czech Republic and its import to and production in the Czech Republic can be seen;
- the age average of drug consumers is decreasing, and consumers ensure the necessary money for buying drugs by committing crimes against property (thefts in departments stores, thefts from cars, etc.);

- it is assumed that the production of methamphetamine from alternative sources –medicine - will increase (in the year monitored for example Modafen was used); the escalation of pressure against witnesses of crimes and its change into more violent manifestations can be assumed;
- The dominant groups of organisers involved in the illicit trade in **heroin** consist of Turkish and Albanian citizens. Heroin is transported to Europe by the Balkan route where couriers of European origin are hired. In-process stores are established in Poland and in Slovakia. **Cocaine** is being consumed more than before and so far it is available in rock clubs where Czech nationals are being involved to a higher degree. After a decrease in its price, cocaine is becoming more available. With regards to **pervitin**, which is usually “cooked” from ephedrine, a considerably higher production from a medicine called Modafen was recorded. Producers of pervitin (i.e. methamphetamine) are predominantly Czech citizens, but however Russian and Asian criminal groups are currently becoming more involved. Trends of selling methamphetamine in Germany are obvious, since its market value there is much higher. A massive growth in the consumption of **ecstasy** was recorded, apart from other users also among occasional drug users. The prices of this drug have drastically reduced; it is imported mainly from the Netherlands. There are also tablets with a content of new synthetic drugs with unknown effects for their consumer. **Marijuana** is imported from North Africa and Asia in larger shipments, smaller shipments come from the Netherlands, Spain, and India.

A significant example of the struggle against NPS are actions such as EL PASO (15 offenders involved in smuggling heroin from Ecuador to the Czech Republic were apprehended), CARLOS I. (Algerian dealers in hashish sold hashish to persons younger than 15 years), ROMA (one Palestinian dealer of white and brown heroin was detained; another offender was within this action caught in Finland), FAKÍR (this action was organised in co-operation with German partners and was focused on the trade in pervitin and heroin), and so on.)

(For more details see Table 53)

The National Anti-Drug Headquarters of the Czech police (hereinafter “NAH”) solved 118 cases (recorded 631 crimes with 243 offenders, of whom 70 were foreigners).

NAH detected 17 pervitin laboratories, 60,617 doses of methamphetamine (pervitin), 20,171 doses of cocaine, 30,702 doses of heroin, 20,247 ecstasy tablets, 3.512 kilos of hashish, 0.5 kg of amphetamine, 0.171 kilo of marijuana, 1 kg of modafen, 1.5 litre of soluten.

The **Czech customs authorities** are an important partner of the Czech police and their foreign partners in the detection of illegal trade in narcotic and psychotropic substances, and participated in the confiscation of drugs – for example 2.980 kilos of cocaine, 27 kilos of ecstasy, etc. The active approach of policemen, customs officers, financial guards at Prague-Ruzyně airport and highly efficient international cooperation also positively impacted the detection of illegal transport of drugs.

According to the findings of the Supreme State Prosecutor's Office evidencing drug offences displays a number specific traits – witnesses are drug consumers (thus their trustworthiness is objected to), witnesses usually give evidence only in pre-trial proceedings, there are problems with using operative investigative means (courts in some cases did not accept the evidence if a pretended transfer of a thing was used), a serious problem is caused by the interpretation of a term “considerable benefit” and “very large benefit”, and the valid legal regulation relating to drug offences does not consider the age of a “victim”. According to the Supreme State Prosecutor's Office the Amendment made by Act No. 112/1998 Coll. has not brought about a desirable effect since consistent links among individual crimes are not ensured. However, in some cases this Amendment enabled the strict punishment of conduct which could have been punished only by moderate punishments before. According to a special report it seems desirable to remove the insufficiencies arising from the lack of links among individual crimes of Sec. 187 (2) (3) (and also Sec. 188 (2) (3)).

*An analysis of the practical impact of new drug legislation was drawn up by the **Inter-ministerial Anti-drug Commission. The Project Analysing the Impact of the Amendment to the Drug Legislation** summarises the results of research required and financed by the Inter-ministerial Anti-drug Commission of the Czech Government. Its results are exclusively the conclusions which the research team came to. According to the results of the study “the inclusion of criminal punishment for holding illegal drugs for own need did not meet any of its tested aims and from an economic point of view it is loss-making”. The Czech Government took note of this analysis by its Resolution No. 1177/01 dated 14 November 2001 and required the Minister of Health to divide illegal drugs into two or three categories according to their degree of danger to health and society, the Minister of the Interior to concentrate on suppressing the use of hard drugs (particularly heroin) and to create at the level of the Regional and district Directorates of the Czech police conditions corresponding to activities to be carried out by teams specialising in drug issues, and the Minister of Justice to take into account the results of the analysis when preparing its new codification of the criminal law and revising sanctions for crimes connected with drugs.*

1,094 (+242) persons were **lawfully sentenced for the unauthorised production and possession of narcotic and psychotropic substances and poisons** (Sec. 187-188 of the Cr. Code) and 41 (-16 persons) persons were sentenced for spreading addiction (Sec. 188a of the Cr. Code).

UNIVERSITAS research respondents expressed the degree of their anxiety in relation to various problems in society using a scale from 1 to 4, where 4 represents great anxiety. The index, using this scale, showed that people are mostly concerned by organised crime (3.1), drug spreading (3.05) and aggression and violence (2.99). The respondents were also anxious about the possibility of their child (age 5-17 years) becoming a drug addict. 39 % of the respondents considered the occurrence of drug addicts and drug dealers in the environs of their place of residency a problem. 49 % of respondents thought that the police should monitor, investigate and bring to court people for smoking marijuana and offering it to their peers free of charge.

Measures Adopted

- The National Anti-Drug Policy Strategy for 2001-2004 was approved by the Government's Resolution No. 1045 dated 23 October 2000; a number of entities adopted measures within the scope of their powers. The MEYS is implementing measures from the “MEYS Strategy

of Prevention of Abuse of Narcotic Substances and Other Pathological Social Phenomena of Children and Youth for the Period of 2001-2004", and the Ministry of Defence is building on the "Concept and Programme of Prevention of Pathological Social Phenomena in Entities within Responsibility of the MD for the Period of 2000-2004".

- Among standard measures adopted was the publication of a NAH bulletin dealing with this issue and media events.
- **Co-operation** within the Ministry and bodies under its responsibility is standard. Mainly the Prague Criminal Institution staff perform highly professionally. Co-operation among ministries is good as well. It is necessary to mention the Customs Administration Directorate (there are two permanent joint groups and others are being established to solve the issue in question) and the Ministry of Health – the Inspectorate of Narcotic and Psychotropic Substances (there were several checks at chemists and pharmaceutical distributors). An agreement on implementing the D.A.R.E. project between the MEYS and the MI aimed at preventing addictive substances is prepared for signature. Co-operation with the Licensing Authority of the Ministry of Industry and Trade is also important.
- With effect from 15 January 2001 the republic-wide National Anti-Drug Headquarters of the Criminal Police were established. This unit operates as a unifying element of all police sites which are aimed at combating trade in drugs. At the beginning of 2001, the NAH entered into an agreement on the establishment of a joint working party with the General Customs Administration Directorate and on common building of the NATIONAL FOCAL POINT (the EU standard). The aim of this joint analytical working site of the NAH and the Anti-drug Department of the Ministry of Finance – GACD - is, *inter alia*, to guarantee the complete statistical elaboration of all drugs seized and offenders apprehended, to improve the co-ordination of co-operation with foreign countries, and to remove possible double dealing with the same case.
- International co-operation is being implemented (mainly for policemen and customs officers) while working on and investigating individual cases, monitoring some groups of dealers and intervening against them, attending international conferences, training courses, secondments, and so on. The Customs Administration of the Czech Republic will further co-operate with its German counterparts and implement the operation of a Czech-German working group "Crystal" which handles mainly trade in heroin.
- The Supreme State Prosecutor's Office will draw up, by 30 June 2002 at the latest, a special report containing an analysis of current criminal-legal practice in the area of criminal drug offences, whilst special attention will be paid to distinguishing punishment according to the type and amount of narcotic and psychotropic substances. On the basis of this report, relevant legislative solutions concerning, for example, the interpretation of a term "quantity greater than small" will be suggested.

2.2.7.2. Illicit Trade 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 that offenders suppress the fundamental human rights of a victim (health, life, and human dignity). Girls are physically forced to prostitution, this is the method which prevails. 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 in the Czech Republic quite often “supports” the trafficking of 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.

In terms of trading in children, the Czech police focused especially on criminal activities relating to the alleged organising of child prostitution in the Czech Republic (in particular in the West Bohemian Region). The findings of the Czech police showed that offers of sexual intercourse with children were given by adults with the purpose of tempting interested parties to their flats and robbing them there. Offenders correctly assume that a robbed individual who showed interest in sexual intercourse with a person younger than 15 years will not, in the majority of cases, contact the Czech police since the aggrieved parties are mostly foreign nationals who fear being transferred to their home police. Of course, it cannot be denied that child prostitution exists, nevertheless according to findings collected these are only individual cases of sexual abuse by family relatives and not an organised criminal offence.

In 2001 two German nationals were apprehended on the basis of international writ of attachment and were extradited.

With the SEVA action a group of offenders who run night-clubs in West Bohemia was detained.

The PAVOUK (i.e. SPIDER) action was aimed at offenders who supplied minor and juvenile homosexual prostitutes to various gay clubs in Prague.

The SAS action investigated offenders who focused on the import of women from abroad, including juvenile girls and children, to night-clubs where they force them by using physical violence to work as prostitutes. At the same time the second part of this internationally organised group was investigated and prosecuted in Germany.

The Section for Revealing Organised Crime (The Department for Conveyance and Trafficking in Human Beings) solved in 2001 six cases of trafficking in people and investigated 46 offenders of this crime, of which 13 were foreigners. The real number of offenders trafficking in human beings (under Sec. 246 of the Criminal Code) is difficult to monitor using police statistics since trading in people is prosecuted under a number of other provisions of the Criminal Code, for example as procurement, kidnapping, trade in children, injury to health, extortion, limitation or deprivation of personal freedom, abduction to a foreign country, and others.

Measures Adopted

- The Czech police actively co-operate in combating illicit trafficking in human beings with foreign police bodies in Germany, Austria, the Netherlands, France, Great Britain, Italy, Slovakia, Poland, and Hungary. In several cases there was close co-operation with the FBI bodies and the US immigration office.
- The Czech Republic is involved in the UN international project **Preventing, Suppressing and Punishing Trafficking in People, Particularly in Women and Children**. This project was signed by the Ministry of the Interior on 14 February 2001 and is mainly aimed at comparing Czech legislation with the adopted Protocol of Preventing, Suppressing and Punishing Trafficking in People, Particularly in Women and Children which completes the UN Convention Against Supranational Organised Crime. It also focuses on creating a model for the protection of and assistance to victims and to witnesses of trafficking in people, and strengthening international co-operation in this field. The Ministry of the Interior set up a working group that deals with the preparation and implementation of individual parts of the project. The project is expected to be finished at the end of 2002.
- On 8 February 2001 the Minister of the Interior set up the **Advisory Commission for Solving Issues of Trafficking in Women and Commercial Sexual Abuse of Children**.
- The Amendment to the Criminal Code (This amendment will come into effect on 1 July 2002 and will harmonise the Czech Criminal Code with EC law) modifies Sec. 246 (trafficking in women) so that it will protect both sexes (the heading will be changed to trafficking in people) and it should enable a wider protection of traded foreigners (female and male).

2.2.7.3. 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 – the interest in illegal sale and purchase in explosives, weapons, and ammunition remains:
 - * Explosives are stolen from sites where they are used for industrial purposes.
 - * The use of explosives and booby traps is one of the most dangerous forms of criminal activity.
 - * Firearms are offered to illegal markets without identification numbers, with the possibility of adapting dampeners and the arms are assembled in home workshops.
 - * The high number of illegally transported cartridges and rifles still remains. A certain increase was recorded in relation to short firearms, machineguns and guns; The documents needed for customs clearing are not typically submitted.
 - * Some information relating to persons who produce and sell booby traps (also abroad) was gathered.
 - * Persons involved in the illegal trade in weapons and explosives are largely among those whose business is the arms trade, or who have or have had access to Czech Army weapons, or who collect historic weapons.
 - * Attempts to sell army material to regions where embargoes have been imposed, or to sell larger amounts than the amounts permitted by a licence have remained (there is likely to be corruption of state officials). Companies involved in trade in weapons always try to sell their goods to a dealer who offers the highest price, which means that some weapons are also sold to countries under embargo of the UN Security Council.
 - * In the year monitored great attention was devoted to the checks on companies producing firearms and ammunition and distributing them to the commercial network.
- 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.
 - * 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.
 - * The situation is similar to that in other European countries.

The Section for Revealing Organised Crime seized 5.6 kilos of TNT, 21 kilos of Semtex plastic explosive, 5.5 kilos of explosives (Perutin), 5 pieces of hand grenades, 11 electrical detonators, 17 kilos of natural uranium, 2 pieces of radio-nuclide, etc. This Section solved 29 cases concerning weapons, explosives, and radioactive material (it recorded 28 crimes committed by 37 offenders; ten of whom were foreigners).

A German national was accused of a crime of unauthorised production and possession of radioactive material who imported to the Czech Republic without having the respective approving certificate for the radioactive material which he stored on his business premises. During a house search, 17 kilos of natural uranium, 100 grams of thorium and other dangerous substances were seized.

An offender was accused of the crime of unauthorised arming, who acquired approximately 18 – 20 kilos of Semtex plastic explosives and 11 electrical detonators able to initiate an explosion. Explosives were seized during a house search.

Measures Adopted

- Good, standard co-operation exists between the entities involved, namely 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 Ministry of Defence, and the General directorate of Customs Administration. These entities cooperate either at an expert level, or during actual actions
- A range of training activities is 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.
- In accordance with Act No. 62/2000 Coll. on Some Measures Concerning the Export and Import of Products, on Licensing Proceedings and on Altering Some Related Acts trading in products is permitted only under a security licence because holding such products is limited in the Czech Republic because of security reasons or other important state interests,
- The Ministry of Industry and Trade has drawn up an Amendment to Act No. 21/1997 Coll. on Control of Exports and Imports of Goods and Technologies Subject to International Control Regimes. The reason was to respond as early as possible to the usage of new, mainly electronic methods in international trade, to enhance tools for preventing military conflict, and to limit the availability of strategic materials and technologies for the development of weapons of mass destruction and to limit their availability for terrorists.
- The Ministry of the Interior issued its disapproval of three applications (out of 38) for issuing certificates for trading military material abroad.

2.2.7.4. Forgery

- In the field of counterfeit money, the Czech Republic has become a transit country for counterfeit money rather than a consumer, which has come about by better prevention:
 - * The course of the previous years differed from year to year, fluctuations were recorded in terms of Czech as well as foreign currencies. CZK 5,000 counterfeited banknotes represented the biggest problem, the same applied to USD banknotes; other forged payment documents also displayed a rising trend (such as cheques, notes, credit cards, etc.). The year 2001 displayed a falling trend relating both to Czech and foreign currencies, commenced in 2000.
 - * A moderate increase in the DEM note in the second half of 2001 might have been caused by the terminating validity of these notes and their transfer to EUR.
 - * Despite the declining tendency in counterfeited and altered money, an increasing quality of counterfeits is a dangerous factor.
 - * Forged cheques, notes, credit cards and payment certificates occur in higher quantities.
 - * The Czech Republic is becoming a counterfeiting power, with respect to forged personal documents, public certificates, telephone cards, etc., leading to latent crimes of economic nature. The **forgery of documents serving for illegal migration** is very dangerous. As for forged toll stickers, the Czech police did not record any forged labels, a result of the new protection elements used.
 - * The fact that the top copying machines are not republic-wide registered as in some countries of Western Europe remains a problem.

The Section for Revealing Organised Crime solved 22 cases (and recorded 68 crimes committed by 32 offenders - nine of whom were foreign nationals) related to forgery.

A group of offenders who had offered counterfeited notes of the denomination DEM 1,000 was detained. Another apprehended group participated in the sale of counterfeited notes of the denomination USD 100. A group of offenders who were the producers and distributors of notes of the denomination CZK 500 was detained as well.

84 (-8) persons were **lawfully sentenced for counterfeiting and altering money** (Sec. 140-142 of the Cr. Code).

Measured Adopted

- Good and focused cooperation both at the international and inter-ministerial level continued (for example with the Czech National Bank) – consultations, cooperation at an expert level, with the General Directorate of Customs Administration, the Post Service Headquarters, and so on. There is good co-operation with the Money Department of the CNB.

2.2.8. Communist Crime Investigation

Activities carried out by the Bureau of Documentation and Investigation of Communist Crimes of the Czech police (hereinafter “BDICC“) significantly contributed to the declassification of the archive of the Central Committee of the Communist Party of Czechoslovakia which is now deposited in the Central State Archive in Prague. The time limit was extended from 1 January 1945 until 29 December 1989.

BDICC investigated a total of **345 criminal cases** (of this number, 26 cases were recorded in 2001), and criminal prosecution was commenced in 82 cases (in 2001 in seven cases). **The average investigation time** was 24.6 months (in 2000: 22.4 months)

As of 31 December 2001, in total, **169 persons were notified of charges** during the existence of the BDICC (**in 2001: 11 persons**). Prosecution was discontinued under Sec. 172/1a of the Code of Cr. Procedure in the case of 15 persons (in 2001: nobody); under Sec. 172/b of the Code of Criminal Procedure in the case of 22 persons (in 2001: 3 persons); under 172/1c of the Code of Criminal Procedure in the case of 12 persons (in 2001: 1 person); under Sec. 172/1d of the Code of Criminal Procedure in the case of 16 persons (in 2001: 2 persons); under Sec. 173/1 of the Code of Criminal Procedure in the case of 4 persons (in 2001: nobody). In 2001, **94 persons (in 2001: 10 persons were notified of charges; 73 (in 2001: 26 persons) were charged and nine persons were lawfully sentenced** (nobody in 2001). The criminal offences were as follows: high treason, serious injury to health, thwarting of a task by a public official, murders, sabotage, extortion, deprivation of personal freedom, injury to health, suppression of people, breach of guard duty, and so forth.

In total 1,009 cases were examined, 19 of them in 2001, and the average period of examination was 16.3 months.

In terms of **documentation of CCIO** the time limit was extended from 1 January 1945 until 29 December 1989. This division especially documents facts concerning the unlawful conduct of the communist regime and resistance against it. **The priority has remained the detection of crimes committed from 1945 – 1989.** Extensive documentary activities relate, for example, to cases of the abduction of persons to abroad carried out by members of the secret police, activities of the secret police aimed against democratic political parties after February 1948, the development of protection of the national border, the activities of the secret police against churches, technical misinformation by the secret police, infiltration of the secret police into the cultural sphere, the use of former Nazis as co-operators with the state secret police, etc. Extensive publication efforts form part of the BDICC activities (for example miscellanies dealt with the issues of security forces in the 1950s in the Czechoslovak Socialist Republic, the relations of the Czechoslovak communist regime with foreign countries, a publication called “Operative Technology in the Hands of the State Secret Police” was published, etc.). The Bureau organised lectures and opened an exhibition of operative technology of the state secret police. In total 198 cases were documented (11 of them in 2001), and one investigator is in charge of 9.4 files. As of 31 December 2001, 88 files remained unclosed. **BDICC discloses on its web-sites updated information on investigations. The information is updated monthly.**

2.2.9. Terrorism

- The current situation in the Czech Republic is, in terms of manifestations of terrorist activity, peaceful, no international terrorist organisation openly operates here. In the fourth quarter of 2001 security was substantially influenced by terrorist attacks against the USA and this fact was reflected in events occurring in the Czech Republic – assignments were focused on the protection of those of the Czech Republic's interests which could be affected by terrorist attacks, the protection of the interests (mainly premises) of foreign allies and partners, participation in investigating terrorist attacks in the USA, and on monitoring the negative impact of “nowadays” terrorism on the Czech economy in the context of economic development worldwide.
- * 1,200 persons were examined in relation to the terrorist attacks.
- * No threats of terrorist attacks from abroad were recorded, however the frequency of threatening anonymous telephone calls and the spreading of alarming news increased.
- * There is a latent risk of terrorist activities by a part of the Arab community (some of whom had 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. With regard to the protection of premises, further intelligence attention was paid to the US, British, and Israeli embassies. The embassies of Turkey and Japan and the UN Office in Prague requested higher attention as well.
- * The potential danger of terrorist attacks cannot be excluded, mainly from the side of radical Muslims who could negatively react to Czech support in struggle against terrorism. There is also the possibility of a response to the retaliatory action of 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 sought for persons, or as warehouses of weapons, etc.
- * Persons suspected of being members of terrorist and fundamentalist organisations or supporting such organisations have been involved in commercial activities, however the future violent enforcement of their interests cannot be ruled out.
- * A stronger resistance against globalisation, the abuse of economic and social problems, and an attempt to make attitude against migration of foreigners more radical can be expected. Individual terrorist acts using booby traps cannot be ruled out either.
- * Every year **there is a considerable number of attacks against vehicles, real estate and persons with the use of explosives. Mostly their target is to settle accounts with someone**, extortion, threats, but not terrorist acts.

Measures Adopted

- After the terrorist attacks against New York and Washington, the Ministry of Foreign Affairs adopted a measure in relation to the Czech embassy by establishing a “hot line” the aim of which was to simplify the search for Czech nationals living in the USA.

- In 2001, the Financial Analytical Division of the Ministry of Finance was involved in activities the aim of which was to prevent the financing of terrorism, although this issue does not fall within its powers under the law. The involvement of the Ministry of Finance is based on a range of security measures adopted after the September terrorist attacks against the USA.
- Since 11 September 2001 the Central Emergency Staff has been regularly called to operatively solve extraordinary events and to adopt urgent measures. Besides this ministerial emergency management body, bilateral and multilateral cooperative inter-ministerial negotiations including working meetings continued, with the objective of mutually exchanging intelligence information and of clarifying measures in this area. Measures have been implemented proportionally to the development of the international situation and the consequences of a respective terrorist attack. Controls of airports, passengers and operations at airports were intensified, guards on selected lines of Czech carriers were introduced. Higher protection concerned other selected premises. Working groups targeted mainly tasks connected with **checks on the financial flows** of persons suspected of being linked to terrorism or money laundering. A more efficient approach towards freezing suspicious investment plans and doubtful accounts was taken. **Biological protection** was considered and relevant information drawn up (“Draft Measures Aimed At Solving the Situation If Aerosol or Other Biological Agents are Widely Used”, “Plan of Documenting Samples with effect from 3 November 2001”). Staff ensuring the security of important premises was trained. The working groups concentrated also on foreign trade in military material. Other issues, the procedure of verifying whether persons were reliable from a security point of view using the so called police way, checks on the financial flows of persons suspected of having links to terrorism and foreign trade in military material were solved by relevant ministries using standard means.

With regard to a follow-up evolution process and in compliance with documents drawn up abroad, especially within the EU, the Ministry of the Interior in co-operation with the Ministry of Foreign Affairs prepared a document which clearly laid down the targets the Czech Republic wanted to achieve in combating terrorism. **The National Action Plan for Combating Terrorism** (hereinafter “NAP” - available in the documents section on the web-sites of the Ministry of the Interior – www.mvcr.cz) was approved on 10 April 2002 by Government Resolution No. 385. As a follow-up, legislative proposals and suggestions for technical and organisational measures mentioned in the NAP in the part containing the schedule of police and intelligence service work will be implemented. The same applies to measures relating to check on trade in weapons and other sensitive technologies, combating the financing of terrorism, security standards at airports and boards of planes, asylum and customs related areas and measures relating to various forms of combating terrorism.

Act No. 409/2001 Coll. on Providing State Guarantee of the Czech Republic in the Event of Liability for Damage Caused as a Consequence of War or a Terrorist Act by Operating Planes or in Connection with Air Transport.

2.2.10. Road Safety

The decrease in the number of traffic accidents (-12.2 %, in 1999 the number of road accidents reached its historical high) was accompanied by a decrease in the number of people who had suffered light injuries as well as the number of people killed (-117),

however the estimated material damage increased. Among those killed were 33 (- 14) children.

The statistical development of the number of accidents is affected by a legislative change since from 1 January 2001 there is an obligation to report an accident only once the damage exceeds CZK 20,000, unless people are injured or killed (this used to be CZK 1,000).

In terms of **those who caused accidents**, the situation is similar to that of the previous years - most (92 %) traffic accidents were caused by drivers, and 86,6 % of persons killed in accidents were killed in accidents caused by car drivers. Besides reckless driving problems were the wet, icy or snow covered surface of a road and reduced visibility during daylight.

In accidents caused by **pedestrians** (2,239) children caused 834 traffic accidents. On pedestrian crossings, regardless of who caused an accident, **57 pedestrians were killed (+32). 30 (+23, +328 %) pedestrians died, 210 (+79) received serious injuries and 736 (+362) pedestrians suffered light injuries because drivers had not given them priority on zebra crossings.**

Bad driving remains the main **cause** of accidents (**63 %** of the total number of accidents, **368 killed**), not enough attention paid to driving, followed by **excessive speed** (17.5 %, **512 killed**) and **not giving priority** (16.9 %, 125 killed). A higher number of **accidents caused by the influence** of alcohol was recorded (5.2 %, 101 killed).

The highest number of traffic accidents happened in the **municipalities**. After the number of people killed in such accidents increased in recent years this year saw a decrease - by 13 persons, which meant the lowest number killed within the last ten years. Outside the municipalities where typically a higher number of those killed occurs, this number decreased by 52 persons.

In terms of regions, the highest number of accidents happened in Prague (34,195, -6,365) where there was on the other hand the lowest number of fatalities (67, -13), and in South Moravia (27,986, -7,697), where there was the highest number of people killed (233), the same as in 2000.

According to the findings of the Czech police, driving is too aggressive and inconsiderate, even the most fundamental traffic rules are not respected, and passive protection of drivers and occupants in motor vehicles is underestimated.

(For more details see Table 54)

The UNIVERSITAS research showed that people expressed very large concern relating to traffic accidents- index 6,07.

4,400 (7.3 %; +184) persons were **lawfully sentenced for traffic crimes** (Sec. 201, 201a, 223, 224, 180, and 208 of the Cr. Code). Most persons (**1,747**) were sentenced for **injuries to health** (severe injury to health under Sec. 224 of the Cr. Code) and

1,392 persons were sentenced for **drunk driving (endangering under the influence of an addictive substance - Sec. 201 of the Cr. Code).**

Measures Adopted

- The Co-ordination Council of the Ministry of Transport and Communication for safety of road traffic (BESIP = road safety) was established.
- 940,000 children and more than 90,000 adults underwent traffic training (in co-ordination with BESIP) The Methodological Instruction for the Co-ordination of Activities of Regions, Districts, and Municipalities in the Field of Road Safety was drawn up and published. The INFO-service of BESIP is regularly published. A regularly broadcasted series "STOP" on the Czech Television provides information on new legal regulations and contributes to the solution of unexpected traffic situations. Special reports for radio Impulse aimed at the issue of road traffic safety are regularly broadcast. Information is also published on the web-sites of the Ministry of Transport and Communications. A media campaign based on the analysis of road accidents was launched. Discussions and programmes for young cyclists are held.
- The MTC will within methodological instructions enforce, for example, the construction of cycling paths.
- In 2001, the MTC published new legal regulations which closely related to road traffic safety. They are as follows:
 - Act No. 56/2001 Coll. on Land Transport Conditions and on the Amendment to Act No. 168/1999 Coll. on Liability Insurance Against Third-Party Risk and on the Amendment to Some Other Related Acts as amended by Act No. 307/1999 Coll.
 - Act No. 478/2001 Coll. amending Act No. 247/2000 Coll. on Acquiring and Improving the Professional Roadworthiness of a Person and on the Amendment to Some Other Acts
 - Decree of the MTC No. 30/2001 Coll. implementing Road Traffic Rules and Regulations and Regulating and Managing Land Transport.
 - Decree of the MTC No. 31/2001 Coll. on Driving Licences and Registration of Drivers
 - Decree of the MTC No. 32/2001 Coll. on Recording Road Accidents
 - Decree of the MTC No. 243/2001 Coll. on Registration of Motor Vehicles
 - Decree of the MTC No. 301/2001 Coll. on Approving the Technical Roadworthiness of a Motor Vehicle and on Technical Conditions of Land Transport
 - Decree of the MTC No. 302/2001 Coll. on Vehicle Technical Test and Emission Measuring.
 - Decree of the MTC No. 361/2001 Coll. on the Manner of Detecting Emergency Events in Road Traffic
 - Decree of the MTC No. 496/2001 Coll. amending Decree of the MTC No. 243/2001 Coll. on Registration of Motor Vehicles
 - Decree of the MTC No. 497/2001 Coll. amending Decree of the MTC No. 470/2000 Coll. implementing Act No. 247/2000 Coll. on Acquiring and Improving the Professional Roadworthiness of a Person and on the Amendment to Some Other Acts amending Some Other Related Acts.
- The causes of road accidents caused by drivers of military vehicles (275 accidents, -11 %) are solved within professional and follow-up traffic related training.
- The Ministry of Transport and Communications and District Authorities have met tasks in the area of road accident prevention, which have been coordinated with the Czech police and other entities.

2.2.11. Crimes Committed on Railways

I. Development and Characteristic Features

- number of crimes ascertained: 3,321
(-2.8 %, -97)
- number of crimes solved: 1,138
(-9.3 %, -117)
- detection rate: 34.3 % (-2.4 %)

Crimes committed on railways account for less than 1 % of total crime. The number of criminal offences committed within railway transport has decreased and the detection rate fell as well. Crimes against property represent the highest share in all railway crimes – 75.2 %. The detection rate of such crimes has decreased. In contrast to this the detection rate relating to violent crimes rose. The higher detection rate concerning crimes committed against passengers travelling on trains can be evaluated positively. The situation regarding thefts of shipments transported by trains remains negative. Despite a substantial decline in thefts of goods transported by trains, attempts to increase the related detection rate failed. Shipments of motor vehicles from a factory in Mlada Boleslav to overseas are the particular subject of thefts. A culmination of interest in goods sold at chemists, in tobacco products, electronics and sanitary goods can be expected.

An analysis of thefts committed on trains against passengers shows that among 435 persons who came to harm there were 150 foreign nationals. Among the aggrieved were mostly citizens of Slovakia, Great Britain, Sweden, the USA, Poland, Finland, Russia, and Germany. 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. These facts are confirmed by foreign embassies in the Czech Republic, especially embassies of Russia, Austria, and Poland.

The value of damage caused by such crimes reached CZK 5.8 million. The danger of these crimes lies in the fact that they are organised and are difficult to solve.

Higher attention is paid to trains where crimes are committed most frequently – special guards accompanying trains were established with the aim of preventing such criminal activities and of searching for offenders. Extraordinary attention was devoted to trains by which fans of selected football clubs (for example Banik Ostrava, Sparta Prague, and Boby Brno), supporters of various extremist groups and movements, and attendees of rock festivals and similar performances travelled. There was the potential risk of hooliganism and endangerment of people and property.

Extraordinary attention is paid to the transport of NATO army members, nuclear material (fuel for nuclear power plants), weapons and ammunition, and similar things.

With regard to railway transport, customs rules are breached mainly in terms of cigarettes, in particular on the East European route (the former Soviet Union States, Slovakia, Poland). More than 596, 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 especially been proven as effective. With regard to smuggling goods, the attention of customs bodies was devoted to containers and complete container freight trains. A high risk rate was recorded in common transits where a recoding

system for documents accompanying shipments is often misused.

As for reporting cases where booby traps bombs were used on the premises of the Czech railways, the number of cases considerably decreased from 47 cases to seven cases.

Railway accidents represent a specific area. **44 (+17)** railway accidents were **solved** as criminal offences. The damage caused by those cases was valued at CZK 23.7 million (CZK +8.8 million). There were 28 (+3) accidents where trains collided with road vehicles. The damage here amounted to CZK 3.9 million (+ CZK 1.4 million). From seven (+2) cases of spreading alarming news as to a threat of installing a booby trap bomb, one offender was detected.

II. Measures Adopted

- The General Directorate of Customs Administration entered into agreements with the Metrans and Intrans companies on transporting goods in containers in the whole container freight trains. On the basis of these agreements the aforementioned transporters provide the customs administration data on transporting consignments. Information gained is analysed in terms of risks with the aim of focusing control activities on the most risky imports of goods.
- Once the NCTS system is introduced the problem in the common transit where the recording system of transporting documents is misused will be solved.
- Technical preventative measures aimed mainly at equipping railway carriages in which attractive or dangerous goods are transported, as well as furnishing sleeping cars or cars with berths. Conductors received mobile phones.
- The security situation on the railway is regularly discussed at an international level.
- The inter-ministerial Czech–Slovak Commission for security in railway transport continued its work. It concentrates mainly on the security of passengers travelling by night trains.

2.2.11. Hooliganism and Street Crime

I. Development and Characteristic Features

Generally, public order is affected mainly by **street crime** (thefts from cars, pickpocketing, mugging, the spread of drug addiction, etc.), and also by crime with an extremist context, car accidents, hooliganism, and so on. The present condition of this kind of crime and its trends are described in more detail in the relevant Chapters of this Report (this kind of crime is related mainly to hooliganism – the Czech police recorded 3,420 cases of hooliganism which is almost the same number as in 2000, with a detection rate of 96 %). The incidence of such crime and the detection rate affect the degree to which citizens feel safe. A number of preventative measures taken by basic police squads have contributed to the fact that there have not been any more serious or more extensive breaches of the peace. Numerous assemblies of persons where public order or peace were breached were held at a local level.

Whenever the assembly of persons was known in advance the police took adequate measures. The police responded also to unlawful assemblies (for example forbidden demonstrations or demonstrations or assemblies not reported in advance). The measures adopted led to a restoration of public order. The persons who carried out the illegal activities were in the most cases submitted to legal recourse. Policemen always try to separate hostile groups and intervene against persons who seriously breach the public order and commit criminal offences. Professional police competence in this area has improved.

Crime connected to graffiti. Sprayers are organised into smaller groups – “crews”. The development on the domestic scene is mapped by INTRO journal on the basis of anonymous contributions. A serious manifestation of spray painting is graffiti professing racial and national hatred. According to their “work” it might be guessed that such paintings are made by a separate group of offenders.

Fan violence. No changes have occurred in the behaviour of fans who are at the international level marked as fans of “C” category (they are monitored by police involved with extremism). Verbal attacks motivated by racial intolerance during matches of clubs with players of a different skin colour show an increasing tendency. “C” category fans have shifted to matches of lower leagues where the guarding service is not at the needed level. Since 11 September 2001 the Czech police have recorded several offences which are connected or have risen as a response to the terrorist attack against the USA,

Within the UNIVERSITAS sociological survey respondents expressed their concerns of being affected by a crime using a scale from 1 to 10, where 10 denotes maximum anxiety. The findings show that people are mainly concerned by robberies and mugging – index 4.63, being disturbed by gangs of juveniles and youngsters - index 4.35, by pickpockets – 6.35. People typically criticised the “low visibility” of the police.

2,015 (3.3 %, +30) persons were lawfully sentenced for “breach of public order and hooliganism” (under Sec. 202 of the Criminal Code).

II. Measures Adopted

- Typical offenders of street crime are young people. Educational advisory centres in cooperation with the Czech police, municipal police, and social prevention departments of the city councils, developed preventative programmes aimed against spray painting, hooliganism, and so on.

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 on Amending Some Related Acts, there was not any considerable growth in criminal offences. The National Security Authority (the NSA) reported 49 cases of the unauthorised use of classified information, the NSA lodged 21 complaints in cases where the NSA came to the conclusion that a crime concerning classified information could have been committed, of which, in seven cases, investigations were terminated because suspicions had not been confirmed.

To ensure the security screening of individuals (natural persons) and organisations the NSA closely co-operates with the Security Intelligence Service (SIS), and other Czech intelligence services, state bodies and organisations. The SIS as well as other state bodies and organisations evaluate co-operation between the SIS and security directors and secretaries of examined entities as good, without any problems. Effective co-operation mechanisms were introduced at the very beginning of screening procedures. The SIS closely co-operates with partner foreign services.

In 2001 the SIS accepted applications of the NSA for security screening of the 2nd degree for 6,637 persons and 6,754 security screenings were closed. Further, it received applications related to 5,245 persons over 18 years of age who live with persons who are being screened, and closed 5,427 of these security screenings.

The Ministry of the Interior paid attention to finishing security screenings, preparing a state inspection of the NSA, intensifying its own inspection activities, and performing preventative and training activities with an emphasis put on elaborating amended regulations. No serious failures were ascertained by the comprehensive inspection of the NSA and peculiar administrative problems and inadequacies concerning computers were removed. One case from five reported cases of incorrect manipulation of classified information is being investigated, two cases did not fall under the responsibility of the Ministry of the Interior and were transferred to the NSA, and the other two cases were assessed as incorrect manipulation of documents marked as "exclusive". The leakage of information to unauthorised persons was not proven and both cases were solved in disciplinary proceedings. Findings gathered through inspections were used in methodological work. The regular training of persons who work with classified information and training of staff authorised to protect classified information were implemented. Special attention was devoted to the system of verification of persons who enter the premises of the MI and the Czech police.

Since the adoption of Act No. 148/1998 Coll. on the Protection of Classified Information and on the Amendment of Some Other Related Acts as amended the Ministry of the Interior, the Czech police received in total 21,949 applications to commence security screenings, of relevant degrees of classification, from policemen and civil employees of the Czech police and staff of the Ministry of the Interior's.

The Amendment to Act of the Czech National Council No. 283/1991 Coll. on the Police of the Czech Republic as amended enabled the transfer of necessary classified information between the Czech police and relevant foreign entities.

On the basis of assignments from the Central Emergency Staff the MI in co-operation with other entities trained people authorised to protect the premises of state bodies, focusing on improving and unifying such protection. The Instruction for Announcing of Individual Degrees of Security Protection of State Body Premises has been drawn up.

The protection of classified information is one of the priorities of the Ministry of Defence. Despite the attention which is paid to this field, cases of inconsistent application of relevant standards, caused by the fact that the security screenings fall behind the needs of the Czech Army, have occurred. The principles of protection of classified information were breached mainly by running uncertified and unapproved technical devices without crypto-graphical protection, and uncertified army information systems for transmitting classified information. All these inadequacies were caused mainly by the efforts of commanders to meet important tasks.

One person was lawfully sentenced for offences against the protection of classified information (Sec.106 of the Cr. Code).

II. Measures Adopted

- The Draft Amendment to Act No. 148/1998 Coll. on the Protection of Classified Information and on the Amendment to Some Other Acts responded to the decision of the Constitutional Court of the Czech Republic (No.322/2001 Coll.), repealing some provisions of the Act, namely those enabling facts which are not stipulated by the Act to be also considered a security risk, provisions laying down that if a certificate is not issued the reason does not have to be stated, and the provisions excluding court verification. The further Draft Amendment extends the possibilities for finding out the security worthiness of persons who carry out activities which can endanger the security of the state or any other important interest of the state. Both proposals are being discussed by the Chamber of Deputies of the Czech Parliament.
- The National Security Authority continued in its preparation of a **new Act on the Protection of Classified Information**.
- The NSA has drawn up the **Report of NSA Activities** for a period from its establishment until 28 February 2002.

3. Fire Protection, the Integrated Rescue System, Protection of Inhabitants, and Emergency 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. The year 2001 considerably examined functionality of a new legal regulation, adopted in 2000. This regulation is aimed at activities of individual units of the IRS (for example Act No. 238/2000 Coll. on Fire Rescue Brigades of the Czech Republic and on the Amendment to Some Other Acts, Act No. 239/2000 Coll. on the Integrated Rescue System and on the Amendment to Some Other Acts).

Although a state of emergency was not declared a number of security measures were adopted in connection with the terrorist attacks against the USA on 11 September 2001. The Central Emergency Staff and emergency staffs of other administration bodies were activated.

In compliance with the provisions of Act No. 2/1969 Coll. on Establishment of Ministries and Other Central State Administration Bodies of the Czech Republic the Ministry of the Interior is a central body of state administration responsible, inter alia, for fire protection and from 1 January 2001 for emergency management, civil emergency planning, protection of

inhabitants, and the IRS.

With regard to cessation of activities carried out so far by District Offices the draft amendments to Act No. 133/1985 Coll. on Fire Protection as amended by Act No. 239/2000 Coll. on the Integrated Rescue System and on the Amendment to Some Other Acts and by Act No. 240/2000 Coll. on Emergency Management and on the Amendment to Some Other Acts were drawn up. Reform of public administration is the main reason why such drafts were proposed. To ensure professional application of the Acts cited it is proposed to transfer some assignments of District Offices in this respective area to municipal councils which powers have been extended and to some regional bodies. These amendments form a part of the Government Draft Act amending and repealing some Acts in connection with cessation of activities carried out by District Offices.

Fire Protection

A new organisational structure of Fire Rescue Brigades of the Czech Republic was created – the General Directorate (hereinafter “GD of FRB”) and 14 Fire Rescue Brigades were established in the regions. This new structure involves technical, purposeful, and training facilities.

A basic documentation on organisation of fire rescue brigades in a region was drawn up. It includes full coverage of a region, evaluation of a danger of fires in the Czech Republic, and duties of voluntary as well as professional fire protection units so that they are able to provide help in cases of fires or other extraordinary events in a timely manner.

Activities carried out by fire protection units in the Czech Republic in 2001 reflected concrete events in the Czech Republic when apart from common interventions and solutions of extraordinary brigades were newly involved in fighting (in connection with preventative measures adopted) against **spread of infection of foot and mouth disease and a threat of BES**. With regard to such special interventions the MI - GD of FRB issued a plan of activities and involvement of individual squads of fire protection. Fire protection squads participated in rescue and liquidation work in connection to disaster situations.

Activities of individual units of fire protection were affected mainly by **events after 11 September 2001** in connection with threats of terrorist attacks by using biological agents. A special plan of activities of fire protection squads which **were involved in seizure of suspicious consignments**, decontamination of the places of suspicious consignments, and their transportation for testing purposes was drawn up. At the same time procedures relating to findings of war substances (chemical, biological) and procedures focused on decontamination of members of fire protection squads and inhabitants were re-assessed. Individual squads seized 2,000 parcels suspicious of being contaminated by biological war agents. Instruction of the General Manager of Fire Rescue Brigades No.35/2001 on implementing specially focused fire inspections at businesses (companies and entrepreneurs) which could become possible targets of terrorist attacks was issued. On the basis of this Instruction Fire Rescue Brigades carried out 644 special fire inspections.

With regard to fire prevention a document laying down “conditions on how to facilitate fire protection during events attended by a large number of people” has been drawn up. It should be used as a basis for regulations which are to be prepared by individual regions. It is an important part of preventative measures concerning protection of people. In addition, short-, medium-, and long-term training programmes aimed at fire protection and the protection of inhabitants have been developed.

In 2001, there were – according to the data provided by Fire Rescue Brigades - in total 17, 285 fires in the Czech Republic where 99 people died and 881 were injured. Direct damages caused by these fires were CZK 2,054.7 million. **Fire brigades intervened in 85,483 events.** During interventions they rescued or evacuated 8,416 persons. One fire-fighter was killed and 357 fire-fighters were injured when meeting their duties.

The structure of events which involved interventions of fire protection squads during 2001 differs, in comparison with 2000, especially by a lower number of fires (-18.2 %) on one hand, and the higher number of car accidents (+20.4 %) and disasters caused by oil (+14.5 %) on the other hand. A number of technical assistances increased (+18.0 %), which was, inter alia, caused by participation of fire protection squads in solving events related to occurrence of foot and mouth disease, in implementing anti-terrorist measures after 11 September 2001, and in managing disasters caused by extraordinary adverse weather at the end of the year. A number of false alarms rose (+ 8.7 %).

Integrated Rescue System

The year 2001 was the first year when new Act No. 239/2000 Coll. on the Integrated Rescue System and on the Amendment to Some Other Related Acts was implemented. It was also a year when structures of bodies co-ordinating rescue and liquidating work were newly built. Newly issued Decree No. 328/2001 Coll. on Some Details of Assurance of the Integrated Rescue System contains principles determined for common activities of IRS units and their documentation. It also includes the content and procedures on how to draw up external disaster plans for nuclear facilities and disaster plans for individual districts. It contains details on individual alarm degrees included in IRS alarm plans as well as rules for communication inside the IRS.

The following documents were issued: “the Directive of the Ministry of the Interior” laying down an **organisational arrangement of an emergency staff of a region, district, and municipality**, the manner by which it is activated in the case of any emergency and procedures on how to draw up documents” and “the Methodological Instruction specifying some details and recommendations concerning methodological work, preparation of staff members and places for meetings of emergency staffs of regions, districts, and municipalities” were issued. Both regulations will enable to create a single system of emergency staffs in the whole Czech Republic and organise training of emergency staff members”.

The basic units of the IRS are: Fire Rescue Brigades, the Czech police, and Health Emergency Services. The system also involves fire protection squads of all districts. Rescue and training bases of the Czech Army may be used to support the units of the IRS.

To finish an organisational structure of the IRS stipulated by Act No. 239/2000 Coll. the Instruction of the MI - GD of FRB concerning inclusion of other IRS units to the system has been issued. Individual units are included on the level of the Ministry of the Interior, regions, and districts, which means that individual IRS units and their assignments are recorded in respective alarm plans of the IRS which are being issued now.

The IRS proved to be competent in relation to a range of extraordinary events of local as well as republic-wide importance (for example a danger of an epidemic of foot and mouth disease, a risk of terrorism). A number of tactical exercises were held and a practical **exercise called “Zóna 2002” has been prepared.** Its objective is to test work of emergency staff members in the field of emergency planning relating to the Temelin nuclear power plant. A

prepared exercise of the squad for international rescue work (SAR), which should have been held at the end of September, was, due to a threat of terrorist attacks, put off until May 2002.

In addition, **external disaster plans** concerning the Temelin and Dukovany nuclear power plants were adopted and updated by the Regional Councils of the South Bohemian Region and the Vysocina Region and then approved by the respective Regional Administrators. Personnel and technical preparation for introduction of a **single European emergency telephone number** – 112 – in the Czech Republic (approved by Government Resolution No. 391/2000) from 2003 continued

The rules for **co-operation** with neighbouring countries and with Hungary in the event of **disasters and large accidents** were determined in the last year. These rules are regulated by the following international agreements:

Agreement between the Czech Republic and the Slovak Republic on Co-operation and Mutual Assistance in Emergency Situations (came into effect on 12 December 2000).

Agreement between the Czech Republic and the Austrian Republic on Mutual Assistance in Disasters and Large Accidents (came into effect on 1 November).

Agreement between the Czech Republic and the Hungarian Republic on Mutual Assistance in Disasters and Large Accidents (came into effect in 2001).

Agreement between the Czech Republic and the Polish Republic on Co-operation and Mutual Assistance in Breakdowns, Natural Disasters and other Emergency Situations. (The Czech Republic ratified this Agreement and is prepared to exchange ratification instruments. The ratification by the Polish party is expected.)

Agreement between the Czech Republic and the German Federal Republic on Mutual Assistance in Disasters and Large Accidents. (The Czech Republic ratified this Agreement and is prepared to exchange ratification instruments. The ratification by the German party is expected.)

There were also negotiations on practical application of the aforementioned agreements with representatives of partner organisations from Austria, Bavaria, and Saxony. A draft bilingual standard form was drawn up and it will be used by contact places in case extraordinary events occur.

Other assignments arose from Government Resolution No. 458 dated 9 May 2001 concerning the document called **“Involvement of the Czech Republic into Peaceful and Rescue Operations and Humanitarian Aid”**. The assignments are included in the following documents:

- Organisational and technical rules for sending and operating the MI forces abroad, for involving forces and means of the state into international rescue operations, and for providing a humanitarian aid in foreign countries.
- A manner and a possible scope of extraordinary use of state financial reserves when utilising forces and sources of the Ministry of the Interior for rescue operations on the basis of decisions taken by the Minister of the Interior in co-operation with a relevant responsible minister and the Administration of State Financial Reserves.
- A methodology for selection, training and registration of civilian experts (working outside state administration), and selection of persons who are willing to participate in rescue operations and a humanitarian aid abroad.

Rescue and training bases represent a principal source of the Czech Army for meeting humanitarian tasks of civil defence, carrying out rescue and other necessary work in the case of disasters or other serious situations endangering lives, health, property, or the environment (hereinafter “disasters”).

Rescue and training bases are in accordance with Act No. 219/1999 Coll. on Armed Forces of the Czech Republic (Sec. 2, Article 4) described as “military rescue units which are separate parts of the Army and are determined for meeting humanitarian tasks of civil defence and prepared to meet assignments of civil defence in the case of a war”.

Co-operation of the Czech police with other IRS units and emergency management was seen especially after September 2001, i.e. after terrorist attacks against the USA. On the basis of evaluation of the security situation in the Czech Republic by the inter-ministerial emergency staff in connection with the terrorist attacks against the World Trade Centre in New York and Pentagon premises in Washington the Police President issued Order No. 97 dated 17 September 2001 to ensure increased police supervision over selected risk premises (in terms of emergency management). He required Directors of Regional Czech Police Administration and the Czech Police Administration of the capital city of Prague to ensure, in co-operation with emergency staff of public administration bodies and self-governments and with administrators of individual premises, to permanently increase supervision over risky categories in terms of emergency management. He ordered to specify risk categories of premises within the managed territory (in terms of emergency management) and with respect to each facility to specify an individual regime of consistently increased police supervision and, until revoked, to ensure presence of 60% of total numbers of Czech police members on duty. Pursuant to the Police President's Order assignments of the Czech police concerning protection of persons and property in connection with a threat of terrorist attacks were included into internal management instructions adopted on the level of district (municipal and city quarter) directorates and directorates of regional administrations and the administration of the capital city of Prague. Within individual regional administrations, the administration of Prague and district/municipal directorates of the Czech police risk premises were selected in co-operation with individual emergency staffs. The system of protection of these premises and necessary numbers of policemen were determined.

Protection of Inhabitants

A **delimitation protocol** on transferring execution of state administration in relation to matters of **civil protection** from the responsibility of the Ministry of Defence under the responsibility of the Ministry of the Interior was signed. It means that 874 locations, 33 premises in the amount of CZK 620 million were transferred together with funds amounting CZK 486 million.

Assignments arising from the National Programme for Preparation of the Czech Republic for EU Membership in the field of civil defence were facilitated, especially in relation to the European Commission – the General Directorate for the Environment. The Decisions and Resolutions of the Council and Commission of the EU for this area are implemented in the Czech Republic on an ongoing basis and in compliance with the **Implementing Plan for the Environment**.

A liaison was sent to the permanent Delegation of NATO in Brussels for the purpose of co-ordination of Civil Emergency Planning between the Czech Republic and NATO.

The terrorist attack against the USA and events afterwards are reflected in development of the **strategy of population protection**, which was drawn up in accordance with Sec. 7 (2), (e) of Act No. 239/2000 Coll. on the Integrated Rescue System and on the Amendment to Some Other Acts. It is based on Constitutional Act No. 110/1998 Coll. on Security of the Czech Republic as amended by Act No. 300/2000 Coll. and in compliance

with the Security Strategy of the Czech Republic approved by Government Resolution No. 80 dated on 22 January 2001. It contains tasks arising for the Czech Republic from international commitments, particularly from NATO membership and the fact that the Czech Republic is an EU candidate country. It responds to the international situation and to the decision taken by the Council of the European Union on 23 October 2001 on creating a mechanism of the Community to strengthen international co-operation during interventions assisting civil defence.

By the end of 2001 the draft decree of the Ministry of the Interior on preparing and implementing tasks relating to protection of inhabitants was completed. It should implement Sec. 7 (7) (c) – (h) of Act No. 239/2000 Coll. The draft decree was submitted to the Legislative Committee of the Ministry of the Interior so that it can make any necessary legal modifications.

One of the fundamental tasks of the protection of inhabitants was to **ensure early warning and informing inhabitants** on a potential danger. Under the responsibility of the Ministry of the Interior there are 4,564 sirens 3,497 of which had remote control. These sirens enable transmission of warning signals in 80 % of the territory of the Czech Republic. Until 30 October 2001 three kinds of warning signals had been used, however people were not aware of their meaning. Therefore from 1 November 2001 only one warning signal has been introduced, the so-called “general warning signal”.

Agreements between the Ministry of the Interior – GD of FRB of the Czech Republic and the Czech Television and the Czech Radio were signed so that people living in the Czech Republic receive emergency information on a timely manner. Similar agreements were concluded with mass media at regional and district levels.

To fulfil the role of Fire Rescue Brigades of the Czech Republic in accordance with the Amendment to Act No. 18/1997 Coll. on Peaceful Use of Nuclear Energy and Ionising Radiation (the Atom Act) which is under preparation the draft decree on functioning and organising a republic-wide network for monitoring radiation was adopted and establishment of mobile monitoring groups working for five chemical laboratories was commenced. Specified squads of fire protection covering the whole territory were equipped with dosimeters DC-3E-98 for detection of ionisation radiation.

To prepare inhabitants for self-defence and mutual assistance in the case of extraordinary events the special focus was specified and forms of preparation were recommended. Fire Rescue Brigades continued to help primary and secondary schools in teaching topics such as “protecting people during emergency events”. Handbooks called “For Emergency Cases” containing basic information on manners of protection in the case of extraordinary events “Self-defence of Inhabitants” listing measures to be taken for improvised protection of inhabitants were published for the needs of municipal councils and primary schools. A range of programmes were broadcast by public mass media. In co-operation with the Czech Television five-part series on how people should behave in emergency situations was prepared and broadcast. In addition, a video cassette containing four video films (Floods and the Protection of a Human Being, An Accident Involving Leakage of Dangerous Substances, Before Emergency Service Arrives, Protection of Inhabitants during Extraordinary Events) was recorded and distributed to all primary and secondary schools as a didactical aid for teaching topics relating to protection of people during extraordinary events.

Emergency and Crisis Management

To follow up public administration reform the Government **Draft Amendment to Act No. 240/2000 Coll. on Emergency Management** and the Amendment to Some Other Act (the Emergency Act) was drawn up and submitted to the Czech Parliament.

The Ministry of the Interior co-ordinated central administration bodies and other bodies of state administration as well as self-government bodies so that they would be able to prepare methodology of emergency planning.

Within the Action Plan aimed at implementing the state information policy a concept of the information system for emergency management including information sources, interoperability standards, a sample working place, and integration of the Matra-Pegas into the dispatching application was elaborated. This concept was approved by Government Resolution No. 1183 dated 14 November 2001 concerning conditions for building the information system for emergency management.

A content, scope, forms and methods of emergency planning and preparation were elaborated. A training content for acquiring professional skills of personnel in administration authorities was laid down.

In compliance with legal regulations relating to emergency situations ministries and other central administration bodies established a special working site for emergency management to be able to co-ordinate preparedness for crisis situations. These bodies also set up their own emergency and crisis staffs so that they could solve crisis situations. With regard to the situation outside the Republic it is the Ministry of Foreign Affairs which is responsible for security of 155 embassies, missions, and general consulates. Embassies proceed in the case of an emergency situation according to plans of activities which have been drawn up in compliance with a sample plan provided to them.

In connection with terrorist attacks in the USA on 11 September 2001 a top body of the Czech Government - **the Central Emergency Staff** – was **activated**. Its role was to co-ordinate security measures, to become a forum for prompt and effective solutions of security issues (see Chapter “Terrorism”).

By Resolution No. 211 of the Security Council of the State dated 25 September 2001 **the Concept of Emergency Management Training was approved** and its implementation was commenced. A part of this training concept is also protection of inhabitants. Thus basic conditions for commencing professional, qualification, and supplementary training in the field of emergency management and protection of inhabitants were created. In addition, requirements for professional qualification needed for emergency management and protection of inhabitants for members of Fire Rescue Brigades of the Czech Republic were laid down.

Civil Emergency Planning

Important documents relating to **civil emergency planning** a substantial part of which was discussed and approved by the Security Council of the State are as follows:

- Establishment and renewal of a republic-wide network for monitoring radiation
- Concept of emergency management training
- Draft Statutes, Rules of Procedure and Organisational Order of VCNP
- Provision of telecommunication sources for mitigating consequences of disasters as well as for rescue work (“1998 Tampere Convention”),

- Information on meeting measures imposed by Resolution No. 103/2000 of the SCS concerning the approved “Concept on Ensuring Drinking Water for Inhabitants During Emergency Situations”
- Financing operations of protection systems of underground transport facilities in Prague
- Analytical documents describing the issue of an enhanced data network of the Czech Republic
- Principles for requiring, receiving and transferring a foreign aid for the Czech Republic and the statute of foreign experts in the Czech Republic during extraordinary humanitarian situations
- Risks of emerging crisis situations in the Czech Republic and the tasks of central administration bodies in their prevention and repression
- Elaboration of the Ministerial Directive of Civil Emergency Planning within the North Atlantic Treaty Organisation (NATO) for the years 2001 and 2002

Co-operation with relevant NATO bodies, i.e. with the Senior Civil Emergency Planning Committee (hereinafter “SCEPC”), the Civil Emergency Planning Directorate (hereinafter “CEPD”) and the Permanent Delegation of the Czech Republic to NATO in Brussels, has continued.

Since 1 January 2001 as a consequence of civil defence being transferred from the Ministry of Defence under the responsibility of the Ministry of the Interior, the Ministry of the Interior has had its representative in the Civil Protection Committee (CPC) which is one of the most important planning committees of the SCEPC of NATO.

At the end of 2001, especially after the September events in the USA, there were more intensive contacts with the NATO headquarters. The attacks also considerably impacted the Plenary Session of the SCEPC held in October 2001 and the Report from this meeting was submitted to the Security Council of the State as an information document in January 2002 on the basis of the decision taken by the VCNP.

At the end of 2001 the SCEPC commenced its work on the 2002 Action Plan of CNP and prepared questionnaires relating to protection of civil inhabitants against serious risks, especially against consequences of weapons of mass destruction, but it also focused on preparedness of individual countries to manage respective emergency situations and on future forms of co-operation among individual countries.

4. Internal Security Policy

In the year monitored, the ministries adopted a range of measures aimed at the reduction of the impact of crime. Such **activities are described in more detail in the relevant parts of this Report**. Because **some measures are used across the whole area** of public order and internal security, this Annex includes only an **overall view** relating to the situation of public order and internal security. As was mentioned in the 1999 Report, policy of internal security is an open programme and therefore basic activities published in this 2001 Report were corrected and updated according to the real situation

The overview is divided into four basic parts – conceptual, legislative and preventative activities, European integration, and international cooperation. Each of these areas indicates individual activities implemented in the year monitored, as well as prospects for the next period.

This part of the Report also includes measures adopted by the Ministry of the Interior and the Czech police, which are the two main organisations responsible for internal security. The measures concern economic, personnel, organisational, and educational activities.

Overview of the Fundamental Conceptual and Analytical Documents

- **Implemented in 2001**

Apart from regularly submitted reports, which are:

- * **Report on Public Order and Internal Security,**
- * **Information on Migration,**
- * **Report on the Issues of Extremism,**
- * **Report on Corruption**

(All documents are available in the documents section on the web-sites of the Ministry of the Interior – www.mvcr.cz.)

the following documents were adopted:

"Report on Investigations into Credit Unions and Co-operative Saving Banks" (discussed by the Chamber of Deputies of the Czech Parliament in October 2001).

This Report contains information on the actual situation in investigations, criminal complaints, verification of individual cases, accusations, factual circumstances, and the current situation regarding investigations and their assumed termination.

"2000 Report on Meeting Assignments Arising from the Strategy of Crime Prevention Until 2000 " (the Government took note of this Report by its Resolution No. 331 dated 9 April 2001).

This Report contains an evaluation of the measures implemented to date in the area of crime prevention. On the basis of this analysis and an analysis of internal security, strategy until 2003 was drafted.

"Control of the Use of Software in All Ministries and Other State Administrative Bodies, Including Entities under Their Responsibility" (approved by Government Resolution No. 190 dated 26 February 2001), and as a follow-up, the Government approved (by Resolution No. 624 dated 20 June 2001) **"Rules, Principles and the Manner of Controlling the Use of Software"**.

One of the problems identified by the Inter-departmental Commission for Eliminating Illegal Conduct Against Intellectual Property Rights is to ensure that the software programmes used in individual ministries and other state administrative bodies, including entities managed by them, are used exclusively by authorised users on the basis of licence agreements.

“Strategy on Combating Environmental Crime”

This strategy is built on the basis of an analysis of environmental crimes, including basic steps taken to solve the situation. *(This document is available on the web-sites of the Ministry of the Interior– www.mvcr.cz, in the documents section)*

"Strategy of Combating Information Technology crime"

This Strategy contains description of trends, an analysis and a set of measures against this type of crime. *(This document is accessible in documents section on the web-sites of the Ministry of the Interior – www.mvcr.cz.)*

• Under preparation in 2002

"Report on Activities of the National Security Authority"

"National Action Plan of Combating Terrorism" (hereinafter “NAP”)

This was approved on 10 April 2002 by Government Resolution No. 385. As a follow-up, legislative proposals and suggestions for technical and organisational measures mentioned in the NAP, in the part containing the schedule of police and intelligence service work, will be implemented. The same applies to measures relating to checks on trade in weapons and other sensitive technologies, combating the financing of terrorism, security standards at airports and on the boards of planes, asylum, and customs related areas, and measures relating to various forms of combating terrorism. *(This document is accessible in the documents section on the web-sites of the Ministry of the Interior – www.mvcr.cz.)*

Legislative Activities

• Implemented in 2001

Act No. 101/2001 Coll. on Returning Illegally Exported Cultural Articles

The adoption of this Act belongs, *inter alia*, among a set of measures contributing to a more efficient struggle against crimes in the field of cultural heritage movables.

Act No. 137/2001 Coll. on 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

This Act regulates provisions for the special protection and assistance to witnesses and other persons whose health and fundamental rights are endangered with respect to penal proceedings and whose security cannot be ensured by any other manner, for example by the common means available to the police. In accordance with this Act, special assistance and protection are provided by the Czech police and the Czech Prisoners’ Service by implementing measures lying in the personal protection of an endangered person, moving the affected person, and the change of identification of the endangered person.

A partial Amendment to the Criminal Code – Act No. 139/2001 Coll.

This Amendment extended the crime of damaging or misusing carriers of recorded data by another crime under Sec. 257a of the Criminal Code – this came into effect on 1 July 2001. Act No. 144/2001 Coll. amended the crime of rape under Sec. 241 of the Criminal Code – this came into effect on 1 May 2001. Act No. 256/2001 Coll. introduced new grounds for a crime of defamation of a human corpse under Sec. 202a of the Criminal Code - this came into effect on 1 January 2002.

Act No. 140/2001 Coll. amending Act No. 326/1999 Coll. on Alien Residence in the Czech Republic and on the Amendment of Some Other Acts

This Amendment responded to some insufficiencies found in the practical application of Act No. 326/1999 Coll. (problems related to photographs on immigration forms required from citizens of some countries when crossing the border, a requirement for submitting a certificate of health insurance). It removes the strictness of some provisions where it was not necessary. At the same time it extends both the group of people who can apply for a permanent residence permit without meeting the condition of a previous uninterrupted stay, and the group of people who can generally apply for a permit of permanent residence.

Act No. 265/2001 Coll. – the Amendment to the Code of Criminal Procedure

This Amendment was drawn up as a part of a comprehensive concept of reform of the judicial system. The basic objective of this Amendment is to achieve a better efficiency in criminal proceedings, lying in their acceleration, achieving a higher detection rate, and clearly defining the role of courts within criminal proceedings. The position of a state prosecutor was strengthened. He/she will have wider responsibility, especially in proving a crime during a trial. The competency of customs bodies in criminal proceedings was extended to that of authorised criminal bodies. These new institutes should ensure better legal protection of victims of crime, and at the same time the accused should be guaranteed more consistent rights relating to the presumption of innocence. A part of this Act is also the Amendment of Act No. 209/1997 Coll. on Provision of Financial Aid to Victims of Crime, which simplifies the procedure of obtaining financial aid and ensures its wider availability. The Act came into force on 1 January 2002.

Act No. 312/2001 Coll. on the National Border and the Amendment to Act No. 200/1990 Coll. on Misdemeanours as amended (the Act on the National Border)

This legal regulation defines basic terms for the administration of the national border, regulates basic principles for keeping the national border including its marking on the terrain, it lays down the competency of the Ministry of the Interior as a central administrative body, regulates the rights and duties of individuals and companies in connection with the execution of administration of the national border, including the rights and duties of owners of land in the close environs of the border. This legal regulation also specifies compensation for financial damage or for the limitation of possibility in obtaining use of a real estate in relation with the execution of the above-mentioned state administration.

Act No. 409/2001 Coll. on Providing State Guarantee of the Czech Republic in the Event of Liability for Damage Caused as a Consequence of War or of a Terrorist Act by Operating Planes or in Connection with Air Transport.

Act No. 452/2001 Coll. on Protection of Designation of Origin and Geographical Origin and on the Amendment to the Act on Consumer's Protection

This defines the rights of users so that they unambiguously comply with the requirements of the Agreement on Trade Aspects of Rights of Intellectual Property.

Government Draft Amendment on Weapons and Ammunition and on the Amendment to Act No. 455/1991 Coll. on Trade Licences (the Act on Trade Licensing), as amended (the Act on Weapons)

This regulates the area of weapons and ammunition in compliance with relevant legal acts of the European Communities and other international obligations including the screening conclusions

of the Chapter: "Free Movement of Goods" held in Brussels in June 1998 and creates effective legal instruments enabling the state to carry out adequate regulation of weapons and ammunition, especially with respect to the obligation of the state to ensure fundamental human rights and freedoms including public order and security during a state of emergency, in the event of serious danger to the country or a state of war. (*The Act was published in the collection of Laws under No. 119/2002 Coll.*)

Government Draft Act on Service (Employment) of Members of the Security Forces – press No. 1154

This Act regulates the establishment and termination of employment (i.e. a service relation) of members of the security forces, their service duties including a limitation of certain rights, the period of service, emergency service and resting time, conditions for execution of service, compensation for damages, salary, fringe benefits, travel expense compensation, pension, proceedings relating to a service relation, and the provision of information and discussion of issues concerning the execution of a service, including relations between a security squad and trade unions (*This Act was rejected by the Chamber of Deputies of the Czech Parliament on 13 March 2002.*)

Government Draft Act on the Amendment to Acts relating to the adoption of the Act on Service (Employment) of Members of the Security Forces – press No. 1155

This Act follows up the Act on Service of Members of the Security Forces and amends Acts which must be altered, such as the Act on Health Insurance of Employees, the Act on Health Care in Armed Forces, the Criminal Code, the Act on Primary Schools, Secondary Schools, and Schools for Secondary School Leavers (the Educational Act), the Act on Misdemeanours, the Act on Income Taxes, the Act on the Security Intelligence Service, the Act on Weapons and Ammunition (the Act on Firearms), the Act on Professional Soldiers, the Act on the Fire Rescue Brigades of the Czech Republic, and on the Amendment of Some Other Acts. This Act was taken back from the session of the Chamber of Deputies of the Czech Parliament.

Government Draft Act amending Act No. 326/1999 Coll. on Alien Residence in the Czech Republic and on the Amendment to Some Other Acts as amended by Act No. 140/2001 Coll. on Act No. 329/1999 Coll. on Travel Documents and on the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic as amended (the Act on Travel Documents)

The aim of this Amendment is to transpose a relevant part of the *acquis* regulating freedom of movement of persons by the date of the Czech Republic's joining the EU.

Current regulation of the law relating to foreign nationals will be considerably altered and will divide foreigners into two categories: EU citizens and other foreign nationals.

The provisions of the Agreement between the Heads of the Benelux countries, Germany and France, on the gradual removal of check on common borders, signed in Schengen in Luxembourg on 14 July 1985, and the Implementing Convention dated 19 June 1990 to the Schengen Agreement dated 14 June 1985 on the gradual removal of check on common borders, concluded between the Heads of the Benelux countries, Germany, and France (400A0922(02)), concerning the regime of aliens, will be incorporated into the above-mentioned Amendment.

Another objective of the Amendment is to at least partially eliminate occasionally occurring cases of misuse of asylum proceedings, mainly on the side of illegal migrants. (This Act was published in the Collection of Laws under No. 217/2002 Coll.)

Government Draft Act amending Act No. 325/1999 Coll. on Asylum and the Amendment to Act No. 283/1991 Coll. on the Police of the Czech Republic as amended (the Act on Asylum) and to Some Other Acts

This Amendment to the Act on Asylum, which is in compliance with asylum legal regulations applicable in the EU Member States, should speed up asylum proceedings in cases when it is obvious that reasons stated by asylum seekers do not correspond with the Convention on the Legal Status of Refugees of 1951. Reasons are the high costs paid to cover the residence of asylum seekers in a host country and to cover asylum proceedings and an effort to prevent an anti-foreigner mood or tension in society, and the possible threat to security. The second basic feature of the Amendment to the Asylum Act is to clarify the rights and duties of asylum seekers. *(This Act was published in the Collection of Laws under No. 2/2002.)*

Draft Act amending Act No. 133/2000 Coll. on Registration of Inhabitants and Birth Identification Numbers and on the Amendment to Some Other Acts (the Act on Registration of Inhabitants)

This Draft Act was drawn up on the basis of Czech Government Resolution No. 722/2001, item 1 (g/gb) and responds to the newly proposed legal regulation of the State Administration Registers in the field of modification of information systems. This Draft Act will be submitted to the Government in December 2002 in accordance with the Plan of Legislative Work.

Government Draft Act amending Act No. 128/2000 Coll. on Municipalities

This Amendment regulates the possibility of rewards provided for anti-drug activities and subsidies granted for activities carried out against crime *(The Senate returned this Bill to the Chamber of Deputies on 17 May 2002.)*

Government Draft Act amending Act No. 129/2000 Coll. on Regions

This Amendment stipulates that municipalities will be solely responsible for issues of public order. *(This Act was published in the Collection of Laws under No. 231/2002 Coll.)*

Government Draft Act amending Act No. 131/2000 Coll. on the Capital City of Prague as amended by Act No. 145/2001 Coll., Act No. 273/2001 Coll., and Act No. 320/2001 Coll.

Under this Amendment, mayors of the individual Prague quarters are authorised, when ensuring public order in a relevant city quarter, to require co-operation from the Czech Police or the municipal police of the capital city of Prague. *(Within the second reading the Committee for Public Administration, Regional Development and the Environment recommended taking back this Amendment from the 47th Session of the Chamber of Deputies. The Amendment was then taken back.)*

Government Draft Act amending and repealing some acts in relation to cessation of activities carried out by District Offices

This Amendment regulates competencies that had been so far executed by District Offices (for example, management of the Integrated Rescue System, emergency management, and fire protection). *(The Senate returned this Bill to the Chamber of Deputies of the Czech Parliament.)*

Government Draft Act on the Protection of the National Border of the Czech Republic and on the Amendment to Some Other Acts (the Act on the National Border Protection)

This Amendment defines the protection of the national border in a separate act, the authorisation of the Czech police when protecting the national border, and it lays down the rights and duties of individuals and companies in relation to location security devices serving protection of the national border. It defines administrative offences committed in relation to the protection of the

national border. (*This Act was published in the Collection of Laws under No. 216/2002 Coll.*)

Government Draft Act amending Act No. 200/1990 Coll. on Misdemeanours as amended

This Amendment regulates some misdemeanours in relation to some previously passed acts – such as the Act on Identity Cards, the Act on Travel Documents, the Acts on Railways, the Act on Birth Registers, Names and Surnames. It also extends some misdemeanours. At the same time this Amendment responds to the current frequency of misdemeanours, increases an upper limit of penalties and fines, for example in relation to road safety, agriculture, game management, and fishery. (This Act was published in the Collection of Laws under No. 62/2002 Coll. and came into force on 1 April 2002.)

Draft Legal Intention on Administrative Punishment

This Draft Legal Intention is the first and fundamental legislative measure concerning the arrangement of administrative punishment. Its objective is to solve inadequacies in the current legal regulation, relating to sanctions for misdemeanours and other administrative offences by state administrative bodies. The Act on Administrative Punishment (the draft act in the forms of individual sections is to be submitted to the Government by the end of. 2002) lays down the basis of liability for a misdemeanour, types of sanctions and protective measures and methods of their application, and regulates the procedures of administrative authorities when handling misdemeanours. The descriptions of individual misdemeanours shall be contained in the so-called sanction provisions of special acts regulating the execution of state administration in different areas. Once the Act on Administrative Punishment is approved by the Czech Parliament, the Ministry of the Interior will submit to the Government the Draft Act amending some related acts. Such amendment will modify some descriptions of misdemeanours and other administrative offences contained in Act No. 200/1990 Coll. on Misdemeanours as amended and in approximately 150 special acts, so that they comply with the Act on Administrative Punishment. Both acts should come into effect as soon as a new Criminal Code whose legal intention has been approved by the Government, comes into force, i.e. from 1 January 2005. This draft amendment was submitted to the Government on 31 December 2001.

Government Draft Act – the Code of Administrative Procedure

This Draft Act contains regulation of the administrative process which should fully supplement Act No. 71/1967 Coll. on Administrative Proceedings (the Code of Administrative Procedure), as amended, and it has been completely harmonised with the standards of European administrative proceedings. (*The Draft Act was rejected by the Chamber of Deputies in April 2002.*)

Government Draft Act – the Code of Executory Administrative Procedure

This Draft Act regulates the effective execution of an administration decision. This Draft Act was submitted to the Chamber of Deputies alongside with the Act amending some other acts in relation to the adoption of the Code of Executory Administrative Procedure. The Chamber of Deputies rejected both amendments at the first reading.

Government Draft Act on the Right to Assembly

The purpose of this Draft Act is, apart from replacing a current outdated and insufficient regulation, to define and lawfully settle the increasing tendencies of organised groups and “professional“ demonstrators and muggers to disturb the peaceful course of assemblies and to commit violence and destroy property. (*This Act was delivered to the President for his signature on 30 May 2002.*)

Government Draft Amendment to the Criminal Code

This amendment which harmonises the Czech Criminal Code with EC law, covers three basic areas: commitments arising from EU law and some international agreements which have been signed by the Czech Republic and are being ratified now, for example the Roma Statute; modifications contained in a special part of the Criminal Code and where there is no reason to wait for re-codification (for example, the definition of criminal collusion, endangering the environment, trafficking in human beings). *(The Act was published in the Collection of Laws under No. 134/2002 Coll. and came into effect on 1 July 2002.)*

Government Draft Act on Jurisdiction Concerning Youth

A social reaction against crimes committed by youth should be taken as part of the comprehensive protection of youth. This Draft Act stresses the co-responsibility of parents for the criminal offences of a juvenile. It assumes a priority application of alternative ways of proceedings and alternative criminal law sanctions. This Draft Act is being discussed by the Chamber of Deputies.

Decree of the Ministry of Justice No. 183/2001 Coll. amending Decree of the Ministry of Justice No. 23/1994 Coll. on the Rules of Procedure of the State Prosecutor's Offices, and on the establishment of branches of some state prosecutor's offices, and on the details of work performed by probationers as amended

This Decree extended the scope of powers of special units working in the Chief Prosecutor's Offices and in the Supreme State Prosecutor's Office so that they can solve cases which relate to the financial and economic interests of the European Union.

Decree of the Ministry of the Interior No. 248/2001 Coll. amending Decree of the Ministry of the Interior No. 177/2000 Coll. implementing the Act on Registration of Inhabitants, the Act on Identity Cards, and the Act on Travel Documents

The Amendment to the Decree introduces new annexes and at the same time regulates some technical requirements for the photographs necessary for the issue of identity cards and travel documents.

Decree No. 328/2001 Coll. on Some Details on the Integration of the Rescue System (IRS)

This Decree contains a list of principles for the co-ordination of IRS units during joint intervention, the co-operation of operation centres of basic units. Further, it contains details on assignments of operation and information centres, specifies the content of IRS documentation and the procedure in drawing up relevant documents. It also contains details on degrees of alarms within the Alarm Plan, lists the principles and the manner of drawing up, approving and using the District Disaster Plans, including an external disaster plan, and a list of principles and the manner of communication within the IRS.

Decree No. 363/2001 Coll. amending Decree of the Ministry of the Interior No. 368/1999 Coll. laying down details and amounts of photographs required in accordance with Act on Alien Residence

The Ministry of the Interior has drawn up the aforementioned Decree on the basis of the authorisation provision of Sec. 182 (a) of Act No. 326/1999 Coll. on Alien Residence in the Czech Republic and on the Amendment to Some Other Acts as amended by Act No. 140/2001 Coll. This Amendment was initiated by modification of Czech standard No. 666416 Photographs and Image Recordings for Personal Documents of March 1997

concerning “Identification Requirements” and which was necessary to include in the original wording of the Decree. Community Law does not regulate the area in question. The State Budget should not be affected by these modifications.

Decree of the Ministry of the Interior No. 192/2001 Coll. listing border crossings

Decree No. 364/2001 Coll. amending Decree of the Ministry of the Interior No. 192/2001 Coll. publishing the list of border crossings

This Decree relates to clearing trucks of a total weight up to six tons at border crossing Hevlin–Laa an der Thaya. Community Law does not regulate the area in question. The State Budget should not be affected by the modification made. This Decree lists border crossings and its content is based on the international acts regulating the issue of border crossings (for example Communication of the Ministry of Foreign Affairs No. 87/2000 published in the Collection of Ministerial Communications on the signature of the Agreement between the Government of the Czech Republic and the Government of the Slovak Republic on Border Crossings at the Joint National Border). In the case of international airports it has taken into account a legal regulation for civil aviation (division into public and non-public international airports).

Draft Decree regulating details on employment (service) of members of the Police of the Czech Republic

This Decree implements Act No. 186/1992 Coll. on Employment (Service) of Members of the Police of the Czech Republic, as amended. It connects dispersed legal regulations into one legal provision and at the same time it replaces outdated regulations. Further, it regulates the establishment and termination of employment (service), the period when they are on duty and off duty, days off, description of relevant uniforms and equipment, care for policemen, special conditions for execution of service by police women, compensation for damages, pension, and other proceedings relating to service. The Decree was submitted for comments from individual involved units and departments. The Draft Decree is prepared for the Legislative Commission of the Government.

Government Regulation No. 290/2001 Coll. on the Provision of Temporary Protection to Citizens of the Russian Federation

The aim of this Regulation, the adoption of which was initiated by the Council for Human Rights (the document drawn up for session of the Government No. 439/01), is to ensure adequate and efficient international protection of a limited number of Russian nationals who escaped in direct relation to the armed conflict in Chechnya.

Government Regulation No. 348/2001 on Calling Up Czech Army Soldiers to Meet Tasks Normally Performed by the Police of the Czech Republic in the period until 31 December 2001 (1,500 active soldiers were called up)

This Regulation was adopted with the aim of increasing security measures adopted in the Czech Republic after the terrorist attacks against the USA and in relation to combating terrorism. Soldiers should strengthen the Czech police whilst meeting security tasks. With regard to open support of the combat against terrorism the Czech Republic could become a possible target of further terrorist attacks.

Government Regulation No. 455/2001 Coll. amending Government Regulation No. 138/1998 Coll. on Protection of Constitution Officials of the Czech Republic – extension of permanently protected constitutional officials by the Minister of Justice

Immediately after the terrorist attacks on the USA on 11 September 2001 security measures were considerably increased throughout the Czech Republic. The Czech police ensure, under Sec 2 (1) (g) of Act No. 283/1991 Coll. on the Police of the Czech Republic as amended by Act No. 26/1993 Coll., the protection of constitutional officials and the security of protected persons who are provided, when they arrive or stay in the Czech Republic, personal protection in accordance with international agreements. Such protection is provided to the President of the Republic, the Chairman of the Chamber of Deputies, the Chairman of the Senate, the Prime Minister, the Minister of Foreign Affairs, and the Minister of the Interior. The Minister of the Interior decided on providing temporary protection to the Minister of Justice within the security measures adopted. With respect to assumptions that the struggle against terrorism and related security risks will last for several years the submitted Draft Government Regulation No. 138/1998 Coll. on Protection of Constitutional Officials of the Czech Republic includes the Minister of Justice among persons who are provided permanent protection.

Government Regulation No. 484/2001 Coll. on Calling Up Czech Army Soldiers to Meet Tasks Normally Performed by the Police of the Czech Republic in the period from 1 January 2002 until 31 March 2002 – 1, 500 active soldiers were called up)

The Ministry of the Interior drew up this Government Regulation with respect to the assumption that security measures adopted in connection with the terrorist attack against the United States in September 2001 would continue in the Czech Republic. To facilitate such measures until 31 December 2001 soldiers of the Czech Army were called up in compliance with Government Regulation No. 348/2001 Coll. on Calling up Czech Army Soldiers to Meet Tasks Normally Performed by the Police of the Czech Republic in the period until 31 December 2001. This Regulation newly defined the period for calling up Czech Army soldiers to meet tasks of the Czech police in the period from 1 January 2002 until 31 March 2002.

Proposed for 2002

Act No. 1/2002 Coll. which would amend Act No.13/1993 Coll. – the Customs Act as amended and which would come into force on 1 July 2002. The provisions of No. I, points 43, 45 -51, 56 and 57 have been in effect since 4 January 2002.

Act No. 6/2002 Coll. on Courts and Judges

This act is a fundamental regulation concerning organisation of the justice reform. Besides a comprehensive regulation of organisation of the judiciary system and the position of judges, the objective of the new Act is to ensure the high professionalism of judges as a fundamental guarantee of the improved execution of judiciary power. This should be realised through the life-long education of judges and through the system of verification of the qualifications of judges. This Act came into effect on 1 April 2002.

Act No. 7/2002 Coll. on Proceedings Related to Judges and State Prosecutors

This Act closely follows up the provisions of the Act on Courts and Judges and the Amendment to the Act on the State Prosecutor's Offices. It is based on the fact that the disciplinary liability of judges and state prosecutors will be assessed by a court in accordance with individual regulations. It came into effect on 1 April 2002.

Act No. 14/2002 Coll. – the Amendment to the Act on State Prosecutor's Offices

The basic principle of this Act is an introduction of the system by which the professional qualifications of state prosecutors and their education will be verified (the same system as for

judges). In addition, this Amendment clearly expresses competences, and organisational as well as personnel relations inside the system of State Offices. It came into effect on 1 March 2002.

Draft Act on Elections to the European Parliament

Through this Amendment legal regulations relating to elections to the European Parliament, taking into account relevant EC/EU Directives, will be transposed to the Czech law. (*The Draft Act was approved by Government Resolution No. 481 dated 15 May 2002.*)

Draft Act on Local and Regional Referenda

This Act will be the only regulation defining legal provisions related to local and regional referenda. The current regulation of local referenda will be transposed (with necessary modifications) and the proposal will also contain legal regulation of regional referenda.

Draft Act on Archiving and Filing

This Draft Act will regulate the area of archiving with respect to state administration and will newly define filing using a special legal regulation.

Act on Administrative Punishment

The Draft Act will lay down liability for misdemeanours, kinds of sanctions and protective measures, and their application. It will also regulate the procedure of administration bodies when dealing with misdemeanours. Individual types of misdemeanours will be described in sanction provisions of special acts which regulate the execution of state administration in individual areas.

Draft Act amending Act No. 133/2000 Coll. on the Registration of Inhabitants and Birth Identification Numbers and on the Amendment to Some Other Acts (the Act on Registration of Inhabitants)

This Amendment will harmonise the Act on the Registration of Inhabitants with a newly proposed legal regulation concerning registers of public administration.

Draft Act amending Act No. 553/1991 Coll. on Municipal Police as amended

This Amendment will clarify the authorisation of the municipal police in the field of road traffic and some provisions of the implementation of legal regulation will be included in the Act. (The Draft Act was returned by the Senate to the Chamber of Deputies on 31 May 2002)

Crime Prevention

Crime prevention is understood to be an offensive strategy for crime control. Namely the policy of prevention includes measures of a non-repressive nature aimed at the prevention of crime; such measures should minimise the risks and consequences relating to crimes.

State policy on crime prevention was for the first time formulated in 1997 in the Strategy for Crime Prevention until 2000. The result of implementation of the state policy of crime prevention is a fully built system of crime prevention in the Czech Republic which leans towards ministerial preventative programmes, preventative programmes on a local level, and preventative activities by non-governmental non-profitable organisations including businesses.

The Strategy for Crime Prevention for 2001 – 2003 is currently applicable; priorities of crime prevention for 2001 were included in the 2000 Report on Meeting Assignments Arising from the Strategy for Crime Prevention until 2000 (approved by Czech Government Resolution No. 331 dated 9 April 2001).

Activities Implemented in 2001

I. Crime Prevention at the Inter-ministerial Level

The Ministry of the Interior is responsible for activities carried out by the **Republic Committee for Crime Prevention**²⁴. The Ministry of the Interior is, within this inter-ministerial body, responsible for conceptual, initiation, and methodological activities when drawing up preventative programmes on a local level, and for administration of the state subsidy system which is determined to help municipalities (cities) in implementing the Crime Prevention Programme on a Local Level (hereinafter “the Programme”). In 2001, this programme was implemented in 84 towns of the Czech Republic; 397 projects were supported by the amount of CZK 42,160,000.

The programmes of individual ministries focus mainly on social prevention (enhanced family policy, training policy, policies relating to young people, and employment policy). The Ministry of the Interior accentuates situational prevention and the role of the Czech police in crime prevention. The following activities were supported within the Crime Prevention Programme on a Local Level:

- **SITUATIONAL** prevention – technical equipment minimising crime (63 projects /CZK 21,040 thousand). **Installation of camera monitoring systems** rank among the most expensive but, of course, very efficient systems of crime prevention. Such systems create security zones in areas known for the high number of street crimes.
- **SOCIAL** prevention (242 projects/CZK 15,448 thousand). These are projects aimed at **risk groups of children and youth, victims of crimes, socially handicapped Roma community population, and other pathological social groups** (homeless people, released convicts, and drug addicts). The individual projects of social prevention focus on non-organised youth, potential (or real) crime offenders, and potential (or real) victims of crimes.
- **INFORMING** projects - these projects inform citizens about possible defence against crimes, **current security risks in a relevant area, security of persons and property, the establishment of emergency and advisory facilities**, etc. (40 projects/ CZK 3,222 thousand).
- Training activities and information provided to the managers of crime prevention and the Czech police (52 projects/CZK 2 450 thousand).

The summary of subsidies allocated in 2001 according to newly established regions is listed in tables 80 and 81.

During the last six years motives and occasions for crimes have been limited in the **cities implementing the Programme**, a feeling of safety for citizens increased, and crime prevention was integrated among the fundamental tasks of municipalities. A chain of **mutually linked programmes**, which, as shown by criminal statistics, **contribute in some regions of the Czech Republic to a stabilisation or even reduction in crime development**, mainly those crimes at which the prevention is aimed, has been established.

²⁴ The Minister of the Interior chairs the Republic Crime Prevention Committee whose members are representatives of: the Ministry of Education, Youth and Sports, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of Health, the Ministry of Defence, the Ministry for Local Development, the Ministry of Finance, the Supreme State Prosecutor's Office, the Police Presidium, the Inter-departmental Anti-drug Commissions, and the Inter-departmental Commission for Roma Community Affairs.

Despite the positive results of crime prevention programmes implemented in some cities, their future continuation remains a problem because of a reduction in funds from the state budget. Cities are not able to gather the required funds on their own or from other sources. Slow changes made in the work of the police remain another problem. The police are primarily oriented towards solving reported crime offences and there is a lack of preventative work – advisory work, communication with citizens, and work among children and youth.

In co-operation with the Ministry of Labour and Social Affairs and the Ministry of Justice, a pilot inter-ministerial project of the **Prompt Intervention Centre** in Ostrava continued. Its objective is early social and corrective intervention among child and juvenile delinquents.

Within the Programme of Crime Prevention on a Local Level pilot projects related to fan violence were implemented in two cities: in Ceske Budejovice and in Opava, where **Junior Fan Clubs** were established. On the basis of the agreement with the Ministry of Education, Youth and Sports the topic of fan violence was included into the so-called minimal crime prevention programme of schools and school facilities.

A project "**Street Law - Law for Every Day**" was implemented for representatives of municipalities involved in the Programme. This is a special training course for municipal policemen involved in lectures to youth at risk. Such lectures concentrate on increasing legal consciousness, drug prevention, and treating crime victims. 153 persons have been trained so far.

The Ministry of the Interior has drawn up a methodological document target for the elimination of usury among Roma communities. The usage of this document is very broad (Roma advisors, social workers, non-governmental organisations and so on).

II. The Crime Prevention System within the Ministry of the Interior

The introduction of preventative elements and the integration of the Czech police into the preventative systems on a local level have been implemented through **Preventative Information Groups** since 1995. At the end of 2001 there were 78 of these and they worked with Regional, District, and Municipal Czech Police Directorates. In addition, there are seven **Police Advisory Centres** for the public (established in Pilsen, Zlin, Sokolov, Prague, Brno, Ostrava, and Cheb). Their activities are focused on co-operation with local bodies of public administration whilst preparing and implementing preventative measures, on advisory and information services provided to citizens, as well as on communication with the mass media. One of the aims is to provide information to citizens on the possibility and manner of protection against crime (how to secure a flat, a family house or a car, what to do to not become a victim of any crime). Apart from advisory services, these centres organise lectures, particularly at schools, clubs and in facilities for seniors. Presentation actions such as Days with the Police and the Integrated Rescue System, consultancy days, and operations of preventative buses, are becoming very popular among the general public.

Co-operation of the Ministry of the Interior with non-governmental entities involved in crime prevention is covered by the **Advisory Board of the Ministry of the Interior for Situational Crime (hereinafter the "Board")**, which consists of representatives of the insurance association, the association of security agencies and companies producing security systems, the municipal police, banks, non-governmental organisations, and so forth. The Board is a co-ordination and initiation body which assesses conceptual issues concerning mainly technical equipment for the protection of persons and property from criminal

activities. A **common strategy for car crime prevention, crime prevention in public places and in shops, crime prevention in recreational areas, prevention targeted to the individual protection of people, and against burglaries**, has been created. A concrete outcome of the Boards' work in 2001 was the approval and gradual implementation of a pilot project and a republic-wide preventative action by the Ministry of the Interior and the Czech police focused on the protection of people and property called **"Secured Location"**. This project is supported substantially by the mass media.

Training cycles and seminars determined for members of the Czech police, municipal police, managers of preventative programmes of municipalities and other experts involved in crime prevention continued.

An analysis of the situation in drug related crime in Prague has been made. On the basis of this analysis, a project the aim of which is to increase the effectiveness of policing, focused on the reduced supply and availability of drugs, has been developed.

The management of the Ministry of the Interior provided a conceptual document "Detection of Narcotic and Psychotropic Substances with People who Apply for a Job with the Police and Members of the Czech Police". The objective of this document is to reduce the risk of police conduct under the influence of drugs.

36 press releases (distributed to 700 places in the Czech Republic) have been published within a project **"Secured Society"** striving to influence the public through the mass media.

Journalists, police speakers and personnel involved in crime prevention work with press releases (press releases are sent to mayors, burgomasters and officers who deal with pathological social phenomena in society). A significant preventative role is played by TV programmes such as "On the Track" or programmes through which the Czech police search for missing persons or offenders (in 1999, the efficiency rate in searching for missing persons was about 25%). The Ministry of the Interior is involved in a nation-wide campaign related to the international year of volunteers and the year against home violence, and created a special web-site devoted to this topic and published an information newsletter.

The Ministry of the Interior **publishes its own books and publications**, such as Drugs and What We Should Know; Marketing Communication, Municipal CCTV, and an information document How to Ensure the Security of Children, Street Law – the Law for Everyday, Prevention of Thefts from Cemeteries, Protect Your Precious Articles, and a summary instructive video-cassette Protection of People and Property. An important role is played by the professional, popular monthly **Policista (Policeman)** and quarterly published **Kriminalistika (Criminological Practice)** which is more professionally oriented. Both the mentioned journals are also published **on the Ministry of the Interior's web-sites**. The **promotion of the preventative activities of the Ministry of the Interior and the Czech police influencing citizens' approach to more secure behaviour and informing the population on various options of defence against crimes** were implemented through expositions at exhibitions and fairs such as Pragoalarm/Pragosec, Invex, Autotec, and the Ministry of the Interior's web-sites, and by invitations of members of the Ministry of the Interior and the Czech police to appear on television and radio programmes.

The Czech Press Agency (CTK) published in a total of 248 pieces of information on crime prevention and 642 both short and long articles depicting crime prevention were published in republic-wide as well as regional newspapers. 85 (registered) shots on the same topic were on television and in radio.

In the field of **international co-operation**, the Ministry of the Interior is responsible for the involvement of the Czech Republic in the **“UN Programme of Crime Prevention and Criminal Justice”**. Activities concentrated especially on the prevention of trafficking in women and children. A UN project, “Prevention, Suppression, and Punishment of Trafficking in Human Beings, Particularly in Women and Children” targeted, apart from other countries, the Czech Republic and Poland. This project follows up the UN Convention Against Supranational Organised Crime and one of its supplementary protocols. For example a joint conference of **the Ministry of the Interior and the International Organisation for Migration concerning the prevention of trafficking in women and children and the re-integration of offenders** was held in connection with the aforementioned Convention²⁵

In Yokohama, Japan, the **2nd World Congress Against Commercial Sexual Abuse of Children** was held. The Ministry of the Interior was authorised to lead the Czech official delegation and at the same time it was responsible for the preparation of the Congress from a content point of view. On this occasion assignments resulting from the National Plan for Combating Commercial Sexual Abuse of Children were evaluated (the evaluation is carried out on an ongoing basis). The Plan is being met and the international forum appreciated especially the latest legislative proposals concerning this area.

A member of the Ministry of the Interior's is a Czech representative on the **Council of Europe's Permanent Committee for the European Convention Concerning Spectator Violence and Misbehaviour at Sports Events, Particularly Football Matches**. The Czech representative works as the First Vice-Chairman of this body and thus the Czech Republic participated in providing expertise to new members of the Council of Europe, for example to Latvia and Azerbaijan.

The Ministry of interior spent CZK 3.9 million on prevention crime projects targeted on the implementation and prevention of abuse of addictive substances.

- **Activities prepared for 2002**

1. Inter-ministerial level

- * To implement and improve the Programme of Crime Prevention on a Local Level. **To implement this Programme in a further nine municipalities.**
- * With respect to reform of public administration, to initiate the development of preventative activities within the scope of powers of regions and to create a methodology for preventative programmes in small towns and in micro-regions.
- * To evaluate measures imposed on ministries by Government Resolution No. 1032 dated 6 October 1999 concerning a “Proposal for a Systematic Approach to Dealing with Child and

²⁵ A project **“Prevention, Suppression, and Punishment of Trafficking in Human Beings, Particularly in Women and Children”** forms a part of the *“World-wide Programme Against Trafficking in Human Beings”* implemented by the Centre for International Crime Prevention working with the UN Office for Drug Control and Crime Prevention in co-operation with the UN International Institute for Research of Crime and Judiciary Systems. Its aim is to provide a clear response by criminal law to trafficking in human beings – to enter into international co-operation between the countries of origin, transit countries, and target countries, to improve the revealing, substantiating and punishing of such criminal offences, and to strengthen the protection of victims and witnesses of trafficking in human beings. *This project is determined for the Czech Republic and Poland, and the partner countries are Austria, Germany, the Netherlands, and Finland.*

Juvenile Offenders“, including assessment of results of a pilot inter-ministerial project and activities of the Prompt Intervention Centre in Ostrava.

- * To implement training programmes for crime prevention managers, the municipal police and the Czech police in towns and villages involved in the Programme.
- * To implement assignments arising from the National Plan for Combating Commercial Sexual Abuse of Children (adopted by Government Resolution No. 698 dated 12 July 2000), and to submit to the Government an evaluation of the Plan and its updated version.
- * To hold a republic-wide conference focused on crime prevention on a local level.

2. Internal level

- * To draw up a **programme in the field of crime prevention and anti-drug strategy policy of the Ministry of the Interior for 2001 - 2003.**
- * To implement a pilot project targeted on the reduction of supply and availability of drugs in Prague, and on the basis of its assessment, to prepare a methodology for the implementation of similar projects in other Czech regions. The objective is to increase efficiency in policing of drugs, to improve the professionalism of policemen when dealing with suspects of committing crimes and misdemeanours in relation to drugs.
- * **To continue implementing the project of Prevention, Suppression, and Punishment of Trafficking in Human Beings, Particularly with Women and Children.**
- * To commence training of policemen in **methods of treating victims of crimes.**
- * In co-operation with the Advisory Board for Situational Prevention of the Ministry of the Interior, to support nation-wide informative, preventative actions of the MI and the Czech police aimed at protecting people and property, called **Secure Location.**

European Integration, International Cooperation

• Implemented in 2001

The European Union

The year 2001 was a crucial period in terms of the preparation for accession to the EU in the Ministry of the Interior. The work, arising from screening made, on meeting *acquis communautaire* continued. The first common position of the EU, published in May 2000, resulting from the Regular Evaluation Report of the European Commission on the 2000 Progress in Preparation for the Membership, from 1999 Accession Partnership and from the document “List of Measures for Schengen Acquis”, by which the European Commission laid down the tasks for meeting the requirements of the Schengen *acquis* before and after joining the EU. “inventory taking“ of both legislative and non-legislative assignments, to be met as of the date of joining the EU (1 January 2003), was carried out. The most important tasks were included in the 2001 National Programme of Preparation for EU Membership (approved by Government Resolution No. 439/2001). **The assignments** arising from the above-mentioned documents were in the majority of cases **met successfully** during the year monitored.

Among **legislative measures**, the adoption of the **Amendment to the Act on the Police** (No. 60/2001 Coll.) was of crucial importance. This Amendment defined the principles of protection of personal data held by the Czech police and thus considerably extended the possibilities for the exchange of information with partner foreign police forces. The

Amendment also enables operations by members of foreign police corps in the Czech Republic and Czech police members abroad, by which one of the requirements of the Schengen Implementing Convention was met. Another significant legislative act, which the Ministry of the Interior participated in, was **the Amendment to the Code of Criminal Procedure** (No. 265/2001 Coll.). This Amendment provides for a substantial acceleration in criminal proceedings and removes double work of investigators and police, meaning inadequacies repeatedly criticised by the European Union in the past. In the field of migration and asylum, another concurrence between *acquis communautaire* and Czech national provisions was achieved through **the Amendment to the Act on Alien Residence** (No. 140/2001 Coll.) and **the Amendment to the Act on Asylum** (No. 2/2002 Coll. which came into force on 1 February 2002). The European Union mostly appreciated the establishment of an independent appeal institution within asylum proceedings, the absence of which used to be a frequent source of criticism. **The second Amendment to the Act on Alien Residence**, enabling the application of the principle of free movement of persons after joining the EU, and **the Act on the Protection of the National Border** which, *inter alia*, introduces relevant measures of Schengen *acquis* concerning the protection of the national border, were approved. With regard to combating organised crime and corruption, apart from the above-mentioned Amendment to the Act on the Police and the Amendment to the Code of Criminal Procedure, a new important Act on Witness Protection (No. 137/2001 Coll.) was adopted.

As for **non-legislative tasks**, substantial progress was achieved in **combating illegal migration and the protection of the national border**. The centrally managed Service of Immigration and Border Police continued to be built and the system of mobile investigating units was finished. The **Schengen Action Plan**, i.e. a document describing the current situation in meeting the Schengen *acquis* and laying down both legislative and non-legislative assignments which must be met as of the date of republic's joining the EU and as of the date of Czech involvement in the Schengen system was drawn up and submitted to the European Commission. Obvious progress was achieved in building **police information systems** in accordance with the Schengen Implementation Convention. Conceptual intents in other areas monitored by the European Union continued Namely they are: combating corruption and money laundering, combating organised crime, the struggle against trafficking in human beings, and others. In connection with the terrorist attacks against the USA, new tasks were formulated in the field of **combating terrorism**. The Ministry of the Interior apart from its own measures also monitors the legislative and non-legislative activities of the EU and evaluates them in terms of their future harmonisation.

Success achieved and outstanding problems were reflected in the 2001 **Regular Evaluating Report of the European Commission**, which states the progress made in combating illegal migration and the protection of the national border, asylum and visa policy, the protection of personal data, and police co-operation. On the other hand, the Commission consider as insufficient the situation in combating corruption and money laundering.

With regard to **contractual documents** directly concerning accession to the EU, the **Agreement on Bilateral Co-operation with Europol** was concluded and approved by the Czech Government and the Council of EU Ministers. It was signed at the beginning of March 2002. Less successful was **a negotiation on the modification of a visa-free border regime agreement with Slovakia**, where the Czech party intended to make conditions for border crossing standards, and thus to decrease the illegal migration of third state nationals. It also strived to harmonise the border regime with the Schengen *acquis*. However, at their meeting held in November 2001, the Czech and Slovak parties did not come to any agreement relating to the above-mentioned needs. By contrast, **the Agreement between the Czech Republic and Germany on Police Co-operation in Borderland**, containing a range of elements of

modern policing including the exchange of personal data and an option for the operation of policemen of one country in the territory of the other country, was agreed on, and was approved by the Czech Parliament. This Agreement is considered to be very important and therefore similar agreements are being negotiated with Slovakia, Austria, and Poland.

The European Commission was regularly informed on how important tasks were being met. Information was provided in the form of so-called 'Additional Information' (in total there have been five sets of Additional Information; the first Additional Information was drawn up in 2000) and it concerned the Position Paper of the Czech Republic related to Chapter 24 "Justice and Home Affairs; Schengen". The information provided described in full detail the most pressing problems regarding preparation for EU accession – the system for combating corruption, alterations introduced by the Amendment to the Code of Criminal Procedure, and the Schengen Action Plan. By its fifth Additional Information **the Czech Republic took back its application for a transition period needed to finish reconstruction of the Ruzyně airport due to new circumstances**. In between the submission of the fifth and the sixth Additional Information the European Commission disclosed the **Revised Common Position concerning the Position Paper of the Czech Republic related to Chapter 24 "Justice and Home Affairs "Schengen"** (in October 2001). The revised Common Position stated the progress achieved by the Czech Republic in the given area and at the same time it raised a range of additional questions and recommendations. If these were successfully responded to, negotiations relating to this Chapter could be closed. Responses were provided in the form of the sixth Additional Information, which played a decisive role in discussions on closing negotiations. **The negotiations concerning a given Chapter were officially closed at the Inter-governmental Conference of the Czech Republic and the EU at the Level of the Ministers of Foreign Affairs, held on 12 December 2001. Closing this Chapter, although it is preliminary** (i.e. both parties can return to negotiations on the Chapter if any serious problems come up), **must be considered to be a breakthrough and a highly positive step in preparing for EU membership, not only from the point of view of the Ministry of the Interior but for the whole Czech Republic since this Chapter was considered to be one of the most difficult.**

The Ministry of the Interior was also involved in negotiating **Chapter 2 "Freedom of Movement for Workers"**, namely in the parts concerning the right to residence and the civil and political rights of migrating workers. This Chapter was closed in 2001 as well.

Co-operation with EU Member States the **Phare programme** continued. Thanks to this programme the budget of the Ministry of the Interior receives quite high financial contributions determined to help with the EU accession. From 1997 until 2001 a total amount of CZK 750 million was allocated to the Ministry of Interior's projects.

In 2001 the 1998 Phare projects were completed: "National Border Protection Improvement" – with a budget of EUR 2.5 million; the project included deliveries of equipment for the Czech-Slovak border and the training of immigration and border police. Financial help was assisted by a long-term expert (twinning) from Germany in co-operation with the Netherlands. Another project: "A Comprehensive System for Czech Police Human Resource Management /Professional Training Programme for Policemen and the Employees of the Ministry of the Interior", at an amount of EUR 0.8 million, was also implemented in the form of a twinning project (long-term experts

from the Saxony Minister of the Interior in co-operation with experts from Great Britain). This Project was completed in mid-2001.

Three projects falling under the **1999 Phare programme** had been completed by the end of 2001: “Combating Economic Crime” – EUR 1 million 1 – which included investments for the Section for Revealing Major Economic Crime, and training co-ordinated by a long-term expert from Germany in co-operation with Great Britain and Italy (the expert finished his mission in January 2002). The project “Preparation for the Practical Implementation of the Schengen Agreements” (a budget of EUR 1.1 million) included technical equipment for building NSIS and training focused on Schengen issues. This project was co-ordinated by a long-term expert from Germany in co-operation with the Netherlands. The third project “Strengthening Institutions against Organised Crime” – EUR 1 million – included deliveries of equipment for the Criminology Institution in Prague and Section for Revealing Organised Crime of the Czech Police. A long-term expert from Great Britain was responsible for a part of the project for training the employees of both units.

Technical documentation for tenders of **2000 Phare projects** (“Strengthening the Struggle Against Organised Crime”- EUR 1.2 million - and “Schengen Information System and Protection of the National Border” – EUR 5.8 million - has been drawn up. In September 2001 a long term expert from Great Britain commenced his activities relating to the project of organised crime. The Section for Revealing Major Economic Crime will participate in the project of the Ministry of Finance “Strengthening Institutions Against Money Laundering”.

At the end of 2001 the European Commission preliminarily approved **2002 Draft Phare Projects**. The Ministry of the Interior submitted three proposals of projects concerning the building of information systems, border protection and asylum issues, and the struggle against economic crime.

Among priorities for the next period are, especially, the meeting of all obligations and commitments arising from negotiation documents, in particular from the National Programme of Preparing for the EU Accession, additional information to Position Papers and the Schengen Action Plan, as well as preparation for EU membership from the point of view of organisation and staffing. Co-operation within the Phare programme will continue.

International Treaties and Agreements

The agreements in effect:

In the year monitored, a range of contractual documents concerning internal security were agreed (some of these have not yet entered into force):

Bilateral international agreements:

Presidential:

- * Agreement between the Czech Republic and the Slovak Republic on Facilitating Border Clearance in Railway, Road, and Water Transport, signed on 24 May 1999. **This came into effect on 12 March 2001.**
- * Agreement between the Czech Republic and Hungary on Co-operation and Mutual Assistance During Disasters and Serious Accidents, signed on 17 June 1999. **This came into effect 21 March 2001.**
- * Agreement between the Czech Republic and the Federal Republic of Germany on documentation on the common border, signed on 3 June 1999. **This came into effect on 1 November 2001.**

- * Agreement between the Czech Republic and Romania on Co-operation in Combating Organised Crime, Illicit Trade in Narcotic and Psychotropic Substances and Precursors, Terrorism and Other Serious Crime, **signed on 13 November 2001**. This **has not yet come into effect**
- * Agreement between the Czech Republic and the Republic of Austria on Changes in the National Border, **signed on 26 October 2001**. This **has not yet come into effect**.
- * Agreement between the Czech Republic and the Republic of Austria Amending and Supplementing the Agreement between the Czech Republic and the Republic of Austria on the common National Border of 21 December 1973, **signed on 26 October 2001**. This **has not yet come into effect**.

Governmental:

- * An Agreement between the Government of the Czech Republic and the Government of the Latvian Republic on Cooperation in Combating Terrorism, Illicit Trade in Narcotic Drugs and Psychotropic Substances and Organised Crime was discussed at an expert level, signed on 14 November 2000; this **came into effect on 29 January 2001**.

Ministerial:

- The Protocol between the Ministry of the Interior of the Czech Republic and the International Organisation for Migration on Implementing the Programme of Assistance of Voluntary Returns of Unsuccessful Asylum Seekers in the Czech Republic and Foreign Nationals Who Are Obligated to Leave the Czech Republic; **signed on 26 September 2001, came into effect on 26 September 2001**.

Multilateral International Agreements:

- * The Convention on Limiting the Cases of Homeless People – on 26 October 2001. An instrument on the accession of the Czech Republic to this Convention was sent off. The Ministry has not yet received from the Ministry of Foreign Affairs a confirmation that the ratification instrument was received by the UN General Secretary.
- * An agreement of 1993 modified and extended in 1996 between the Republic of Austria, represented by the Federal Minister of the Interior, the Republic of Hungary, represented by the Minister of the Interior, the Confederation of Switzerland, represented by the Federal Bureau for Refugees, and the Republic of Slovenia, represented by the Minister of the Interior on establishing and activities of the International Centre for Development of Migration Policies, **came into effect on 26 September 2001**.

International Agreements Under Negotiation

In 2001, work on negotiating the following international agreements was commenced, or negotiations on some international agreements which were drawn up in previous years continued.

Readmission agreements with Benelux, the People's Republic of China, India, Iraq, Iran, Moldavia, the Russian Federation, Yugoslavia, Sri Lanka, Ukraine, and Vietnam. Negotiations with Bulgaria made progress. The current agreements will be extended by the possibility of police transport. A new readmission agreement with Slovakia is in the phase of preparation. This agreement will amend a so far applicable agreement of 25 October 1996. Preparation of implementing agreement with the Readmission Agreement with France is

coming to an end. The Readmission Agreement itself, which was signed as early as in 1997, can come into effect only if the implementing agreement is completed.

Agreements on police co-operation with Belgium, Ireland, Cyprus, Hungary, Moldavia and, if possible, also with Egypt are being worked on.

A special category of agreements on police co-operation is formed by agreements concluded with neighbouring countries. Such agreements are, from the content point of view, above the framework of classical agreements on police co-operation since they include some instruments enabling very intensive co-operation, particularly in the borderlands. An example of such agreements is the Agreement on Police Co-operation with the Federal Republic of Germany (signed on 19 September 2000, ratified on 8 February 2002 and by the Czech party, which will come into effect once the German party is prepared to exchange ratification instruments). Agreements on police co-operation with Austria and Slovakia are in a phase prior to elaboration on an expert level. A similar draft agreement on police co-operation will be sent to Poland. This should, *inter alia*, substitute the Agreement on Co-operation Between the Federal Ministry of the Interior of the Czechoslovak Federal Republic and the Ministry of the Interior of the Polish Republic of 1991.

In 2001 the Agreement on Police Co-operation signed by the Republic of Croatia on 31 November 1999 was submitted to the Czech Parliament. It was approved on 15 March 2002.

In 2001, expert negotiations with representatives of the European Police Office were successfully completed. The Agreement on Co-operation with Europol was signed on 15 March 2002.

In 2001, work on an amendment to the **Agreement on Co-operation Between the Czech Republic and the International Organisation for Migration** of 15 October 1997 was commenced.

Co-operation with a number of contractual countries such as Slovakia, Austria, Poland, Germany, as well as with the Office of the European Commission for Combating Frauds (OLAF), continued. In contrast, co-operation with Turkey and China seems to be unsatisfactory. Their assistance would lead to proving a range of suspicions of breaching customs regulations.

The Slovak party was addressed regarding the preparation of an amendment to the Agreement Between the Czech Republic and the Slovak Republic on Modification of the Border Regime and Co-operation on the Common Border of 29 October 1992 as amended in 1997.

During the course of 2001 a **number of bilateral contacts were carried out on the level of management of the Ministry of the Interior.**

An important part of international police co-operation is sending policemen on peace missions abroad. Currently, twenty policemen work in Kosovo, and six in Bosnia and Herzegovina. At the beginning of 2002 the number of policemen in these regions increased to 20 police members.

The Ministry of the Interior Human Resources, Training, Organisation, and Economic Activities

The Ministry of the Interior and the Czech police, as a guarantor of internal security, adopted a number of other measures. Besides targeted security actions aimed at certain kinds of crime and certain crisis locations, the emphasis was put on co-ordination and control activities, even some economic, personnel, training, and organisational activities are related to internal security. Therefore, basic information and data concerning these areas is included in a part called "Internal Security Policy".

Human Resources

- **Situation in 2001**

Systemisation, Staffing of the Ministry of the Interior's, Czech Police's and Fire Rescue Brigades' Units, Structure of Education, Human Resource Management, Employee Training

Czech Government Resolution No. 1329 dated 18 December 2000 specified the total number of jobs within the Czech police, the Fire Rescue Brigades, the Ministry of the Interior and its subordinated organisations, to be 75,763 as of 1 January 2001. Of this number for the members of the Czech police (hereinafter "policemen") and members of the Fire Rescue Brigades (hereinafter "fire-fighters") there are 56,966 positions for those who work under service contracts and 18,797 for those who work under employee contracts. The Minister of the Interior is authorised, if needed, to transfer positions determined for policemen and fire-fighters to positions for other employees and vice versa whilst he is obliged to adhere to salary limits.

Czech Government Resolution No. 294 dated 28 March 2001 approved in relation to the Act on the Police of the Czech Republic (this Act has been fully harmonised with EC law) an increase of the numbers of personnel of the Czech police by 577 jobs, of which 566 jobs are for policemen and 11 positions for other employees.

On the basis of Czech Government Resolution No. 733 dated 19 July 2000 a change in the organisation and systemisation of the Immigration and Border Police Service of the Czech Police was proposed. A unit of the service of Immigration and Border Police with republic-wide powers was established having 7,463 positions of which there are 6,933 policemen and 530 other employees. Current jobs have been fully utilised.

With regard to the adoption of Act No. 265 dated 29 June 2001 amending Act No. 141/1961 Coll. – the Criminal Code as amended and altering some other related acts, an extensive re-organisation of the Czech police at all management levels has been made. The Bureaux of Investigation have been cancelled and have become a part of the common criminal and investigation service of the Czech police.

During the course of 2001 in total 1,368 jobs were delimited in connection with the transfer of traffic administration under the responsibility of the Ministry of Transport and Communication and District Offices. In addition, six jobs were transferred to the Office of the Government of the Czech Republic (the Prime Minister's Office. (Gov. Office No. 1277/2000, Gov. Office No.1091/2001).

In 2001, organisation and systemisation of the General Directorate of the Fire Rescue Brigades including civil defence were approved and numbers of jobs for Fire Rescue Brigades in regions were specified.

As of 31 December 2001, the number of employees in all units within the responsibility of the Ministry of the Interior was 72,968, out of this number 45,779 (62.6%) were policemen, 8,442 (11.6 %) fire-fighters, and 18,747 (25.7 %) other employees having job contracts. Of the total number of employees there were 16,205 (22.2 %) women, of which 5,930 were policewomen which accounts for 10.9 % of the total number of policemen and fire-fighters, and 10,275 women were among other employees, i.e. 54.8 % of the number of other employees. The total staffing rate is 96.5 % (in 2000 it was 95.4 %).

The total number of jobs planned as of 1 January 2002 is 74,966 jobs, of which 56,082 jobs are for policemen and fire-fighters whilst 18,884 jobs are determined for other employees.

At the regional level the numbers of policemen decreased by 373 which accounts for about one per cent. The number of other employees decreased by 290. The majority of open jobs are within the Police Administration in Prague and in North Bohemia, the staffing rate of planned jobs declined at both police administrations by 0.7%. Although the Police Administration of West Bohemia does not report the highest number of open positions the staffing rate declined there by 1.1%. Bureaux of Investigation saw in 2001 an increase in the number of policemen – by 37 as well as in the number of other employees – by 11.

The structure of education is quite satisfactory and remains stable. Of the total number of policemen/other employees, 17 % of policemen and 12 % of other employees are university graduates, 81 % of policemen and 50 % of other employees have secondary education and 2 % of policemen and 35% of other employees have primary education.

A total of 2,292 (+664) policemen **terminated their jobs** with the Czech police. A decline in the number of policemen who were laid off in accordance with the reasons stipulated in Sec. 106 (1) (d) (breaching oath or breaching duties in a particularly severe manner) was recorded – from 93 policemen (5.6 %) in 2000 to 73 policemen (3.3 %) in 2001.

The employment of 2,758 (-608) other employees was terminated.

For more details see Table 55.

The work on Phare project CZ98/IB/JH/02-1 “Comprehensive Human Resources Management for the Czech Police / Professional Training Programme for Policemen and the Czech Ministry of the Interior’s Staff” was completed. This project was positively evaluated by the delegation of the European Commission in Prague as the first successfully completed twinning project in the Czech Republic. The results of this project, which were targeted on the special professional and language preparation of experts working in the area of exposing crime and on installing special software, are being used in the field of combating organised crime.

In addition, this project focused on the following areas:

- * the issues of organisation and a line structure of the Czech police were assessed; the Police Presidium of the Czech Republic did not consider a total revision of the current organisation or essential re-organisation to be necessary;
- * “The Carrier Order for the Police of the Czech Republic”, individual principles of which were completely included in the Draft Act on the Service Relation of the Members of Security Forces, was developed (*however, the Draft Act was rejected by the Chamber of Deputies and it might be submitted again in 2003*);
- * a new performance appraisal system of policemen was drawn up, ensuring objective

criteria, equal coverage of the whole appraisal period, immediate feedback, quality information for the needs of human resource management, training and professional exercises, and administrative effectiveness;

- * a new open and motivating compensation system for policemen was drawn up, which however was not accepted by the MLSA, and therefore the problems of police compensation remain – the salary of a policeman is composed of more than ten components and it often does not reflect the complexity and demand of work carried out;
- * a new system of education and further training for the Czech police including draft legislative standards – the Order of the Minister of the Interior – was suggested;
- * a profile of a policeman who finished preparation for becoming inspectors of the Czech police was processed; this involved the development of complete documentation of a framework educational programme of preparation, including consolidation of a baccalaureate study programme of the Police Academy of the Czech Republic and acquiring accreditation for a masters study programme at this Academy;
- * a “Handbook of Organisation and Implementation of Hiring Procedure for the Police of the Czech Republic”, aimed at innovating the hiring procedure, was drawn up; also the Draft Binding Instruction of the Police President on selecting candidates for promotion using the method of “Assessment Centre”; (this modern method has been so far used within the police in 22 selection screenings in which 179 applicants participated. Until today, 44 “assessors” have been trained.);
- * a proposal for a comprehensive and efficient system of policemen training, oriented on police conduct and focused especially on the integration of “scattered” police knowledge and skills in managing typical situations during the execution of police service, was drawn up and verified in practise; a system of post-traumatic interventive care for policemen who have undergone an extreme situation when meeting their duties, for example in actions of special intervention and after traumatic experience, was developed, and it will include the training of persons (so-called multipliers) for providing emergency intervention, who will work as co-ordinators of future teams of post-traumatic care in regional administrations of the Czech police;
- * the basis for quality management was laid. Within a selected unit of the Czech police (the District Directorate of Jundřichov Hradec) a method called “Excellence Model” of the European Foundation for Quality Management (EFQM) was introduced; at the same time conditions for the decision to use this method were laid down.

A proposal for another twinning 2001 Phare project “Introduction of the EFQM Model within the Police of the Czech Republic” was approved by the European Commission in Brussels. The Netherlands, as an EU Member State, will be a partner with the Czech Republic in this project. Subsidises from the European Union will be EUR 1.15 million.

In co-operation with the British Council a special self-learning training centre was built on the premises of the Ministry within the project “English for Europe”. Its aim is to strengthen the language skills of the Ministry ‘s staff due to the preparation of the Czech Republic to join the EU.

Activities Proposed for 2002

With regard to preparation for EU accession it will be necessary to implement, on an ongoing basis, during the following year the results of Phare CZ98/IB/JH/02-1 Project “Comprehensive Human Resources Management for the Czech Police / Professional Training Programme for Policemen and the Staff of the Czech Ministry of the Interior”.

As a follow-up to Phare 98, a project for the network connection of personnel departments and psychological centres within the Ministry will be implemented. Thus the authorized

employees of the Ministry of the Interior and the Czech police will have immediate access to all current human resources information and this means that doubling-up of work of all connected human resource units will be avoided, which also means more time and cost effectiveness. As for the activities performed by psychological centres, the aim of this project is to process the information of applicants for emergency intervention, register intervention provided, support communication among individual psychological centres of the Czech police, provide access to the police Intranet, to the Internet, to build up a database of all applicants for jobs with the Czech police examined by individual psychological centres, and the creation of a register of cases of post-traumatic interventive care. After the proposed project intention is implemented, the target is to carry out operative work with databases and further connection to the EKIS – SAP system.

The system of post-traumatic interventive care in connection with special police intervention and post-traumatic experience will function both for policemen and fire-fighters. In addition, regional teams should be gradually staffed and trained so that the qualifications of coordinators are improved. The efficiency of the whole system of post-traumatic interventive care should be supervised, methodologically managed, and verified.

Intensive work on the preparation of 2001 Phare project “Introduction of the EFQM Model within the Police of the Czech Republic” continues in co-operation with the Netherlands. Since October 2002 a pre-accession advisor of this project will have worked within the Czech police. The fundamental idea of quality management is the guarantee of achieving the best possible quality whilst involving all co-workers in the process of job (service) performance. All police corps are required to improve their performance quality and their approach to citizens as clients who expect the police to ensure their security. This target can be achieved through the implementation of modern quality management. The so-called “Excellence Model” of the European Foundation of Quality Management - EFQM - is a practical tool enabling the assurance and evaluation of performance quality, to seek for opportunities for improvement, and to initiate their implementation. It is currently being proven how the satisfaction of citizens as well as the satisfaction of policemen (and impact of such satisfaction) is affected by a management who use strategy, planning, human resources and other processes which further lead to excellent results.

Ministerial assignments relating to issues of equal opportunities for men and women in the field of general policing (crime prevention), human resources policy (training, management of an equal approach to both women and men) and, within co-operation with the European Union, to equality of women and men.

The Ministry of the Interior targets its attention on the preparation and training of its employees who will, after the Czech Republic joins the European Union, work in institutions of this organisation. It will continue paying maximum attention to employees involved in tasks aimed at achieving compatibility with legal regulations of the European Community and meeting the conditions for our integration into the European Union.

Education and Training

• Situation in 2001

Work on Phare No. 9808-02/1 twinning project “Strengthening Law/Asylum Institution Enforcement”, a part of which was a sub-project aimed at developing the **“Comprehensive System of Human Resources Management in the Police of the Czech Republic”**. Within this project, two models were devoted to training - module No. 7 – **“New Arrangement of Education and Further Training”**, and module No. 9 – **“Integrated**

Training of Policemen". The Project was finished in June 2001 and its conclusions were approved by the Steering Committee, chaired by the Minister of the Interior, in November 2001. The Delegation of the European Commission in Prague assessed the project as being very successful.

On the basis of the aforementioned project and Government Resolution No. 28 dated 3 January 2001, a **"Concept of Life-long Compulsory Education of Policemen and Other Employees of the Czech Republic and the Ministry of the Interior, a Part of Which Is Education of Human Rights"** was drawn up. This Concept was approved by the Minister of the Interior on 20 December 2001, and subsequently it was submitted to the Government.

Co-operation with the MEYS on the Act on pre-school, primary, secondary, post-secondary, and out-of-school education (the Educational Act) continued, with the aim of creating conditions for the compatibility of a professional police education with public education.

A new system of development and innovation of educational programmes for the Secondary Police Schools of the Ministry of the Interior was prepared and implemented. This system creates conditions for more flexible and more focused reflection on the needs of policing.

Work on specifying a target concept for an information system in education was commenced with the aim to improve the collection, analysis and use of information in the system of police education and training.

The System of Police Education and Training within the Ministry of the Interior

- * The basis of the system of education within the Ministry of the Interior is represented by the secondary police schools of the Ministry of the Interior (hereinafter "SPSs of the MI"). The basic professional preparation of new policemen and further professional training of policemen already involved in police service aimed at improving knowledge and skills and further professional growth is carried out at these schools. SPSs of the MI offer re-qualification, special, and innovation courses focused on further service performance. **In the year monitored, the basic professional training was finished by 2,271 students, while 1,928 students enrolled, 586 attended re-qualification courses, and 5,968 students participated in special and innovative courses** during the course of the last year the syllabus for basic professional preparation was updated, the attention being paid to changes in the activities of the Czech police, and new educational programmes in the field of professional training were developed.
- * **The Police Academy of the Czech Republic** is another part of the education system of the Ministry of the Interior. It is a top educational and scientific institution for the study programme "Security Legal Studies". **In the academic year 2000/2001 2,123 students (1,649 of whom were policemen) studied a bachelor programme and 290 students (240 policemen) studied a masters programme.**
- * **The Educational Police Centres of Regional Administrations of the Czech police** are an integral part of the education system of the Ministry of the Interior. These centres implement professional practical exercises within basic professional preparation and courses for policemen who are already in service. The majority of students who had finished basic professional preparation participated in practical exercises and 6,724 policemen of the disciplinary corps, traffic police, immigration and border police participated in the courses of further professional training.

- * Another component of the professional preparation of policemen is **on-the-job-training**. The emphasis was, apart from other things, placed on the risk factors involved in police work, the extension of legal knowledge, improvement of psychological resistance, and use of coercive means and weapons (fire arms). Each policeman in direct service was obliged to **take special service preparation of approximately 120 hours, shooting tests, physical training tests, and test in using coercive means**. Further focused professional preparation was based on the specific needs of special Czech police squads.

International co-operation arising from the National Programme of Preparation of the Czech Republic for Joining the EU and 1999 Accession Partnership

*** Great Britain – Home Office**

During the course of 2001, six three-day seminars “Police Work in the Field of Protection of National Minorities” were held. The seminars were organised in co-operation with the embassy of Great Britain and the UK Home Office. In total, 150 Czech policemen, 40 members of national minorities, and 12 teachers at secondary police schools, participated in the seminars. The aim was to inform of the experience the British police obtained while working with minority communities and their experience of using legal action against racists. The discussions also focused on the assessment of such experience for the Czech Republic. Ten potential trainers were selected among the participants who should in the future facilitate seminars aimed at police work in the field of ethnic minorities

*** Canada– the Royal Canadian Mounted Police (RCMP)**

As a follow-up to previous co-operation with the RCMP, a programme called “Police and Community Project” was proposed, approved, and commenced. The objective of this project is to develop co-operation between the Czech police, state administration and minority communities on a local level, and to improve skills for solving conflict solutions. Hungary and Slovakia are also involved in the project. *(Project implementation was launched in the spring 2002, the first meeting of participants was held on 16 – 18 April 2002 in Bratislava).*

*** USA – FBI**

Successful co-operation continued in 2001. Several day–seminars were held, the topics of which were “Investigation and Examination”, “Computer Crime”, “Trafficking in Human Beings”, and “Combating Organised Crime Techniques”. In total, 196 participants – policemen, state prosecutors, and judges – participated in these seminars.

*** The Netherlands**

Co-operation was divided into levels – co-operation between the Ministries of the Interior of both countries, and co-operation between individual partner schools. Mainly co-operation in training relating to human rights, coaching, multi-media training, and community policing was agreed upon.

*** Austria - the Central European Police Academy (MEPA)**

The member states are: Germany, Austria, Switzerland, Hungary, Poland, Slovenia, Slovakia, and the Czech Republic. Training activities concentrate on middle police management and contain current security topics. The “National Co-ordination Office of the META” works with the MI (hereinafter NCO MEPA). Competencies of individual co-operating units were laid down, and the financing system of MEPA was approved. Altogether seven training courses were held abroad, in which 19 Czech police members participated:

- " MEPA Principal Course for the Criminal Police "
- " MEPA Special Course for the Border Police "

- "Follow-up Course for Former Participants of MEPA Principal Courses" and international expert seminars such as: a) new forms of crime, b) special investigation methods, c) conveyance d) organised crime, e) international investigation groups
- In April 2001, the NCO MEPA arranged an international seminar held in Prague, the topic of which was "Synthetic Drugs". This seminar was attended by twenty-three foreign, and seven Czech experts involved in the respective issues.

Co-operation within the MEPA is highly appreciated in the EU Members States because of its contribution in gathering and exchanging police information, findings, and experience.

* **Germany - Bavaria - Hans Seidel Foundation (HSF)**

On the basis of an annually signed bilateral agreement between the Czech Ministry of the Interior and the HSF with a seat in Munich, a plan of co-operation focusing on special Czech police and Bavarian police squads was drawn up. The Bavarian Ministry of the Interior is actively involved in training. 35 reciprocal events were held (on average there are 50 events every year, the number was affected by the situation after 11 September). Mutual deepening of professional knowledge contributes to the creation of personal and professional relationships among policemen.

* **Germany-Saxony- the Saxony Provincial Ministry of the Interior (SMI)**

Intensive international co-operation in the borderland of the Czech Republic and Saxony is carried out in the form of secondments, seminars, courses, and reciprocal language courses (exchanges) for both teachers at secondary police schools and policemen. Ten events of mutual co-operation are regularly held. The SMI supports projects targeted at crime prevention and across-the-border co-operation.

* **Germany – the Police Academy in Munster (PFA)**

This Police Academy offers about ten training programmes a year for foreign police, which means also for Czech police, who have a good knowledge of the German language. Training courses focus on top police management.

* **CEPOL- the European Police Academy**

This is an institutionalised AEPC (the Association of European Police Academies although this Association is not ceasing its activities - it will concentrate mainly on the Balkan countries). It is actively involved in the decision-making process of training activities.

* **Other Training Activities**

A seminar "**Extremism and Law**" was attended by members of the Czech police, state prosecutors and judges (in total 50 participants). Two one-month preparatory courses were held for members of national minorities who applied for a job with the Czech police. Of thirty-three applicants, nine met the stipulated conditions. Those who were accepted are continuing their education on a five-month course for members of national minorities.

Three **seminars targeted at combating corruption** on an international as well as inter-ministerial level were held. These were attended by 225 policeman and representatives of the Ministry of Justice.

In relation to the approval of the European Code of Conduct for Policemen, negotiations were held with the British party aiming for future ethic training. There were two two-day seminars for teachers at secondary police schools involved in the issue of human rights. These focused on modern communication.

Basic Focus in 2002

The education of policemen will be, as in the preceding year, based on the following principles:

- * **a new philosophical conception of policing** (its priority is to satisfy civic needs),
- * **a new image of the police** (the objective of this kind of training is to achieve highly professional, qualified, motivated policemen having high ethical standards which society not only expects but requires by right),
- * education is based on a **competence attitude** (departure from encyclopaedic gathering of information) ,
- * **increased personal accountability of each policeman for one's self-education** is stressed.

Proposed Activities

- In connection with submission of the Act on employment (Service) of the Members of Security Forces, to submit within the internal legislative procedure of the Ministry of the Interior a Regulation of the Ministry of the Interior on meeting qualification preconditions for security force jobs and professional training of members of the Czech police (*the Draft Act was rejected by the Chamber of Deputies*).
- In relation to the adoption of the new Act on Primary Schools, Secondary Schools and Schools for Secondary School Leavers (the Educational Act), to submit draft Regulations of the Ministry of the Interior on secondary education and organisation of the academic year at secondary police schools of the Ministry of the Interior, on the pedagogical qualification of teachers at SPSs of the MI and on the further education of pedagogical employees of the SPSs of the MI.
- To draw up a draft educational programme for the preparation of inspectors of the Czech police.
- To develop a concept of education of teachers, instructors, and lecturers with the aim of ensuring their consistently improved preparation.
- To continue educational activities arising from international treaties and agreements for the purpose of effective transfer of foreign experience in the field of security related to accession to the EU, organised crime, illegal migration, extremism, education in human rights, financial crime, corruption, combating trade in drugs, and other current problems in the field of public order and internal security.
- To further improve the process of identification of training needs for the execution of the police service and to evaluate the education and training process of policemen
- To introduce and apply practical forms of preparation and special courses implemented in secondary schools of the Ministry of the Interior, activate and practical forms of adult education; to pay attention to the development of modern teaching methods and forms of instruction such as distance education; to use information technologies, to enhance teaching aids and methodological materials.
- To improve the equipment of institutions and facilities of the system of education within the Ministry of the Interior, to apply an effective investment policy which will take into account the need for further capacities for educational and accommodation, gymnasiums and shooting-ranges, to build classrooms for model situations, multimedia classrooms, and to reconstruct existing IT classrooms.

Organisations

- **Situation in 2001**

The organisational structure of the Ministry of the Interior has seen a number of substantial changes. Among the most important are – in relation to Act No. 237/2000 Coll., Act No. 238/2000 Coll., Act No. 239/2000 Coll., and Act No. 240/2000 Coll. which came into force on 1 January 2001 – the establishment of the General Directorate of the Fire Rescue Brigades of the Czech Republic and individual regional fire rescue brigades, as units of state administration. This section of the Ministry of the Interior is responsible for meeting tasks of the Ministry resulting from the above-mentioned acts, including assignments of civil defence taken over from the Ministry of Defence.

In terms of the need to create organisational preconditions to ensure the activities of the Ministry related to the reform of public administration, a partial reorganisation lying in transformation of the Department for Public Administration Reform to two new units – the Department of Public Administration Modernisation and the Department of Territorial Public Administration Reform – was made effective from 1 May 2001.

The need for conceptual changes in the area of criminal material law and procedural law which was reflected in adoption of new Code of Criminal Procedure through Act No. 265/2001 Coll. which closely relates to Act No. 283/1991 Coll. on the Police of the Czech Republic enforced the adoption of essential conceptual changes in the organisational structure of the Czech police and its scope of powers within criminal proceedings. Modifications in the Czech police focused mainly on accelerated and more efficient criminal proceedings and on the implementation of measures adopted. Bureaux of Investigation ceased their activities and merged with the Criminal Police, and, effective on 1 January 2002, the Service of Criminal and Investigation Police was established. It will be necessary to evaluate its functionality in the second half of 2002. With regard to a comprehensive solution the Bureau of Documentation and Investigation of Communist Crimes of the Service of Criminal and Investigation Police was included in the organisational structure of Czech police units operating throughout the Czech Republic.

Activities related to traffic administration were transferred, in two phases, from the Ministry of the Interior and the Czech police under the responsibility of the Ministry of Transport and Communications, District Offices and Municipal Councils of Brno, Pilsen, Ostrava, and Prague. Thus conditions necessary for the execution of powers of the traffic police were created.

The National Anti-Drug Headquarters of the Criminal and Investigation Police Service was removed from the Section for Revealing Organised Crime of the Criminal Police Services with republic-wide powers, and was made a separate unit with the aim of creating suitable conditions for operability and co-ordination with foreign organisations and entities outside the Ministry of the Interior.

During the year 2001 modifications to the system of individual units of the Immigration and Border Police Service were made to prepare organisational changes for the establishment of the special unit of the Immigration and Border Police of Czech Police, which is authorised to operate throughout the Czech Republic. The objective was to create more effective protection of the national border from 1 January 2002.

Science and Research

The system of state support of research and development of the Ministry of the Interior is a long-term strategic programme of internal security, public order and solution of extraordinary situations. It formulates concrete steps against individual security risks and generalises procedures which should efficiently and adequately limit the impact of such risks.

In 2001, R&D was based on the trends and development of a set of problems and it deepened the knowledge from which the repressive and progressive operations of the state in the field of crime elimination and increasing security resulted. The issues involved were as follows: organised crime, terrorism, corruption, computer crime, major economic crime, youth crime, illicit trade in and the distribution of narcotic and psychotropic substances, arson, fires, research of security holograms, and other extraordinary events directly threatening health lives, property, or the environment. Other research activities focused on comprehensive security and the protection of archives, including long-term development in archiving methodology.

The projects are as follows: Combating Computer Crime, New Threats of Terrorism, Exposing Serious Criminal Offences Committed by Individuals and Organised Groups, Monitoring and Analysing Information Usable in Carrying Out a Terrorist Bomb Attack; Decontamination in Fire Rescue Brigade Work Conditions; Plant Drugs /Chemical and Botanical Identification), Making Diffraction Effects of Security Holograms More Optimal, and so on.

Economy

• Situation in 2001

The **fundamental economic priorities** were as follows:

- * To ensure funding of the National Programme for Preparation of the Czech Republic for EU Membership;
- * To build up a radio-communication system based on Tetrapol technology in the scope provided by the contract concluded for the needs of the Integration Rescue System;
- * Co-operation in transferring the units of civil defence from the Ministry of Defence to the Ministry of the Interior;
- * To continue securing premises and facilities pursuant to Act No. 148/1998 Coll. on the Protection of Classified Information;
- * To reconstruct and repair premises which do not conform to the current demands on the performance of Czech police work or to obtain accommodation in new locations according to the needs of the Czech police (purchase or new construction);
- * To continue organising central transfers and sales of unneeded movables and immovables.

The following influences affected the budget chapter of the Ministry of the Interior in 2001:

- * The termination of delimitation of funds in relation to transfers of some administration agendas from the Czech police to District Offices;
- * delimitation of funds in connection with a transfer of traffic administration from the Czech police to District Offices, some Municipal Councils and the Ministry of Transport and

Communications;

- * financial assurance of the National Programme for Preparation of the Czech Republic for EU Membership;
- * financial assurance of security measures adopted in connection with terrorist attacks against the USA; and
- * development and reconstruction of the Central Information System, and devices of information and communication systems.

Brief Information on Using Budget Funds

- * Increasing the budget chapter of the Ministry of the Interior, from the chapter of the Ministry of Defence, in connection with a transfer of civil defence administration by the amount of CZK 506,130 thousand.
- * Increasing the budget chapter of the Ministry of the Interior from the chapter of District Offices to create the conditions for meeting the assignments of Fire Rescue Brigades in relation to their transfer of Population Protection Departments, by the amount of CZK 217,933 thousand.
- * Increasing the budget chapter of the Ministry of the Interior from the chapter of the Ministry of Foreign Affairs by CZK 28,073 thousand to ensure operations of air emergency service by the Air Service of the Czech police.
- * Increasing the budget chapter of the Ministry of the Interior by purposefully bound funds in the amount of CZK 8,817 thousand in order to solve the consequences of the Kosovo crisis and to operate a standard network of refugee facilities.
- * Further funds were during 2001 directed to the budget of the Czech police from the Chapter "General Cash Management" (Reserves) and other chapters of the state budget (for example, expenses for refugees and immigrants and for the anti-drug policy, i.e. for activities which relate to security).
- * Budgets of individual Czech police units were during 2001 increased from the relevant reserves of the Minister of the Interior. The following costs were covered: expert opinions developed for the Bureau of Investigation of the Czech Republic, banishment (deportation) of foreigners, for fuels, lubricants and other purposefully spent funds.
- * A total of CZK 3,900 million from the budget of the Ministry of the Interior was used for the Crime Prevention Programme and the Ministry of Finance transferred (in four phases) CZK 42,160 thousand to the budget of the Ministry of the Interior from the Chapter of General Cash Management for cohesion programmes of Crime Prevention and Drug Addiction Prevention.
- * An amount of CZK 31,932 thousand was released from the Ministry of the Interior's budget for purchasing 16 AUDI cars for the Protection Service of the Czech police.
- * To meet the National Programme for Preparation of the Czech Republic for EU Membership the amount of CZK 881,280 thousand was released to cover sub-programmes of the National Schengen Information System such as Visa Process Modernisation, Clearing People at the National Border and Inland, Reform of Asylum Institutions, the Programme of Combating Organised crime, Anti-corruption Measures, Introduction of Single European Emergency Telephone Number, Central Personification of Machine Readable Identity Cards, and Passports of the Czech Republic.
- * Development and renovation of the communication system infrastructure within the Ministry of the Interior (HELIOS) – CZK 88,000 thousand.
- * CZK 44,015 thousand was released from the account for co-financing PHARE from the funds of the National Fund for the Ministry of the Interior. The money was used for

projects of clearing people at the national border and inland and the protection of witnesses in the Czech Republic.

- * Within the approved budget, non-investment expenditures tied to an investment programme 314070 of the National Programme for Preparation of the Czech Republic for EU Membership were released for Czech police units in the amount of CZK 62, 815.
- * During the budget year the budget of the Czech police was corrected in relation to the transfers of some activities from the Czech police to the organisation “Services for the Ministry of the Interior” and the organisation “Flat Management of the Ministry of the Interior, which are both partially covered by the state budget.
- * The transfer of activities relating to traffic administration to District Offices, some Municipal Councils and the Ministry of Transport and Communications meant the transfer of CZK 323, 224 thousand.

● **Basic Assignments in 2002**

The budget will be affected especially by:

- * the completion of the transfer of traffic administration from the Czech police under District Offices;
- * building the Integrated Rescue System under Act No. 239/2000 Coll. on the Integrated Rescue System and on the Amendment to Some Related Acts, of which basic units are fire rescue brigades, health emergency service;
- * organisational changes (with effect from 1 January 2002 the Bureaux of Investigation merged with the Criminal Police Service and new Criminal and Investigation Police Service was established, and further the unit authorised to operate throughout the Czech Republic whose official name is the Police of the Czech Republic – Immigration and Border Police Service - was set up.

Other Priority Assignments:

- * to establish the joint service of criminal police and investigation police;
- * to commence the activities of the Immigration and Border Police with a republic-wide scope of powers;
- * to implement the concept of creating and improving the activities of the Permanent Disciplinary (Beat) Squad of the Prague Administration of the Czech Police and Disciplinary Police Squads in individual regions;
- * security assurance at the NATO summit;
- * application of the Act on the Special Protection of Witnesses;
- * assignments arising from the Amendment to the Code of Criminal Procedure;
- * building the national database of DNA;
- * re-armament of the police;
- * preparation for the Czech Republic's joining the EU;
- * building a national headquarters against forgery;
- * creation of the national monitoring point;
- * anticorruption measures.

According to the budget possibilities for the Ministry of the Interior in 2001 some basic tasks and activities of the Czech police were facilitated. A detailed analysis of funds spent in 2001 on individual tasks and programmes within the Czech police will be the subject of the final account of the Ministry of the Interior for 2001 including clearing with the state budget for this year with close links to financial and accounting reports.

Information and Telecommunication Systems

* Communication Systems

A priority and long-term task is to improve the inadequate situation in searching communication systems. Basic targets are specified in the “Project on Development Communication Networks of the Ministry of the Interior with Integrated Services” which consists of two complete parts – telecommunications and data transmission of the HELIOS project, and the Pegas projects relating to radio-communications.

PEGAS project

The PEGAS project solves the building of the radio-communication system determined for principal units of the Integrated Rescue System – the Czech police, Fire Rescue Brigades, and Health Integration Service. On the basis of the evaluation of the operational use of the system during the Prague Meeting of the International Monetary Fund the Government approved through its Resolution No. 451 dated 9 May 2001 an **increase in the number of base stations from 141 to 218**. All implementing work was oriented towards finishing the construction of the infrastructure of the PEGAS **by 31 August 2003**. Network construction was commenced in four regional networks – Central Bohemia, Jihlava, Brno, and Zlin. Project preparation is being finished for other regional networks.

HELIOS Project

This solves the renovation of the basic telecommunication network of the Ministry of the Interior and implements the construction of digital telecommunication nodes with a technology for voice and data communications and construction of digital transmission environment shared by all communication systems.

The construction focused mainly on the renovation of transmission systems, reconstruction of telecommunication nodes in the premises of District Directorates of the Czech police, and the implementation of WAN data technologies for the support of information processes. Digital communication nodes were installed in three premises of District Directorates of the Czech police. The transmission network was supplemented by 15 ATM (Asynchronous Transfer Mode) systems for a more effective use of the accessible range for providing services, also in the case of physical connection or technical equipment failure. Transmitting technology - Frame Relay was installed in 33 communication nodes at District Directorates of the Czech police and regional administrations of the Czech police. Thus 14 regional Directorates of Fire Rescue Services and selected FRB units on the district level were connected to the ministry’s telecommunication network. Technology for change of principal routers on the level districts was purchased and conditions for the implementation of virtual data networks for individual applications operated within the ministry were created.

Connection of Basic Units

Another task was to improve the communication and information support of the service of immigration and border police necessary for the implementation of projects: “Visa Process Modernisation” and “Clearing People at the National Border and Inland”. 137 basic units of the service of immigration and border police were connected to the Ministry’s telecommunication network using Frame Relay technology. This enables the respective units to have better access to central databases and to improve their voice communication.

* Information Systems and Computers

A priority and a long-term assignment in the field of information systems is the implementation of an information system for the service of immigration and border police

(IBP), change and extension of the Integrated System of Cultural Heritage Protection (SEUD), the project of the automated finger print identification system (AFIS), and other information systems.

The Project of the Information System for the Service of Immigration and Border Police (CIS)

This project solves the unification of the existing local information systems of the immigration and border police and the creation of new parts in compliance with adopted Acts and EU recommendations. After a core of the information system had been put into operation and tested, a pilot application was tested, beginning on 14 December 2001.

In 2002, the work on CIS will continue by developing an application and republic-wide implementation. A decisive part will be the gradual conversion of information systems operated by the service of immigration and border police into CIS. Regarding the fact that CIS falls under meeting the National Programme for Preparation of the Czech Republic for EU Membership it must put into operation and tested in a sufficiently long time period prior to the reference date of the Czech Republic's accession to the EU, i.e. prior to 1 January 2003.

The Integrated System of Cultural Heritage Movable Protection Project (ISO)

The Ministry of Culture, the Ministry of the Interior, and the Ministry of Finance (through the General Customs Directorate) are involved in the ISO project. The Ministry of Culture is responsible for the whole project. One of the ISO components is the System of a Database of Works of Art (hereinafter "SEUD") which is a multimedia information system for keeping records of stolen, found or missing works of art, for their prompt search and protection. It is based on the principle of digital processing of predominantly image information which is completed with text annotations and included in structured data files.

The Central System of Works of Art (hereinafter "C-SEUD") or C-SEUD database is available on the www server in the data network of the Ministry of the Interior. Selected records from the C-SEUD (hereinafter "I-EUD") are accessible by the general public via the Internet on the server of the Ministry of Culture. Working stations connected to SEUD are updated by purchasing the needed number of digital cameras, scanners and Adobe Photoshop software upgrades. However, it was not possible to resolve the basic rules of the required inter-ministerial exchange of information including an unambiguous technical solution.

The implementation of hardware equipment and software programmes for the regional facilities of the Czech police will be finished in 2002.

The Automated Finger Print Identification System (AFIS)

This project solves AFIS both for the needs of criminal experts and for the needs of the identification of foreign nationals in compliance with adopted acts and approved EU recommendations, including future connection to the international dactyloscopic information system - EURODAC.

The development of AFIS in 2002 focuses on the extension of the AFIS centre (HW and SW modifications and enhancement) with respect to legislative requirements, and the quicker fixing of AFIS user requirements, implementation of further AFIS working stations especially for the needs of the immigration police, and preparation for future transfers of selected data from AFIS databank for communication with the EURODAC system.

5. Conclusion

The fundamental objective of the Report is to provide an overview of the situation in the fields relating to public order and internal security including an overview of trends in crime and their dynamics. On the basis of such findings the Report identifies and highlights those areas to which public authorities need to devote special attention. Its integral part is overviews of activities which should contribute to combating crime. It does not deal with the range of well functioning mechanisms. With several exceptions, it does not deal with evaluating individual steps since these are mostly assessed in separate reports, information and analyses, however the Report does refer to them. Thus the Report is a certain **set of information** and at the same time, the Report should be "live" material which can be further elaborated. The findings on the development in individual areas of internal security and public order as well as information on measures adopted should be taken into account as the basis for further decision-making, strategic, legislative or partial measures. At the same time the Report should be the basis for further communication among all entities co-operating in combating negative impacts of crime.

The Report has been drawn up and compiled from the information provided by relevant ministries and other institutions and from the findings arising mainly from criminal statistics and is completed by statistical data of the Ministry of Justice.

The development in the field of internal security and public order was in the last year significantly marked by the terrorist attacks in New York and Washington in September 2001. The Government of the Czech Republic (hereinafter the Czech Government) adopted a number of measures to ensure public order and internal security as well as protection of inhabitants - **the system of crisis management was immediately activated and top crisis staffs commenced their activities.** At the same time, work on adopting measures against a respective terrorist attack against the Czech Republic started. Information on the development of security situation were and are continuously gathered, analysed, and evaluated. Measures have been implemented proportionally to the development of the international situation and the consequences of a respective terrorist attack. Higher security attention was paid to premises and facilities of the USA and some allies including some special premises located in the Czech Republic such as the building of the RFE/RL and nuclear power plants. However, **public order** in the Czech Republic was not endangered in a larger extent; there were numerous cases of shipments (parcels) suspicious of being contaminated by chemical, biological or otherwise dangerous agents. *During the first phase after the events of 11 September 2001 it was more or less instinctive reaction to an immediate situation, after that the efficiency of measures adopted was systematically strengthened. Working groups targeted mainly tasks connected with checks on the financial flows of persons suspected of being linked to terrorism or money laundering. A more efficient approach towards freezing suspicious investment plans and doubtful accounts was taken. Biological protection was considered and relevant information drawn up ("Draft Measures Aimed At Solving the Situation If Aerosol or Other Biological Agents are Widely Used", "Plan of Documenting Samples with effect from 3 November 2001"). Staff ensuring the security of important premises was trained. The working groups concentrated also on foreign trade in military material. Other issues, the procedure of verifying whether persons were*

reliable from a security point of view using the so called police way, checks on the financial flows of persons suspected of having links to terrorism and foreign trade in military material were solved by relevant ministries using standard means. International co-operation is considered to be an essential principle.

With regard to development of crime²⁶ in the Czech Republic, year 2001 can be characterised by decline in crime (358,577 crimes, -8.4 %). A decline in the number of **ascertained crimes against property** (-10 %, - 28,398 crimes) and **economic crimes** (-6.3 %, -2,370 crimes.) **was recorded**; the numbers of ascertained violent crimes (-1.3 %, -287 crimes) and moral crimes (+5.3 %, +99 crimes) **stagnated**. **The proportion of individual kinds of crime** to the total number of crimes detected has not changed significantly

The decline in the number of **economic crimes** is accompanied by a **marked increase in the number of credit frauds recorded**, which is connected with high damages. Certain **stagnation** in the number of violent crimes detected was accompanied by a **decrease** in the number of **murders**, however growth in the number of crimes of **dangerous** threats has continued. A **significant decline** in the number of detected **burglaries** continued in 2001, and there was a slight decline in the number of motorcycle thefts recorded since 1998. A continuing decline in the number of **thefts from cars** was recorded as well.

Crimes committed by youth remain a problem. The number of child offenders and juvenile offenders has moderately increased but the number of criminal offences committed by children and youth slightly decreased except for crimes of violent nature.

The lowest ever number of ascertained crimes was recorded in 2001, while the detection rate was the highest since 1993. The Czech police recorded the lowest number since 1993 of criminal offences in crimes against property, burglaries, larcenies, motorcycle thefts, murders, and intentional injuries to health.

With regard to **long-term development** there has been a **positive trend** in the number of crimes recorded by the Czech police, but a stagnation or moderate decline was already registered in the past two years. The number of recorded crimes reached its peak in 1999 (Since 1994 there has been an every year growth; in terms of crime dynamics the most problematic were years 1990-1993, then the differences between individual years with regard to the crime level started to decrease).

The decline in the number of crimes detected was accompanied by **a decline in the number of crimes solved**, while the **detection rate** (the ratio of crimes detected and crimes solved) **increased**. However the following facts should be taken into account: the detection

²⁶ To determine the reasons and conditions of crime is very hard and is principally the focus of criminology, which relates to other disciplines, above all sociology, psychology, pedagogy, statistics, and criminal-law science. Even criminology does not offer unambiguous explanation of the causes and conditions of crime. i.e. a universal theory of crime does not exist. The causes can be explained in two ways: the first emphasises the importance of biological factor (heredity, physical condition, personality structure), the second factor is of social nature – the background environment (family, peers, media, etc.) Therefore to determine, which is a key factor would be misleading. The crime development is connected with social control rate, which decreases with higher density of inhabitants and with large conurbation.

rate for crimes against property was only approximately 26%, for violent crimes it reached 80%, and the detection rate for moral and economic crimes is higher than 90 %. Damage ascertained decreased, namely in terms of economic crimes (however, it is necessary to stress that in 2000 two cases - Agrobanka and Komerční banka, a.s. - considerably contributed to the number of economic crimes ascertained). **The damage recovered rose markedly** (*i.e. the total amount of damage caused by committed crimes or used to commit a crime, or acquired as a result of a crime that was recovered, and value acquired to cover damages caused*) to an amount **higher than CZK 2 billion**. Of this amount, almost CZK 2 billion was recovered within economic crime.

Crime development is substantially influenced by **offences committed in Prague**, which is the most affected territory in terms of the number of crimes ascertained per 10,000 inhabitants despite recording the **largest decline of the regions in the Czech Republic**. In comparison with other regions a several fold increase of car thefts and robberies, in spite of their total decline, is recorded. *The development of crime in Prague also results from its particular situation typical to other large conurbations – a high population density, extensive housing estates, anonymity, a large number of shop and institutions along with a high concentration of people who used to be imprisoned.* The decline was registered also in other regions – **North Moravia** and **South Moravia**, which are known for a long-term high number of criminal offences ascertained. Violent crimes have remained a problem: these two regions display (within the Czech Republic's regions) the highest number of crimes of dangerous threats and extortion. South Moravia, along with Prague, are the only regions displaying an increase in economic crimes. Crimes of violence have remained a problem in **North Moravia** and **North Bohemia**, where the most significant increase in this kind of crime was recorded; the same applies to burglaries of family houses. North Bohemia occupies second place in the number of crimes of unauthorised production and distribution of psychotropic substances and poisons.

Development of crime, with regard to newly established regions (so called **higher territorial self-governing units**) has been monitored in police statistics since 2001, and it is impossible to compare the results to the previous year since the area, density of population, unemployment rate, age composition and so on have been newly specified. The fact that the capital city of Prague and Central Bohemia are the same as before shifts Central Bohemia to the second place in the number of ascertained crimes and the number of crimes detected per 10,000 inhabitants. **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, the Karlovy Vary Region, and the Pardubice Region display the lowest number of crimes.** Using calculations per 10,000 inhabitants, Prague (846 crimes) and the Central Bohemian Region (369 crimes) are followed by the Usti Region (357 crimes), while the last places of the scale are occupied by the Vysocina Region (162 crimes), the Zlin Region (207 crimes), and the Pardubice Region (209 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).

To objectively evaluate crime levels and especially citizens' feeling of safety it is necessary

to say that according to victimological research²⁷ **23 % of citizens interviewed were directly affected by a crime** during the course of 2001, while in 2000, 25 % citizens were affected, in 1999, 24 %, and in 1998, 19 % - this has been **the first decline since 1998**. According to the data gathered in this survey **"in 2000, 61 % of those aggrieved reported the crimes to the police, while according to the data from 2001, 56 % of the respondents reported the crimes"**. The most frequently mentioned offences were thefts from cars or wilful damage to cars, burglaries, and pickpockets or similar thefts in the streets. Doubt as to whether the offender would be detected was given as the decisive reasons for the failure to report a crime. Crime is most frequently stated as the most serious social problem. Attitudes towards individual aspects of police work have not changed very much, people only criticised the "low visibility" of the police.

More than 33 % of offenders are people between 20-30 years of age. The number of repeated offenders and economic crimes committed by them increased, contrary to this the number of **prosecuted foreigners** and mainly the number of crimes committed by them substantially **decreased**. The **proportion of children and juveniles** in the total number of offenders has slightly increased. The percentage share of offenders in the number of inhabitants of a relevant age category stagnated or slightly rose. The number of child as well as juvenile offenders has moderately increased or stagnated respectively. According to police statistics the number of child offenders reached its height in 1996 and the number of crimes they committed in 1999; the number of juvenile offenders and the number of crimes they committed reached its peak in 1996. It is also necessary to mention **latent offences committed by children and juveniles such as chicanery (bullying)** (very often this kind of crime is **made light of**) as well as **minor thefts in shops, in the streets and so on**. A long-term trend seen in crimes committed by youth is the brutality and skills with which more or less all kinds of crimes can be committed. More cunning forms are being used. **Youth criminal activities** are aimed mainly **against property** (mainly thefts) where policemen do not find any differences to similar crimes committed by adult offenders. Such crimes are committed especially in groups and predominantly by juveniles who are neither employed nor are preparing for a future job. What is alarming is the fact that children are catching up with the category of juveniles with respect to number of crimes committed. The number of crimes of violence committed by children is even higher than the number of such crimes committed by juveniles. In 2000 the number of **crimes of violence** committed by children almost equalled the number of such crimes committed by juveniles, **in 2001 children committed 144 crimes more**. *Therefore a number of measures besides legislative regulations (such as Draft Act on the Liability of Youth for Illegal Acts and the Judicial System Concerning Youth) concerns preventative activities (programmes held at schools and attended by police members, competitions for children, courses focused on acquiring positive social behaviour and development of personality, methodological support of curators for youth, social curators and social assistants and so on).* **The number of prosecuted police offenders continued increasing** and the same applies to crimes committed by Czech police members and recorded by the Inspectors of the Minister of the Interior. *(The data concerned crimes ascertained and solved. The rise in crimes committed by police offenders means, as in 2000, a lower latency rather than an absolute increase).* Policemen under 30 years of age with service periods up to 10 years committed the highest number of offences with abuse of power by a public official being the most frequent offence followed by insurance frauds.

²⁷ J. Buriánek, research in 1995, 1998 a 1999-2002 – see Chapter 2.1.4. Victims of Crime.

The number of ascertained crimes against property decreased, and from a long-term point of view it was the lowest number of crimes recorded since 1993. Simultaneously, the number of solved crimes declined, but on the other hand the detection rate rose. The falling trend in burglary continued and the decline in the number of ascertained common thefts was recorded as well.

There has been a sustained downward trend in the number of burglaries ascertained since 1994. This reduction has been effected by **preventative measures** as well as an increase in the **protection of property by citizens**. The police recorded a **decline** in the number of **thefts from cars and thefts of cars** (however, the police in Prague recorded a several-fold higher number of such thefts than was recorded in other regions in the Czech Republic). **A reduction in the number of motorcycle thefts** (the lowest number of such crimes since 1993) was accompanied by **a decrease in damage ascertained**. Burglaries as well as thefts show more and more signs of organised crime and offences 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 sale of stolen goods is often done through **second hand shops and pawnshops**; *in Prague there are currently about 1500-1800 such facilities*. Stolen vehicles are transported abroad or, after getting the required documents (a foreign certificate of roadworthiness, purchase agreement, customs clearance, etc.), are registered in the Czech Republic. Offenders try to obtain a vehicle with its original keys and genuine documents.

In the field of cultural heritage crime there were not any considerable qualitative or quantitative changes; among monuments the most frequently affected are church facilities, and the same applies to thefts from cemeteries. Such offences are, to a large extent, serial and well organised; the illegal sale of objects of cultural heritage is “well paid”.

The most frequently mentioned offences in victimological research were thefts from cars or wilful damage to cars, pickpockets and burglaries; these two categories occur on the first places of surveys focusing on the citizens’ concerns that they could become victims of crimes. Furthermore, it can be stated that better technical security (of property and personal security) is becoming quite typical. A whole set of measures adopted in the field of **crime prevention** also contributed to a certain stability of crimes against property.

The number of **economic crimes ascertained**, which had increased on a long-term basis and culminated in 1999, has been slightly declining. The detection rate in this area has remained very high. Damage caused by this kind of crime moderately decreased and **damage recovered markedly increased**. The police recorded **213 economic crimes**, with **damage amounting to CZK 10 million and higher per each case**; the detection rate is about 95%. About 81 % of recorded economic crimes were commenced in the past years - almost 30 % in 2000, more than 22 % in 1999. More intensive revealing of economic crime was seen especially with regard to **credit frauds**, which cause high damage.

Confiscation of proceeds from criminal acts closely relates to the issues of serious economic crime. *Therefore, in mid 2001 a working group (VÝNOSY = PROCEEDS) for the detection and documentation of proceeds resulting from serious crime was established. This group, apart from other activities, investigated a total of 16 cases which resulted in proposals for attaching assets of CZK 100 million. One of the basic tasks of this Group is to identify legislative barriers hindering such confiscations. The establishment of special units at both Chief Prosecutor’s Offices for the supervision of legality in pre-trial proceedings related to the cases of serious economic crimes was shown to be positive. Another significant measure is adoption of an amendment to relevant acts. The basic objective of this Amendment is to*

achieve a better efficiency in criminal proceedings, lying in their acceleration. On 31 July 2001 Act No. 265/2001 Coll. amending the Code of Criminal Procedure, the Criminal Code and some other acts published in the Collection of Acts. This Act came into effect on 1 January 2002. This extensive amendment represents an essential reform of criminal proceedings. Within the police alterations made should lead mainly to more flexible pre-trial proceedings, to better organisation of the police, to removal of both professional and human barriers between operative and investigation police units, and this amendment should also provide a state prosecutor in charge of pre-trial proceedings the best service possible. A key change is establishment of the Criminal and Investigation Police Service as of 1 January 2002. Another important step is the "Agreement Between the Ministry of Finance and the Ministry of the Interior on Joint Steps and Mutual Assistance and Co-operation in the Approach Against Crimes Jeopardizing the Fiscal Interests of the State".

Offences of **tax evasion** rank among the most serious economic crimes; **tax evasion** relating to **indirect taxes** should be especially mentioned. They are predominantly frauds when business entities want to get back excessive VAT as inspections performed by Tax Authorities revealed in 1999-2001. According to the findings of the Czech police and Customs Administration **tax manipulations** relating to the production, distribution, transport, and export of **spirits** still rank among the most serious crimes; however, the system of check-ups and tax administration have improved; **cigarettes** have remained a risky commodity. According to the information and findings of the police and detected cases, **financial frauds** are among the most serious in society. With respect to the above, there are **four basic criminal offences** – the misuse of information in business relations (Sec. 128 of the Criminal Code), embezzlement (Sec. 248 of the Criminal Code), breaches of the duty to administer another's property (Sec. 255 of the Criminal Code) and defrauding a creditor (Sec. 256 of the Criminal Code). In a number of cases there are close connections between foreign and domestic organised groups. A long-term analysis by the Czech police demonstrates that an offender is often inside the "attacked" entity. The situation in **"money laundering"** remained at the level of the previous year. There is a range of findings, however they cannot yet be proven, on transfers of business funds of some traders abroad, especially Chinese and Vietnamese businessmen. The purpose of such payments is usually a gift, payment for goods, and so on. Very important measures could be found within **sufficient and early control mechanisms**, in suitable economic instruments, business ethics, and so forth. According to the FAD's findings the trend from previous years continued - the physical transport of cash abroad has risen and there have been notifications relating to suspicious transactions executed by insurance companies. **Corrupt conduct** is highly dangerous and exceeds the limits of economic crime, moreover it is very difficult to prove corruption, and not only in the Czech Republic. Corruption is a manifestation of an error made in decision-making (managing) processes. The ability of institutions to restrain and fight corruption is also an indicator of the quality of the respective institutions as well as the whole institutional system as such. Corruption conduct involves in majority of cases very forms of bribery, abuse of power by a public official, breaches of rules in business relations, and breaches of the duty to administer another's property. *An emphasis was put on **common education** and discussion platforms of policemen, state prosecutors and judges involved in investigating and revealing serious economic crime and corruption so that they may acquire special knowledge about this phenomenon and methods of combating it.*

Crime relating to **intellectual property** is also considered to be a serious offence. More efficient protection of copyright contributed, inter alia, to the fact that in 2001 the Czech Republic was excluded from the Watch List (countries with insufficient protection of copyright) which is supported by Sec. 301 of the US Commercial Code. The Czech Republic

used to be included in it in the past three years. Inclusion in this List would have an adverse impact on the competitiveness of Czech exports, for example glass, artificial jewellery, and machine tools in the American market. One of the problems identified by the Inter-ministerial Commission for Eliminating Illegal Conduct Against Intellectual Property Rights is to ensure that software programmes are used exclusively by authorised users on the basis of licence agreements in individual ministries and other state administration bodies including entities managed by them. Despite partial success when individual traders in pirate goods are punished, the main organisers are still escaping. Therefore punishment will be, in the future, focused on the places where pirate products are stored (distribution warehouses, tranship centres) with the emphasis put on a detailed elaboration of each case.

Computer (IT) crime, including information technology and the Internet, is a specific form of a crime with high latency. Generally, it can be stated and information technologies will be more extensively used for committing criminal offences which will be variable and will copy total crime – frauds, extortion, crimes of moral nature and especially economic crime. Such technologies will be also intensively misused by organised criminal groups.

Another area to which involved entities pay higher attention is **environmental crime**. Devastating **logging** has a long-lasting impact on the situation in forests; trade in **protected fauna and flora** is very lucrative and extremely high profits are reached. *At the beginning of 2002 the Minister of the Interior approved the “Strategy on Combating Environmental Crime”. This document contains an analysis of environmental crime including draft solutions. The situation in the environment should be also improved by a number of acts adopted in 2001, for example the Act on water, the Act on Water Piping and Sewerage, the Act on waste, the Act on Packing , and the Act on Assessing Impacts on the Environment.*

The number of ascertained violent crimes stagnated, whilst the detection rate moderately increased. The number of murders and robberies recorded decreased, but contrary to this the number of **dangerous threats** increased (this growth was already recorded in the first half of 2001). The number of ascertained violent crimes remains influenced by repeated factors. The largest problems are caused by good organisation of such crimes, alcohol, drugs, and relapse. **The aggression and brutality of offenders has increased**, and often short firearms and stabbing weapons such as knives are used. A specialisation in certain violent crimes can be seen – murders, mugging, extortion.

Robberies and murders do not rank among the most numerous crimes however their severity cannot be evaluated only according to their frequency and damage caused by this kind of crime but it is necessary to bear in mind that they represent a strong feeling of being endangered.

Crimes against human dignity have stagnated in the Czech Republic for a period of five years (with the exception of 1998) and currently there are about 2,000 crimes of moral nature per year. The detection rate of this kind of crime exceeds 90 %, however high latency is typical. A steady problem connected to crimes against human dignity is prostitution, which directly relates to procuring and is tied to a range of other crimes. It is often difficult to prove this kind of crime as majority of prostitutes refuse to witness against their pimps. This crime displays good organisation and international aspects. It is necessary to pay higher attention to the issue of child abuse and dissemination of all forms of pornography on the Internet.

Road safety remains a persistent nation-wide problem. **The decrease in the number of traffic accidents** (in 1999 the number of road accidents reached its historical high) was

accompanied by a decrease in the number of **people who had suffered light injuries as well as the number of people killed**. On the other hand, on pedestrian crossings, regardless of who caused an accident, **the number of people killed and pedestrians who received both light and bad injuries increased**. The cited research also showed that people expressed very large concern relating to traffic accidents.

Crimes having racial or other extremist nature represent a crime dangerous to society, and their impacts on the integrity of the society are not negligible. The growth in this kind of crime was accompanied by a higher number of crimes solved as well as by a higher detection rate. The majority of offenders were prosecuted mainly for the support and propagation of movements aimed at suppressing human rights and freedoms, there was one **attempted murder**, and one **murder was committed**. In both cases the victims were ethnic Roma. 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 persons of Roma origin, however victims were also dark skinned foreigners. The activities of **the anarcho-autonomous movement** have become more radical, and improved its organisation and mutual links. A sort of “hard core” came into existence, and it was the members of this hard core who committed criminal offences. Efforts towards transformation into political parties continued on the side of the **right-wing extremist scene**. Several concerts of skinhead music bands with international participation – both performers and audience - were held, but the number of “classical” rallies of skinhead supporters decreased. A number of adopted measures reflected for example, in an increasingly go-ahead manner the Czech police used against the extremist scene (police intervention during concerts of neo-Nazi bands, exposing and prosecuting crimes committed through periodicals, symbols or emblems) and in the approach of the Ministry of the Interior against some registered organisations or organisations applying for registration. International co-operation and ongoing training of police members have remained a priority.

A range of security measures have been adopted to manage the Annual Meeting of the International Monetary Fund and the World Bank held in Prague in September 200. Such measures enabled to protect this important international event against attacks of extremist groups. On the basis of such experiences security measures to be adopted for **NATO Summit (to be held in Prague in autumn 2002)** have been drawn up since organisation of such event requires consistent preparation as well as full involvement of all security forces, increased engagement of the members of the Czech Police, and of course professional organisation and co-operation of the police with other bodies.

In 2001, the number of ascertained illegal crossings of the national border decreased by more than one quarter, to the level of 1996. This decrease was caused mainly by the decline in ascertained illegal crossings of the Czech national border at the border with Germany; however at the border with Slovakia, an increase was recorded. With the gradual integration of the Czech Republic into the European Community, the Czech Republic ceased to be a transit country and is becoming a target country to a higher degree, especially for foreigners who are illegally employed in the Czech Republic. The number of illegal attempts to cross the border in a direction leaving from the Czech Republic (particularly from the Czech Republic to Germany) prevails. In 2001, a high increase in asylum seekers in the Czech Republic was recorded, accompanied by escapes from refugee camps and by repeated attempts by applicants for asylum to cross the national border illegally from the Czech Republic. The number of those who fail to legitimise their residence in the Czech Republic slightly declined.

Migrants more often use “assistance” when illegally crossing the borders, they travel with invalid or forged travel documents or they are hidden in means of transport.

Criminal organisations operating in the Czech Republic since 1997 have not changed markedly. They come mainly from the countries of the former Soviet Union, former Yugoslavia, Bulgaria, together with Italian criminal groups and criminal groups from Southeast Asia (particularly from China and Vietnam). Increased activity can be expected in **trade in weapons, trafficking in people in weapons, and trafficking in people**. Activities aimed against **the environment and cultural heritage remain a serious problem**. **Misuse of information technology and attacks on information systems by criminal organisations** is becoming a risk. Currently these organisations **are striving to legalise their positions**, and to gain influence in Czech strategic enterprises, they are focusing on **purchasing real estate and land**.

Criminal organisations coming from the **countries of the former Soviet Union rank among the most active**. The crimes committed by them **vary** including mainly **financial crimes**. There are still vast inflows of investments in Karlovy Vary for the purpose of purchasing real estate. Ukrainian, Russian, Chechnyan organised criminal groups are **notably involved in violent crimes**, which are very brutal with the devastation of victims. The **"Lvovska (Lvov) Brigade"**, which has started to operate in the Czech Republic with more numerous structures (*one of the heads of this brigade was detained in Prague on 30 November 2001*) and the **Solncevska Brigade** (*mainly West Bohemia; otherwise it is a world-wide known criminal organisation. Findings on members and their activities bring information building a certain background in the Czech Republic. They introduce themselves as businessmen and enter into commercial relations in the Czech environment*) are among the most “famous”.

*To combat organised crime the Government adopted concrete measures focused mainly on creating conditions for **confiscating proceeds gained by criminal activity** and preventing illegal migration serving as a “personnel” base for organised crime. A significant step in combating organised crime was taken in the adoption of a new system of special protection of witnesses with respect to penal proceedings. 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.*

There were no substantial changes in the field of **crimes of violence** – the characteristic features are brutality, firearms prevailing in committing murders, devastation of victims is typical. Russian, Ukrainian, and Chechnyan groups as well as organisations from former Yugoslavia dominate.

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 availability of drugs more or less in the whole territory of the Czech Republic and by conspirative measures taken by the producers and distributors of NPS (in particular, mass usage of mobile phones and the Internet). A slight decline in cocaine seems to be a dangerous trend because of its increased consumption especially in dancing clubs. The involvement of Russian speaking criminal groups in all activities relating to drug crime has increased. It is assumed that the production of methamphetamine from alternative sources – medicine - will increase. *Co-operation between the Czech police, customs administration bodies and the Ministry of Health – the*

Inspectorate of Narcotic and Psychotropic Substances and with other authorities– is very good. International co-operation related to monitoring and interventions, in elaborating particular cases is on a good, standard level.

In the area of **classified information** under Act No. 148/1998 Coll., on the Protection of Classified Information and on Amending Some Related Acts, there was not any considerable growth in criminal offences. The Security Intelligence Service (SIS) closely co-operates with the National Security Authority (NSA), and other Czech intelligence services, state bodies and organisations. The SIS as well as other state bodies and organisations evaluate co-operation between the SIS and security directors and secretaries of examined entities as good, without any problems. The Ministry of the Interior paid attention to finishing security screenings, preparing a state inspection of the NSA, intensifying its own inspection activities, and performing preventative and training activities with an emphasis put on elaborating amended regulations. Despite the attention which is paid to this field, cases of inconsistent application of relevant standards, caused by the fact that the security screenings fall behind the needs of the Czech Army, have occurred. The National Security Authority is responsible for preparation of a **new Act on the Protection of Classified Information** (The NSA has drawn up the **Report of NSA Activities** for a period from its establishment until 28 February 2002).

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. The year 2001 considerably examined functionality of the current system of emergency management in the Czech Republic and confirmed the need of this, relatively new, security discipline. Although a state of emergency was not declared a number of security measures were adopted in connection with the terrorist attacks against the USA on 11 September 2001. The Central Emergency Staff and emergency staffs of other administration bodies were activated. Functionality of new legal regulations, adopted in 2000, relating to activities of individual IRS units (for example Act No. 238/2000 Coll. on Fire Rescue Brigades of the Czech Republic and on the Amendment to Some Other Acts, Act No. 239/2000 Coll. on the Integrated Rescue System) was examined.

A decline in crime is considered as a positive development in the field of **public order and internal security**. However, a very high number of recorded criminal offences, growing brutality, and more sophisticated types of offences mean that measures which bring pressure on reduction of criminal activities are still required. On the basis of analyses of the adopted measures modification of content is needed from time to time. The main precondition of successfulness of a policy aimed at public order and internal security is to preserve constitutional order and democracy and to maintain internal political stability. **The fundamental objective of the security policy is to limit the scope and impacts of crime and to increase security of citizens.** It means for the Ministry of the Interior, as a principal guarantor of public order and internal security, **everyday policing**, systematic control as well as **strengthening international and inter-ministerial co-operation**.

While punishing crimes it is necessary to consistently comply with applicable law. Legal provisions are becoming compatible with standard European democracies. Irrevocable and prompt punishment for criminal offenders is an efficient tool for combating crime which

requires consistency and promptness of bodies involved in penal proceedings – the police, state prosecutors, and judges because only in such a case can the **public perceive the procedures taken by the state as execution of criminal justice and the preventative aims can be met as well. Another issue is to apply the measures consistently.**

Despite the decline in the number of crimes ascertained the development in crime **cannot be considered satisfactory**; brutality and organisation of offenders are increasing, damage caused by economic crime remains very high. It is difficult to make any forecasts in relation to the development in internal security and such forecasts will not probably be positive. A certain quantitative stagnation, especially with respect to crimes against property, may be assumed as a consequence of a growing impact of preventative measures taken on the side of citizens. Criminal groups will display higher specialisation and will show perfect knowledge of up-to-date information technologies. In the near future a larger extent of sophistication in economic crimes may be expected. Activities carried out by organised crime will be seen as a complex form of crime in connection with corruption, drugs, violent crimes, organised prostitution, and financial crimes. Illegal migration will remain a risk factor. The September terrorist attack in the United States of America revealed sensitivity and vulnerability of an efficient system of internal security. Measures adopted for ensuring internal security create a network, and although they cover various areas (crime, migration, intelligence service, and so on), they form a single unit. Integration of all parts of internal security is of crucial importance, however, the point of intersection is international co-operation.

On the basis of information on trends and dynamic for crime, issues in fields related to internal order and security, information on safety feelings of citizens, the following **priorities of the security policy** in terms of public order and internal security can be proposed (at the same time, establishment of effective protection against all aspects of crime is required)²⁸:

Crime committed by youth. 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. Car thefts and thefts from cars. Breaches of safety rules of road traffic.

²⁸ The proposed priorities take into account a long-term development in the field of internal security. Although the results of surveys made among the victims of crimes reveal strong concerns relating to burglaries of flats or family houses we have not included this area among the above mentioned priorities since the number of such offences has gradually decreased since 1991. Whether such risks will be included among security priorities in the future period will be assessed with regard to the further development of such kind of crime and mainly, whether the citizens' concerns will be confirmed.