

INSTITUT OF CRIMINOLOGY AND SOCIAL PREVENTION

CRIMINALITY IN 2001

Authors:

Marešová Alena

Cejp Martin

Kadeřábková Drahuše

Martinková Milada

Translated by: Marvel

This text is not an official translation, had no language correction
and is destined for scientific purposes.

Not to be sold

Prague 2002

ISBN 80-7338-011-0

© Institute of Criminology and Social Prevention

Table of contents

Introduction.....	4
Criminality in 2001 (mainly based on the statistics from the Czech Police).....	5
<i>Alena Marešová PhD.</i>	
Organised Crime in the Czech Republic between 1993-2001.....	25
<i>Martin Cejp, CSc. PhD.</i>	
The Incidence of Economic Criminality in 2001.....	58
<i>Ing. Drahuše Kadečábková</i>	
Victims of Criminality in the Czech Republic from the Criminologists' Point of View.....	77
<i>Milada Martinková, CSc. PhD., Alena Marešová PhD</i>	

I n t r o d u c t i o n

The collected papers describing criminality in the particular year from the point of view of IKSP researchers is the sixth in the sequence. The articles contained in it and particularly that part of the collected papers which illustrates the development of criminality and individual types of it in the form of tables or graphs link back to the previous collected papers. The objective is also the same: to describe criminality in the particular year from a supra-departmental point of view using all the available materials (there are fewer of these year by year), including statistics of the two basic criminal justice ministries: the Ministry of the Interior, specifically the Police of the CR, and the Ministry of Justice of the Czech Republic.

The collected papers begin with a now traditional article by the head of the group of authors of the collection dealing with general issues of the state and structure of criminality in the particular year, in this case the state and structure of criminality in 2001, comparison of the level of criminality in individual regions of the Republic, the profile of offenders prosecuted for criminal offences in this year, general information on victims of crimes and on suicides recorded by the Police of the Czech Republic.

Articles follow dealing with the issues of victims of criminal activity, issues of organised crime in the Czech Republic between 1993 and 2001, and as in previous years economic criminality is analysed, in particular its special characteristics in 2001.

The tables and graphs which form part of individual papers or are given in the second - statistical – part of the collection very often link back in their data to similar tables and graphs given in previous collections, adding data for the year evaluated. This is not, however, a rule; every year data prepared on a one-off basis for other institute research tasks are included in this section if they contain summary data on criminality and its specific phenomena or international comparison.

Marešová

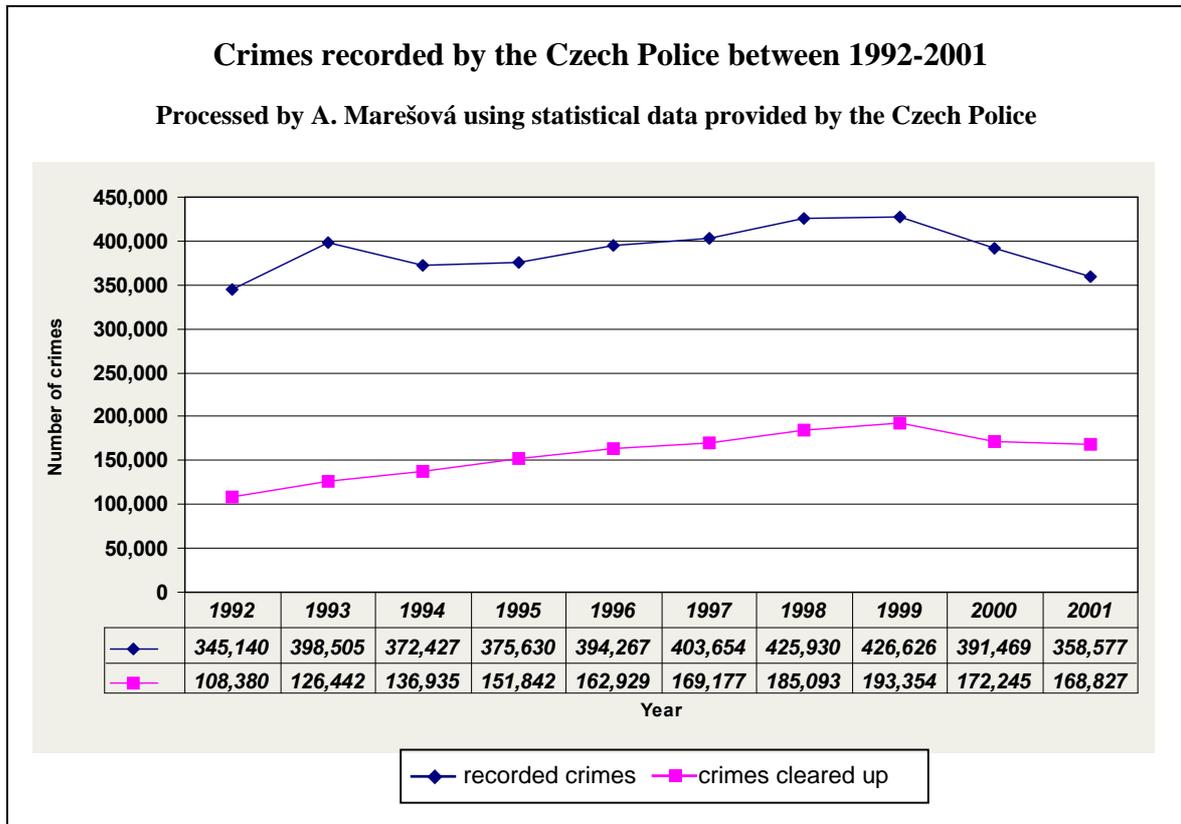
Criminality in 2001
(mainly based on the statistics from the Czech Police)

Alena Marešová PhD.

The first glance at the first graph of the collected papers and the first table mapping overall criminality in the Czech Republic for 2001 leads to the conclusion that the recent drop in the number of recorded crimes brings the level of criminality back to the level prior to 1992. The evident decrease in the overall number of crimes recorded by the police is accompanied, when comparing the year 2000 and 2001, with a decrease in almost all other statistical criminality indicators monitored by the police: i.e. there is a decrease in the number of recorded crimes for individual types of criminality, a decrease in criminality in all the main regions and a decrease in the overall damage caused by criminal activity. On the contrary, there was an increase in the percentage of crimes cleared up, in total by almost 3% (to approx. 47%).

In view of the amendments to criminal legislation valid as of 1st January 2002 it can be predicted, without any real soothe-saying talent, that the trend of decreasing criminality in the Czech Republic which started in 2000 will continue.

Graph 1

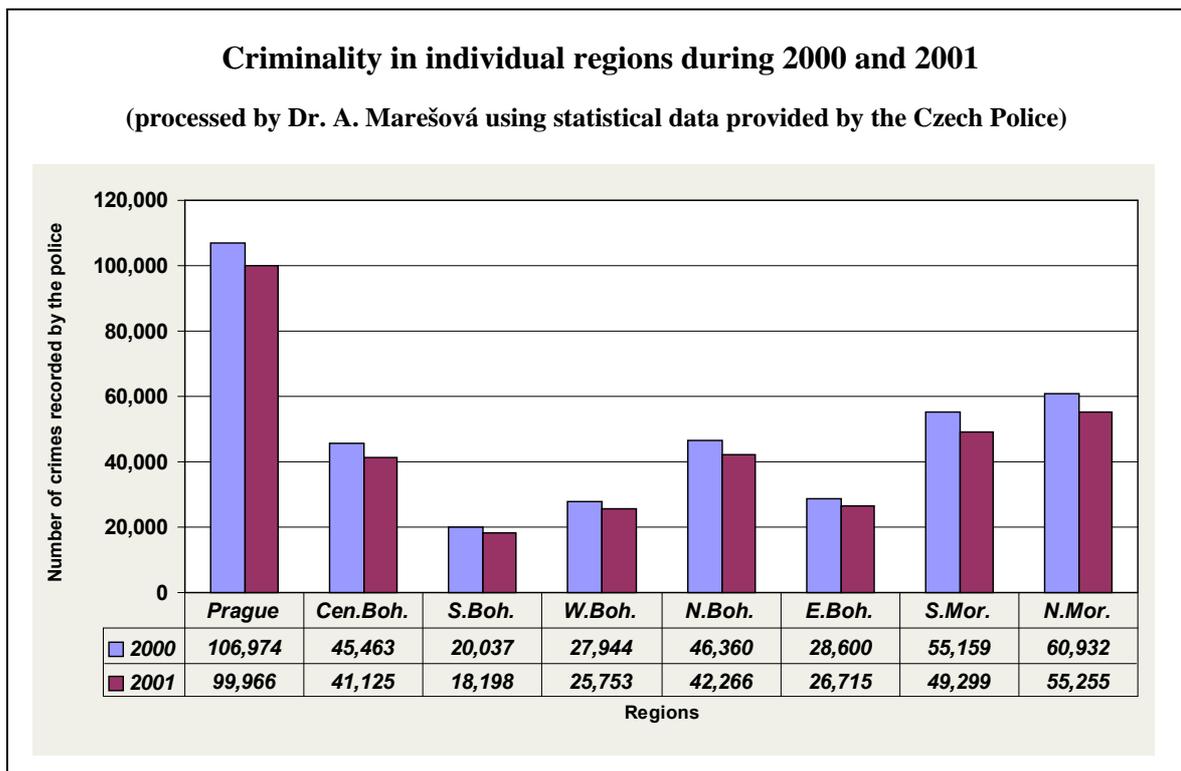


It is more difficult to comment on this trend because of the danger of overloading it with too many personal opinions and views. It is easy to comment on many changes in the current criminal scene and the reactions of our criminal legislation from the viewpoint of individual interest groups, however, a serious approach is not possible without a more profound professional analysis and a subsequent synthesis of the phenomenon in question. So far in the Czech Republic they are rare and they are not the focus of interest. Therefore I am beginning to feel that my endeavour to comment on the current state of criminality as an individual only drawing on my own experience (although long and diverse) with criminological and penological research is a too subjective approach which quite often I cannot document with factual arguments, therefore I am really finding it very difficult.

In simple terms (regardless of the below stated optimistic findings based on statistical data from the records of the Police Presidium) I am not optimistic regarding the level of criminality in the Czech Republic and its development in the nearest future.

Therefore I am restricting myself to only a description of statistical indicators for the year 2001, their comparison with data from the previous year and a short commentary where the statistics "clearly speak for themselves".

Graph 2



The results for 2001 indicate that the overall drop in the number of recorded crimes, by approx. 33,000, was almost the same as in the year 2000 compared to 1999 (approx. 35,000 crimes). Similar to 2000, Prague contributed the most to this decrease, by 7,000 crimes. A large decrease in recorded crimes also occurred in Moravia, by almost 12,000 crimes. Moravia also had the largest percentage decrease in the number of recorded crimes, and that by almost 10%.

Since 2001, the Czech Police have been processing statistical data on criminality also **from the viewpoint of the newly established self-governing regions**. Furthermore, I provide information from the Report on the Situation in the Field of Public Order and Internal Security within the Czech Republic in 2001

(www.mvcr.cz/dokumenty/bezp_si01/):

" Prague typically has the highest crime rate, it is then with a considerable difference followed by the regions of Central Bohemia, Moravia-Silesia and South Moravia, and there are evident problems in the Ústecký region. The lowest criminality is in Vysočina and the Karlovarský and Pardubický regions. When presenting data on criminality per 10,000 inhabitants, Prague has the highest rate (846 recorded crimes, comment by Marešová), it is then followed by the region of Central Bohemia (369 crimes), the Ústecký and the Pardubický regions (357 crimes), and the lowest rates are in Vysočina (162 crimes), the Zlínský region (207 crimes) and the Pardubický region (209 crimes). There is a difference in the position of the Karlovarský region when comparing absolute crime rate and rate per 10,000 inhabitants (13th place in the overall number of detected crimes, however only 5th place when converted to the rate per 10,000 inhabitants). A more detailed breakdown with a view to the self-governing regions shows the same crime rate for Prague and the Central Bohemian region (only these two have the same defined territorial boundaries), thus the Central Bohemian region is the second most burdened higher territorial self-governing region, whereas when included in the previously defined administrative regions it was in fifth place.

A high rate of crime clear-up is achieved by the Královehradecký region (61.2%) and also by the Olomoucký region (60.1%) and Vysočina (58.5%). Prague typically has the lowest rate of cleared up crimes (29.1%), followed by the Central Bohemian region (44.2%). In the other self-governing regions the rate of crime clear-up ranges between 50% to 60%.

Comment by Marešová: in 2001 the average rate of clear-up, for example in the Federal Republic of Germany was 53.1%, in Poland 42.8% and in Slovakia 54.6%.

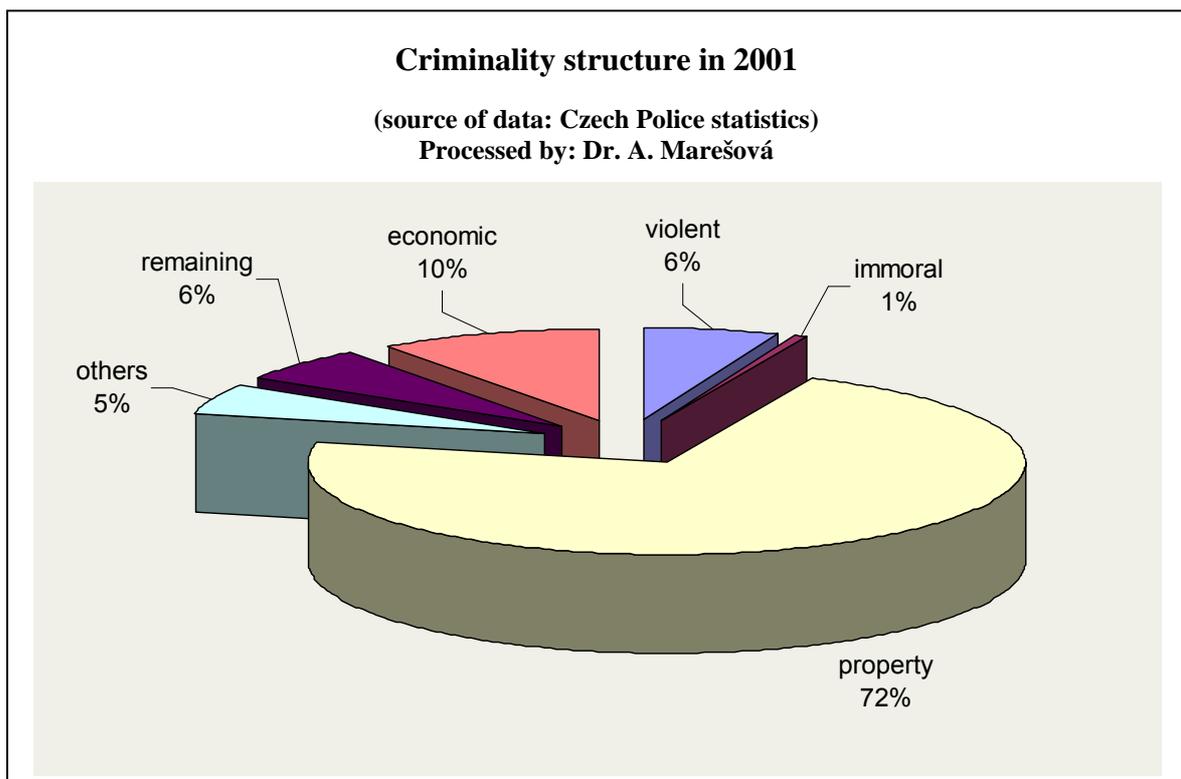
Regarding the number of recorded crimes for some types of criminality, the capital city of Prague and the Central Bohemian region rank first, with the exception of the crimes of dangerous threatening behaviour (in both regions), pimping involving trafficking (in the Central Bohemian region), theft by breaking and entering into holiday homes (within Prague). Not including these regions, the Ústecký region and the region of Moravia-Silesia (and to a certain extent also the South Moravian region) rank first in the number of recorded crimes of murder, robbery, rape, extortion, theft by breaking and entering, car theft and theft of items from cars, and that mainly concerning simple theft and theft by breaking and entering into holiday homes (which is the biggest problem in the region of Central Bohemia). The Plzeňský, Pardubický, Zlínský, Liberecký and Královehradecký

regions and Vysočina do not rank among the first in any of the types of monitored criminality."

In 2001, the Czech Police recorded a total of 358,577 crimes, of which 166,827 crimes were cleared up - i.e. the offender was known, which represents more than 46.5% of all recorded crimes. **In 2001, this is equivalent to 35 crimes per 1,000 inhabitants in the Czech Republic** (in 2000, this was 38 crimes and in 1999 it was 41 crimes per 1,000 inhabitants).

A total of **127,856 persons** were prosecuted and investigated by the police, which is almost the same number of persons prosecuted as in 1999 and is equivalent to **13 prosecuted and investigated persons per 1,000 inhabitants in the Czech Republic**.

Graph 3



The structure of criminality indicates that the largest decrease in 2001, as in 2000, was in the number of **recorded property crimes**, specifically so-called **simple theft** (by more than 14,000 in 2001 as compared with 2000, and in 2000 by approx. 11,000 as compared with 1999) and **theft by breaking and entering** (by approx. 11,000 in 2001 as compared with 2000, and in 2000 by approx. 5,000 as compared with 1999). There was also a significant decrease in the number of recorded crimes concerning damage to somebody else's items and the crime of fraud. **The number of recorded crimes of economic criminality dropped** by almost 2,500, mainly fraud classified as economic criminality, non-payment of taxes, social security insurance, etc., embezzlement and breach of trademark rights despite a current increase in the number of recorded crimes concerning copyright and the number of loan frauds. These figures reflect police activities focusing on specific areas of economic criminality in specific years.

There was a negligible decrease in the number of recorded violent crimes (- approx. 300 crimes), and a slight increase in immoral crimes (+ approx. 100 crimes).

In 2001 there was a **significant decrease in damage caused by criminal activity to 55.7 billion CZK** compared with 63.5 billion CZK in 2000, which was accompanied by an increase in the value of assets seized by the police from 249 mil. CZK in 2000 to more than 2 billion CZK in 2001.

Regarding **individually recorded crimes in 2001** there was, compared to 2000:

- 1) a **decrease in the number of murders** by 45 crimes, whilst the clear-up rate increased from 82% to 86%,
- 2) a **decrease in the number of robberies** by 327 crimes and their clear-up rate increased from 39% to 42%,
- 3) a **decrease in the number of assaults on police officers** by 92 crimes,

- 4) a **decrease in the number of recorded crimes of breaking and entering into shops** by approx. 800 crimes, into **restaurants** by approx. 700 crimes, into **flats** also by approx. 700 and into **holiday homes** by approx. 2,000 crimes,
- 5) a decrease in the recorded number of **thefts of motor vehicles (including motorcycles)** by approx. 2,000 crimes,
- 6) a **decrease in the number of thefts of items from cars and thefts of parts from motor vehicles** by more than 10,000 crimes,
- 7) a **decrease in the number of recorded thefts of bicycles** by 4,000 crimes,
- 8) a slight decrease in the number of drug-related offences, firearms offences, obstructing the enforcement of official decisions and defaulting on alimony payments,
- 9) a stagnation in the number of recorded crimes of intentional bodily harm, violation of domestic privacy, pimping with trafficking and breaches of the peace.

As a point of interest, I would like to state information from the Slovak Police regarding criminality in the Slovak Republic in 2001. (As of next year, it will be easier to compare the statistical data on criminality in both countries because the limit for damage caused, which establishes the classification of certain crimes, will again be similar as of 1st January 2002.)

In the Slovak Republic the number of recorded crimes in 2001 compared with the previous year slightly increased (+approx. 4,000 crimes) to 93,053 crimes, whilst this rise was caused by an increase in the number of recorded property crimes and economic criminality despite a further ongoing decrease in the number of recorded simple thefts and theft by breaking and entering over the few past years. There was a decrease in the number of thefts of motor vehicles and a slight increase in the detection of violent crimes despite a decrease in the number of recorded murders to 129 crimes. The clear-up rate for crimes recorded by the police continued to rise - in 2001 the clear-up rate was almost 55%. This means that since 1999 the Slovak Police have managed to maintain their clear-up rate of recorded crimes above fifty percent despite the fact that, contrary to the Czech Police, the Slovak Police "only" report a clear-up rate of 76% for so-called economic criminality (the Czech Police report their favourite almost 100% success rate for economic criminality, specifically more than 94% in 2001).

In 2001 young people significantly contributed to crimes committed in Slovakia, as in previous years, almost 20% of recorded crimes were committed by minors. Young offenders committed, according to police statistics, almost half of the recorded thefts by breaking and entering (especially into flats) and simple thefts, approx. 40% of robberies, thefts of motor vehicles and immoral crimes. They committed 7 murders or attempted murders. Re-offenders accounted for more than 24% of recorded crimes during this period, they committed approx. 40% of recorded simple thefts and thefts by breaking and entering, almost a third of recorded robberies and rapes and 43 murders or attempted murders.

Comparing statistics on criminality in different countries is always of interest because it enables, among other things, an analysis of some criminal phenomena with greater objectivity, often also leads to comparing the causes of the ascertained state in this country and abroad, and eventually inspires the use of measures already implemented abroad for restricting or eliminating certain criminal activities.

For this reason, I have presented the following table which admittedly was produced for the study prepared on violent crimes but due to the fact that it focuses on the most serious crimes - murders, it provides a sufficiently detailed overview of the state of this type of criminality throughout Europe and certain selected countries from the rest of the world. It can also be used to demonstrate the need for a serious approach to statistics on criminality in general and when interpreting comparative statistical data from various parts of the world separately.

Table 1***Murders¹ recorded by the police in various countries between 1996 and 2000***

(source of data: Barclay, G., Tavares, C.: International comparisons of criminal justice statistics 2000, Home Office Statistical Bulletin, 2002, ISSN 1358-510X)

Country	1996	1997	1998	1999	2000	Percentage change 1996-2000	Number of murders per 100,000	Ranking according to the number of murders per inhabitants
England and Wales ²	679	748	750	766	850	25%	1.5	19
Belgium	118	145	218	172	158	34%	1.8	16
Bulgaria	N/A							
Czech Republic³	267	291	313	265	279	4%	2.8	8
Denmark ⁴	69	88	49	53	58	-16%	<i>1</i>	24
Estonia	214	178	196	157	143	-33%	11.4	3
Finland	156	139	113	143	148	-5%	2.6	9
France	1,171	963	961	953	1,051	-10%	1.7	17
The ⁵ Netherlands	239	230	207	230	226	-5%	1.4	20
Ireland	46	53	51	47	56	22%	1.4	20
Italy	1,001	924	918	854	818	-18%	1.5	19

¹ The definition of the crime of murder differs in the criminal codes in various countries. There are also differences in the method of collecting and processing statistical data (including the methods used and the classification of offences recorded in police statistics as the crime of murder). In some countries the essential data is based on the number of reported (recorded by the police) crimes of murder, in other countries it is based on the number of victims of murderous assaults, etc.

In this table the term murder means the **accomplished killing of a person** (with the exception of killing in a traffic accident), i.e. murder, euthanasia and murder of a newly born. **The majority of essential data from individual countries thus does not include** (unless stated otherwise in the comments) **the number of unaccomplished killings (i.e. the number of attempted manslaughters-murders)**, it also does not include abortion and assisting suicide.

² Since 1997, the statistics for England, Wales and Northern Ireland include data for the fiscal year, i.e. from 1st April of one year to the 31st March of the following year.

³ Also includes attempted murders recorded by the police.

⁴ Includes all deaths reported to the police as manslaughter.

⁵ Does not include euthanasia.

Cyprus	4	3	4	4	4	0%	0.6	26
Lithuania	176	173	169	152	150	-15%	6.5	5
Latvia	366	336	311	309	370	1%	8.9	4
Luxembourg ⁶	4	4	4	3	1	50%	0.9	24
Hungary	271	289	289	253	205	-24%	2.5	10
Malta	0	0	5	10	4	%	1.7	17
Germany ⁷	1,249	1,178	975	1,005	961	-23%	1.2	22
Norway	43	38	38	37	49	14%	0.9	25
Poland	873	807	759	741	854	-2%	2	14
Portugal	116	129	150	131	127	9%	1.35	21
Austria	99	66	77	60	82	-17%	0.9	25
Romania ³	684	660	561	465	560	-18%	2.4	11
Russia ³	29,406	29,285	29,551	31,140	N/A	-2%	20.5	2
Greece	169	203	176	155	158	-7%	1.55	18
Northern Ireland ²	39	49	75	34	48	%	3.1	7
Scotland ⁴	135	95	100	128	108	-20%	2.2	13
Slovakia	132	140	128	141	143	8%	2.5	10
Slovenia	38	36	15	25	28	-26%	1.1	23
Spain	962	1,032	1,040	1,102	1,192	24%	2.8	8
Sweden ⁸	199	157	185	188	175	-12%	2	14
Switzerland	83	87	76	89	69	-17%	1	24
Turkey	1,814	1,619	1,693	1,541	N/A	12%	2.5	10
Australia	348	360	332	386	346	-1%	1.9	15
Canada	635	586	558	538	542	-15%	1.8	16

⁶ The 2000 data is not comparable with previous years because it does not include any more crimes investigated by judicial police.

⁷ Includes murders recorded by ZERV (Central unit for investigating crimes committed within the former DDR ...)

⁸ Contains all deaths recorded by the police as murder. Includes assisting suicide. Data before and after 1997 cannot be compared because of changes to statistical processing.

Japan	1,218	1,282	1,388	1,265	1,391	14%	<i>1</i>	24
New Zealand	63	89	654	99	99	57%	2.3	12
South Africa	25,782	24,588	24,875	23,823	21,683	-16%	54,25	1
USA	19,645	18,208	16,970	15,522	15,517	-21%	5.9	6
EU countries						-1%	1.7	

Note: Figures in bold indicate the highest (+ highlighting) and the lowest number of murders per 100,000 inhabitants and the most significant changes in the overall number of murders in that specific country for the period monitored.

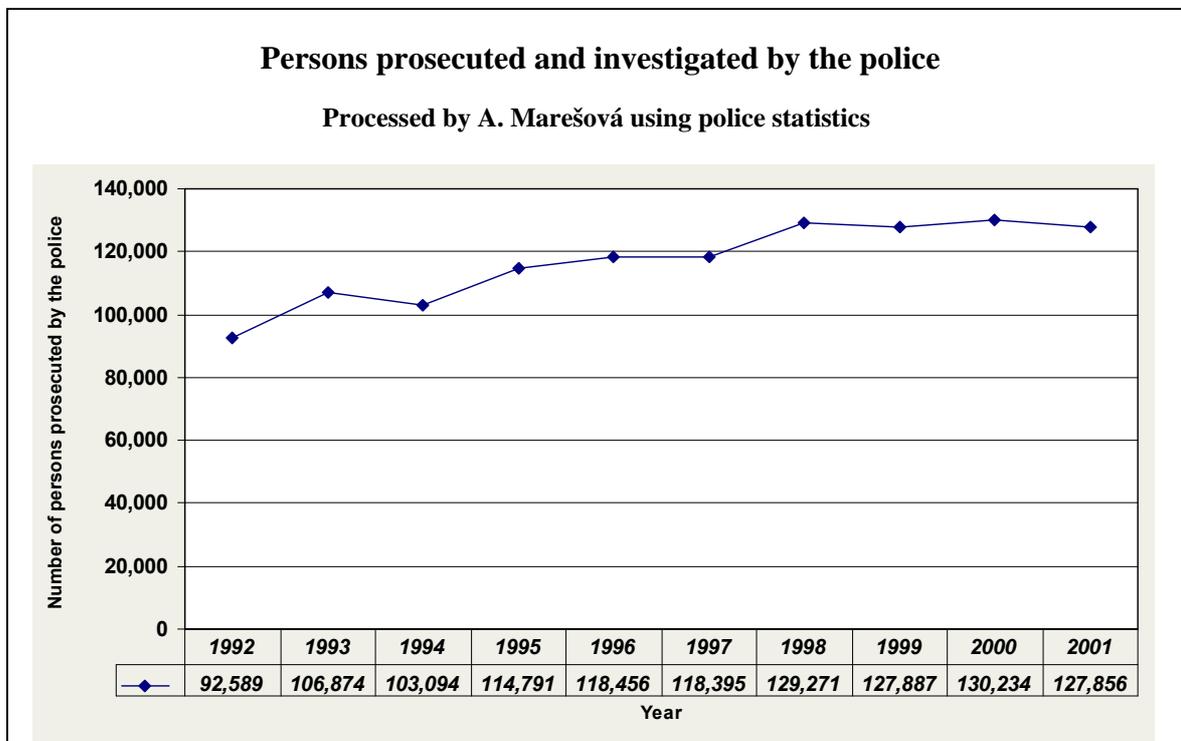
The original version of the table from the British Home Office Bulletin did not include a comment for the Czech Republic that the figures for the number of murders also include attempted murders. **For this reason, the figures given for the number of murders per 100,000 inhabitants, which rank the Czech Republic in eighth place among the 39 stated countries, is incorrect!** After subtracting the number of attempted murders from the annual number of murders recorded by the Czech Police (attempted murder annually represents approximately a third of these figures), the Czech Republic ranks with the coefficient of just under 2 murders per 100,000 inhabitants (specifically 1.8) among countries such as Belgium, France, Malta, Australia and Canada and achieves the average of the EU countries, i.e. approximately 15th to 17th place in the table.

This discrepancy between reality and the data presented in the table was caused by misunderstanding on the part of the Czech guarantor of the correctness of police statistics to the effect that in Western Europe the prevalent method of presenting the number of deaths reported as a consequence of killing (i.e. according to the number of victims of murder) is different from the practice of the Czech Police (but also some others) to record the number of murders according to the number of ascertained murderous assaults (i.e. where there was intention to kill the assaulted person regardless of whether murder was accomplished). This adds to the argument for the necessity to corroborate the validity of statistical data by presenting information on its contents, methods of collation and the processing of police statistics.

After this experience with the wrong processing of statistical data, confusion of sources and guarantors of correctness of statistical data, etc., I always state in my commentary the source of the data in the text and also in individual tables and graphs.

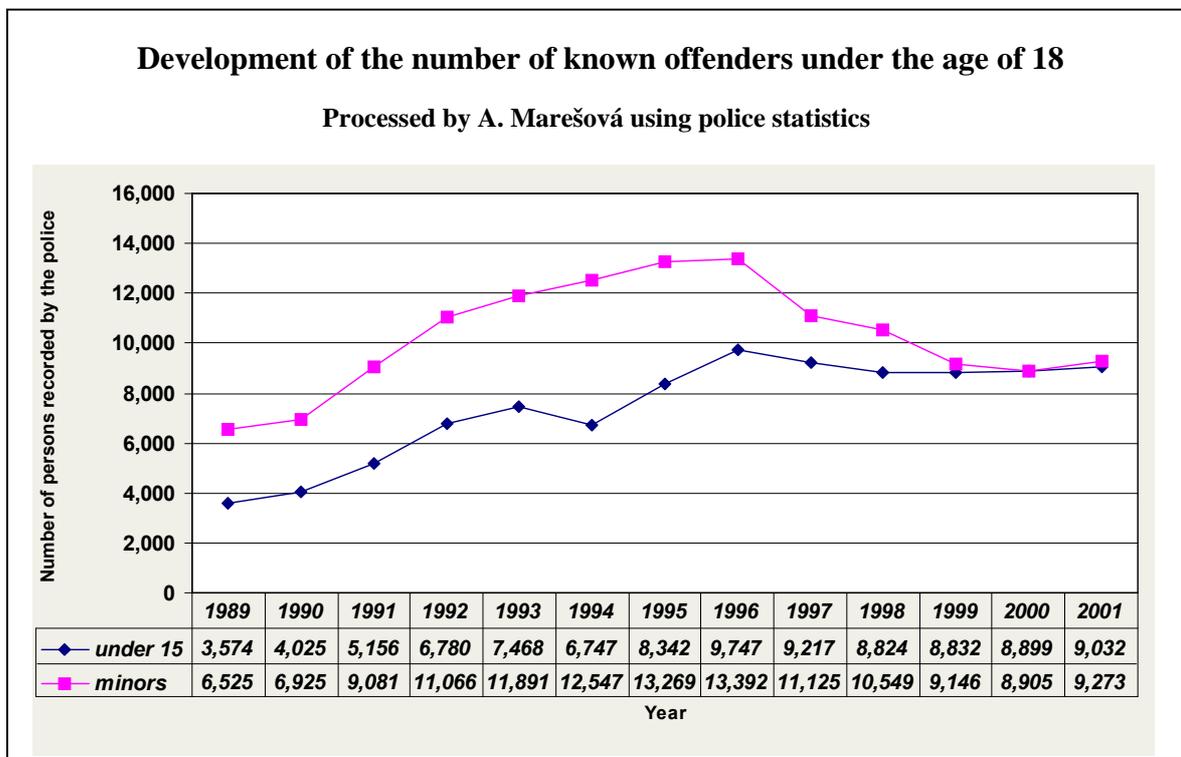
This also applies to the number of criminal offenders. Statistical data on persons that are being prosecuted for suspected commitment of a crime can be obtained from two sources in the Czech Republic - one is the statistics of the Czech Police and the other the statistics of the Ministry of Justice of the Czech Republic. Police sources present all persons being prosecuted and investigated by the police in a certain year, specifically persons for whom a criminal offence form was produced, i.e. including persons that have been investigated and will not be further prosecuted, which for example applies to minors under the age of fifteen. Statistics from the Ministry of Justice for a specific year present the number of persons whose criminal prosecution was conducted according to Art. 160 of the Criminal Code and was completed within that year. That is why, for example, in the year 2001 the Czech Police present 127,856 prosecuted and investigated criminal offenders, but the Ministry of Justice presents only 110,461 prosecuted persons.

Graph 4



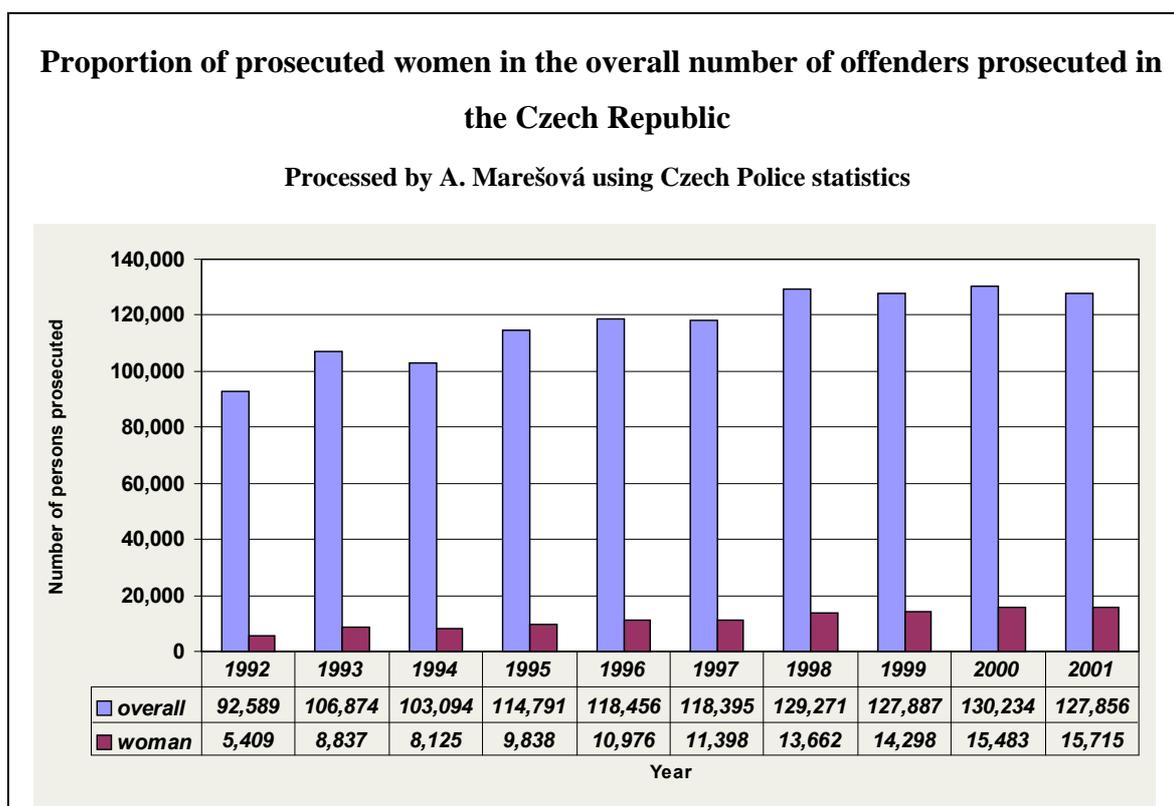
Regarding the number of **persons prosecuted and investigated for crimes** by the Czech Police as a **part of recorded criminality in 2001, which is designated as cleared up criminality**, i.e. those prosecuted for approx. 170,000 recorded crimes, it is also lower than in 2000, by approx. 2,500 persons. In 2001, a total of **127,856 offenders** were prosecuted and investigated who were suspected of committing a crime. **Of this number, 15,715 were women, which represents 12.3% and 6,166 foreigners, which is 4.8% of all known offenders.**

Graph 5



The known offenders included 9,032 children and 9,273 minors (that represents 14.3% of all known offenders). In 2001, for the first time in the recent period the **proportion of re-offenders** among known offenders exceeded **30%**: specifically almost 32% of known offenders were persons that were previously prosecuted for intentional crimes. In total it is 40,736 re-offenders.

Graph 6

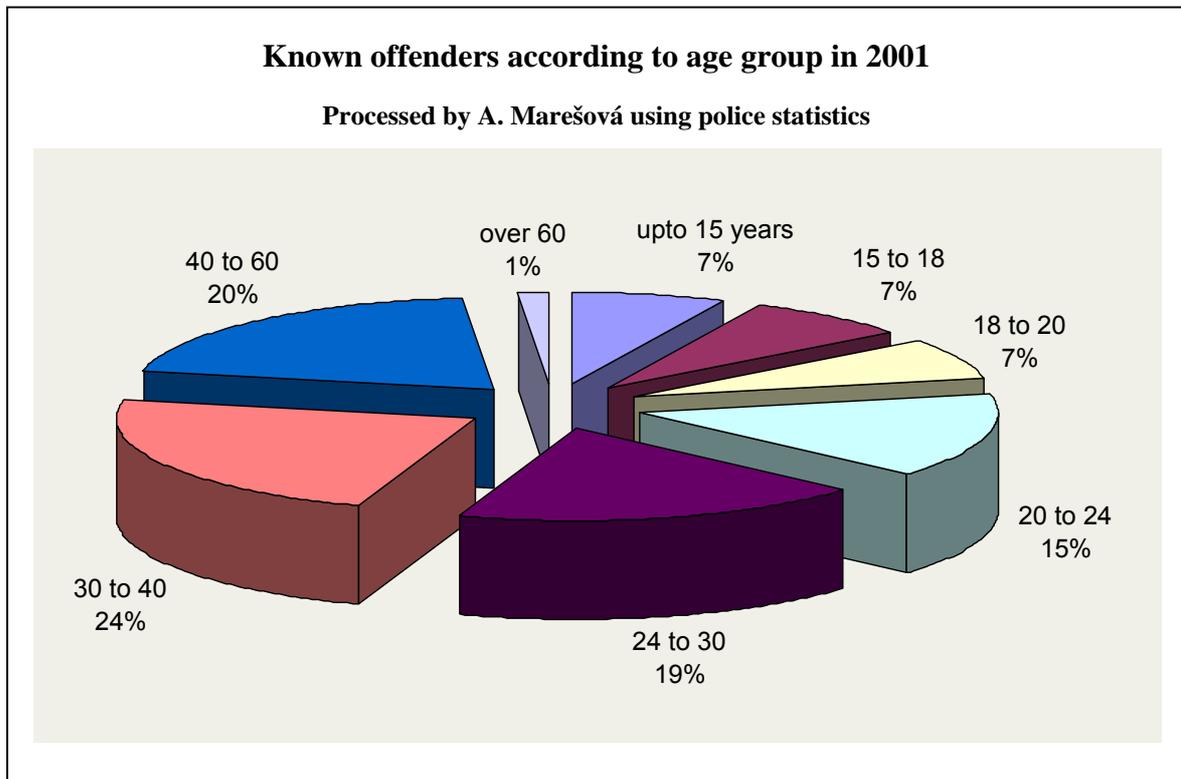


Many years ago we predicted an increase in the number of prosecuted **women** and also a decrease in the number and proportion of foreigners in the overall number of offenders. In 2001, approximately 12% of known offenders were girls under the age of 18, specifically it was 1,812 girls who were minors. The prevalent type of criminality committed by women in all age categories has been and still is property criminality: theft – pick-pocketing, theft in flats and other premises, property fraud and economic criminality. Of the total of 230 persons prosecuted for murder or attempted murder in 2001, nearly 14% were women, specifically 31 murderesses were prosecuted. They were all adults.

The number of **foreigners** prosecuted for murder was also quite high (40 persons) and they represented more than 17% of all persons prosecuted in 2001 for accomplished murder or attempted murder. One third of all foreign offenders were prosecuted for property criminality and others for so-called other criminality (obstructing the enforcement of official decisions, drug-related offences). Otherwise foreigners were prosecuted mainly for robbery, rape and economic criminality. Traditionally, the largest nationality amongst

prosecuted foreigners were Slovaks, followed by Ukrainians, Vietnamese, Poles and Romanians.

Graph 7



Child criminality (under the age of 15) and juvenile criminality (between the age of 15 and 18) is always treated separately. The proportion of youth (children and juveniles) amongst known offenders in 2001 as compared with 2000 again slightly increased, in number terms (+ 501) and in percentage terms (+ 0.6%). Figures show that the largest number of offending minors were in the former North Moravian region (approx. 22% of all known offending minors). Nearly 20% of all known offending minors were prosecuted and investigated for committing two or more crimes. The proportion of offending minors in the overall crime clear-up rate was high: robbery (approx. 1/3 of all known offenders), theft by breaking and entering (almost 40%) and simple theft (approx. 1/5 of all known offenders). For the crime of theft by breaking and entering, the proportion of offending minors was prevalent in breaking and entering into flats, weekend holiday homes and shops. For other types of theft: theft from flats, car theft, theft of items from cars, theft of motorcycles and bicycles. A high number of offending minors committed a

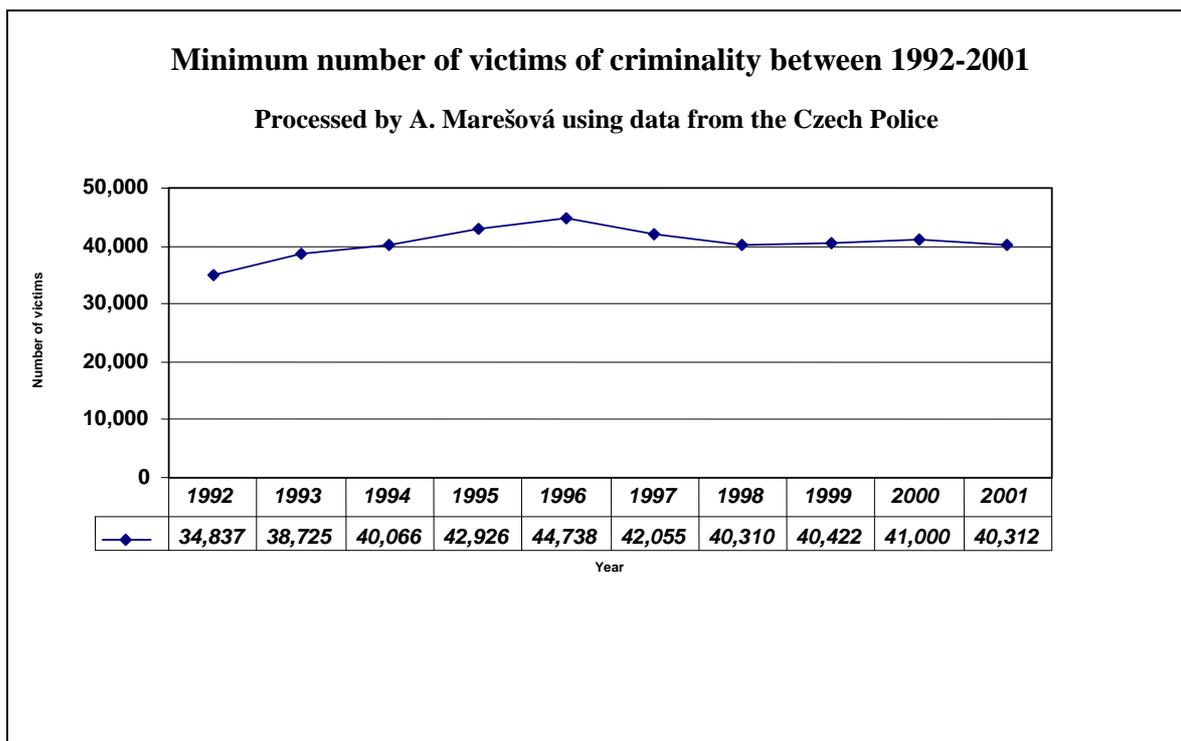
breach of the peace and drug-related offences. The number of murderers under the age of 18 increased to 9 persons compared with 5 in 2000. The number of offending minors recorded for committing firearms offences decreased by almost half - from 21 to 11 persons.

In 2001, **re-offenders** represented more than one third of known offenders of property criminality (property fraud, theft of items from cars, simple theft and also theft by breaking and entering), almost a third of violent criminality (mainly robbery), immoral criminality, car theft, and one fourth of economic criminality (mainly embezzlement and fraud). The proportion of re-offenders amongst known offenders for selected crimes is prevalent in the following categories: obstructing the enforcement of official decisions and defaulting on alimony payments, where they represent half of all prosecuted offenders. Last year, 4,593 re-offenders were prosecuted for defaulting on alimony payments, i.e. more than 10% of all re-offenders prosecuted in 2001.

Contrary to data on the number of recorded crimes and prosecuted persons who committed a certain proportion of recorded crimes, **data on persons afflicted by criminality is not officially included in the data on criminality**. It is only the Czech Police that collect and, if requested, subsequently process data on the subject of assault - persons, i.e. victims of mainly violent crimes, in a form completed on every recorded crime in a section dedicated to subjects afflicted by a crime. Dr. Martinková and I use for overall statistics on the number of subjects of assault - persons, **the designation - data on the minimum number of victims**. It is due to the fact that often items, or more than one person assaulted as a group, are recorded in police forms as the subject of assault, particularly for other than violent and immoral crimes. In the first case, since only one subject is recorded as the subject of attack in the form, the assaulted person does not necessarily have to appear in the statistics (particularly if the assault did not result in any consequences) because the subject of the attack was designated, for example, to be an item. In the second case, where more than one victim comprise a group, in certain circumstances the police breakdown may not be sufficient. Therefore the overall number of victims of recorded crime cannot be exactly ascertained, however all statistically reported subjects of assault-persons represent the minimum number of victims of recorded (and further statistically processed) criminality.

Overall data on victims are not presented in standard Czech Police reports, only in reports on the security situation, but they should never be absent in an evaluation of the criminal situation for a specific year and therefore our collected papers include one paper which is dedicated to the issue of victims. In view of the fact that no detailed data on victims were provided to us by the police for 2001, I present here at least a basic graph showing the development of the number of victims over the past decade.

Graph 8



Although police statistics do not pay due attention to victims, it is the other way round when it concerns suicides. It is worth commending that the police in the last few years have started to make public their data on suicides even though their data considerably differ from similar data published in statistics guaranteed by the Ministry of Health of the Czech Republic. Data available on suicides are also regularly presented in IKSP collected papers, one of the reasons being that a change in suicide figures quite often relates to negative social phenomena, in the same way as criminality.

Table 2*Number of suicides in the Czech Republic - between 1992 and 2001*

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Men	796	706	752	752	769	888	989	1 076	1130	1263
Women	285	232	264	262	249	213	294	268	302	321
Total	1,081	938	1,016	1,014	1,018	1,101	1,283	1,344	1,432	1,584

Conclusion:

It is known from experience that the actual threat posed by criminality does not correspond with the concerns of citizens regarding criminality, however strict rejection of the subjective feelings of the majority of people, be they contrary to reality, is not suitable in this case. Although such rejection seems rational from the viewpoint of official statistics, it may lead to negative social consequences if it not immediately supplemented by more detailed and serious information (i.e. substantiated by factual arguments). It leads to confusion of the perception of what is actually a crime during that period, why it is punishable and what is an adequate punishment for the offence committed. This encourages one to reflect on the role and the options of individuals in relation to their own and general security. A direct result of such reflection is usually an apathetic approach to criminality that "does not concern me", a growth in latent crime and increasing illegal behaviour between citizens who have so far abided by social and legally defined rules. It is easy to see how the evident chaos in the legal awareness of the current Czech population and its attitudes which fluctuate from one extreme to another, both in relation to some types of criminality or socially negative phenomena and to persons who create them, is compounded by some politicians but also heads of some ministries who prefer to use emotional rather than rational arguments. Debates conducted at an emotional level, occasionally even amongst professionals, do not encourage the right climate for adopting rational measures. It is possible to quote for example the discussion on the causes and methods of eliminating child and juvenile criminality, the view and the approach to so-called "tunnelling" (asset stripping) and its "perpetrators", attitudes to tax evasion, corruption and bribery on a small but also multinational scale, bullying, drug-related

problems, to decreasing the severity of penalties in the criminal code (as a reaction to many years of public experience of repressive elements), etc.

In my personal opinion, this approach is currently preferred.

Therefore, even though current statistics on criminality indisputably confirm the trend of decreasing criminality in the Czech Republic, which I illustrate in the commentary by comparing statistical data for 2000 and 2001, personally I do not identify with this optimistic commentary regarding this trend. I will not substantiate and defend further reasons for my personal opinion in this paper, I have been doing so for years (since 1994) in previous commentaries and professional publications, but unfortunately without a positive response.

I have encountered even greater problems in attempting to comment on the ongoing changes associated with the so-called "great amendment" to the Criminal Procedure Code. From the viewpoint of a criminologist, this amendment will result in fundamental changes that will radically influence criminality statistics produced by the Czech Police in the years to come¹⁾. This will put an end to the possibility of performing relatively simple comparisons of criminality development trends in the Czech Republic over a longer time scale. In simple terms, it can be said that 2002 will be, with respect to estimating further development in criminality based on comparative statistical data, year zero.

¹⁾ Specifically the amendment to Art. 89, paragraph 11 of the Criminal Code. This provision newly defines the concept of the level of damage which is the most important criterion for differentiating crimes from the corresponding transgressions and also for decisions on using circumstances to qualify a higher sentence. Since the amendment came into effect (1.1.2002), the boundary for the level of individual damage is defined by fixed financial amounts directly stipulated in the Criminal Code. Damage which is not considered to be negligible is now stipulated to be at least 5,000 CZK (previously 2,000 CZK). From this point of view, the amendment is of principal importance in the field of prosecuting property and some economic crimes. Since the proportion of property crimes in recorded criminality is the highest, this means that changes in the number of these crimes significantly influence overall criminality recorded by the police.

I do not share the general satisfaction with the results of my own work, especially in the area of the fight against criminality, it even sometimes irritates me and that when it leads to a reluctance to discuss these problems or even to a total denial of their existence. As a researcher, I am a person who continually doubts the results of my own but also other people's work, which is not a virtue appreciated in government administration. I hope that my working depression is not infectious and that it will pass in time. I even believe that my working optimism will rise along with the increasing safety and transparency of the social climate in the Czech Republic.

Organised Crime in the Czech Republic between 1993-2001

Martin Cejp, CSc. PhD.

1. Introduction

Up until 1997, research on organised crime in the Czech Republic was restricted namely due to the non-existence of any court files from which it would have been possible to draw any type of data. For the same reason even the statistics did not register this type of criminality. Therefore we had to rely on indirectly obtained findings. Apart from professional literature the main source of information was gained from expert surveys. We performed these surveys amongst experts from the ranks of specific police departments and progressively we supplemented them by statements from state prosecutors and judges. Leading experts in the field of social science also expressed their views regarding the wider social implications. In this manner, we systematically obtained **qualified estimates** from those who came into contact with organised crime either directly or at least through documents that were unavailable to us. The number of surveyed experts from the ranks of the police ranged between 12 and 31. In 2001, 31 respondents were surveyed. In view of the fact that the optimum number is considered to be between 15 and 20, this number is sufficient.

Similar types of surveys are also conducted at an international level. From 1997, the Council of Europe Commission for Criminal Law and Criminological Issues of Organised Crime started to acquire data on organised crime in European countries. In 1998, the European Union also ascertained this data through a one-off survey with the aid of EUROPOL. Since 1999, the UN also performs questionnaire surveys with the aid of UNICRI. Our participation in these international surveys contributes to the international analyses. In addition, we also obtain overall figures on European countries. (UN research is currently in the preparation phase.)

2. Organised crime groups

The number of groups and their members can only be estimated roughly. According to the Police Presidium, there are approximately **75 groups** operating within the Czech Republic with a total of **2,000 members**. Despite the fact that it is rather difficult to make such estimates, it is now possible to perform an international comparison within Europe. According to this, the largest number of groups of organised criminals are in France, Germany, Italy, Russia and Great Britain. After these, the following countries are in the second group: Belgium, **Czech Republic**, Hungary, Latvia, Lithuania, Poland, Romania, and Spain. The third group comprises Ireland, Netherlands, Slovenia and Sweden. The fourth group comprises Andorra, Austria, Croatia, Cyprus, Denmark, Estonia, Finland, Greece, Luxembourg, Norway and Portugal.

(Source: Report on the Organised Crime Situation in Council of Europe Member States - 1998, PC-CO Strasbourg, December 1999)

Contrary to this, the number of those arrested, accused and convicted is disproportionately lower. The statistics on the **number of arrested, accused and convicted persons in the Czech Republic** is presented in this chapter in accordance with Article 163a of the Criminal Code, which concerns participation in the criminal community.

Table 1

Organised crime, participation in the criminal community (Art. 163a of the Criminal Code) - number of persons prosecuted

1993	1994	1995	1996	1997	1998	1999	2000	2001
0	0	0	0	0	16	36	42	75

Source: Annual Criminality Statistics Bulletin 2001, Ministry of Justice, page 172

Table 2

Organised crime, participation in the criminal community (Art. 163a of the Criminal Code) - number of persons accused

1993	1994	1995	1996	1997	1998	1999	2000	2001
0	0	0	0	0	16	36	40	59

Source: Annual Criminality Statistics Bulletin 2001, Ministry of Justice, page 172

Table 3

Organised crime, participation in the criminal community (Art. 163a of the Criminal Code) - number of persons convicted

1993	1994	1995	1996	1997	1998	1999	2000	2001
0	0	0	0	0	0	1	0	2

Source: Annual Criminality Statistics Bulletin 2001, Ministry of Justice, page 180

Up to the end of 1997 nobody in this country was criminally prosecuted for participating in the criminal community.

The proportion of highly organised groups, which have a vertical multilevel organisational structure with the chief leaders at the top who sometimes control even several groups known as middle links, within the Czech Republic according to expert estimates was approximately **30-40%** in the years 1995 - 2000. Approximately half of the members are **external contractors**.

Since 1993 (with the exception of 1995) we regularly produce estimates of the **proportion of international and domestic groups**. Table 4 shows the exact figures and trends. The proportion of international involvement is slightly more than half of the overall number and domestic involvement slightly less. In 2001, we registered an increase in the proportion of purely Czech groups to almost the same level as in 1996, when the recorded level of domestic involvement was higher. Approximately half of them are mixed groups. Within these groups, the proportion of international involvement is continually somewhat higher than domestic involvement.

Table 4

Estimate of the proportion of international and domestic organised crime groups in the Czech Republic

	1993	1994	1996	1997	1998	1999	2000	2001
International	-	30	20	25	27	31	28	24
Overall international	(53)	(61)	(47)	(53)	(55)	(60)	(55)	(53)
Mixed with international majority	-	31	27	28	28	29	27	29
Mixed with domestic majority	-	21	20	24	20	20	21	20
Overall domestic	(47)	(39)	(53)	(47)	(45)	(40)	(45)	(47)
Domestic	-	18	33	23	25	20	24	27
Total	100	100	100	100	100	100	100	100

Note: The figures in brackets are the totals for international/majority international, and domestic/majority domestic.

The **proportion of foreign nationals** participating in organised crime within the Czech Republic is derived from the statements of experts and is expressed as an overall weighted rating based on the progressive weighting scale given by the experts. We produced an overall ranking which is presented in Table 5.

Table 5

The proportion of foreign nationals participating in organised crime within the Czech Republic in 2001

Nationality	Rating
Ukrainian	179
Russian	136
Vietnamese	79
Chinese	61
Albanian	39
Kosovan Albanian	31
Arabic	12
Yugoslavian	12

Moldavian	11
Bulgarian	10
Belarussian	8
Armenian	8
Romanian	5
Tunisian	5
German	4
Afghan	4
Algerian	3
Polish	2
Austrian	1
Macedonian	1
Turkish	1
Italian	1
Slovak	1

Note: The nationality that was ranked first by the respondents was multiplied by 6, second by 5, etc., down to sixth by 1. The overall rating is then the sum of these multiples.

It is evident from the table that in 2001 the main group (the same as in 2000) comprised Ukrainians and Russians. If we attempt to compare their proportion during the past three years, then, with respect to the overall rating of foreign nationals, their proportion has slightly dropped. In 1999 there were 191 Ukrainians, in 2000 there were 183 and in 2001 there were 179. In 1999, there were 151 Russians, in 2000 there were 137 and in 2001 there were 136. This drop does not necessarily mean that the absolute number of Ukrainians and Russians has decreased, rather the proportion of other nationalities has diversified. However, it is evident that the Ukrainians and Russians still dominate.

Up until 1999, nationals from the former Yugoslavia were among the largest group. In 1999 and 2000 they gradually started to drop down the list and in 2001 were as low as 7th and 8th place in the fourth group. Also until 1997, the Chinese belonged to the strongest group but since 1993 even they have been dropping down. However, in 2001 we recorded their resurgence.

In 2001, the former second group split into two different sub-groups, the stronger of which are the Vietnamese and the aforementioned Chinese. The Vietnamese have moved from the middle of the second group to its fore. In 2000, they were rated 27 and in 2001 as high as 79. In 2000, the Chinese were rated 22 and in 2001 were rated 61. The rise of the Vietnamese and the resurgence of the Chinese is one of the most significant findings for 2001. Albanians and Kosovan Albanians formed a less numerous sub-group in the second group. (In this case we do not have a sufficiently reliable indicator as to whether and how the respondents exactly distinguished these nationalities.) However, if we totalled both categories and perceived them as one group of Albanians, then they would be at the level of the Vietnamese and Chinese and would clearly belong in the second group. Even their relative proportion compared to 2000 has somewhat increased. In 2000, Albanians were rated 29 and in 2001 were rated 39. In 2000, Kosovan Albanians were rated 22 and in 2001 were rated 31. In 2000, Bulgarians were also relatively strongly represented in the second group. However, in 2001 they dropped into the third group. In 2000, Bulgarians were rated 33 and in 2001 were rated only 12.

The third group comprises nationalities which have low ratings. It includes Arabs (in 2000 rated 11 and in 2001 rated 12), Moldavians, Belarussians, Armenians. Yugoslavs (1999 - 66, 2000 - 78, 2001 - 12) and Bulgarians (2000 - 33, 2001 - 10) dropped into this group.

The following nationalities received very low ratings: Romanians (rating = 5), Tunisians (5), Germans (4), Afghans (4), Algerians (4). Very rarely the respondents mentioned Poles (2), who until 1997 were in the second group, Austrians (1), Macedonians (1), Turks (1), Italians (1), Slovaks (1).

The most significant finding is the increase in Vietnamese, Albanians and the resurgence of Chinese. Concerning significant decreases, in addition to a drop in Poles and Yugoslavs, Bulgarians also started to drop.

3. Types of organised crime activities

Since 1993 we regularly produce estimates of the **most extensive types** of activities. (*Experts base their estimates on a list of approximately 35 activities. For each*

activity they indicate whether it occurs within the Czech Republic in a developed or an emerging form or whether it does not occur at all during the respective year. New activities are added to the list, such as pirating CDs and video cassettes, transferring shares without the owner's knowledge, enticing money with the promise of large capitalisation, trading in radioactive material, illegal export and import of dangerous waste. At the same time activities are withdrawn from the list which repeatedly prove to be less significant or were typical for only a certain limited period. For example, the following were withdrawn: usury, fraud connected with the privatisation process, fraud connected with private enterprise. If any of the activities that were withdrawn again start to assume importance, it is possible to add them to the list at any time.)

We determine the level of incidence of the most widespread activities according to how many respondents indicate the respective activity to be extensive. Graph 1 and Table 6 show the order of these activities ascertained in 2001.

Since 1993, we have regularly been recording the extent of these activities, which enables to compare their development between 1993 and 2001. When assessing the trends during the last 9 years, we will deal with each activity separately. The descriptions of the activities are in the same order as they were ranked in 2001.

Graph 1

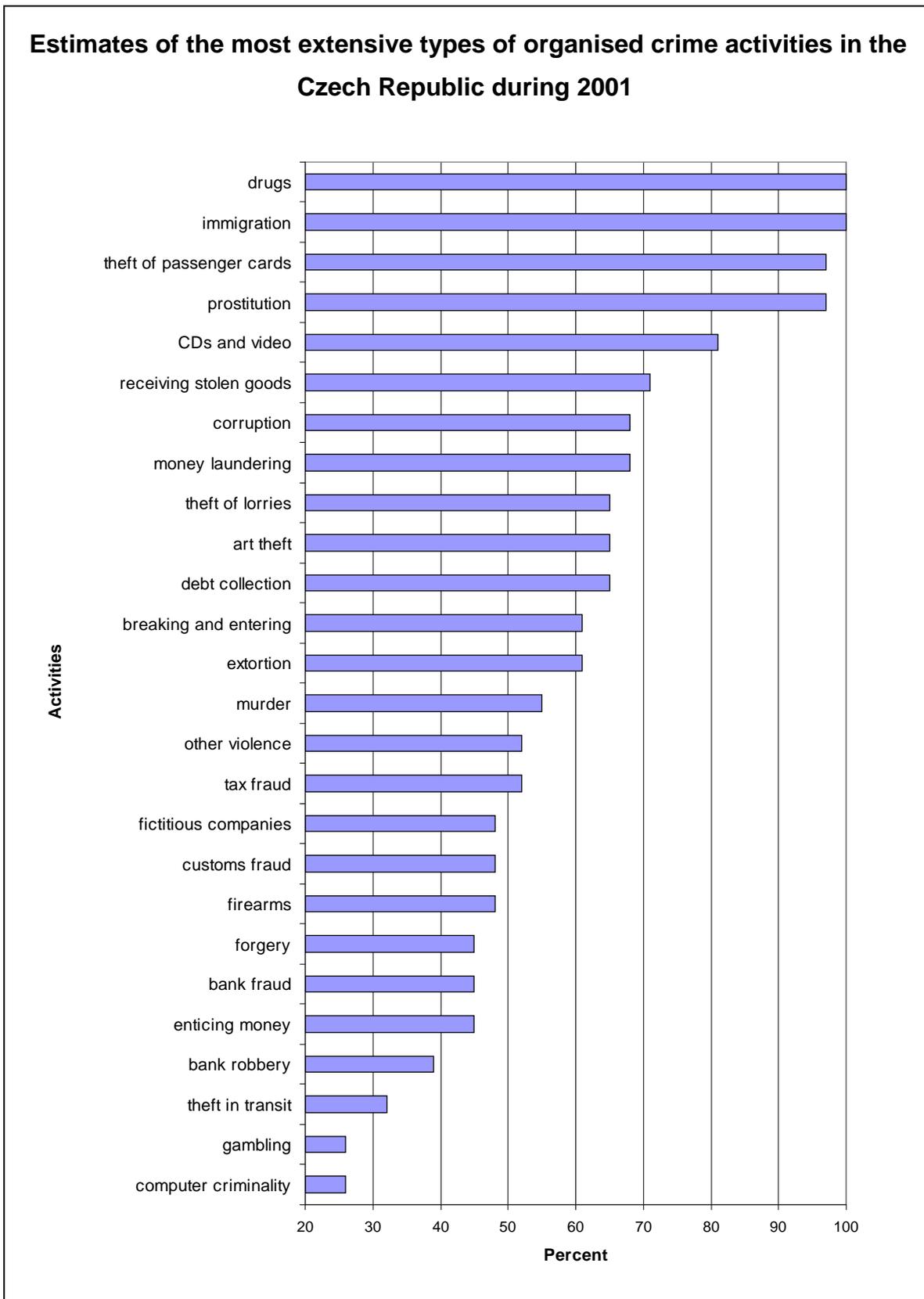


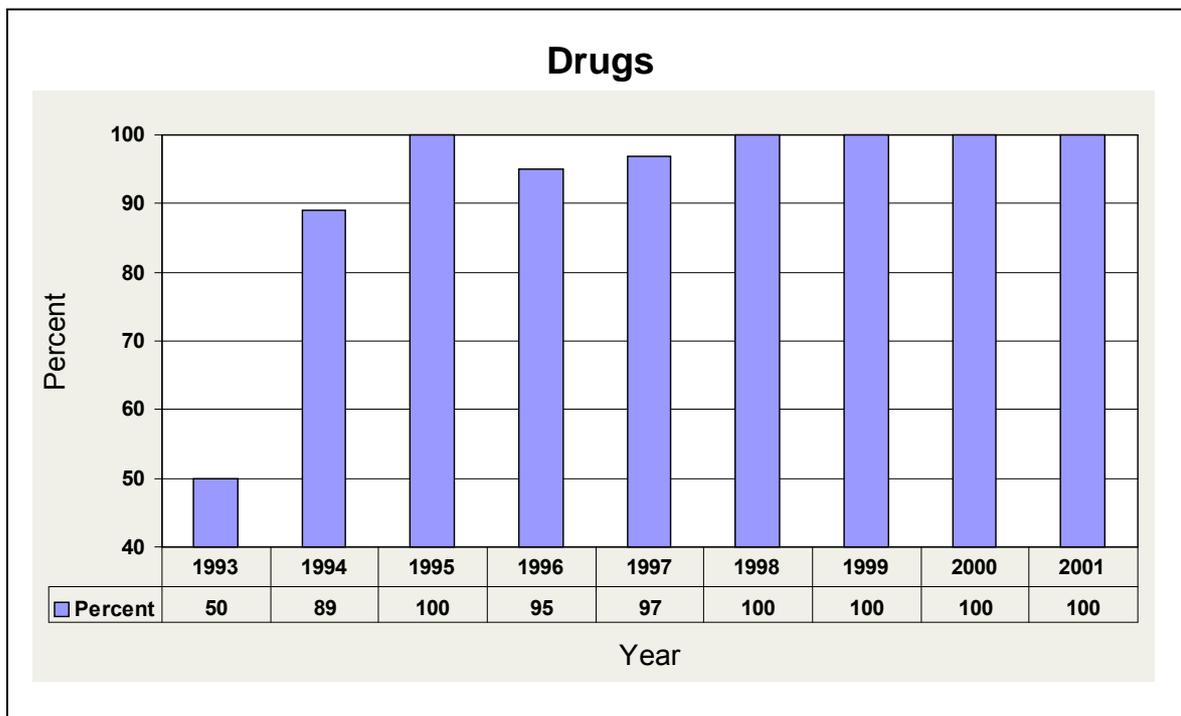
Table 6

Estimates of the incidence of the most extensive types of organised crime activities within the Czech Republic during 2001

		N=31	%
1 st – 2 nd	Production, smuggling and distribution of drugs	31	100
	Organising illegal immigration	31	100
3 rd – 4 th	Theft of motor vehicles	30	97
	Organising prostitution and trading in women	30	97
5 th	Pirating CDs and illegal copying of video cassettes	25	81
6 th	Receiving stolen goods	22	71
7 th – 8 th	Bribery and corruption	21	68
	Money laundering	21	68
9 th – 11 th	Theft of objects of art and their export	20	65
	Theft from trucks and lorries	20	65
	Contracted debt collection	20	65
12 th – 13 th	Theft from flats, holiday homes, shops, warehouses by breaking and entering	19	61
	Extortion and collecting "protection" money	19	61
14 th	Murder	17	55
15 th – 16 th	Other violence	16	52
	Tax, loan, insurance and bill of exchange fraud	16	52
17 th – 19 th	Founding fraudulent and fictitious companies	15	48
	Customs fraud	15	48
	International trafficking in firearms and explosives	15	48
20 th – 22 nd	Forging documents, cheques, money and coins	14	45
	Bank fraud	14	45
	Enticing money with the promise of large capitalisation	14	45
23 rd	Bank robbery	12	39
24 th	Theft in transit and postal transport	10	32
25 th – 26 th	Gambling	8	26
	Computer criminality	8	26

Production, smuggling and distribution of drugs is one of the most significant activities for organised criminals throughout the world. At the beginning of the 1990s, this activity was not yet so significant within Czechoslovakia. In the first surveyed year (1993) activities connected with drugs were ranked in the low teens of organised crime activities. Only one half of the respondents indicated them to be extensive. A year later, however, we registered a significant rise. In 1994, drug-related activities moved up to 3rd-5th place and from 1995 remained continually amongst the most extensive. Drug-trafficking shared the first position with vehicle theft and prostitution. In 2000 and 2001 drugs clearly ranked first

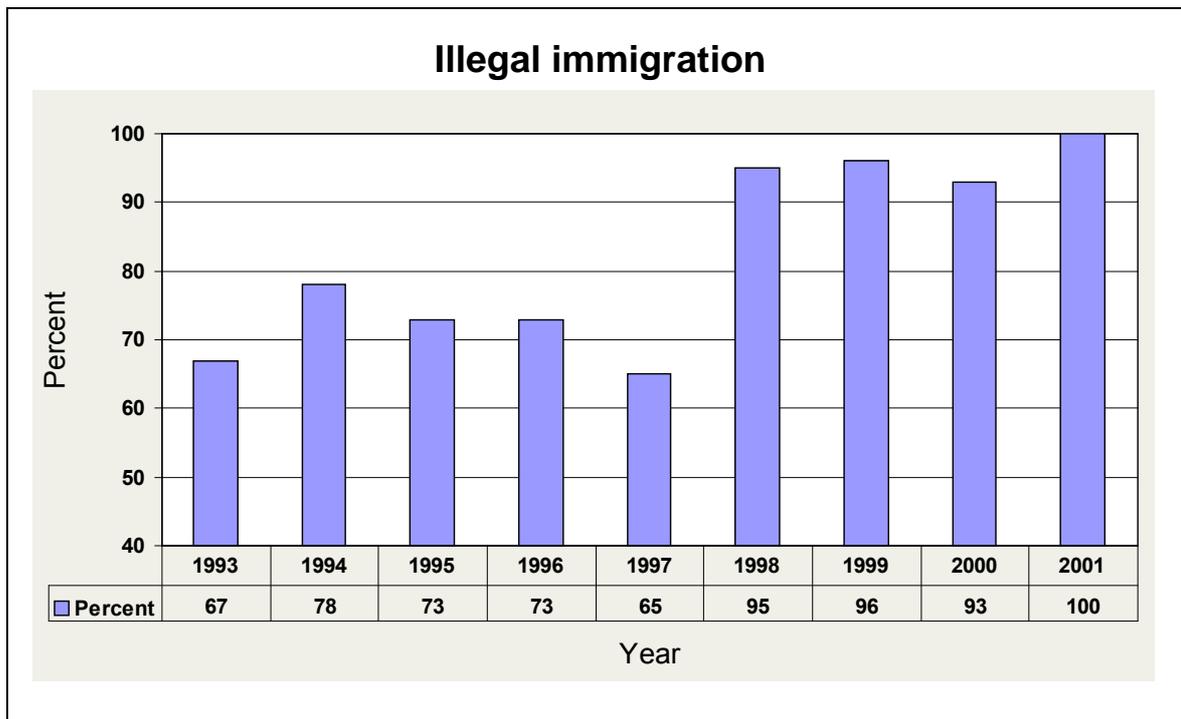
Graph 2



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

In 1998, **organising illegal immigration** appeared amongst the very most extensive organised crime activities. The results in the subsequent years confirmed this position. Prior to this, the activity ranked between 6th and 9th place in the years 1993-1996 and in 1997 it was even as low as 16th-17th place. The increased incidence indicated by experts in 1998-2001 evidently reflects the real situation when illegal immigration becomes one of the serious problems connected with security.

Graph 3



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Theft of cars and trading with stolen cars is permanently one of the most extensive organised crime activities in our country. Despite the fact that in 1994 the experts indicated a decrease, in reality it has not yet occurred. This field of activity still remains a very attractive line of business for organised crime, not only in the Czech Republic but practically throughout the whole of Europe.

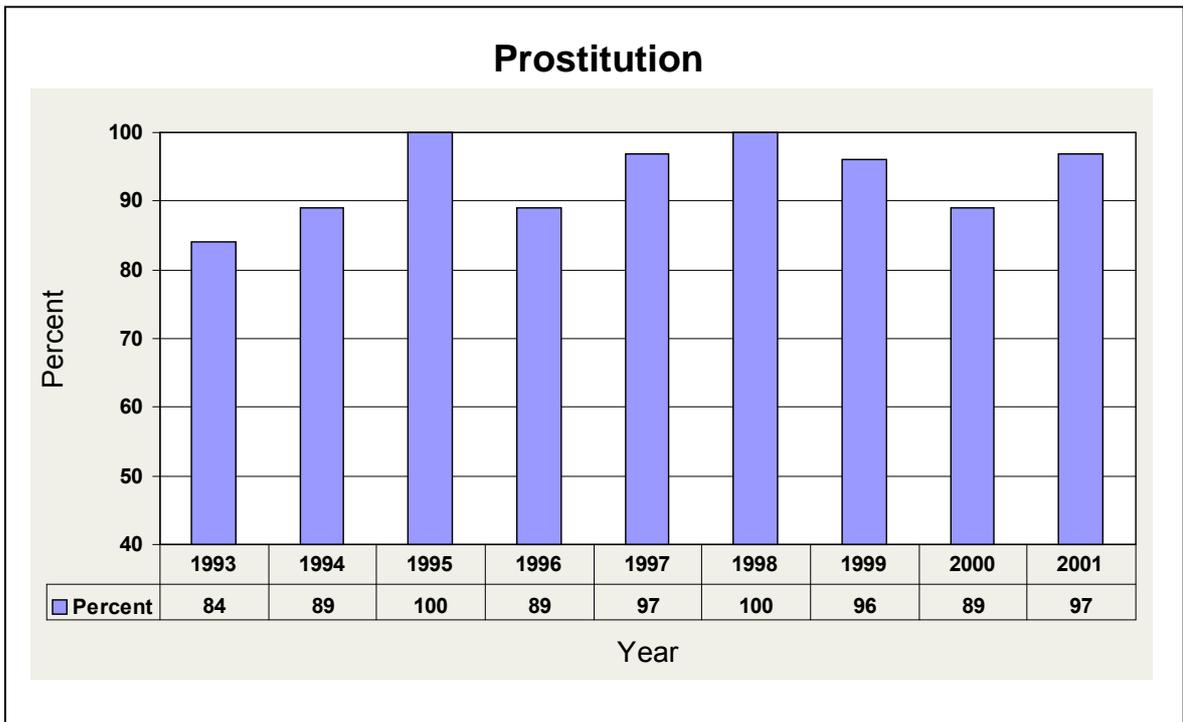
Graph 4



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Organising prostitution and trading in women is permanently one of the most extensive activities of organised crime not only in our country but in Europe and throughout the whole world.

Graph 5

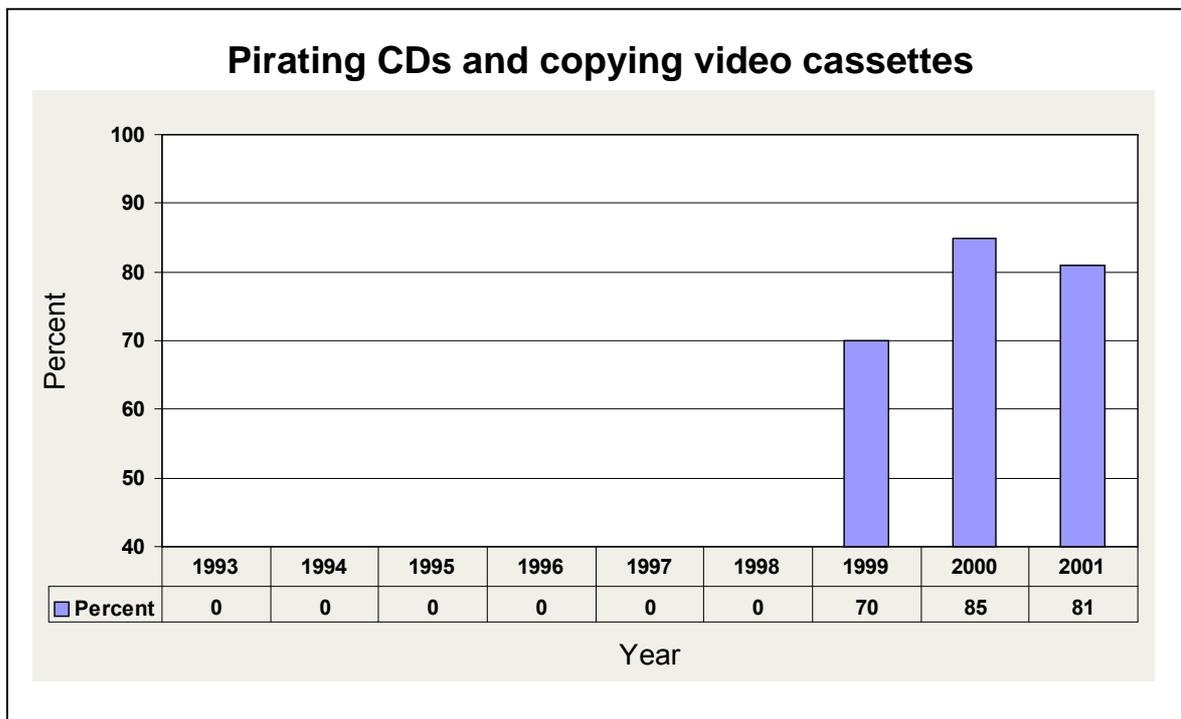


Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

After the high-ranking four which have a certain lead over the others, the rest of the activities follow with a regular decreasing incidence.

In 1998, **pirating CDs and illegal copying of videocassettes** appeared for the first time in approximately 10th place. In 1999, it remained in the same position and in 2000 it moved up to 7th-9th place.

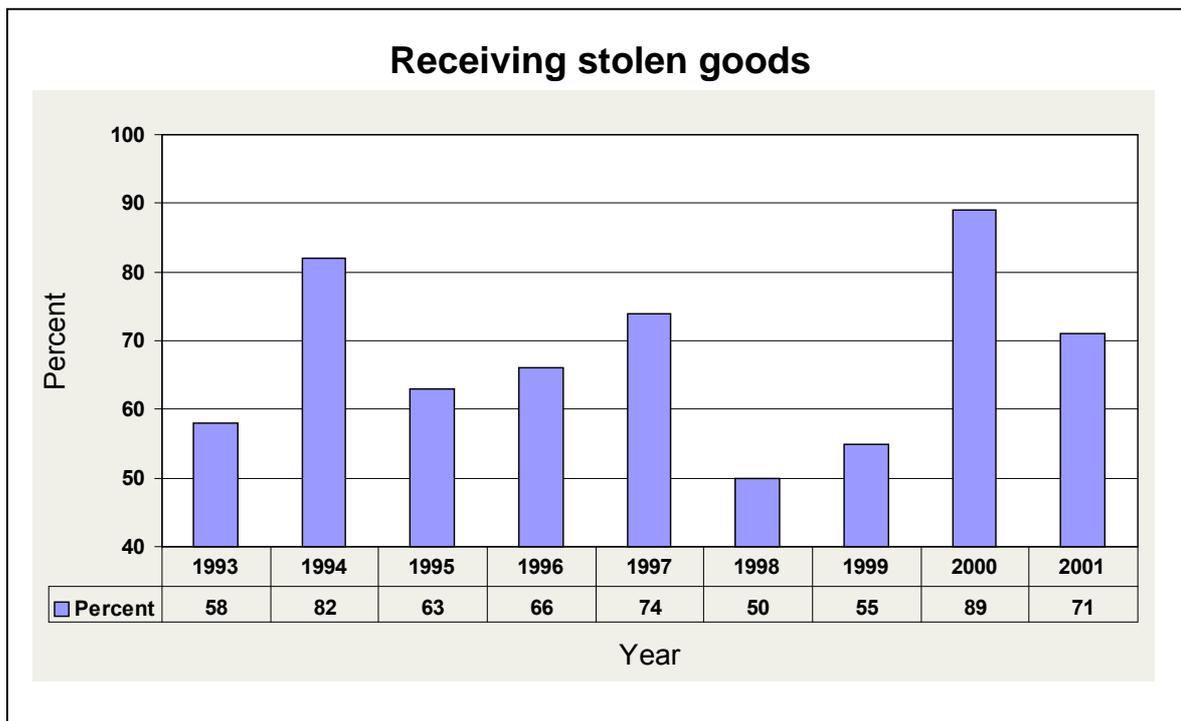
Graph 6



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Apart from the rise in corruption in 2000, we registered, in absolute terms, the greatest increase in **receiving stolen goods**. In 1993, this activity was in 8th-10th place, in 1994 it even reached 6th-7th place, in 1995 it was in 12th-14th place and in 1996 it ranked 8th-13th. In 1997, it again reached 6th-9th place. In 1999, it again dropped into the high teens, ranked in 13th-17th place. In 2000, it was in 4th-6th place and in 2001 it ranked 5th.

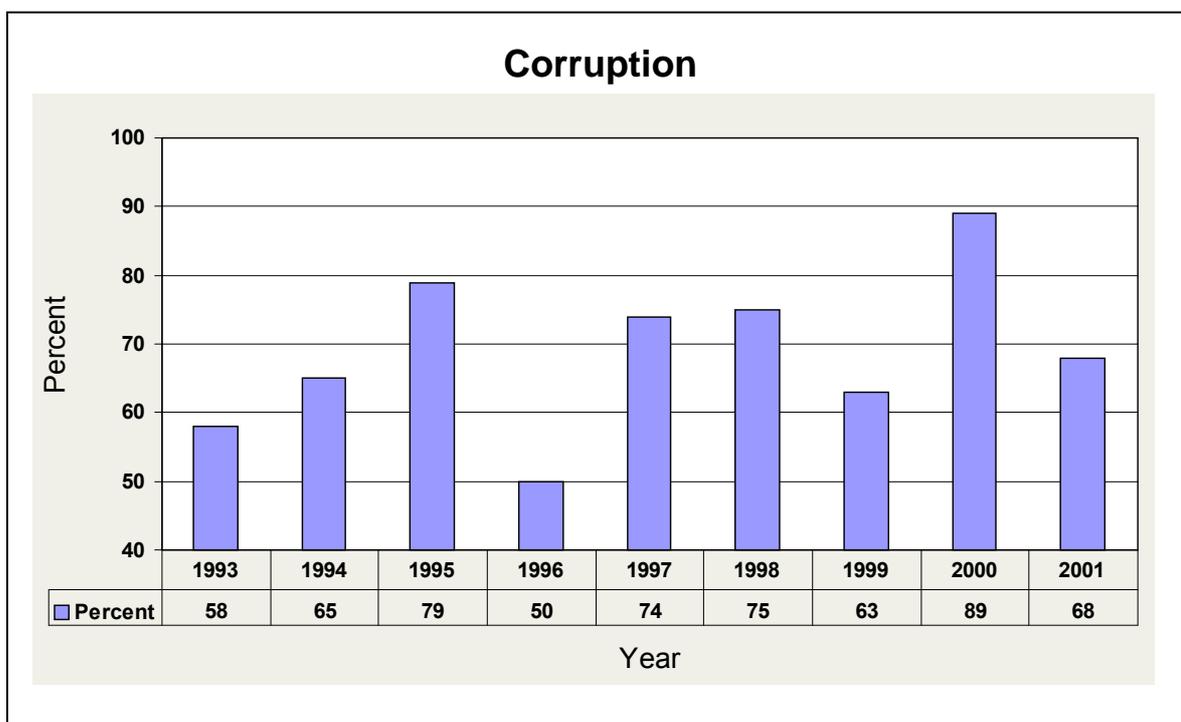
Graph 7



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Corruption belongs to one of the most characteristic supporting activities of organised crime. With the aid of bribery, required information is obtained, strategic decisions are influenced and safety and non-punishability is acquired. Regarding the level of incidence, this activity so far exhibits relatively large fluctuations. In 1993 and 1994, it ranked around 10th place, in 1995 it moved up to 4th-6th place and in 1996 dropped down to 20th place. In 1997, it again returned to 6th-9th place and in 1998 remained in 6th place. In 1999, it again dropped down to as low as 12th-14th place. The 4th-6th place ranking in 2000, immediately behind the most extensive activities, and also the 7th-8th place in 2001 represent the highest incidence of this activity in the last eight years to date.

Graph 8



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

We registered similar fluctuations in **money laundering**. In the years 1993-1995, this activity was ranked in the low teens. In 1993, it was in 11th-13th place, in 1994 it was in 12th-14th place and in 1995 it also ranked 12th-14th. In 1996, it dropped to 16th-19th place, however in 1997 it sharply rose to 5th place. In 1998, it again dropped to the bottom of the top ten and, in 1999, it again rose very slightly to 7th-8th place. In 2000, it was ranked 7th-9th and in 2001 it was 7th-8th.

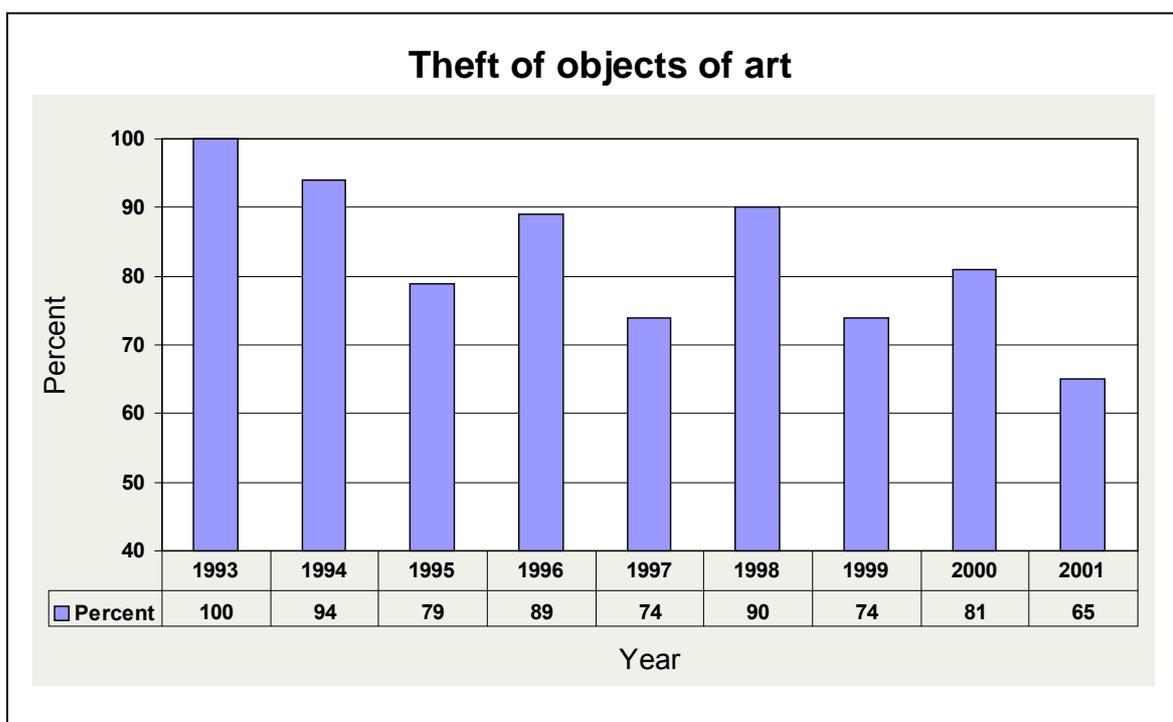
Graph 9



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Theft of objects of art also shows certain fluctuations but with a decreasing tendency. In the years 1993 and 1994, this activity, together with car theft, was one of the most extensive in our country. In 1995, it started to drop and slightly decreased to 4th-6th place. In 1996, it again slightly rose to 3rd-4th place and in 1997 it again dropped to 6th-9th place. In 1998, it ranked 5th, in 1999 it was in 7th-8th place, in the year 2000 it ranked 10th-12th and in 2001 it was in 9th-11th place. This activity, which was one of the most extensive in 1993, is progressively fading from the leading positions. However, the ranking which it maintains is still quite significant.

Graph 10

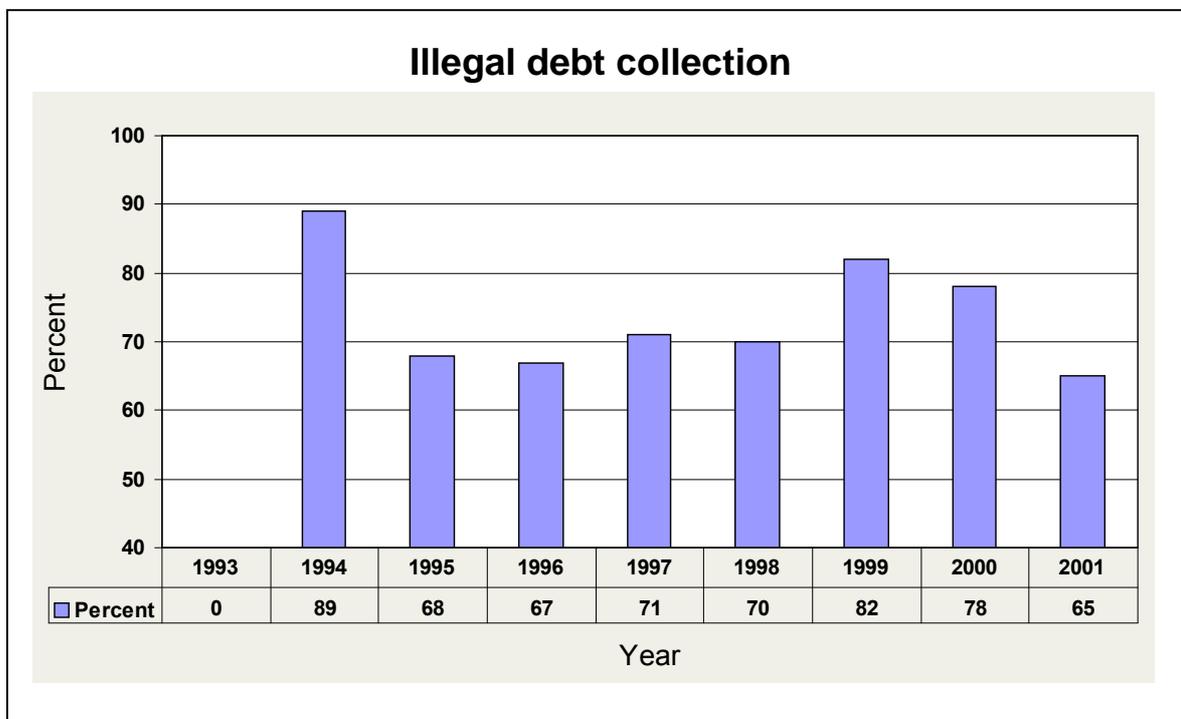


Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

During the last three years there has been a certain increase in **theft from trucks and lorries**. In 1998, this activity appeared for the first time amongst the top 20 most extensive activities, in 13th-17th place. Since 1999, it has maintained a position in the low teens.

Illegal debt collection has maintained a relatively stable position at the bottom of the top ten, with the exception of 1994, when it was ranked as high as 3rd-5th place, and 1999, when it was in 5th place.

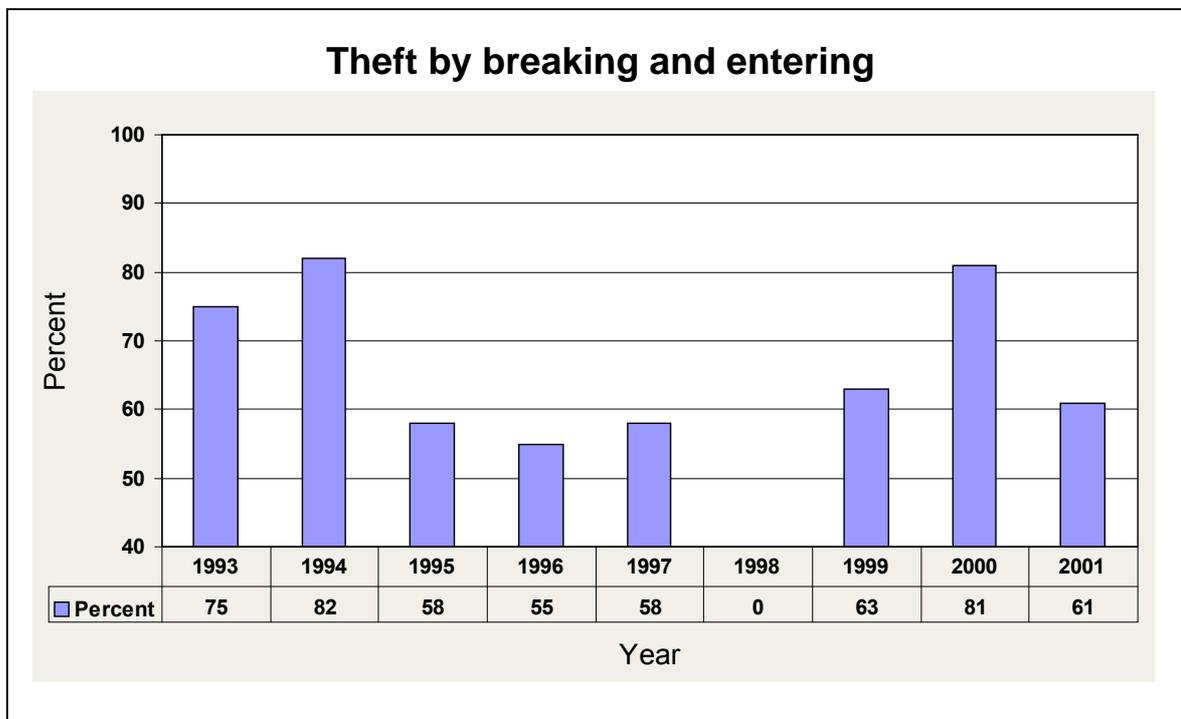
Graph 11



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Between 1993 and 1998, the incidence of **theft from flats, holiday homes, shops and warehouses by breaking and entering** progressively decreased in significance. In 1993, this activity was ranked 4th-5th, in 1994 it ranked 6th-7th, in 1995 it was in 15th-16th place, in 1996 it was in 16th-19th place, in 1997 it ranked 19th and in 1998 it was in 22nd-24th place. This descending tendency was interrupted in 1999, when theft by breaking and entering appeared in 12th-14th place. In 2000 and 2001, theft by breaking and entering appeared in the low teens.

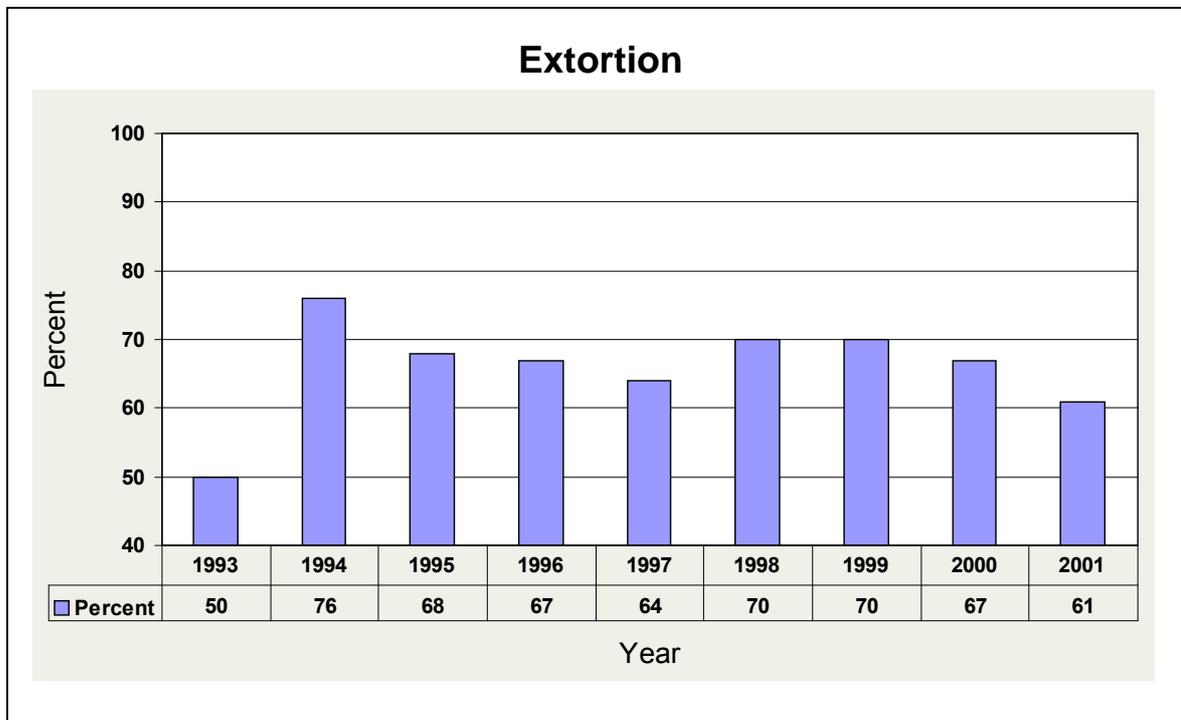
Graph 12



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

The activity of **extortion and collecting "protection" money** remained from the viewpoint of incidence relatively stable below the 70% level.

Graph 13



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

During the period 1993-1998, **violent activities** were just above the average level. In 1994, they were ranked in 12th-14th place, in 1995 they were in 15th-16th place, in 1996 in 16th-19th place, in 1997 they were ranked 18th and in 1998 they were in 18th-20th place. 1999 was marked by quite a significant increase to 12th-14th place. In 2000, they increased further to 7th-9th place. In 2001, we started to record murders and other violence separately. Murders ranked 14th and violence 15th.

Graph 14



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

It can be noted that **tax fraud** exhibits significant fluctuations. In 1993 and 1994, we did not register it at all amongst extensive activities. In 1995, it was in the high teens. In 1996 and 1997, it was quite high - in 5th and 4th place respectively. In 1998, it was ranked in 13th-17th place, in 1999 it again did not appear amongst the most extensive activities and in 2000 it reappeared in 13th-14th place. In 2001, it was ranked 15th-16th.

Graph 15



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

The **founding of fraudulent and fictitious companies** also appears from time to time. In 1995, it was recorded for the first time in 8th-11th place. In 1996 and 1997, it was ranked 14th-15th, in 1998 it was in 11th-12th place. In 1999, it did not appear amongst the extensive activities, in 2000 it reappeared in 18th-19th place and in 2001 it ranked 17th-19th.

Graph 16



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

The ranking of **customs fraud** also exhibits considerable fluctuations. In 1993, it reached a significant ranking of 4th-5th, in 1994 it dropped to 15th place and in 1995 it rose to 8th-11th place. In 1996, it continued to increase and reached 6th-7th place, but in 1997 it again dropped to 13th-15th place and, in 1998, it dropped even lower, to 18th-19th place. In 1999, we registered a significant jump up the list. Customs fraud appeared in 6th place, i.e. at approximately the same ranking as in 1993 and 1996. In 2000, we again registered a sharp drop down to as low as 20th place. This drop was confirmed in 2001 with a ranking in the high teens.

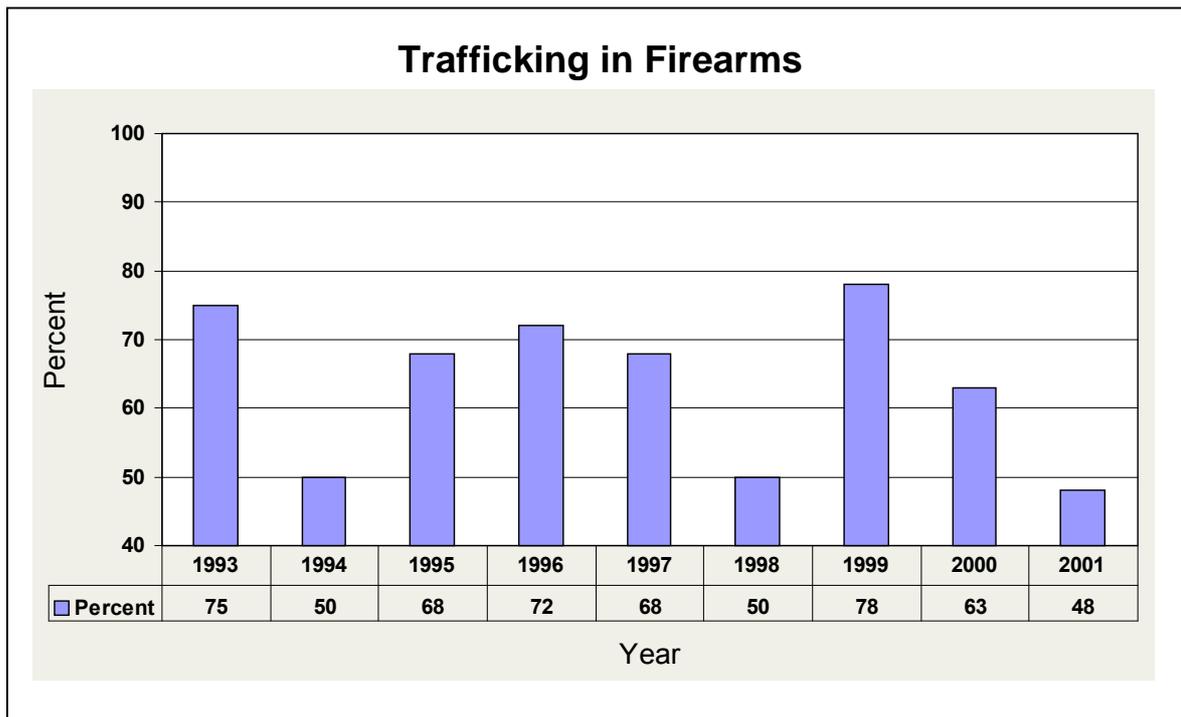
Graph 17



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

In 1994, **international trafficking in firearms and explosives** was recorded in 12th-14th place. It then maintained a position in the high teens. In 1998, there was a certain increase, to 11th-12th place. In 1999, it again dropped into the high teens of ranked activities, in 2000 it even ranked as low as 22nd. In 2002, this activity was in 20th place.

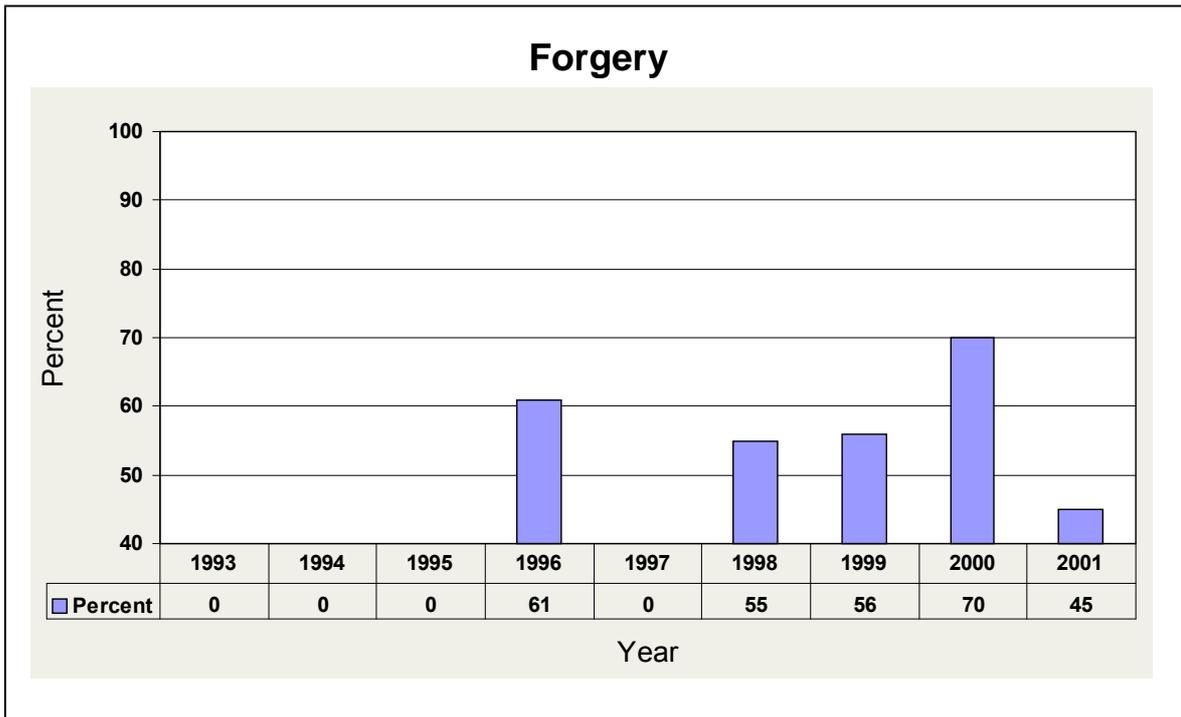
Graph 18



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Forging documents, cheques, money and coins occasionally appears amongst the most extensive activities. In 1996, this activity was ranked 14th-15th, in 1998 it was in 13th-17th place, in 1999 and 2000 it had the same ranking of 15th-17th and in 2001 it was ranked 15th. Between 1993 and 1995 and in 1997 it did not appear amongst developed activities.

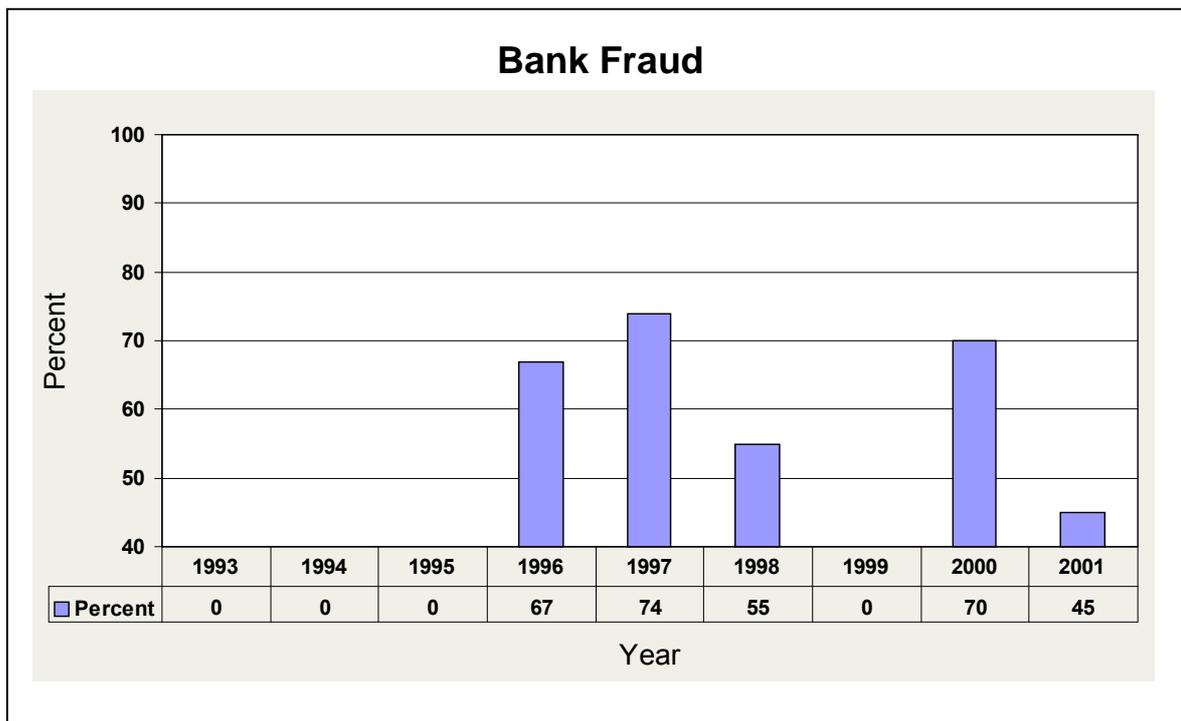
Graph 19



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

Bank fraud exhibits similar fluctuations. In 1996, it appeared for the first time amongst more significant activities at the bottom of the top ten. In 1997, it was ranked 6th-9th and in 1998 it was in 13th-17th place. In 1999, it did not appear amongst the most extensive activities. In 2000, it again reappeared in 15th-17th place and in 2001 it was around 20th place.

Graph 20



Note: The graph is based on expert estimates of the level of incidence of the respective activities within the Czech Republic. The columns express the percentage of experts who stated that the respective activity is extensive in the given year.

In 1999, **enticing money with the promise of large capitalisation** appeared for the very first time in the high teens. In 2000-2001, its incidence was confirmed by the same position.

Also in 2000, **bank robbery** attained a similar ranking which until then had not figured amongst extensive activities.

Gambling appeared for the first time as early as 1993 at the bottom of the top ten activities. In subsequent years it did not appear amongst the top 20 most extensive activities.

Apart from ascertaining the ranking of organised crime activities as a whole between the years 1993-2001, we occasionally surveyed in what type of activities the **individual nationality groups** were involved within the Czech Republic. We systematically started to record this field from 1999. In overview tables we can present the figures for the more stronger represented groups from 2001 and compare them with the previous two years. In less represented groups, activities are presented only for the year 2001.

Table 7

Most frequent activities of Ukrainian groups between 1999-2001

1999	2000	2001
Extortion (23)	Violent criminality (24)	Extortion (21)
Violent criminality (15)	Extortion (20)	Drugs (14)
Robbery (10)	Robbery (13)	Prostitution (13)
Car theft (8)	Drugs (13)	Violent criminality (12)
Firearms and radioactive material (5)	Prostitution (10)	Firearms and radioactive material (10)
Financial criminality (5)	Car theft (7)	Robbery (8)
Prostitution (4)	Illegal immigration (7)	Debt collection (8)
Drugs (4)	Firearms and radioactive material (5)	Car theft (6)
-	Money laundering (3)	Illegal immigration (5)
-	Bank fraud (2)	-
-	Debt collection (2)	-

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 1999 and 2000 and 31 in 2001).

Table 8

Most frequent activities of Russian groups between 1999-2001

1999	2000	2001
Extortion (21)	Violent criminality (17)	Violent criminality (13)
Violent criminality (12)	Extortion (16)	Extortion (12)
Economic criminality (9)	Drugs (9)	Drugs (11)
Prostitution (8)	Robbery (8)	Prostitution (11)
Firearms and radioactive material (7)	Prostitution (7)	Money laundering (9)
Car theft (6)	Firearms and radioactive material (4)	Firearms and radioactive material (8)
Money laundering (5)	Illegal immigration (4)	Debt collection (7)
Drugs (4)	Car theft (2)	Car theft (7)
Heavy metals and crude oil (4)	Money laundering (2)	Robbery (6)
-	Bank fraud (2)	Bank robbery (3)
-	Debt collection (1)	Forging money (2)

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 1999 and 2000 and 31 in 2001).

Table 9

Most frequent activities of Vietnamese groups between 1999-2001

1999	2000	2001
Forgery (5)	Illegal immigration (5)	Customs fraud (14)
Fraudulent business act. (5)	Prostitution (4)	Forgery (10)
Trademarks (4)	Pirating goods and CDs (4)	Illegal immigration (8)
Smuggling (4)	Drugs (3)	Tax fraud (8)
Pirated media (4)	Customs fraud (3)	Drugs (6)
Drugs (3)	Violent criminality (2)	Trade in people (2)
Money laundering (2)	Tax fraud (5)	Smuggling (2)
Violent criminality (2)	Smuggling (1)	Prostitution (2)
-	Extortion (1)	Extortion (2)
-	Receiving stolen goods (1)	Money laundering (2)
-	Debt collection (1)	Violent criminality (1)

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 1999 and 2000 and 31 in 2001).

Table 10

Most frequent activities of Chinese groups between 1999-2001

1999	2000	2001
Money laundering (6)	Illegal immigration (4)	Illegal immigration (8)
Illegal immigration (3)	Money laundering (4)	Money laundering (5)
Drugs (3)	Prostitution (4)	Customs fraud (5)
Tax (3)	Violent criminality (4)	Drugs (5)
Trade in people (3)	Drugs (2)	Forging documents (4)
-	-	Trade in people (3)

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 1999 and 2000 and 31 in 2001).

Table 11

Most frequent activities of Albanian groups in 2000 and 2001

2000	2001
Drugs (5)	Drugs (12)
Prostitution (3)	Trading in firearms (7)
Trading in firearms (2)	Prostitution (3)
Car theft (1)	Car theft (2)
Violent criminality (1)	-

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 2000 and 31 in 2001).

Table 12

Most frequent activities of Kosovan Albanian groups in 2000 and 2001

2000	2001
Drugs (6)	Drugs (5)
Firearms (2)	Money laundering (3)
Money laundering (2)	Prostitution (1)
Violent criminality (1)	-

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 2000 and 31 in 2001).

Table 13

Most frequent activities of Arabic groups in 2000 and 2001

2000	2001
Drugs (3)	Drugs (3)
Illegal immigration (2)	Illegal immigration (2)
Corruption (2)	Smuggling firearms (1)
Money laundering (1)	Fictitious companies (1)

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 2000 and 31 in 2001).

Table 14

Most frequent activities of Yugoslav groups in 2000 and 2001

2000	2001
Drugs (14)	Drugs (5)
Prostitution (7)	Prostitution (4)
Violent criminality (5)	Money laundering (2)
Firearms (4)	Violent criminality (2)
Extortion (3)	Extortion (1)
Fictitious companies (2)	-
Car theft (2)	

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 2000 and 31 in 2001).

Table 15

Most frequent activities of Bulgarian groups in 2000 and 2001

2000	2001
Prostitution (6)	Prostitution (3)
Car theft (3)	Car theft (2)
Violent criminality (2)	Forgery (1)
Drugs (1)	

Note: The figure in brackets shows the number of experts who stated the activity in 1st-8th place (of the total number of 27 in 2000 and 31 in 2001).

In 2001, less frequent activities occurred among the less represented groups, For example, **Moldavians**: extortion (2), violent criminality (2), bank robbery (2), debt collection (2), car theft (1), **Belarussians**: debt collection (2), violent criminality (2), extortion (1), robbery (1), money laundering (1), drugs (1), **Afghans**: illegal immigration (2), extortion, trading in firearms, prostitution and money laundry (1), **Armenians**: trading in firearms, murders and extortion (1) **Romanians**: robbery (1), **Tunisians**: drugs, forging documents, immigration (1), **Algerians**: drugs, founding fictitious company, money laundering (1), **Germans**: financing prostitution (2), **Macedonians**: drugs, prostitution, trading in firearms, illegal immigration (1), **Turks**: drugs, economic criminality (1). In 2001, **Poles** were discovered organising trade in alcohol.

Conclusion

In the section devoted to the development of organised crime within the Czech Republic we presented figures on groups and their activities. Currently we only have a limited amount of statistical data available. It concerns the number of prosecuted, accused and convicted persons. Most information is based on expert estimates. Due to repeated surveys which we have conducted since 1993 we are also able to derive trends. Expert estimates are not the only source of data that we use. Since 1998, specific cases of participation in the criminal community have been documented. Therefore, specific data exist that can be analysed and compared with models which have until now been hypothetical and based on expert estimates. Specific cases also become part of the statistics. However, we should bear in mind that these data only capture recorded organised criminality and thus cannot describe the real situation to the full extent.

The Incidence of Economic Criminality in 2001

Ing. Drahuše Kadečábková

4. The current state of incidence and how it differs from previous development

In the beginning it should be noted that this paper, which now regularly appears every year in the collection of papers on the current incidence of selected types of criminality, even this time attempts to capture and draw attention to more significant quantitative, structural or territorial current changes within the context of long-term incidence of economic criminal activity. The basic sources of information remain the same as in previous years, i.e. both sets of data with statistics and records with their known differences in contents which still nevertheless have not given rise to the need to at least initiate a common search for ways to reach greater compatibility, neither on the part of the producers (the respective organisational departments of the Ministry of the Interior and the Ministry of Justice), nor on the part of the users (namely legislative bodies and executive authorities).

Note: The following comments are intended to provide basic guidance for the reader who encounters this topic for the first time and has no knowledge of the differences between the defined contents of the sets of data on monitored economic criminality. The Ministry of Justice defines the substance of economic criminality as it is stipulated by the methodology of the special part of the Criminal Code, i.e. Section Two. Therefore the statistical data presented in this paper (e.g. the number of prosecuted, accused and convicted persons, the sentences imposed, and other information recorded during this part of criminal proceedings) concern only the crimes codified in the Criminal Code. The Ministry of the Interior, or specifically the Police Presidium, expands the group of economic crimes that are given in the Criminal Code by certain property crimes. This concerns, for example, areas of criminal activity fulfilling the criteria of fraud, embezzlement, but also theft, as well as breaches of obligations to creditors, breaches of the duty to administer another's property, etc. Within this concept of economic criminality the police statistically record, for example, the number of detected and cleared up offences, the number of prosecuted persons, the ascertained value of the financial damage, etc.

When working with these data and eventually comparing them, it is necessary not only to know the aforementioned differences but also to respect them for the benefit of correctness, just as it is necessary to understand and respect the time demands of criminal

proceedings in individual cases where their initiation and completion (detection, clarification, prosecution and court verdict) does not have to be restricted to the same calendar year. This fact means that both sets of data have their own separate level of informative capability which undoubtedly fulfils the specific needs of each ministry, and hence also has a certain comparative capability. In view of the fact that the following description of the incidence of economic criminal activity in 2001 and the retrospective description of the trends of this incidence is based on records maintained in these very sets of data, they should be "read" keeping in mind the described characteristics of the individual sets of data.

If we look at the quantitative incidence of overall criminality between 1990 and 1999 using the data recorded by the police, we can see that, apart from 1994, the year-on-year comparison always shows either a numerical increase or, at best, a stagnation. However, in the following two years, i.e. 2000 and 2001, the statistical records show a decrease in the number of detected offences for the incidence of overall criminality. Already in 2000, the records show a noticeable drop, where the number of detected offences that were recorded was only 91.8% of the overall figure for 1999, and in 2001 this trend continues where this value is 91.6% of the previous year.

In any case, this is an unexpected sharp drop which in absolute terms of recorded incidence of overall criminality represents 68,049 offences less over the period from 1999 to 2001. **The most significant "jumps" during this time scale, and it is not important if they were up or down, usually do not reflect changed reality but rather reflect changes in the methodology used for monitoring these phenomena or even inaccuracies caused by processing.** These comments on the time scale of the statistical records correspond to the second half of the electoral mandate of the government, therefore it offers the explanation of a relationship between a magnitude drop in recorded criminality and the approaching confrontation between the declared aims of the government programme and the degree to which it has been accomplished. However, in the interest of objectivity the whole problem cannot only be reduced to a targeted approach to statistical records and not to admit that the quantitative state of criminality reported in the last two years is, to a certain extent, also due to the positive effect of protective measures adopted

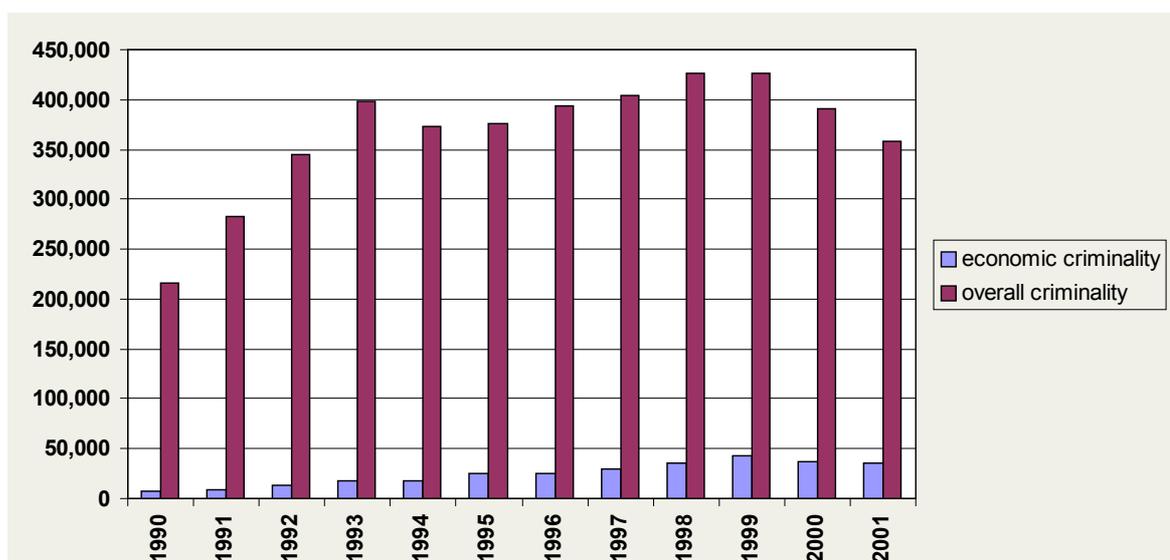
by the government which have been progressively introduced into practice in order to reduce security risks. Specifically, for example, the introduction of specialisation for officials involved in criminal proceedings, furthermore the introduction of new tools in criminal law or improvements in the overall legal framework, but most likely further preventative steps have also been taken to attempt to reduce the incidence of criminal activity.

If we look back how trends developed in the incidence of criminal activity of an economic character within overall criminality, it is evident that the development trends are practically the same. The number of criminal economic offences detected and statistically recorded by the police between 1990 and 1999 was higher in each subsequent year, however, the increase in incidence also represented a higher proportion in overall criminality. The increase in incidence of this type of criminality thus exceeded the growth rate of the incidence of overall criminality. Regarding this type of criminality in the recorded incidence, the last two years also do not differ from the incidence of overall criminality and the figures for both 2000 and 2001 are, with respect to the number of detected offences, more favourable than was usual in the last decade of the last century.

Compared with 1999, an even more significant drop occurred in economic criminality in 2000 than in overall criminality, even down to 87.7%, however in 2001 the year-on-year drop was not so apparent and represented only 93.7%. In that year, the numerical incidence in absolute terms represents a drop of 7,645 detected offences compared to the incidence rate in 1999. Graphical representation of the described development of both monitored quantities is certainly more illustrative than verbal description, therefore I present the following graph.

Graph 1

Recorded offences of overall and economic criminality



As previously stated, the past quantitative incidence of economic criminal activity grew more quickly than the quantitative incidence of all types of criminality together. Economic criminality reached the highest proportion of overall incidence in 1999 to date, when the percentage of detected offences was 10.1%. In the subsequent years, however, a change occurred, not only was there a numerical drop in the recorded incidence of economic criminality, but also this drop was more rapid than the recorded incidence of overall criminality. During both years its proportion of the overall figures is again less than one tenth. In 2000 the percentage of recorded economic criminality offences was 9.61% of the overall number of detected criminal offences, however, in the subsequent year, 2001, the proportion was 9.83%. The following table again illustrates better the long-term development of these relative values.

Table 1

The proportion of the incidence of economic criminality to the incidence of overall criminality

	1993	1994	1995	1996	1997	1998	1999	2000	2001
proportion %	4.63	4.95	6.77	6.48	7.47	8.46	10.06	9.61	9.83

The ratios of incidence recorded in the last three years expressed in absolute terms are the following:

	<u>1999</u>	<u>2000</u>	<u>2001</u>
Total number of detected criminal offences	426,626	391,469	358,577
Detected number of economic criminal offences	42,907	37,632	35,262

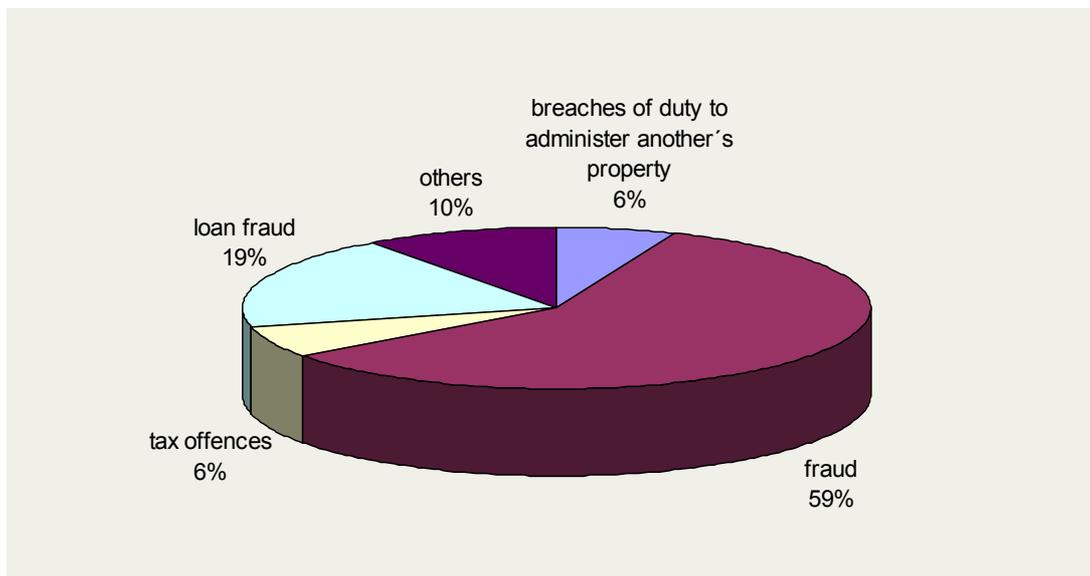
High financial damage is practically an inseparable part of economic criminality and its consequences. Here, however, it is not possible to find a correlation between the amount of damage and the frequency of incidence. The financial consequences ascertained reflect rather a structural picture of this incidence during the monitored time period. This can be illustrated for example by comparing records on the incidence of this type of criminal

activity between 1999 and 2000, where there was an approximate drop of 12% in the number of offences but almost a twofold increase in the amount of ascertained damage (approx. 50.2 billion CZK in 2000 and approx. 21.1 billion CZK in 1999).

The statistically recorded data for 2001 in comparison with the incidence recorded for the previous year do not refute the autonomous development of both monitored quantities. The number of detected cases in this year reached 93.7% of the level in 2000 and, regarding the damage ascertained for 2001 amounting to approx. 44.1 billion CZK, there was a decrease in the level down to 87.8% compared to the previous year. Even so, the proportion of economic criminal activity remained in 2001 significantly higher and this time reached 79.2%. The proportion of damage caused by individual crimes compared to ascertained damage caused by economic criminality is evident from the following graph:

Graph 2

Damage recorded for selected crimes



In 2001, criminal activity qualified as the crime of fraud again came to the forefront due to the level of ascertained financial damage. This criminal activity was always foremost during the previous time period apart from the year 2000 when, for the first and so far the last time, it was overtaken by criminal activity qualified as other crimes, i.e. criminal

activity fulfilling the criteria of the crime of a breach of duty to administer another's property for which the damage was ascertained to be 33.8 billion CZK for 654 detected offences.

In 2001, the incidence of fraud in statistical records for detected economic criminality was 11,742 offences with financial damage amounting to approx. 24.4 billion CZK. In terms of the amount of damage, fraud is followed by loan fraud with an ascertained value of 7.9 billion CZK (for 2,181 offences), tax offences amounting to 2.4 billion CZK (for 4,320 offences) and criminal activity qualified as the crime of a breach of duty to administer another's property with the same amount, 2.4 billion CZK (for 858 offences). Further damage in the order of billions was also caused by criminal activity qualified as the crime of a breach of obligations to creditors amounting to 2.2 billion CZK (for 316 offences), embezzlement amounting to 1.9 billion CZK (for 5,899 offences) and misuse of information in business relations amounting to 1.6 billion CZK (for 55 offences).

The following table shows an overview of the numerical incidence of economic criminality and the financial damage caused by it according to individual regions for the last two years.

Table 2

Comparison of the incidence of economic criminality according to individual regions for 2000 and 2001

Region	Damage in CZK (billions)		Number of offences	
	2000	2001	2000	2001
Greater Prague	37.11	30.20	4 726	6 117
South Moravia	3.04	2.22	5 085	5 786
North Moravia	3.04	6.72	5 719	4 930
North Bohemia	2.55	1.36	4 600	3 836
Central Bohemia	1.62	0.42	4 434	3 320
North Bohemia	1.12	0.93	3 843	3 389
South Bohemia	0.96	0.32	2 327	1 642
West Bohemia	0.75	1.06	2 199	1 939

This regional comparison over two years confirms that the quantitative incidence of criminal activity of an economic character is not directly proportional to the amount of financial damage caused by it. This is evident, for example, in Prague, when in 2001 there was a relatively high increase in the recorded number of offences of this type of criminal activity compared to 2000, and that by 1,391, but the ascertained financial damage in 2001 was 6.91 billion CZK less than in the previous year. This reversed relationship, according to recorded incidence, is also evident in the North Moravian region, where there was a drop in the number of detected cases in 2001 compared with 2000, by 789, however the financial damage was 3.86 billion CZK greater.

Every year, the police record more than 20,000 prosecuted persons in conjunction with economic criminality. To illustrate this reality, it is possible to present for example data recorded during the past two years when, in 2000, this concerned 23,295 prosecuted persons and, in 2001, 22,543 persons prosecuted by the police. Admittedly, the majority of the number of prosecuted offenders fall into the category of perpetrators of criminal activity qualified as the crimes of fraud and embezzlement, although they are actually perpetrators of activities that are (of the number of persons prosecuted for these specific criminal activities) methodologically classified as economic activities. General experience confirms that economic criminal activity is predominantly committed by first-time offenders, which can be seen in the figures for 2000, when they accounted for 76.9% and, in 2001, for 73.9% of the overall number of prosecuted persons. At the same time, this fact indicates that the proportion of re-offenders committing economic crimes usually oscillates around one quarter of the overall number of prosecuted persons (23.1% in 2000 and 26.1% in 2001). It can be assumed that the group of persons repeatedly prosecuted for breaking the law is mainly comprised of those whose criminal activity was qualified as the crime of fraud or embezzlement.

From the viewpoint of judicial statistics, the comparison of data on offenders for individual types of criminal activity is more extensive because they not only record persons prosecuted, but also persons accused and persons convicted. In view of the aforementioned ambivalence of some data in the sets of statistical records, it is interesting to note the comparison between the numbers of persons prosecuted by the state, accused

and convicted and the overall figures for economic and property criminality. The following table presents the data for the year 2001.

Table 3

Number of persons prosecuted, accused and convicted in 2001

	persons prosecuted	persons accused	persons convicted
Economic criminality	4 383	3 267	1 631
Property criminality	57 875	46 644	28 651
Overall criminality	110 808	86 074	63 211

It can be stated that from the middle of the last decade of the last century the figures for individual years differ only slightly and therefore the relative resulting figures for individual groups of persons and both types of criminality compared to overall criminality are very similar. The number of persons prosecuted for crimes is approx. 110,000 per year, of which more than half are prosecuted in conjunction with property offences and just under 4% in conjunction with economic offences.

Not all persons prosecuted are eventually accused therefore the overall number of persons annually accused is around 85,000 (e.g. in 2000, it was 86,074 and in 2001, it was 84,855); similar to persons being prosecuted, more than half of this number are accused in conjunction with certain property crimes (54.2% in 2000 and 56.8% in 2001) and the proportion of persons accused of economic offences is the same, i.e. 4% (3,267 persons were accused in 2000 and 2,568 in 2001).

A further numerical decrease naturally occurs in the last group, which are persons convicted of committing a crime. Here the total number is around 60,000 (63,211 offenders were convicted in 2000 and in 2001 it was slightly less, 60,182). In the sets of records on convicted persons, the number of offenders convicted of property crimes is usually less than half (45.3% in 2000 and 47.3% in 2001). Also offenders convicted of economic

criminal activity represent a less numerous sub-group than in the previous two groups (2.6% in 2000 and 2.3% in 2001).

Amongst the 1,408 persons convicted for example in 2001 of committing economic crimes, 51 of them were re-offenders. Similar to previous years, the largest proportion of offenders were in the age group 30-39 (448 persons). Altogether 123 offenders were sentenced to imprisonment; 37 persons were convicted of crimes for which the maximum sentence is 15 years and most often in that year (64 persons) received a prison sentence of up to 5 years. Offenders of economic offences were also sentenced to community service, for example in that year it was a total of 72.

In 2001, the group of offenders convicted of economic crimes also included 615 persons (of which 10 were re-offenders) who committed tax offences (Art. 147 and Art. 148 of the Criminal Code) but only 55 of them left court with prison sentences. The length of prison sentences varied: 36 persons received sentences of up to 5 years, 17 persons received sentences of up to 15 years and the remaining 2 offenders were sentenced to imprisonment for up to 1 year. Four offenders were sentenced to community service for non-payment of tax, social security, health insurance or contributions to government employment police (Art. 147 of the Criminal Code) and three offenders for evading tax and similar statutory payments (Art. 148 of the Criminal Code).

A numerically more significant group of persons convicted in 2001 were the 363 offenders convicted of a breach of rights to product trademarks, company trademarks and protected designation of origin (Art. 150 of the Criminal Code), of which 13 were re-offenders. Eight of them were sentenced to imprisonment and none of them received a prison sentence of more than 1 year. Eighteen offenders were sentenced to community service for these crimes. The number of offenders convicted of other economic crimes was significantly lower, for example 40 (two of them were re-offenders) were convicted of unauthorised business activities (Art. 118 of the Criminal Code) and only one received a prison sentence. 32 persons (one a re-offender) were convicted of manipulating financial and asset records (Art. 125 of the Criminal Code) and again only one received a prison sentence.

The following table presents an overview of the number of prosecuted, convicted and sentenced persons for economic criminality according to individual regions.

Table 4

The number of prosecuted, convicted and sentenced persons in 2001 according to regions

Region	Prosecuted persons	Convicted persons	Sentences persons	% of prosecuted persons sentenced
Prague	414	308	141	34.1
Central Bohemia	277	150	109	39.3
South Bohemia	230	131	83	36.1
West Bohemia	288	227	124	43.1
North Bohemia	510	374	235	46.1
East Bohemia	445	281	161	36.2
South Moravia	898	613	304	33.9
North Moravia	630	469	251	39.8

As a part of the overall commentary on the information about the incidence of economic criminality it is possible, among other things, to also find confirmation for the generally acknowledged opinion that for the majority of economic cases the acid test for officials involved in the course of criminal proceedings is dealing with the complex evidence in order to prove beyond doubt the offence, accuse and finally sentence the offender (offenders). To find demonstrable evidence whether the dividing line between what is legal and what starts to become illegal amongst individual specific business, financial and other transactions that are routinely performed in economic life is, in this country just as elsewhere, a problem whose solution is usually time demanding and requires a high degree of theoretical knowledge and practical experience (not only in the field of law).

5. Some specific example of economic criminality dealt with by bodies involved in criminal proceedings

Amongst court files on final decisions on cases of economic criminality whose analysis is a part of the research on this type of criminality, there is a significantly larger proportion of criminal activity which fulfils the criteria of the crime of fraud. The fact that this is so can naturally and easily be predicted also for the reason that every year this criminal activity involves a high number of detected cases committed in a relatively simple manner where the documentation of the illegal behaviour is not time consuming.

Cases of criminal activity qualified as **fraud** (Art. 250 of the Criminal Code) that have been analysed as a part of this criminological research were concluded with a final judgement between 1994 and 2001. As mentioned before, the pattern in which they were committed, can be characterised as relatively simple, relying on the trust, lack of attention or lenient behaviour on the part of the afflicted subject. One of the methods used that resulted in the committed offence being finally sentenced was for example simple enticement of a loan from an individual under the false pretence of a business plan whose aims seemed to be trustworthy even to the prospective creditor.

Another scheme which occurred more often amongst the group of analysed cases was misuse of a legally obtained trade licence for ordering and accepting goods for which the supplier never received payment. As a rule, offenders sell the goods for a price lower than customary and use the financial resources for their own requirements. In some cases this scheme was slightly modified in that the offender realised the orders and purchases through other individuals. The afflicted subjects were usually various companies (joint-stock, limited liability, etc.).

Other documented methods of perpetrating fraud were based on using one or several forged or altered official documents (ID card, extract from the Business Register, bank statement, customs declaration, withdrawal slip, etc.) so that the criminal qualification corresponds to concurrent crimes (Art. 176 of the Criminal Code). The scheme was based on the offender acting as the business representative of a specific company and proving it by using the company's forged or altered identification documents, or as a person with assumed identity based on forged or altered documents corresponding to this identity and performed, as the fictitious subjects, business transactions of various types, such as purchase of goods, opening bank accounts for which he immediately requested the issue of the respective payment tools (e.g. cheque book) and then misused them for illegally gaining financial resources, claiming back VAT or repeatedly withdrawing cash from the bank using the faked signature of the authorised person and the false stamp of the company on the withdrawal slip, etc.

In the aforementioned cases, all the subjects afflicted by this type of criminal activity were attacked externally. The group of analysed files also contained two final judgements for cases where the employing organisation was attacked by fraud from within, internally by their own employee. The offences of employees of two different companies (a limited liability and a housing co-operative) were qualified as fraud. One offender concluded three leasing contracts for the rental of passenger cars in the of his company, which he immediately sold. The other offender included in bulk bank orders for payment of the housing co-operative's mandatory payments amounts to be transferred to his private account.

The ascertained damage in all these concluded cases of fraud amounted to over 2 million CZK, in cases of false signatures and false stamps on cheques, the bank afflicted suffered damage amounting to 60 million CZK. Some offenders had previous convictions and in some cases the vocation of the offenders was diametrically different from the subject of activity for which they obtained trade licences.

The analysed files not only reveal the pattern of criminal behaviour and its consequences but also the circumstances under which individual crimes of fraud were

committed. It is even possible to derive from the summary of these findings for example that, in restricting the incidence of criminal activity, and thus also criminal activity qualified as fraud, a certain proportion of the primary preventative role can undoubtedly be played by simple and precisely formulated provisions of commercial law which reduce the possibility of multiple interpretations. Furthermore, in the majority of cases it is possible to trace, to a degree, a lack of professional foresight and consistency both on the part of employees of government administration (e.g. issuing trade licences for subjects of business activity to persons previously sentenced for property offences, issuing new personal documents without thoroughly checking the identity of the applicant, etc.) and on the part of employees of companies including banking institutions (e.g. releasing more and more goods without receiving payment for the previous purchase, more conscientious identification of bank clients and more thorough verification of the correctness of presented payment tools, etc.).

Another group of cases concluded with a final judgement that were analysed concerned criminal activity qualified as **loan fraud** (Art. 250 of the Criminal Code). This concerns crimes whose qualifications were incorporated into criminal law in 1998, when Act no. 253/1997 Coll. came into effect. This crime has also been systematically incorporated into Section Nine of the special part of the Criminal Code because its individual subject is property¹. Its provision, apart from fraudulent behaviour associated with negotiating loan agreements or intentional misuse of financial resources acquired in such a manner, also concerns fraudulent behaviour associated with requesting and receiving subsidies and grants. Criminal behaviour is deemed to be not only submitting false or highly distorted information or not disclosing information essential for receiving a loan, grant or subsidy, but also using the received financial resources for other purposes than intended without the prior agreement of the creditor or another authorised person.

When introducing the qualifications for this crime, similar to the qualifications for the crime of insurance fraud, ... "the lawmaker was evidently inspired by the idea of imminent punishability, which is conceived by criminal law theory to be the establishment of punishability not only for a direct attack on a protected subject, but a shift of

¹ 1 See, for example, Berka, J., Vitrovec, V.: Loan fraud. In: Právní rádce dated 26.6.2002, page 11.

punishability to the stage of attempt or preparation, or conceived as a case where behaviour is punished that could endanger the protected subject in the future. However, this does not mean punishability for preparing a specific crime because intent to commit such a crime is not a requirement."² The solution of a specific case concluded with a final judgement corresponds to this interpretation. This case was a part of the set of the lent court files.

The qualifications of the crime of loan fraud were already fulfilled in one court case by two offenders (applicant and guarantor) due to the fact that they submitted false information about their incomes in the application for the consumer loan. However, the employee of the banking institution was thorough, checked the information and did not accept their application, thus preventing damage arising and hence the fraudulent behaviour was only attempted. In view of the fact that one of the offenders was also accused of breaching another's rights because he concluded life insurance policies under somebody else's name with two different insurance companies, the court verdict recognises guilt according to Art. 250, paras. 1 and 3 of the Criminal Code concurrently with guilt according to Art. 209, para. 1a of the Criminal Code.

This case again illustrates that the appropriate level of professionally of employees, in this case of bank and insurance clerks, is an important preventative factor not only in protecting property but also economic interests.

Among the selected cases concluded with a final judgement there were several qualified as the crime of **embezzlement** according to Art. 248 of the Criminal Code which, based on the methodology of the special part of the Criminal Code, is also assigned to the category of property crimes. As a part of the research on the incidence of economic criminality, the aim in most cases was to obtain more general information on the range of schemes used rather than to identify the incidence of this specific type of criminality.

Amongst the cases of embezzlement concluded with a final judgement during the last few years are, for example, simple schemes of retaining part of daily takings by employees

² 2 Cf. Berka, J., Nedorost, L.: Insurance fraud. In: Právní rádce dated 26.6.2002, page 8.

who use such financial resources for their own purposes. This method of embezzlement during the last decades was quite common in this country and in view of the ownership structure valid at that time it was possible to perpetrate this offence for a longer period, therefore the financial gains of offenders could reach quite high levels. Current conditions, with specific and easy to identify owners, practically do not enable this type of activity to be perpetrated for longer periods. In this case, which was prosecuted and concluded with a final court judgement, the period in question was only one calendar month.

The same scheme, although slightly modified, was used by another convicted and sentenced perpetrator of embezzlement whose criminal activity lasted longer, and that for five calendar months. His "profit" over the period was two orders of magnitude higher than the gains of offender in the previous case. His criminal activity concerned the sale of motorway stamps on the basis of agreed commission and the theft of a considerable amount of the takings.

Another, but not new scheme, was the unauthorised handling of items used on the basis of a financial leasing agreement. In one of the analysed cases, the offender passed on the rented video camera to other members of the family and nobody continued to pay the instalments. In addition, when concluding the agreement, she stated false information about her income, therefore the court decided that it was concurrent with the crime of loan fraud according to Art. 250b of the Criminal Code. Another offender behaved in a similar manner when he breached the concluded leasing agreement, sold the rented passenger vehicle without arranging for the transfer of the agreement and further payment of the agreed instalments.

A well-known and popular scheme in this country especially during the summer months in the last decade of the last century was that owners of travel agencies failed to provide their clients with the agreed services for which they had paid in advance. In this specific analysed case, the owners of the travel agency were foreigners doing business in this country. They fled the republic and did not appear at the court trial because even with the aid of INTERPOL it was impossible to locate them.

In the group of analysed files there were also two cases that were qualified as a **breach of the duty to administer another's property** according to Art. 255 of the Criminal Code. In both cases this concerned offenders whose jobs involved a high degree of decision-making power even though in one case practical experience was lacking for the work to be performed professionally and in the second case the required level of expertise was lacking. The criminal activity was committed using practically the same method, but it concerned a different business environment and different conditions.

Within the environment of a banking institution, the offender, due to his position, enabled contrary to internal regulations a client (a company) to draw funds from their operating account until they were overdrawn without rectifying this situation using a loan agreement. This led to a high negative balance, which the offender solved by using another method contrary to regulations; in order to bridge the period of this state, he transferred the required amount to the client's account from the bank's internal account. He also used this method for withdrawing cash at the client's request even though the client did not have the required funds available on his account. He behaved in a similar manner in another case.

The other offender took advantage of his position as the majority owner of a company and at the same time the chairman of the board of directors of a pension fund in order to conclude various commercial contracts between these two entities, usually to solve financial problems of one to the detriment of the other. The offender was party to these contractual relationships either as one or the other party and the partner was an officer of the company or another member of the board of directors of the fund.

The behaviour of both offenders was discovered by supervisory bodies. In the case of the banking institution, this was their internal audit department and in the case of the pension fund, it was the respective department from the Ministry of Finance. In both cases it is obvious that the offenders did not have the required knowledge of the legislation that applied to their particular activities.

Among the criminal activities fulfilling the criteria of crimes methodologically incorporated in Section Two of the special part of the Criminal Code, that is economic crimes, there were some in the set of cases concluded with a final court judgement that concerned, for example, the offence of **unauthorised business activity** (Art. 118 of the Criminal Code). This concerned one offender who again used a very simple and most probably quite commonly used scheme, whereby he actually conducted business activities that were different from the officially licensed subject of business.

In a case whose file was a part of the analysis, the offender was a foreigner whose residence permit had expired. He acted as an intermediary providing employees for a cleaning company on the basis of a trade licence for supplying auxiliary construction work. It was the offender who paid the employees' wages and not the cleaning company. It is most likely that insurance was not paid on these wages as well as monthly advances on income tax for individuals.

Prevention in restricting the incidence of these types of criminal activity can be achieved not only by improving the quality of commercial legislation, the professional quality of civil servants (trade licence authorities, tax offices, etc.) and improving the level of control activities of health insurance companies, but also in the field of immigration legislation and the level of performance of the Immigration Police.

Furthermore, there were two cases in the files of **non-payment of tax, social security insurance, health insurance and contributions to the government employment policy** (Art. 147 of the Criminal Code). It is evident from the complex and unfortunately formulated name of this crime that it is one of those crimes that was codified quite recently. Its incorporation was required by legal practice because it was difficult to prove default on payment using the qualification of the crime of evading tax, levies and similar mandatory payments.

Both cases from the analysed files concerned the same method of committing this crime, i.e. non-payment of individual income tax and the associated insurance. Both cases

resulted in acquittal because the tax and the other mandatory payments were settled before the court proceedings were commenced.

Very dangerous and also very popular are cases of criminal activity concerning the crime of **evading tax, levies and similar mandatory payments** (Art. 148 of the Criminal Code). The quantitative incidence of this criminal activity also reflects the government's capability in creating and optimising the use of efficient tools for its detection and investigation. It can be said that the higher the number of detected offences, the less numerous are their latent forms.

Similar to the previous cases, also these two cases that were concluded with a final judgement, involved the same and simple scheme, i.e. an illegitimate claim for the reimbursement of paid value added tax based on falsified transaction documents in order to substantiate the claim. Here, a possible method of prevention can be found in more thorough checks of the activities of customs authorities and a more professional approach by tax officers when verifying the correctness of submitted claims for this reimbursement.

Among the group of criminal activities that are difficult to detect, clear up and especially to document are crimes qualified as **manipulating financial and asset records** (Art. 125 of the Criminal Code). The analysed file of a case concluded with a final judgement concerned the collapse of one of many bankrupt building societies and loan co-operatives. The offenders of this crime (a founding member and two members of the board of directors) in an attempt to cover up the actual financial state of the co-operative produced several fictitious loan contracts and attached the corresponding expense receipts which they entered into the accounting records. However, according to the opinion of a court expert, the entire accounting records were not kept in accordance with Act no. 563/1991 on accounting and book-keeping. Even in this case, the offenders did not have the required professional skills to perform such activities.

Conclusion:

The described findings from the selected cases that were concluded with a final court judgement concerning economic criminality indicate, among other things, the possible restricting direction of preventative action aimed at curbing actual and latent quantitative incidence of economic criminal activity which, due to the high level of the financial damage caused, significantly draws on public finances.

Victims of Criminality in the Czech Republic from the Criminologists' Point of View

Milada Martinková, CSc. PhD., Alena Marešová PhD

Not until a long time ago, victims of crimes in the Czech Republic were totally overlooked by professionals and the general public. Recently, at least a little more attention has been paid to them.

An increase in interest in persons affected by criminality has on one hand arisen because during the last few years the number of crimes committed and their brutality has grown, thereby increasing the number of people affected, directly and indirectly, by these socially undesirable activities. On the other hand, some non-governmental organisations which deal with these matters as a part of their activities have also helped to raise interest in victims of criminality by providing relevant information. To date, as one of the very few, they have comprehensive knowledge of the problems victims of criminality face because they are in direct contact with the victims in reality on a day-to-day basis as opposed to the majority of the relevant government institutions which rather devote their attention to the perpetrators of crimes and the associated issues. In general, staff of governmental institutions hardly ever come into contact with victims of criminality and if so, only on an official basis and to a limited extent, or indirectly, for example during individual research projects, isolated statistical analyses, etc.

Non-governmental organisations that contributed to an increase in interest regarding the issues of victims are those that help victims of officially reported crimes and those that help victims of behaviour which, if it were disclosed by the persons affected, would most probably be regarded as a crime (e.g. victims of domestic violence, victims of incest, slave (sex) trade, etc.). This group can also include also organisations that provide help to people that have become victims of violence which according to valid legislation is currently classified as "only" a transgression.

The aforementioned non-governmental organisations try to inform the public about their knowledge of the fate of specific victims of criminality or violence and also present information about the frequent insensitive treatment of victims by various institutions and

facilities, for example during criminal proceedings or after them, as a part of transgressional proceedings, during various expert examinations (e.g. expert witnesses, medical), etc.

They try to sensitise the public (not only the general public but also professionals) regarding the issues of victims of criminality. So far in the Czech Republic the prevalent situation is such that the plight of victims of criminality is usually fully understood by the general public only when they find themselves in this position, that is when they themselves or their close relatives become victims of a more serious, usually violent crime.

The best known non-governmental organisations in the Czech Republic devoting attention directly to victims of criminality include Bílý Kruh Bezpečí (BKB) [White Circle of Safety]- association for helping victims of criminality and also some organisations that belong to the Co-ordinating Circle for Preventing Violence Against Women (e.g. ROSA, Elektra). Victims of criminality also receive help from other governmental and non-governmental organisations, however not to such a focused extent but rather as a part of their regular activities which they provide to other citizens that have not become victims of criminality or violence (e.g. Linka Bezpečí [Safety Line], Dětské krizové centrum [Children's Crisis Centre], etc.)

On the basis of their specific practical experience with victim of criminality some of the aforementioned non-governmental organisations in the Czech Republic participate in various debates, including in Parliament (if required, they initiate these debates), regarding the possibilities of helping victims of criminality. This concerns providing help in general or specifically to persons affected by criminality, either to particular victim groups, for example women, children, seniors ¹⁾, handicapped persons ²⁾, or victims of a particular type of criminality, such as domestic violence, victims of sexually motivated crimes, slave (sex) trade crimes, etc.

The aforementioned non-governmental organisations dealing predominantly with victims of criminality also draw attention to insufficiencies in legislation concerning victims of criminality and violence in the Czech Republic. They mainly submit proposals for amendments to current legislation concerning such victims and propose improvements to the currently applied methods of treating them (e.g. proposal for implementing separate waiting rooms for victims of crimes ³⁾, proposal for free legal aid to certain victim of serious violent and immoral crimes ⁴⁾, proposals for implementing early detection and

prompt help to victims of criminality within the framework of the health service ⁵⁾, proposals for taking into consideration the personal circumstances of rape victims during all stages of criminal proceedings and taking into account their rights ⁶⁾, proposal for introducing the right of the victim to be informed about the release of the accused from custody or release of the convicted from prison sentence ⁷⁾, etc.).

Often, these proposals are based, as mentioned above, also on quite specific experiences of non-profit organisations from abroad with treating victims of criminality that have turned to these organisations for help. The following illustrates the quantity of these contacts: The White Circle of Safety stated that, in 2000, 488 victims of criminality turned to them for help. Victims of violence between close relations or intimate partners represented 36.9% (180 people) of the aforementioned total of BKB clients ⁸⁾. In the same year, 103 clients approached the ROSA civic association with problems concerning this type of violence ⁹⁾.

The activity of non-governmental organisations devoting attention to victims of criminality and violence indicates that they have recently paid increased attention to victims of what is termed domestic violence. It appears that domestic violence in the Czech Republic is a serious but until now an insufficiently unmapped issue (most probably with high latency), considered until recently to be primarily a private matter. Recently, views have emerged that more serious forms of violence in the family should be punished also as a part of a specially formulated law and in a manner that would protect victims of this type of violence better than before ^{10, 11, 12)}.

Regarding current specific help for victims of violence that takes place between persons who live together in one household, the first safe house with a secret address was recently opened in Prague for women that have been subjected to long-term physical, sexual or psychological violence at home (ROSA ³¹⁾) and in 2001 the White Circle of Safety started to operate a regular, well-publicised telephone line for victims of family violence.

Besides attempting to provide direct help for specific victims of criminality such as legal advice or psychological support and therapy, financial assistance, eventually even submitting proposals for changes to legislation, it has been noticed that various governmental and non-governmental organisations and institutions have started to be involved to a greater extent in other types of activities more focused on general and specialised understanding of the issues concerning victims of criminality within our

republic. We hope that these activities are a harbinger of greater interest mainly among a wider spectrum of professionals in victims directly affected by criminality, which should have an ever increasing practical impact in the future.

As examples of some of these activities we can mention the following. In 1998, a specialised conference was organised (in co-operation with the Institute of Criminology and Social Prevention and BKB) on "Issues Concerning Victims of Criminality and the Results of Research on Victims in the Czech Republic" ¹³⁾. In 2000, the Czech Republic participated in international comparative research conducted by UNICRI under UN auspices ^{x)} that concerned victims of criminality¹⁵⁾. This research following on from similar extensive field surveys performed in the Czech Republic in 1996 ¹⁶⁾ and 1992 - see below. Also an interesting psychologically focused survey monitoring the relationship between criminal victimisation and distress (negative stress) ¹⁷⁾ took place in the Czech Republic. On a more regular basis increased attention was paid to victims of criminality, for example in studies and analyses conducted by the Institute of Criminology and Social Prevention (IKSP), including published material regarding overall criminality in the Czech Republic issued traditionally almost every year ^{15, 18, 19, 36)}.

In 1999 proFem, a non-governmental non-profit organisation, hosted an intensive seminar lasting several weeks on the topic of violence against women for a group of female lawyers. Some of these female lawyers have already started to become actively involved in day-to-day legal practice and began to devote themselves to the issue of victims, even though the victims are primarily women and girls.

In June 1999 a meeting of BKB staff took place with a group of senators on the topic of the position of victims of criminality in the Czech Republic ²⁰⁾. In the autumn of 2000 a seminar was held in the Chamber of Deputies on the subject of the criminal act of rape where representatives of non-profit organisations also presented their comments regarding the treatment of victims of such violence within this country ²³⁾. Other seminars and conference took place in the Czech Parliament devoted to the subject of victims of violence, especially violence committed within the family. Representatives of non-profit organisations dealing with victims of violent behaviour were also often co-initiators of these events and hence they presented their experience and comments ^{10, 21)}. During the last few years non-governmental organisation submitted petitions to Parliament concerning the

^{x)} United Nations Interregional Crime and Justice Research Institute, Turin, Italy

issues of victims of criminality and the relevant ministries received their proposals for changes to certain Acts concerning persons affected by criminality^{3, 7, 22, 34}.

In October 2000, a representative of BKB presented a paper at a meeting of the Republic Committee for the Prevention of Criminality in the Czech Republic on the topic of help for victims of violent crimes⁵). At the end of 2001 the 1st National Conference on Rape and its Victims^{24, 25}) was held as a part of 16 action days against violence against women that were organised by the Co-ordination Circle for the Prevention of Violence Against Women. In May 2002, the European Forum for Services to Victims took place in Prague which apart from other subject also devoted attention to children as victims of criminality and questions were discussed regarding the impact of mediation procedures on victims of criminality²⁶.

Members of non-governmental organisations also presented papers on the topic of victims of criminality at many various professional seminars for specialists with practical experience and they also gained experience in the field of treating and helping victims of criminal violence abroad^{25, 27}). The White Circle of Safety started to issue and still issues a regular BKB News Bulletin that apart from other topics presents a lot of current information on subjects concerning victims of criminality in this country and abroad, which is the focus of current attention or should receive attention. Various promotional and professional publications and brochures have been issued by non-profit organisations to help and support victims of criminality, sometimes even with financial support from the state^{28, 29, 30}.

Besides these examples of activities focused on improving protection and support for victims of criminality that have taken place during the last few years in the Czech Republic, it is also evident that even the state has provided financial assistance, on the basis of legislation, to certain persons directly affected by criminality to help alleviate the damage inflicted by criminality. It is evident from Table 1 that financial support (according to Act no. 209/1997 Coll.) was provided to only a few dozen victims. The average amount of this financial contribution during the period when it was possible to legally claim financial support from the state was 32,650 CZK per victim. However, it can be rightfully assumed that in many cases this seemingly generous financial support from the state could not compensate by far all the losses these victims suffered due to criminal acts.

Table 1

Number of persons that applied to the state for financial support according to Act no. 209/1997 Coll., on provision of financial assistance for victims of criminality, and the number of persons whose applications were accepted, including the amount paid out ³²⁾.

Year:	<i>Number of persons that applied for financial assistance</i>	<i>Number of persons that received financial assistance</i>	<i>Total amount paid out in CZK</i>
1998	198	27	720 174
1999	83	22	567 992
2000	62	6	170 311
2001	103	32	1 376 539
2002	78	14	462 252 ^{*)}
Total	524	101	3 297 268

^{*)} at 21st May 2002

Among the aforementioned governmental institutions the Institute of Criminology and Social Prevention devotes special attention to victims of criminality and that from when it was founded. Therefore it is the guarantor of international victimological research on behalf of the Czech Republic.

Until now, an international comparative survey of victims of criminality has taken place three times in the Czech Republic under the auspices of UNICRI; for the first time in 1992 (still within former Czechoslovakia, with a sample of almost 1,700 people), then in 1996 with a sample of 1,469 respondents aged 16 and above throughout the whole Czech Republic and the latest in 2000 with a sample of 1,500 people (in the same age range), however only within the capital city of Prague ^{x)}.

The respondents talked about their experiences with selected crimes (car theft, items stolen from cars, damage to cars, theft of motorcycles, theft of bicycles, burglaries, attempted burglaries, robbery, theft of personal items, sexual crimes and

^{x)} The survey were conducted using the same method (a standardised questionnaire) produced by UNICRI; the co-ordinator for the Czech Republic was always the Institute of Criminology and Social Prevention; the survey of the sample chosen by quota selection was performed in 1992 by the DEMA agency, in 1994 UNIVERSITAS and in 2000 by AISA.

assault/threatening behaviour). The 2000 survey also dealt with fraudulent behaviour towards consumers and corruption.

The main finding of the latest nationwide survey conducted in 1996 was that the overall experience of the population with crime is increasing. Whilst in 1991 one in four citizens was a victim of one of the aforementioned eleven crimes, in 1995 it was one in three ¹⁴⁾.

Obviously it is a very rough indicator which does not show whether individual respondents were the victims of one or more criminal acts or how serious the crime was. However, it does indicate that the impact of criminality has become a part of the personal experience of a larger group of people if not the majority of people.

The consequences of this fact could lead to a shift in the approach and behaviour of the public not only in terms of fear of criminality but also subsequently in terms of radicalisation of demands for punishment of criminal behaviour or, on the contrary, could lead to desensitisation and "adjustment" to criminality as a part of day-to-day life. As regards the rate of victimisation, according to the findings of a survey from 1996 the Czech Republic has reached the level of industrially advanced countries and in some respects has even exceeded the European average.

Among other things, this research also surveyed whether the affected respondents reported the crime to the police. It was confirmed that the level of reporting differs according to the type of crime. In the first and second surveys (1992, 1996) nearly all the victims reported car theft (96.6% and 93.2% respectively); burglary 67.2%, 89.5% respectively, robbery 60.0%, 63.8% respectively, so-called simple theft 36.2%, 37.9% respectively. It was confirmed that relatively few sexual crimes are reported despite a considerable increase when comparing both these surveys (6.4% victims in the 1992 survey and 26.8% in the 1996 survey). Also a small number of assaults and threats were reported (29.0% and 22.8% respectively) ¹⁴⁾. These findings show that despite an increase in reporting crimes when comparing both surveys, there is a relatively high level of latency of criminal acts particularly if we take into account the decisive proportion of property crimes to overall crimes. In general, crimes are more often reported in smaller locations (according to the findings of both surveys, victimisation was reported by only less than a third of respondents in Prague).

A separate survey of a sample of people living in Prague was conducted in 2000 and it basically confirmed the above mentioned trends; 96% of victims reported car theft, 68.4% burglaries, 46.3% robbery, 41.1% simple theft, 72.6% theft of bicycles, 48.1% attempted burglary, 29.1% victims reported assault/threatening behaviours to the police, 18.5% sexual assault, 4.9% fraudulent behaviour towards consumers and only 2.5% victims reported corruption^{15, 33)}. If we take into account this data from Prague and the aforementioned nationwide findings, we can estimate that the extent of latent criminality in the Czech Republic significantly exceeds the level of recorded criminality.

The information obtained from the latest international survey of victims of criminality conducted in Prague in 2000 is admittedly alarming but it does not reflect the nationwide scale. Nevertheless, it was for example also discovered that in 2000, 31.5% of the surveyed sample in Prague were victims of simple theft, 56.1% victims of theft of items from cars were either owners or users of the vehicle, 15.7% victims of the car theft category were their owners, nearly one quarter of the respondents (23.9%) were victims of burglaries and almost the same number were victims of bicycle theft (23.3%). However, when interpreting these findings it is necessary to take into account the traditionally higher level of criminality in Prague compared to the majority of other regions in the Czech Republic. However, even so it points to a further increase in the proportion of persons that have become victims of criminality (i.e. they have been victimised).

Apart from the high percentage of persons victimised in individually monitored categories of crimes which was ascertained during the 2000 survey in Prague, it should also be noted that there was a high level of repeated victimisation, i.e. the fact that inhabitants of the capital city were affected by some of the monitored types of crimes more than once in the year (most frequently twice: for example in 1999 this happened to more than a quarter of victims of burglary (26.2%) and of theft of items from cars (27.3%), more than a fifth of victims of attempted burglary (22.6%) and assault/threatening behaviour (21.6%) and more than a third of victims of car vandalism (35%), etc.). Even the frequency of victimisation of three and more times in 1999 in Prague was not rare: victims of assault/threatening behaviour were often victimised to this extent (25.5%), 17% victims of attempted burglary, 14.6% victims of car vandalism. Approximately a tenth of victims of theft of items from cars were victimised three and more times (11.9%) and 8.7% of respondents were victimised that often by burglary¹⁵⁾.

It can be assumed that all the current findings from the Czech Republic, be they partial or complete, regarding persons directly affected or endangered by criminality, form an inseparable part of the mosaic of knowledge gained on the overall issue of victims of criminality. This also applies to statistical data on victims, especially then combined data.

Combined statistical data in the Czech Republic, like probably elsewhere, is one of the fundamental pieces of data for mapping the extent of the population that is affected by criminality and over a period of time this data presents an overview of the development of trends in this field. Last but not least, it could be beneficial not only in the field of prevention and intervention but also for substantiating points of view when enforcing certain important decisions in practice.

The only source of combined, regularly gathered information on persons directly affected by criminality in the Czech Republic is police statistical data (specifically the statistics of the Systems Management and Information Technology Department of the Czech Police Presidium). The data presented below regarding the number and structure of victims in the Czech Republic is based on data that the Czech Police has collected and recorded when registering crimes, i.e. during a short period from the moment when it registers a crime. However, data on these victims is not as a rule processed and made public. The data presented below concerning victims of criminality has for many years been processed and subsequently made public by the authors of this article in the Annual Report on Criminality produced by the Institute of Criminology and Social Prevention. Source data is provided to the authors of this paper by the Police Presidium in non-standardised statistical formats, according to their own specification.

When data on victims, obtained from the aforementioned police sources, is presented, the IKSP consistently uses the term minimum number of recorded victims of criminality because police data on every recorded crime only contains certain data on the so-called subject of attack which among other things also includes people. If the subject of an attack is only one person (this mainly concerns violent and immoral crimes), it is not a problem to process this combined data, including some characteristics such as sex, age, social standing, etc. However, problems arise when 1) the subject of attack is not only a person but, for example, mainly an item (e.g. in the case of theft) or when 2) the subject of attack was more than one person. In the first case a problem arises because the police record only one subject as the subject of attack and the assaulted person may not always be

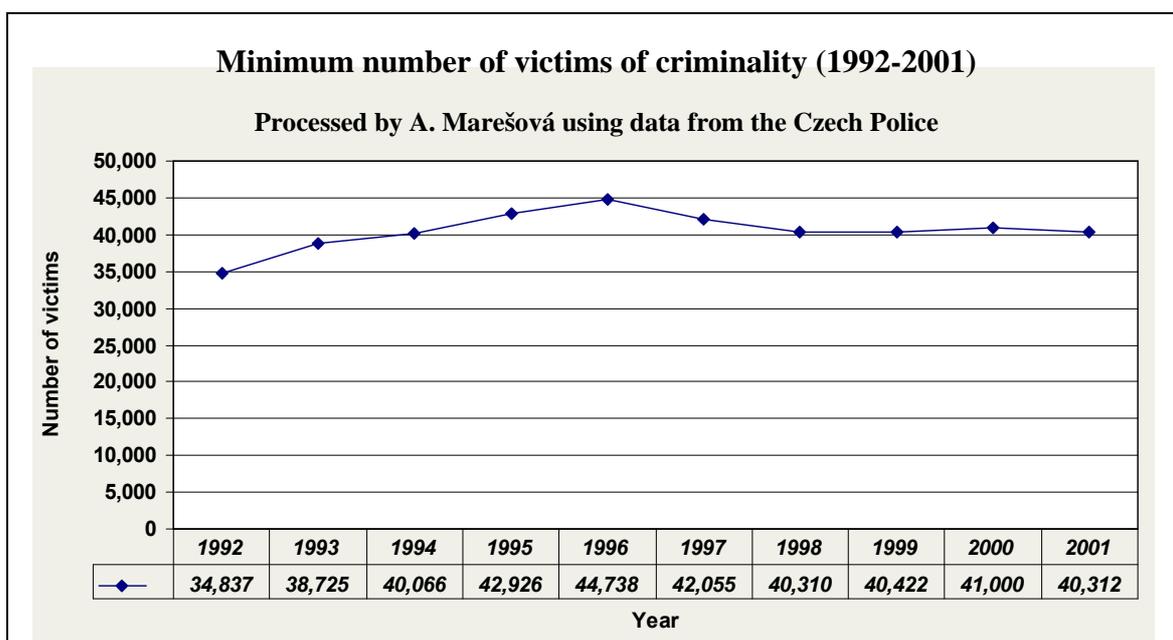
statistically captured (especially when there were no consequences associated with the attack) for the reason that in this case the subject of attack was the item.

This is because when the Czech Police record crimes they only select one option from the total of six options for subjects of attack (i.e. they choose one of the following options: subject of attack - persons that are sub-divided as follows: 1. man, 2. woman, 3. group of people, 4. subject of general criminality, 5. subject of economic criminality, 6. private subject). It can be assumed that when recording for example property criminality, the police prefer to record a "material" subject of attack (e.g. subject of general criminality) rather than a "live" subject of attack - a person.

In the second case when the victim of a specific crime is more than one person all the victims are recorded as the "subject of attack - a group of people", sub-divided as follows: man and woman, two men, two women, more than two men, more than two women and more people of mixed sex. Data on the number of people in the last three aforementioned group categories are currently estimated from the number of such groups multiplied by three. Therefore, the overall number of victims from recorded crimes cannot be accurately ascertained and for this reason all statistically recorded "subjects of assault - persons" represent the minimum number of victims of recorded (and statistically processed) criminality.

Graph 1 shows the results of the processed data on subjects of assault - persons. Since 1990, the institute has been processing data on victims, i.e. for the whole period during which the authors of this paper received data from the Czech Police Presidium. The graph presents processed data for the last ten years. Other data on the overall number of assaulted persons in the Czech Republic is not available. Certain statistics regarding their clients are produced by some of the non-governmental organisations aimed at helping victims of criminality. However, these statistics are only partial.

Graph 1



The authors of this paper compare data on the minimum number of victims of criminality and the impact criminality had on these victims (see Table 2), analyse individual years and derive development trends for certain indicators.

Mainly they analyse in detail data on victims according to sex and age (especially for minors and juveniles), furthermore according to the type of consequences of the attack. These analyses are usually presented in the form of tables and graphs with accompanying commentary. Table 2 is also an example of one of these outputs.

Table 2

Consequences of assault for recorded victims of criminality (subject of attack - persons) during the period 1996-2000 in the Czech Republic
(Processed by M. Martinková using data from the Czech Police Presidium)
(The categories correspond to the consequences of crimes for the victims of criminality as monitored by the police)

year	C o n s e q u e n c e s									
	deaths		injuries		other consequences		without consequences		total number of victims	
	abs.	%	abs.	%	abs.	%	abs.	%	abs.	%
1996	351	0.8	11,051	24.7	24123	53.9	9,213	20.6	44,738	100
1997	390	0.9	10,979	26.1	22634	53.8	8,052	19.2	42,055	100
1998	379	0.9	11,008	27.3	22009	54.6	6,914	17.2	40,310	100
1999	333	0.8	10,596	26.2	22914	56.7	6,579	16.3	40,422	100
2000	363	0.9	10,073	25.3	23394	58.9	5,902	14.9	39,732^{x)}	100

For example, when comparing 1999 with 2000, within the minimum number of recorded victims of criminality there was an increase in the percentage proportion of persons with other consequences of criminality, and that by 2.2% (which in absolute terms is an increase of 480 persons). There was a slight increase in the percentage proportion of deaths of recorded victims of criminality by 0.1% (in absolute terms, this was 363 deaths during 2000, which represents an increase of 30 persons compared to the previous year). At the same time there was a drop in the proportion of injured persons by almost one percent (0.9%) (which in absolute terms is a decrease of 523 people). Also there was a drop in the percentage proportion of victims without consequences by 1.4% (which in absolute terms represents a drop of 677 people).

Approximately half of the 363 people that **died** in 2000, as shown in Table 1, due to the consequences of criminality committed against them, were most often victims of murder (47.9%), victims of bodily harm through negligence (injuries at work and other bodily harm through negligence) (23.1%) and victims of intentional bodily harm (19%). In 2000, 3.3% of victims within the category of so-called other crimes and also the same percentage of victims of crimes classified as dangerous threatening behaviour lost their

^{x)} For 2000, some police sources differ in the number of recorded people in the group "subject of attack - group of people", therefore the data on the overall minimum number of recorded victims of criminality for the year is somewhat different.

lives. Two victims died due to the consequences of injuries caused during robbery, one person due to extortion and one due to a crime classified as restriction and deprivation of personal freedom.

The majority of persons that were **injured** in 2000 as a result of crimes committed against them were victims of intentional bodily harm (67.9%), victims of the crime of robbery (10.7%), victims of dangerous threatening behaviour (4.7%) and violence against public officials (4.5%). 3.4% of injured victims were victims of bodily harm through negligence and 2.1% were victims of extortion. It was not rare that victims were injured due to so-called other crimes (1.6% injured persons). Approximately 1% of rape victims were also victims of injury, restriction and deprivation of personal freedom, attempted murder and theft.

It is also evident from Table 2 that in 2000 it was mainly the victims of the crime of theft that suffered **other consequences** (62.5% victims with other consequences of criminality), furthermore victims with other consequence also included victims of robbery (14.2%), victims of extortion (5.2%), dangerous threatening behaviour (7%), sexual abuse (3.1%), violence against public officials (2.4%), restriction and deprivation of personal freedom (1.5%), rape (1.4%), intentional bodily harm (1.3%) and so-called other crimes (0.7%).

Another possible criterion for evaluating the occurrence of criminality can also be the breakdown of available data according to the age of the victim. Graphs 2 and 3 give an overview of the number of minor and adult victims of criminality in 2000 according to age groups based on available police data. This data only concerns "subject of assault - persons" (individuals), due to technical reasons it does not include individuals who are entered separately in police records as "subject of assault - group of people". It is therefore difficult to compare this data with data obtained in a similar manner on victims of criminality in previous years and derive some more general development trends from the age of the assaulted persons.

On the basis of data shown in Graphs 2 and 3 it is possible to state that the most vulnerable age group at risk from criminality, amongst those recorded victims of criminality that could be identified by age, for both women and men in 2000, are "between 19 and 30" (women 29.6%, men 32.5%) and the age group "between 41 and 60" (women 28.7%, men 27.4%).

Foreign nationals often appear among victims of criminality in this country as recorded by the Czech Police. As is evident from the 1999 statistics for the Czech Republic, at least 2,084 men, 1,281 women and 250 groups of people who were recorded in the category subject of assault - persons were foreigners. (Data for 2000 regarding foreigners was not available to the authors of this paper.)

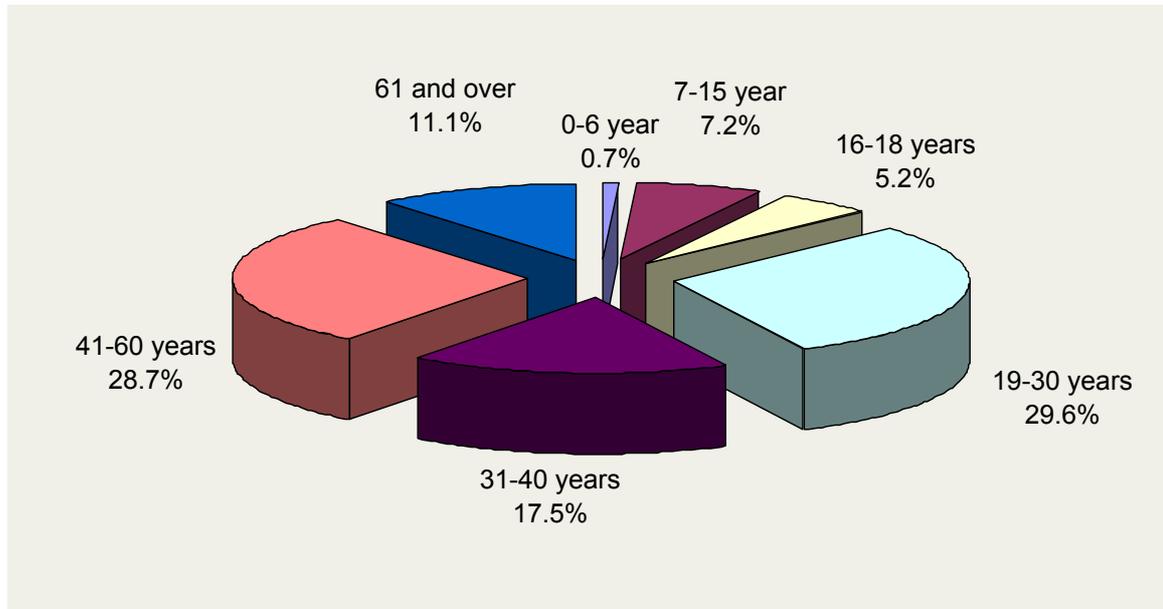
It is evident from the data on these persons that in 1999 foreigners were most probably the most frequent victims of theft in this country, but less frequently than victims of robbery, extortion, intentional bodily harm. However, not a negligible number of foreign nationals became the victims of murder or attempted murder.

To complete the picture of the character of criminality in the Czech Republic, it is also interesting to note data on the minimum number of victims of criminality recorded by the Czech Police in the age group 0-18, *children and juveniles*. The following detailed analysis of the data is again based on the figures for 1999. In view of the fact that the difference between 2000 and 1999 in this field is minimal, it can be assumed that the data for 1999 roughly corresponds to the data for the year 2000.

Graph 2

**Recorded victims of criminality in the Czech Republic in 2000
according to age of women, N = 16,253**

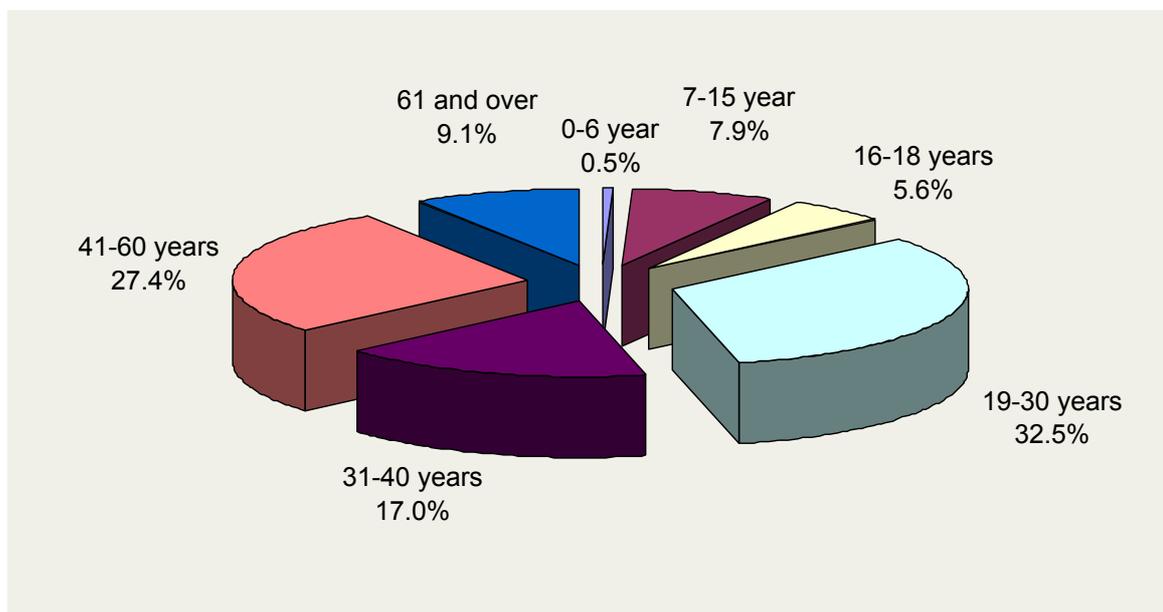
(Based on police data - subject of assault - persons)



Graph 3

**Recorded victims of criminality in the Czech Republic in 2000
according to age of men, N = 19,256**

(Based on police data - subject of assault - persons)



In 1999 the recorded number of **victims of criminality in the under 18 age group** accounted for at least 14.5% of the minimum number of victims of criminality recorded by the police in the Czech Republic (*at least 5,856 individuals*).

At least 2,291 girls (of which at least 1,457 were below the age of 15) and at least 2,864 boys (of which at least 1,925 were below the age of 15) comprised in that year the minimum number of victims of criminality in the 0-18 age group. It is therefore evident from police data that at least 3,382 individuals (i.e. 57.8%) of the aforementioned minimum number of the 5,856 victims in the 0-18 age group were persons under the age of 15.

In 1999 at least 99.3% of *sexually abused* and 95.3% of *ill-treated persons in care* were *victims* of criminality *under the age of 18* as a part of the **overall minimum number** of all **victims of criminality in the Czech Republic** recorded by the police (subject of assault - person), in these categories. At least a third of the minimum number of all recorded victims in the crime categories of extortion, rape and restriction and deprivation of personal freedom were in the age group 0-18.

At least a fifth of all recorded victims (20.7%) in the crime category of sex trade with women were girls in this age group and at least 11.8% of victims in the category intentional bodily harm were individuals 0-18 years old. Almost a quarter of the minimum number of all recorded victims in the crime category of bodily harm through negligence were young individuals (23.2%), and in the category robbery 13.5%. Furthermore, in 1999 children and juveniles affected by criminality comprised at least 5.8% of all victims of theft recorded by the police and at least 8.6% of all recorded victims of murder and attempted murder (Art. 219 Criminal Code).

In 1999, *persons in the age group 0-18* affected by criminality most often were victims of the crime of *sexual abuse* (20.1%), *extortion* (18%), *intentional bodily harm* (15.7%), *theft* (15.2%), *robbery* (12.3%); furthermore, they were victims of *restriction and deprivation of personal freedom* (5%), *rape* (3.5%), *ill-treatment of persons in care* (3.1%), *dangerous threatening behaviour* (2.4%), *bodily harm through negligence* (1.9%), as a part of the **overall minimum number** of all victims of criminality recorded by the police in the **category children and juveniles** (i.e. 5,856 persons).

If we turn our attention to **absolute numbers** of recorded *victims of criminality in the under 18 age group*, then, according to police sources, at least 920 children and

juveniles were recorded in the Czech Republic in 1999 as victims of the crime category of *intentional bodily harm*. As a part of this total of 920 individuals, at least 693 were boys and 188 were girls. At least 110 persons in the aforementioned age group were victims of *bodily harm through negligence*.

Furthermore, it is evident that in 1999 at least 1,174 individuals under the age of 18 became victims of *sexual abuse* (at least 170 boys - of which at least 17 boys were under the age of 6 and 143 boys in the age group 7 to 15).

In 1999, amongst the aforementioned recorded number of sexually abused girls and boys at least 86.6% were children under the age of 15 (1,017 persons, of which there were at least 59 girls under the age of 6 and, as mentioned, at least 17 boys of the same age).

Furthermore, in 1999 a significant part of the minimum number of individuals affected by criminality in the age group 0-18 were victims of *theft* (887 persons, of which at least 239 were under the age of 15), *extortion* (1,053 persons of which at least 632 were under the age of 15), *robbery* (720 persons). In 1999, at least half of the victims of robbery in the 0-18 age group were under the age of 15 (356 persons). At least 293 persons were recorded as victims of *restriction and deprivation of personal freedom* in the 0-18 age group (of which 202 were under the age of 15), at least 205 girls were victims of *rape* (of which at least 81 girls were under the age of 15).

At least 25 children and juveniles became victims of *murder* (Art. 219 Criminal Code) and furthermore four children (two boys and two girls) were *killed by their mother immediately after birth* (Art. 220 Criminal Code).

It also can be noted from further data on the minimum number of recorded victims of criminality in the under 18 age group that, for example, at least 184 of these individuals were ill-treated as persons in care, at least 142 children and juveniles were victims of dangerous threatening behaviour, 40 victims of duress, 18 victims of kidnapping. Twelve girls under the age of 18 were recorded as victims of sex trade with women.

Summary

The minimum number of assaulted persons recorded by the police in 2001 was 40,312³⁵⁾ individuals. The recorded minimum number of victims of criminality, somewhat stagnant over the last four years, as outlined here, has remained at a similar level during the period monitored by us and peaked in 1996 (see Graph 1).

The prediction of further development of the number of victims of criminality is a big problem. The current annual number of victims afflicted by criminality (expressed by an index relative to the number of inhabitants in the Czech Republic) is almost **400 recorded victims (exactly 391 in 2001) per 100,000 inhabitants**. This is a high number especially assuming that the recorded number of victims is only a fraction of the actual number of victims of criminality, as confirmed by our victimological research. Although, according to the opinion of experts from the ranks of the criminal police and investigators, for those crimes for which these experts predict a stagnation in incidence in the nearest future (e.g. intentional bodily harm, assaults on public officials, etc.), stagnation can also be assumed in the number of subjects of assault, i.e. victims of violent criminality. However, for those crimes where a further increase in the number of assaults can be expected, e.g. robbery, there will be a corresponding increase in the number of victims of robbery with assault reflecting such eventual development.

The regression analysis for the development of the minimum frequency of assaulted persons carried out in our institute as well as for the overall criminality assessed according to the number of crimes recorded by the police also predicts stagnation in the number of recorded victims of criminality for the near future, or eventually a slight increase above the level of 40,000 victims per year.

If one looks behind the numbers stated in police statistics on the number of persons annually afflicted mainly by violent criminality and sees actual people, then the number of almost 400,000 fellow citizens afflicted physically and mentally by crimes during the past ten years must terrify and evoke in each of us justified concerns that one personally or one of our closest friends or family will most probably become a victim of violence. This fact should therefore encourage each of us to attempt to help victims of crime more effectively than to-date.

Literature and other sources of information

- 1) Tošnerová, T. (ed.): Mistreatment of seniors and family violence. Guide for health workers and professional carers. Out-patient ward for memory disorders, 3rd Medical Faculty of Charles University, Prague, 2000, page 61.
- 2) Violence against the handicapped. Seminar of the Association of Handicapped People as a part of the International Day for the Handicapped. Press release, page 11.
- 3) BKB initiative for implementing separate waiting rooms for victims of criminality addressed to the Ministry of Justice of the Czech Republic. BKB Bulletin, no. 1, 2000, pages 18-21.
- 4) Legislative proposal for providing free legal aid to certain victims of serious violent and immoral criminality. BKB Bulletin, no. 2, 1999, pages 15-16.
- 5) Vitoušová, P.: Health service system for early detection and help for victims of violent crimes from the viewpoint of a non-governmental organisation for help for victims (description of the state, main problems, proposed solutions). Presented at the meeting of the Czech Republic Committee for Crime Prevention on 2.10.2000, Ministry of the Interior of the Czech Republic, 2000.
- 6) Vitoušová, P.: The crime of rape and its victims (experience of an organisation for helping victims. Paper presented at the seminar: The crime of rape and its victims. The Chamber of Deputies of the Parliament of the Czech Republic 13.9.2000.
- 7) BKB proposal for introducing the right of the victim to be informed about the release of the accused from custody or the release of the convicted from prison sentence. BKB Bulletin, no. 1, 2002, pages 3-5.
- 8) Statistical data on BKB clients. Prepared by BKB for IKSP, May 2001.
- 9) The 2000 Annual Report by the ROSA civic association, ROSA, Prague, page 17.
- 10) The seminar "Domestic violence and legal options of dealing with it". The Senate of the Parliament of the Czech Republic 4.9.2002.
- 11) Voňková, J., Huňková, M., Čacká-Pavlíková, I.: Domestic violence in 2002 from a legal point of view. Profem, Prague, March 2002 (www.profem.cz, at 30.9.2002).

- 12) Franková, Z., Vitoušová, P.: The position of victims of domestic violence in the widest legal and procedural context. Amendment to Art. 215 Criminal Code -two versions. Aggravating circumstance, persecution. In: The Press Service of the Crime Prevention Department of the Ministry of the Interior of the Czech Republic, digest - August 2000, pages 6-9.
- 13) Conference on "The Issue of victims of criminality and the Results of Victim Research in the Czech Republic". Prague, 22.10.1998.
- 14) Válková, J., How safe is this country The main results of research on victims of criminality in the Czech Republic, in collected papers: On the issue of victims of criminality and the results of research on victims in the Czech Republic. IKSP and BKB, Prague, 1999, page 63 (6-26).
- 15) Martinková, M.: International research on the victims of criminality in Prague in 2000. Prague, IKSP, page 64 - in print.
- 16) Válková, J.: Research on victims of criminality in the Czech Republic. IKSP, Prague, 1997, page 150.
- 17) Pechačová, Z. et al.: The issue of victims of criminality and distress in the Czech Republic. Čs. psychologie, no. 6, 1999, pages 504-516.
- 18) International handbook on helping victims to use and apply the UN declaration on fundamental principles of justice regarding victims of criminality and victims of abuse of power. Proposal. IKSP, 1997, page 116.
- 19) Martinková, M.: Victims of criminality in the Czech Republic 2000. In: Marešová, A. et al.: Criminality in 2000 (Collected papers by IKSP staff and the time scale of selected criminality indicators). IKSP, Prague, 2001, page 135 (83-112).
- 20) A meeting in the Senate. BKB Bulletin, no. 3, 1999, pages 3-9.
- 21) A seminar on "Domestic violence - old problems, new solutions? A conference organised by the ROSA civic association, proFem, Friedrich-Ebert-Stiftung. Parliament of the Czech Republic, Prague 26.11.2001.
- 22) Petition for the legislative solution to the problem of violence against women in Czech society in accordance with Act 85/1990 Coll. Submitted by Co-ordination Circle for the Prevention of Violence against Women, on 14.5.1998.

- 23) A seminar on "The crime of rape and its victims". Parliament of the Czech Republic, 13.9.2000.
- 24) Collected papers: 1st national conference on rape. Elektra, Prague, 2001, page 85.
- 25) Elektra-centre for helping women abused in childhood. 2001 Annual Report. Elektra, Prague, 2002, page 34.
- 26) Čírková, L.: The Prague conference of the European Forum of Services for Victims. BKB Bulletin, no. 2, 2002, pages 3-8.
- 27) Franková, Z., Vitoušová, P.: Report on a research trip of the White Circle of Safety. New York, 16-22.9.2000. BKB, Prague, 2000, page 24.
- 28) Trauma of victims of criminality. Prague, BKB, 1996, page 14.
- 29) Dolanská, J.: Sexual violence and children I. Elektra and Ministry of Foreign Affairs of the Czech Republic, 1999, page 20.
- 30) Blagerback, B.: Victims of crime and their response. Prague, BKB, 1991, page 14.
- 31) [//www.feminismus.cz/org./rosa/](http://www.feminismus.cz/org./rosa/), 2001.
- 32) The Compensation Department of the Ministry of Justice of the Czech Republic - records kept by this department (25.9.2002).
- 33) International research on the victims of criminality in 2000 in the Czech Republic. Technical report for IKSP and UNICRI. Produced by AISA, Prague, 2000, page 264.
- 34) <http://izpravodaj.profem.cz/> dated 4.10.2002 (To define domestic violence in the Criminal Code).
- 35) Report on the situation in the field of public order and internal security within the Czech Republic for the year 2000. Ministry of the Interior of the Czech Republic, 2001, page
- 36) Marešová, A., Scheinost, M.: Trends in criminality in the Czech Republic based on the year 2000. Sociologický časopis, no. 1, 2000, pages 23-41.

CRIMINALITY IN 2001

Authors: Marešová Alena
Cejp Martin
Kadeřábková Drahuše
Martinková Milada

Publisher: Institute of Criminology and Social Prevention

Destined: for professional public

Printer: Publishing House KUFŘ
František Kurzweil
Naskové 3
Praha 5
Czech Republic

Printed: December 2002

First Publication

Number of copies: 150

ISBN 80-7338-011-0