

INSTITUT OF CRIMINOLOGY AND SOCIAL PREVENTION

CRIMINALITY IN 2006

Authors:

Alena Marešová

Martin Cejp

Zdeněk Karabec

Milada Martinková

Petr Zeman

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Introduction

The contemporary era is measured and defined by statistical data. Statistics – statistical data are crucial to discussions and assessments not only in the media but also in professional and political circles. Numbers of people, phenomena, things, the frequency of incidence, quantity and prices are often the basic arguments used in considering the gravity of an event, evaluating changes, drawing the public's attention etc. One of the phenomena which are most commonly looked at through the prism of statistical data is crime.

Recent years have seen a proliferation of sources used to assess the state and trends of crime in the Czech Republic. Crime as a negative social phenomenon is being dealt with not only by the relevant departments (the Ministry of the Interior and Ministry of Justice), but also the basic statistical publications mapping the Czech Republic (e.g. the Statistical Yearbook of the Czech Statistical Office), as well as all disciplines of the social sciences, the professional public and the media. For the tabloid press, information on crime is one of the main sources for raising their sales, which confirms that the general public retains a strong interest in any crime-related information.

Against this background, the Institute for Criminology and Social Prevention has published the annual "crime year-book" since 1992 (for roughly the last ten years in the form of a volume of papers by ICSP employees). Its aim is to provide a comprehensive appraisal of the state of crime in the year preceding the volume's publication, using all official and internal departmental information sources. An integral part of the volume is the time sequences of selected crime indicators, from the beginning of the computer processing of statistical data on crime. Once every five years a concise version of the volume is translated into English and provided to foreign visitors to the Institute with the aim of familiarising them with the state of crime in the Czech Republic.

During preparation of all the papers contained in the volume maximum use was made of the statistical data obtained from the system management and information technology department of the Czech Police Presidium. These basic data are supplemented by statistical data from the Czech Ministry of Justice, information from the reports of the Supreme State Prosecutor's Office, the year-books of the Prison Service and certain other departmental and extra-departmental materials assessing the state and development of crime and the state and development of the number of prosecuted, charged, convicted and imprisoned offenders in the year concerned. By issuing the volume we seek to concentrate all the basic available information on the state of crime in the relevant year, without a narrow departmental specialisation and in the context of the long-term development.

In the volume's opening contribution the head of the team of authors (A. Marešová) always comments on the basic crime indicators in the preceding year and their changes in the last decade, before going on to give information on offenders, and their breakdown by gender, age and re-offending rates. Numbers of recorded victims and selected data on suicides are treated in general. The opening contribution is referred to at the volume's conclusion by published annexes – tables, which also supplement the graphs contained in the contribution by additional statistical data.

Papers on organised crime and victims of crime are traditional features. By way of a change, this edition of the volume includes two other contributions: 1) charting drug crime in the Czech Republic and 2) describing the prison system in the Czech Republic.

Marešová

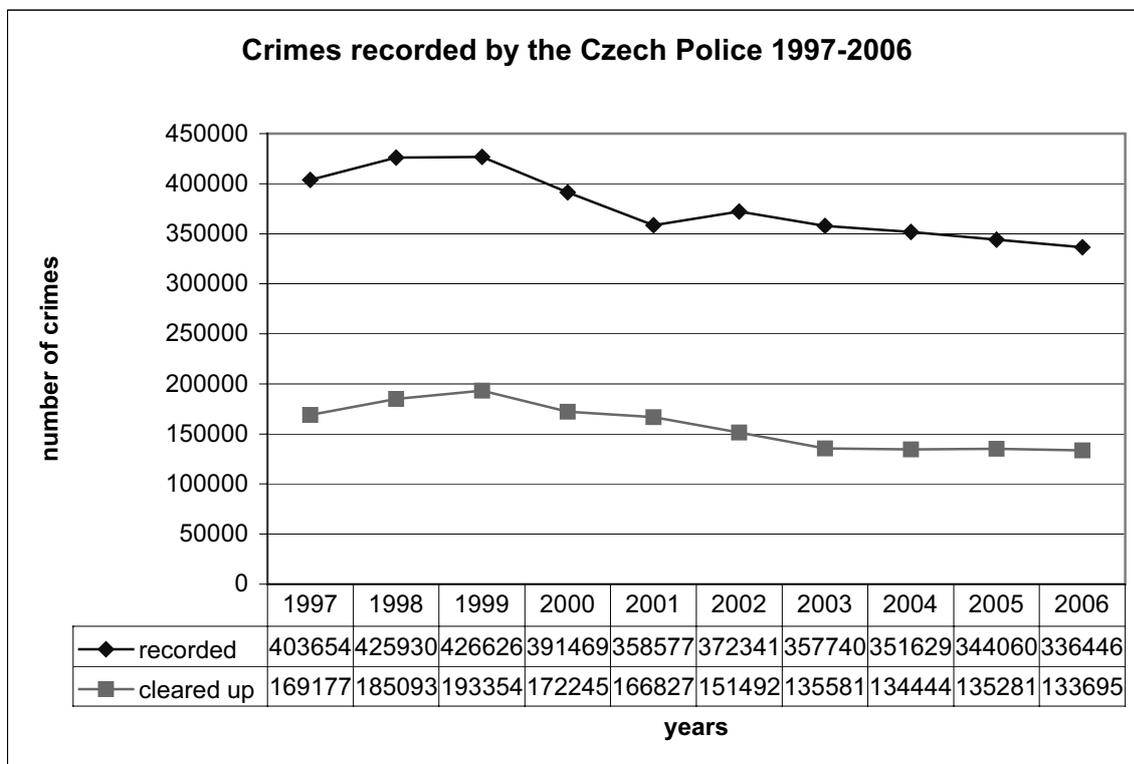
Crime in 2006

(primarily according to Czech Police statistics)

Alena Marešová

In comparison with previous years, the assessment of crime in 2006 shows the year to have been by no means exceptional or, perhaps, even interesting, at least in respect of the statistics of law enforcement bodies.

Graph 1



Czech Police statistics, which offer the most comprehensive overview of crime in the year assessed because they contain all reported crimes recorded by the police (including those where the perpetrator has not been identified or which were closed in a manner other than a prosecution and thus were not registered in criminal justice statistics), demonstrate that, despite there being a fall in the number of recorded crimes compared with 2005, this fall was generally negligible. For the moment there is thus no change in the trend that began in 1999 (with one exception in 2002¹), which registers an ongoing mild decline in the number of recorded crimes compared with the previous year, accompanied at the same time by a slight fall in the what is termed clear-up rate of crimes.

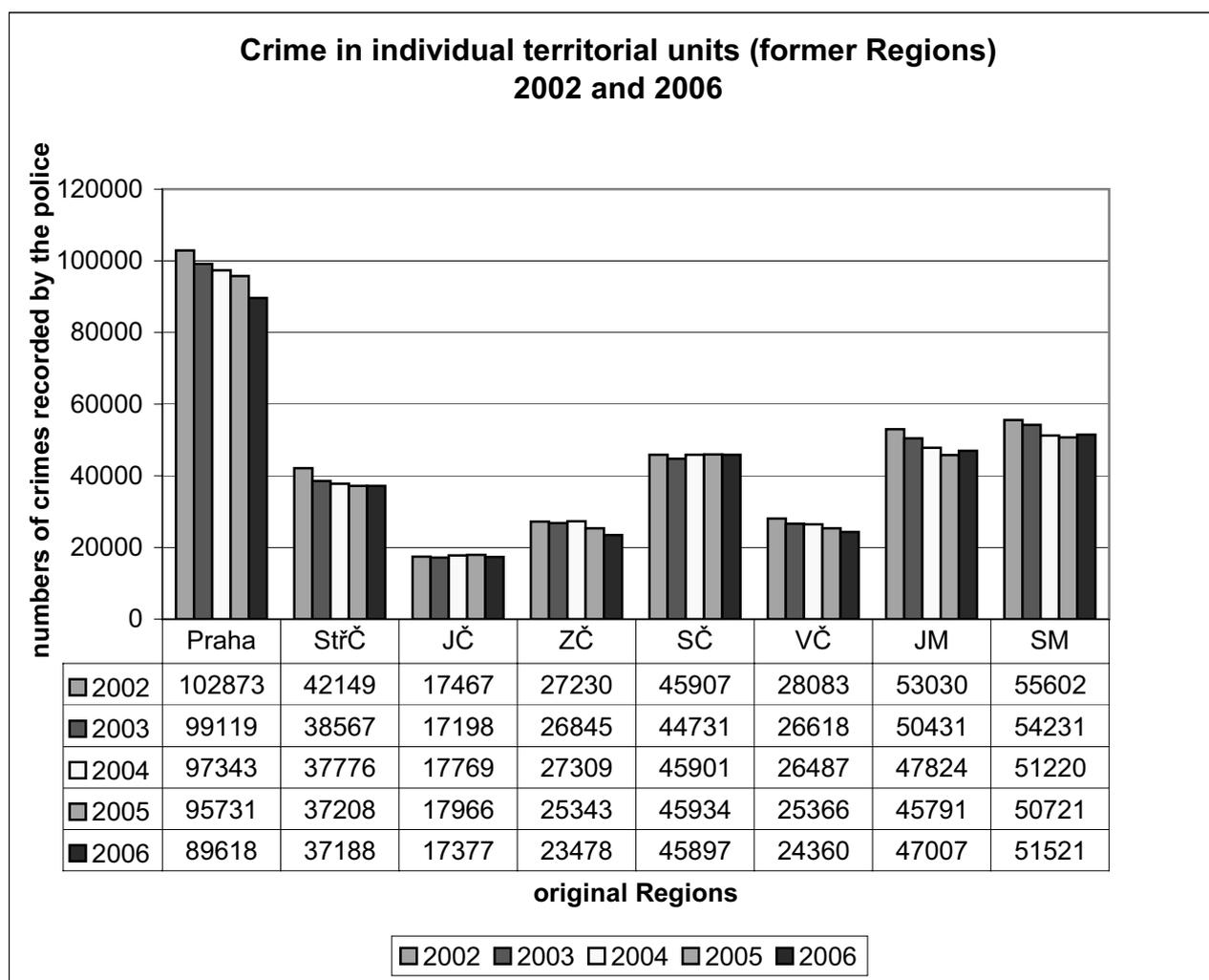
¹ The what is termed “Great Amendment” to the Criminal Code came into force as of 1 January 2002

The highest number of crimes in the Czech Republic was recorded in 1999, when there were approximately 4,300 crimes per 100,000 inhabitants. In 2006 this figure fell to only approximately 3,300 crimes, i.e. roughly one-quarter (1,000) fewer.

A significant share of recorded crime in 2006 was, as usual, **perpetrated in the capital city of Prague (around a quarter of all recorded crimes in the Czech Republic)**. This echoes the situation in other states, where large towns, and above all capital cities, record a far higher incidence of crimes in relation to the number of inhabitants living there than in other parts of the country.

Graphs 2 and 3, which depict changes in the incidence of crime in individual territorial units, illustrate Prague's marked prevalence among all units and the fact that the overall decline in the incidence of recorded crime is influenced primarily by its fall in Prague. They also demonstrate that trends in criminal activity in these territorial units are quite similar in type and correspond to the trends depicted in Graph 1 for the whole of the country. Two graphs are presented on the territorial breakdown of criminal activity due to the fact that the Czech Police record crime by territory in two forms: 1) according to the earlier territorial structure still used by the Czech Police and other law enforcement bodies and 2) according to the territorial units primarily used in state statistics (Czech Statistical Office).

Graph 2



StřČ = Středočeský

JČ = Jihočeský

ZČ = Západočeský

SČ = Severočeský

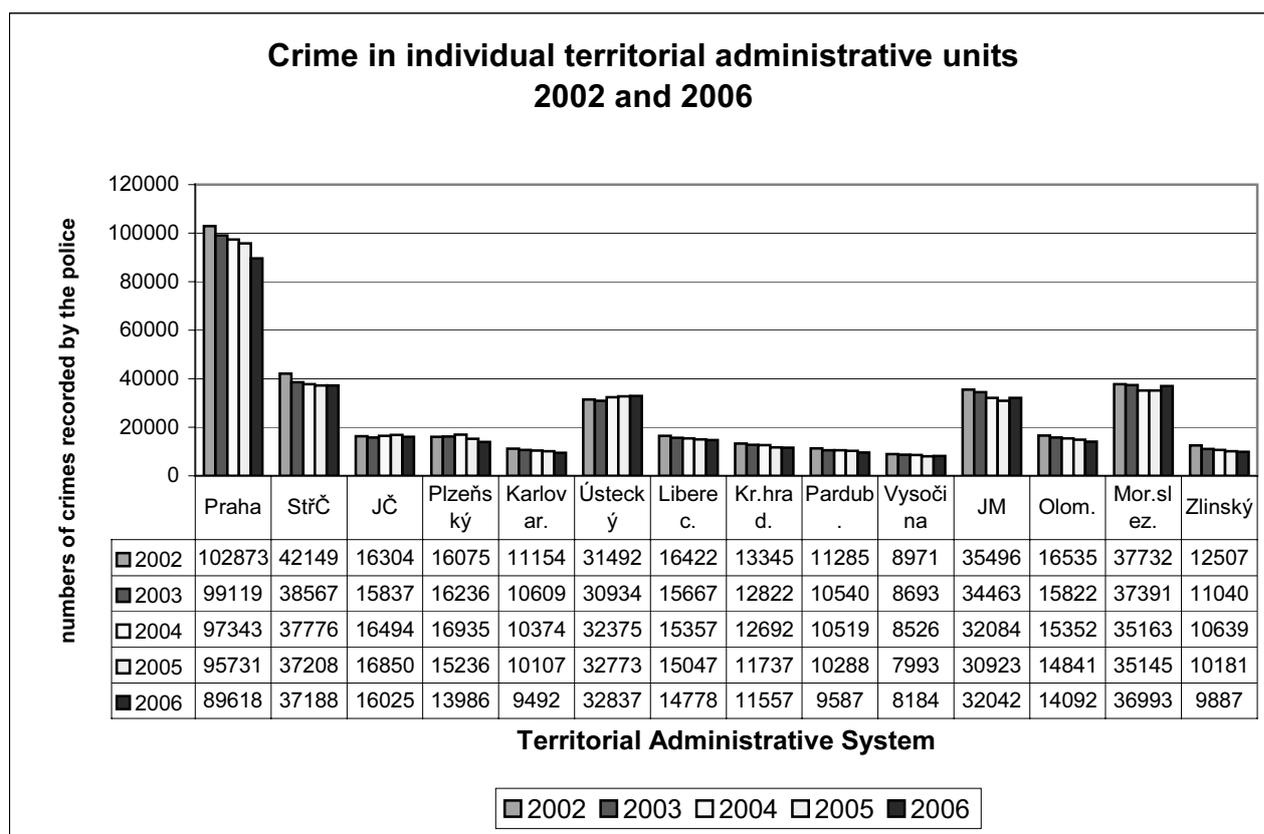
VČ = Východočeský

JM = Jihomoravský

SM = Severomoravský

Both Graphs (2 and 3) also show that, apart from Prague, other territorial units with a higher incidence of recorded crimes include the following regions: a) according to the earlier regional territorial structure: Severomoravský (North Moravian), Jihomoravský (South Moravian), Severočeský (North Bohemian) and Středočeský (Central Bohemian), b) according to the territorial administrative system: Středočeský (Central Bohemian), Ústecký Region, Jihomoravský (South Moravian) and Moravskoslezský (Moravian-Silesian).

Graph 3



A more detailed comparison of **changes in crime according to a territorial breakdown in 2006 compared with 2005** shows the following:

1. The decline in crime compared with the previous year (of approximately 8 thousand recorded crimes) was chiefly influenced by the **fall in crime in Prague** (down by around 6 thousand crimes) and West Bohemia – Pilsen territorial unit (down by around 2 thousand crimes). There was a slight increase in recorded crimes in the Ústecký territorial unit, in Vysočina, in South Moravian and the Moravian-Silesian territorial unit.
2. The fall in the number of recorded crimes was caused, as in all previous years, by the **decline in the number of recorded property crimes** (however, crimes included by the Czech Police in property crime differ markedly from property crimes designated as such by the Criminal Code). Specifically, this concerned a fall in recorded thefts (straightforward and burglary) in Prague and in West Bohemia.
3. **The rise in the number of crimes** (see above) **was caused by the increase in crimes designated in police statistics as residual crime** (these referred specifically to crimes pursuant to Section 180d² of driving a motor vehicle without a driving licence and Section 201a of drunkenness). This increase was a forerunner of the

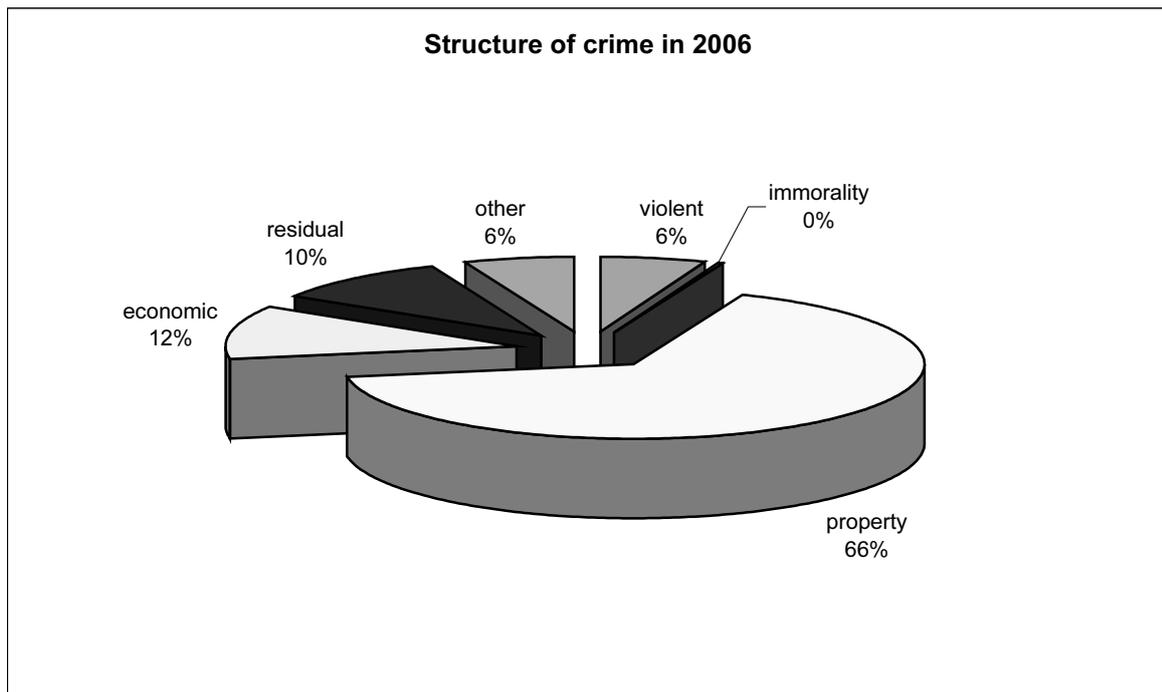
² new provision on the crime of driving a motor vehicle without a driving licence, which was introduced in the Criminal Code with effect from 1 January 2006

marked increase in these crimes this year (2007) in other parts of the country, which even interrupted the decline in the level of overall crime and caused it to rise again.

4. A closer look shows that **there had already been an increase in all mentioned crimes (residual crime) in 2006 (the second half of the year) in all territorial units** (chiefly in Ústecký and Moravian-Silesian), although the larger decline in the number of recorded violent and economic crimes in these territories mitigated this increase in overall crime.
5. A positive aspect of the increase in residual crime, reflected in the police crime statistics, is that this involves crime which from the case merits has an almost 100% clear-up rate, making it reasonable to assume that the clear-up rate will also rise for overall crime (not only for 2006 but also for 2007). Another positive aspect is that it testifies to the increased activity of traffic police in 2006 (more frequent checks of driving licences and alcohol intake by drivers prior to driving).
6. A comparison of the indices giving the ratio of recorded crimes per 1,000 inhabitants on file records offers us the following sequence: Prague – 75, Ústecký Region – 40, Liberecký – 34, Středočeský – 32, Karlovarský – 31, Moravskoslezský – 30, Jihomoravský – 28, Jihočeský – 26, Plzeňský – 25, Olomoucký – 22, Královehradecký – 21, Pardubický – 19, Zlínský – 17, Vysočina – 16.
7. In comparison with the previous year (2005) there were changes in the sequence according to the indices: the position of the Central Bohemian, South Bohemian and South Moravian Regions worsened while the Pilsen and Karlovarský Regions improved. (for more detail see the annexes)

The aforementioned changes were also reflected in the structure of crime in 2006 (Graph 4). In comparison with 2005 the proportion of residual crime grew from 7% to 10% at the expense of economic, other and immorality crime. The proportion of violent and property crime remained unchanged.

Graph 4



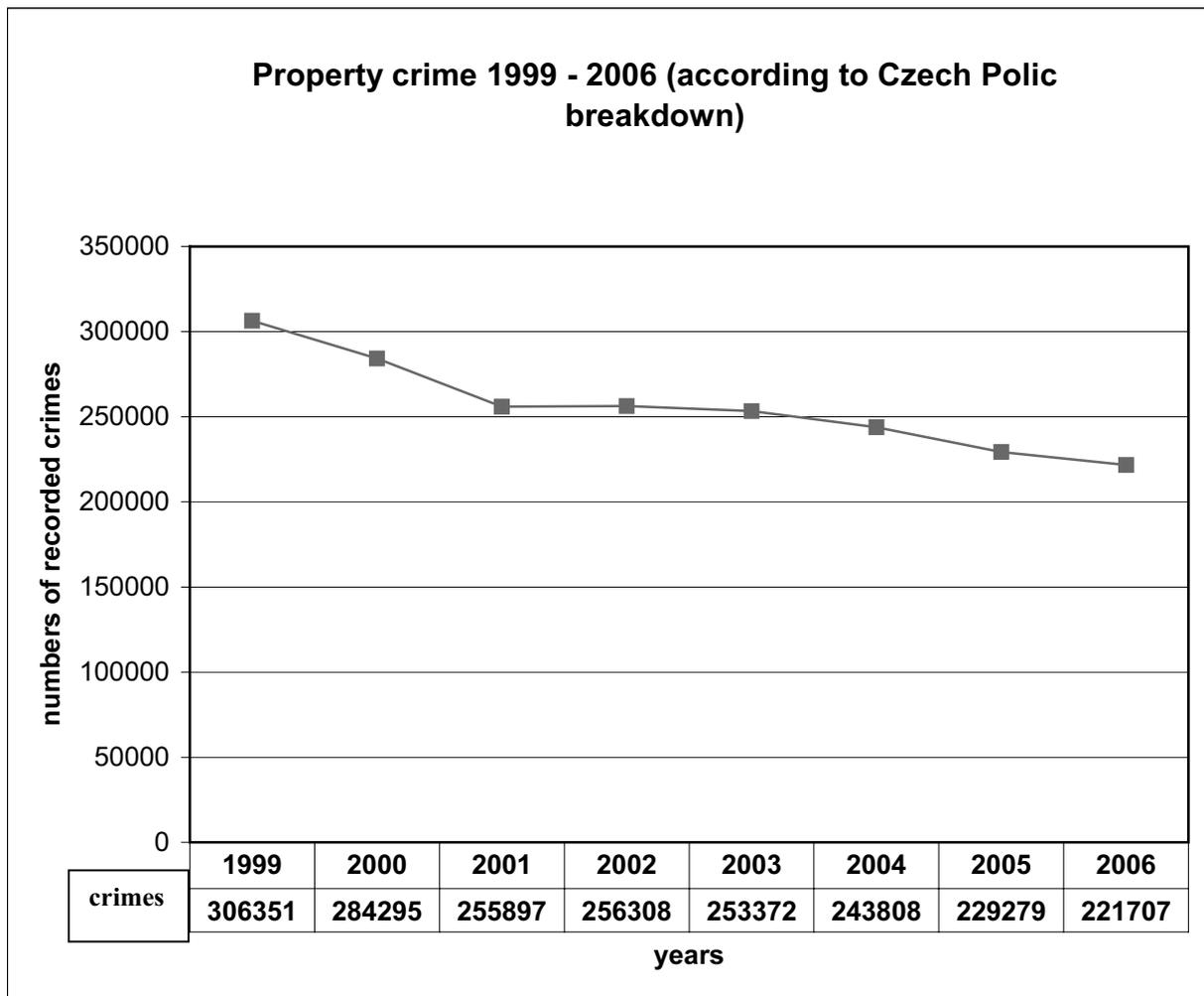
The following Graphs record changes in the development of basic types of the structure of crime – property, economic and violent crime. As in Graph 4, they were prepared using Czech Police data.

The largest share is always held by property crime, which thus determines the trends of overall crime. In 2006 it represented 66% and in 1999 as much as 72% of the total.

The development of property crime (changes in the number of crimes recorded by the police) cannot, however, be interpreted without specifying the content and defining property crime in comparison with economic crime. This is because police classification under the term economic crime includes both the crimes stated in Chapter II of the Criminal Code (economic crimes) and some crimes stated in Chapter IX (crimes against property). It also includes crimes against property, specifically fraud and embezzlement, partly in property crime and partly in economic crime.

If, instead of defining the content of property and economic crime according to police tactical-statistic classification (hereinafter TSC), we define it according to the chapters of the Criminal Code, the curves in the development of both types of crime change radically: property crime rises constantly up to 2006 and economic crime falls.

Graph 5



A comparison of the curves of Graphs 1 and 5 confirms that the development of property crime determined the curve of the development of overall crime – with stagnation beginning after a certain fall. In 2005 the fall was more pronounced (by almost 15 thousand recorded crimes); in 2006 there was a fall of a further 7.5 thousand crimes compared with 2005.

The more striking fall in property crime (since 2003) was caused, among other things, by the change in criminal legislation from 2002 (e.g. more than doubling the limit for criminal damage in certain property and economic crimes – i.e. the criterion was changed which differentiated between crimes and the corresponding petty offences).

The largest share in property crime is always that of theft (Section 247 of the Criminal Code). Police statistics place it in two categories: burglary and above all straightforward theft, which is the most frequent crime of all. Together they comprise 92% of property crime, and 61% of the overall number of all annually recorded crimes. The fall in 2006 compared with 2005 was also caused by the fall in the number of recorded thefts. Any measures that influence the records of theft therefore also affect the overall state of crime not only in the year when such measures came into effect but often also for several years

afterwards. These measures may be in the form of legislative provisions – e.g. changing the limit of damage to determine whether the act is a crime or a petty offence, the criminalisation and decriminalisation of certain types of behaviour, changes in commercial, civil law and other legal regulations. For example, changes in the insurance sector (determining the amount of risk participation for damage, the extent to which movable assets are insured by individuals, as well as by organisations, changes in motivation, why some items are insured or not etc.) strongly influence individuals, as well as organisations, in deciding whether to report the theft to the police, and thus also affect the police statistics on crimes committed. The numbers are not insignificant (there are estimated to be thousands of unreported and therefore unrecorded crimes which are not included in records). The police method for recording theft also has to be taken into account (e.g. whether for a continuing crime they record the individual acts (attacks) or only one crime (continuing). For example, a “string” of 10 burgled weekend cottages may be registered ten times or only once. This all affects records for numbers of theft. There are many other measures which seemingly have nothing in common with crime but whose consequences can significantly distort and alter the overall data on crime, in which case their actual influence is impossible to quantify or sometimes even confirm or refute and the context may not even be known.

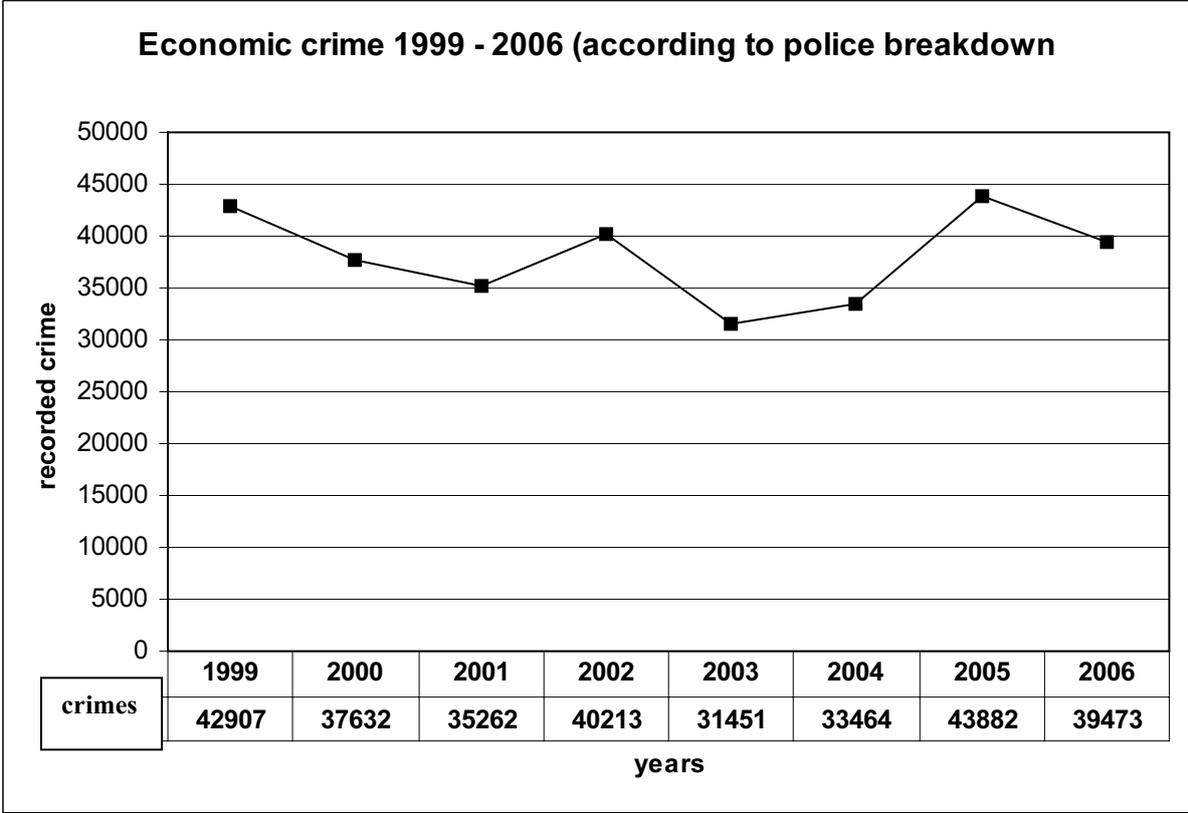
The steepest fall in police statistics in 2006 (against 2005) was recorded in the number of burglaries of stores, restaurants and pubs, flats, weekend cottages, family homes and other buildings. There was also a decline in what is termed straightforward theft, above all for recorded thefts of items from cars, which in police statistics for 2006 represented approximately 48 thousand crimes – i.e. a fifth of all property crimes and 14% of all crimes recorded in that year. And nobody doubts that, similar to pick-pocketing, where the clear-up rate is 7%, and in recent years has tended to be still lower, the number of unreported thefts far exceeds (possibly many times over) the numbers of thefts reported and recorded by the police in statistics. The people who report a theft in this case are generally those from whom an item has been stolen which is not their possession but the possession of an employer, another person or an institution. Also if their own documents or the documents of an office have been stolen, or if the damage caused is really on a large scale. Others who are motivated to report a crime are perpetrators of insurance fraud, persons concealing another crime etc. The motivation for reporting these crimes may be transparent but only when determining the actual causes or detecting an intention to perpetrate a crime.

The assessment of changes in the state of crime, and the subsequent evaluation of the work of law enforcement bodies, are based primarily on developments in the aforementioned items. More precisely, theft, together with other of the most common forms of crime (credit fraud, unauthorised possession of a payment card, failure to support and maintain, residual crime – particularly driving offences, including consuming alcohol before a journey) determine not only the state of crime in the relevant year but also trends in crime for the upcoming period. These are also crimes whose incidence is to a large degree influenced by the number and range of initiatives taken by the police and other institutions in the relevant year, including campaigns in response to developments in society and changes in the political situation (e.g. traffic measures, Czech Tech type events, appearances by extremists, the organising of various types of demonstrations, trips by foreign hooligans in connection with sporting events, but also initiatives taken by credit companies against non-paying clients etc.). When we add up these items (only to illustrate their proportion of crime, not for any other purpose), we come in 2006 to more than half of all recorded crime. And if, on the basis of the statistical data on these phenomena, we take the level of crime to be a synonym for serious anti-social behaviour by the population of the Czech Republic, we are indulging in

a superficial and incompetent approach which is used rather for target-oriented political manipulation than to provide a serious assessment of crime in the nation and to find effective measures to improve the feeling of security among citizens and institutions. Nevertheless, such findings do testify unequivocally to the national moral climate.

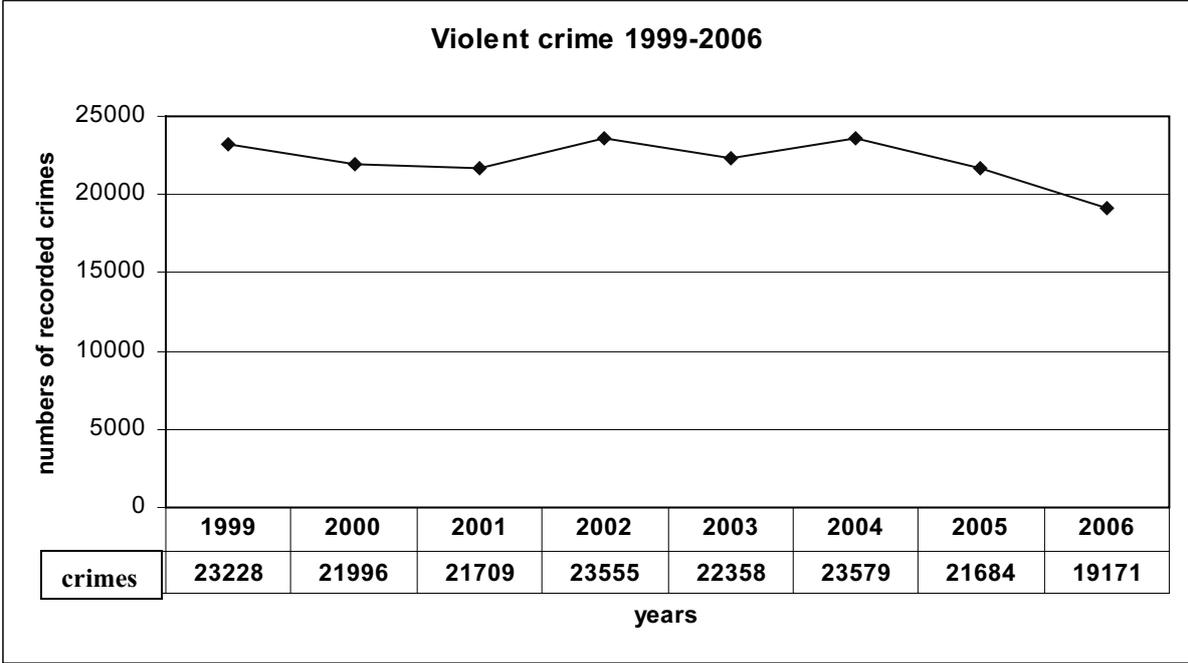
The topic discussed understandably also includes crimes indicated in police statistics as economic crime. These are the crimes already mentioned above: unauthorised possession of a payment card, credit fraud, other fraud and embezzlement. According to police statistics, the **fall in recorded economic crime in 2006** (cf. Graph 6) was caused by a reduction of approximately 200 crimes compared with 2005 in cases of fraud, non-payment of tax and other, unspecified economic crimes, violation of trademark rights and copyright, and also the number of credit fraud cases.

Graph 6



The downward trend in recorded violent crime (which began in 2004) continued in 2006 and even fell below the level of 20 thousand crimes annually (cf. graph 7). The fall is caused by a decline in the number of all basic crimes which define its extent: robbery, intentional bodily harm, blackmail, trespassing on a dwelling-house etc. An exception is the number of murders, which in 2005 was exceptionally low (the lowest number since 1989). This rose last year to 231 murders, which accords with the annual average of 230, which has been constant for several years.

Graph 7



The number of crimes included under immorality crime also fell in 2006 compared with 2005 – from 1,849 to 1,615, i.e. by around 300 crimes. The most marked decline was in recorded crimes of sexual abuse, but also of rape, procuring and soliciting prostitution etc.

Crime indicated in police statistics as other and residual crime has recently begun to have an increasingly frequent influence on the annual crime level (we have drawn attention to this possibility for years). This is because the statistics include crimes of obstructing the enforcement of an official decision and driving offences, which in the last 3 to 4 years have been the subject of special attention in society and the police. **Although other crime in 2006 fell by approximately 4 thousand crimes in comparison with 2005**, the fact that this decline was caused exclusively by the fall in the number of crimes of obstructing the enforcement of an official decision makes it unlikely that there will be a further fall in subsequent years, and that if anything there will be an increase. We have already mentioned **residual crime** (which covers driving offences, menace due to the influence of an addictive substance, drunkenness, failure to support and maintain and other unspecified crime), chiefly in connection with the fact that it is the one form of crime which **increased sharply in comparison with 2005** (by 11 thousand recorded crimes). They all concern crimes with high clear-up rates, i.e. crimes where the offender was reported to the police or apprehended by the police in the act of committing the crime and thus quickly identified. The police’s motivation in recording these types of crime is evident.

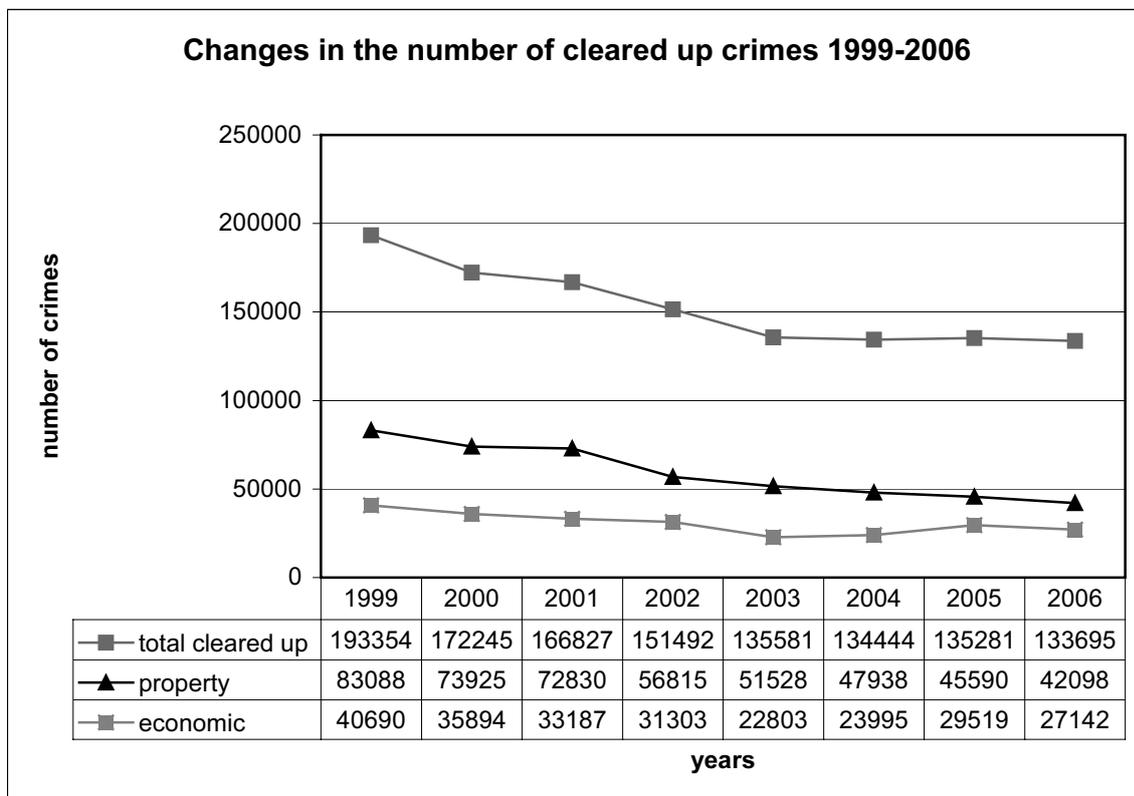
Due to the increase in the number of these crimes and the decline in recorded crimes with the lowest clear-up rates (theft of items from cars, pick-pocketing) **the clear-up rate rose from 39.32% in 2005 to 39.74% in 2006**. This means that **of the total of 336,446 crimes recorded by the police, in 133,695 cases the offender was known or found**.

So all other data concerning persons prosecuted, charged or convicted relate only to this area of crime. It is this part of crime (its perpetrators – known persons) which the criminal justice system then addresses. Other perpetrators (unknown persons) – whose number annually far exceeds the number of perpetrators known to law enforcement bodies – are not indicated as perpetrators in this year, at least not for a crime which was not solved, and are thus actually encouraged in their criminal activity by the fact that they are not convicted and punished. This is often how they themselves interpret events and go on to try their luck (theirs, not the victim’s) again.

The minimum clear-up rate - i.e. the maximum probability that the perpetrator will not be caught, convicted and punished is typical for pick-pocketing and the theft of items from cars – is less than 10% of all such crimes recorded by police. The clear-up rate is also low (under 30%) for burglaries of stores, catering facilities, hostels, cultural premises, flats, houses, weekend cottages, theft in workplaces, car and bicycle theft. The **highest clear-up rate** is for failure to support and maintain (99.99%) and for credit fraud (91.9%). Here, the high clear-up rate is due to the merits of the case for both crimes and the motivation of the injured parties to report the crime and its perpetrator to the police.

Graph 8 shows movements in the number of crimes cleared up in recent years and also the types of crime that most influence annual changes in clear-up rates.

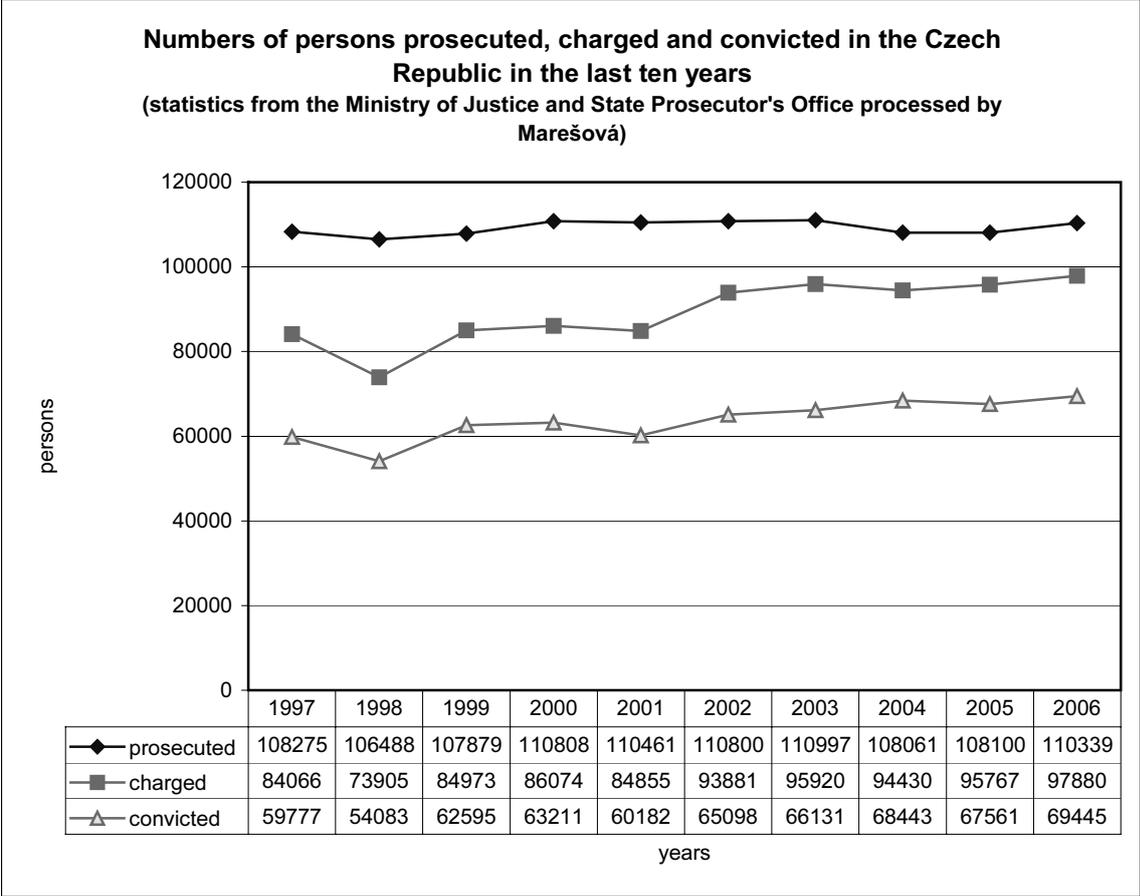
Graph 8



Graph 9 illustrates trends in the numbers of persons prosecuted, charged and convicted for the cleared up part of crime and does not contain data from Czech Police statistics but rather from the criminal justice system (cf. Graph 10). These state the numbers of persons who in the statistics of law enforcement bodies are usually indicated as **known perpetrators, known persons**. The Graph also shows how many of those prosecuted were charged and eventually also convicted. We should not, of course, forget the time-lag caused by the length of criminal proceedings. For individuals for whom summary criminal proceedings have not been applied, the time-lag is considerable (it is not the rule that criminal proceedings should be completed in the year in which the crime was committed). In longer time sequences the trends of persons moving from the category of prosecuted to the category of charged and the category of convicted are less affected by this fact.

Graph 9 was prepared using statistical data from the criminal justice system, specifically the statistics of the Supreme State Prosecutor’s Office on persons prosecuted and charged and the statistics of the Czech courts on persons finally convicted. Until 2005 these data were available together in printed form, in the Year-book of Crime Statistics published annually by the Czech Ministry of Justice. Last year they were only available in electronic form on the Ministry’s portal under the Ministry’s statistics; for this year they have not yet been aggregated at all. The data used here thus come from other sources. Specifically, this means that the source data here are available only in electronic form on two sites of the justice portal: 1) under the statistics of the State Prosecutor’s Office and 2) of the courts.

Graph 9



The first data of a person who has been prosecuted is data comparable with police statistics. These state (for 2006) 122,753 prosecuted persons (known offenders of a cleared up crime) and differ by approximately 12 thousand from similar data in the statistics of the State Prosecutor's Offices. **For 2006, the State Prosecutor's Office gives the number – 110 339³ of known persons who were prosecuted or for whom summary pre-trial proceedings were held after notice of suspicion of committing an offence**, i.e. persons for whom pre-trial proceedings were completed in 2006. Persons prosecuted by the police are persons for whom a criminal prosecution was brought in 2006 and who are also included in the numbers of juvenile offenders (under the age of 15) investigated for an offence that is otherwise criminal.

The Graph on the age distribution of offenders in 2006, and others, were thus again only prepared from Czech Police data and contain the proportion of offenders-minors among all the offenders prosecuted and investigated by the police and in that year.

The criminal agenda of State Prosecutor's Offices thus contains not only data on prosecuted persons but also data on persons charged and other data on cases where the criminal prosecution has ended in pre-trial proceedings, and data on summary pre-trial proceedings. **As concerns persons who have been charged, since 2002 (see the large rise in their number illustrated in the Graph), this term should be understood to mean both persons against whom a charge has been brought by the State Prosecutor as well as persons for whom the State Prosecutor has submitted a motion for sentencing after summary pre-trial proceedings.**⁴ With regard to the trend for 2006, therefore, there was a further reduction in the number of charged persons and a sharp rise in the number of persons proposed for sentencing. Together, this was manifested in a statistical increase of approximately 2,000 in the number of charged persons. The Supreme State Prosecutor's Office considers these trends to confirm the fact that the legal provision on summary pre-trial proceedings has already become established in practice.⁵

Summary proceedings were most often applied for persons prosecuted pursuant to Section 247 (theft) – approximately one-third, pursuant to Section 171 (obstructing the enforcement of an official decision) – approximately one-quarter, and pursuant to Section 201 - menace due to the influence of an addictive substance, pursuant to Section 202 - drunkenness and pursuant to Section 238 - trespassing on a dwelling-house.

Specifically, in 2006 **82,193 persons were prosecuted in pre-trial proceedings and 28,146 persons were dealt with in summary proceedings**, of whom **27,403 were proposed for sentencing**; 70,477 persons were charged and a criminal prosecution discontinued against 10,648 persons; criminal prosecutions were conditionally suspended against 7,387 persons; the legal provision on settlement was applied for 38 persons; **4,366 persons were remanded in custody** and of these 3,488 persons were charged; the majority were in custody for up to four months.

With regard to territorial distribution, 2006 saw an increase in the number of known persons prosecuted under the jurisdiction of the Regional State Prosecutor's Office in Prague

³ c.f. statistics of State Prosecutor's Offices at www.portal.justice.cz

⁴ One of the impacts of what is termed Great Amendment (Criminal Procedure Code no. 265/2001)

⁵ cf. Report on the activities of the State Prosecutor's Office for 2006 (7 NZN 601/2007), p.10

and the Regional State Prosecutor's Office in Ústí nad Labem. The largest fall in the number of persons prosecuted came under the jurisdiction of the Regional State Prosecutor's Office in Ostrava.

The number of persons finally convicted annually by the Czech courts is also increasingly higher – over the last ten years it has increased by approximately 10 thousand persons – from around 59 to 69 thousand persons finally convicted annually.

Of the total number of **69,445 persons finally convicted** in 2006, 25,767 have not been previously sentenced – which represents **37%** of all persons convicted in that year, while **re-offenders designated by the court** comprised 8,948 – i.e. **13%**. Together they made up 50% of all persons convicted.⁶

The more detailed breakdown of convicted persons according to gender and their separation into juveniles makes it possible to state that of the total of convicted person **86% were men and 14% women, 96% were adults and 4% juveniles.**

According to the type of sentences imposed:

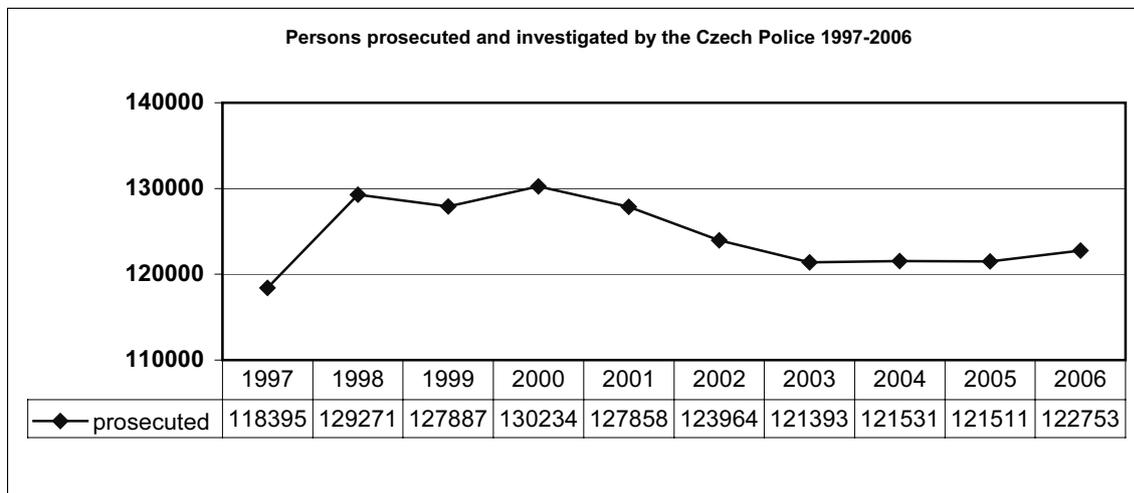
- **An unconditional sentence of imprisonment was imposed on a total of 9,997 persons (14% of a total of 69 thousand convicted)**, of which more than half were sentenced up to 1 year (63%), 31% from 1 to 5 years and 5% for more than 5 years. Two persons were given life sentences.
- **Conditional sentences of imprisonment were imposed on 38,657 persons (56% of a total of 69 thousand convicted)**, of which approximately 2 thousand received a conditional sentence with supervision.
- **Community service orders were imposed on 11,787 persons (17% of the 69 thousand convicted).**
- Monetary punishment – 2,678 persons (in conjunction with another sentence 704 persons),
- Deportation – 1,173 persons
- Ban on business activity imposed on 277 persons (in conjunction with another sentence 9,978 persons), prohibition to drive motor vehicles - 262 persons (in conjunction with another sentence 9,482 persons), forfeiture of property – 1 person, forfeiture of a thing – 58 persons, prohibition of residence – 154 persons, punitive measure 1 916 persons.
- Protective medical treatment – in-patient - 225 persons and out-patient – 381 persons. Protective rehabilitation for young offenders – 26 persons.

⁶ cf. Criminal statistics of the courts, table ST 2, www.portal.justice.cz

For the sake of interest and to better illustrate changes in trends in crime, I provide the crime statistics of the courts for driving offences. **In 2005, 7,969 persons were finally convicted for this crime**, of which 2,363 persons were convicted for committing crimes while under the influence of alcohol and 4 under the influence of an addictive substance. **In 2006, as high a number as 10,101 persons were finally convicted for the same crime**, of which 3,399 were convicted for committing crimes while under the influence of alcohol and 9 under the influence of an addictive substance. **Just for the first half of 2007, 9,866 persons were convicted for the same crime**, of which 4,661 were committed while under the influence of alcohol and 20 under the influence of an addictive substance.

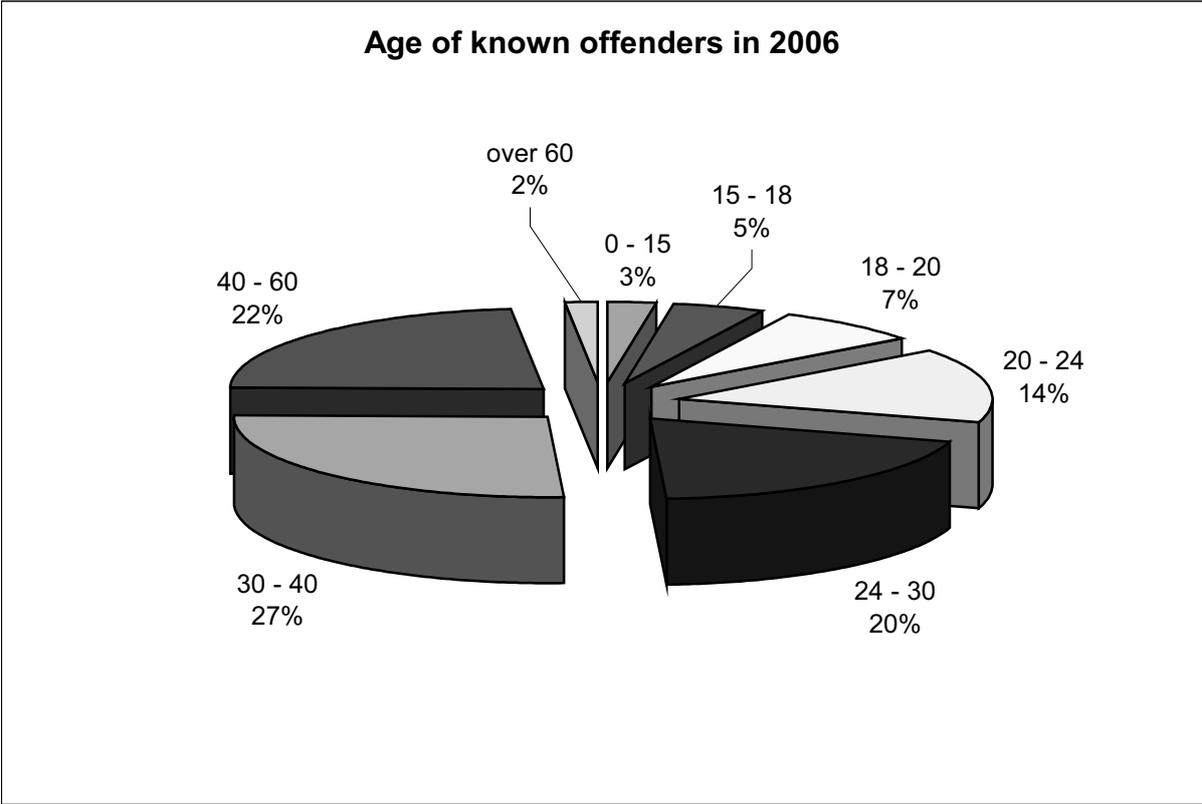
Other Graphs illustrate the types of persons (by age, gender) prosecuted and investigated by the Czech Police during 2006.

Graph 10



Graph 10, unlike Graph 9, only contains data on persons from police statistics. It is evident that the number of offenders in the last approximately ten years has ranged between 120 and 130 thousand known offenders annually, while in the last four years (unlike the total number of recorded crimes) it has not even fallen slightly.

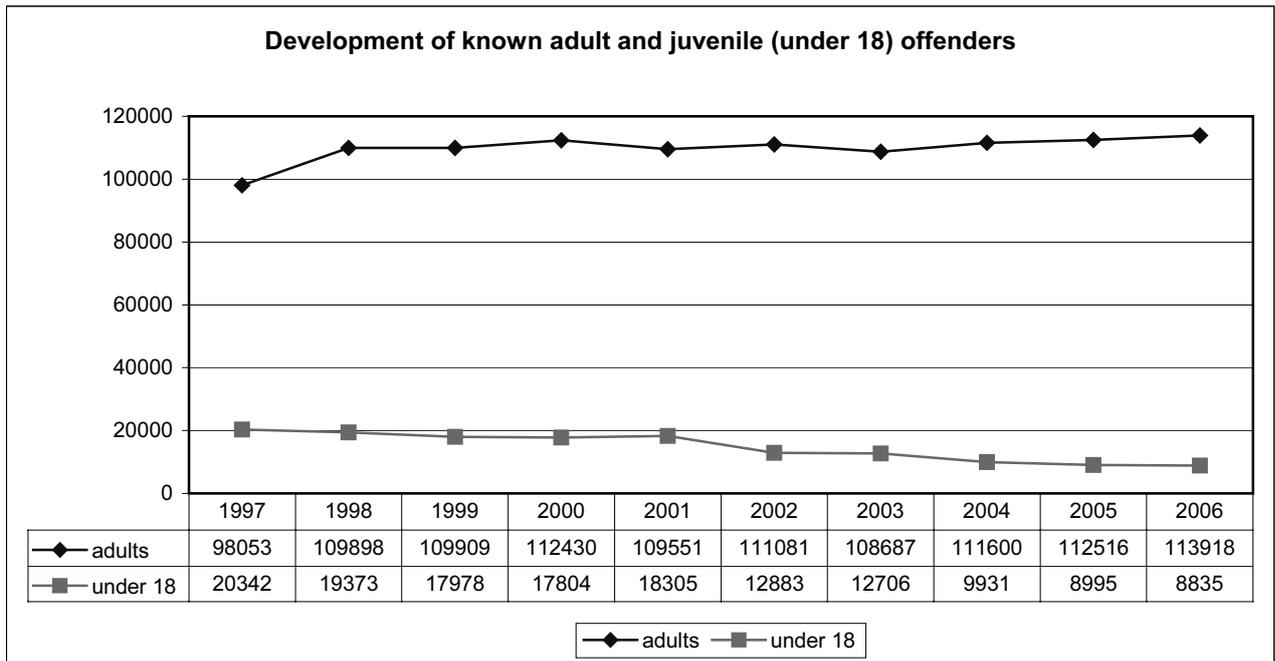
Graph 11



As concerns the age of offenders, in recent years the police and criminal justice system have paid the greatest attention to child offenders (persons under the age of 15) and juveniles (persons aged 15 to 18). **The structure of known offenders (Graph 11), however, is dominated by the 20-30 year-old category.** In comparison with 2005, there was a slight increase in 2006 in the number of offenders from this age category and slight reduction in the share of offenders aged 30-60 and under the age of 15.

Little emphasis, however, has been placed on the fact that the **number of known adult offenders (persons prosecuted and investigated by the police) has changed little over the last 10 years and oscillates around 110 to 111 thousand a year, although since 2003 there has been a slight year-on-year increase.** The fact that the **number of offenders under the age of 18 has consistently fallen since 2001 is fairly well known.** The reduction first became apparent after the Great Amendment to the Criminal Code came into effect in 2002 and again when the new Juvenile Justice Act (No. 218/2003 Coll.) took effect in 2004. Both cases saw the decriminalisation of a not inconsiderable number of attacks against property committed by this group of delinquents. The largest number of adult known offenders in recent years was recorded in 2000 (112 thousand persons) and children and juveniles in 1996 (approx. 23 thousand persons). **In 2006 around 114 thousand adult offenders were recorded** (i.e. approx. 3 thousand above the normal average) and about 9 thousand children and juvenile offenders (of whom 3.0 thousand persons were under the age of 15 and 5.8 thousand were juveniles).

Graph 12



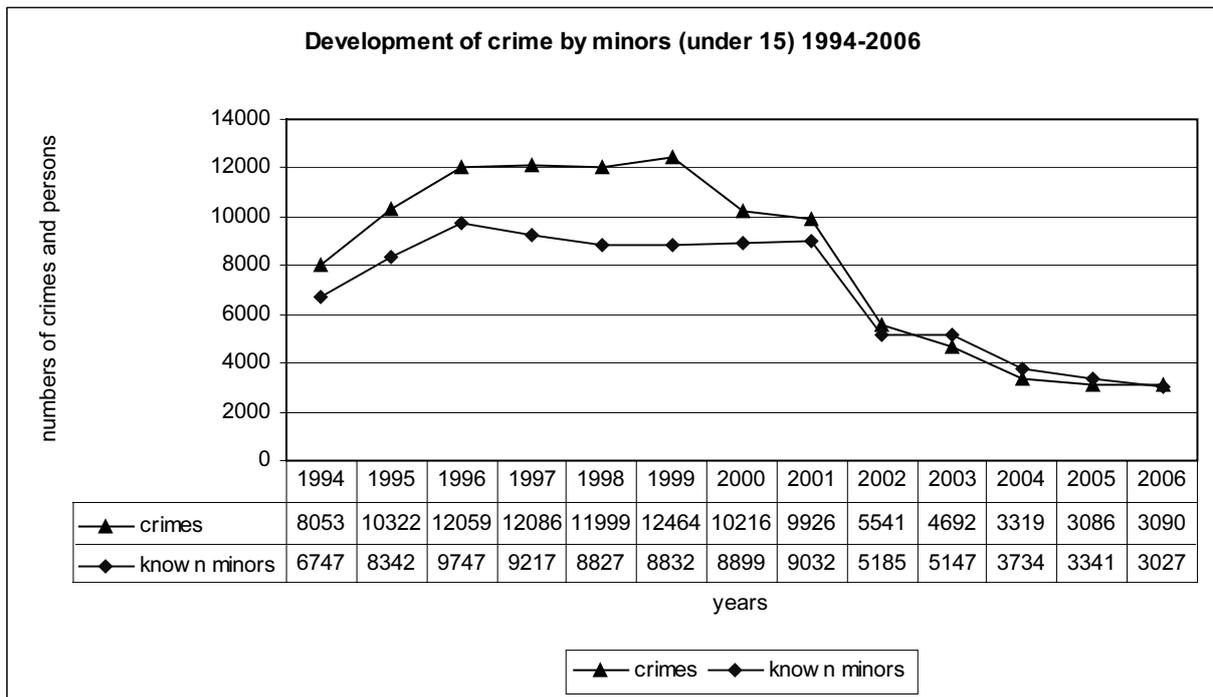
Developments in the numbers of offenders under the age of fifteen and juveniles are illustrated in greater detail in Graphs 13 and 14.

In 2006, adult and juvenile offenders were prosecuted and investigated mostly for property crime, and in particular theft (almost 30% of all offenders). Adults alone for credit fraud, failure to support and maintain and obstructing the enforcement of an official decision. For offenders (children and juveniles, unlike adults) theft is followed in frequency by robbery, intentional bodily harm, damaging the property of another person, graffiti and drug-related offences, i.e. more serious criminal activity than that for adults.

The highest number of offenders among children and juveniles has for many years been recorded in the North Moravian and North Bohemian Regions; for children also in the South Moravian Region.

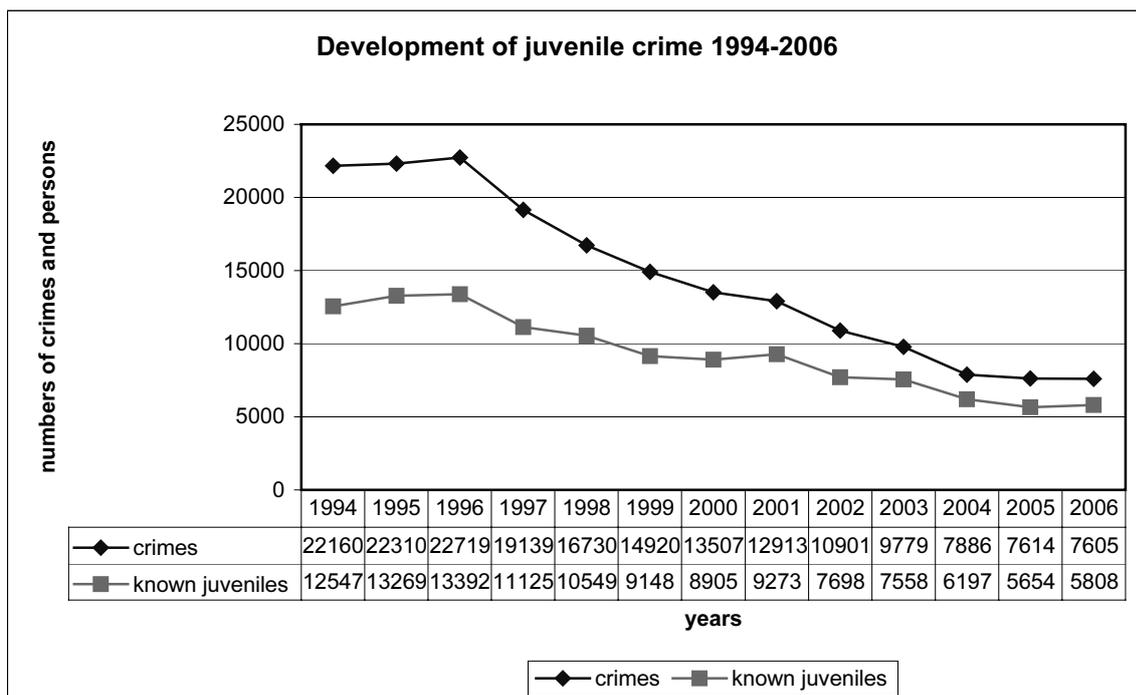
Of those juveniles who faced criminal prosecution in 2006, only 233 were dealt with in summary pre-trial proceedings and of these 203 were proposed for sentencing. The great majority of them were thieves. Altogether, 4,055 juvenile offenders were charged in 2006 and 2,773 juveniles were convicted.

Graph 13



For children under the age of 15, 2006 saw a continuation of the long-term decline in the number of acts that are otherwise criminal for which the offender was known or found. In 2006 this number was almost identical to the number of crimes in the previous year. However, the fall in the number of children as offenders continued in 2006.

Graph 14



The decline in the number of crimes for which the offender was known or found to be a juvenile, followed a similar, albeit rather less radical path to that of crimes committed by children. In 2006 the trend was halted in the same way. However, the number of prosecuted juveniles rose slightly in comparison with 2005. There was also a slight increase in the number of juveniles put on notice of suspicion or who were proposed for sentencing. Of those juveniles who were prosecuted, a not inconsiderable number had previously been sent for protective rehabilitation or detained in a special treatment institution and had committed an offence in connection with escaping from the reformatory facilities.

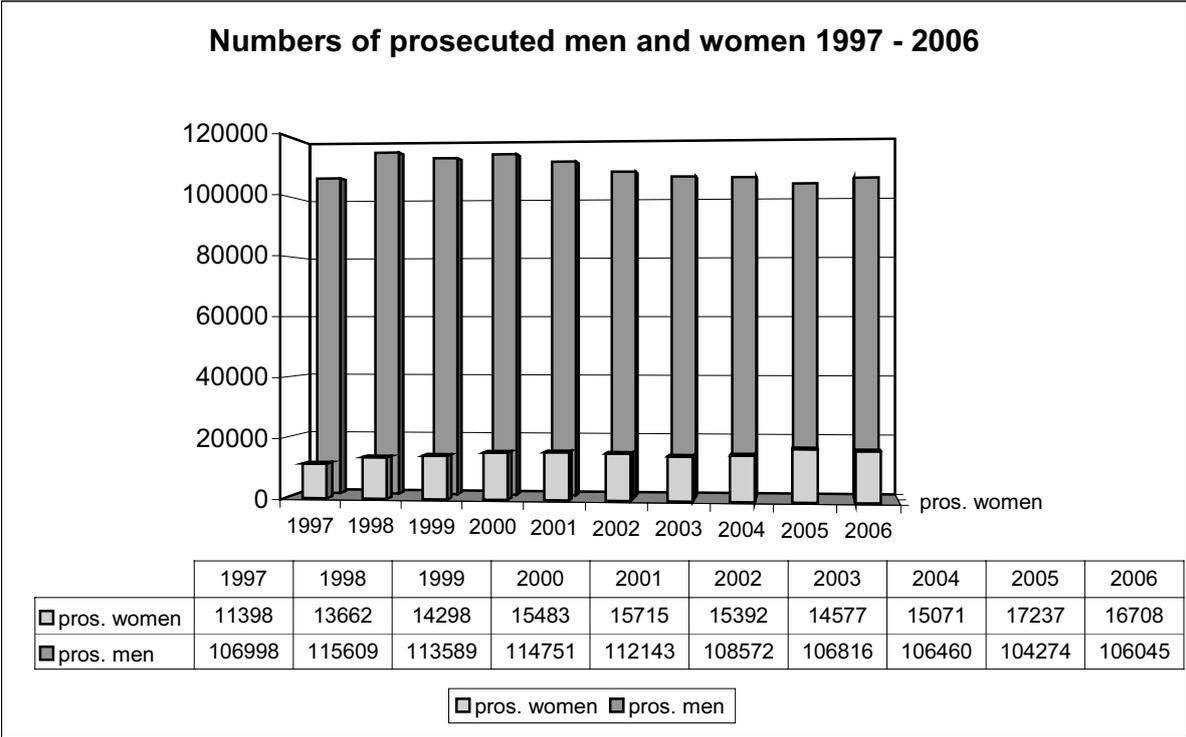
Of the total number of juveniles convicted in 2006 (2,773), 77% were sentenced for the first time and 137 designated by the court as re-offenders. Girls made up 243 (just under 9%) of the total number of juvenile convictions, which is a smaller proportion than for adult women. The types of sentences imposed support the view that courts were relatively lenient in their approach to juveniles:

- **8 juveniles were given unconditional sentences of imprisonment,**
- 107 juveniles were given conditional sentences,
- 62 were given community service orders,
- punitive measure was imposed on 1,914 juveniles (i.e. 70 % of all juveniles convicted),
- 668 juveniles (24%) were given an absolute discharge.

This approach is also reflected in the numbers of juveniles in Czech prisons. **As of 31 December 2006, there were 59 juveniles in remand prisons and 111 juveniles were serving a sentence of imprisonment.**

The breakdown of offenders according to gender (Graph also from police data) confirms the vast majority of men among known offenders. However, Graph 15 also shows the relatively marked increase in the numbers of women prosecuted, which also came to a halt in 2006. The numbers of men prosecuted annually are almost identical throughout the recorded period, with some fluctuations in 1998-2001.

Graph 15



Nevertheless, crime committed by women has risen constantly over the last decade. In the period from 1993 to 2005, the annual number of female offenders increased from around 9 thousand to more than 17 thousand persons and their proportion of all known offenders rose from 8% to almost 14%. The number of known female offenders peaked in 2005 and in 2006 there was a slight fall in the number of prosecuted women. However, the rising trend in the number of women convicted continued in 2006. (Graph 16)

A cursory glance at the development of crime committed by women brings up the following picture:

Since 1990, female crime has risen constantly, with increases in the number of women prosecuted, charged, convicted and imprisoned. When we look at the development of crime committed by women, broken down by individual parts making up its structure, we see that since 2001 there have been radical changes in property and economic crime: property crime has begun to fall and economic crime to rise. Violent crime remains at roughly the same level. From a layperson’s perspective, therefore, since 2001 women have stolen less and committed more sophisticated financial crime, e.g. fraud and embezzlement. Unfortunately, this picture is entirely deceptive. If we analyse crime committed by women by looking at the merits of the cases we find that the false impression was caused unintentionally by including fraud and insurance fraud and the unauthorised possession of a payment card in economic crime in the police’s tactical-statistical classification of crime (hereinafter also TSC). The man in the street understands the term credit fraud to mean a conman who buys a palace for a pittance and then bribes an expert to confirm that it is worth several million. Then, based on this confirmation, he/she obtains credit for this amount from a bank, “strips the asset” and absconds abroad with millions. And in this case it is correct that credit frauds are at last prosecuted and the culprits

tried and imprisoned. Such cases really do exist, or did exist. Today they are a very rare exception among criminal prosecutions for credit fraud.

Credit fraud as perpetrated by women in the past five years or so typically takes the following form. A woman, often a single-earner with low social status, responds to an advertisement or the urging of family members by taking out credit to purchase goods: fridges, washing machines, electronics, fittings for children ... imagining that she'll be able to repay it without any great financial sacrifice. At least that's what the firms promise that provide the credit. Few read through the contract submitted and they are often unable to calculate the interest and fees for the repayment period and fail to understand that interest sometimes comes to 60 to 70% per annum. And very few of the credit officers point out the possible negative consequences. "But you know that..." There are always a lot of unexpected expenses: Christmas, celebrations, bereavements, births, family illnesses, unemployment etc., and these are expenses which are always prioritised over the repayment of credit for the purchase of goods. Companies operating in the field of loans for a certain period do not place limits on credit – the profit is highly lucrative and it doesn't pay to deter customers too early. Also, they do not initially look up information in different registers of defaulters and these are anyway not accessible beyond certain institutions.

The relatively easy form of obtaining credit even attracts the interest of "professional swindlers", who do not hesitate to rent a "front man" among unemployed, homeless, sometimes even penniless men and women.⁷ To such people they offer financial assistance amounting to several thousand crowns, provide them with false confirmation on the size of their income in a company and get them to sign a credit agreement, when in fact they cash the credit themselves and take no further interest in its repayment or the fate of the "front man". For women the chance of getting a few thousand "for nothing" is extremely enticing. They do not consider the longer future, are not concerned about the interest to be paid and are not able to calculate it anyway, and do not pay any further attention to why they were paid this money in the first place – "it'll sort itself out somehow".

The first "boom" in criminal complaints filed against defaulting borrowers occurred as late as 2005 (it is unreasonable to let clients assume that they can improve their situation at the expense of the lending companies and remain immune from criminal liability). That year saw a record number of complaints against defaulters (male and female) accusing them of committing the crime of credit fraud. A large part of those who face criminal prosecution are men (in 2006 approximately 8,600 persons), but the sharp increase in the number of prosecuted offenders also involves women.

In **2005** the Czech Police prosecuted a total of 12,658 known offenders for **credit fraud**. Of this number, **4,785** were women, which represented 60% of all women prosecuted for economic crime and **28% of all women prosecuted in this year**.

In **2006** there were in all 13,355 offenders, of which **4,777 were women**, which represented as much as 65% of all women prosecuted for economic crime and **29% of all women prosecuted in 2006**. As concerns other forms of economic crime, women were prosecuted for: fraud (879 women), embezzlement (522 women), unauthorised possession of a payment card (296 women) and fraud against social security and health insurance (256

⁷ cf. Stolín, V.: Analýza vztahu mezi kriminalitou a nezaměstnaností (Analysis of relations between crime and unemployment), DP, Czech University of Agriculture in Prague, Operational Economics Faculty, 2007, p. 60

women). Women's representation for other forms of economic crime is negligible (at most two-digit figures). As for the unauthorised possession of a payment card, every female pick-pocket automatically commits this crime if she steals a wallet which has a payment card inside. This means that in addition to straightforward theft she has also committed an economic crime according to police classification. And so the rising number of economic crimes committed by women is rather the consequence of the way that the police process statistical data than the manifestation of more sophisticated crime on the part of women. Neither can the same degree of sophistication be found for the majority of women who commit fraud against social security and health insurance.

Since 1990, **the proportion of women has also risen** among those persons finally convicted by the courts. Women form an ever greater percentage of all those convicted, from approximately 9% at the beginning of the 1990s to 13.2% in 2005 and 14.3% in 2006.

Judicial statistics also show that since 1990 the crime for which **women have been most commonly convicted** is **the crime of fraud** (Section 250 of the Criminal Code). For the first time, in a period for which data are supported by the current system of statistics from the Ministries, fraud, although always a common feature in crime committed by women, ranked first in the number of women convicted for this crime.

The crime of theft thus fell to second position. In 2006, 1,109 women were convicted for **fraud** pursuant to Section 250 of the Criminal Code and 46 women were convicted for insurance fraud (Section 250a of the Criminal Code) and **an incredible number of 3,241 women were convicted for credit fraud (Section 250b of the Criminal Code). "Only" 1,630 women were convicted for the crime of theft (Section 247 of the Criminal Code).** A total of 364 women were convicted for embezzlement in the same year (Section 248 of the Criminal Code) and about 600 women were convicted for failure to support and maintain (Section 213 of the Criminal Code). Also convicted were about 300 women for obstructing the enforcement of an official decision (Section 171 of the Criminal Code), about 400 women for drug-related offences, 162 women for disturbing the peace (Section 202), **about 300 women for endangering the moral upbringing of a young person (Section 217 of the Criminal Code).** When it comes to serious violent crime, the numbers of women remain relatively low – **17 women were convicted for murder in 2006, 117 women for robbery and 160 women for intentional bodily harm.** In my opinion, these figures can also be roughly interpreted through law enforcement bodies having a stricter approach to what is termed economic crime, while relaxing their prosecution of less serious (from the point of view of contemporary society) property crime, in particular theft. A contributing factor is also the low crime clear-up rate; particularly low is the clear-up rate of property crime, primarily theft. Moreover, the failure to report crime by the victims of theft (pick-pocketing and from homes), as well as fraud, failure to support and maintain and other crimes very often committed by women, significantly reduces the representative value of statistics on crime committed by women.

At present, women have the largest share in economic crime. More than a quarter of perpetrators of economic crime known to the police in 2006 were women, which is also confirmed by the number of women convicted for this crime. But it should be borne in mind that this is really only "thanks" to credit fraud (see the explanation in the section on women convicted for this crime).

The numbers of **women prisoners** have also risen progressively. This accords on the one hand with the increase in the number of women subject to criminal prosecution and finally convicted, and on the other with the greater gravity of the crimes committed by them (cases of fraud generally “rewarded” using stricter penal sanctions than theft).

As at 31 December 1992, for example, a total of 268 convicted women and 215 accused women were imprisoned (mostly in the Pardubice prison). As at 31 December 2005, the figures were as high as 741 imprisoned convicted women and 163 imprisoned accused women (**as at 21 January 2007, the statistics were 817 imprisoned convicted and 123 accused women**). Convicted women are mostly imprisoned in the **Světlá nad Sázavou prison** (about half of all convicted), while about a third are incarcerated in the **Opava prison**. The largest number of accused women is found in the **Prague-Ruzyně** prison, followed by the remand prison in **Brno**.

In 1992, women thieves were most commonly imprisoned (women who received an unconditional sentence of imprisonment for theft), forming about one-third of all women imprisoned. A large proportion of imprisoned women were convicted for the crimes of failure to support and maintain and robbery; 36 women were imprisoned for murder and 26 women were imprisoned for fraud.

In 2005⁸, women were again most commonly imprisoned for theft (about 50% of all convicted women imprisoned as at 31 December 2005, i.e. of 741 women), followed by the crime of fraud, which accounted for more than 25% of women. 107 women were imprisoned for murder (14 % of all imprisoned women). A total of 92 women were imprisoned for robbery, including two juveniles. Of women imprisoned, 32 had been convicted for endangering the moral upbringing of a young person, 29 for intentional bodily harm, and a total of 69 women for failure to support and maintain (usually in concurrence with another crime).

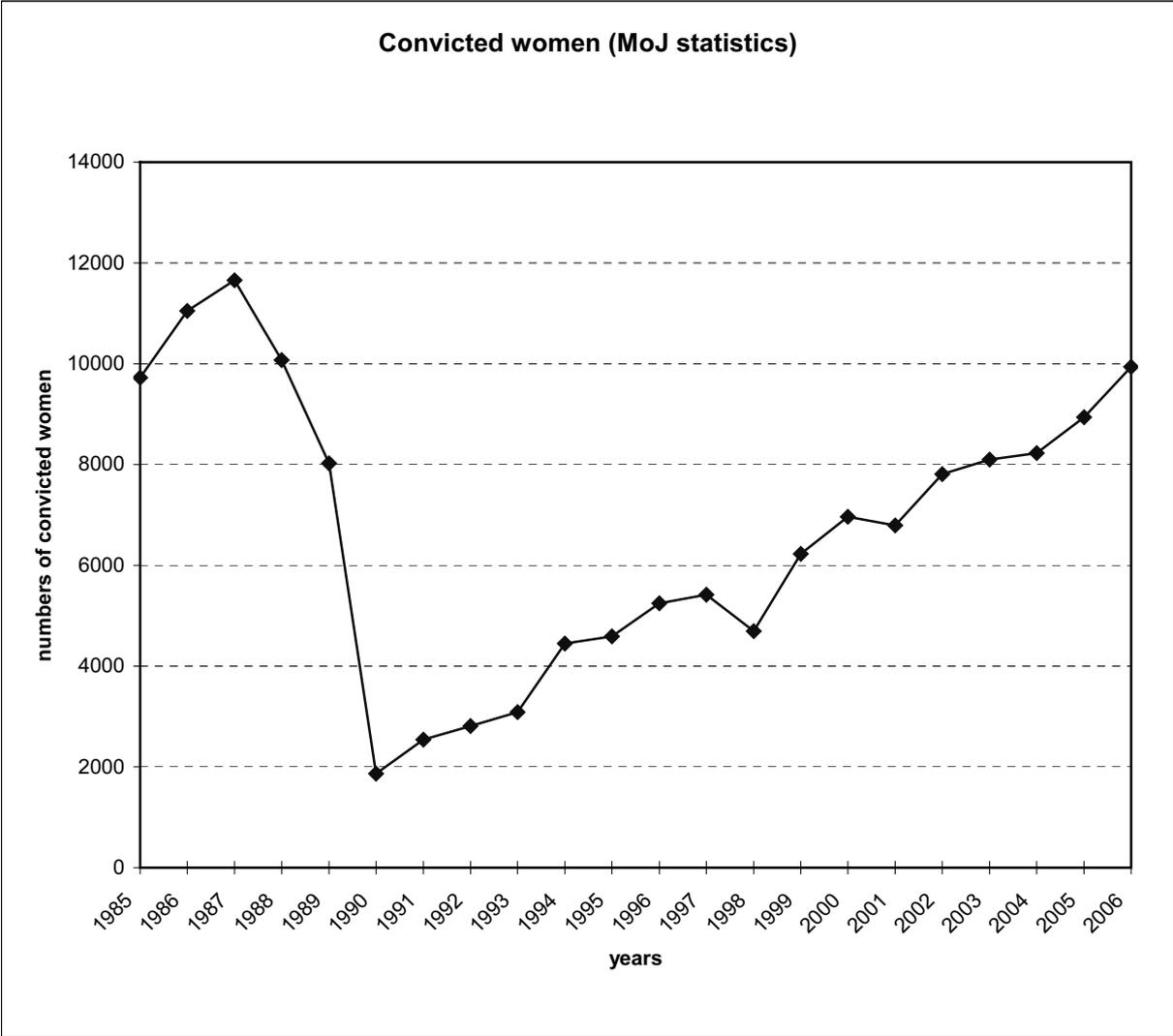
The age range is as follows:

- Women between the age of 21 and 50 represented 70% of **accused female prisoners; most women were in the 30 to 40 age group.**
- Women between the age of 21 and 50 also made up the majority of **convicted female prisoners**, representing as much as 87%; **the majority of women were in the 30 to 40 age group.**

Sentences of up to one year were the most common length for unconditional prison sentences imposed on women in 2006, comprising 44% of the total.

⁸ Data source: Czech Prison Service Year-Book 2005, published by the Czech Prison Service Directorate, administrative department, in Prague, in March 2006

Graph 16



The numbers of foreign offenders are relatively stable and as a proportion of all known offenders have remained almost unchanged since 1993 at around 6%. In 2006 this represented around 7 thousand persons. The highest proportion of foreign offenders is in Prague (about 15%). Crimes in the Czech Republic are most commonly committed by citizens of states which have the highest representation among foreigners living in the Czech Republic, i.e. in particular: citizens of Slovakia, who in 2006 made up around 41% of the total number of 7,284 foreigners who faced a criminal prosecution, followed by Ukrainian citizens (approx. 19% in 2006), citizens of Vietnam (9%) and Poland (5%).

As with Czech offenders, the prevalent form of crime for foreigners is property crime. They are heavily involved in pick-pocketing (particularly in Prague), as well as burglary, obstructing the enforcement of an official decision, in violent crime - in murder and robbery.

A large proportion of foreign offenders are also subsequently imprisoned in this country. As at 31 December 2006, 1,378 foreigners were in Czech remand prisons and prisons. Of this number, 1,325 were men and 53 women. Of the men 8 were juveniles.

The proportion of **first-time offenders and first-time sentenced** among perpetrators of crimes still remains high and in 2006 was a little more than half. They comprise roughly two groups – “juniors” – i.e. young offenders who by their lifestyle already rank among the criminal population and whose future life may be expected to incline towards a career in crime, and middle-aged persons who took advantage of the criminogenic situation or have succumbed to it, were unable to resist the temptation to enrich themselves, provide for themselves, their family etc. For the second group it is assumed that a large part of them will not re-offend, that the external intervention of law enforcement bodies will prevent them from continuing in crime.

The proportion of recidivists (repeat offenders), as is evident from Czech Police statistics, has begun to rise in recent years– in 2005 it rose by almost 2% to 46% in comparison with 2004, and in 2006 to 46.2% (which represented a total of 56,661 recidivists as indicated by the police). This is the highest figure for the last decade.

Of those persons convicted, 8,948 were designated by the court as recidivists, i.e. approximately 13% of all persons convicted. Of this number, 3,550, i.e. 40% were given an unconditional sentence of imprisonment, albeit in most cases not exceeding 1 year. Sentences of more than 1 year were imposed on 31% of all unconditional sentences of imprisonment (i.e. of 3,550 persons), and 12% of all convicted persons designated as recidivists by the court (i.e. 8,948 persons). Five recidivists were given an extraordinary sentence of more than 15 years. 485 recidivists were discharged without punishment. However, the concept of recidivism and recidivist differs markedly for the police and the courts, making it impossible to compare the statistical data. The police employ a far broader concept for recidivist than the courts.

Recidivists are most common in the North Moravian Region and in Prague and are chiefly involved in property crime, in particular theft, which often forms their basic means of living. They currently make up approximately 60% of all known perpetrators of theft. They make up about 40% of violent crime, chiefly blackmail and robbery.

Graph 17



The total numbers of persons harmed by crime (victims) are only monitored in police statistics. The issue of victims is dealt with in greater detail in the paper by M. Martinková. This section thus only gives the basic data on the number of victims (Graph 17). The annual ascertained “lowest number of victims”⁹ has been rising in the long term and in 2004 and 2005 already exceeded 50 thousand people. **In 2006 it fell back slightly to just below the 50 thousand level, with the major reason for the fall being the decline in the number of children as victims. Nevertheless, overall men, and especially young men, are the most common victims of crime.** More common than women, whom the public at large normally imagines to be overwhelmingly the victims of direct crime.

Victims under the age of 18 generally become the target of attacks by perpetrators of pick-pocketing and robbery. Adult victims are the victims of theft, intentional bodily harm and robbery.

Police statistics designate as victims those persons who have become the object of a direct attack by an offender, whether physical or in the form of property or other harm.

As is now customary, we conclude this paper assessing crime in the last year with statistics on suicides. In some respects these represent a departure from the contribution’s general focus, but, in the same way as crime, they are a serious negative social phenomenon and information on them helps illustrate the social climate in the year under review. Data on suicides are processed in the police’s information system.

⁹ The term is explained in more detail in the paper by M. Martinková

Tab. 1**Suicides in the Czech Republic**

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Men	888	989	1076	1130	1263	1192	1330	1459	1412	1322
Women	213	294	268	302	321	306	339	350	363	336
Total	1101	1293	1344	1432	1584	1498	1669	1809	1775	1658

Processed from Czech Police statistics.

Table 1 reveals a **slight fall in suicides** in 2006, both for men and women. The proportion of women among suicides is low (as it is for female perpetrators of crime) and does not reflect women as a percentage of the population. In 2006, women made up 20% of suicides, and “only” approximately 14% of offenders.

Tab. 2**Age of suicides in 2006**

Age of suicides	Number of suicides
Under 15	3
Aged 15 to 18	22
Aged 18 to 20	33
Aged 20 to 25	99
Aged 25 to 30	Data missing in the PP statistics
Aged 30 to 40	248
Aged 40 to 50	307
Aged 50 to 60	392
Aged 60 to 70	187
Over 70	Data missing in the PP statistics

Processed from Czech Police statistics

The age range of suicides demonstrates a predominance of persons over the age of 40. This is probably due to the fact that as they get older people encounter increasing health, family and work problems which seem to be insoluble, there is a greater incidence of mental disorders etc. There is a high proportion of people who do not work go to work, especially old-age pensioners, among suicides. A common form of suicide is hanging.

Conclusion :

It seems that the constantly reiterated assertion that the stagnation of crime will, after all, see some changes in coming years. Even if these changes do not have a marked effect on the total number of recorded crimes, there will undoubtedly be alterations in the proportion of crime and the composition of offenders. New phenomena in the structure of crime – primarily the increase in driving offences (due to the greater attention paid in detecting them), credit fraud, as well as common crimes (above all theft etc.) have definitely not peaked as far as frequency and the detection of their offenders are concerned. Juvenile offenders are also becoming increasingly involved in crime and sooner or later this must be reflected in statistics. Unfortunately, the current sharp fall in the incidence of crime by children and juveniles supported by crime statistics can often be questioned – for example, the data from Prague and the results of victimological research. Neither should we ignore the fact that not every increase in the number of recorded crimes should be interpreted as a negative phenomenon – if the clear-up rate for crime rises and the number of recorded crimes increases at the expense of latent crimes etc. – then such an increase can only be welcomed.

Organised crime in the Czech Republic in 2006 compared with developments between 1993 and 2005

Martin Cejp

1. Introduction

At the Institute for Criminology and Social Prevention we began to conduct systematic research into organised crime in 1993. We defined theoretical and methodological points of departure and tried to create a feasible model for the structures and activities of criminal groups. We gradually came to focus on a more detailed analysis of the most common activities, such as the production, smuggling and distribution of drugs, the organisation and operation of prostitution, illegal migration, the theft of historical artefacts, violent crime, blackmail. We looked in closer detail at the organised criminal activity of citizens of the Czech Republic, and did the same for the proportion of such crime perpetrated by foreigners. We systematically monitored organised criminal activity in the financial sphere and looked at economic crime, in particularly money laundering, and the issue of intentional tax curtailment. We have tried to analyse cash flows inside and outside the world of organised crime. We consistently assess the effectiveness of the specific legal means adopted and applied to counter organised crime. We have placed the question of organised crime in wider social contexts: we have sought the criminogenic factors that might facilitate organised crime to realise its activities and acquire partners or clients to consume illegal goods and services. At the end of the century, as part of a prognosis of selected types of crime, we predicted the likely development of organised crime. In 2007, using specific recorded and closed cases, we sought to verify the existing, predominantly hypothetical models. From a wider viewpoint we endeavour to identify those social factors that constitute a threat and seek a defence against them. We have also analysed the major social problems, indicated their possible solutions and summarised everything in probable scenarios of future development.

We provide this relatively broad-ranging summary because from the overall, aggregated subject we only present in the “Year-book” the **basic, quantitative data** that we consider appropriate for this type of publication. The continuing deficit of statistical data on organised crime in the Czech Republic means that the overwhelming majority of data employed derives from **expert estimates**. The experts we approached were experienced employees of special departments of the Czech Police involved in the fight against organised crime. The number of experts approached ranges between 12 and 33. (in **2006, 33** respondents were approached). Since the established methodology for expert survey states an optimal number between 15 and 25, the number of experts that we addressed may be considered not only sufficient but even optimal.

Due to the fact that the expert survey has been conducted every year since 1993, we have for most data a fourteen-year time sequence available. Although it would suffice in the “year-book” to give data for the relevant year (meaning every subsequent year has topical but also immediately obsolete data), it would be a shame if we failed to use the opportunity to make comparisons. Where possible, we always state the **longer-term trend**.

In order that there should be a uniform understanding of the topic, we also provide a **criminological definition** (which we regularly amend according to foreign trends and comments of experts); nonetheless, in the last expert survey conducted in 2007, we used it in the following wording:

Organised crime is the recurrent (systematic) perpetration of target-oriented, coordinated serious criminal activity (and activities supporting this activity), whose involved entities are criminal groups or organisations (mostly with a multi-level vertical organisational structure) and whose main aim is to achieve the maximum illegal profits while minimising risk.

2. Numbers of arrested, charged and convicted

The numbers of **prosecuted and charged** pursuant to **Section 163a) of the Criminal Code on criminal conspiracy**, which has been in force since 1 January 1995, have risen regularly since 1998.

Table 1

Organised crime, participation in criminal conspiracy (Section 163a) of the Criminal Code) – numbers of prosecuted persons

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
0	0	0	16	36	42	75	97	96	126	181

Source: Year-book of crime statistics 2006, Ministry of Justice, p. 172

Table 2

Organised crime, participation in criminal conspiracy (Section 163a of the Criminal Code) – numbers of charged persons

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
0	0	0	16	36	40	59	94	96	117	178

Source: Year-book of crime statistics 2006, Ministry of Justice, p. 172

In comparison, the numbers of **convicted persons** pursuant to **Section 163a) of the Criminal Code on criminal conspiracy** were almost negligible up to 2003 (inclusive). In 2004, however, there was a sharp turnaround – pursuant to Section 163a) of the Criminal Code, 10 persons were convicted, and in **2005** 9 persons.

Table 3

Organised crime, participation in criminal conspiracy (Section 163a) of the Criminal Code) – numbers of convicted persons

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
0	0	0	0	1	0	2	0	0	10	9

Source: Year-book of crime statistics 2006, Ministry of Justice, p. 180

3. Characteristics of groups

According to experts, in 2006 **42%** of organised crime in the Czech Republic was made up of **fully developed groups**. These groups are characterised by the clear existence of senior managerial elements. At the top is the most senior leadership, which controls several relatively independent operating groups. At their lowest level are the rank-and-file members and external associates. The most senior leadership is usually isolated from the direct perpetration of a crime. Instead, this is committed by groups from the so-called middle element. However, the leadership disposes of all the funds and perfect professional services and bodyguards are available to the top leaders. The remaining 58% comprises groups with a lower level of organisation. Although these are organised, this tends to be on a horizontal level. They usually do not come under any of the definitions of criminal conspiracy. The proportion of fully organised groups has **risen** gradually in the Czech Republic since 1993. Between 1995 and 1999 it comprised approximately one-third. From 2000 to 2002 it ranged around 40%; in 2003 and 2004 around half were fully developed groups; in 2005 this fell back to 42%, and remained at this level in 2006. *(The level of development is difficult for experts to estimate – they apply their own experience and can't speak with total certainty of all groups in the Czech Republic).* Despite this partial decline, a rising level of organisation, albeit slight, is apparent. Better organised groups have a greater chance of coming out on top in a competitive battle, can achieve better profits, and can better ensure protection from punishment. It can therefore be expected that in future years the proportion of three-level organised groups could be increasingly higher.

The estimated **proportion of women** in organised crime groups operating in the Czech Republic in 2006 was 13%. This represents a slight fall against the period 2000-2005 *(We did not focus on this phenomenon in the period 1993-1999. We first monitored women's participation in 2000 at the request of the Council of Europe.)*

Table 4

Proportion of men and women in organised crime groups (in %)

	2000 N=27	2003 N=19	2004 N=24	2005 N=28	2006 N=33
Men	85	85	85	84	87
Women	15	15	15	16	13
Total	100 %	100 %	100%	100%	100%

Since 2000 we have monitored not only the proportion of women but also the type of activities that women are involved in. *(Since the number of experts approached varies according to the year, we cannot compare the incidence rate according to the figures stated in brackets. These figures only express the intervals in the individual years.)* From a comparison it is evident that the highest proportion of women is stable in both areas. Firstly in a more broadly conceived totality, which includes **trafficking in women, procuring and soliciting prostitution and people trafficking for the purpose of sexual exploitation.**

Trafficking in children could also be included in this area, as was the case in 2004. An area of basically equivalent importance is trafficking in **narcotic and psychotropic substances**, in which women most commonly act as dealers. Some of the important activities that women perform within organised crime include **providing the organisational background** and management of crime groups. This includes, for example, obtaining confidential information, contacts, logistical arrangements, recruitment, organising transport, safekeeping of items, weapons, funds, expunging of tracks, the transfer of obtained funds, the legalisation and fraudulent registration of stolen vehicles, the monitoring of singled out buildings or persons, the operation of night clubs, distracting attention. The organisational safekeeping of plays a role in basically all other activities. Women often take part in **financial crime**: money laundering, tax, bank, credit, insurance, customs frauds, founding fictitious companies. This was particularly evident in 2005 and 2003. In the most recent survey, which recorded the situation in 2006, the participation of women in organised economic and financial crime was almost non-existent. In 2006, 2005 and 2000 **corruption** was among the important activities to record the participation of women. This could be categorised among service activities, as organisational safeguarding is almost always conducted by means of bribes. The incidence of corruption displays fluctuations: it was not recorded among women at all in 2003 and 2004. We also record similar fluctuations in the incidence of corruption as part of organised crime as a whole. (*See table and graph number 30*). Women's role in organising **illegal migration** is quite important. This also saw a decline in 2006. Moreover, the overall share of illegal migration in organised crime is beginning to fall. Activities that involve women sometimes include **theft**, particularly the **theft of artefacts**.

For the sake of completeness, we list the incidence of activities from 2000 to 2006

In **2000** women most commonly participated in:

- trafficking in women and procuring and soliciting prostitution
- trafficking in narcotic and psychotropic substances – most often as dealers.

The below activities followed a long way behind:

- illegal migration
- corruption
and in isolated cases:
- founding fictitious firms
- money laundering
- organising thefts
- theft of artefacts
- customs fraud
- financial fraud.

In **2003** we recorded women's involvement in:

- prostitution and procuring and soliciting prostitution (13 x),
- drug trafficking (10 x),
- financial crime (8 x),
- people trafficking (6 x),
- illegal migration (6 x).

Note: The figure in brackets indicates the number of experts, from a total of 19, who stated the activity.

In **2004** women were involved in:

- organising prostitution, procuring and soliciting prostitution and trafficking in women (20 x)
(chiefly logistical arrangements – recruitment, contacts, procuring women in countries of origin, arranging their transport to the target countries, operating night clubs)
- trafficking in narcotic and psychotropic substances (6 x)
(covering up for imports using all family members, couriers or courier escorts in the transporting of drugs abroad, production, sale)
- tax and financial fraud (5x)
(tax fraud, legalisation of the proceeds of crime, corruption, bank fraud)
- trafficking in children (3 x)
(trafficking in new-born infants and children, illegal adoption)
- illegal migration (3 x)
- robberies (3 x)
(particularly as so-called “charmings”, i.e. prostitutes who drug and subsequently rob their clients)
- arranging the organisational background for organised crime groups (1 x).

Note: The figure in brackets indicates the number of experts, from a total of 24, who stated the activity.

In **2005** women were involved in:

- financial, tax, bank, credit, insurance, customs fraud (23x)
(money laundering or providing a laundering account, enticing money with the promise of appreciation, founding fraudulent and fictitious firms),
- organising prostitution, procuring and soliciting prostitution and trafficking in women (19 x),
- trafficking in narcotic and psychotropic substances (8 x),
- corruption (4 x),
- illegal migration (3 x),
- management of crime groups (2 x),
- illegal import of waste (1 x),
- document forgery (1 x),
- theft of artefacts (1 x),
- compromising people (1 x),
- obtaining information (1 x).

Note: The figure in brackets indicates the number of experts, from a total of 28, who stated the activity.

In **2006 women** in organised crime participated particularly in the following activities:

- **Organising prostitution** (16x)
- **Corruption** (12x)
- **Organisational safeguarding** (safekeeping of items, funds, expunging tracks, transfer of obtained funds, the legalisation and fraudulent registration of stolen vehicles, the monitoring of singled out buildings or persons, distracting attention, obtaining confidential information) (9x)
- **Smuggling and distributing drugs** (6x)
- **Tax, credit, bill of exchange, bank fraud** (6x)
- **Money laundering** (3x)
- **Organising illegal migration** (2x)
- **Fraud (unspecified)** (2x)
- **Forging money, cards, distributing forgeries, withdrawing money by means of forged cards** (1x)
- **Founding fictitious firms** (1x)

Note: The figure in brackets indicates the number of experts, from a total of 33, who stated the activity.

Since 1993 we have regularly ascertained the **proportions of domestic and international elements** in organised crime groups in the Czech Republic. With the exception of 1996, the international element has always predominated slightly over the domestic. From the beginning of the 1990s, the international element has generally been slightly over half and the domestic just under. Immediately after the establishment of organised crime in the CR around one quarter were purely Czech groups, which testifies to the fact that domestic criminals managed, to a large degree, not only to link up with foreign groups but also to form independent “business operations” in this area. However, in mixed groups the international element was consistently more numerous than the domestic. In 2005, we recorded a change, with a rise in the domestic element in groups to a little over half. The number of purely Czech groups also rose from a quarter to almost a third. In mixed groups the situation became balanced. The Czech element thus (as in 1996) obtained a slight numerical superiority over the foreign. Previously this had only been a type of fluctuation: in 2006 the situation again reached balance (50:50), but the foreign element no longer has the (even slight) predominance that it enjoyed in the 1990s and up to 2004.

The precise results and trends are evident from Table no. 5.

Table 5

Estimate of the proportion of international and domestic organised crime groups in the CR

	1993	1994	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
	N=12	N=17	N=18	N=31	N=20	N=27	N=27	N=31	N=21	N=19	N=24	N=28	N=33
International	-	30	20	25	27	31	28	24	28	30	30	21	24
(Aggregate international)	(53)	(61)	(47)	(53)	(55)	(60)	(55)	(53)	(54)	(58)	(56)	(46)	(50)
Mixed (international prevails)	-	31	27	28	28	29	27	29	26	28	26	25	26
Mixed (domestic prevails)	-	21	20	24	20	20	21	20	23	18	23	24	26
(Aggregate domestic)	(47)	(39)	(53)	(47)	(45)	(40)	(45)	(47)	(46)	(42)	(44)	(54)	(50)
Domestic	-	18	33	23	25	20	24	27	23	24	21	30	24
Total %	100												

The breakdown of foreign nationalities in organised crime in the Czech Republic for 2006 is given in Table no. 6.

Table 6

Numbers of foreign nationals involved in organised crime in the Czech Republic in 2006

Order	Nationality	Index
1 st	Ukrainians	304
2 nd	Vietnamese	200
3 rd	Albanians/Kosovo Albanians	186
4 th	Russians	176
5 th	Chinese	172
6 th	Bulgarians	82
7 th	Romanians	56
8 th	Serbs	42
9 th	Slovaks	39
10 th -11 th	Turks	21
	Nigerians	21
12 th	Poles	18
13 th	Moldavians	14
14 th -15 th	Daghestanis	13
	Macedonians	13
16 th -17 th	Lithuanians	12
	Israelis	12
18 th -19 th	Chechens	9
	Belorussians	9
20 th	Indians	7
21 st -22 nd	Montenegrins	4
	Iraqis	4
23 rd -24 th	Kazakhs	3
	Croatians	3
25 th -27 th	Senegalese	2
	Egyptians	2
	Italians	2
28.-30.	Pakistanis	1
	Georgians	1
	Germans	1

Note: Experts could state ten possibilities (in survey from 1993-2003 six). We calculated the aggregate index as follows: the number of respondents who stated the relevant nationality in first place was multiplied by 10, in second place by 9 etc. down to tenth place, by 1. The total index is thus the aggregate of these multiples.

Compared with previous years (we have monitored the situation annually since 1994), there were certain marked changes in 2006. The first such change concerns the slight reduction in the proportion of Russian nationals. In 2004, Russians, together with Ukrainians, were indisputably the leading group. In 2005, the Russians were still in second place but the Ukrainians had gained numerical superiority. In 2006, the Vietnamese and Albanians (mostly from Kosovo) had overtaken the Russians, although this is due not so much to their rise as it is to the decline of the Russians. Nevertheless, despite this fall, the Russians still remain in the strongest group. This also still contains the Chinese, despite their numbers declining since 1998. In the 1990s, the strongest group included, in addition to Ukrainians and Russians and Chinese, the citizens of the former Yugoslavia. With Yugoslavia's break-up into several smaller states around 1999 the proportion of Yugoslavs fell sharply.

The leading group is followed by Bulgarians, who continue to lead the 'higher middle range'. They remain in sixth place, although their distance from the first five is growing. Within the middle range group they are followed in seventh place by the Romanians and in eighth by the Serbs. There then comes the most striking change: in ninth place are the Slovaks, who throughout the 1990s appeared exclusively in the bottom rankings of organised crime in the Czech Republic. After 2000, however, they began gradually to rise up to the lower end of the middle group and now rank even higher. Some distance behind them follows the 'lower middle group'. This includes Turks, Nigerians, Poles, Moldavians, Daghestanis, Macedonians, Lithuanians, Israelis, to a certain degree Chechens, Belorussians, Indians. We also see an ongoing decline in the Poles, who until the end of the 1990s had quite a strong presence in organised crime in the Czech Republic. On the other hand, Turks, Nigerians, Lithuanians, Israelis register definite increases. Those nationalities which occur only rarely include: Montenegrins, Iraqis, Kazakhs, Croatians, Senegalese, Egyptians, Italians, Pakistanis, Georgians, Germans.

In connection with the breakdown of groups according to their foreign and domestic elements we sought for 2006, using the help of experts, to estimate **the degree to which particular groups are controlled either from abroad or from the Czech Republic**. We did not seek to ascertain whether the senior management was Czech or foreign but whether it controlled the group from abroad or within the Czech Republic.

Table 8

Where specific types of group are controlled from (for 2006)

	Controlled from abroad	Controlled from the CR	Total N=33
From purely foreign groups	67	33	100%
From mixed groups dominated by foreigners	53	47	100%
From mixed groups dominated by Czechs	32	68	100%
From purely Czech groups	12	88	100%

N=33

4. Activities of organised crime groups

We have performed an annual estimate of the most widespread forms of organised criminal activity since 1993. The experts proceed from a list of around 35 activities, on each of which they state whether in the relevant year it occurs in the CR in a developed or rudimentary form – or whether it occurs at all. We calculate the incidence rate of the most widespread activities according to how many respondents have stated the relevant activity as widespread. The list is supplemented by new activities. At the same time, we exclude from it those activities that are repeatedly shown to be less important, or which were characteristic only for a certain period. If one of these excluded activities comes to be important again, it can be included in the list at any time. *(This was the case, for example, in CD and video piracy, money transfers without the owner's knowledge, enticing money with the promise of its substantial appreciation, trafficking in radioactive material, the illegal export and, recently, import of hazardous waste and the smuggling of alcohol and cigarettes. On the other hand we excluded activities that were only typical for a certain period, or which were shown to be less important. Examples of the latter include fraud relating to the privatisation process or private enterprise; usury was excluded. If any of these excluded activities is shown to be important again it can be included at any time.)*

The regular monitoring of the most common activities, which has been conducted since 1993, makes it possible to compare developments between 1993 and 2006.

Table 9

**Estimated incidence rate of the most widespread forms of organised criminal activity
in the Czech Republic (2006)**

		N = 33	%
1.	production, smuggling and distribution of drugs	30	91
2. – 4.	car theft	28	85
	money laundering	28	85
	forging of documents, cheques, money, coins	28	85
5. – 7.	computer crime	25	76
	illegal production and smuggling of alcohol or cigarettes	25	76
	tax, credit, insurance, bill of exchange fraud	25	76
8. – 9.	organisation of prostitution and trafficking in women for sexual exploitation	24	73
	blackmail and protection rackets	24	73
10.	organising illegal migration	22	67
11. – 14.	customs fraud	20	61
	receiving and handling stolen goods	20	61
	founding fraudulent and fictitious firms	20	61
	CD and video piracy	20	61
15.	collecting debts to order	19	58
16.	murder	18	55
17. – 18.	bank robbery	17	52
	burglary (of flats, weekend houses, shops, warehouses)	17	52
19.	bank fraud	16	48
20. – 21.	theft of artefacts	15	45
	Corruption	15	45
22.	enticing money with the promise of large appreciation	14	42
23.	trafficking in children for forced labour	13	39
24. – 25.	gambling	12	36
	international trade in arms, explosives	12	36
26.	illegal import and export of hazardous waste	11	33
27.	misuse of European Union funds	9	27

The changes that occurred over fifteen years are evident both from the overall diagram and from the graphs. In the commentary we thus focus on the main changes, with a particular emphasis on the most recent which concerned 2006.

Car theft and organised prostitution, and since 1994 the **production, smuggling and distribution of drugs** have consistently registered among the most widespread organised criminal activities in the Czech Republic. These are joined, temporarily or for longer periods, by some of almost forty other activities. So between 1993 and 1998 the most widespread such activities included the **theft of artefacts**, in 1996 and 1997, 2002 and 2005 **tax, credit, insurance and bill of exchange fraud**, while **corruption** could sometimes be counted in close proximity, subject to its occasional marked fluctuations. In 1995, 1997, 1998, 2000 and 2003 it ranked in the top ten, only for it to fall back to around 20th place in 1996, 2002, 2004 and in the last survey from 2006. Between 1998 and 2004 **illegal migration** leapt up to join the most widespread activities of organised crime groups. Since 2005 its share has started to fall and in 2006 we recorded it in 10th place.

The year 2006 saw significant changes. Joining the traditional crime of drug trafficking and car theft (prostitution fell somewhat), among the most widespread activities were money laundering and the forging of documents, money and coins. **Money laundering** has generally ranged around the top of the second ten of organised crime group activities; in 1996 it fell as far as 16th to 19th place. In 1997 it shot up to 5th place, only to fall back again to the top ten in 1998, where it remained in 1999, 2000, 2001. In 2002 it registered another fall to 16th – 17th place, rising again to the bottom of the top ten in 2003 and 2004. In 2006 the legalisation of the proceeds of crime was in 2nd – 4th place. The same position was held by the **forging of documents, cheques, money, coins**, which until then had either not appeared at all among developed activities or was at the bottom of the second ten (in 1996, 1998, 1999, 2000, 2002, 2003 and 2004). In 2005 it fell even further – to 21st – 23rd place. The year 2006 saw the long-expected enormous rise in **computer crime**. Until 2005 this had been far below the average; in 2006, however, it ranked in 5th – 7th place, just behind the most widespread.

In 2006 a “new” form of the **illegal production and smuggling of alcohol or cigarettes**, which until then had not been particularly common in the Czech Republic, was registered in 9th place.

An overall survey of the order of organised criminal activities according to their incidence rate is given in diagram no. 1 (See Annex)

The following tables and graphs indicate how widespread are the most serious activities of organised crime groups.

Note: Tables nos. 10-33 and the related graphs give the percentage of experts who in the relevant year considered the stated activity to be developed. In cases where the number of respondents who describe the activity as developed falls below 50% the data is not given. The relevant graph always has a bottom level of 50%.

Table 10

Drugs

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
50	89	100	95	97	100	100	100	100	90	95	92	86	91

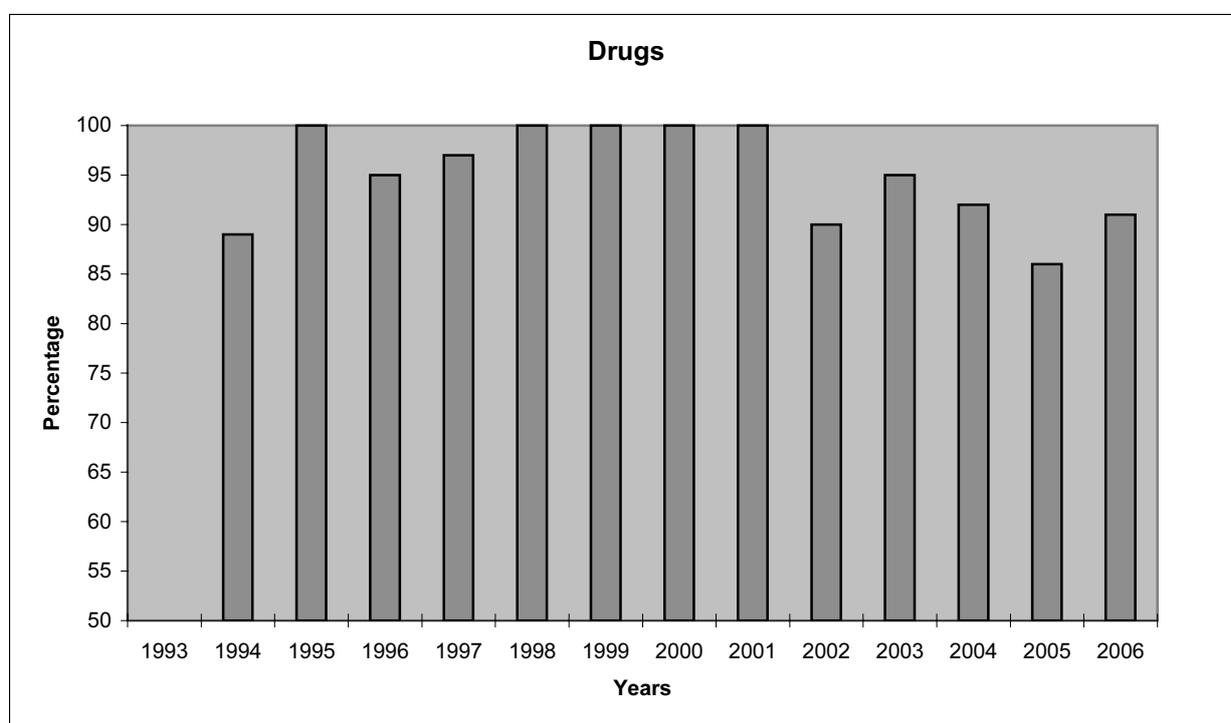


Table 11

Car theft

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
100	100	95	95	97	100	100	93	97	95	95	92	100	85

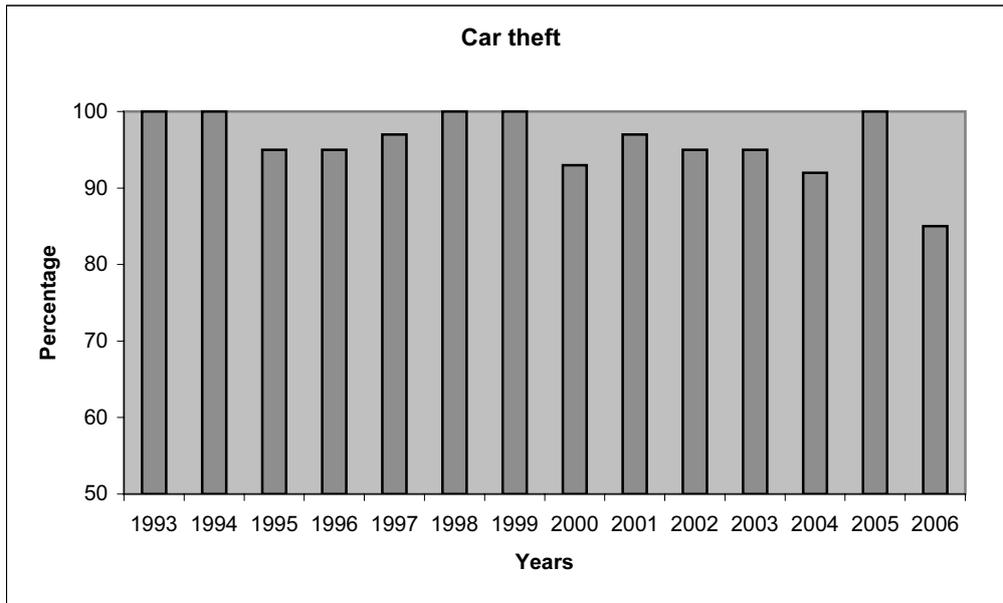


Table 12

Money laundering

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
50	59	63	55	77	65	74	85	68	62	79	79	68	85

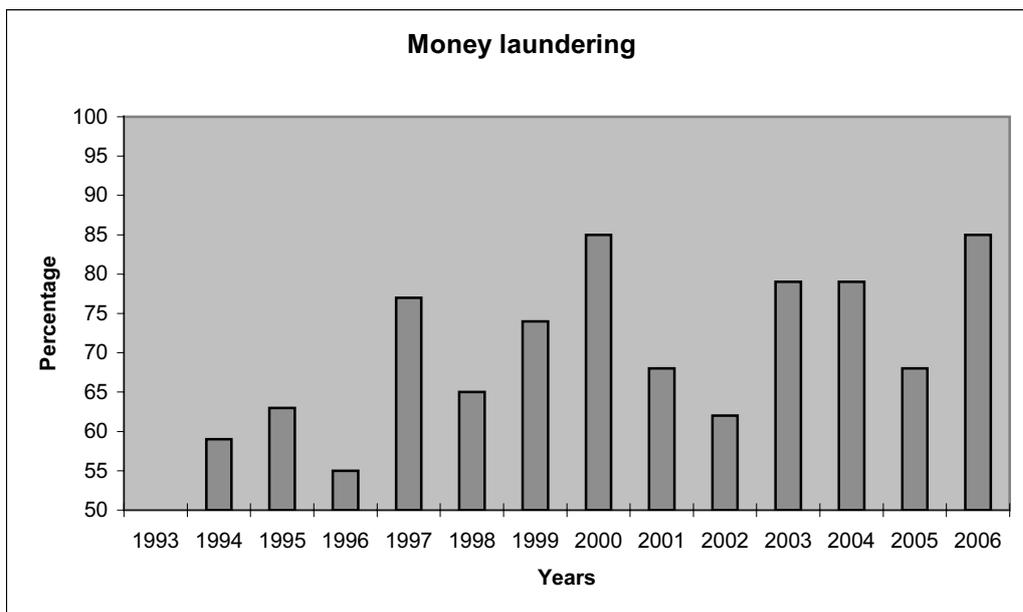


Table 13

Forging documents, cheques, money, coins

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	61	0	55	55	70	0	0	63	62	43	85

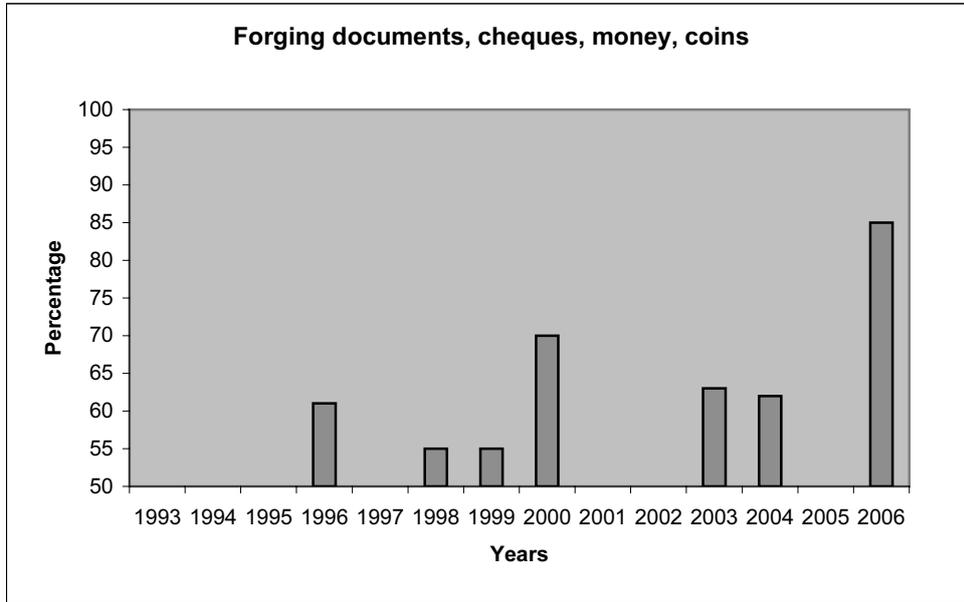


Table 14

Computer crime

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	0	0	0	0	0	0	0	0	0	0	76

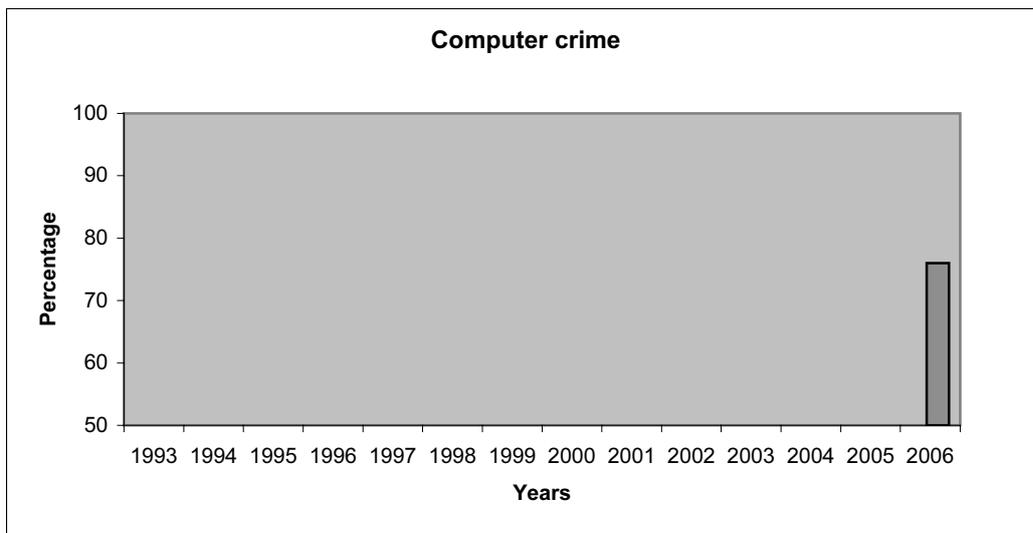


Table 15

Illegal production and smuggling of alcohol and cigarettes

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	0	0	0	0	0	0	0	0	0	75	76



Table 16

Tax fraud

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	53	78	81	55	0	78	53	85	79	75	86	76

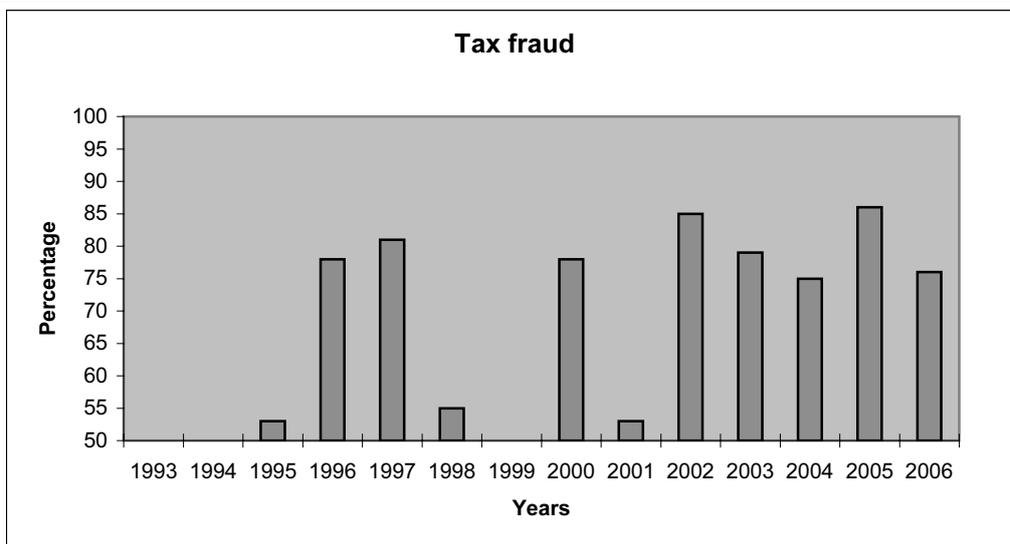


Table 17

Prostitution

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
84	89	100	89	97	100	96	89	97	95	100	96	82	73

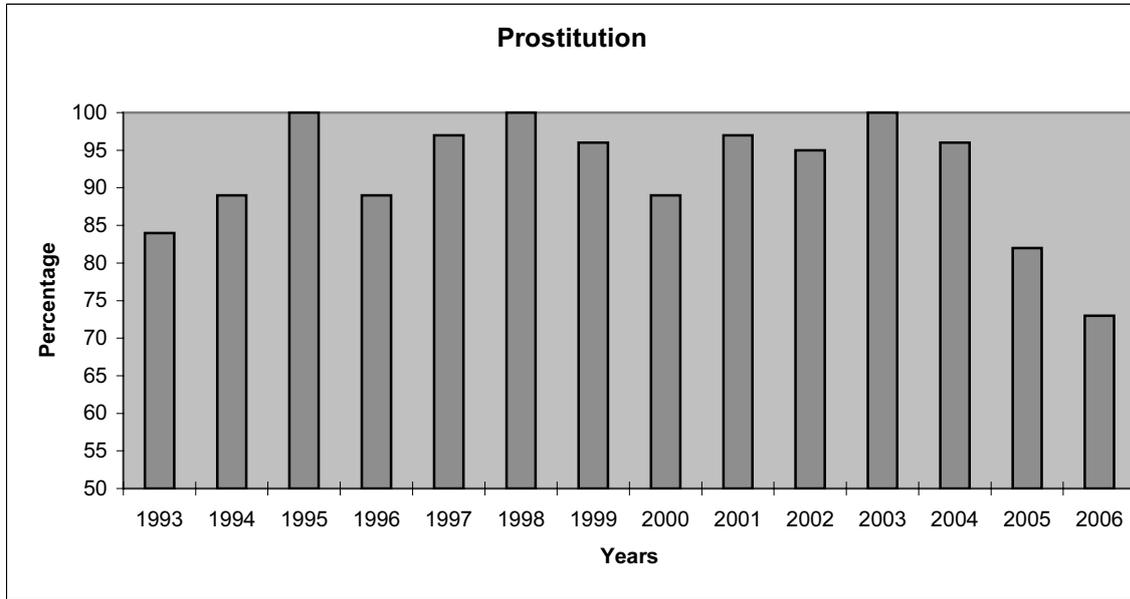


Table 18

Blackmail

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
50	76	68	67	64	70	70	67	61	76	95	92	68	73

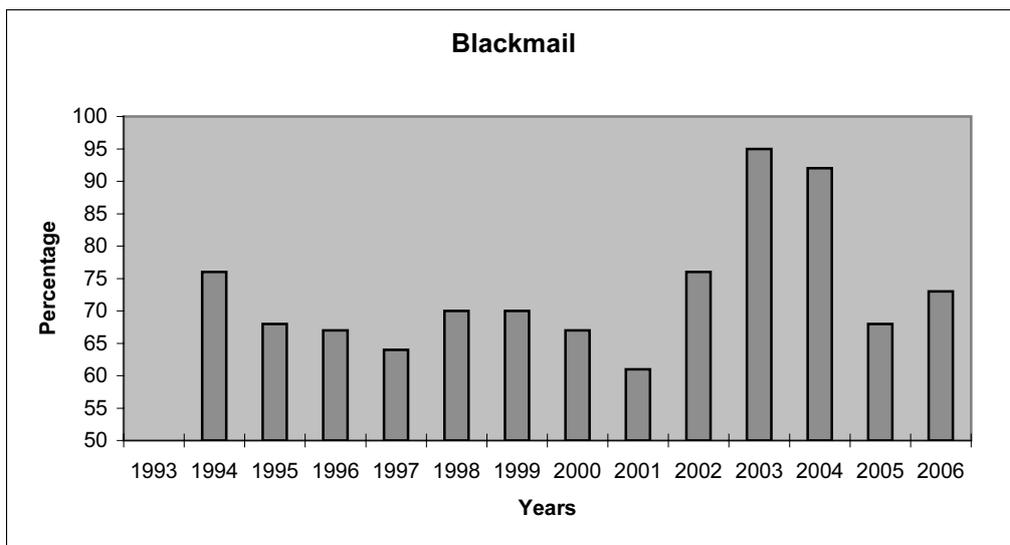


Table 19

Illegal migration

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
67	78	73	73	65	95	96	93	100	90	100	87	71	67

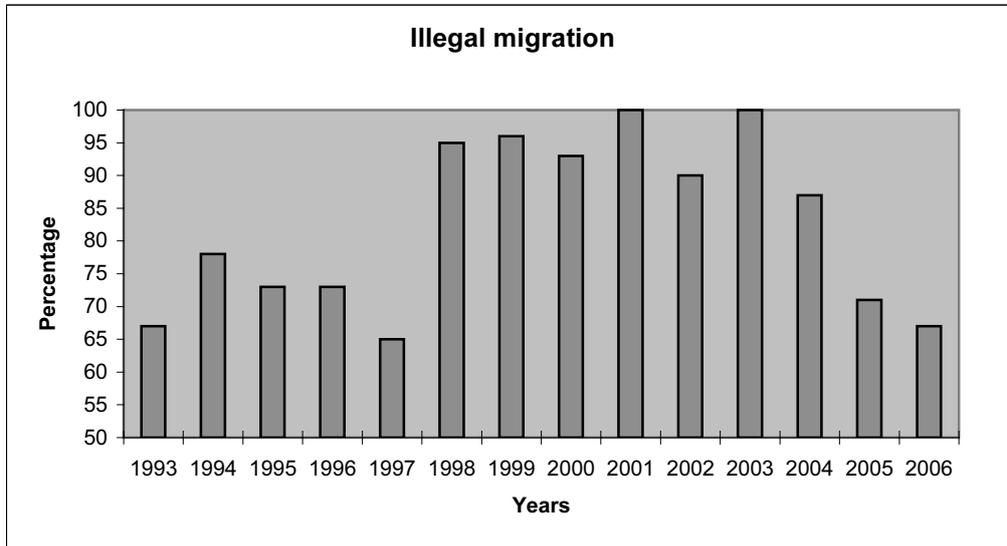


Table 20

Customs fraud

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
75	50	68	72	68	50	78	63	48	76	58	75	86	61

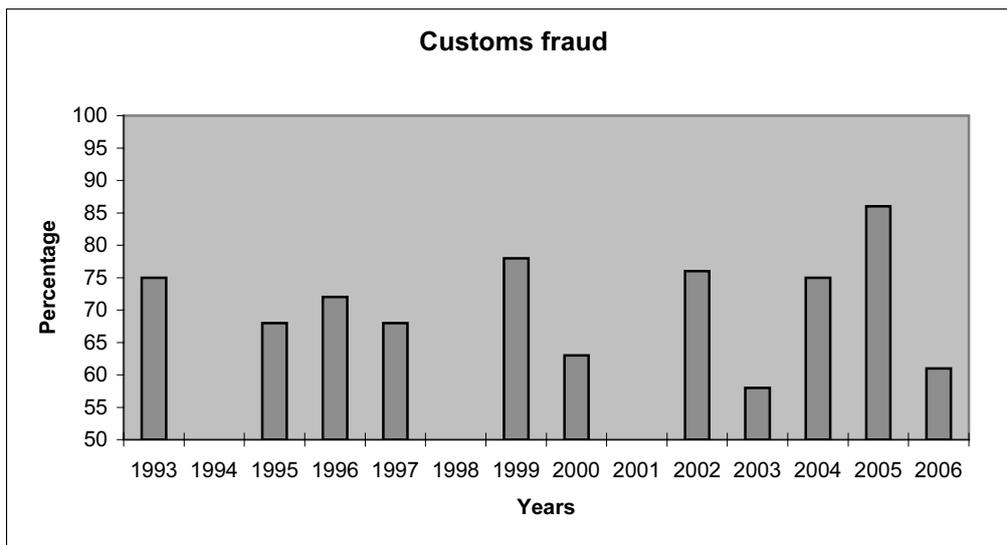


Table 21

Receiving and handling stolen goods

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
58	82	63	66	74	50	55	89	71	90	63	62	68	61

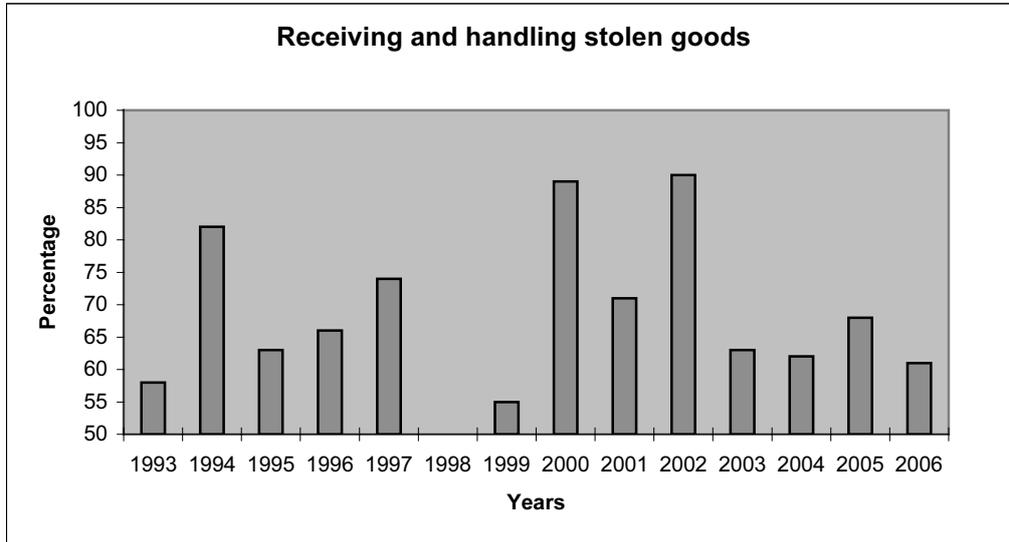


Table 22

Founding fraudulent and fictitious firms

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	72	61	68	60	0	63	50	76	79	75	57	61

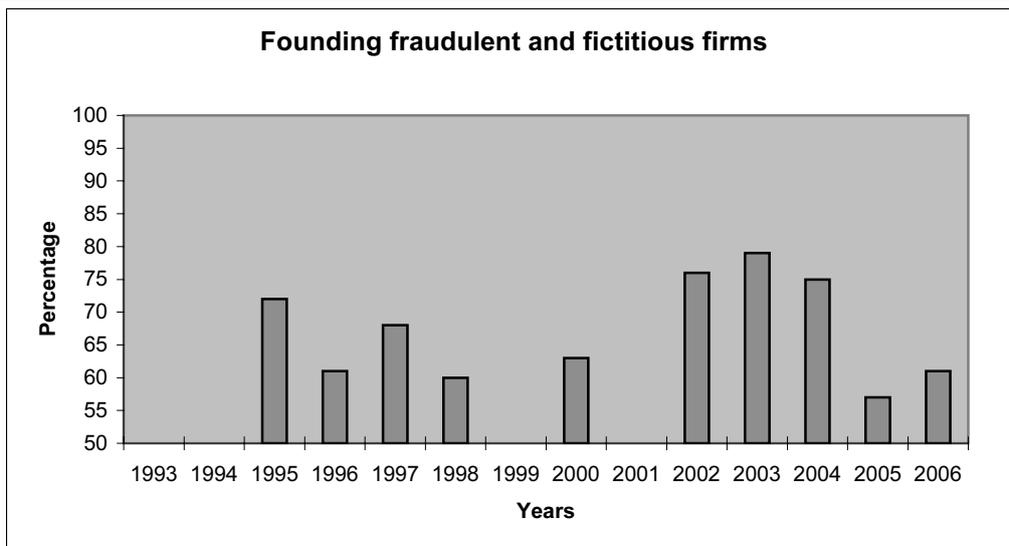


Table 23

CD and video piracy

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	0	0	0	70	85	81	76	68	83	79	61

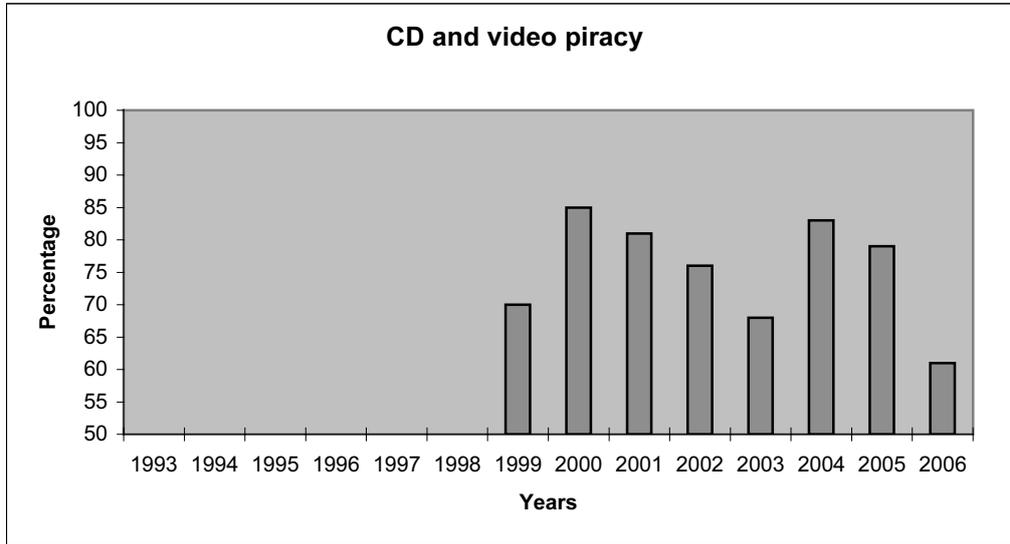


Table 24

Unlawful debt collection

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	68	67	71	70	81	78	65	71	79	92	82	58

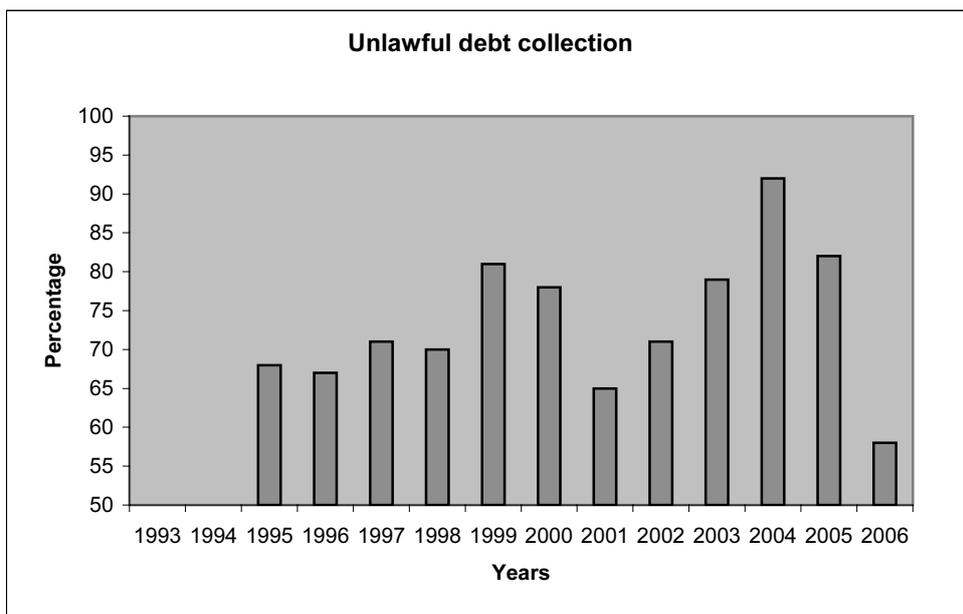


Table 25

Violence and murder

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	59	58	55	62	50	63	85	55	52	47	54	46	55

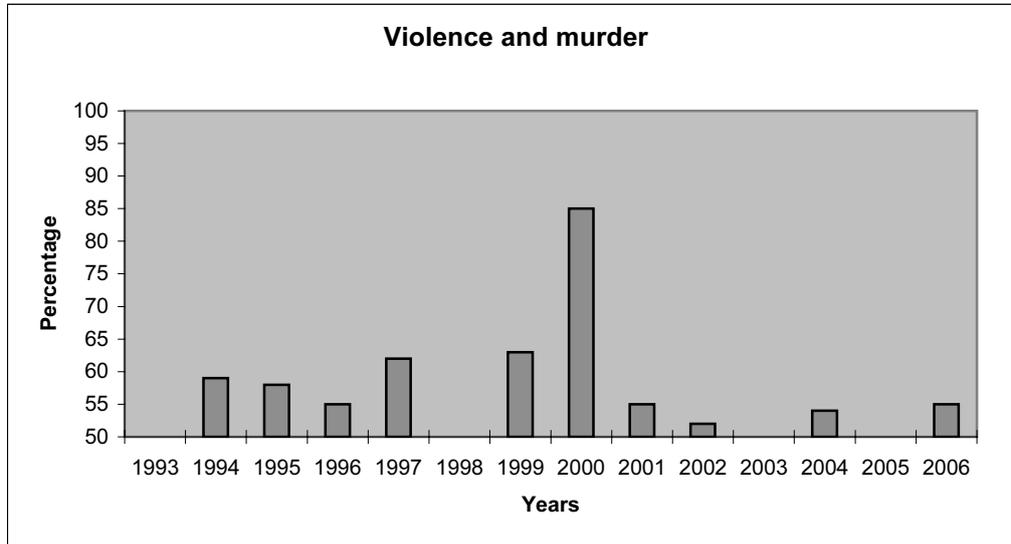


Table 26

Bank robbery

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	0	0	0	0	70	0	0	53	79	46	52

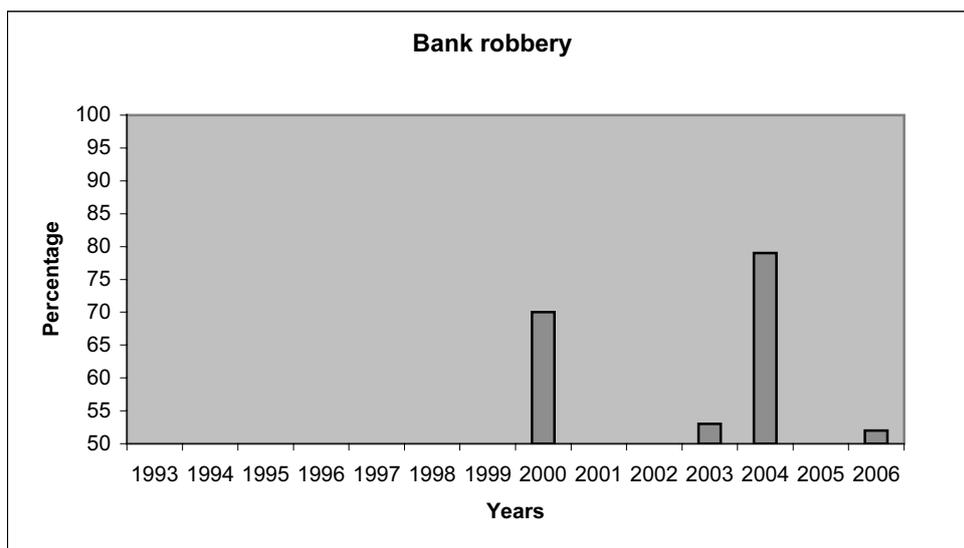


Table 27

Burglary

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
75	82	58	55	58	0	63	81	61	71	0	58	61	52

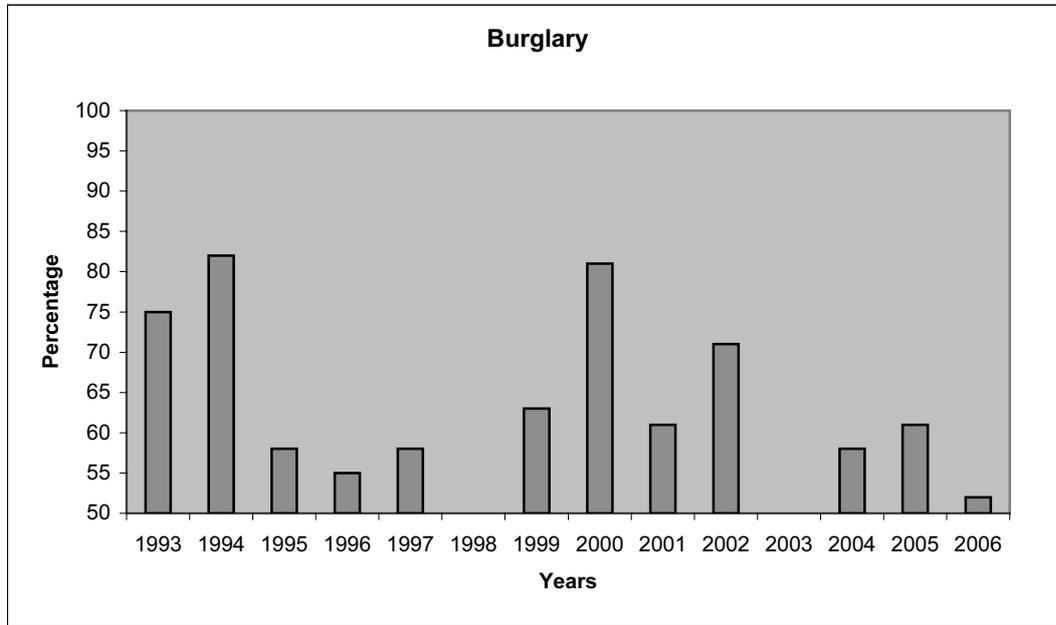


Table 28

Bank fraud

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	67	74	55	0	70	0	67	0	62	54	48

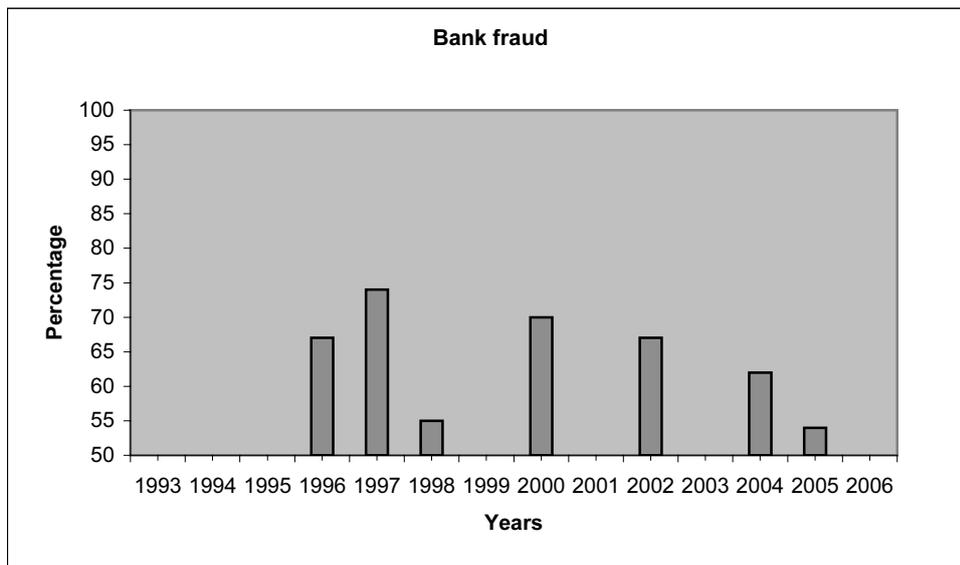


Table 29

Theft of artefacts

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
100	94	79	89	74	90	74	81	65	71	68	67	43	45

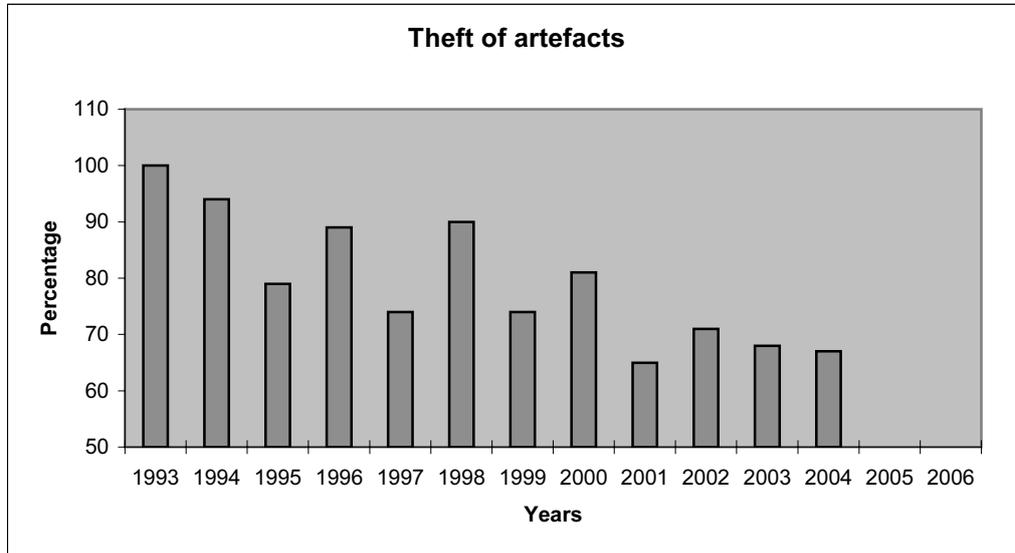


Table 30

Corruption

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
58	65	79	50	74	75	63	89	68	48	84	75	93	45

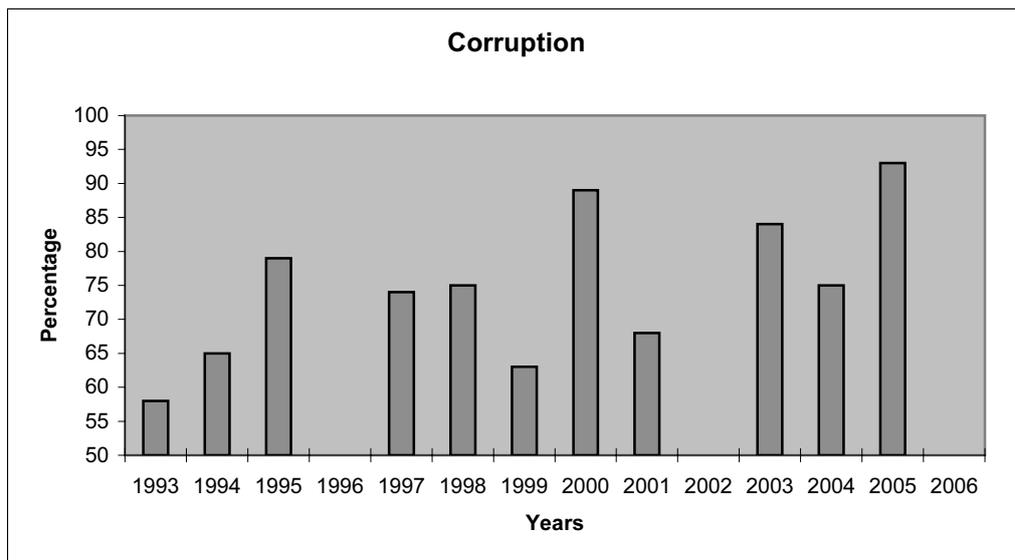


Table 31

Enticing money

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	0	0	0	52	59	0	62	63	71	54	42

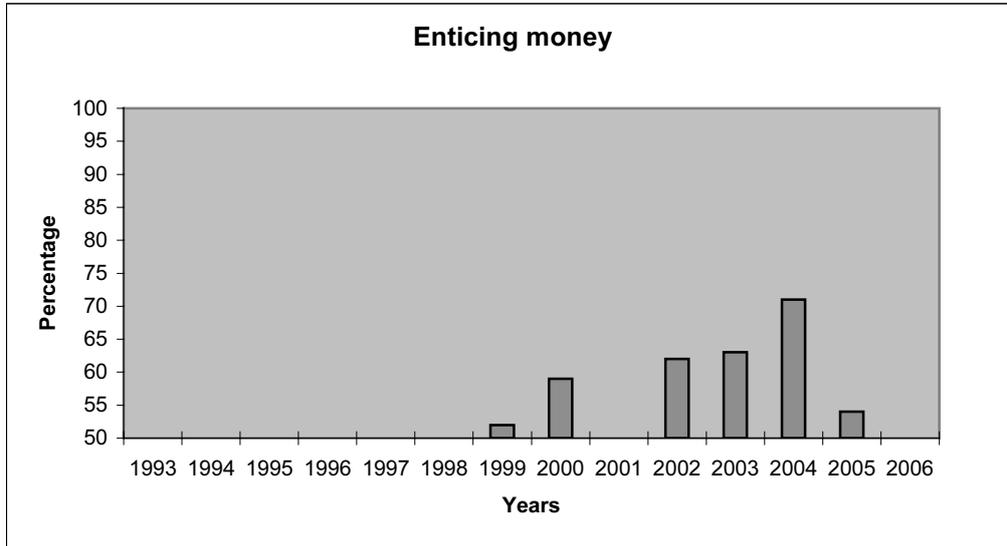


Table 32

Arms dealing

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	59	53	55	52	60	52	56	48	38	68	46	32	36

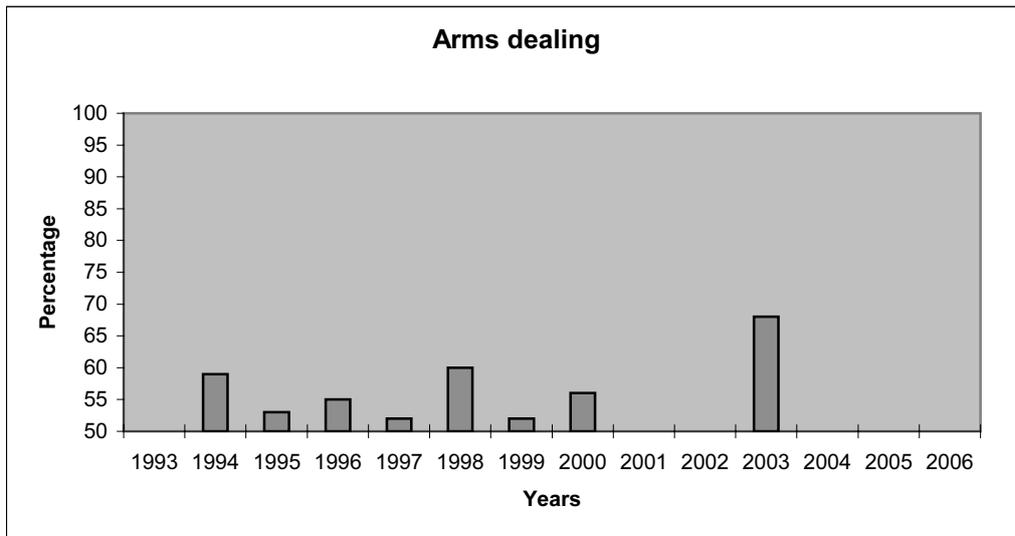


Table 33

Illegal import and export of hazardous waste

1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0	0	0	0	0	0	0	0	0	0	0	0	57	33



5. Most common activities of foreign groups

As well as determining the order of organised criminal activities in general we also performed occasional checks on the types of activities followed by the more prominent national groups operating in the Czech Republic. We have recorded this area systematically since 1999. We can thus compare the results from 2006 with the seven previous years. (*Albanians and Kosovo Albanians, who are stated separately in the aggregate, are dealt with separately in the survey for purposes of comparison*).

Most common activities of Ukrainian groups 1999-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

1999

blackmail (23), violent crime (15), robbery (10), car theft (8), arms and radioactive material (5), financial crime (5), prostitution (4), drugs (4),

2000

violent crime (24), blackmail (20), robbery (13), drugs (13), prostitution (10), car theft (7), illegal migration (7), arms and radioactive material (5), money laundering (3), bank fraud (2), debt collecting (2),

2001

blackmail (21), drugs (14), prostitution (13), violent crime (12), arms and radioactive material (10), robbery (8), debt collecting (8), car theft (6), illegal migration (5),

2002

blackmail (17), prostitution (8), armed robbery (8), car theft (5), murder (5), drugs (5), money laundering (4), arms (4), violence (4), human smuggling (3), corruption (2), illegal employment (1), kidnapping (1),

2003

blackmail (13), prostitution (6), people trafficking (5), debt collecting (5), robbery (5), drugs (4), car theft (4), violence (2), illegal migration (2), murder (2), illegal employment (1), forgery (1),

2004

blackmail (19), debt collecting (8), robbery (8), prostitution (6), violent crime (4), murder (4), illegal migration (4), car theft (3), arms dealing (3), drugs (3), money laundering (2), trafficking in women (1), forgery (1), illegal employment (1), people trafficking (1), kidnapping (1), corruption (1),

2005

blackmail (23), debt collecting (8), murder (7), robbery (7), car theft (7), prostitution (5), money laundering (5), illegal migration (4), arms dealing (4), drugs (4), violence (4), theft (3), people trafficking (3), bank robbery (2), enticing money (1), gambling (1), tax fraud (1), customs fraud (1), corruption (1), unlawful trade with antiques (1).

Ukrainians 2006

Blackmail and collection of protection money (20)

prostitution, procuring and soliciting prostitution and trafficking in women (14)

murder (11)

other violent crime (10)

car theft (8)

people trafficking/forced labour (7)

robbery (6)

money laundering (4)

arms dealing (3), theft (3)

illegal migration (2), debt collecting (2), drugs (2)

founding fictitious firms (1), bank robber (1), forgery (1), financial crime (1), gambling (1)

Most common activities of Vietnamese groups 1999-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

1999

forgery (5), fraudulent business activity (5), trademark violation (4), smuggling (4), CD/video piracy (3), drugs (3), money laundering (2), violent crime (2),

2000

illegal migration (5), prostitution (4), CD/video piracy (4), drugs (3), customs fraud (3), violent crime (2), tax fraud (2), smuggling (1), blackmail (1), receiving and handling stolen goods (1), debt collecting (1),

2001

customs fraud (14), CD/video piracy (10), illegal migration (8), tax fraud (8), drugs (6), people trafficking (2), smuggling (2), prostitution (2), blackmail (2), money laundering (2), violent crime (1),

2002

illegal migration (8), money laundering (7), trademark and copyright violation (6), smuggling goods (6), drugs (6), forging goods (5), forging documents (3), corruption (3), murder (2), blackmail (2), prostitution (1), robbery (1), gambling (1), car theft (1), tax fraud (1), other violent crime (1),

2003

forgery (9), drugs (6), illegal migration (5), customs fraud (5), tax fraud (5), smuggling (3), people trafficking (3), prostitution (2), blackmail (2), forging documents (2), money laundering (1) economic crime (1), murder (1),

2004

drugs (8), forging brand-name goods (6), illegal migration (5), customs fraud (5), tax fraud (5), money laundering (3), CD piracy (2), forging documents (2), smuggling goods (2), trademark violation (1), economic crime (1), corruption (1), fraud (1), trafficking in women (1), prostitution (1), blackmail (1), bogus marriages (1),

2005

drugs (8), customs fraud (7), tax fraud (7), money laundering (7), CD piracy (7), smuggling goods (6), illegal production of spirits and cigarettes (6), illegal migration (5), trademark forgery (5), forging and distributing brand-name goods (4), people trafficking (3), gambling (1), blackmail (1), smuggling (1), theft (1), robbery (1).

Vietnamese 2006

drugs (9)

illegal migration (8)

customs fraud (7), trademark forgery (7)

CD/video piracy (6), smuggling cigarettes (6)

tax fraud (5)

prostitution, procuring and soliciting prostitution, trafficking in women (4)

forced labour (3), smuggling (3), money laundering (3), blackmail and collection of protection money (3)

founding fictitious firms (1), violent crime (1), gambling (1)

Most common activities of **Russian groups** 1999-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

1999

blackmail (21), violent crime (12), economic crime (9), prostitution (8), arms and radioactive material (7), car theft (6), money laundering (5), drugs (4), heavy metals and crude oil (4),

2000

violent crime (17), blackmail (16), drugs (9), robbery (8), prostitution (7), arms and radioactive material (4), illegal migration (4), car theft (2), money laundering (2), bank fraud (2), debt collecting (1),

2001

violent crime (13), blackmail (12), drugs (11), prostitution (11), money laundering (9), arms and radioactive material (8), debt collecting (7), car theft (7), robbery (6), bank robbery (3), forging money (2),

2002

blackmail (16), prostitution (8), robbery (7), murder (6), drugs (6), money laundering (6), car theft (5), arms (3), bank fraud (2), violence (2), illegal migration (2), radioactive material (1), economic crime (1), fictitious firms (1), corruption (1), debt collecting (1), smuggling (1), forging money (1),

2003

blackmail (13), drugs (7), arms (7), murder (6), money laundering (5), prostitution (4), robbery (4), car theft (3), illegal migration (2), debt collecting (2), corruption (2), people trafficking (2), economic crime (1), smuggling (1), dealing in radioactive material (1), tax fraud (1), real estate fraud (1),

2004

blackmail (12), money laundering (8), prostitution (8), drugs (7), debt collecting (5), arms dealing (4), murder (3), robbery (3), economic crime (3), trafficking in women (2), violent crime (2), fictitious firms (2), forging documents (1), car theft (1), financial fraud (1), illegal migration (1), corruption (1),

2005

blackmail (14), money laundering (11), arms dealing (9), murder (7), robbery (6), prostitution (4), car theft (3), violence (3), drugs (3), corruption (3), illegal migration (3), debt collecting (3), fraud (2), fictitious firms (2), tax fraud (2), economic crime (2), bank robbery (1), customs fraud (1), trafficking in women (1), forging documents (1), theft (1), financial fraud (1), gambling (1), receiving and handling stolen goods (1).

Russians 2006

**blackmail (20),
murder (13),
other violent crime (9), prostitution (9), money laundering (9),
robbery (4),
car theft (3), fraud (3), people trafficking/forced labour (3),
arms dealing (2), corruption (2), forging documents (2), theft (2),
drugs (1), fictitious firms (1), illegal migration (1), tax evasion (1), financial fraud (1),
gambling(1)**

Most common activities of Chinese groups in 1999-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

1999

money laundering (6), illegal migration (3), drugs (3), tax (3), people trafficking (3),

2000

illegal migration (4), money laundering (4), prostitution (4), violent crime (4), drugs (2),

2001

illegal migration (8), money laundering (5), customs fraud (5), drugs (5), forging documents (4), people trafficking (3),

2002

money laundering (11), illegal migration (9), smuggling goods (6), blackmail (5), drugs (4), trademark violation (3), forging goods (2), customs fraud (2), prostitution (2), murder (2), other violence (2), fictitious firms (1), corruption (1), arms (1), gambling (1), forging documents (1), kidnapping (1), robbery (1), blackmail (1),

2003

blackmail (6), illegal migration (5), forgery (4), money laundering (3), smuggling (2), drugs (2), economic crime (2), corruption (1), tax fraud (1), kidnapping (1), murder (1),

2004

illegal migration (7), money laundering (7), forging documents (3), forging trademarks (3), drugs (2), economic crime (2), corruption (1), fictitious firms (1), customs fraud (1), trafficking in women (1), fraud (1), prostitution (1), smuggling goods (1), bogus marriage (1), tax fraud (1),

2005

money laundering (11), CD piracy (8), customs fraud (7), illegal migration (5), drugs (5), tax fraud (5), blackmail (4), illegal production of alcohol and cigarettes (3), murder (2), violence (2), people trafficking (2), fraud (2), gambling (2), fictitious firms (1), kidnapping (1), robbery (1), prostitution (1), smuggling (1).

Chinese 2006

illegal migration (10)

**money laundering (8),
customs fraud (5)**

CD/video piracy (4), tax fraud (4),

people trafficking/forced labour (3), drugs (3), blackmail (3),

prostitution/trafficking in women (2),

forging trademarks (1), smuggling goods (1), smuggling cigarettes (1), property crime (1), murder (1), gambling (1)

Most common activities of Albanian groups in 2000 – 2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

2000

drugs (5), prostitution (3), arms dealing (2), car theft (1), violent crime (1),

2001

drugs (12), arms dealing (7), prostitution (3), car theft (2),,

2002

drugs (14), prostitution (5), arms (3), car theft (3), blackmail (2), robbery (2), money laundering (2), other violence (2), financial fraud (1), customs fraud (1), property crime (1),

2003

drugs (7), money laundering (3), corruption (1), gambling (1), forgery (1), blackmail (1), robbery (1), prostitution (1),

2004

drugs (13), arms dealing (4), prostitution (3), money laundering (2), murder (2), blackmail (1), violent crime (1), gambling (1), car theft (1),

2005

drugs (10), money laundering (2), blackmail (2), violent crime (2), arms dealing (2), robbery (2), prostitution (1), murder (1), people trafficking (1), car theft (1), smuggling (1), violent debt collecting (1), fraud (1), burglary (1).

Albanians 2006

drugs (16),

arms dealing (4)

money laundering (3),

prostitution (2), violent crime (2), forging money (2), forging documents (2) illegal migration (2),

theft (1), property crime (1), blackmail (1), forging money (1), murder(1), tax (1), gambling (1)

Most common activities of **Bulgarian groups** in 2000-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

2000

prostitution (6), car theft (3), violent crime (2), drugs (1),

2001

prostitution (3), car theft (2), forgery (1),

2002

prostitution (5), car theft (3), drugs (1), illegal migration (1), violence (1), theft (1), forging documents (1),

2003

prostitution (3), drugs (2), forgery (2), car theft (1), pick-pocketing (1),

2004

car theft (7), prostitution (6), drugs (4), forging documents (3), forging money (2), false credit cards (2), people trafficking (1), trafficking in women (1), arms dealing (1), people smuggling (1), theft of ATMs (1), violent crime(1), fictitious firms (1),

2005

prostitution (7), drugs (5), blackmail (3), theft (3), forging documents (2), bank fraud (2), car theft (1), illegal migration (1), violent crime (1), fraud (1), robbery (1).

Bulgarians 2006

prostitution/trafficking in women (8),

car theft (6),

drugs (5), theft (5),

forging money (3), forging documents (3),

bank fraud (2),

people trafficking/forced labour (1), illegal migration (1), receiving and handling stolen goods (1), tax fraud (1)

Most common activities of **Kosovo Albanians** in 2000-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

2000

drugs (6), arms (2), money laundering (2), violent crime (1),

2001

drugs (5), money laundering (3), prostitution (1),

2002

drugs (5), arms (2), car theft (2), corruption (2), prostitution (2), robbery (1), money laundering (1), illegal migration (1), forging documents (1), other violent crime (1),

2003

drugs (4), arms dealing (2), economic crime (1), blackmail (1), murder (1), forging documents (1),

2004

drugs (8), arms dealing (4), illegal migration (3), violent crime (3), prostitution (1), debt collecting (1), money laundering (1), people trafficking (1), car theft (1), gambling (1),

2005

drugs(4), blackmail (3), murder (1), corruption (1), prostitution (1), debt collecting (1), people trafficking (1), smuggling goods (1), smuggling brand-name goods (1), burglary (1).

Kosovo Albanians 2006

**drugs (5),
money laundering (2),
blackmail (1), murder (1), gambling (1)**

Most common activities of **groups from Romania** in 2000-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

2003

theft (1), forgery (1), receiving and handling stolen goods (1), drugs (1),

2004

forgery (1), pick-pocketing (1),

2005

pick-pocketing (4), blackmail (2), drugs (2), car theft (1), sale of counterfeit goods (1), people trafficking (1), trafficking in human organs (1), illegal migration (1), prostitution (1), forging documents (1).

Romanians 2006

**theft (7),
prostitution (2), cars (2),
illegal migration (1), forging money (1), people trafficking/forced labour (1), receiving
and handling stolen goods (1), money laundering (1), bill of exchange fraud (1)**

Most common activities of **groups from Serbia** in 2000-2006

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 27 in 1999 and 2000, 31 in 2001, 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

2000

drugs (14), prostitution (7), violent crime (5), arms (4), blackmail (3), fictitious firms (2), car theft (2),

2001

drugs (5), prostitution (4), money laundering (2), violent crime (2), blackmail (1),

2002

drugs (1), theft (1), fraud (1),

2003

drugs (2), money laundering (2), corruption (2), blackmail (1), car theft (1), burglary (1),

2004

drugs (5), forgery (2), money laundering (1), tax fraud (1), smuggling (1), arms dealing (1),

2005

drugs (3), arms dealing (2), money laundering (1), robbery (1), debt collecting (1), illegal migration (1), smuggling (1).

Serbs 2006**drugs (7)**

blackmail (2), murder (2), violent crime (2), robbery (2), prostitution (1), cars (1), illegal migration (1), money laundering (1).

Most common activities of **groups from Slovakia** in 2002-2005

Note: The brackets give the number of experts who placed the activity in 1st – 8th place (from a total of 21 in 2002, 19 in 2003, 24 in 2004, 28 in 2005, 33 in 2006)

2002

illegal migration (1), theft (1), fraud (1),

2004

illegal migration (3), theft (2), blackmail (1), robbery (1), drugs (1), prostitution (1),
In **2005** experts did not record them.

2006

violent crime (4), murder (1), arms dealing (1), drugs (1), property crime (1), computer crime (1), robbery (1), cars (1), receiving and handling stolen goods (1), theft (1), fraud (1).

Infrequent activities are recorded for groups **less commonly represented** in 2001-2005.

For **Turks**: in **2001** drugs (1), economic crime (1),

in **2002** drugs (2), smuggling (1),

in **2003** drugs (1),

in **2004** drugs (1), illegal migration (1), founding fictitious firms (1),

In **2006** drugs (2).

For **Nigerians** in **2004** drugs (1), illegal migration (1), falsifying documents (1), fraud (1), founding fictitious firms (1),

in **2005** drugs (1), fraud (1).

In **2006** drugs (1), computer crime (1), financial fraud (1), forging money (1).

For **Poles**: in **2001** organised trafficking in alcohol (1),
in **2002** drugs (1), car theft (1), forging money (1),
in **2003** drugs (2), forgery (1), tax fraud (1), customs fraud (1)
in **2004** drugs (1), customs fraud (1), car theft (1)
in **2005** drugs (1), illegal production and smuggling of cigarettes (1), smuggling
goods (1)
in **2006** cars (1), money laundering (1), bank fraud (1), customs fraud (1), gambling (1),
drugs (1).

For **Moldavians** in **2006** we recorded blackmail (2), cars (2).

For **Daghestanis** in **2002** we recorded drugs (1), violence (1) and blackmail (1),
in **2004** violent crime (1), drugs (1), blackmail (1), people trafficking (1),
car theft (1), illegal migration (1),
in **2005** blackmail (1), debt collecting (1), murder (1), robbery (1),
in **2006** blackmail (2), tax fraud (1), customs fraud (1), murder (1), robbery
(1), money laundering (1), fictitious firms (1), corruption (1).

For **Macedonians** in **2004** drugs (1),
in **2005** drugs (3), blackmail (3), smuggling (1),
in **2006** drugs (5), violent crime (2), robbery (2), cars (1), murder (1),
illegal migration (1), blackmail (1).

For **Lithuanians** in **2006** we recorded forging money (1).

For **Israelis** in **2005** gambling (3), money laundering (1),
in **2006** money laundering (1), prostitution (1).

For **Chechen groups**

in **2003** blackmail (2), illegal migration (1), prostitution (1), drugs (1), fraudulent firms (1), gambling (1), money laundering (1), robbery (1), murder (1),
in **2004** drugs (2), illegal migration (2), blackmail (2), violent crime (1), people trafficking (1), car theft (1), arms dealing (1), theft (1), robbery (1),
in **2006** blackmail (3), murder (2), illegal migration (1), drugs (1), money laundering (1).

For **Belorussians** in **2001** we recorded debt collecting (2), violent crime (2), blackmail (1), robbery (1), forging money (1), drugs (1),
in **2002** blackmail (2), car theft (1), drugs (1), illegal migration (1), arms (1), radioactive material (1), money laundering (1), murder (1), robbery (1),
in **2004** robbery (1), blackmail (1),
in **2005** **people trafficking (1), blackmail (1), debt collecting (1), robbery (1), murder (1), organising prostitution (1), theft (1),**
in **2006** blackmail (2), property crime (1), people trafficking/forced labour (1), theft (1), robbery (1).

For **Egyptians and Iraqis** in **2006** we recorded drugs (2), corruption (2), forging documents (1), bank robbery (1).

For **Kazakhs** in **2006** we recorded violent crime (1) and property crime (1).

For **Croatians** in **2006** we recorded drugs (4), robbery (2), violent crime (2), murder (1), blackmail (1), illegal migration (1), money laundering (1).

For **Senegalese** in **2004** we recorded drugs (1), illegal migration (1), falsifying documents (1), fraud (1), founding fictitious firms (1)
in **2006** Senegalese were listed (in 26th place), although no specific activity was indicated for them.

For **Italians** (in 2006 in 28th place) we recorded
in **2002** money laundering (1),
in **2003** financial crime (1),
in **2004** financial crime (2), drugs (1), arms dealing (1), tax fraud (1) money laundering (1)
in **2005** drugs (1), corruption (1), arms dealing (1), organising prostitution (1), money laundering (1), tax and credit fraud (1), robbery (1), debt collecting (1), smuggling /gold, furs (1).

In **2006** receiving and handling stolen goods (1), gambling (1), customs fraud (1), money laundering (1), drugs (1), murder (1).

In 2006 there were also listed – without specific activities - Indians (in 21st place), Pakistanis (29), Georgians (30) Germans (31).

For **Germans** in 2005 we recoded theft of artefacts (1), organising prostitution (1), hazardous waste (1), car theft (1).

Concluding summary

From the extensive research into organised crime which we have conducted systematically since 1993, we present in the “Year-book” only those basic data on criminal groups and their activities which can be expressed numerically. Due to the fact that there is still very little statistical data on organised crime in the Czech Republic, the vast majority of data presented comes from expert estimates. However, experts’ reports overwhelmingly constitute a qualitative type of research: experts usually formulate opinions, positions, arguments – in other words a verbal form of expression. If, in our case, we substitute a lack of purely quantitative data with a number, or if we process the responses of experts quantitatively, this is always rather an expression of opinions and overall trends in which the numerical data should not be understood in absolute terms but only as a means to describe the structure and developmental trend.

According to the only purely statistical data we can state that the numbers of prosecuted and charged persons pursuant to Section 163a) of the Criminal Code on criminal conspiracy, which came into force 1 January 1995, have, after the rather unimpressive first three years, risen gradually since 1998. Involvement in criminal conspiracy, however, is not easy to prove and as a result the numbers of convictions pursuant to Section 163a) of the Criminal Code were almost negligible up to 2003. In 2004 and 2005 it proved possible to convict 10 and 9 people respectively, which nevertheless is not even one-tenth of the number charged.

As far as criminal groups are concerned, half of them may be considered as developed group, meaning that they have senior managing elements. The proportion of women is around 15%. Women are generally involved in ensuring the organisational background and management of the criminal groups; in addition they participate in trafficking in women, procuring and soliciting prostitution and trafficking in people for sexual exploitation, trafficking in narcotic and psychotropic substances and in tax, bank, credit, insurance, customs fraud, corruption, money laundering and founding fictitious firms. Women also play quite an important role in organising illegal migration. The activities in which women are involved sometimes include theft, and especially the theft of artefacts.

Foreigners are responsible for approximately one-half of organised crime in the Czech Republic. The nationalities most highly represented are Ukrainians, Vietnamese, Albanians, Russians, Chinese. The leading group is followed by Bulgarians (whose number is falling) and Romanians (whose number is rising). Next come Serbs and behind them Slovaks, who throughout the 1990s appeared exclusively in the bottom rankings of organised crime in the Czech Republic. After 2000, however, they began gradually to have a stronger presence. Some distance behind them follow the Turks, Nigerians, Poles, Moldavians, Daghestanis, Macedonians, Lithuanians, Israelis and, to a certain degree, Chechens, Belorussians, Indians. The Poles, who until the end of the 1990s had quite a strong presence in organised crime in the Czech Republic, gradually descended to this group. Those nationalities which occur only rarely include: Montenegrins, Iraqis, Kazakhs, Croatians, Senegalese, Egyptians, Italians, Pakistanis, Georgians, Germans.

Since 1993 we have annually monitored the activities that organised crime groups are involved in. The most common have consistently included car theft, organising prostitution, since 1994 the production, smuggling and distribution of drugs. These are joined, temporarily or for longer periods, by some of almost forty other activities. So between 1993 and 1998 the most widespread such activities included the theft of artefacts, in 1996 and 1997, 2002 and 2005 tax, credit, insurance and bill of exchange fraud, while corruption could sometimes be counted in close proximity, subject to its occasional marked fluctuations. In 1995, 1997, 1998, 2000 and 2003 it ranked in the top ten, only for it to fall back to around 20th place in 1996, 2002, 2004 and in the last survey from 2006. Between 1998 and 2004 illegal migration leapt up to join the most widespread activities of organised crime groups. Since 2005 its share has started to fall and in 2006 we recorded it in 10th place. The year 2006 brought some changes, with money laundering and the forging of documents, money and coins being counted among the most widespread activities. There was also a sharp rise in computer crime. Since 2005 the illegal production and smuggling of alcohol or cigarettes has also registered highly.

Since 2000 we have regularly monitored the activities of individual foreign groups. Ukrainians are typically involved in blackmail and collection of protection money, prostitution, procuring and soliciting prostitution and trafficking in women, violent crime, including murder, robbery. They are also active, albeit to a lesser extent, in car theft and trafficking in people for forced labour. Vietnamese mostly focus on smuggling drugs, illegal migration and activities related to unlawful trafficking: i.e. customs fraud, forging of trademarks, CD/video piracy, smuggling cigarettes and tax fraud. Russians, like Ukrainians, focus on blackmail, murder and other violent crime, prostitution. They are also involved in car theft, robbery, arms dealing and people trafficking. Unlike Ukrainians they are also involved in more sophisticated forms of economic crime: money laundering, corruption, founding fictitious firms, financial fraud. Chinese have long been involved in illegal migration. To a lesser extent their activities match those of the Vietnamese: tax fraud, money laundering, customs fraud, CD/video piracy, forging trademarks, smuggling goods and cigarettes, blackmail. To a certain extent they are also involved in trafficking in people for forced labour, drug trafficking and blackmail. Albanian groups have a particularly strong presence in smuggling and distributing drugs. They are also involved in smuggling arms. Bulgarian groups are typically involved in prostitution and trafficking in women and car theft. They are also recorded as being active in drug trafficking and recently in people trafficking for the purpose of forced labour. For Romanians theft is predominant. They are also involved in prostitution, car theft, illegal migration, people trafficking for the purpose of forced labour. Serbs are mostly active in drugs. Slovaks are not so clearly defined and probably work with other groups, most likely Czech. The lesser represented groups are characterised mostly by smuggling and distributing drugs, except for Poles and Moldavians, who are involved in car theft, Lithuanians, who have been found to be active in forging money, Israelis, who have thus far focused on gambling and money laundering. Chechens and Belorussians are mostly active in blackmail.

The Prison System of the Czech Republic

Zdeněk Karabec

1. Organisation of the Prison System

The Prison Service of the Czech Republic (Act No. 555/1992 Coll., which was amended by Act No. 460/2000 Coll. defining the status and tasks of the Prison Service), administers the prison system. The Prison Service is a department of the Ministry of Justice. The Minister of Justice manages the Prison Service through a Director General whom he appoints and replaces. The Director General is responsible to the Minister of Justice for the work of the Prison Service.

The Prison Service comprises the General Director's Office, detention centres (for custody) and prisons (for imprisonment). Individual prisons, i.e. facilities for custody and imprisonment, are established and abolished by the Minister of Justice. The head of each prison is the director appointed and recalled by the Director General of the Prison Service.

The Prison Service also has a separate organisational unit called the Institute of Education, which organises the vocational training of staff working in the prison system.

Under the relevant legislation, the Prison Service is responsible for the enforcement of custody and prison sentences. By using appropriate resocialisation programmes it influences the persons serving a term of imprisonment so that the punishment served will have a positive effect on their life after they are released. The Prison Service is also engaged in economic activity within the scope required for the inmates to be assigned work when serving a sentence (or even when in custody).

Another important task of the Prison Service is maintaining order and safety in the buildings of the judiciary.

The Prison Service is divided into the prison guards, justice guards and administrative service. Prison guards and justice guards have the status of an armed service. Prison guards guard, present and escort detainees and inmates, whereas justice guards maintain order and safety in court buildings, public prosecutor's office buildings and in the buildings of the Ministry of Justice. The administrative service handles the organisational, economic, educational and other specialist activities in the prison system, including medical service.

2. Act No. 169/1999 Coll. regulates prison sentences.

Under this act (Art. 2) a sentence or penalty may only be enforced in a manner which respects the personal dignity of the convicted person and limits the harmful effects of imprisonment; however, it may not endanger the required protection of society. The inmates must be treated in a manner which safeguards their health and if, the term of the sentence so permits, such attitudes and skills should be encouraged which will help the convicted person return to the community outside and be able to live an independent law-abiding life.

When received at a prison, the convicted person must be demonstrably familiarised with his rights and duties under this law and other procedures (these are the Prison Sentence Rules issued by the Ministry of Justice and the internal rules of individual prisons).

Prisoners are placed in cells and the men are always separated from the women. As a rule, juvenile prisoners are also separated from adult inmates, repeated offenders from those convicted and serving a sentence for the first time, those convicted for intentional crimes from those convicted of crimes through negligence. Prisoners with mental or behavioural disorders are also situated separately, as well as certain other groups of convicted persons requiring special treatment. A special group is formed of prisoners serving life sentences. They are placed in specially allocated areas of selected maximum security prisons.

In practice these prisoner placement rules are met depending on the accommodation space available in each prison. In situations when the accommodation capacity of prisons is not sufficient and the prisons are overcrowded, it becomes very difficult to meet all the requirements of the law.

Prisons are establishments for the collective accommodation of prisoners. The „one cell – one prisoner“ system cannot be applied as yet in view of the structural design of the premises because the interior lay-out in most prisons was dimensioned for the traditional placement of the convicted in groups of prisoners. A long-term problem is also the overall lack of space for prisoners, their leisure activities and the needs of the prison staff.

The Prison Sentence Act guarantees the rights of prisoners and the scope of these complies with the European Prison Rules and other international documents (the UN Human Rights Convention and so on).

Prisons create conditions for assigning work to prisoners either in their own workshops or in manufacturing centres, or in external companies. The prisoner's written consent is required in order for him to work for a company which is not run by the state (e.g. for a private firm). The prisoner may withdraw his consent within the set notice period; the withdrawal of consent may not be deemed to be a refusal to work, i.e. a disciplinary offence.

The working conditions of prisoners are subject to the same regulations as those applying to the rest of the working population. Prisoners are entitled to a wage depending on the quantity and quality of work. A government decree sets out in detail the conditions for the

remuneration of prisoners who are assigned work while serving a sentence. Deductions are made from prisoners' wages to pay child maintenance if the prisoner is obliged to do so, as well as deductions for covering the costs of imprisonment and custody and other debts of the convicted. Total deductions may not exceed 86% of the net wage. The remainder of the wage is the prisoner's pocket money (12%) and any amount left over is deposited on his personal account the in prison. If a disciplinary penalty is imposed, the pocket money may be reduced.

A persistent problem is the lack of job opportunities for prisoners. Only about 50% can be assigned work.

Prisoners are provided with regular meals, while consideration is given to state of health, age and difficulty of the work performed. As far as the operations routine of a prison permits, consideration is also given to the cultural traditions and religious customs of each prisoner.

Prisoners are ensured an eight-hour period of sleep daily, time required for personal hygiene and cleaning up, meals, at least one hour for outdoor exercise and a reasonable period for personal leisure.

Prisoners are issued with prison clothes suitable for the weather conditions and sufficient to protect their health. Prisoners have a right to medical care and treatment. In the event of illness or injury, they may be put in the Prison Hospital; in extreme cases a prisoner's sentence may be discontinued for a necessary period to be spent in hospital or for treatment outside prison. At their own request and if prison conditions permit, female prisoners can keep their children, usually up to the age of three, so they may look after them while serving their sentence. So far this has been applied only rarely in practice.

Prisoners are entitled to receive and send correspondence at their own expense and in general without restriction. However the Prison Service is entitled to check correspondence for security reasons. It is forbidden to check correspondence between the prisoner and his lawyer or between the prisoner and state authorities (this also applies to foreign consulates or international organisations).

Prisoners have the right to receive visiting relatives for a total time of three hours in one calendar month. Visits usually take place in rooms designed for this purpose and at times set by the prison director.

In exceptional cases, the prison director may permit visits in rooms not controlled by Prison Service authorities. Here a prisoner may be allowed undisturbed personal contact with his wife during the course of the visit.

Prisoners are also ensured the right to religious services and other services serving humanitarian purposes. Prisons therefore allow (usually on days of rest) joint religious ceremonies to be held for prisoners. Attendance at these religious ceremonies is of course

voluntary. Legal regulations set out the conditions under which officials of registered churches and religious communities may co-operate with prisons to provide religious services.

Prisons also allow appropriate authorities (and non-governmental and charity organisations too) to provide prisoners with social services or other forms of charity to help prepare prisoners for their future independent life when released.

Prisoners are entitled to order daily newspapers, magazines and books at their own expense and may borrow appropriate publications (including legal regulations) from the prison library to satisfy their cultural needs.

A prisoner can also buy food and personal articles in the prison shop. Purchases are usually made by direct debit from the part of the money the prisoner can freely spend. If a prisoner is sent money, it is transferred to his account which is opened and maintained by the prison.

Each prisoner has the right to receive a parcel containing food and personal articles weighing up to 5 kg twice a year, usually for his birthday and Christmas. The Prison Service officers check the parcels. The legislation concerning receipt of parcels was widely discussed, particularly whether it should be subject to restrictions at all (apart from checking their contents). The view prevailed that it was not necessary to send parcels containing food and personal articles because prisoners could purchase these in prison shops and the frequent sending of parcels would facilitate the smuggling of prohibited items into prisons .

Prisoners with the required aptitude are enabled to attend basic schools or secondary vocational schools, or may attend various courses to improve their specialist skills. Prisoner education is usually provided in the educational centres of the Prison Service. Prisoners may be allowed a higher form of study. Prisoners serving a sentence in a low security prison (with supervision, control), or in a prison for juveniles, may be allowed free movement outside the prison to attend school (attend classes, take examinations, etc.).

An important provision of the Prison Sentence Act is the article on the protection of prisoners' rights (Art. 26). In order to exercise his rights and justified interests, the prisoner may file complaints and applications to the authorities responsible for dealing with such cases. Prison directors are obliged to ensure that such applications and complaints are immediately delivered to the appropriate recipients. Prison service staff are obliged to safeguard the rights of prisoners serving their sentences.

If during a prison sentence it becomes apparent that a prisoner is being re-socialised, his sentence may be interrupted for up to 20 days during a calendar year. A prisoner may have his sentence interrupted for up to 10 days for serious family reasons and a sentence may also be interrupted for an essential period of time for serious health reasons. The prison director decides on interrupting a prison sentence and the period of interruption is deducted from the sentence (however if a prisoner injures himself intentionally and treatment had to be provided

immediately outside the prison medical facility, the period of interruption is not deducted from the sentence).

As regards convicted juveniles, an individualised approach to treatment is increasingly applied in order to prevent the negative effects of isolation of juveniles from society as much as possible during their imprisonment. Convicted juveniles should be treated in a manner that develops their mental, emotional and social maturity. Emphasis is placed on acceptance and awareness of personal responsibility for the crime they committed. Educational and work activities of convicted juveniles should be directed at obtaining knowledge and skills which would help them to find employment once they are released from prison.

Accused persons who have not yet been convicted and are held in prisons are subject to custodial arrangements. Due to the fact that this concerns restriction of personal freedom, custody conditions have to be governed by the law (and not merely by a decree of the Ministry of Justice). This came with the Custody Act No. 293/1993 Coll. (amended by several provisions in 2000). The fundamental principle of custody is the presumption of innocence, i.e. that nobody taken into custody may be considered guilty until pronounced guilty by a final court decision. Hence during custody the accused may only be subjected to such restriction as is necessary to achieve the purpose of custody, to observe prison rules and for security (to prevent escape and so on). The human dignity of the accused may not be abused and he may not be subjected to physical or mental pressure.

Foreigners, immediately after being taken into custody, must be informed of their right to contact the diplomatic bodies of the country whose citizens they are and the officials of these diplomatic bodies may visit their citizens in custody without any restrictions.

The public prosecutor regularly inspects the places where custody and imprisonment are enforced. He is entitled to visit all places where prison sentences are served at any time, inspect prison documents, talk to the prisoners without the presence of other persons, and request relevant explanations from the Prison Service. When on an inspection of a prison, the public prosecutor may issue orders on the spot for observance of regulations applicable to prison sentences. He may also order the release of a person illegally subjected to imprisonment or held in custody.

The supervision of the public prosecutor does not override the obligation of the Prison Service authorities to perform their own control activities. The Ministry of Justice through the minister's general inspectorate is also directly involved in control and supervision activities.

3. A convicted person may only be taken into a prison on the basis of a written court order.

A sentence of imprisonment is served in prisons which are divided in accordance with the method of external guarding and security into four basic types as follows:

- with supervision
- with control
- with security
- with stricter security

Various types of wards may be established in one prison.

In addition to these basic types of prison, there are special prisons for juveniles.

The court decides in which kind of prison the convicted will serve his sentence. As a rule, the court sends to a prison with supervision any offender who has been sentenced for a crime of negligence and who has never been sentenced before for an intentional crime. In principle, it will send to a prison with control an offender who has committed a crime of negligence and has served a sentence of imprisonment before for an intentional crime, or an offender who has been sentenced for an intentional crime for which the maximum term is 2 years. People convicted for intentional crimes are usually sent to a prison with security unless lower-security prisons are considered. Offenders who are sentenced for life, or who have committed a particularly serious crime for which a prison sentence of at least 8 years is imposed, or offenders who committed intentional crimes and have absconded from custody or from a prison in the last 5 years are placed in prisons with stricter security.

A decision to transfer a prisoner to another type of prison is made by the court, which will take into account progress in the re-education of the prisoner.

The prison director is obliged to petition the court on the transfer of a prisoner to a different type of prison if he believes that the transfer will contribute to achieving the purpose of punishment. The convicted may make an application himself to the court proposing transfer to a different type of prison.

If a convicted person absconds from custody or from prison, or attempts this, he will be prosecuted for the crime of obstructing the enforcement of an official decision (Art. 171 of the Criminal Code) and may be sentenced to prison for up to 5 years or fined.

There are 35 prisons in the Czech Republic (including custodial prisons); 4 prisons have a capacity of more than 1000 places for prisoners, while the capacity of most prisons is 300 to 600 places. Some prison buildings are rather outdated because they are historical buildings, in other cases prisons do not fully meet requirements because they were converted from former hostels for manual workers of various industrial enterprises or from former army

buildings and so on. Every year considerable sums of money are invested in the prison system on improvements to ensure that prison buildings meet the legislative requirements (and international conventions) for the environment in which prison sentences are being served.

Foreigners account for about 10% of those convicted serving a term of imprisonment in Czech prisons. About 20% of accused foreigners are held in custody. The majority of the foreigners are from Slovakia, Ukraine, Belarus, Moldavia and the former Yugoslavia, as well as Vietnam and some Arab countries, and from Poland and Germany.

At the beginning of the 1990s, the Czech Republic acceded to the international Convention on the Extradition of Convicted Persons (The convention came into force for the Czech Republic as of 1st August 1992). Convicted persons may also be extradited on the basis of bilateral agreements on legal force which the Czech Republic concluded with several countries. Several dozen people are extradited from the Czech Republic every year to serve prison sentences in other countries.

4. Conditional Release (Parole), Pardon and After-care

If a prisoner has served half of the sentence and proved by his behaviour and observance of his duties that he has reformed sufficiently to be expected to live an orderly life in future, the court may release him on parole. The court may also conditionally release a prisoner eligible for the aforementioned reasons and will accept a guarantee provided by a civic association that his reform will be completed. A civic association for this purpose is understood to mean particularly a trade union or other social organisations, work teams and the church, with the exception of political parties and movements. These associations may propose to the court that they are prepared to undertake to guarantee reform of the convicted person, if there are preconditions that a team effort will have a positive effect on him.

Persons who are sentenced for serious crimes, an exhaustive list of which is given in the law, may be conditionally released only after serving two-thirds of their sentence. Persons sentenced for the exceptional sentence of life imprisonment may be conditionally released only after serving at least 20 years of their sentence.

There is no unity of opinion in professional circles regarding conditional release from prison; some people rightly argue that parole is actually counterproductive to the purpose of life imprisonment, others point out that even life prisoners should be allowed to live in the hope that there is a chance of release, which may positively motivate their behaviour in prison.

The court sets a probation period for parole of between 1 and 7 years. The court may impose reasonable restrictions and obligations on a person on parole, such as anti-drug addiction treatment, training to acquire work skills or attendance social training and re-

education programmes, refraining from visiting unsuitable places and so on. The court may also impose supervision of the paroled prisoner. Supervision means regular personal contact between the paroled prisoner and his probation officer. The purpose of supervision is to monitor and control the behaviour of the person on parole, checking whether he is complying with the conditions imposed by the court, professional guidance and assistance provided to the person on parole to help him live an orderly life.

If a person on parole lives an orderly life and complies with the conditions imposed on him, the court will rule that he has proved himself, otherwise it will decide, and may do so even during the probation period, that he will serve the remainder of his sentence.

Under Article 69 (g) of the Constitution, only the President may grant a pardon. The granting of a pardon means waiving or reducing a sentence imposed by the court, staying criminal prosecution, or annulment of the conviction. A pardon is not subject to the prisoner's application although the President usually decides whether to grant a pardon on the basis of an application. The President may deal with an application for a pardon on his own or request the Minister of Justice for an investigation and opinion. However the Minister himself may not decide on a pardon and if he believes that there are reasons for granting pardon, he will submit to the President an application setting out his standpoint. The President decides when the Minister of Justice may deal with the application for a pardon himself and reject an unfounded application.

Political discussions often focus on the issue of the extent of the President's constitutional powers to grant a pardon. There are proposals to the effect that a pardon should be subject to the positive recommendation of the Minister of Justice, or that the President should be allowed to grant a pardon only after completion of criminal proceedings, taking into consideration its results, etc.

The President may grant a general pardon (amnesty) under the Constitution by a decision whose validity requires a joint signature with the Prime Minister or a member of the government authorised by him. In the event of an amnesty, it is the government which assumes co-responsibility for the President's decision.

In the Czech Republic general pardons (amnesties) are granted quite frequently. This usually occurs with the election of the head of state or on the occasion of important state anniversaries or other events of importance. For example, after the totalitarian regime was overthrown, the President declared a wide-ranging amnesty on 1st January 1990, under which about 24,000 of the total prison population of approximately 33,000 prisoners were freed. This wide-ranging amnesty caused certain problems because society was not ready for such a massive return of prisoners to community life within such a short period of time. The relevant authorities providing assistance to released prisoners (accommodation, integration into the labour market etc.) were not prepared either, and even charity organisations could not fully cope with the problems that arose.

Parole officers are entrusted with the care of released prisoners. They operate within the local authorities and look after people who have been unable to adjust to society. There are also parole officers who specialise in dealing with juveniles. Upon release from prison, the convicted person is instructed to contact his parole officer, who will help him return to the community outside (accommodation, employment and so on). An inadequacy of the system is that contact with the parole officer is voluntary for released persons and many of them do not avail themselves of this option, although they are not able to cope with their social situation on their own. Prior to release from prison, prisoners are prepared for their return to the community outside and the social workers of the Prison Service provide them with the necessary assistance. Various non-governmental and charity organisations, churches, foundations and so on also participate in the system of care of released prisoners. It should be noted that society is generally aware of the need to help released prisoners in their return to a free life.

Crime victims in the Czech Republic in 2006 primarily as recorded by police statistics

Milada Martinková

The main source of aggregated information on victims of crime (i.e. persons that have been directly afflicted or threatened by criminal activity) on the whole territory of the Czech Republic has until now been police statistics. Although these “only” concern recorded victims of crime¹⁰, police data on victims of crime are recorded annually, across the whole of the country and over the long-term. It is thus possible, with certain limitations, also to use police statistics to determine certain tendencies in this area’s development on the territory of our state.

However, certain types of data on crime victims in the Czech Republic can also be obtained from other sources (e.g. from non-profit organisations involved with victims of crime) and representative data on crime victims can also increasingly be obtained from a variety of research sources, in particular those concerned with victimology.

The following data on crime victims are taken from police statistics that the Czech Police collect and register when recording a crime, i.e. in the short period from the moment that the crime comes to light. However, data on these victims are not processed and published in a standardized manner and we therefore also provide more detailed information on police data relating to victims.

The data that is stated and analysed herein on crime victims were requested from the Czech Police by the Institute for Criminology and Social Prevention in order to prepare a publication on crime in the Czech Republic.

* * *

¹⁰ We thus also use the expression “minimum numbers of crime victims“ in the text

Data from the Czech Police showed that in 2006 in the Czech Republic the **minimum number of recorded victims of crime was 49,940 individuals.**

By comparing these data with data on the minimum number of crime victims /persons/ recorded by the police for the previous year (2005), we see that in 2006 the number of individuals afflicted by crime fell by 1,805 victims (see Table No. 2).

Table No. 2 (which indicates both the development of the minimum numbers of crime victims recorded between 1996 and 2006 and the development of the consequences of crime for its victims) demonstrates the following: compared with the period 1998 – 2001, when the Czech Police registered approximately the same number of crime victims (i.e. about 40,000), from 2002 to 2005 the number of recorded crime victims rose gradually year by year. In 2006, compared with 2005, there is a clear fall in crime victims recorded by the police (of 1,805 persons).

In 2006, the Czech Police recorded at least 23,697 male victims and at least 20,785 female victims. The number of “groups of persons” (that became victims of crime and which the Czech Police records separately to “victims – individuals”) was somewhat lower in 2006 compared with 2005 (161 fewer groups). In 2006 there were 2,164 fewer recorded groups of persons. The individuals that comprise these groups numbered 5,458.

* * *

A more detailed analysis of the *minimum number of crime victims recorded by the police in the Czech Republic in 2006 (i.e. 49,940 persons)* shows the following.

Of recorded victims of crime on the territory of the Czech Republic in 2006, the majority were victims of **theft** (56.6%).

Robbery constituted 10.4% of the total minimum number of crime victims recorded by the police for 2006.

Police data also show that citizens in the Czech Republic fell victim in 12.6% of cases to **intentional bodily harm**. In addition, the police in 2006 recorded 1.0% of victims of **negligent bodily harm**.

Victims of the crime of **dangerous threat** comprised 5.1% of the minimum number of crime victims recorded by police for 2006.

In 2006, victims of **blackmail** made up 3.1% of the minimum number of affected persons recorded by the police.

Victims of crimes constituting **sexual abuse** made up 1.7% of the minimum number of recorded victims in the monitored year.

The police recorded a significant proportion of victims of crimes (3.1%) which in police statistics are aggregated as **violence against a public official** (Sections of the Criminal Code: 153, 154/1, 155, 156/1,2).

The following is a brief selection of crimes with lower percentage proportions of victims in 2006 compared to the aforementioned offences.

Victims of the crime indicated in police statistics as **restriction and deprivation of personal liberty** constituted 0.6% of the minimum number of assaulted persons registered by the police in 2006.

In 2006, **rape** victims comprised 1.1% of the minimum number of crime victims recorded by the police.

Victims of the crime of **maltreating a person entrusted to another's care** constituted 0.5% of the minimum number of recorded crime victims in 2006. Victims of the crime of **maltreating a person living in a joint residence** made up 1.3% of the minimum number of recorded crime victims.

In 2006, victims of the crime indicated in police statistics as **women trafficking** officially represented 0.1% of the minimum number of recorded crime victims (total of 72 persons).

Victims of offences described in police statistics as **other violent crimes** in 2006 constituted 0.3% of the minimum number of victims recorded by the police for the relevant year.

Victims of what is termed **other crimes** made up 1.9% of the minimum number of crime victims (932 persons) recorded by the police.

Victims of **murder** and attempted murder (Section 219 of the Criminal Code) constituted 0.5% of the minimum number of all crime victims recorded by the police in 2006 (247 persons). See also Table No. 1. Of these victims of murder and attempted murder in 2006: 51.8% of persons lost their life (128 individuals), 37.7% of victims were injured (93 persons). Of the remaining victims of murder for 2006, 2.4% (6 persons) suffered what is termed other consequences and 8.1% (20 persons) were what is termed without consequences.

Murder victims for 2006 (247 persons) were comprised of 58.7% men (145 persons) and 29.6% women (73 persons); 11.7% were individuals in groups of persons (29 individuals – no gender differentiation).

Table No. 1

Numbers of murder victims /including attempted murder/ (Section 219 of the Criminal Code) recorded by the police from 1996 to 2006 in the Czech Republic – minimum numbers of victims

(from Czech Police source documentation processed by M.Martinková)

<i>Year:</i>	<i>Victims of murder (incl. attempted murder) (Section 219 of the Criminal Code)</i>	<i>Total minimum number of victims of recorded crime for the stated year</i>
1996	291	44,738
1997	310	42,055
1998	343	40,310
1999	290	40,422
2000	321	39,732
2001	275	40,203
2002	258	43,083
2003	264	46,237
2004	249	51,010
2005	208	51,745
2006	247	49,940

* * *

If we look at the total minimum number of crime victims recorded by the Czech Police in 2006 **FROM THE POINT OF VIEW OF THE CONSEQUENCES** that the crime leaves on the affected persons then we see from Table No. 2 that 0.7% of victims (i.e. 328 persons) **died** in the relevant year as a result of the crimes perpetrated against them.

Almost a fifth of the affected persons (17.1%) were **injured**.

Another consequence of crime (e.g. damage or loss of property, psychological shock etc.) was recorded for 67.1% of victims (of which 71.3% were victims of theft).

According to Czech Police records, 15.1% of crime victims were what is termed (serious) **without consequences** .

* * *

Of the 328 persons recorded by the police in Table No. 2 who **died** in 2006 as a consequence of the crime perpetrated against them the most numerous were victims of murder (39%), and approximately one-third were victims of the negligent infliction of bodily harm (32.6%). Victims of intentional bodily harm comprised 16.2% of the deceased, victims of what is termed other crimes were much less numerous (7.0%) and victims of robbery 1.8%. Respectively, two persons died as a consequence of blackmail, the abandonment of a child, murder of a new-born by the mother and other violent crimes and again, respectively, one person died from the consequences of maltreatment of a person living in a joint residence and as a result of the crime of killing an unborn child.

Table No. 2

Consequences of crime for crime victims recorded by the police from 1996 to 2006 in the Czech Republic: minimum numbers of victims

(arranged according to the consequences of crimes for crime victims as monitored by the police)

(From Czech Police source documentation processed by M.Martinková)

Year	death		injury		Consequences other consequence		without consequence		total victims	
	abs.	%	abs.	%	abs.	%	abs.	%	abs.	%
1996	351	0.8	11,051	24.7	24,123	53.9	9,213	20.6	44,738	100
1997	390	0.9	10,979	26.1	22,634	53.8	8,052	19.2	42,055	100
1998	379	0.9	11,008	27.3	22,009	54.6	6,914	17.2	40,310	100
1999	333	0.8	10,596	26.2	22,914	56.7	6,579	16.3	40,422	100
2000	363	0.9	10,073	25.3	23,394	58.9	5,902	14.9	39,732	100
2001	315	0.8	9,995	24.9	23,788	59.1	6,105	15.2	40,203	100
2002	415	1.0	10,666	24.7	25,172	58.4	6,830	15.9	43,083	100
2003	341	0.7	9,970	21.6	28,718	62.1	7,208	15.6	46,237	100
2004	357	0.7	10,468	20.5	32,499	63.7	7,686	15.1	51,010	100
2005	305	0.6	9,423	18.2	34,276	66.2	7,741	15.0	51,745	100
2006	328	0.7	8,531	17.1	33,526	67.1	7,555	15.1	49,940	100

Among those persons who were recorded as being **injured** as the result of a crime perpetrated against them, the most numerous, comprising almost two-thirds, were victims of intentional bodily harm (65%), followed by the much less numerous victims of robbery (10.1%), victims of dangerous threatening (4.3%), victims of the negligent infliction of bodily harm (3.9%), victims of violence against a public official (4.7%), victims of a crime described as maltreatment of a person living in a joint residence (3.2%). Blackmail victims comprised 2.0% of injured victims. Relatively less significant numbers were recorded for injured victims in cases of what is termed other crimes (1.6% of injured persons) and for theft (1.5% of injured persons). The numbers of victims of the following crimes were also not entirely negligible: victims of maltreatment of a person entrusted to another's care (1.0%), victims of rape (0.9%) and attempted murder (1.1%) and also victims of the restriction and deprivation of personal liberty (0.5%).

In 2006, what is termed **other consequences** were suffered chiefly by victims of theft (71.3% of victims with other consequences of crimes), followed by victims of robbery (10.8%), dangerous threatening (4.3%), victims of blackmail (3.1%), violence against a public official (2.1%), victims of sexual abuse (2.0%), deliberate bodily injury (1.3%), what is termed other crimes (1.7%), rape (1.1%), victims of maltreatment of a person living in a joint residence (0.9%), the restriction and deprivation of personal liberty (0.6%), victims of maltreatment of a person entrusted to another's care (0.4%).

* * *

The incidence of crime can also be assessed with reference to the available data on the **A G E** of crime victims. Graphs No. 1 and No. 2 offer an overview of the number of crime victims in the Czech Republic in 2006 according to age categories as recorded in police documentation.

The data contained in Graphs Nos. 1 and 2 make it possible to say that for men and women in 2006 the age category of victims most commonly affected was probably that "from 18 to 30 years" (women 29.0%, men 34.2%) and the age category "from 40 to 60 years" (women 29.6%, men 26.4%).

* * *

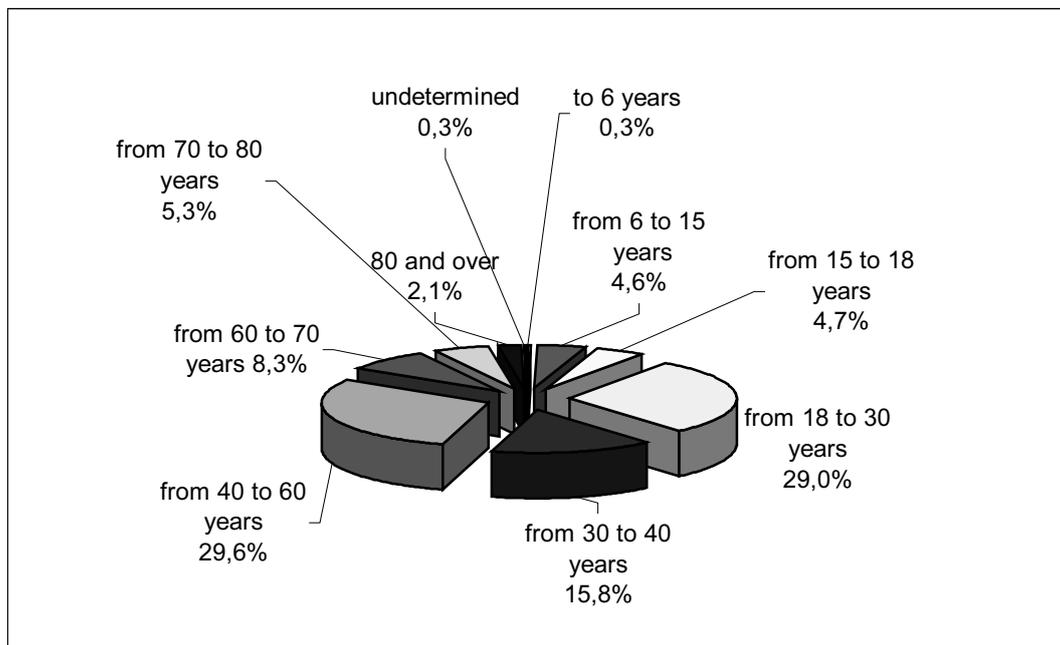
In order to round off the character of crime in the Czech Republic in 2006 from the point of view of its victims we state at least the basic data on the minimum numbers recorded by the Czech Police of crime victims aged 0-18 (children and juveniles) and the minimum numbers of crime victims over the age of 60.

In 2006, recorded **victims of crime aged up to 18 years** comprised at least **11.0%** of the minimum number of all crime victims registered by the police in the Czech Republic (a total of at least 5,473 individuals).

In 2006, recorded **victims of crime over the age of 60** comprised at least **12.4%** of the minimum number of all crime victims recorded by the police in the Czech Republic (a total of at least 6,195 individuals). This minimum number of crime victims over the age of 60 was made up of at least 45.1% men and at least 52.7% women.

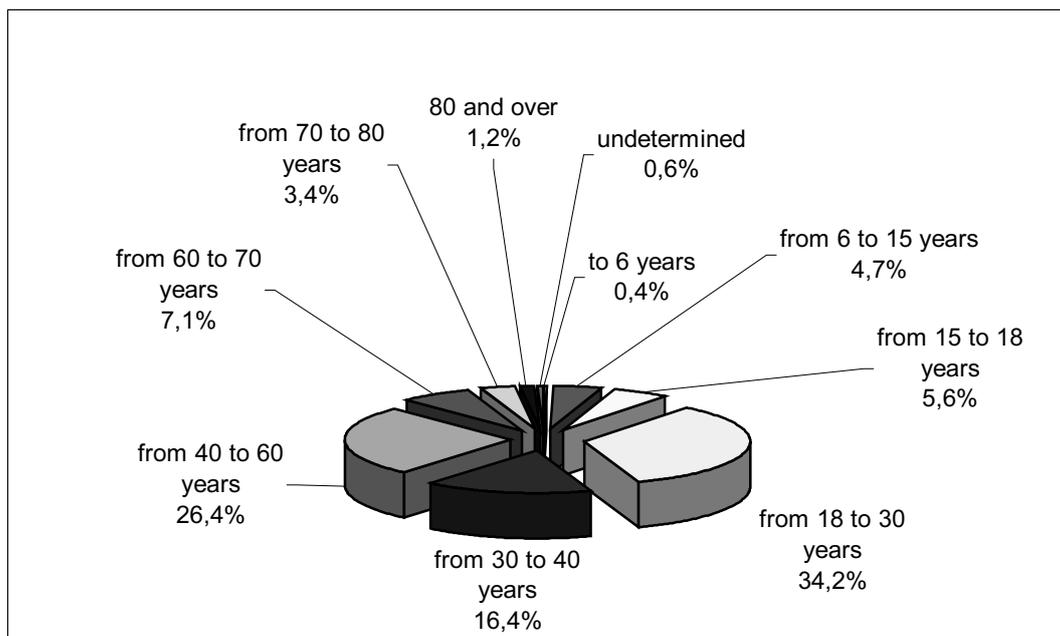
Graph No. 1

Age of crime victims recorded by the Czech Police - women in the CR in 2006
(women in “groups of persons” not included)



Graph No. 2

Age of crime victims recorded by the Czech Police – men in the CR in 2006
(men in “groups of persons” not included)



Summary

The minimum number of crime victims recorded by the Czech Police in 2006 amounted to 49,940 individuals, which means that the police recorded 1805 fewer crime victims than in 2005.

Compared with the previous year, the minimum number of all crime victims recorded by the police in 2006 in the Czech Republic saw an *increase* in the percentage not only of victims with other consequences of crime (by 0.9%) and victims what is termed without consequences (by 0.1%), but also of victims that died as a consequence of crime (by 0.1%). On the other hand, there was a *fall* in the percentage of victims who were injured as a result of crime (by 1.1%).

Police data also make it apparent that in 2006, compared with 2005, there was an *increase* in the absolute numbers of victims that died as a result of crime (by 23 persons). Otherwise, the incidence of crime victims what is termed without consequences *fell* (by 186 persons). The absolute number also *fell* of victims who were injured as a result of crime (by 892 persons) and there was also a *decline* in the number of victims of crime with what is termed other consequences (by 750 individuals).

Drug crime in the Czech Republic in 2005, with a note on its further development in 2006

Petr Zeman

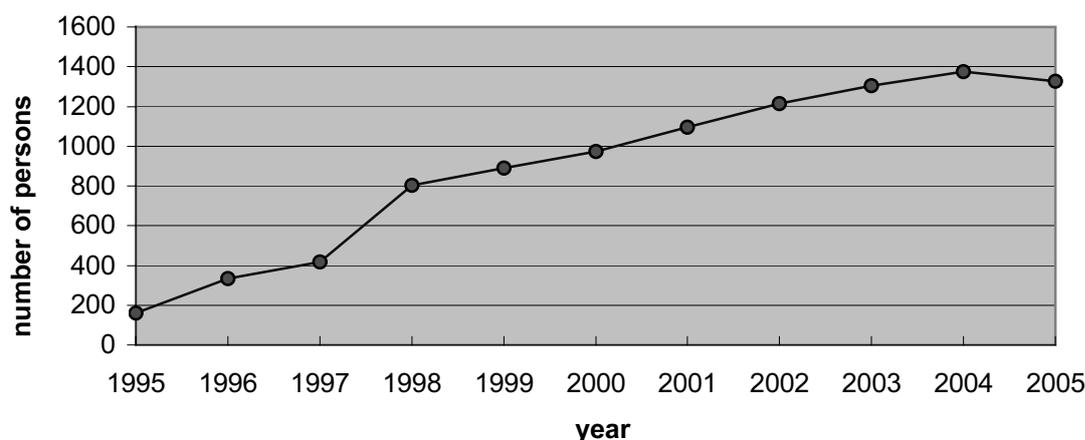
1. Introduction

For the purposes of this study, by “drug crime” we mean what is termed drug crime in the narrower sense of the term, namely the criminal offences of illegal production and possession of narcotic and psychotropic substances and poisons under Section 187, Section 187a and Section 188 of the Penal Code and the criminal offence of propagating drug addiction under Section 188a of the Penal Code. These criminal offences are also generically classified as drug-related crime. We do not include other criminal acts relating to the use of illegal drugs, such as violent criminal acts committed under their influence, and procuring crime, in this category. When using the term “drug”, we thus refer exclusively to narcotic and psychotropic substances (hereafter NPS) listed in Supplements 1 – 7 of Act No. 167/1998 Coll., on addictive substances, as amended.

When we look at the statistics for drug crimes recorded by the police, or persons prosecuted, indicted and convicted for drug crimes (see below), one can gain the impression that drug crime does not represent a major problem in the Czech Republic in the context of the overall crime levels. In the long term, drug crimes represent slightly over 1 % of all criminal offences recorded by the police in this country. The percentage of persons convicted in the Czech Republic for drug crime out of the total number of convicted persons has amounted over the last five years to ca. 2 %, and was even lower in previous years. Despite this, the problem of drug crime cannot be trivialized.

A characteristic feature of drug crime, as what is termed “victimless” crime, is its high latency. It can be assumed that drug offences recorded in official statistics constitute only a small part of the actual drug crimes committed. In addition, as can also be seen from the afore-mentioned classification of drug crime according to a narrower and a wider sense of the term, the actual drug offences under Sections 187, 187a, 188 and 188a of the Penal Code represent only a small part of criminal activities relating to the basic problem, which is use of illegal drugs. What should be taken into consideration in this regard is the not insignificant number of criminal acts (violent, immoral and property crime) committed under the influence of NPS and in particular the crime of procurement. And finally, drug crime is only one of a range of interrelated socio-pathological phenomena accompanying the use of illegal drugs (organised crime, truancy, domestic violence, prostitution, spreading of the HIV virus and hepatitis and so on). Therefore even the relatively low number of cases of drug offences recorded cannot be underestimated in this context.

Graph 1: Numbers of persons legally convicted for drug offences (Section 187, Section 187a, Section 188 and Section 188a of the Penal Code) between 1995-2005



Source: Crime statistics yearbook of the Czech Ministry of Justice for the relevant year.

Graph 1 shows development in the number of persons legally convicted in the Czech Republic for drug crimes between 1995 and 2005. This is the only case where aggregate data were used for all drug offences, as this graph serves to illustrate the proportion of the population sanctioned in connection with drug crime. Further on, we will deal separately with the individual drug offences. We use figures in absolute terms in our work, as opposed to the commonly applied indices recalculated as a certain quantity of the population, for the difference in the quantity of the population in particular years in the period reviewed did not according to the figures of the Czech Statistical Office exceed 1.5 %.¹¹ A further reason is the fact that a constant ca. 5 – 10 % of the persons convicted in the Czech Republic for drug offences in the period reviewed were persons of a nationality other than Czech. In its statistics on the quantity of the population, however, the CSO (Czech Statistical Office) only includes what are termed permanently or long-term resident foreigners, namely persons without Czech citizenship who have a residence permit, a visa for more than 90 days, or have been granted asylum in the Czech Republic.

In preparation of this study on the state of drug crime in the Czech Republic in 2005, including development trends in this field over the previous ten years, we used official statistical data on drug crime and information from relevant official documents on the state and development of drug crime (annual reports of the National Drug Enforcement Centre of the Criminal Police and Investigation Service of the Czech Police, reports of the Ministry of the Interior of the Czech Republic on the situation regarding public order and internal security in the Czech Republic and annual reports of the Supreme State Prosecutor's Office on the activity of the State Prosecution Service). We also incorporated in the text certain other findings obtained in the survey "Options for criminal justice in anti-drug policy" carried out by the Institute for Criminology and Social Prevention in 2005 and 2006.

¹¹ see <http://www.czso.cz>

2. Statistical data on drug crime in the Czech Republic

Analysis of statistical data is a necessary component of the attempt to understand any quantifiable phenomenon such as drug crime and partly also the response of criminal justice to it. On the other hand, the inconsistent and superficial handling of data may (as has often been the case) lead to unsupported or directly erroneous conclusions and so contribute to creating, so to speak, a virtual picture of the phenomenon examined. The reliability of statistical data is affected in particular by:

- the methodology of data reporting and processing
- the human factor (i.e. the procedure in reporting and processing data)

For the purposes of this study, we obtained data on the number of ascertained criminal offences and how they were resolved from Czech Police statistics¹² and data on the number of persons prosecuted, indicted and convicted, and also on sentences imposed, from the statistics of the Czech Ministry of Justice¹³. In view of the number of factors affecting the reliability of statistical data, it is necessary, when analysing them, to bear a number of facts in mind. Firstly, whereas the police statistics we used deal with criminal offences (acts), the statistics of the Czech Ministry of Justice used record the persons against whom criminal proceedings have been brought.

Police statistics are currently compiled from the Crime Statistics Recording System. Crime is recorded here on the basis of notification provided by members of the public or the police of facts ascertained in operational terms indicating that a criminal offence has been committed. A condition for their inclusion in crime records is the stipulation that they are criminal under the law. Each act is recorded with the indications of a criminal offence as a separate criminal act. It applies that a single act is as a rule recorded as one criminal offence, even if is a combination of single acts (the most serious of these is recorded in the statistics). As regards concurrent occurrence of several criminal offences, as many offences are recorded as there were separate acts. Also mass and continuing criminal acts are recorded as a single act. A criminal offence is regarded as resolved when a criminal prosecution has been started or suspicion of a criminal offence has been notified or when the case has been dismissed under the provisions of Section 159a paras 2 and 3 of the Criminal Procedure Code¹⁴.

It is necessary, of course to add that the way the term “criminal act” is used in police statistics does not correspond to the definition of the content of this term in criminal law theory (for instance, acts having the elements of a criminal act committed by persons who are not criminally liable as they are not old enough are also recorded). The amended version of the Criminal Procedure Code, No. 265/2001 Coll., which inter alia introduced in criminal law procedure for a case of continuing in a criminal offence a different concept of “act” from that

¹² <http://www.mvcr/statistiky/kriminalita.html>; Crime in the Czech Republic pocket yearbook for the relevant year, Police Presidium of the Czech Republic; statistical data on crime in the Czech Republic, Police Presidium of the Czech Republic

¹³ Crime statistics yearbook for the particular year, Ministry of Justice of the Czech Republic; <http://portal.justice.cz/ms/ms.aspx?o=23&=33>

¹⁴ see, for instance, Report on the Public Order and Public Security Situation in the Czech Republic in 2004 (compared with 2003), Ministry of the Interior of the Czech Republic, Prague 2005, p. 8

used in substantive criminal law¹⁵, added a further complication to this mutual relationship of terms used in criminal law and in police statistics.

This may have great importance, for example, in the analysis of data on criminal activity involving the sale of drugs, as this often involves continuation of a criminal offence (the offender – the dealer – repeatedly sells drugs to different persons over a relatively long time). In such cases, it depends a great deal on the methodology of recording and how it is implemented as to whether the resulting picture is in fact grossly distorted. Development trends in the ascertaining of crime (see below) indicate, and information from police circles¹⁶ confirms, that the police changed the methodology of recording similar acts during the period we reviewed (from 2000) in such a way that they now do not record each individual partial attack ascertained of a continuing criminal offence (an individual case of sale of drugs) separately, whereby facts recorded by them bring the definition of “act” closer to that in substantive criminal law.

Regarding the content of the particular indicators reviewed from Czech Ministry of Justice statistics, it is possible to proceed from the commentaries in the crime statistics yearbook. Prosecuted persons means persons against whom a criminal prosecution has been brought under Section 160 of the Criminal Procedure Code in the relevant year (1996, 1997 and 1998), or whose criminal prosecutions under Section 160 of the Criminal Procedure Code were completed in the relevant year (1995 – 2005). Indicted persons are persons recorded against whom an action was brought in the relevant year under Section 176 of the Criminal Procedure Code, and convicted persons are those for whom a guilty verdict came into legal force in the relevant year.

Connected with this is also the fact that it is possible to assess only the time sequences of individual indicators reviewed, but not the inter-relationship between the individual indicators in the same year (for example the relative numbers of prosecuted, indicted and convicted persons in 1996). The reason is the fact that each of these indicators relates only to the particular year, and so for instance come nowhere near to recording all persons against whom an action was brought in a certain year and a legal decision was also reached by a court in the same year. Even with this in mind, however, there is a surprising discrepancy in the Czech Ministry of Justice data relating to the number of persons indicted and the number of persons concerning whom a legal decision was reached (i.e., not only the number of persons convicted but also those for whom the indictment was dropped, whose prosecution was halted etc.). The numbers of indicted persons (not only in cases of drug crime) recorded by the state prosecution service are significantly higher in all the years reviewed than the numbers of those indicted whose prosecution was legally completed in the relevant year according to

¹⁵ criminal law theory and also practice hitherto has interpreted continuing in a criminal offence (and also a continuing criminal offence and a mass criminal offence) for the purposes of substantive law and also procedural law as one act, whereas since 2002 for the purposes of criminal proceedings, also a particular attack of a continuing criminal offence has been interpreted as a separate act; for further details see, for instance, Novotný, O., Dolenský, A., Jelinek J. and Vanduchová M.: Substantive Criminal Law – I General Part, ASPI Publishing, Prague 2003, p. 90

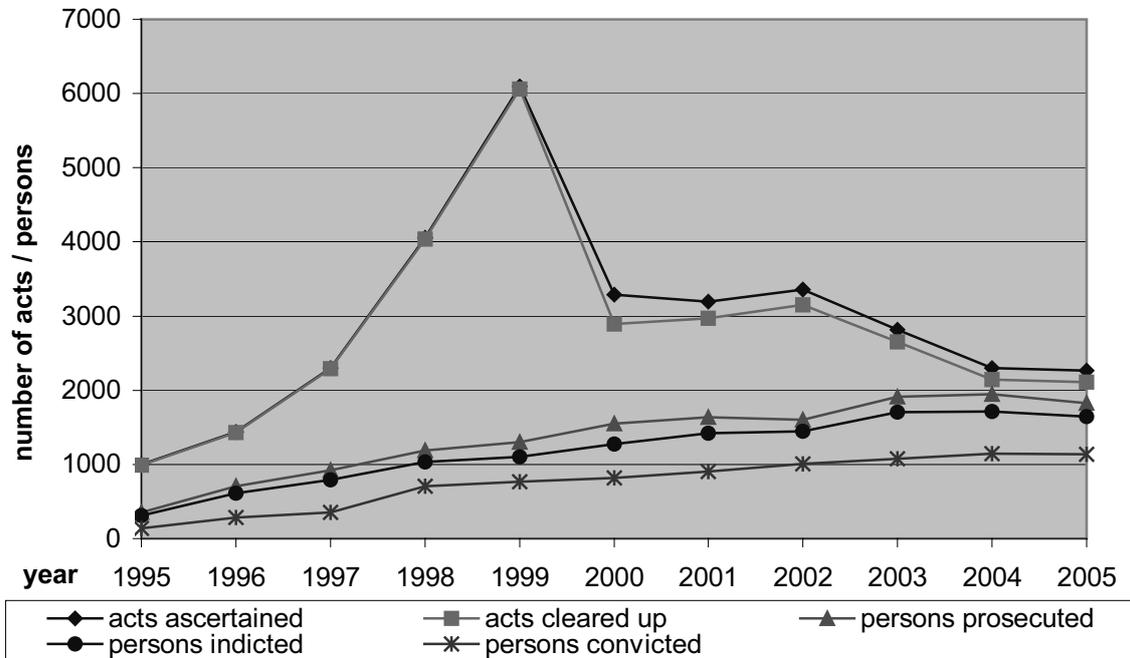
¹⁶ see, for instance, statement of the former Police President lieutenant-general JUDr. J. Kolař in the article Statistics (*Policista* [The Police Officer], no. 2/2003, in the column: Statement by the Police President column, <http://www.mvcr.cz/casopisy/policista/2003/02/spp203.html>)

court records. Notwithstanding the fact described above that indictments brought were often not decided until the following years, this phenomenon is puzzling. A partial explanation could be the practice of a court returning a case to the state prosecution for further investigation, the accused then being freshly indicted the following year, i.e. cases where more than one indictment was brought against the same person in the same case (but not in the same year), are also included in the number of persons indicted. This person appears among those indicted in each year in which an indictment was brought against him/her, although it is still the same case, whereas it appears only once in the same case in the court statistics – in the year when the verdict came into legal force.

Finally, we also have to remember the fact that drug offences are often committed in mutual combination. From the methods of recording drug crime in police and judicial statistics stated above it can be seen that in a case of multiple combination of drug offences by the same offender each of the cases that come in is recorded separately in police statistics, whereas in judicial statistics an offender prosecuted, indicted and convicted for a number of drug offences committed in multiple combination will be recorded only once, for the most serious of the offences that come in. Cases of the combination of single acts (in both sets of statistics) and multiple acts (in judicial statistics) then affect the data recorded for “less serious” concurrent offences, for in these cases the case of the prosecuted, indicted or convicted offender recorded appears only for the most serious concurrent case (usually a criminal offence under Section 187 of the Criminal Code at the expense of other drug offences).

Illegal production and possession of narcotic and psychotropic substances and poisons – Section 187a of the Criminal Code

Graph 2: numbers of ascertained and resolved cases of a criminal offence under Section 187 of the Criminal Code and numbers of persons prosecuted, indicted and convicted for this criminal offence between 1995-2005



In general it can be stated that the cleared-up rate of drug crime according to police statistics is regularly very high (over 90 %). It is, however, true that the police themselves admit the high latency of these offences, which stem from their nature and from the fact that as a rule there is no person who would feel that he/she was a victim of a crime subjectively and that often there are no distinctive differences between these “victims” and offenders who belong to the same peculiar sub-culture. The only really important fault in the cleared-up rate – involving ca. 10% of cases – was recorded in all drug offences for a criminal offence under Section 187 of the Criminal Code (which is traditionally the most common drug offence) in 2000. In the same year following a previous steep rise (up to 76 % year-on-year between 1997 and 1998), there was a steep fall in the number of offences ascertained (Graph 2). As has been indicated above, this atypical fall (by 46 %) can be attributed in particular to the change in the methodology of recording continuing drug offences. After subsequent stagnation then, from 2003, the number of drug offences under Section 187 of the Criminal Code ascertained started to fall again (between 2002 and 2005 by nearly 33 %).

The fall in criminal offences under Section 187 of the Criminal Code ascertained in 2000 and after 2000 is not reflected in the following years in the number of persons prosecuted, indicted and convicted for these criminal offences. The number of these as a whole rose regularly throughout the period reviewed and in particular the change in the number of persons convicted was almost linear from 1998. The numbers of persons prosecuted and indicted rose more significantly between 2002 and 2003 (an opposite trend

from that of crime ascertained). In the last period reviewed, the numbers of persons prosecuted, indicted and convicted fell somewhat. In view of the really slow pace of this fall (6%, 4 % and 1%), however, we can rather speak of stagnation.

Table 1: sentences imposed for criminal offences under Section 187 of the Criminal Code between 1995 and 2005

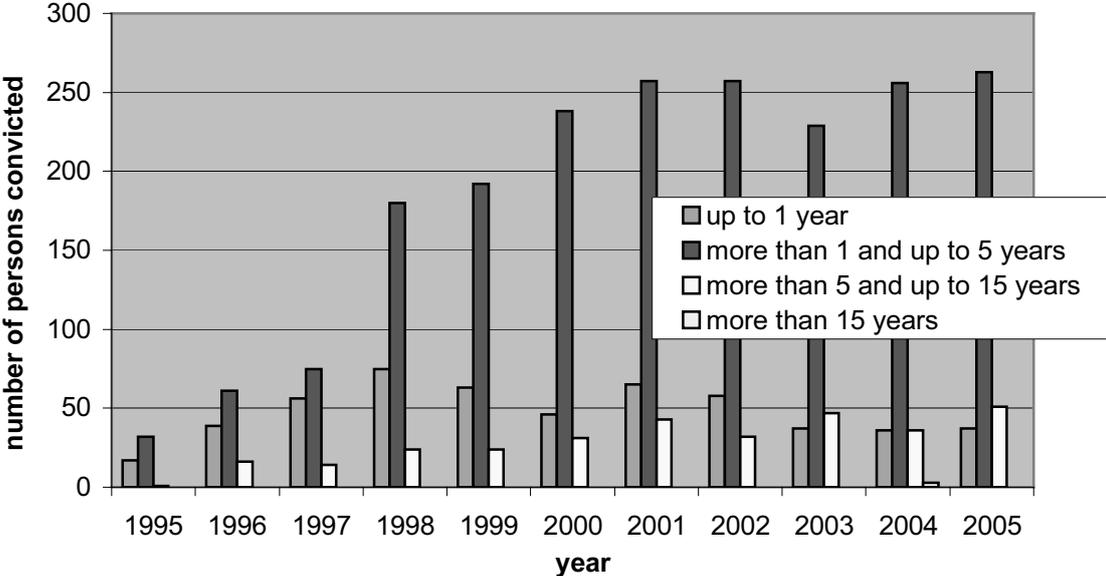
Year	Total number of persons convicted	Unconditional prison sentence	Suspended prison sentence	Pecuniary sanction	Community service	Other sentence	Discharged
1995	138	50	81	4	-	0	3
1996	283	116	149	7	-*	5	6
1997	357	145	192	9	6	2	3
1998	702	279	358	17	15	1	32
1999	765	279	432	4	23	0	27
2000	819	315	441	1	34	2	26
2001	905	365	474	3	41	5	17
2002	1007	347	540	3	77	6	34
2003	1077	313	631	1	93	8	31
2004	1146	331	586	1	90	5 (78)**	55
2005	1135	351	575	4	84	0 (64)**	60

* - in 1996 the sentence of community service was not recorded separately; where it was imposed it is included in the “other sentences” group

** - from 2004 the figure given in brackets is for penal measures under Act No. 218/2003 Coll.

Predominant throughout among the sentences imposed for criminal offences under Section 187 of the Criminal Code is a suspended prison sentence, representing more than half of all the guilty verdicts (see Table 1). Following a fall over several years in the share of unconditional prison sentences, there was a turnaround in 2000 and 2001 in the proportion of these sentences, as the total number of convictions approached the 1996 level (41 % - 40.3%). By 2004, however, this share had again fallen to the lowest level in the whole of the period reviewed (28.9%) and even in 2005 remained only slightly above 30%. The share of other sentences did not rise above the 5% mark until 2001, when it rose to 10%, particularly as a result of the growing number of community service sentences imposed. From 2004, the number of juveniles upon whom punishments were imposed under Act No. 218/2003 Coll. by a juvenile court has been recorded separately, though without a breakdown into the type of punishment measure, which affects the share of other sentences.

Graph 3: Length of unconditional prison sentences imposed for a criminal offence under Section 187 of the Criminal Code between 1995 and 2005.

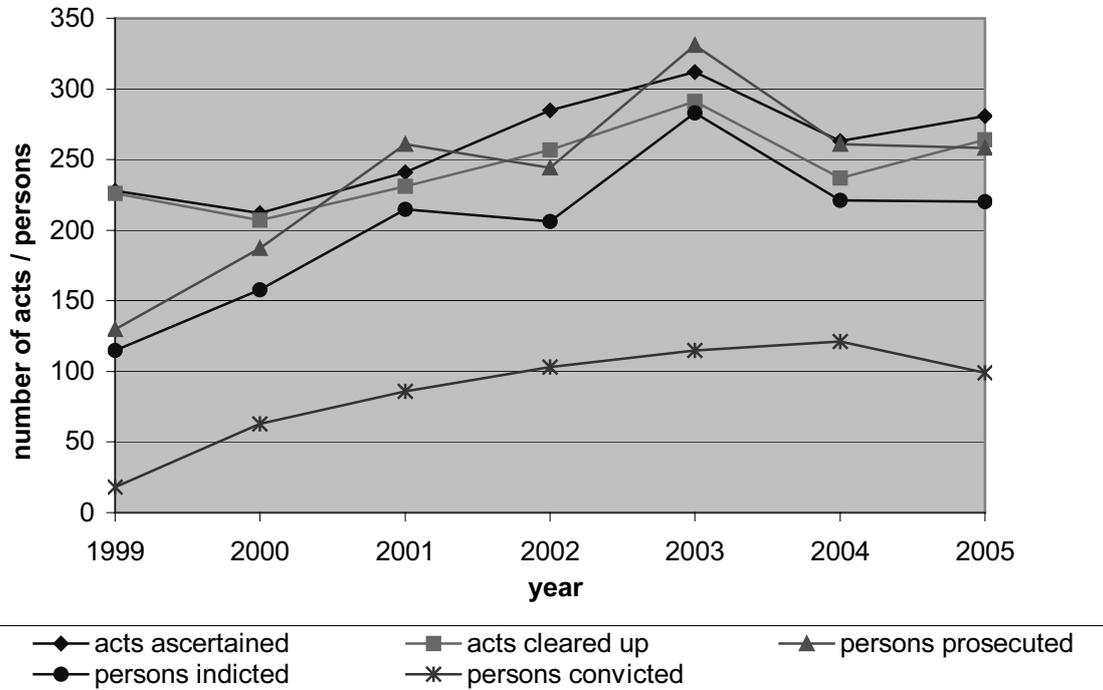


The breakdown of prison sentences imposed according to their length reflects the fact that, with effect from 1st July 1998, there was an adjustment of the length of the sentences, increasing them to more than one up to five years in the basic facts of crime category, and so imposition of a prison sentence of up to one year was from then on possible only for juveniles (until Act No. 218/2003 Coll. came into effect) or by applying the provision for exceptional reduction of a prison sentence under Section 40 or Section 32 of the Penal Code. Practice could also have played a certain role here, when certain less serious acts were classified from 1999 under Section 187a of the Penal Code. The permanently most frequently imposed unconditional prison sentences, as Graph 3 shows, were sentences of more than one year up to five years, and their share rose above 77% in 2004. From 1999, the share of sentences of more than five and up to fifteen years rose, its level in 2001 exceeding 10%, and since 2003 has been stable at around 15% (an exceptional sentence of more than 15 years was imposed in only three cases in 2004). The reason may be the success of the law enforcement authorities in detecting and prosecuting members of the higher echelons of drug crime, and also the change in the approach of the courts to sentencing those who have committed more serious forms of drug crime.

To complete the picture, it is necessary to state that protective treatment of drug addiction is imposed in court criminal proceedings for a relatively low number of persons. For a criminal offence under Section 187 of the Penal Code, the number of offenders (or as a result of the insanity of offenders not criminally liable for an act which otherwise has the elements of this criminal act) upon whom the courts imposed protective treatment ranged mainly between 40 and 50 persons a year in the period reviewed (the highest figure was 60 in 1996); for other criminal offences the number of persons upon whom protective treatment was imposed did not exceed 6 per year.

Illegal production and possession of narcotic and psychotropic substances and poisons – Section 187a of the Penal Code:

Graph 4: Numbers of cases ascertained and resolved of a criminal offence under Section 187a of the Penal Code and the number of persons prosecuted, indicted and convicted for this criminal offence between 1999-2005.



The numbers of criminal offences ascertained and cleared up under Section 187a of the Penal Code since the introduction of this provision in the Penal Code rose slightly for the most part, reaching a peak in 2003 and, after a fall in 2004, fluctuated slightly below the 2002 level in 2005 (Graph 4). A more significant increase (ca. 40% year-on-year) was seen in the number of persons prosecuted and indicted. After levelling off in 2002, the rise then continued to a similar degree the following year, but in 2004 there was a considerable drop to a level which these indicators also showed in 2005. So change in these statistics mirrors the trend in the number of criminal offences ascertained with a certain time delay.

The numbers of persons convicted rose throughout the period reviewed; after a steep rise over the first two years (caused mainly by the fact that in the first year of effectiveness of Act No. 112/1998 Coll. by no means all cases which appeared in police records were completed); the pace slowed down to a very moderate level and in the last year reviewed there was a fall. As yet the effects of summary pre-trial proceedings and simplified proceedings in court have not become particular evident in this change, for these procedures have not yet been used to any major extent in proceedings on a criminal offence under Section 187a of the Penal Code (6 persons were proposed for sentencing in 2003, 4 in 2004 and 1 person in 2005). The absolute numbers of persons prosecuted and indicted are in no way staggeringly high and in this respect the fears of opponents of the introduction of Section 187a

in the Penal Code have not been realised. There is, however, the question of whether this is the case as a result of sensitive procedure by law enforcement authorities in classification of individual cases or only a result of the high latency of this type of crime.

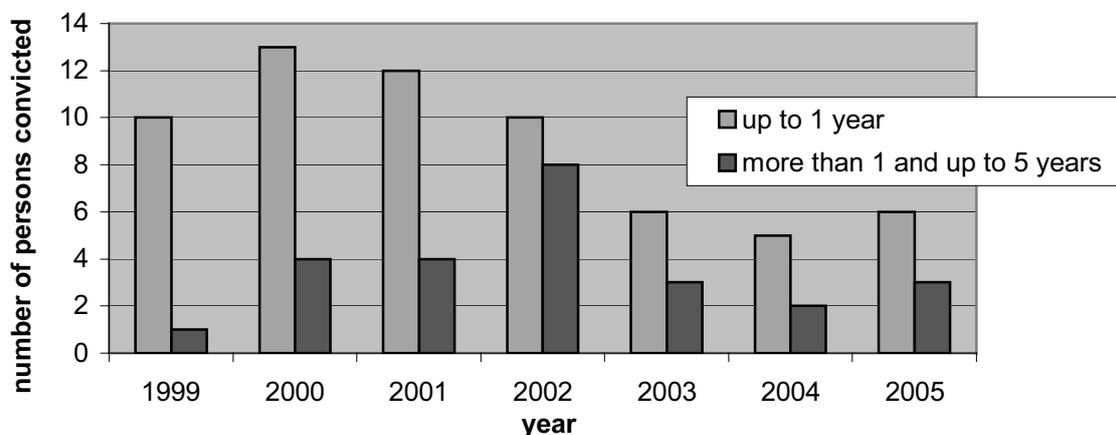
Table 2: Sentences imposed for a criminal offence under Section 187a of the Penal Code between 1999 and 2005

Year	Total number of persons convicted	Unconditional prison sentence	Suspended prison sentence	Pecuniary sanction	Community service	Other sentence	Discharge
1999	18	11	3	1	2	1	0
2000	63	17	30	2	6	4	4
2001	86	16	45	2	18	0	5
2002	103	18	60	3	17	2	3
2003	115	9	73	7	20	2	4
2004	121	7	77	5	22	1 (4)**	5
2005	99	9	53	5	27	1 (0)**	4

** - from 1994 the number given in brackets is for sentences imposed under Act No. 218/2003 Coll.

There has clearly been an understandable change in the composition of sentences imposed, where the share of unconditional prison sentences in all cases of conviction of the indicted person has gone down significantly (61.1% in 1999, 5.8% in 2004, 9% in 2005), particularly in favour of community service sentences, which in 2004 already represented more than 60% of all cases of guilty verdicts. Also the share of community service sentences increased to ca 27% over the years reviewed (see Table 2).

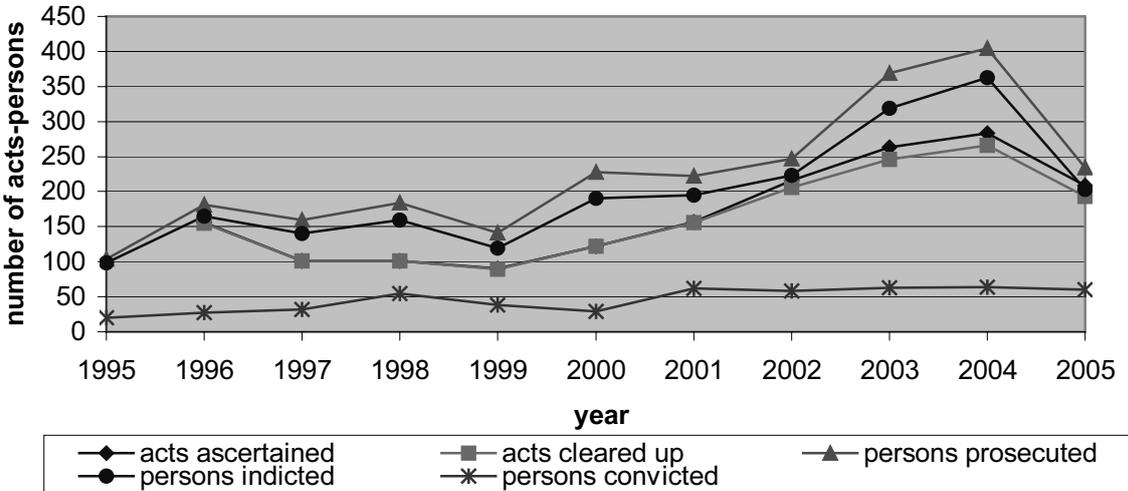
Graph 5: Length of unconditional prison sentences imposed for a criminal offence under Section 187a of the Penal Code between 1999 and 2005



The level of unconditional prison sentences imposed corresponds to the length of sentences for this criminal offence, which in the basic facts of crime category is to up to two years and in the classified facts of crime category is one year up to five years. Most of the unconditional prison sentences imposed do not, as Graph 5 shows, exceed one year.

Illegal production and possession of narcotic and psychotropic substances and poisons – Section 188 of the Penal Code

Graph 6: Numbers of cases of a criminal offence under Section 188 of the Penal Code ascertained and cleared up and numbers of persons prosecuted, indicted and convicted for this criminal offence between 1995-2005



As can be seen in Graph 6, the number of criminal offences ascertained and cleared up under Section 188 of the Penal Code experienced a sharp fall according to police statistics. The biggest was in 1999, and then it rose again without interruption until 2005. In the data on the numbers of persons prosecuted and indicted it is worthy of mention that there was a rise of nearly sixty per cent between 1999 and 2000, which is then also shown in the more than hundred per cent growth in the number of persons convicted the following year. Between 2001 and 2004, the numbers of persons prosecuted and indicted rose by more than 80%, then went down sharply in the final year reviewed by more than 40%. In contrast, the number of persons convicted showed little change from 2001.

Table 3: Sentences imposed for a criminal offence under Section 188 of the Penal Code between 1995 and 2005

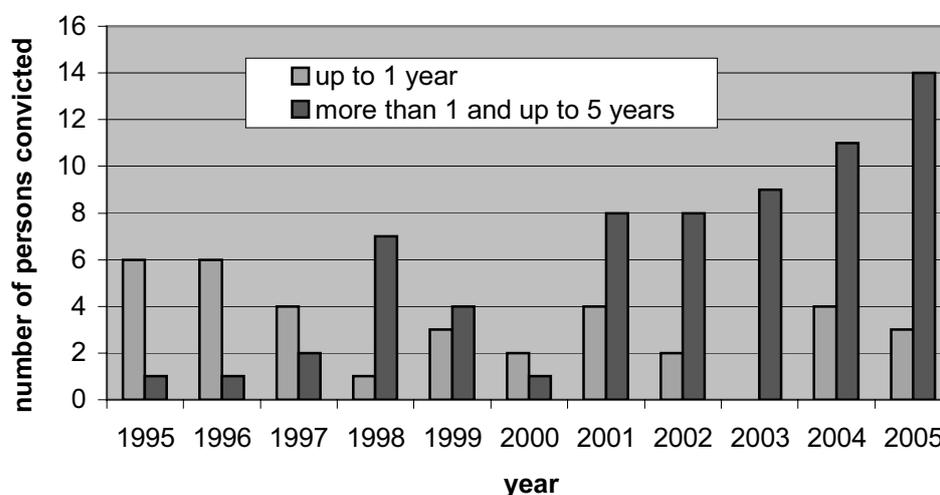
year	Total number of persons convicted	Unconditional prison sentence	Suspended prison sentence	Pecuniary sanction	Community service	Other sentence	Discharged
1995	20	7	12	1	-	0	0
1996	27	7	16	2	-*	0	2
1997	32	6	23	1	0	0	2
1998	55	8	41	1	3	0	2
1999	38	7	26	1	2	1	1
2000	29	3	22	0	4	0	0
2001	62	13	40	4	4	0	1
2002	58	10	34	1	12	0	1
2003	63	9	41	1	10	1	1
2004	64	15	36	1	8	1 (1)**	2
2005	60	17	28	0	12	0 (1)**	2

* - in 1996 the sentence of community service, where it was imposed, was not recorded separately but included in the “other sentence” group

** - from 2004 the number given in brackets is for punishment measures imposed under Act No. 218/2003 Coll.

The composition of sentences imposed was, as can be seen from Table 3, relatively constant during the period reviewed. It is characterised by the predominance of suspended prison sentences and the repeated growth in the share of unconditional prison sentences in the later years. The share of other sentences in all guilty verdicts has stayed above ten per cent since 1999 and in 2002 exceeded the twenty per cent mark.

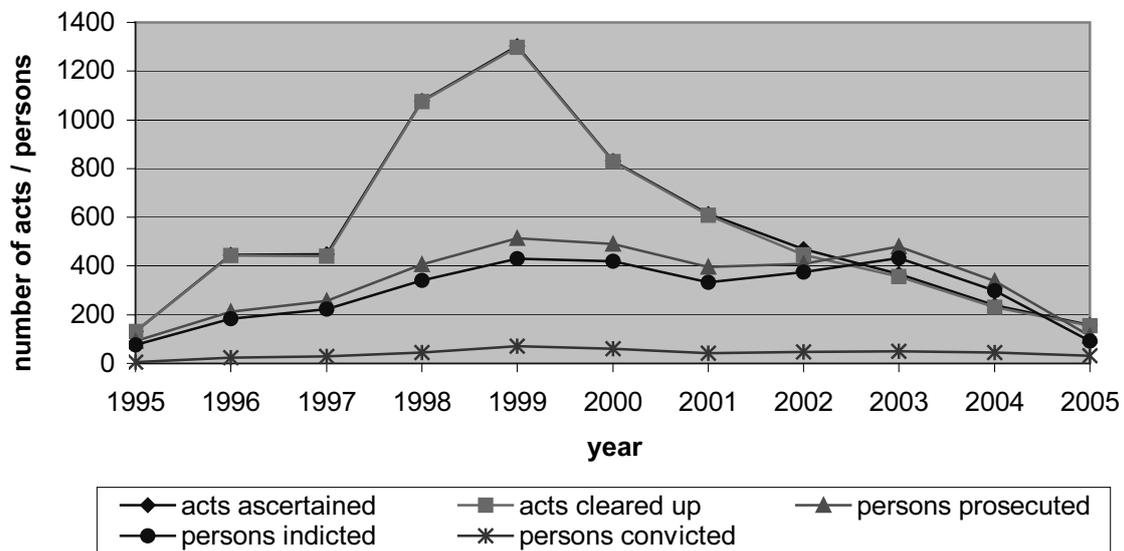
Graph 7: Length of unconditional prison sentences imposed for a criminal offence under Section 188 of the Penal Code between 1995 and 2005



Concerning the length of unconditional prison sentences imposed (Graph 7), we need to repeat only the effect of the amended version of Act No. 112/1998, imposing a higher sentence length from 1 July 1998 in the first paragraph of Section 188 of the Penal Code of one year up to five years, which restricted the possibility of imposing prison sentences of up to one year and so moved most of the sentences into the category of more than one year up to five years.

Propagating drug addiction – 188a of the Penal Code

Graph 8: Numbers of cases of a criminal offence under Section 188a of the Penal Code ascertained and cleared up and numbers of persons prosecuted, indicted and convicted for this criminal offence between 1995 and 2005



The numbers of criminal offences under Section 188a of the Penal Code ascertained and cleared up rose in the period reviewed up to 1999 and from that time fell steadily; there was significant year-on-year growth from 1996 to 1998 (by more than 230%, or 130% higher compared with the previous year), but the year-on-year fall in 2000, 2004 and 2005 exceeded 30% (ca 38%, 35% and 30% compared with the previous year). The number of criminal offences ascertained therefore almost returned to the 1995 level (Graph 8). Also, 1996 and 1998 are years of significant year-on-year growth in the number of persons prosecuted, indicted and convicted in the Czech Ministry of Justice statistics (this also applies to the number of persons convicted for 1999). There was not such a significant rise in 2002 and 2003, and the last two years show signs of a considerable fall, particularly in 2005.

Table 4: Sentences imposed for a criminal offence under Section 188a of the Penal Code between 1995 and 2005

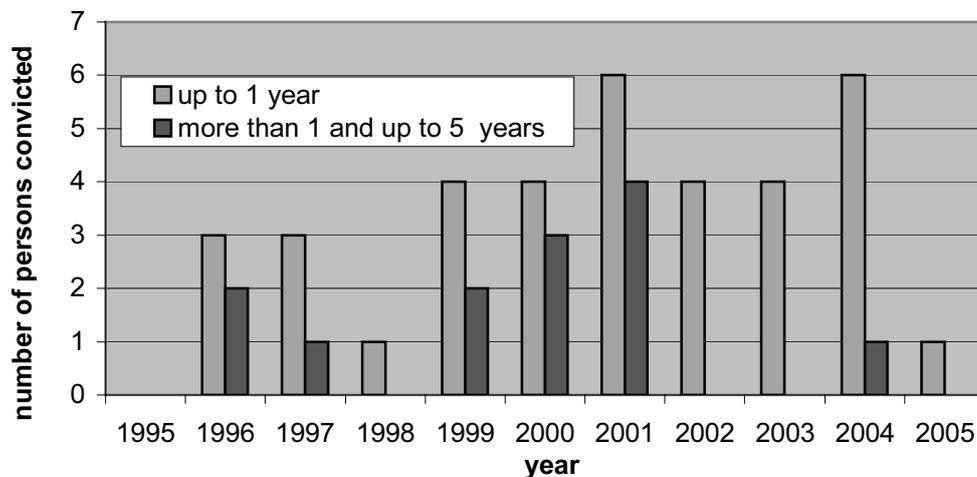
year	Total number of persons convicted	Unconditional prison sentence	Suspended prison sentence	Pecuniary sanction	Community service	Other sentence	Discharged
1995	4	0	4	0	-	0	0
1996	24	5	17	0	-*	2	0
1997	30	4	20	1	0	0	5
1998	45	1	35	1	1	0	7
1999	70	6	46	0	6	0	12
2000	61	7	43	2	5	0	4
2001	41	10	23	1	5	0	2
2002	48	4	31	0	7	0	6
2003	49	4	33	0	8	0	4
2004	45	7	19	0	11	0 (5)**	3
2005	32	1	14	0	1	0 (12)**	4

* - in 1996 the sentence of community service was not recorded separately and where it was imposed is included in the “other sentence” group

** - from 1994 the figure given in brackets is for punishment measures imposed under Act No. 218/1993 Coll

As regards the composition of sentences imposed, Table 4 shows that the trend is similar to that for the criminal offence under Section 188 of the Penal Code – namely that there is a constant predominance of suspended sentences, though with a growing proportion of sentences other than those connected with imprisonment. In view of the relatively low number of persons convicted for this criminal offence, this summary from 2004 is considerably distorted by the group of cases when a punishment measure was imposed under Act No. 218/2003 Coll. without recording the type of punishment measure imposed.

Graph 9: Length of unconditional prison sentences imposed for a criminal offence under Section 188a of the Penal Code between 1995 and 2005.



The length of unconditional prison sentences imposed is derived from the length of sentences, the upper limit of which was raised for the basic facts of crime category from 1st July 1998 from one to three years and for the classified facts of crime category from three to five years, and so most sentences imposed are still for up to one year (see Graph 9). Despite concerns shown by some of the public in connection with extension of the range of circumstances governing use of a higher sentence lengths for propagating drug addiction in the press, films, radio, television, a publicly available computer network or in another similarly effective manner (introduced from 1st July 2002 by Act No. 134/2002 Coll.) the proportion of unconditional prison sentences of more than one year commencing in 2002 on the other hand was completely minimal.

The analysis of the statistical data given above when broken down according to particular criminal drug offences (i.e. in four categories – Section 187, Section 187a, Section 188 and Section 188a of the Penal Code) provides a basic overview of the situation and development of recorded drug crime, but does not make it possible to distinguish between often very different specific forms of action which may constitute facts of particular criminal drug offences. For example, the criminal offence of illegal production and possession of narcotic and psychotropic substances and poisons under Section 187 of the Penal Code may consist in both provision of a joint of marijuana between two persons free of charge and also organisation of extensive dealing in NPS as part of an international organised group.

For a more detailed view of the nature of recorded drug crime according to the gravity of the type of actions constituting the facts of particular criminal offences, we can refer to the separate set of statistics of the Police Presidium of the Czech Republic (Set 22: total crime – breakdown by Sections of the Penal Code). In this set, particular criminal offences recorded by the police are broken down according to their precise legal classification, i.e. stating the relevant Section, paragraph or letter. This makes it possible to review the numbers of different types of action constituting the facts of criminal drug offences, at least according to the particular circumstances governing use of a higher sentence length (even though a further limitation is the fact that particular classified facts of criminal drug offences sometimes

alternatively include more circumstances governing application of a higher sentence length). In view of the manner in which criminal offences for which individual offenders are prosecuted, indicted and convicted are recorded by state prosecutors' offices and courts in statistical criminal records (also the legal classification stating the Section, paragraph and letter), similar sets could clearly also be compiled as part of judicial statistics.

For the purposes of this study, we had the set of police statistics broken down in this manner at our disposal for 2001, 2002, 2003 and 2005. It is quite understandable that the item most commonly recorded by the police for criminal drug offences is acts stated as having the basic facts of the case, i.e. without circumstances governing application of a higher sentence length, or acts in which, though a similar circumstance is found, this is not taken into account under Section 88 para. 1 of the Penal Code, for its gravity does not basically increase the degree of danger to society from the criminal offence. For the criminal offence of illegal production and possession of narcotic and psychotropic substances and poisons under Section 187 of the Penal Code, the proportion of these fluctuated in these years between 43% (2002) and 57% (2005), for a criminal offence under Section 187a of the Penal Code it increased from 83% in 2001 to 89% in 2005, and for a criminal offence under Section 188 of the Penal Code it rose from 92% in 2001 to 98% in 2005. For this criminal offence both circumstances governing application of a higher sentence length (commission of a larger-scale criminal offence or against a person under the age of 18) are represented approximately equally, though without either of them exceeding five per cent substantially in any of the years reviewed.

For the criminal offence of propagating drug addiction under Section 188a of the Penal Code, the number of actions stated under the basic facts of the case and actions consisting in commission of this criminal offence against a person under the age of eighteen were roughly the same, though there was a change during the period reviewed in favour of the basic facts of the case (from a ratio of 42% to 58% in 2001 to a ratio of 58% to 42% in 2005). In this respect it is interesting that no criminal offence under Section 188a paras 1 and 2(b) of the Penal Code, i.e. propagating drug addiction by means of the press, films, radio, television, a publicly available computer network or in another similarly effective method, was recorded by the police in the years reviewed. This confirms the baselessness of the concerns mentioned above of some of the public concerning a threat to free speech as a result of extending the range of circumstances governing application of the higher sentence length for this criminal offence by the stated circumstance that came into effect from 1st July 2002 in Act No. 134/2002 Coll.

There is a more detailed breakdown of the facts of the criminal offence of the illegal production and possession of narcotic and psychotropic substances and poisons under Section 187 of the Penal Code (see Table 5). If we look at the occurrence of particular circumstances governing application of a higher sentence length, clearly predominant is membership of the offender in an organised group, or commission of a larger-scale offence (Section 187 paras 1 and 2(a) of the Penal Code), which occurred in the years reviewed in 20% to 30% of the cases ascertained (the minimum of 20% in 2005 and the maximum of 31.5% in 2002), and also commission of an offence against a person under the age of eighteen (Section 187 paras 1 and 2(b) of the Penal Code), which formed a similar proportion in the cases ascertained (21% in 2005 and 28.5% in 2001). Of the other circumstances governing application of a higher sentence length, only commission of the offence against a person under the age of fifteen (Section 187 paras 1 and 3(b) of the Penal Code) was of relatively important relevance with a share of between 6.5% and 9%.

Table 5: Occurrence of circumstances governing application of a higher sentence length in cases of a criminal offence under Section 187 of the Penal Code ascertained in 2001, 2002, 2003 and 2005

Circumstance	2001		2002		2003		2005	
	P	%	P	%	P	%	P	%
1	694	21.70	1057	31.47	673	23.88	459	20.24
2	910	28.46	719	21.40	717	25.44	474	20.91
3	16	0.50	154	4.5	15	0.53	2	0.09
4	293	9.16	266	7.92	184	6.53	152	6.70
5	2	0.06	1	0.03	1	0.04	0	0
6	20	0.63	2	0.06	1	0.04	6	0.26
7	8	0.25	3	0.09	1	0.04	1	0.04
8	18	0.56	62	1.85	31	1.10	27	1.19

Circumstances governing application of a higher sentence length:

- 1 - offender is a member of an organised group, or commission of a larger-scale offence (Section 187 paras 1 and 2(a))
- 2 - commission of an offence against a person under the age of eighteen (Section 187 paras 1 and 2(b))
- 3 - obtaining a considerable benefit (Section 187 paras 1 and 3(a))
- 4 - commission of an offence against a person under the age of fifteen (Section 187 paras 1 and 3(b))
- 5 - causing serious harm to health (Section 187 paras 1 and 3(c))
- 6 - causing serious harm to the health of a number of persons or death (Section 187 paras 1 and 4(a))
- 7 - obtaining a major benefit (Section 187 paras 1 and 4(b))
- 8 - commission of an offence in connection with an organised group operating in a number of states (Section 187 paras 1 and 4(c))

Clearly, in particular cases there may be a combination of two and more circumstances governing application of a higher sentence length. This is also the reason why the percentage shares stated above of the occurrence of particular circumstances together with the proportion of acts stated under basic facts of the case under Section 187 of the Penal Code exceed 100%. As regards the proportion of particular acts in all criminal offences ascertained under Section 187 of the Penal Code according to their precise legal classification, then again actions classified as criminal offences under Section 187 paras 1 and 2(a) of the Penal Code or Section 187 paras 1 and 2(b) of the Penal Code, i.e. offences stated under the basic facts of the case committed by a member of an organised group or a larger-scale offence (12% in 2001, 23% in 2003), or against a person under the age of eighteen (15% in 2005, 19% in 2001 and 2003), occurred more frequently. Also acts combining both these circumstances governing application of a higher sentence length, i.e. classified as a criminal offence under Section 187 paras 1, 2(a) and (b) of the Penal Code (2% in 2002, 4% in 2001 and 2005), occurred relatively often. There was a similar occurrence of actions classified as criminal offences under Section 187 paras 1, 2(b) and 3(b) of the Penal Code, i.e. criminal offences stated under basic facts of the case committed against a person under the age of eighteen and also against

a person under the age of fifteen (2% in 2002, 2003 and 2005, 4% in 2001) and under Section 187 paras 1 and 3(b) of the Penal Code, i.e. criminal offences stated under basic facts of the case committed against a person under the age of fifteen (4% in 2003, 5% in the other years reviewed).

3. Characteristics and trends of drug crime in the Czech Republic

The Annual Report of the National Drug Enforcement Centre of the Criminal Police and Investigation Service (NPC) for 2005¹⁷ describing the state of drug crime and the drug scene in the Czech Republic based on the findings of the NPC states as a currently particularly pressing problem in this area illegal production of the psychotropic substance metamphetamine (pervitin) derived from pseudoephedrine contained in medicaments freely on sale, such as the preparations Paralen, Nurofen Stopgrip or Modafen, containing up to 30 mg of pseudoephedrine per unit of the medicament. In 2005, the proportion of cases when producers used this medicament for the production of pervitin averaged 90% of all ascertained cases of illegal production of metamphetamine in the Czech Republic.

Among other features characteristic in drug crime according to the findings of the NPC in 2005, the following are mentioned in the report, namely:

- new substances are found on the market which are not listed in the Supplements to Act No. 167/1998 Coll., on addictive substances. Ecstasy tablets were seized with additions of metachlorophenyl-piperazine (mCPP), which domestic consumers in view of their characteristic appearance named “rainbows”
- significant growth in abuse and illegal distribution of Subutex (a preparation for substitution treatment for addiction on opioids, containing the psychotropic substance buprenorphine). Tablets are usually sold individually to other users for a many times higher price than that for which a person buys them on a doctor’s prescription at the chemists. There is also breach of the rules for substitute drugs when users take Subutex intravenously
- in most regions rising demand for cocaine, i.e. a drug the price of which is higher on the illegal market than that of other drugs, was recorded
- drugs of low quality are being sold. Particularly with heroin the concentration of the effective substance in a particular dose at the end of the distribution chain fluctuates approximately between 5% and 10%¹⁸

¹⁷ http://www.mvcr.cz/document/2006/npc_zprava05.pdf

¹⁸ Nevertheless, in October 2006 the United Nations Department for Drugs and Crime (UNODC) issued a warning against the risks connected with the arrival of very pure heroin on the street drugs market in connection with the almost 50% year-on-year rise in production of opium in Afghanistan compared with 2005; see, for instance http://www.unodc.org/unodc/press_release_2006_10_05.html

- information relating to drug trafficking in ketamine is growing. This substance is used in practice as a veterinary anaesthetic and is not listed in the Supplements to the Addictive Substances Act (and so is not regarded as a NPS in the Penal Code)
- illegal production of the opiate, known colloquially as “brown”¹⁹, from medicaments containing codeine was repeatedly found
- the number of offenders from the former Yugoslavia, who are involved in organisation of illegal import of ephedrine from the Balkans, production of metamphetamine and its subsequent distribution abroad, particularly in the Federal Republic of Germany, continues to grow. The degree of their connection with illegal cocaine dealing, which also transported through what is called the Balkan route, increased
- in order to satisfy the needs of the drug market there is, as a result of the relaxation of border controls at state borders following the entry of the Czech Republic into the EU, what is termed drug tourism, which manifests itself, for example, in the export of metamphetamine in individual doses from this country to Germany or the import of ecstasy in smaller or larger quantities from The Netherlands
- offenders, not only those involved in organised crime, are devoting significant efforts to changes in the way criminal offences are committed, and are using more and more sophisticated methods in order to hamper their detection
- a number of persons against whom the Czech Police are directing their activities are, owing to their experience acquired from earlier criminal activity, familiar with the methods and facilities of the work of the police, and for this reason detecting and in particular proving their criminal activity is highly complicated.

It is useful to supplement this characterisation of the situation in the drug crime field in the Czech Republic by listing a number of trends which can be observed in this type of criminal activity in the Czech Republic during the last decade²⁰. Here we can draw in particular on the Annual Reports of the NPC, reports of the Ministry of the Interior of the Czech Republic on the public order and public security situation in the Czech Republic and the Annual Reports of the Supreme State Prosecutor’s Office on the activity of the State Prosecution Service, but also findings obtained in research activity of IKSP (Institute for Criminology and Social Prevention) in this field from other sources (expert surveys, study of relevant criminal files). In this we have attempted to capture aspects which have appeared repeatedly in these sources, or on which particular emphasis has been laid. These aspects can, for simplification, be divided into a number of main areas – changes in the drug crime environment, new ways of smuggling NPS, changes in dealing methods, attempts by offenders to provide themselves with greater security and the involvement of foreigners in drug crime.

¹⁹ Home-made opioid, which together with pervitin dominated the domestic pre-November drug scene. In contrast to pervitin, which has kept its privileged position, brown practically disappeared from the drug scene after 1990. The main reason is obviously the difference in the price of “traditional” drugs, for which both domestic preparations served as replacements. While heroin is a drug at an affordable price for Czech users, the price of cocaine is still high by national standards.

²⁰ For a more detailed study of the drug crime situation and trends in the Czech Republic after 1990 see Trávníčková, I. and Zeman, P.: Options of Criminal Justice in Anti-Drug Policy. Prepared for publication in an IKSP edition.

The drug crime environment

Significant tendencies in the drug crime field became, as early as in the course of 1990s, the circulation of drugs, their use and related criminal activity even in smaller communities. We can in general speak of greater availability of NPS, at least in the sense of geographical extension of the areas where a drug can be obtained. This trend was most clearly obvious at the turn of the century, but is still persisting to a certain extent. In addition to distribution of NPS, this fact is to a certain extent evident in the drug production field, where in particular laboratories for the production of pervitin have moved more and more out of city flats to the country in the course of time. So what are termed “cooking centres” can be found in sparsely populated places, remote villages or in secluded places. Differences in drug crime, however, also have regional causes, where local features (closeness of state frontiers or an international airport, high local unemployment, high occurrence of foreign nationals, tourists etc.) play a role. The main focal points for the occurrence of drug crime, however, remain the big city conurbations.

Pervitin has retained its privileged position among Czech users and has also become a successful export article. There has been a shift in the area of its production in the last few years, with regard to the precursors used²¹. In connection with the progressive restriction of availability of industrially produced ephedrine from domestic sources²², the amount of production of ephedrine from medicaments containing ephedrine and pseudoephedrine has risen proportionally and there has been a growing attempt on the part of producers to obtain ephedrine from abroad (Poland, Slovakia, the Ukraine, Germany, Bulgaria). The effective substances from medicaments are also used in another way – metamphetamine on the Czech market is diluted with the substance piracetam, obtained, for example, from the preparation Kalikor.

Law enforcement authorities drew attention to the high popularity of cannabis-based drugs on the Czech market throughout the period reviewed. In this context, they have increasingly referred to two negative trends in particular. The first is the creation of an image of use of marihuana as a common and socially acceptable part of their life style among young people. The other is the gradual arrival and spreading of hydroponically cultivated cannabis, where plants with a higher content of the effective substance are obtained. In 2005 a greater intensity of trafficking in hashish was also recorded after some time.

A phenomenon of the present is linking of consumption of certain drugs with operation of certain types of musical production. For a number of years now police and judicial authorities have regularly stated that they find relatively massive distribution of NPS at these events. During the last few years a number of cases of drug supplies into prisons have also come to light, which only confirms the generally accepted assumption of the occurrence of NPS in prisons, where the only usual difference is estimates of the degree of this occurrence.

²¹ Substances used for the production of narcotic and psychotropic substances; lists of these are given in European Community regulations, specifically Regulation of the European Parliament and Council (EC) No. 273/2004 dated 11 February 2004, on drug precursors, and in Council (EC) Regulation No. 111/2005 dated 22 December 2004, in which rules are stipulated for monitoring trade in precursor drugs between the Community and third states.

²² The Czech ephedrine producer, ICN Czech Republic, a.s., with its registered office in Roztoky near Prague (today operating under the name VUAB Pharma, a.s.), at first in cooperation with NPC, adopted measures to reduce the possibility of illegal leakages of this substance from the production or distribution process and terminated production of it in 2005.

A characteristic feature of the Czech drug scene in the period reviewed has been the growing popularity of ecstasy. In this context, police authorities have in the last few years drawn attention to trafficking in this substance in other forms, as opposed to the traditional tablets, such as cachets, suppositories or capsules. A dangerous phenomenon is the admixture of a wide variety of ingredients to the effective substance MDMA, an example of which is the mentioned seizure of ecstasy tablets with the addition of metachlorophenyl-piperazine (mCPP). This combination is capable of causing very unpleasant side effects (headaches, kidney problems and attacks of cramp). Occurrence has also been confirmed within the European Early Warning System, which is coordinated by the European Monitoring Centre for drugs and drug addiction and Europol²³. In the field of illegal trade in substitute preparations, in addition to methadone the preparation Subutex, containing the psychotropic substance buprenorphine, has begun to appear on the black market after its registration in 2000; illegally obtained buprenorphine is currently classified as one of the most widespread drugs here.

A further significant tendency since about 2002 is increase in differences in the quality of drugs, depending on the level of the distribution network (significantly lower quality on the end distributor's side) and also depending on a particular group to which dealers belong (lower quality with Roma and Vietnamese distributors). This applies in particular to street sale of heroin and pervitin. Police authorities recorded around 2000 a relatively significant rise in the proportion of drug users (in particular addicts) among persons committing property crime (crime of procuring) and the decreasing age of these offenders. The state prosecution service has referred to the constantly lower age of those committing drug crime from the beginning of the century.

The fact that drug crime in the Czech Republic as also elsewhere in the world has become one of the activities of organised crime groups, including international ones, was already known to the police and judicial authorities as early as in the 1990s. With the passage of time, as experience with this phenomenon grew, they pointed more often and more urgently to the need for effective and rapid cooperation with similar foreign and international authorities.

New methods of smuggling narcotic and psychotropic substances

As early as from the 1990s, a situation has persisted where the quantity of imported NPS has exceeded the quantity of drugs produced in the Czech Republic. A specific exception in this respect is pervitin. However, the role of the Czech Republic in international drug trafficking is changing. In the initial period after the fall of Communism and the opening of borders, the Czech Republic very quickly became a transit country in the drug transport chain to countries in Western Europe. Drugs which remained here in the course of transit were rather a by-product of transport, whereas a substantial part of the consignment was destined for another market. This situation, however, progressively began to change and now the authorities concerned characterize the Czech Republic in international drug trafficking as a transit and also a destination country.

²³ see Europol-EMCDDA Joint Report on a new psychoactive substance: 1-(3-chlorophenyl) piperazine (mCPP), www.emcdda.europa.eu

Other trends in this field include the growing use of land and air couriers for the import of drugs to the Czech Republic, or transporting them through it. In this context, the relevant documents mention the greater use of the state border with Slovakia for these purposes in the period prior to entry into the EU. Police authorities pointed to the danger which threatens as a result of greater permeability of borders for illegal drug consignments too after the entry to the EU. Although evidently there are no reliable findings confirming this hypothesis, it can be assumed that removal of customs checks in their original form and replacement of customs authorities equipped with experience in detecting cases of drug smuggling at border crossings by foreigners' police authorities has created more favourable conditions for the easing of cross-border NPS transport.

The increasingly frequent transport of small quantities of NPS, particularly hashish, in envelopes was designated as a serious phenomenon at the turn of the century. In view of the regulations at that time for the seizure and replacement of consignments which were linked to the person of the accused, such activity was very difficult to prosecute²⁴. Findings appeared later on the use of postal consignments with a drug in testing of the permeability of transport routes in the Czech Republic for purposes of their transit abroad.

Changes in dealing methods

During the 1990s, there was an "opening" of the drug scene in the Czech Republic. This is manifest also in the method of selling drugs on the streets, which goes on relatively openly and to a large part in publicly accessible areas (parks, restaurants, arcades etc), which were very well known in this connection to wide sections of the public of this community or even nationwide.

However, with stricter anti-drug legislation and clearly also greater severity in the procedure of law enforcement authorities, this gradually began to change. In the period around 2000, law enforcement authorities recorded that the sale of drugs in notoriously well-known places, in the form of the permanent presence of regular dealers gradually stopped and moved to areas with a more restricted clientele. This trend has continued to date. A dealer not infrequently sells only to customers he knows personally, or requires a recommendation from someone known to him/her and a proven user who has been a customer for a relatively long time without any problems. There is a constant change in the place and times of meetings for the purpose of sale and purchase of NPS.

A further trend in the last few years has been the lower occurrence of traditional street sales. Connected with this is the creation of what are termed dealer flats, from which NPS are sold by a number of people (a substitution system) – this is according to findings of police authorities specific principally for dealers of Roma origin. Sale takes place depending on the position of the flat – through a window, in doorways or in the close vicinity of the house.

²⁴ The situation changed when the amended Penal Code No. 265/2001 Coll. came into effect on 1 January 2002. Handing over drugs and money is mostly done when the dealer and the buyer are moving; the distance between the place of first contact and the place of the actual sale is often several hundred metres. Urban housing developments are used for changes of direction and keeping a lookout. Various "concealment manoeuvres" are used by dealers (handshakes, embraces etc).

As is generally assumed, the amendment of Act No. 112/1998, introducing *inter alia* the criminality of keeping (including for one's own requirements) NPS in other than small quantities, also contributed to change in the behaviour of dealers. Street dealers began to carry a minimal quantity of doses (often only one) of a drug on them. Only then, depending on interest, do they buy further doses designed for sale from their accomplices, or from special mailboxes located for this purpose in a wide variety of places. The procedure is known with Arab dealers when the offender carries particular doses in his mouth under his tongue wrapped in aluminium foil or polythene, which they can spit out or swallow if there is a danger of being arrested by the police.

A further characteristic feature of the development of street sale of drugs in the Czech Republic since the 1990s according to findings by law enforcement authorities is the fact that on the one hand dealers are more and more recruited from previously "mere" consumers and on the other hand a wide range of persons, including from non-criminal elements of the population, are progressively becoming involved in distribution of drugs at the lowest level.

How offenders ensure their security

A significant trend in the drug crime field in the last decade is a rise in conspiracy on the part of those committing this type of criminal activity. A higher degree of conspiracy is usual in organised crime groups, but the authorities concerned record this more and more with street dealers too, i.e. persons at the lowest level of the distribution chain. A wide variety of methods are used for this purpose.

Modern equipment and information and communications technology are being used more and more for the commission of drug crime. To negotiate deals, offenders use mobile phones, usually with prepaid cards, on a mass scale. More and more often the Internet is also used for this purpose with the facilities of anonymous access, for example from Internet cafes or public libraries.

In activities relating in particular to distribution of drugs at the lowest level (street sale) offenders use persons below the age of criminal liability. Even at the lower levels of the distribution chain offenders show a significant tendency in the interests of making their detection more difficult to change the way they commit criminal activity all the time.

In connection with the more intensive use of afore-mentioned modern communications technologies by those committing drug crimes, the state prosecution service points to the constantly greater importance of intercepts and records of telephone traffic in detection of this type of crime and prosecution of those committing it. On the other hand, findings have been made recently that mobile phone intercepts yield less information than before, for offenders are using the Internet or public payphones more and more, including when telephoning abroad. Also the hypothesis has been advanced that offenders are now sufficiently familiar with police procedure in provision of faked transfer of items, and so the success of using this important operational investigation facility is falling.

Police authorities have recorded growing attempts by criminal structures to infiltrate elements of the criminal justice system and also the public sector in general through corruption or intimidation. They also draw attention to growing pressures on witnesses to criminal activity and attempts to remove them from the criminal proceedings process. They point to the possibility of escalation of these pressures and their transformation into more and more violent manifestations. The usefulness of witnesses in cases of this criminal activity is further complicated by the fact that they are often drugs users, persons dependent on NPS or even customers of the offender. Connected with this aspect is the overall rise in the brutality of persons engaged in drug crime.

Involvement of foreigners²⁵

Based on the sources available, it can be stated that there are certain ethnic groups which are more involved in drug trafficking in the Czech Republic than others. The opening of borders after 1989 and the freeing-up of movement of persons across them, and also the marked permissiveness concerning entry of foreigners into the Czech Republic and their settling here, contributed to the fact that certain criminally highly productive ethnic communities were created in the Czech Republic. Members of these established a good base here over many years, often concluded fake (but also real) marriages and, not infrequently, obtained Czech citizenship too. They established numerous social and business contacts with local people. They even succeeded in finding a common language with the local underworld.

First of all it is necessary to mention ethnic Albanians. However, people who are direct citizens of Albania are not usually involved in the commission of drug crime but rather persons of Albanian nationality living in Serbia, particularly in the Serbian province of Kosovo, and also in Macedonia. A number of them moved to the Czech Republic in connection with the war in Kosovo so that they could settle here, set up a business company and often also obtained Czech citizenship through marriage. This meant that a very cohesive community was created, preserving the traditional element of a related clan, where one can rely on another without reservation and where the law of silence applies in contact with law enforcement authorities. Ethnic Albanians operate on what is termed the Balkan route. This is a transport route for heroin from the areas of production in Afghanistan and Pakistan through Iran to Turkey, and from there through Bulgaria, Romania, Hungary and Slovakia to the Czech Republic and from here either further to the north to Scandinavia and Denmark or to the west to Germany and the United Kingdom but also to the south to Switzerland, Italy or other countries. Albanians use the structures they have built up over a long time, including their business activities, to conceal drug trafficking.

In addition, they exploit the advantages already mentioned of a closed community when a group of related persons or persons coming from one village or area become involved in criminal activity. They trust and understand each other well. If they are arrested, they usually give no replies concerning the criminal activity. The Albanian language also plays

²⁵ This part of the text draws more than others on the specialist sub-study: Borovička, A. and Šejvl, J.: Development of drug crime since 1989. Separate study for the purposes of the IKSP survey "Possibilities for criminal justice in anti-drug policy", 35 pages, not published separately.

a specific role in a drug trafficking conspiracy. It is markedly different from all European languages. There are very few interpreters, and, in particular, reliable interpreters guaranteeing confidentiality, which fundamentally increases the chances of these offenders with the police. Police experience is such that where it does find an interpreter for Albanian, he/she usually has very close links with the ethnic Albanian community. So it cannot use him/her to translate sensitive information for the purposes of operational activity or criminal proceedings, particularly not where the persons affected do not know about criminal proceedings steps. Ethnic Albanians are, not infrequently, equipped with firearms and are prepared, if need be, to use them against rivals or persons who have betrayed them. Organisers are mainly recruited from the ranks of ethnic Albanians at the middle level of management, persons responsible for intermediate storage and distribution in greater quantities and sometimes couriers, mainly in passenger cars.

Organisers at the higher level and investors in international heroin trafficking are as a rule, in relation to ethnic Albanians, Turks. In contrast to those from neighbouring Germany or from the United Kingdom, for instance, Turks here are not a particular significant and numerous community. It is worth mentioning the fact that ethnic Albanians are becoming more and more involved in trafficking drugs other than heroin too. The police are, for example, coming across them in connection with the smuggling and distribution of cocaine or marihuana. This phenomenon fits with the pan-European tendency to the multi-drug nature of drug crime.

Another significant ethnic group in terms of illegal drug trafficking in the Czech Republic is Nigerians. These rely on a wide international network of communities of fellow-Nigerians throughout the world. So they too have settled in this country in the passage of time. Marriage, rather than business, is often the reason why they remain in the country. They are involved in trafficking in cocaine and also heroin and synthetic drugs. But they can far more often be encountered in cocaine trafficking, being organisers of drug trafficking who come into contact with the drug itself only rarely. In the last few years, a tendency has been recorded for them to be involved mainly in courier transport of drugs. They almost exclusively recruit Czech citizens as couriers from socially problematic elements, these being more willing to allow themselves to be hired to carry drugs. Nigerians do not form a hierarchical family structure like ethnic Albanians, but rather associate for the carrying out of particular illegal business transactions. For them too, indigenous Nigerian languages present an ideal means of communication in drug trafficking. The difficulty of finding reliable interpreters is, in this case, exceptionally high.

Other ethnic groups are relatively often also involved in drug trafficking in the Czech Republic. As a rule, we collectively speak of them as Russian speaking groups. They are on the one hand nationals of one of the successor states of the Soviet Union, namely the Ukraine, Russia, Belarus, the Baltic and Central Asian Republics, Moldavia, North Caucasus and Transcaucasia. The other element which they have in common is the Russian language as a means of understanding each other. Prominent, for example, here in the Czech Republic is the exceptionally numerous Ukrainian minority, but these are rather couriers and distributors of drugs at lower levels. Chechens have a specific position among these ethnic groups. They are not very numerous, but they usually have significant criminal experience from time spent in Russia. They are involved in drug trafficking as organisers. Distribution is provided on their behalf, for example, by Ukrainians or Czechs. Like the Albanians, they are a very cohesive group which is difficult to penetrate. They also take advantage of trust and the law of silence

in family-linked communities. The same applies to them as to the Albanians regarding use of violence and weapons, and there are also language problems in detection and prosecution.

The relatively numerous community of citizens of Arab countries participates in illegal trafficking in drugs in the Czech Republic according to police findings rather in positions as drugs dealers, most often at street level.

The facts described apply to the involvement of foreigners in drug crime in the Czech Republic in general. From documents analysed, certain other recent specific trends can also be followed.

From 2000, police authorities point to the arrival of Russian speaking groups of offenders in particular in the field of dealing in pervitin. These groups have started to cooperate with Czech drug producers, and production of drugs has risen as a result of this alliance and grown sharply. The reason was in particular supply of ephedrine to domestic producers. In connection with the production of very high quality crystalline metamphetamine, the growth and interlinkage of Czech and German criminal groups organising export of this substance to Germany is continuing.

Police reports regularly state that organised criminal activity in the field of trafficking in NPS committed by particularly ethnic and national minorities is marked by noticeable specific features, flexible exchange of commodities with the aim of increasing profit, use of violence etc. They criticise in this connection the asylum and migration policy of the Czech Republic, which according to them significantly complicates detection of this crime. The work of law enforcement authorities here is also hampered by the language barrier.

Relevant documents refer to the fact that although those foreigners committing drug crime are not a particularly important group in terms of their number, they usually belong to the higher echelons in the hierarchy of criminal structures. Czechs too, however, are progressively acquiring higher positions in these structures.

An interesting phenomenon recently has been found, regarding some Vietnamese operating market stalls in the Czech Republic, particularly in border areas. In this activity, they establish contact with German tourists, enticed by cheap goods, and usually offer them pervitin. In view of the great demand for Czech metamphetamine in Germany, agreements are concluded for regular supplies of drugs. Involvement of these Vietnamese has been recorded with Albanian traders of NPS, from whom they obtain drugs. There is clearly an attempt by some Vietnamese market traders to replace loss of profit from sale of counterfeit goods arising as a result of more intensive concentration by state authorities on combating trade in goods breaching intellectual property rights, of which we are currently witnesses.

In this context it is, however, necessary to state the experience of the National Drug Enforcement Centre stated in its Annual Report for 2005, according to which, in contrast to the 1990s, it is not possible to define the specialisations of particular ethnic groups in terms of particular types of drug. Drugs are currently changed with respect to particular groups and the share of ethnic Albanians, for instance, in the import of cocaine or ephedrine (in addition to the traditional heroin) or in the organisation of production of metamphetamine and its export abroad is not an exception.

4. Conclusions

Approximately 1300 persons per year have been legally convicted in the Czech Republic for drug crime in the past few years. The number of cases of drug offences discovered by the police fell in 2005 for the first time since 1997 to under 3000. However, in view of the nature of the acts, punishable under the provisions of Section 187, Section 187a, Section 188 and Section 188a of the Penal Code, it can be assumed that only a small part of this type of criminal activity is reflected in the official statistics.

In 2005 there was a fall in all the basic indicators reviewed, namely the number of drug offences discovered and also persons prosecuted, indicted and (for the first time from 1991) convicted for these criminal offences. Concerning the most frequently committed drug offence, illegal production and possession of narcotic and psychotropic substances and poisons under Section 187 of the Penal Code, we can rather speak of stagnation over several years. The fall in the number of drug offences discovered already begins, with the exception of 2002, in 2000 (it is not possible to make very many comparisons with data from the previous period as a result of the different methodology for recording them, but in terms of the trend we can speak of a rise up to 1999); this is marked in the last three years.

There was a considerable fall in the number of persons prosecuted and indicted for criminal offences of illegal production and possession of narcotic and psychotropic substances and poisons under Section 188 and propagating drug addiction under Section 188a of the Penal Code. Whereas in the case of a criminal offence under Section 188a of the Penal Code, this is a continuation of the trend towards a significant fall, in the case of a criminal offence under Section 188 of the Penal Code it is rather a return to the figures from the beginning of the century. The number of persons convicted for drug offences kept increasing up to 2004, compared with the total number of persons convicted in the Czech Republic between 1995 and 2004 (overall a slight rise) much more significantly. In 2005 this number, as has been stated, fell for the first time in a year-on-year comparison and it will be interesting to see whether this is a deviation from a hitherto rising trend or whether this trend has been halted.

Findings of law enforcement authorities on the drug crime situation in the Czech Republic confirm the opinion that there is a traditional drug scene here of the “Western European” type, including a drugs market, with certain differences reflecting in particular the country’s geographical location, history and demographic structure. The repressive reaction of the state to problems associated with abuse of narcotic and psychotropic substances also needs to be assessed in the context of this country’s drug scene as a whole. The situation in the drug abuse field in the Czech Republic can overall (and in a simplified way) be said to be stabilised – a more detailed analysis of it would be beyond the scope of this publication²⁶. Official data on drug crime, i.e. on that part of it to which the state responds directly through law enforcement authorities, also point to a certain stabilisation. Both in the drug scene and in drug crime field, however, a number of dangerous manifestations are occurring, which indicate possible risks of the future development. We have also tried to draw attention to some of these, as regards the more serious forms of drug crime, in this study.

²⁶ For further details see Annual report on the situation in drug matters in the Czech republic in 2005. National Monitoring Centre for drugs and drug addiction. Government Office of the Czech Republic, Prague 2006: available at www.drogy-info.cz/index.php/publikace/vyrocn_zpravy

Note on developments in 2006

In 2006, the trend in the number of criminal offences ascertained for the criminal offence of illegal production and possession of narcotic and psychotropic substances and poisons under Section 187 of the Penal Code almost came to a halt. On the other hand, the number of persons prosecuted, indicted and convicted for this criminal offence rose, by ca 10%. The composition of sentences imposed for this criminal offence remained unchanged. The proportion of unconditional prison sentences of more than 1 year and up to 5 years went down slightly and no sentence exceeding 15 years was imposed.

For criminal offences under Section 187a and Section 188 of the Penal Code (dealing with punishment for keeping narcotic and psychotropic substances or poisons and production or keeping items designed for illegal production of narcotic and psychotropic substances and poisons), there was an increase in 2006 in practically all indicators of the level of crime (only the number of persons convicted for a criminal offence under Section 187a of the Penal Code remained the same as in 2005); this increase was most significant in the number of persons prosecuted for a criminal offence under Section 187a of the Penal Code (16%) and in the number of criminal acts under Section 188 of the Penal Code ascertained (22%). For the criminal offence of propagating drug addiction under Section 188a of the Penal Code, the falling trend in the indicators for this crime continued in 2006; for example, the number of persons convicted for this criminal offence fell by more than half compared with 2005 (to 12 persons).

According to findings of law enforcement authorities in 2006 in the field of drug crime, trends from the previous period generally continued. Attention is drawn to the import of heroin coming from Afghanistan along what is termed the Balkan route, to reduction in the price of cocaine on the domestic market and with this an increase in its availability, to substantial demand for marihuana with a higher THC content (hydroponically cultivated), to abuse of freely available medicaments to obtain ephedrine and also to continuing interest from abroad in crystalline metamphetamine. Reference is made to the difficulties in proving drug crime in proceedings before a court when persons to whom drugs are sold refuse to make a statement or the credibility of their statements is disputed. Again the importance of using intercepts and records of telecommunications traffic or also operational investigation methods in detection and prosecution of more serious drug crime in particular is stressed.

Summary

The basic findings, which are commented on in more detail in the volume, can be summarised briefly as follows:

Compared with previous years, the state of crime on the territory of the Czech Republic in 2006 is by no means exceptional, at least with regard to the statistics of the law enforcement bodies.

From Czech Police statistics, which provide the most comprehensive overview of crime in the monitored year due to their containing all reported crimes recorded by police, including those for which no offender has been identified or which did not end in a criminal prosecution and thus were not included in criminal justice statistics, we find that although there was a fall in the number of recorded crimes compared with 2005, this fall was negligible overall. The trend which began in 1999, with one exception in 2002²⁷, and which shows a constant slight fall in the number of recorded crimes against the previous year, accompanied by a slight fall in what is termed cleared-up crimes, thus remains unchanged.

The largest number of crimes in the Czech Republic was recorded in 1999, and represented approx. 4,300 crimes per 100,000 citizens. In 2006 this figure was already down to approx. 3,300 crimes, i.e. roughly a quarter (1,000) less.

A large share of recorded crime has traditionally been committed in the capital city of Prague (around a quarter of all recorded crimes in the Czech Republic).

The largest share of crime is always crimes against property, which thus determines the trend of overall crime. In 2006 this represented 66%, and in 1999 even 72% of the whole.

The considerable reduction in recorded property crime (since 2003) was caused, among other things, by the change in penal legislation since 2002 (e.g. the limit of damage caused by crime was more than doubled for certain property and economic crimes – i.e. there was a change in the criterion distinguishing crimes from corresponding offences).

The largest share in property crime is always taken by theft (Section 247 of the Criminal Code). Police statistics break them down into two groups: 1) theft by burglary and 2) what is termed straightforward theft, which is the most frequent crime of all. Together these forms 92% of property crime and 61% of the total number of all annually recorded crimes.

²⁷ the “Great Amendment” to the Criminal Code came into effect 1 January 2002

Although adult and juvenile offenders (of crimes ascertained and cleared up in 2006) were prosecuted and investigated chiefly for property crime (specifically theft, which formed almost 30% of all offenders), in other crimes they differed markedly from each other. Adults were prosecuted for credit fraud, neglect of compulsory maintenance and obstructing the performance of an official decision. The most frequently prosecuted offenders – children and juveniles (as opposed to adults) were for robbery, intentional bodily harm, harm done to a thing of another, graffiti and drug-related offences, i.e. actually more serious crimes than those committed by adults.

Crimes committed by women have risen continuously over the last decade. From 1993 to 2005 the annual number of female offenders rose from approximately 9 thousand to more than 17 thousand persons and their share of all known offenders rose from 8% to almost 14%. The number of known female offenders peaked in 2005 and in 2006 there was a slight fall in the number of women prosecuted. However, 2006 also saw the number of women convicted continue to rise.

Numbers of foreign offenders are relatively stable and their share of all known offenders has remained almost unchanged since 1993 at around 6%.

A significant proportion of foreign offenders is subsequently imprisoned in this country. As of 31 December 2006, 1,378 foreigners were in remand prisons and prisons in the Czech Republic, of which 1,325 were men and 53 women. Of the men, 8 were juveniles.

Czech police statistics show that the proportion of recidivists (re-offenders) has begun to rise in recent years, increasing by almost 2% in 2005 to 46% compared with 2004, and in 2006 to 46.2% (which represented a total of 56,661 re-offenders indicated as thus by the police) – the highest figure for the last decade.

Special attention continues to be paid to economic crime. In 2006 this was assessed chiefly from Czech Police statistics for the relevant year. It also takes into account the regional organisation according to territorial self-governing units.

In 2006 there were further changes in the most frequently prosecuted economic crimes; the proportion of sophisticated crime is falling, which could be the deterring effect of the Financial Police activity. It will be interesting to monitor this development in 2007 and above all in 2008 after the reorganisation of this unit.

From the extensive research that we have systematically conducted into organised crime since 1993 we only include in the “Year-book” those basic data on criminal groups and their activities which can be expressed in figures. Due to the fact that there is still very little statistical data on organised crime in the Czech Republic, the majority of the presented data is derived from expert estimates. Expertise is nevertheless overwhelmingly a qualitative type of research: experts mostly formulate opinions, positions, arguments – i.e. a verbal statement.

If in our case we make up for a lack of purely quantitative data with a number, or if we process the responses of experts in quantitative terms, it is always rather the expression of

opinions and overall trends, in which numerical data should not be viewed in absolute terms but only as a means to capture the structure and developmental trend.

According to the only purely statistical data we can state that, after the quite unimpressive first three years, the numbers of persons prosecuted and charged under Section 163 a) of the Criminal Code on criminal conspiracy (which came into force 1 January 1995) have risen regularly since 1998. However, it is not easy to prove involvement in criminal conspiracy and so the numbers convicted under Section 163 a) of the Criminal Code were almost negligible until 2003. In 2004 and 2005 it proved possible to convict 10 and 9 persons respectively, which nevertheless is not even one-tenth of those charged.

As far as criminal groups are concerned, almost half of them can be regarded as developed groups characterised by the existence of higher controlling elements. The proportion of women is around 15%. Women are mostly involved in ensuring the organisational background and management of criminal groups, as well as in trafficking in women, procuring and soliciting prostitution and human trafficking for the purpose of sexual exploitation, dealing in narcotic and psychotropic substances, in tax, bank, credit, insurance, customs fraud, corruption, money laundering, founding fictitious firms. Women play quite an important part in organising illegal migration. Activities in which women are involved sometimes include theft and particularly the theft of artefacts.

Foreigners are involved in almost one half of organised crime on the territory of the Czech Republic. The nationalities most commonly represented are Ukrainians, Vietnamese, Albanians, Russians, Chinese. These are followed by Bulgarians (whose share is falling), and Romanians (whose number is rising). Next are Serbs and behind them Slovaks, who appeared only very rarely and in the lowest ranks of organised crime on the territory of the Czech Republic throughout the whole of the 1990s. After 2000, however, they gradually began to make their presence felt. At some distance behind them come Turks, Nigerians, Poles, Moldavians, Daghestans, Macedonians, Lithuanians, Israelis, to a certain degree Chechens, Belorussians, Indians. The numbers of Poles fell gradually, after having a relatively strong presence on the organised crime scene in the Czech Republic right up to the end of the 1990s. Nationalities which appear sporadically include Montenegrins, Iraqis, Kazakhs, Croatians, Senegalese, Egyptians, Italians, Pakistanis, Georgians, Germans.

Since 1993 we have monitored annually those activities that organised crime groups are involved in. Consistently among the most widespread are car theft, organised prostitution and, since 1994, the production, smuggling and distribution of drugs. These are joined by one or more of a further forty activities for a temporary or longer period. So between 1993 and 1998 the most widespread included the theft of artefacts, in 1996 and 1997, 2002 and 2005 tax, credit, insurance and bill of exchange fraud, while sometimes markedly fluctuating corruption appeared among the most widespread. In 1995, 1997, 1998, 2000 and 2003 this was in the top ten, while in 1996, 2002, 2004 and according to the latest survey from 2006 it was around 20th place. Between 1998 and 2004 illegal migration leapt into the most widespread activities of organised crime groups. From 2005 its share began to fall and in 2006 we recorded it in 10th place. 2006 brought certain changes. Money laundering and the forging of documents, money and coins joined the widespread activities and there was a sharp rise in computer crime. Since 2005 the illegal production and smuggling of alcohol or cigarettes has come to have a pronounced presence.

Since 2000 we have regularly monitored which activities the various foreign groups are involved in. For Ukrainians blackmail and extortion, prostitution, procuring and soliciting prostitution and trafficking in women, violent crime, including murder and robbery are typical. Recently, they have also been involved in car theft and human trafficking for the purpose of forced labour. Vietnamese focus on drug smuggling, illegal migration and on unlawful trading: customs fraud, counterfeit trade marks, CD and video piracy, smuggling cigarettes and tax fraud. The Russians, like the Ukrainians, focus on blackmail, murder and other violent crime, and prostitution. They are also involved in car theft, robbery, and in weapons and people trafficking. Unlike the Ukrainians, they also take part in more sophisticated economic crime: money laundering, corruption, creating fictitious firms, financial fraud. The Chinese have long been involved in illegal migration. To a lesser degree they are involved in the same activities as the Vietnamese: tax fraud, money laundering, customs fraud, CD/video piracy, counterfeit trade marks, smuggling goods, smuggling cigarettes. To a certain extent they also take part in trafficking in people for forced labour, drug smuggling, blackmail. Albanian groups are chiefly involved in smuggling and distributing drugs, as well as weapons. Bulgarian groups are characterised by their share in prostitution and trafficking in women and car theft. They have also been involved in drug trafficking and recently trafficking in people for forced labour. For Romanians, theft is the predominant activity. In addition, Romanians are also involved in prostitution, car theft, illegal migration, people trafficking for forced labour. Serbs are mostly involved in drugs. Slovaks can not be so clearly defined and probably work together with other groups, most likely Czech. For the lesser represented groups, the smuggling and distribution of drugs are prevalent, with the exception of Poles and Moldavians, who are active in car theft, Lithuanians, who were recorded as being active in money counterfeiting, Israelis, who thus far have been involved in gambling and laundering money. For Chechens and Belorussians blackmail is predominant.

The assessment of crime in the past year, information on the number and composition of known offenders etc. also includes information on those harmed by crime – on the victims of crime. The what is termed minimum number of crime victims recorded by the Czech police in 2006 was lower than the previous year. The minimum number of victims of assault recorded by police in 2006 was 49,940 individuals, which means that 1,805 fewer victims of crime were recorded in comparison with 2005.

It was also apparent from police data that in 2006 the absolute numbers of victims of crime for death as a result of crime increased in comparison with 2005 (by 23 persons). Otherwise, the occurrence of victims ‘without consequences’ fell (by 186 persons). A fall in absolute numbers of victims of crime was also apparent in 2006 for the consequences of crime in the form of injury to victims (by 892 people) and other consequences (by 750 individuals).

CRIMINALITY IN 2006

Authors: Marešová Alena
Cejp Martin
Karabec Zdeněk
Martinková Milada
Zeman Petr

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