

Blatníková, Šárka – Faridová, Petra – Zeman, Petr:
Násilná sexuální kriminalita – téma pro experty i veřejnost
Violent sex crime – a topic for experts and public
ISBN 978-80-7338-143-1

Summary

Violent crime of sexual nature results not only in serious consequences for its direct victims, but it subsequently disrupts and jeopardizes relationships and undermines a sense of safety in society. The phenomenon of violent sex offences brings out intense emotions and reactions in society over the long term, has a significant impact on people's sense of safety and their fear. The public keeps a close eye on this type of crime and in reaction to its individual cases often calls for a stronger response by the state authorities and more severe sanctions for the offenders. The actual evidence base on violent sex crime in the Czech Republic does not match the seriousness of the problem. So far, no comprehensive criminological research on the occurrence and forms of the violent sex crime and its offenders, analysing the measures taken against offenders of this type of crime, has been carried out in the Czech Republic. Partial studies exist that study the offenders of selected specific violent offences (for example child molesters, murderers, rapists) or are aimed very locally (focusing on a specific district or convicted offenders in a particular prison).

The presented monograph summarises the outcomes of the initial part of the research carried out by the Institute of Criminology and Social Prevention (IKSP) which specifically focuses on the issue of sexually oriented violence, its offenders and victims and also response of the public authorities` to this serious type of offending.¹ The **subject of the research** involves sexual offences with an element of violence registered in the Czech Republic within a relevant period, identified perpetrators of these offences and individual measures taken to protect society from such crime. The **main research objective** is to gain new criminological knowledge about the sexually motivated criminal violence and its perpetrators in the Czech Republic and to evaluate the means used to punish this type of crime. The **research sub-goals** include evaluation of the penal legislation concerning prosecution of sexually motivated violence in the Czech Republic, identification of instruments used for assessing dangerousness of a violent sexual crime offender and mapping the picture of the violent sexual offences and offenders in the Czech media. **Part of the research, which is summarised in this monograph, focused on the description, basic analysis of the research problem (mapping study) and grasp of the issue.**

The standard criminological research methods and techniques were used such as analysis of statistical data from the law enforcement authorities registers, analysis of the current legislation including available case law, study of literature and relevant official documents to learn about the current state of knowledge about the examined area, media content analysis and also the secondary statistical analysis of the opinion poll data using

¹ The research project „Violent Sex Crime in the Czech Republic - focusing on its present forms, increase in efficiency of detection and sanctioning of offenders and on possibilities of protecting society from sexually motivated violence“ is funded by the Security Research Programme of the Czech Republic (Program bezpečnostního výzkumu ČR) from 2010 to 2015 (No. VG20122014084, the provider is the Ministry of the Interior of Czech Republic).

multivariate techniques which completed the research with the information about the public knowledge, opinions and attitudes regarding the area of sexual violence, gathered in the IKSP_SEXKRIM2011 survey. The research task was carried out in accordance with the generally binding regulations, including the regulation on personal data protection, and the ethical principles of research work were respected.

For purposes of this study, the “**violent sex crime**” means a set of offences, where the offender intervenes in the sexual sphere of the victim while using physical violence, a threat of physical violence or of another severe injury and does so without the victim’s consent. The conceptual characteristics of this rather a criminological definition of violent sex crime include interference with the victim’s sexual sphere, use of physical violence, threats of physical violence or of other serious injury by the perpetrator towards the victim and absence of the victim’s consent with such behaviour.

The first part of this monograph examines the violent sex crime from the perspective of Czech law and current available statistics. With regard to criminal legislation it is difficult to exactly identify the group of offences that can be classified as violent sex criminality within the above mentioned concept. The research focuses on the offences of rape, sexual constraint and cases of sexually motivated murders.

The constituent element of **rape** has been regulated in the provision of Section 185 of the current Penal Code since 2010, the previous penal code from 1961 defined it in the provision of Section 241. The original merits of the case that punished only the forcing of a woman to a sexual intercourse or abusing her defencelessness for this purpose, has been gradually complemented and at present it covers the whole range of coercive interferences with sexual sphere of a victim who can be a woman or man of any age. The number of rapes recorded by the police does not show any significant fluctuations in the police statistics and range from 480 to 675 cases per year. The judicial statistics of the public prosecutor’s office show about 400-500 cases of rape being annually resolved in the preliminary proceedings. Several tens of cases are deferred (this item does not include the cases deferred due to failure to identify the offender) and about 330-400 individuals were prosecuted for rape. Actions were brought against the vast majority of the prosecuted persons in only a few tens of cases (maximum of 51 in 2009) the proceedings were halted. The judicial statistics show that about two thirds of the defendants whose cases were decided in the given year were convicted. About two hundred persons were convicted of rape annually in the target period (2010 to 2013). The distribution of the convicted population according to age categories indicates that most offenders within the target period were 30-39 and 40-49 years old. Even though the absolute number of adolescent offenders was very low, it is noteworthy to mention a relatively high proportion of juveniles (approx. 5 to 10 %) and a higher proportion of the youngest age category offenders (under 20 years) among the convicted rapists as compared with the general convicted population. Equally, there was a higher proportion of persons aged 50 years and older among the convicted rapists. It should be noted, however, that the low absolute numbers of convicted rapists do not allow any categorical conclusions.

The constituent elements of **sexual constraint** are regulated in Section 186 of the Penal Code. An offence can be identified as a violent sex crime in the above mentioned sense when the offender uses violence, a threat of violence or of another serious injury (i.e. in cases pursuant to Section 186, par. 1, alinea 1). The statistics of cases of sexual constraint are considerably affected by this offence having been introduced to the Penal Code rather recently, in 2010. The number of the offences recorded by the police in the target period did not exceed a few tens annually (22 to 46 cases) and the number of offenders was very low (7 to 16 offenders annually). The overall number of sexual constraint cases heard in preliminary proceedings was also low – within the four years since the introduction of this offence to the Czech criminal law, the preliminary proceedings were completed in only 88 cases.

Sexual murder does not constitute in the Czech catalogue of criminal offences a stand-alone offence, nor is it a stand-alone aggravated form of murder. Also because of that, such cases are not separately recorded in the judicial statistics which adhere to the criminal law classifications. However in the police statistics sexual murders are recorded in a separate category. In the years from 2007-2013 the number of recorded sexual murders ranged from zero to seven per year.

The issues of **recidivism of sex offenders** in terms of both official statistics and empirical evidence, including the data on re-offending of sex offenders, who completed protective treatment in the Czech Republic, are widely discussed topics among both the experts and the public. The outcomes of individual research studies in this area - carried out in the Czech Republic as well as abroad - are influenced by a range of factors such as definition and concept of recidivism, size and composition of a research sample and control group, and also e.g. the length of the target period. Also for these reasons it always involves a great risk to compare or possibly take over the conclusions without the knowledge of the used methodology and composition of the research sample. The official statistical summaries of the Czech law enforcement authorities indicate the number of the detected rapists previously convicted for any intentional offense. For example the proportion of rapists with at least one previous conviction in the years 2008 to 2013 in the police records, amounted to under 50 percent ranging from 39 % to 47 % in the individual years. As for sexual constraint perpetrators detected by the police from 2010-2013, eight out of 42 offenders were recidivists. The judicial statistics show that 58 % of the rapists convicted in the years 2010-2013 had already been previously convicted. The proportion of individuals without previous convictions in the target period was always about 40 %, with the exception of 2012 when the first offenders amounted to almost 50 percent. This sub-group of offenders with no previous convictions, who committed a serious violent offence, which a rape undoubtedly is, is considered as significant by us. This to a certain extent confirms the empirical findings from studies on the **low rate of sexual recidivism**, i.e. repeated commission of the same sexual offence, **among rapists**. The **proportion of first offenders** among the convicted rapists in the Czech Republic in the target period was **moderately higher** than their proportion in the total offender population convicted in the Czech Republic from 2010-2013, which reached 34-38 %. Just under half (19) of 40 individuals convicted for **sexual constraint** from 2010-2013 had no previous convictions and 21 offenders had been previously convicted.

Sexual recidivism in the Czech Republic and abroad has been consistently documented as low (5 %-15 %). Researches carried out abroad, where a group of sex offenders was followed for a longer period of time, revealed that a majority (76 %) of convicted sex offenders were not convicted again for sexual offence and the meta-analysis of almost a hundred research studies showed that a vast majority (about 87 %) of offenders did not commit any other subsequent sex offence. Apart from the limitation following from the above mentioned problem of different definitions of recidivism in the foreign research studies, it is important, while interpreting the findings, to take into account that the samples of sex offenders are often mixed samples not distinguishing between offenders with paraphilia and offenders without disorders of sexual preference. There is a significant divergence between the empirical research findings and the **views of the public** regarding **sexual recidivism**. In the IKSP_SEXKRIM2011 poll the vast majority of respondents (83 %) identified with the statement that in the criminal history of offenders convicted for serious sex offences there are other previous convictions of similar nature. Similarly, the majority of respondents (80 %) also believed that these offenders, regardless of the length of the sentence they would serve, would commit another sexually motivated offence again in the future. Practically identical outcomes were obtained from the respondents regarding (in)efficiency of the protective treatment (80 % agreed with a statement that even after the protective treatment an offender

would still commit another sex offence). In the public opinion, there should be a minimum of first offenders among sex offenders, whereas a majority of sex offences should be committed by individuals with the previous convictions mainly for sex offences. However this is not consistent with the official statistics in the Czech Republic and other countries or the findings of research studies.

The attitude towards sex offenders in different countries has its specificities. The basic question regarding the attitude towards sex offenders is whether it is more appropriate to punish these offenders or treat them. Judging from the responses obtained in the IKSP_SEXKRIM2011 poll, the public sentiment toward serious sex crime offenders is rather punitive. The share of the supporters of the sanctioning approach to rapists as opposed to their treatment was more than half (55 %). The sanctions imposed by Czech courts on these offenders were considered too lenient by a vast majority of respondents (87 %). If we compare the above mentioned finding with the knowledge of the sceptical public approach regarding the corrective or deterrent effect of however severe punishment, two possible explanations present themselves. This may be a manifestation of stereotyped conceptions of too mild punishments for crime in general and for serious crime in particular. This phenomenon is known in a number of countries and is to a large extent independent of the actual severity of the criminal legislation in a particular country. The presented findings, however, can also suggest that citizens who do not believe in the role of punishment in reducing specific recidivism (i.e. repeated commission of the same offence) of sexual offenders, demand a strict penalty at least as a revenge against the offender of a condemnable offence.

Considering the gravity of sex crime in general, it is not surprising that **the vast majority of imposed penalties are custodial sanctions, either suspended or unsuspended.** The proportion of suspended (379) and unsuspended (386) custodial sentences imposed on rapists in the target period of 2010-2013 was essentially balanced and without any significant variations, although it gradually changed in favour of the suspended sentences. However this trend should not be overestimated given the low absolute numbers. By way of comparison, suspended sentences otherwise represent a substantial majority of the pronounced sentences in the Czech Republic; e.g. 74 % of all the convicted had their sentences suspended while 11 % received unsuspended prison sentences in 2013.

Czech criminal law is based on a dualistic concept of criminal penalties, where in response to the committed offences, in addition to sanctions, an offender can be ordered to undergo a **protective treatment** in specific cases. Apart from persons criminally responsible for an act committed, it can also be ordered for those not criminally responsible due to their low age or insanity. Protective measures are regulated by the Penal Code, and the protective treatment (Section 99 of Penal Code) and security detention (Section 100 of Penal Code) are of particular importance in relation to offenders of violence sex crime. Protective treatment means a state-mandated compulsory treatment of a perpetrator whose criminal activity was connected with a mental disorder or substance abuse. Security detention is a subsidiary measure in relation to the protective treatment and can be ordered for an offender in the case the protective treatment alone cannot be expected to result in sufficient protection of the society.

Courts in the Czech Republic imposed **security detention** on twelve convicted rapists in total in the target period of 2010-2013. Either in-patient or out-patient **protective treatment** was ordered for approximately 40 offenders annually during the same target period. The protective treatment was imposed mostly (in two thirds of cases) in the in-patient form and the most common type of protective treatment was understandably a sexological protective treatment (for paraphilic sex offenders) in both the in-patient (72 cases) and the out-patient (31 cases) forms. Further types of protective treatment included the treatment of

alcoholism (in-patient treatment for 15, out-patient for 11 offenders), drug addiction (7 resp. 2 cases) and 'other' (11 cases in the in-patient as well as out-patient regimes) that typically involves the protective psychiatric (or psychiatric-sexological) treatment. By way of comparison, the protective treatment was imposed on 542 individuals in the Czech Republic in 2013, of that 129 cases involved sexological protective treatment. Of the total of 40 offenders prosecuted for sexual constraint, in whose cases the court issued a judgement in the period of 2010-2013, the protective treatment was imposed on 9 individuals in all cases sexological (5 in-patient and 4 out-patient regimes). From the medical point of view, the main goals of the protective treatment are to guide offenders toward developing an insight into their mental disorder that contributed to their offending, their re-socialisation and integration to the common life, prevention of re-offending provoked by a mental disorder, and also an offender's isolation in a medical facility in case he/she presents a threat to the community with regard to their medical condition. The concept of the **Czech sexological protective treatment** is marked by its distinguishing between sex offenders with disorders of sexual preference (paraphilia) and non-paraphilic sex offenders.

The range of **means** used in different countries **in order to protect society from sex offenders** is relatively large. The support of the **measures** consisting in court decisions (*restraining order, restriction order*) which **restrict the possible access** of a convicted child molester, after serving their sentence, to places where children gather, is based on the presumption that a typical offenders seek out and contact their potential victims at just such places and if they do not have access to them, re-offending will not occur or its possibility will be significantly reduced. The fact is that no empirical studies have so far discovered the direct link between sexual assaults of children and a geographical proximity of an offender's place of residence to places where children gather. Nor has the existing research been able to support the assumption that the measures based on restricting the movement or residence of a released offender reduce the probability of re-offending. Still the public is of different opinion. Among the respondents participating in the IKSP_SEXKRIM2011 survey this measure was given the highest support. Eighty-seven percent of the respondents agreed that such measures can ensure the protection of society against offenders of serious sex crime.

The belief that **monitoring devices** - GPS monitoring system, microchips or electronic bracelets – will protect society from sex offenders, rather simplifies reality. Such considerations are based on an erroneous assumption that offenders stop committing sex crime if they are monitored by a device (or by society). It is, of course, true that GPS surveillance records can e.g. facilitate criminal investigation or discourage some offenders from entering areas where they should not, or possibly from contacting their former criminal accomplices. However active GPS surveillance can be quite time-consuming and above all cannot alone prevent a commission of an offence. The system monitors the place where the offender under surveillance is present but not what is he doing, who is he talking with or following or what is he thinking of. Eighty-five percent of the respondents in IKSP_SEXKRIM2011 survey marked this measure as an effective tool of protecting society from serious sex offenders.

Sex offenders registration represents a system designed to enable the authorities to monitor the location and activities of sex offenders including those who already served their sentence. This system does not always include only the database of sex offenders itself, but in some countries it is connected with providing access to certain information from the register to the public or to designated persons (*community notification*), or with the obligation of a sex offender to report relevant data and its changes in the register. In this respect it is not quite accurate to speak of 'sex offenders registers', but rather of 'a sex offenders registering and monitoring system' which besides the register itself also includes the other above mentioned elements.

The registration system is a controversial measure that raises doubts in many respects, especially if it includes releasing of information from the register. There have been strong objections to it as regards protection of human rights and freedoms. The existing studies are ambiguous when it comes to the impact of the registration systems on re-integration, re-offending and supervising of sex offenders, or the institutions of criminal justice system. One of the reasons for introducing a sex offenders registration is the endeavour to minimise the number of sex offences which is, however, based on the misconception assuming a high probability of re-offending among these perpetrators. The studies examining the recidivism rates among registered sex offenders yield varied results. Most of them have so far concluded that the **registration has no impact on either specific recidivism, generic recidivism** (i.e. repeated commission of the offences of the same kind – e.g. consecutive commission of the different sex offences like rape and sexual constraint), **or general recidivism**. Other studies have established that even though the registration has no significant impact on recidivism, it markedly shortens ‘the failure period’, after which the offender is again arrested, sentenced or imprisoned. Also ambiguous and not sufficiently conclusive are the findings of the research on the deterring effect of the registration system towards the public. Regarding **the impacts in the area of controlling** registered sex offenders, the concept of registration and monitoring is based on the presumption that the system can provide information usable in risk management relating to such offenders and investigation of sex offences. It is assumed that such system can increase the efficiency of offender supervision, sometimes may discourage certain types of offenders from further manifestations of violent behaviour and increase the number of cases where the offender is caught. However the existing studies only support this presumption partially and, contrariwise, their findings show that **the system of sex offenders registration can make their control more difficult**, for example by causing some registered offenders to make considerable efforts to ‘disappear from sight’, which also entails the discontinuation of therapy or rehabilitation programme. Releasing of information about the registered sex offenders thus may negatively affect the original purpose of monitoring the given individual. An offender whose past of a sexual offender is made publicly known often cannot find a job and moves to places of residence where he/she is unknown to both the local authorities and the community.

An increasing number of research findings indicate that the system of sex offenders registration and monitoring instead of **reintegration** leads to their ostracism and harassment causes or increases feelings of shame, hopelessness, stress and alienation. It also contributes to the creation of certain obstacles to rehabilitation such as homelessness, unemployment and a loss of social support including disruption of existing relationships in the family, with friends, etc. It was established that sex offenders after released from prison have problems to find a home, find and keep a job and, most importantly, have difficulties to attain some level of ‘social anchoring or acceptance’ in their community that is aware of their criminal history. They continue to be perceived by people around them as a threat which leads to them being rejected. The failed rehabilitation can enhance the possibility of recidivism and another sex offence may be more serious than the previous assault which led to the offender’s registration. One of the arguments in favour of implementing the registration and the community notification claims that such obligation can work as a form of threat which may motivate a sex offender to take the decision to undergo a specialist programme not only focused on treating paraphilia, but also e.g. anger management programmes, etc. On the other hand we should mention that such measures generally have a greater effect on the offenders exhibiting the smallest risk of re-offending.

Considering the **impact on the criminal justice institutions** it is evident that the implementation and operation of a sex offender registration and monitoring system is costly, in terms of both finance and load on human resources, as running of such system presents the

work force of the institutions involved with a number of new tasks (including for example verification of register data, communication with offenders, etc.).

The existence of the register can create a false sense of security among the public. The IKSP_SEXKRIM2011 survey participants were also asked about their opinion concerning the appropriateness of introducing a sex offender register and release of information. Seventy-one percent agreed (of that 36 % agreed definitely) that informing the public of the released sex offenders can ensure the protection of society against the criminal sex violence. However almost a quarter (23 %) of respondents expressed doubts about the effectiveness of such measure, i.e. disagreed with the presented statement. Respondents were further asked whether, in their opinion, a national register of sex offenders should be in place in the Czech Republic and if so, whether it should be accessible to the public or only be used for administrative purposes. Three quarters of the respondents (76 %) were in favour of such register with 41 % preferring a confidential register to be used by selected institutions only, while 35 % would prefer a register accessible to the public in the way familiar e.g. from the USA. Eight percent were against the existence of the register and 16 % were unable or unwilling to give their opinion on the matter.

In recent years various instruments have been created and published, mainly abroad, that should improve the ability to 'diagnose' a probability rate of an offender behaving violently, engaging in criminal activities or committing a sex offence again. The assessment tools such as **diagnostics and recidivism risk assessment**, i.e. *risk assessment instruments*, work with the variables affecting relatively stable dispositions or tendencies to delinquency and also with factors indicating the onset of new, further offending that is not random. More and more often, however, these instruments are created 'ad hoc', more in response to the current needs of legislation that requires a 'guaranteed' specialist instrument. The created instruments were standardised and repeatedly validated using a specific sample of individuals. They are useful tools assisting in assessing the risk elements of a given individual. However it is important, inter alia, to choose a specific tool in accordance with the intended goal of the assessment (i.e. whether to identify risks or to reduce them). A number of tools based on statistical factors can be considered useful when assessing the risk of sexual recidivism, especially when identifying high-risk individuals. Nonetheless it is not possible to establish by means of these tools, 'how' an intervention should be applied or directed or whether the intervention was effective for the individual in question.

Sex offenders, who exhibit paraphilic sexual motivation, represent, due to this 'quality' of theirs, a long-term risk with regard to a specific recidivism, i.e. repeated commission of the same sex offence. Among other **predictors or risk factors** significantly correlating with a sexual re-offending are the 'common' criminogenic factors such as previous offences, low age or presence of antisocial personality disorder, low self-control, psychopathy or unstable or criminal lifestyle. These factors apply not only to sex offenders but to the general criminal population. Although 'personality pathology' alone has been proven by analyses as only having a moderate relation to sexual recidivism, there are empirical findings showing that a combination of paraphilia and psychopathy places an individual in a position of a high-risk offender in terms of sexual recidivism risk. One of the important criminogenic factors is **substance abuse**. In the case of **child molesters** the proportion of those offending under the influence of alcohol is usually smaller (about 14-50 %) than that of rapists. Similarly, the proportion of perpetrators of non violent sex crime who offend under the influence of alcohol is lower than that of rapists. According to the majority of foreign authors, 50 to 65 percent of all cases of rape are committed after drinking alcohol; some even established alcohol influence for more than 80 % of rape cases. Also Czech authors specify the presence of alcohol factor in about 60 % of rape offences, whereas offenders of sexual abuse were under the influence of alcohol in less than a third of cases.

Some **characteristics** assumed to be connected with sex crime and its perpetrators form a basis for some **stereotyped beliefs** among the public that are not grounded on empirical evidence or may be in conflict with it. A traditional stereotype of a 'real rape' claims that a rape is typically committed by an individual with no relation to the victim (they do not know each other); outside in the night time and it is accompanied with an extreme physical violence against the victim. In reality, the studies show that albeit most rapes are committed in the night time, the offender is more often a person familiar to the victim, and the assault happens at home more frequently than outdoors. If violence occurs, it is usually of small intensity particularly when rape between partners or former partners is involved. Some items in the above mentioned IKSP_SEXKRIM2011 survey were focused on these false beliefs. For example about one third of the respondents (30 %) in our poll did not agree with the statement '*In most cases of child molesting a victim is someone from the offender`s family or social circle*', while on the other hand more than half of them (59 %) expressed views consistent with the empirical evidence. Eleven percent of the respondents were not able or willing to give their opinion on the matter. The empirical research both in the Czech Republic and abroad confirms that most sexual assaults are committed by a person familiar to the victim or right by a member of the family. This applies to child victims of sexual violence (where the proportion is even higher) and to adult victims alike. The risks following from the above described stereotypical belief are quite evident. For example '*the stranger danger myth*' can create a false sense of security in a parent, when their child spends most of the time among their acquaintances and relatives, which if fact does not reduce the risk of sexual assault at all.

Almost half of the respondents (46 %) believed that sexual abuse in childhood leads to subsequent commission of sexually aggressive actions. Sexual victimisation in childhood can increase the probability of sexually aggressive behaviour, yet the majority of children who were abused never commit anything like that in adulthood. The Czech public also identifies (83 %) with an opinion that rapists are mostly sexual deviants, in other words persons diagnosed with paraphilia (disorders of sexual preference). Such 'medicalization' of sexual delinquency does not only match the empirical knowledge, but also leads to considerations that these offenders need to be handed over to the doctors who will 'remove' the disease. The above mentioned misunderstanding may result from confusing a health disorder called paraphilia (i.e. disorders of sexual preference, sexual deviation according to the earlier terminology) with sexual delinquency, i.e. violation of the social and legal standards of sexual behaviour.

There has been no empirical evidence available so far that would prove the existence of certain specific personality traits or a particular personality profile characteristic of sex offenders. This group of offenders represents a very heterogeneous sample in which individual differences may be due not only to age or the offence type committed, but also to the risk (dangerousness) they represent, their criminal histories, also due to presence or absence of paraphilia or another mental disorder. Still the determination of personality traits, possible personality disorders in particular, is useful e.g. in relation to decision-making on the most appropriate therapy or treatment programme, predicting further development of possible recidivism and assessing the rehabilitation possibilities. The empirical studies provide information about individual characteristics of sex offenders which they usually compare with a control group. For example it is stated that offenders of sexual abuse are more socially inept and unassertive or rather less assertive as compared with rapists. On the other hand, rapists exhibit a more serious antisocial behaviour in their anamneses and a higher rate of general as well as violent criminal recidivism. It is nothing new that rapists exhibit a stronger similarity with perpetrators of violent non-sexual crime than e.g. with child molesters. The common characteristics of sex offenders are e.g. presence of non-sexual

offences in an offender's criminal history, repeatedly detected maladaptation in professional life and partnership. Maladaptation in interpersonal relations manifests itself as hostility towards people, irresponsibility and immaturity shown in human relations, suspiciousness, and lack of empathy and absence of compassion. Psychopathological findings in these offenders testify to only a small number of them suffering from a more serious mental illness, most frequently there is antisocial personality disorder or psychopathy diagnosed. The fact that an offender's actions show attributes of sexual aggressiveness does not have to be a 'consequence' of sexual deviation, but can be a manifestation of his/her personality. A larger part of sex offenders are motivated by these non-sexual factors (psychopathy, impulsivity, etc.).

The data gathered from several different studies show a complex **connection between psychopathy and sex crime**. The diagnosis of psychopathy was identified as a predictor of sexual or violent recidivism. Several authors confirmed a higher risk of sex offence commission (sexual recidivism) in the case a deviant sexual orientation and psychopathy are present. As an example, a correlation was identified between psychopathy and the number of previous non-sexual offences in **rapists**, but no relation to the previous sex offences was identified. Also a higher prevalence of psychopathy was identified for rapists than for child molesters.

A smaller group of violent sex offenders is represented by individuals with forensically significant **disorders of sexual preference** (paraphilia). The Czech sexological school includes in them particularly aggressive forms of sadism or paedophilia and pathological sexual aggressiveness (paraphilic coercive disorder). **Pathological sexual aggressors** achieve sexual arousal and satisfaction through overcoming the resistance of an assaulted woman and minimizing her cooperation. This disorder does not indicate any sadistic ability (the offender does not torture his victim or prolong her suffering). The essential characteristics of this group of offenders probably include the tendency to repeat sexual violence of the same type and what is known as predator or hunter way of approaching and attacking a victim, while the assault is usually not preceded by any attempt at verbal communication. It is not easy to distinguish the extent to which an offender's behaviour manifests features of pathological sexual aggression or whether it is 'only' a demonstration of pathologically structured personality. Some experts do not consider these 'repeated sex offenders' as pathological, i.e. deviant, and refuse to include this type of sexual aggressors among paraphilics. The main difference between a pathological sexual aggressor and a **sadistic sexual aggressor** lies in an offender's motivation. A pathological sexual aggressor's goal is to achieve an intercourse, whereas a sadist is mainly concerned in physical and psychological suffering of the victim. An important feature of true **paedophilia** is the 'teacher's' perceptivity, responding to children's curiosity, submissiveness and dependence. If a paedophile commits physically violent practices on a child, then it is usually not true paedophilia, but **paedophilic sadism**. The dangerousness of such an offender does not primarily come from paedophilia but from sadism. The paedophilic component increases his dangerousness by the fact that a child is more defenceless as a victim than e.g. an adult woman. In addition to the unequivocal sexual deviations regarding an activity (e.g. a sadism) or an object (e.g. a paedophilia), there are also combinations of several deviant preferences occurring simultaneously. Such cases are referred to as **multiple paraphilias**.

Criminal thinking, besides other factors, supports and maintains the so called criminal lifestyle. This system of beliefs helps the individual in everyday interaction with external and internal environments. The **criminal lifestyle** is not initially embedded into an individual's personality (there is no genetical predisposition), nor it is predetermined by a set of environmental circumstances. It is rather a set of individual interactions through which an individual is integrated to his inner and outer environment. The currently prevailing opinion

says that **criminal thinking patterns** can occur across a criminal population, in different types of offenders, but also in a non-criminal population (just here in a different degree and intensity). Such patterns can be seen in **cognitive distortions** of sexually motivated offenders. For example offenders who commit rape on an adult person (woman) have a tendency to ascribe extreme externality to their actions; they often blame the victim for the unpleasant situation she got herself into. Externalization or transfer of guilt to the victim may be carried out in a number of ways. The most common exhibitions of criminal thinking include an assertion that a woman 'was asking for it (rape)' by the bold outfit she was wearing or that she did not do everything she could have to prevent the rape or she was in the wrong place at the wrong time (mollification).

Quite a large number of reports in the press, on television and the radio on the problems of sex crime can be seen as objective evidence that the mass media take a great interest in this topic. A **media content analysis** described some characteristics of the picture of sex crime in the Czech Republic, including the view on its offenders, presented by the Czech media. A number of criteria described in the literature that determine the attractiveness of criminal cases for the media (for example sex, violence, risk, connection to celebrities, persons of a high social status or children) repeatedly appeared in the research sample of media reports. The reporting quality of Czech media can be, based on the analysis outcomes, assessed as relatively satisfying. Lack of objective reporting, primarily the unbalanced attention given to different opinions and standpoints and a markedly negative assessment of the 'perpetrator' was, not surprisingly, prevalent in reporting of the most tabloid newspapers and commercial television channels and radio stations. What can be considered as disturbing is the strengthening of a stereotypical picture of a rapist which is presented in the media messages and which may 'guide' the public to, or act in the way of strengthening of, a simplified, exaggerated and therefore false perception of an offender as a sexually deviant man, stranger to the victim, attacking a young woman or a child usually in remote areas and in the night time. Although the situation in the media has not been found as gravely disturbing, the above mentioned drawbacks are definitely in the way if we want to win over the recipients of the media messages, i.e. the public, for a truly rational approach to the discussed problems. Achieving of this goal would only be possible through increasing the quality of the media reporting on this complex issue. There should also be a targeted effort to avoid supporting of undesirable stereotypes of the offenders, and accentuate consistent abidance by such an essential principle of the legal system of a democratic society as the presumption of innocence, also within the media outputs.

Sex offences of violent nature belong to the acts most seriously violating human dignity, and have severe and long-term, if not fatal, consequences for their victims. Understanding the mechanisms leading offenders to sexual aggression and their personality characteristics or motivation is the basic precondition for adequate procedures of detection, investigation and prosecution of this type of crime. The same applies, regarding the importance of accurate and reliable data and information, to the sphere of approach to and treatment of violent sex offenders. Only the well 'targeted' interventions in the form of punishment, medical therapy, treatment programmes, surveillance and restriction measures, etc., can succeed in reducing the risk of sexual violence recidivism. Finally, the extensive and reliable evidence base is a prerequisite for success in the field of sex crime prevention. The knowledge of the risk factors and the level of their significance or seriousness in relation to sexually oriented violent behaviour can contribute e.g. to identification of risk groups – of potential offenders and victims – and to the development of interventions in the area of social prevention. Similarly

the information on offenders, victims, and ways of committing sex offences form a basis particularly for the development of measures of situational prevention.

Translated by: Ema Vlčková