Children in conflict with the law in Czech Republic

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Co-ordinator: Czech Statistical Office, Prague

MONEE Country Analytical Report
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The project to monitor the impact of economic and social change on children in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS), the MONEE Project, was initiated at the UNICEF Innocenti Research Centre in 1992. The project seeks to monitor, analyse and disseminate information on economic and social trends affecting children’s rights and wellbeing in countries in the region. A key feature of the Project is a network of correspondents in the 27 National Statistical Offices (NSOs). On an annual basis these correspondents complete an extensive data template which in turn is used for calculating indicators, supporting research of the project and, in due course, being made publicly available as the TransMONEE database and in tables and graphs of the Innocenti Social Monitor.

For a number of years, each participating NSO prepared a Country Analytical Report based on extensive outline from UNICEF IRC on a different theme on the situation of children every year. These analytical reports have provided valuable input into the research at UNICEF IRC and, as significantly, have also served as important national documents on monitoring aspects of child wellbeing in the countries. Some of these Country Analytical Reports have been issued by the NSOs (in the national language) as part of their publication programme.

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a) Characteristics of the justice system in the CR focusing on children and juveniles

In compliance with the law No. 218/2003 of Coll. on a juvenile’s responsibility for illegal acts and on justice in juvenile matters are, from the point of view of criminal liability, persons under the age of fifteen regarded as children and persons between 15 and 18 years of age as juveniles.

A child, i.e. a person who has not reached 15 years of age, is not criminally liable. If a child commits an act otherwise considered as criminal, the juvenile court – usually at the suggestion of a State prosecutor’s office – adopts measures necessary for his/her reform. Based on a prior pedagogical-psychological examination, the court imposes, according to the seriousness of the committed act, one of the following measures (or a combination of these):

- reprehension of the child or his parents or other persons disturbing the child’s education
- supervision of a probation officer
- participation in a therapeutic, psychological or other educational program in a centre of educational care
- protective care

Reprehension is the mildest educational measure and is suitable for children who are old enough to be aware of their inappropriate conduct and its consequences.

Supervision of an underage person (at home, in school etc.) can be imposed in case a reprehension proves ineffective or in case of more serious behaviour disorders.

If the education of a child is seriously endangered or disturbed and other measures do not bring about a reform, or the parents of a child are unable to guarantee the child’s education, the court can opt for institutional care. Institutional care of children under the age of three is provided by healthcare facilities, for children under one year of age in infant homes, for children between one and three years of age in children’s homes. Educational establishments providing institutional care for children above three years of age include children’s homes and, for difficult children, special educational establishments. Before the decision about institutional care is taken, the court always examines the option of alternative family care, which is always given preference. Institutional care is an educational measure according to family law; the corresponding measure in criminal law is protective care.

Protective care can only be imposed on a child over twelve years of age. It is a penal measure which means a certain restriction of liberty of a person on whom it was imposed. Protective care is conditioned by the fact that the child’s or juvenile’s education cannot be guaranteed, his/her prior education has been neglected or protective care is required by the environment in which the child or juvenile lives. In principal, protective care involves placing a child in a collective educational establishment with a stricter regime (institution for children’s care). This measure can be imposed by the juvenile court in case the child
has committed a crime for which the penal law allows exceptional penalty. The execution of protective care starts in diagnostic institutions, which allocate children on whom the protective care was imposed to suitable institutions based on a psychological and pedagogical examination. Apart from educational care, the law requires that the charges are prepared for future employment. Protective care lasts until the charge reaches 18 years of age, exceptionally 19 years of age. The court terminates protective care if the reasons for which it was imposed pass.

Offences of juveniles – i.e. persons who have reached 15 years of age but have not exceeded 18 years of age – are in principle judged according to criminal law. The aim of the measures which the court may impose on juveniles is to create circumstances favourable for their social and mental development with regard to their achieved level of rational and moral maturity, personal character and environment in which they live.

The following measures may be imposed on juveniles:

- reprehension
- educational measures (with the juvenile’s consent for a period of up to three years)
- protective measures
- penal measures

Amongst educational measures are the supervision of a probation officer (observation and control of the juvenile’s behaviour in close cooperation with him/her), probation program (psychological consulting, community service, requalification etc.), educational duties (living with parents, paying the damages, drug addiction treatment etc.), educational restrictions (interdiction to attend particular events, meet particular persons, visit a particular place etc.) and a reprehension with warning (of a future, more severe sanction).

Protective measures include protective treatment, seizure of property illegally acquired by the juvenile and the above described protective care (diagnostic institution and institution for youth care).

Penal measures are the most severe measures imposed by the courts on juvenile offenders. When imposing these measures, the courts take into account all extenuating circumstances available (redressing the aggrieved party, completion of a probation program, diminished responsibility at the time of committing a crime etc.). The law also determines that a juvenile has the right to a treatment adequate to his age, mental maturity and the state of health. Further, a juvenile has the right to an attorney from the very beginning of proceedings according to the law on a juvenile’s responsibility for illegal acts.

The following may be imposed as a penal measure on a juvenile offender:

- community service
- financial sanction (from 1 to 500 000 Czk)
- suspended financial sanction (for up to three years)
- forfeiture of property
- prohibition of activity
- deportation (for up to five years)
- suspended imprisonment
- suspended imprisonment with probation
- unconditional imprisonment (half of the sentence stated in the Criminal code, but with the maximum of 10 years)

The court proceedings with juveniles are carried out by a juvenile court in whose district the juvenile resides, works or usually dwells. Investigation, hearing and decision taking in juvenile matters are entrusted to persons whose thorough knowledge of youth care matters guarantees fulfilling the educational aim of the proceedings. The authorities active according to the law on a juvenile’s responsibility for illegal acts proceed in close cooperation with a relevant authority of socio-legal protection of children and the Probation and mediation service.

The educational – protective function is carried out by establishments of institutional-protective care. Their aim is to provide children and juveniles, typically between 3 and 18 years of age (or an adult person under the age of 19 based on a court’s decision) with alternative educational care in the interest of healthy development, proper education and care.

These establishments include children’s homes, children’s homes with schooling, educational institutions and diagnostic institutions. Children’s homes may accommodate children between 3 and 18 years of age. Underage mothers together with their children may also reside here. Children from 6 years of age until the end of their schooling (generally at 15) are in general placed in children’s homes with schooling. Educational institutions take care of children above the age of 15 with serious behaviour disorders including children with court-ordered institutional care older than 12 years of age. An educational institution may comprise a secondary school, or in exceptional cases primary or special school. Legislative measures which would lead to the creation of care institutions with a stricter regime (due to frequent runaways of some juvenile offenders of especially serious violent crimes from existing establishments) are under preparation.

A diagnostic institution carries out the necessary complex examination of children and juveniles. After its completion, usually within 8 weeks, the child or the juvenile is placed in another institution.

The following chart provides selected statistics about the establishments of educational and protective care.
Establishments providing institutional – protective care

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Children’s home</th>
<th>Children’s home with schooling</th>
<th>Educational institution</th>
<th>Diagnostic institution</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of establishments</td>
<td>149</td>
<td>29</td>
<td>34</td>
<td>13</td>
<td>225</td>
</tr>
<tr>
<td>Bed capacity</td>
<td>5310</td>
<td>1030</td>
<td>1426</td>
<td>471</td>
<td>8237</td>
</tr>
<tr>
<td>Number of children</td>
<td>4869</td>
<td>815</td>
<td>1400</td>
<td>537</td>
<td>7621</td>
</tr>
<tr>
<td>Of this: girls</td>
<td>2227</td>
<td>196</td>
<td>386</td>
<td>229</td>
<td>3038</td>
</tr>
<tr>
<td>Of this: children under 15 y.o.a.</td>
<td>3121</td>
<td>419</td>
<td>65</td>
<td>179</td>
<td>3784</td>
</tr>
<tr>
<td>juveniles 15 - 19 y.o.a.</td>
<td>1748</td>
<td>396</td>
<td>1335</td>
<td>358</td>
<td>3837</td>
</tr>
<tr>
<td>Placed on the basis of a court decision</td>
<td>4194</td>
<td>685</td>
<td>1192</td>
<td>218</td>
<td>6289</td>
</tr>
<tr>
<td>Number of employees</td>
<td>3653</td>
<td>919</td>
<td>1253</td>
<td>597</td>
<td>6422</td>
</tr>
<tr>
<td>Of this: women</td>
<td>3071</td>
<td>555</td>
<td>622</td>
<td>393</td>
<td>4641</td>
</tr>
<tr>
<td>Total number : pedagogues, educators, psychologists</td>
<td>1716</td>
<td>381</td>
<td>511</td>
<td>296</td>
<td>2904</td>
</tr>
</tbody>
</table>

In the Czech Republic at the end of the year 2005, there were 2 920 judges, of this 2 700 at district and regional courts. The specialization of judges in children and juvenile matters is not clear-cut, or, more exactly, it is under the authority of the presiding judge; no closer details are available on the national level.

Of total number of 8160 barristers, 368 (3%) legally specialize in children and juvenile care matters.

b) The situation of children in conflict with the law

While the total number of crimes in the Czech Republic was steadily rising in the 1990s, since the year 2000 it has been falling or remaining constant. Since 1999, when according to statistics the historically highest number of criminal acts in modern Czech history was committed (427 thousand), the criminality, or at least the portion of it recorded by the authorities responsible for penal proceedings, has been verifiably falling (to 344 thousand of criminal acts by the end of the year 2005 – i.e. by about 20 %). However, in comparison with the year 1989, i.e. the last year before the change of socio-economical system of our society when 120 768 criminal acts were registered, the increase is almost 300%.

The criminal scene seems to have changed. Among the offenders, the number of recidivists is rising. Apparently, compared to the 1990s, there are fewer possibilities for wider social classes to engage in property and economic criminal activity. The rising number of recidivist also demonstrates that the reform of offenders from recent years has
not been successful. The average age of recidivists of around 30 years of age shows that the majority of them are recidivists who committed their first criminal act soon after the year 1990. Together with the proportion of recidivists also increases the share of foreigners on criminal activity (6 % of known offenders).

The proportion of cleared up criminal acts, which approximates 38 % (in 1989, this percentage was 77 %), is not increasing and the clear-up rate does not fluctuate substantially even in separate categories of criminal acts. Equally unfavourable is the development of clear-up rate from the territorial point of view. The clear-up rate in the capital city Prague is only approximately 20 %, although the number of criminal acts (primarily due to the combination of Czech and foreign crime) committed in Prague accounts for nearly one third of the total number of criminal acts committed in the Czech Republic (28 %).

The structure of criminality has not changed substantially since the 1990s. Among the more significant trends are the decrease of property (69 %) and economic (9 %) criminal activity and the increase of violent criminal activity (7 %).

With respect to the time shift of relevant indicators, the number of prosecuted persons has decreased by 31 % since 1999 (when the criminal activity was at its maximum); the number of accused persons decreased by 12 % and the number of sentenced persons went up by almost 10 %.

As for the structure of sentences given in 2004, the most common sentence was suspended imprisonment (51 %), followed by community service (19 %) and unconditional imprisonment (15 %). Out of the 10 000 cases of unconditional imprisonment, 6 000 were for a period of less than one year, 3 500 for a period of one to five years, 500 for a period longer than 15 years and 6 were life sentences. More than a half of sentenced offenders were under the age of 30 (52 %); women accounted for more than one tenth of the sentenced offenders (12 %).

The criminal activity of persons under 18 years of age, i.e. of children and juveniles, accounted for 3 % of the total number of committed crimes (10 287 criminal acts) in the year 2005. Both the number of registered and the number of cleared-up criminal acts committed by children and juveniles have been gradually falling since 1997 (34 778 criminal acts). The numbers of known delinquents of this age group has equally been falling every year. The sharpest decrease when compared to a previous year was in 2002 (by more than 5 thousand) after the amendment of Criminal Code, which, apart from other things, increased the limiting sum of criminal responsibility from 2000 Czk to 5000 Czk. The overall decrease of juvenile criminal activity largely consists in the decrease of property crime including theft.

The maximum figures of registered criminality of children under 15 years of age were recorded in statistics in years 1996 and 1999. The highest number of child offenders was recorded in 1996; the proportion of child or juvenile offenders of the total number of offenders increased with age. Since 2002, the number of known delinquents under the age of 15 has significantly decreased, particularly in the age group of children under 12 years of age.

The classification of criminal acts committed by children shows that the most common criminal activity is property crime (theft in particular). It has to be added that theft also has the highest degree of latency (i.e. is not registered). Together with other
property crime, theft accounts for approximately 60% of all cleared-up crimes (although the number of cases of theft decreases with time).

The main problem of recent years have been violent crimes (19%), in particular robberies committed by children. Regardless of the fact that the clear-up rate of robberies is one of the lowest, the number of known child perpetrators of robberies is increasing, unlike the number of property crime offenders. For instance in 2001, 285 robberies were adjourned due to the age of the offender; in year 2002 it was 288 robberies, in 2003 364 robberies and in 2004 338 robberies. After several years in which children did not commit any murders, in 2004 four murders and in 2005 one murder committed by a child delinquent under the age of fifteen were registered (the same situation was in 1999).

Within the scope of violent crimes, blackmail is very frequent, most often in the form of bullying. In the age group of children, the number of cases of bullying is double in comparison with the age group of juveniles. A potential cause of this fact might be that bullying in the juvenile age group is more hidden. Juveniles on the other hand commit robbery and wilful bodily harm relatively more often than children.

The numbers of following crimes have remained constant: moral crime (3.5%), economic crime (3.2%) and so called remaining crime (2.6%), which includes the criminal acts of graffiti, breach of peace, drug offences, accessoryship, spreading false news and unauthorized possession of a cash card.

As for the classification of criminal activity of juveniles, similarly to the age group of children, property crime (theft and theft through burglary) prevails with 61% of total number of revealed crimes. Compared to child offenders, there are certain differences arousing from the ‘availability’ of the objects of delinquents’ attention. This is true in particular for car theft: children more frequently steal things from cars, while juveniles more often steal the whole vehicle. Other committed crimes are theft through burglary and theft in buildings (shops, restaurants, kiosks), burglary from private homes, secondary residences, storage rooms and basements, pickpocket offences (primarily girls) and bicycle theft.

The so called remaining criminality accounts for 16% and includes the criminal acts of graffiti, breach of peace, drug offences, obstruction of official decision, accessoryship and negligent traffic offences. Within the scope of this kind of criminal activity, the juveniles (but also children) most often commit drug connected crimes i.e. illegal production and possession of psychotropic substances and dissemination of drug abuse. These offences have been recorded since 1994 and according to police statistics the number of persons prosecuted for these offences has since then increased more than ten times.

Violent criminal activity ranks next with 15% of total criminal activity. Moral crime accounts for 2%.

What is alarming is the increase of the number of registered robberies by juveniles (from 481 robberies in 2002 to 539 in 2003 and 611 robberies in 2004) and the number of rapes (from 18 in the year 2003 to 29 in the year 2005). The number of murders committed by juveniles was in 2002 and 2003 5 murders, in 2004 12 murders and in 2005 6 murders. Unlike the number of murders and kidnapes (the number of which varies in different years), the incidence of wilful bodily harm tends to decrease (in 2005 486 crimes committed by persons under 18 years of age). The numbers of cases of
breaches of peace (265 cases in 2005) and harm done to a thing of another (255 cases in 2005 compared to 1334 cases in 2000) have also slightly decreased.

As far as the criminal acts of theft and robbery are concerned, juveniles – similar to children – most often commit them in groups and often together with persons younger than 15 years of age. In Prague, foreign citizens (from former socialist countries) and persons of Roma origin constitute a significant proportion of juvenile robbers and thieves. Girls participate in theft and pickpocket offences more and more often. Cases of pickpocketing are most frequent in public transport, in markets and in the streets. The number of cases of shoplifting is also rising; delinquents sell the stolen goods and buy drugs with the money obtained in this manner. The most common victims of robberies are contemporaries.

As the chart below demonstrates, in the last 11 years the overall revealed criminal activity has gradually been decreasing with the most significant decrease in juvenile criminal activity (index 0.33) and child criminal activity (index 0.38)

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Murders total</td>
<td>286</td>
<td>291</td>
<td>279</td>
<td>234</td>
<td>186</td>
<td>65.03</td>
</tr>
<tr>
<td>Of this : children</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>33.33</td>
</tr>
<tr>
<td>juveniles</td>
<td>21</td>
<td>8</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>9.52</td>
</tr>
<tr>
<td>Violent crimes</td>
<td>20 177</td>
<td>23 223</td>
<td>21 996</td>
<td>23 555</td>
<td>21 684</td>
<td>107.47</td>
</tr>
<tr>
<td>Of this : children</td>
<td>754</td>
<td>1 339</td>
<td>1 083</td>
<td>982</td>
<td>581</td>
<td>77.06</td>
</tr>
<tr>
<td>juveniles</td>
<td>1 416</td>
<td>1 497</td>
<td>1 111</td>
<td>1 241</td>
<td>1 149</td>
<td>81.14</td>
</tr>
<tr>
<td>Moral crimes</td>
<td>2 240</td>
<td>2 000</td>
<td>1 856</td>
<td>2 046</td>
<td>1 849</td>
<td>82.54</td>
</tr>
<tr>
<td>Of this : children</td>
<td>122</td>
<td>149</td>
<td>171</td>
<td>119</td>
<td>104</td>
<td>85.25</td>
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<tr>
<td>juveniles</td>
<td>308</td>
<td>193</td>
<td>204</td>
<td>229</td>
<td>190</td>
<td>61.69</td>
</tr>
<tr>
<td>Property crimes</td>
<td>300 352</td>
<td>304 039</td>
<td>284 295</td>
<td>256 308</td>
<td>229 279</td>
<td>76.34</td>
</tr>
<tr>
<td>Of this : children</td>
<td>6 743</td>
<td>9 320</td>
<td>7 762</td>
<td>3 419</td>
<td>1 786</td>
<td>26.49</td>
</tr>
<tr>
<td>juveniles</td>
<td>18 926</td>
<td>14 992</td>
<td>10 260</td>
<td>7 294</td>
<td>4 643</td>
<td>24.53</td>
</tr>
<tr>
<td>Other crimes</td>
<td>9 345</td>
<td>16 692</td>
<td>19 842</td>
<td>22 364</td>
<td>24 692</td>
<td>264.23</td>
</tr>
<tr>
<td>Of this : children</td>
<td>267</td>
<td>932</td>
<td>823</td>
<td>752</td>
<td>434</td>
<td>162.55</td>
</tr>
<tr>
<td>juveniles</td>
<td>803</td>
<td>1 780</td>
<td>1 404</td>
<td>1 535</td>
<td>1 197</td>
<td>149.07</td>
</tr>
<tr>
<td>Remaining crimes</td>
<td>18 867</td>
<td>24 251</td>
<td>23 031</td>
<td>25 328</td>
<td>25 585</td>
<td>135.61</td>
</tr>
<tr>
<td>Of this : children</td>
<td>158</td>
<td>323</td>
<td>212</td>
<td>175</td>
<td>81</td>
<td>51.27</td>
</tr>
<tr>
<td>juveniles</td>
<td>426</td>
<td>474</td>
<td>329</td>
<td>280</td>
<td>187</td>
<td>43.90</td>
</tr>
<tr>
<td>Economic crimes</td>
<td>18 440</td>
<td>30 156</td>
<td>37 632</td>
<td>40 213</td>
<td>43 882</td>
<td>237.97</td>
</tr>
<tr>
<td>Of this : children</td>
<td>9</td>
<td>22</td>
<td>165</td>
<td>94</td>
<td>100</td>
<td>1111.11</td>
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<tr>
<td>Juveniles</td>
<td>279</td>
<td>202</td>
<td>199</td>
<td>320</td>
<td>248</td>
<td>88.99</td>
</tr>
<tr>
<td>TOTAL</td>
<td>369 707</td>
<td>400 652</td>
<td>388 931</td>
<td>370 048</td>
<td>347 157</td>
<td>93.90</td>
</tr>
<tr>
<td>Of this: children</td>
<td>8 056</td>
<td>12 088</td>
<td>10 216</td>
<td>5 541</td>
<td>3 087</td>
<td>38.32</td>
</tr>
<tr>
<td>Juveniles</td>
<td>22 179</td>
<td>19 146</td>
<td>13 512</td>
<td>10 904</td>
<td>7 616</td>
<td>34.34</td>
</tr>
</tbody>
</table>
The proportion of children and juveniles:

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Murders total</td>
<td>8.4</td>
<td>3.8</td>
<td>1.8</td>
<td>2.1</td>
<td>1.6</td>
<td>19.22</td>
</tr>
<tr>
<td>Violent crimes</td>
<td>10.8</td>
<td>12.2</td>
<td>10.0</td>
<td>9.4</td>
<td>8.0</td>
<td>74.18</td>
</tr>
<tr>
<td>Moral crimes</td>
<td>19.2</td>
<td>17.1</td>
<td>20.2</td>
<td>17.0</td>
<td>15.9</td>
<td>82.83</td>
</tr>
<tr>
<td>Property crimes</td>
<td>8.5</td>
<td>8.0</td>
<td>6.3</td>
<td>4.2</td>
<td>2.8</td>
<td>32.81</td>
</tr>
<tr>
<td>Other crimes</td>
<td>11.4</td>
<td>16.2</td>
<td>11.2</td>
<td>10.2</td>
<td>6.6</td>
<td>57.69</td>
</tr>
<tr>
<td>Remaining crimes</td>
<td>3.1</td>
<td>3.3</td>
<td>2.3</td>
<td>1.8</td>
<td>1.0</td>
<td>33.84</td>
</tr>
<tr>
<td>Economic crimes</td>
<td>1.6</td>
<td>0.7</td>
<td>1.0</td>
<td>1.0</td>
<td>0.8</td>
<td>50.78</td>
</tr>
<tr>
<td>TOTAL</td>
<td>8.2</td>
<td>7.8</td>
<td>6.1</td>
<td>4.4</td>
<td>3.1</td>
<td>37.70</td>
</tr>
</tbody>
</table>

Court statistics make it clear that the proportion of sentenced persons between 15 and 18 years of age of total number of sentenced, which was highest in 1993 (14.8 %), has gradually been decreasing (today is lower than 6 %). The most commonly imposed sentence in the past years has been suspended sentence; its proportion was about 60 % to unconditional sentence of which majority was a sentence of less than one year. Most often it is a simple suspended sentence, i.e. without probation. The courts relatively often deal with juvenile criminality by discharge (the highest number in 1993 – 17 % of cases), again without exercising the option of probation. The numbers of community service and conditional suspension have been steadily increasing.

The numbers and proportions of accused juveniles (in 2004 79 persons, i.e. 2.42 % of the total number of accused) and sentenced juveniles (in 2004 102 persons, i.e. 0.68 % of the total number of sentenced) also testify to the way that juvenile delinquency is dealt with. The proportion of sentenced juveniles was gradually decreasing and has been stagnating in the recent years. In 1996 this proportion was 1.26 %, in 1997 1.24 %, in 1998 0.81 %, in 100 0.71 %, in 2001 only 0.50 %, in 2002 0.63 % and in 2003 0.68 % (the same as in 2004).

Juveniles serve the sentence of imprisonment separately from other sentenced offenders in detention facilities designed for juvenile delinquents. If a juvenile reaches 18 years of age, the decision is taken whether he/she will serve the rest of his sentence in the juvenile prison or whether he/she will be transferred to a regular prison.

When analyzing the trends in the development of children and juvenile crime, we have to bear in mind the large drop of population of these age groups (about 20 % with juveniles). However, the decrease of indicators of children and juvenile crime is so radical that the population development has only a minor effect. Between years 2000 and 2004, the proportion of offenders under 15 years of age of the total number of all known offenders decreased from approximately 4 % to 3 % and the proportion of delinquent children of the total number of children from 0.32 % to 0.24 %.

The available statistical data reveals that crime is predominantly committed by younger people – 40 % of offenders are under 24 years of age and nearly 60 % of all prosecuted offenders are people under 30 years of age. Furthermore, a prevailing part of today’s recidivists – up to 80 % - are young people under 30 years of age. Their criminal career has been developing in the recent years and their criminal activity springs from the present crime situation.
From the territorial point of view, it is the North Bohemia region and the districts of northeast Moravia that are most heavily affected by child and juvenile crime. These regions, in the past characterized by the development of heavy industries (coal mining, iron and steel industry, engineering industry), have in the past decade undergone a restructurization and in the long term face a high unemployment in comparison with the national average (almost double).

Interesting results were produced by inspection of juvenile crime carried out in 2003 at selected regional public prosecutor’s offices and district courts. The observed sample included 484 juveniles (of this 39 women – i.e. 8.1 %) aged 15 to 16 (32 %), 16 to 17 (35.4 %) and 17 to 18 (32.6 %). One respondent averaged 1.83 offences.

At the time of committing the offence, the respondents lived mainly in smaller towns. At that time, a considerable part of juveniles was unemployed (27.8 %) and nearly every fifth (19.5 %) was still a pupil of a basic or – twice as often – of a special school. The majority of juveniles were at the time of committing the offence studying at a vocational secondary school and only every twentieth respondent was a student of a grammar or secondary technical school. Of those who were studying at a secondary vocational school, the majority had been studying for less than one year or had abandoned their studies. Only 2 juveniles, i.e. 0.4 % had graduated from a grammar or secondary technical school and 5 i.e. 1 % had completed their training at secondary vocational school. The generalization can be made that accused juveniles most often have only elementary education.

Juvenile delinquency is primarily of property nature. Property crime had been committed by 78 % of the accused; if the criminal act of robbery is included, this figure reaches 85 %. 11 % of accused juveniles had committed violent crimes (excluding robbery). Only 44 accused offenders had committed a serious property crime with damage exceeding 25 000 Czk. In nearly every fifth case, the value of the loot was lower than the associate damage. What generally characterizes juvenile delinquency is the fact that a significant part of the damage caused by criminal activity is due to the violent and inexpert manner in which delinquents get hold of stolen goods. At the same time, this manner of committing crimes may play an important role to juveniles. We can assume that, besides the conscious motives, juvenile offenders are motivated by a hidden need of self-assertion and the need to impress others in a group of peers. This psychological need is dominant in many cases of criminal activity. Offenders who had committed property crime repeatedly had caused substantially larger damage than juvenile offenders of one single crime (more sophisticated manner of execution).

As far as the subject of interest of juvenile delinquents is concerned, motor vehicles dominate (cars including their equipment – mainly car radios, motorcycles and bicycles) – more than 30 % of respondents had committed this sort of crime. In the majority of cases, the crime was motivated by the desire to ‘take a ride’. The stolen things from cars (car radios, players as well as compulsory equipment and fuel) were often sold, mainly in second hand shops and pawnshops, and the money earned this way was used mainly for drugs.

Discovering smaller stolen things (from cars, bicycles) and detecting the perpetrator is very difficult. For this reason, this kind of theft often remains unreported and the latency of this crime is very high, also for the relative effortlessness of committing such crime.
Financial cash was obtained through theft by more than one fifth of accused offenders, most often by direct physical violence or the threat of violence (snatching a handbag, knocking down a drunk victim, forcing locks open). Pickpocket offences are mostly committed by girls. By similar means, juveniles also acquired valuables (20% of crimes).

Mobile phones are a new frequent target of theft (14% of accused offenders); they are relatively expensive, small and easily available and, in addition, they help to improve the juvenile’s status in a group of peers.

An odd, however fairly frequent crime is stealing non-ferrous metals and other raw-materials and their subsequent sale to recycling centres (theft of traffic signs, roof covering material, eaves, cables etc.). A certain infantile need for adventure and adrenalin can be detected in this sort of crime, which is also associated with some other criminal acts by juvenile offenders (theft of things of insignificant value, poaching, illegal fishing etc.)

Less easily committed criminal acts, such as e.g. domestic burglary or burglary into shops, secondary residences, storage rooms etc. have a lower incidence.

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Approximately 20% of respondents had committed violent crimes (of this 7% girls). The most common crime was bodily harm. This crime is more frequently committed by offenders close to adult age, thus more than a half of them belonged to the group of respondents between 17 and 18 years of age. From the point of view of their domicile, the offenders of violent crimes usually live in towns (85%). As for the level of education, they tend to have completed elementary education less often than other offenders (often completed at special school). Physical aggression by juveniles is often connected to gang activities or (with Roma ethnic group) family clans. Individually ‘operating’ juvenile delinquent is rather an exception.

As for the causes of crimes, victims claim that they were assaulted for no obvious reason while the accused offenders maintain they were provoked by a previous conduct of the victim. Alcohol consumption often plays a part in criminal activity.

On the third place, with an 8.7% percentage, were breaches of peace, followed by drug offences (3.1%) and moral crime (1.5%), which probably has a high level of latency.

Group drug use by juveniles and in some cases by children is becoming a serious problem. It seems that the abuse of hemp products is becoming a mass phenomenon. Popular are also so called ‘dance’ drugs and chemically produced substances. However, it is the most commonly used drug – alcohol, which stands in the background of many criminal acts.

As far as the motivation of delinquent conduct is concerned, it is often the effort to ‘take law in one’s hands’ or the feeling of property injustice, love troubles, followed by boredom with the need to ‘let off steam’ (mainly in case of vandalism) or the need for ‘adrenalin’ activity.

Interesting information about the characteristics of ‘problem’ children was gained from a research carried out by bodies of socio-legal protection of children in selected districts. Records about 464 clients of these bodies (69% boys and 31% girls), whose average age was 13.2 years of age, were evaluated. The proportion of children of Roma
origin was 31.7 %, which is incomparably higher than the percentage of this ethnic group in population (3 - 4%).

The following findings were made based on the characteristics of individual clients:

- Physical handicaps – the number of handicapped children among the clients is comparable to the characteristics of ordinary population

- Institutional care at an early age – 7.5 % of the clients had previously been placed in infant homes and 14 % had been hospitalized for long periods of time. About 11 % of the children were placed in children’s homes (more than a half of these children were of Roma origin)

- Mental problems – every fifth client had evident mental problems (aggression, psychosis, lower IQ and others). Even a higher percentage (25 % of clients) had undergone a psychiatric treatment.

- Family structure – 61 % of the clients had lived in a complete family at a pre-school age. The absence of at least one of the parents increased with the client’s age. It is typical that – in relation to age – about one fourth to one fifth of the children lived only with their biological mother. Interestingly, at the time of research, the cohabitation of a client with their biological father was two and a half times more frequent that at their pre-school age. Fathers abandon their families more frequently, however, the mother’s desertion is no longer exceptional. Non-biological fathers featured in many officially complete families.

- Quality of educational environment – the educational strategy selected by the majority of parents was not suitable. About 46 % of the clients (mostly of Roma origin) were affected by a bad educational situation. Adoptive and foster families produce relatively better results than one-parent families. The parental visits of children placed in diagnostic institutions also reveal the family situation. Only about 64 % of children ever receive a visit. Mothers visit their children more commonly than fathers (57 % : 26 %). There is no significant difference between the frequency of visits by Roma and non-Roma fathers, while Roma mothers visit their children less frequently than non-Roma mothers (46 % : 64 %).

- Parents and guardians – mothers and fathers of the monitored children have a very low achieved level of education and a correspondently low professional position. Most mothers (66 %) and fathers (56 %) only had an elementary education, 17 % of mothers and 27 % of fathers had received vocational training, 6 % of mothers and 7 % of fathers had received secondary education and only 1 father (0.5 %) had a university degree. At the time of research, 23.5 % of Czech population had secondary education and 7 % had university education. Even a bigger difference in comparison with ordinary population was detected among Roma parents. We can conclude that the achieved education of parents can be seen as a significant
factor in the matter of criminality. Apparently, parents with a low education possess limited educational abilities. In Roma families, other aspects of socio-cultural handicap are involved, mainly bad knowledge of Czech language, different lifestyle etc.

As for professional position, the majority of parents of the monitored children were employed as workers (92%). Only 2% of parents ran their own business. The assumption that the parents’ lack of time is an important factor in many children’s delinquency was not confirmed. It is rather the parents’ attitude to work and the example they set for their children.

- Parents’ age at the time of child’s birth – the supposition that a very low or a very high age of parents is an important factor was not confirmed. Only 1.3% of mothers were at the time of birth of a monitored child younger than 18 years of age and 4.4% of mothers over 35 years of age.

- Educational style of parents and other guardians – mothers of the monitored children were in many cases inconsistent, left their children without any supervision, tolerated their transgressions and did not set a good personal example to their children. Some of the unsuitable practices were more apparent in case of Roma mothers. Notably, they more often pardoned their children’s transgressions, they punished and checked them less frequently. On the other hand, they had a positive emotional relationship to their children slightly more often than non-Roma mothers. Fathers, if present, less frequently pardoned their children’s transgressions and punished them more often. Roma fathers were more benevolent to their children. In comparison with biological parents, foster and adoptive parents made fewer educational mistakes (however, positive emotional relationship was detected in fewer cases). They were also more consistent, punished the children more frequently and often had the tendency to control their children excessively.

- Child abuse – in the examined group, up to 18% of families displayed signs of child abuse. Most frequent was physical abuse (13% of children), psychological abuse (10% of children) and finally sexual abuse (2.2% of children). It was found that the abused children were in comparison with other children less problematic: they displayed fewer cases of truancy and disinterest in school as well as experiments with drugs. On the other hand, these children more frequently suffer from mental problems (one third of physical abuse victims had undergone a psychiatric treatment). The most common perpetrator of the abuse was the child’s mother (35 cases), biological father (32 cases), and step father or mother’s partner (24 cases).

- Stability of educational environment – nearly half the clients (48.3%) had experienced a divorce or separation of their own parents and consequent moving and change of school (60% of observed children had changed school). Beside the actual loss of a parent, the change of environment is one of the events which considerably upset the feeling of security and wellbeing of a child, which in turn
can lead to running away, truancy and other educational failures. In more than 25% of cases, the parent (in almost all cases the mother) had found a new partner, which usually meant new stepbrothers and stepsisters in the family. Another moment leading to the child’s estrangement from his/her family is the appearance of a new guardian (unless this happens at a very early age of the child). A high number of children had also been subjected to the death of one of their guardians. This traumatizing experience had affected every ninth child from the monitored group and it can be suspected that such event is a significant source of socialization disorders.

The examination of the connection between the stability of environment and the economic situation of a family has also produced an interesting result. Only a weak connection was found. However, tense atmosphere prevails in unstable families and the children coming from such families have a higher incidence of psychiatric disorders.

- **Family economic situation** – no stronger connection was found between the economic situation of a family and the kind of disorders the child suffered from. The assumption that a growing number of delinquent children come from affluent families where the parents are very busy and have little time for their children was not confirmed. Nothing seems to suggest that children coming from such families find themselves more frequently in institutional or protective care. What seems to be paradoxical, however, is that running away is more frequent with wealthy families. The connection between a higher economic status of a family and the level of education of the parents is obvious and understandable. A higher number of children attending special schools come from economically underprivileged families. More than a half of children from the group of the most economically underprivileged families are of Roma origin. There seems to be a connection between the economic provision of a family and the intelligence of a child – a significantly higher number of children of above-average intelligence come from economically strong families.

- **Housing** – poor quality, in particular confined housing situation may have a negative effect on the psychosocial development of a child. Nearly one third of the monitored children lived in a crowded flat and only 2% of children lived in an above-average sized flat. A strong correlation was found between the size and quality of a flat and the fact whether a child attended special school (this is connected with the fact that 50% of Roma citizens live in crowded and poorly-furnished flats).

- **Client’s domicile** – the fact whether a child grows up in a small, middle or large municipality affects the level of anonymity and social control connected with it. Children in large towns tend to form gangs more frequently, the lower level of social control is a detrimental factor and these children have more free time compared to children from smaller municipalities. The fact that the smallest percentage of Roma clients come from small villages is also worth a mention; most of them come from middle-sized towns.
Psychological-social characteristics – in comparison with ordinary population, the children in the monitored sample group displayed poorer communication abilities (particularly Roma children) and a greater incidence of minimal cerebral dysfunction was detected (notably attention deficit disorder and hyperactivity syndrome and particularly in the most economically underprivileged families). Nearly 60% of the children showed lower intellectual performance (only one tenth of the children were above the population’s average). Children incapable of making adequate judgment are often equally unable to understand the demands imposed on them. On the other hand, we must consider the fact that the intellectual deficit of the clients may have been the cause of their arrest and handover to institutional care and the intellectual abilities of children with behavioural disorders thus need not necessarily be so limited. Lower intelligence in the monitored group seems to be closely connected to ethnicity. In the group of considerably intellectually limited children were 42% of Roma children compared to 7% of children of non-Roma origin, while in the group of children of above-average intelligence were 3% of Roma children and 15% of non-Roma children.

Transfer to special school – from the observed group, 44% of the children attended special school during the course of their schooling (of this more than a third Roma). Roma children are often disadvantaged by poor knowledge of Czech language and overall poor preparation for schooling and are thus more frequently placed directly in special schools. They tend to have problems with school performance during the whole course of their schooling, while other children only at older school age. The transfer to a special school is often requested by the parents since special schools place noticeably lower demands on children and the child (and family) thus save time for ‘more important’ life matters.

Gang membership – particularly (but not uniquely) difficult children very often tend to form informal groups, so called gangs, in which they find acceptance and understanding they lack at home. 26% of the children had been a member of a certain anti-socially oriented group. The most common activity of such groups was property crime, alcohol and drug experiments, violent crimes, disorderly conduct and gambling. The use of drugs, especially stimulation drugs, is more frequent in gangs (more than a half of drug users are members of a gang).

Socio-pathological symptoms – in several cases, problems of the monitored children started as early as younger school age, however, the quality and quantity of problem behaviour did not usually develop fully until the children advanced to the second stage of basic school (the start of puberty age). The most frequent signs of problem behaviour were truancy, disinterest in school activities, theft, smoking, verbal aggression, disrespect for teachers, physical aggression, bullying, alcohol consumption, drug abuse, moral crimes and gambling tendencies. Truancy (mainly in case of girls) and theft (mainly in case of boys) tend to be the
“starting” offences. The first offences are dealt with at the beginning of puberty age (from 11 years of age on). As far as sex is concerned, a conclusion can be drawn that girls are inclined to more “passive” kinds of negative activities and to a certain escape from reality (truancy, drug abuse, moral crimes), while boys (as well as Roma children) are susceptible to a more aggressive behaviour (bullying, educational incorrigibility, theft, disorderly conduct). One fifth of children under 15 years of age had problems with alcohol abuse in course of their schooling and almost the same number also had problems with drug abuse (more frequently Roma children). More than a half of the children smoked and every eleventh child was prone to gambling. A strong connection was discovered between the different kinds of addictions (particularly between smoking – alcohol abuse – drug abuse). As for drugs, particularly volatile substances were used (sniffing), marihuana and pervitin, to a lesser extent trip, ecstasy or LSD and heroin. In one case, a natural drug (stramonium) was involved.

- Criminal infection – the likelihood of occurrence of criminal behaviour grows if children have the opportunity to observe socio-pathological incidents and criminal behaviour in their nearest social environment. The families of the observed children were excessively prone to so called criminal infection. The most common symptom was alcoholism, property crime, psychiatric disorders, violent crimes, drug abuse and prostitution. In some families, children were even initiated into illegal practices; in others, they ‘merely’ lacked the model of proper behaviour.

- Children in institutional care – particularly children coming from incomplete or completed, socially underprivileged families end up in institutional care. Parents usually have a very low qualification and are often unemployed. Girls represent a considerable proportion (28 %) and more than a third of children are of Roma origin. Re-socialization prognosis with a large part of these children is, due to the social environment in which they had grown up, rather pessimistic.

Interesting information was also provided by a questionnaire survey carried out among juvenile population in detention serving their unconditional sentence (a sample of 154 sentenced juveniles) in 2002.

Its evaluation produced the following findings:

- the majority of sentenced offenders were between 17 and 18 years of age, only 5 % were under 15 years of age

- 47 % of the juveniles stated that they came from a Roma family

- only 15 % of the sentenced offenders had spent a prevailing part of their life in the country
- 53% of the juveniles who had received elementary education had attended special school, which they had not completed in many cases (77% of Roma juveniles), a proportion several times higher than in the case of population of their contemporaries who have never been arrested.

- 30% of the juveniles had been during the course of their schooling transferred from basic to special school.

- Juveniles sentenced during the course of their schooling were among the weakest students.

- Up to 19% of the sentenced offenders suffered from some kind of sensory deficiency (sight, hearing or speech) and 16% of them had undergone a psychiatric treatment.

- About 40% of the sentenced offenders came from formally incomplete families (a relatively better situation is in the families of Roma clients), in 51% of cases the family lacked a biological father (and a possible positive role model for young boys).

- As for the number of siblings, families of the sentenced offenders were on average larger than those of ordinary population.

- From the point of view of economic provision of a family, no significant link to the level of criminality was found.

- Half of the arrested offenders had been a member of a gang, 47% had consumed alcohol in larger amounts and 40% had used drugs heavily.

- One third of arrested girls admitted having had a confrontational relationship with their mother.

**c) Protection of children from violence**

In 2004, recorded victims of criminal activities under 18 years of age accounted for almost 12% of the total number of recorded crime victims (about 5% were under 15 years of age). Of the total number of children or juvenile victims (5,944), 38% (2,235) were girls.

Children were mostly victims of sexual abuse (825 of 3,186 cases), robbery (623 cases), theft (493 cases), wilful bodily harm (273 cases), blackmail (272 cases) and battering a person entrusted to one’s care (180 cases).

Juveniles were mostly victims of theft (1,216 of 2,758 cases), robbery (545 cases), wilful bodily harm (364 cases), blackmail (183 cases) and rape (101 cases).

Girls under 18 were mostly victims of theft (765 of 2,235 cases), sexual abuse (630 cases), robbery (150 cases), wilful bodily harm (114 cases), blackmail (75 cases) and infringement of personal liberty (73 cases).
The above mentioned figures about victims of criminal activity come from data collected by Czech police and recorded when registering a criminal act, i.e. during a short period of time from the moment, when a criminal act is registered (they do not include data about latent, i.e. unannounced criminality).

An important factor in the matter of child and juvenile protection is a new law on socio-legal protection of children (no. 359/1999 of Coll.) enacted in 2000. Socio-legal protection is guaranteed by special bodies at regional offices, communities with extended powers and the Office for international legal protection of children. Bodies at regional level now have the right to oversee that the rights of children in institutional care are respected regardless of the type of institution (visits of children and monitoring their education). One of the aims is to prevent placing a child in an institution without a due reason or the opposite case, i.e. ensuring that there is a reason for the child to stay out of institutional care. Bodies of social care deal with cases of families where the child is not being taken care of properly. The fact that the law enables non-governmental entities to take part in socio-legal protection of children is also an important factor.

Other important legal rules dealing with child protection are the Family Act, the Foster Care Act and the Act on Educational Establishments.

Some non-governmental organizations also deal with the question of child care and arrange alternative family care. These include above all The Fund for Children in Need (Fond ohrožených dětí) and the Alternative Family Care Center (Středisko náhradní rodinné péče). These organizations were established in the 1990s and have managed to place approximately 400 children in families.

The problems of child protection in the Czech Republic stem from the fact that the option of placing a child temporarily in a family is not used, children sometimes needlessly end up in institutional care and after their placement, no more effort is made to return them to their own family. The level of education of social workers as well as the care for them during their practical training should also be improved.

Act No. 218/2003 of Coll., about the responsibility of juveniles for illegal acts deals with the protection of rights of a child or a juvenile in relation to state authorities in case the child or the juvenile commit an illegal act. It clearly states that the child’s or the juvenile’s character, age, mental and moral maturity, as well as the state of health, family and social situation have to be taken into account and the imposed measure must be adequate to the character and degree of dangerousness of the committed crime. In comparison with adult offenders, the law requires a stricter protection of personal data concerning children and juveniles (which is often criticized by the families of victims etc.).

The law further requires that all hearings in children and juvenile matters are conducted by specialized juvenile courts. The measures adopted by these courts should primarily serve an educational function and are much more lenient than sanctions imposed on adult offenders for the same crime. Reprehension and suspended sentences constitute the majority of given sentences. In case of an unconditional sentence, juveniles always serve the sentence separately from adult offenders.