NOTE

from: General Secretariat

to: Collective Evaluation Working Group

Subject: Analysis on Police and Customs matters of the Czech Republic, Slovakia, Slovenia and Estonia

Czech Republic

1 Introduction/ General remarks

1.1 General remarks on the state of information

The PHARE-Report: Although the report underlined that during a one-week expert mission it was not possible to come to investigations in detail, the PHARE report gave little information on the situation concerning law enforcement matters; it consisted of statements of more general nature.

The Regular Report from the Commission very shortly summarises, i.a., the Czech Republic's progress in the field of Justice and Home affairs, providing some additional interesting facts.

The Langdon-Report was prepared based on visits of Mr.Anthony Langdon to the capitals of all applicant countries, where he conducted discussions on Justice and Home Affairs with the relevant Ministries. As the Report was not intended to be an methodological analysis most information, comments and conclusions in the Langdon Report concern all of the Associated Countries of Central and eastern Europe.
Generally, the report is an excellent introduction into the matter, providing an overview of the main problems in the field of Justice and Home Affairs and the relevant international and bilateral assistance programmes.

Council of Europe Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (PC-R-EV), Annual Report 1997 - 1998: This report is the result of very thoroughly prepared self and mutual assessment exercises of the anti-money laundering measures in place in the 21 Council of Europe Countries, which are not members of the Financial Action Task Force (FATF). In 1998, a group of experts visited, among others, the Czech Republic. The results of their on-site examination of the Czech anti-money laundering system are summarised in their annual report, which provides a very precise description and analysis of the present situation in the Czech republic and at the same time outlines ways for possible solutions. The level of detail and the quality of analysis were outstanding among the sources that were examined.

Member States' contribution on law enforcement and inter-agency co-operation: This paper shortly introduces into the main findings regarding the topics of border control and law enforcement and inter-agency co-operation.

Member States' contribution about shortcomings in crime prevention and in external border security in the Czech Republic: This contribution lightens up various aspects of the crime situation in the Czech Republic that have not been mentioned in other contributions and supplies interesting facts of the situation within the Czech police forces. Regrettably not all areas of crime are covered and remarks on the Czech police remain too few to give a coherent picture. Details and figures lack completely.

1.2 Gaps

There is no or few information about:
(in: Legal bases, organisation and powers of the police)
- the various strategies /Priority Plans of the Czech Government in the fight against organised crime and the relevant evaluation and progress reports.
- details on the powers of Czech law enforcement authorities in terms of preventing potential threats and in terms of criminal investigation.
- other authorities, apart from the police forces, that are responsible for criminal investigations.

The PHARE-Report does not describe the responsibilities and powers of the Czech Bureau of Investigation, which has a similar role as the "Bureau of Investigation" in the Slovak Republic.

Details (size, organisation, successes, shortcomings etc.) about the Czech joint customs - police unit, fighting against drug-smuggling, would be desirable.

- the role and competencies of the Czech intelligence service in criminal investigations.
- the structure, competencies and specific problems of the Czech Anti-Corruption Section.
- which Czech law enforcement bodies are involved in anti-money laundering efforts and what their competencies are.
- the Czech police computer systems

*(in: Staff, training and equipment)*

- the exact total operational staff complement and the police density.
- figures regarding the number of people applying to join the police forces.
- the civil staff within the Czech police forces and its tasks; indicating if there are tasks, momentarily carried out by police officers, that could be taken over by civil staff.
- police training, its organisation and its duration, including in-service training.
- the corruption problems within the Czech police forces, also based on press information.
- the system of registration, examination and publication of complaints against the police.
- the Czech anti-drug policy and the role of the National Drug Commission
- the police equipment in general, following the structure of paragraph 2.24 of this document; material shortcomings (if there are any).

*(in: International police cooperation)*

International police cooperation, following the structured checklist *(1)*, including details about the ability to carry out cross-border investigative techniques (hot-border pursuit and surveillance) and the necessary technical equipment

*(in: Crime statistics)*

- the development in figures of crime in the recent years, areas of increase, clear-up rate etc.

*(1)* doc. 5322/1/99 EVAL 5 ELARG 5 REV 1.
1.3 General remarks on the situation in the Czech Republic

In the field of justice and home affairs, three categories of countries can be distinguished: those that can show only little results, because they did not make enough efforts, whether they had difficulties to implement the Union acquis or whether they had shown serious failure of their organisations (Czech Republic, Slovenia, Slovakia, Romania, Lithuania) (1).

Generally, the Czech authorities seem to have a positive attitude towards learning and adapting the conditions necessary for the entrance in the European Community (2).

There has been a marked slowing down in the rate of progress required to adjust to the EU acquis. The Czech Government must now press ahead with reforms to meet the medium-term priorities of the Accession Partnership (3).

1.4 Main problems adopting the acquis

The following problems are regarded as main difficulties concerning the adoption of the acquis in the area of police matters in the Czech Republic (4). Other, not necessarily less important problems are listed in detail in part 2 of the document:

- Communication and co-operation problems between the State police, the border police and the Judiciary.
- Police has to accomplish too much time-consuming administrative tasks, which could be taken over by civil staff.
- Deficiencies concerning the preparation for the adoption and implementation of the Schengen acquis/Schengen standards.
- Shortcomings in the area of combating organised crime. The inquiries concerning fiscal fraud, bankruptcy, money laundering, corruption and common economical crimes do not lead to substantial successes. From this point of view the system is not able to face organised crime effectively.

(2) PHARE-Report, p. 5.
(4) PHARE, p. 33, 34, and 46.
• Stronger action against drugs, organised crime (especially money laundering and trafficking in human beings) and corruption is required, with adequate resources allocated to enable the police and courts to operate effectively and receive the training they need to cope with the challenges facing them.

• The domestic legal provisions enabling the Czech Republic to implement its international commitments leave room for some uncertainty. The Czech authorities should identify the potential difficulties of the current legal framework and consider making adjustments (1).

• The various bodies involved in the anti-money laundering measures are fragmented. Greater co-ordination and the development of a meaningful anti-money laundering co-ordination body with a strategic overview of anti-money laundering police and issues are necessary (2).

• Lack of experience, e.g. in the area of organised crime and management support.

• In the field of drug abuse the need for international police co-operation and the exchange of information is increasing.

• The system of registration examination and publication of complaints against the police is non-transparent.

• Specific legislation has to be decided upon in order to give law enforcement authorities more investigative power in the fight against corruption. New concepts for offensive methods to identify and prevent corruption among employees and officials of the Czech public administration have to be adopted and implemented.

• New concepts for offensive methods to identify and prevent corruption among employees and officials of the Czech public administration have to be adopted and implemented (3).

• Insufficient work force, equipment, financing and low pay for state employees continue to be serious obstacles to an effective approach against corruption. Additional sustained efforts over a considerable period will therefore be necessary.

• Image problems of the Czech law enforcement services due to their role in the past.

The Langdon-Report states that in the field of home affairs matters the priority issues for law enforcement authorities are action against illegal immigration networks, combating drug-related and other serious crime, police training and equipment. Law enforcement services of the applicant countries wished to be involved more closely with the law enforcement systems of the EU, including computerised information systems. Many of the Associated Countries expressed also the need for on-going advice in transforming the structures and mind-set of their police forces into an open and democratic direction. In the region of Central and Eastern Europe and the Baltic States there is heavy pressure on issues like illegal immigration and drug trafficking and they are far from being mastered.

(1) Annual Report of the PC-R-EV, p.15/16
(2) Annual Report of the PC-R-EV, p.15/16.
(3) PHARE-Report, p. 36.
2 Detailed assessment of the situation in the police area

Legal bases, organisation and powers of the police

2.1 Are all the legal bases required for effective policing in place? What loopholes, if any, are there?

Many new laws concerning the police have been prepared and implemented during the last years by the Czech government. Nevertheless, the legislation seems to be incoherent(1).

Penal proceedings were subject to numerous changes in the last five years. The present situation of the penal legislation makes necessary a new codification either concerning the penal code or the code of criminal procedure, which is being examined by the Ministry of Justice(2).

Progress has been made in the last few years to provide an adequate system to tackle the problem of organised crime. In 1995, the penal and criminal procedural codes were reformed as well as the police law, which improved the instruments like use of undercover agents, witness protection plans and data retrieval from banks. In 1996, a new law against money laundering came into force (Law no.61/1996), which obliges every bank to report every suspicious operation to a special unit of the Ministry of Finance. New crimes were penalised and procedural instruments set up, but problems emerged during the implementation(3).

In its opinion in July 1997, the Commission noted that drafts of the outstanding legislation were being prepared. The areas concerned were, among others, measures to combat organised crime and the provision of adequate human and other resources for the police and judiciary(4).

On 23 February 1998, the Government adopted a resolution laying down its policy on drugs for the period 1998 - 2000. The criminal law was amended in June 1998, making possession of illicit drugs a criminal offence and imposing administrative and criminal penalties even for personal use. The Parliament has adopted a law on precursors, which will come into force on 1 January 1999(5).

(1) PHARE-Report, p.33, 34, and 36;
(2) PHARE-Report, p. 45.
(3) PHARE-Report, p. 45.
(4) Commission's Regular Report, p. 32
In recent years the Czech Government has recognised that corruption is a serious problem in the country and that efforts have to be undertaken to address the problem. In October 1997, it adopted a resolution, which assigns priority tasks to different ministries, in the area of the fight against corruption. In 1998, the Government approved an amendment to the penal law increasing the sanctions for bribery\(^{(1)}\).

The main shortcomings\(^{(2)}\) are:

- Specific legislation has to be decided upon in order to give law enforcement authorities more investigative powers\(^{(3)}\).
- There is no efficient data protection law and no autonomous privacy control organ.
- The exchange of information between the police and the judiciary requires a transparent legal framework and internal guidelines.
- The specific terms of information and intelligence need to be defined and distinguished by law.
- There is no legislation on the confiscation of assets in relation to specific crimes.
- A new telecommunication law has to be adopted.
- The registration of commercial enterprises and properties has to be improved.
- Legislation to prevent the production of designer drugs (and the misuse of drug precursor Substances) is required
- The relevant parts of the Czech Criminal Code have to be redesigned in order to give the law enforcement authorities better possibilities for investigating successfully.
- Commission’s Regular Report, p. 32: Further work is needed on the legislative framework on money laundering, and the Financial Units need to be strengthened
- There is still no witness protection programme or a system of turning Queen’s evidence in the Czech Republic\(^{(4)}\).
- The legislation applicable in the Czech Republic allows the purchase in good faith of stolen property, which has now been made more difficult but is still possible. In addition, the rules in force provide for criminal proceedings against foreigners only where they have committed a criminal offence in the Czech Republic. Proceedings cannot therefore be initiated against couriers, receivers or new owners of stolen vehicles\(^{(5)}\).

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\(^{(2)}\) according to the PHARE-Report, p.33, 34, 36 and 45.
\(^{(3)}\) PHARE-Report, p. 36.
\(^{(4)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 4.
\(^{(5)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 2.
Money laundering

The anti-money laundering priorities of the Czech authorities are prevention; detection and prosecution of cases; and meeting obligations from international instruments.

The Act No 61/1996 provides measures against the legalisation of proceeds of crime, such as disclosure reports of "unusual transactions", the definition of the "legalisation of proceeds", customer identification obligations etc. but does not create money laundering offences.

Loopholes:

- The number of international anti-money laundering instrument signed and ratified within a short period of time is admirable, but the domestic legal provisions to implement these commitments leave room for some uncertainty.
- Section 251, 251a and 252 of the Czech Penal Code require close examination to establish how far they provide a complete prosecutorial regime. One comprehensive piece of legislation, specifically tailored to deal with all aspects of the criminal offence of money laundering would give greater consistency, certainty and cohesion to the criminal framework.
- The legal provisions dealing with confiscation and provisional measures appear to have limitations. Their use is uncommon.
- Further work supplementing existing provisions is necessary to bring practice fully into line with FATF recommendations. Further preventive legal measures are also required particularly covering: record keeping requirements, education and training etc.
- A particular need, which the present law generally lacks, is the provision for competent supervisory bodies explicitly to deal with money laundering. These Supervisory Authorities should introduce audit and inspection programmes of system and procedures to combat money laundering.
- Although the law on money laundering provides for a reporting obligation, non-observance of which leads to sanctions (fines, withdrawal of licence), cash payments are not subject to control measures. In this connection, there is a lack of legal standardisation as regards the sum subject to compulsory reporting.

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(2) Member States' contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 2.
2.2 How is the police force organised?

The Czech Republic has a State police and Municipal Police Forces. The State police carries out all police tasks, including administrative tasks and police tasks concerning the fight against organised crime. It is organised within the Czech Ministry of the Interior and supervised by a police headquarters, which itself is responsible to the Ministry of the Interior.

The state police is devised in eight regions, including the capital Prague, which itself are subdivided into more than 80 districts. In each of the district a department of the criminal police is located, responsible for the first tactical approach of crimes committed in this department and technical support at the scene of crime or concerning special investigative techniques.

A second police force, the Bureau of Investigation, is equally located under the Czech Ministry of the Interior and is charged with the investigation of specific crimes which involve sentences of three years and more or crimes where the suspect is already known. It is organised on national, regional and district level and plays an important role in the fight against organised crime. The Bureau of Investigation co-operates with the criminal police departments of the districts (1).

2.3 Are all police authorities in the country under the same command?

The State Police, supervised by a police headquarters, are organised within the structures of the Ministry of the Interior. Equally, the Bureau of Investigations (see 2.2) is placed under the Ministry of the Interior (2).

2.4 Based on what sectional and regional criteria is the police force divided up?

The state police is devised in eight regions, including the capital Prague, which themselves are subdivided into more than 80 districts. In each of the district, a department of the criminal police is located. The Bureau of Investigation is organised on national, regional and district level (3).

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(1) PHARE-Report, p. 33.
(2) PHARE-Report, p. 33.
(3) PHARE-Report, p. 33.
2.5 Is there any long-term planning for the internal development of the police forces (Human Resources Management, budgetary planning etc.)? What strategies exist for the fight of (organised) criminality?

The Czech government has set up a special policy for the fight against organised crime that is regarded as highest priority.

In 1995, the Ministry of the Interior has set up a policy and strategy against organised crime. In 1996, measures against organised crime were laid down in a document containing 13 principles. Each year an evaluation and a progress report have been written. A Priority Plan until the year 2000 has been set up with concrete proposals for action and a timetable for the relevant institutions and departments involved\(^{(1)}\).

The government laid down its strategy for tackling organised crime in a resolution adopted on 29 October 1997, with a timetable running up to the year 2000. An initial review of results was put in hand on 30 June\(^{(2)}\).

There are deficiencies in the area of Human Resource management, budget and policy planning, self-government and quality improvement planning\(^{(3)}\).

2.6 What powers does the police have?
- in terms of preventing potential threats?
- in terms of criminal investigation?

The State police carries out all police tasks, including administrative tasks and police tasks in connection with the fight against organised crime. The departmental criminal police is responsible for the first tactical approach of crimes committed in this department and technical support at the scene of crime or concerning special investigative techniques.

The Bureau of Investigation is charged with the investigation of specific crimes, which involve sentences of three years and more or crimes where the suspect is already known\(^{(4)}\).

\(^{(1)}\) PHARE-Report, p. 35.
\(^{(2)}\) Commission's Regular Report, p. 32.
\(^{(3)}\) PHARE-Report, p. 33.
\(^{(4)}\) PHARE-Report, p. 33.
2.7 What other authorities, if any, are responsible for criminal investigations?

The "Bureau of Investigation" is charged with the investigation of specific crimes, which involve sentences of three years and more, or crimes where the suspect is already known. From the information assessed it is not completely clear whether this institution is part of the police authorities or whether it is an authority of its own, comparable to the "Bureau of investigation" in Slovakia.

The PHARE-Report does not give details about the responsibilities, staffing, equipment etc.\(^{(1)}\)

Additional information on this authority would be desirable.

One joint police-customs unit works in the area of narcotics smuggling\(^{(2)}\).

2.8 Do the intelligence services cooperate in criminal investigations?

There is no clear distinction in the Czech Republic between police and intelligence services. For instance, in addition to the central and specialised police departments, the security intelligence service also has competence in the fields of organised crime and the fight against drugs\(^{(3)}\).

2.9 Are there special departments for specific types of crime?

**Money laundering**

The Ministry of the Interior and the Ministry of Finance work together in an integrated approach. A specialised investigating police task force in the field of financial fraud, money laundering and tax evasion has been set up in 1994. Additionally, a specialised section for financial analysis was founded in 1996 (15 officers)\(^{(4)}\).

\(^{(1)}\) PHARE-Report, p. 33.
\(^{(2)}\) Paper by a Member State on border controls and law enforcement co-operation, p. 5.
\(^{(3)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 3.
\(^{(4)}\) PHARE-Report, p. 36.
The main problem is the assessment and the determination of unusual financial transactions. Due to low wages in the public services and the police it is extremely difficult to prevent that qualified and experienced personnel change to the private sector\(^{(1)}\).

The appropriate department of the Ministry of Finance was designated by decree as the Financial Intelligence Unit (FIU). This unit, inter alia, receives the disclosure reports by banks and other financial institutions of "unusual transactions" according to the above mentioned Act concerning "measures against legalisation of proceeds of crime". In the anti-money laundering effort, the establishment of the FIU is a positive strength. Since the FIU's creation to the time of the mutual evaluation questionnaire it had received 1139 "unusual transaction" reports. In the previous 1 1/2 years, of the reports received, only 300 had been finalised, and, of these, only 15 had been sent to the police for investigation. The FIU has a firm grip on the problem but requires more resources, particularly as it needs also to engage in training, address the issue of feedback to the financial institutions, and address the low level of unusual transaction reports from financial institutions. Its difficulties in analysing unusual transaction reports are due to the fact that relevant information, namely tax and customs information is presently unavailable. Its effectiveness could be improved if it combined financial expertise with law enforcement expertise.

The various bodies currently involved in the anti-money laundering effort are fragmented. Greater co-ordination and awareness raising could be improved and would be achieved through the development of a meaningful anti-money laundering co-ordination body, with a strategic overview of anti-money laundering policy and issues.

The Czech law on money laundering has been in force since 1 July 1996. In 1997 a total of 1139 cases of suspicious financial transactions was reported to the financial analysis team in the Ministry of Finance. However, further criminal proceedings took place only in two cases.\(^{(2)}\)

**Other areas**

An Anti Corruption Section with units in Prague and in seven other Czech regions was set up (200 persons, 50 % in Prague, and 50 % in the other 7 regions). This section has to envisage an increasing problem\(^{(3)}\).

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\(^{(1)}\) PHARE-Report, p. 36.
\(^{(2)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 2.
\(^{(3)}\) PHARE-Report, p. 36.
The Ministry of Finance has a unit responsible for anti-money laundering and anti-corruption policy. It has thus far not proved effective due to lack of qualified staff. Insufficient work force, equipment, financing and low pay for state employees continues to be serious obstacles to an effective approach\(^{(1)}\).

2.10 Do the powers of the individual authorities overlap?

There was no information available concerning this question.

2.11 Is there a satisfactory communication between the various police forces themselves and between police forces and other law enforcement bodies/ respectively the Judiciary?

In its main observation (p.3) the PHARE report concludes, "communication within and co-operation between the police, the border police and the Judiciary should be improved. On the other hand, on page 33 the PHARE Report states that the co-operation between the services seems to be good. Particularly in the field of international cooperation, competition arises between the Czech security authorities. The reason for this is primarily the usual method of remunerating the police, whereby a police officer is assessed on the basis of the number of cases dealt with monthly by means of a check-list and is offered commensurate promotion and financial support\(^{(2)}\). Internal working relationships between the police and customs are reported to be reasonable and good in relation to tackling drugs. Relations between the Border and Interior Police are reasonable at a national level\(^{(3)}\).

2.12 Is there a central computerised search system?

There is no information available so far.

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\(^{(1)}\) Commission's Regular Report, p. 9.
\(^{(2)}\) Member States' contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 3.
\(^{(3)}\) PHARE-Report, p. 33.
2.13 **Do all police authorities have access to their search system?**

There is no information available so far.

### Staff, training and equipment

2.14 **What is the total operational staff complement? In terms of population, what is the policing density?**

"Total number of police staff, related to the total population, police tasks and the crime rate must be enough."\(^{(1)}\)

Another source mentions the figure of 40,000 police officers\(^{(2)}\).

2.15 **Are enough qualified people applying to join the police force?**

There is no information available so far.

2.16 **Are there enough experienced police officers in the police forces, especially in areas, which require specialisation?**

"In some areas, especially organised crime and management support, there is a lack of experience."\(^{(3)}\)

Due to low wages in the public services and the police it is extremely difficult to prevent that qualified and experienced personnel leave the police units specialised in financial crimes for the private sector. This problem has also been mentioned in the Bureau of investigation. At least 2 out of 8 Regional Bureaux have substantial vacancies. The increasing demand for operational support (surveillance, wire-tapping) leads to capacity problems within the Czech Criminal Police\(^{(4)}\).

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\(^{(1)}\) PHARE-Report, p. 35.  
\(^{(2)}\) Commission's Regular Report, p. 41.  
\(^{(3)}\) PHARE-Report, p. 35.  
\(^{(4)}\) PHARE-Report, p. 36.
2.17 Is the police force staffed exclusively by professionals or is there partial or temporary employment of conscripts or auxiliaries?

"Many (simple) tasks are carried out by police officers that could easily be done by civil staff."(1)

2.18 Do professional staff receive police training, how is it organised and how long does it last?

The capacity of the training facilities is sufficient, but the premises and equipment have to be upgraded(2).

There are not enough training programmes for specialised training in the area of international cooperation and the fight against organised crime. Participation of the Czech police in bilateral and multinational programmes needs a broader basis(3).

There is a need for specialised training programmes in various areas of the police work (listed on p. 37 of the PHARE report). New programmes have to take into account the requirements of the Third pillar acquis.

2.19 Does staff undergo regular in-service training?

There was no information available concerning this question.

2.20 Is there co-operation between the various departments?

There was no information available concerning this question.

2.21 Is corruption a problem in the police force? What counter-measures were taken?

Due to low wages corruption is a problem, especially in the traffic police and administrative police services which are dealing with permissions, the registration of official documents etc. In the area of financial fraud, money laundering and tax evasion, there are corruption problems as well.

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(1) PHARE-Report, p. 35.
(2) PHARE-Report, p. 35.
(3) PHARE-Report, p. 35.
The combat against corruption is since 1997 a priority of the Czech Government. A rectification of the criminal law will provide more competencies for successful investigations\(^{(1)}\).

Bribery is also used to overcome the control structures of the financial market\(^{(2)}\).

In recent years the Czech Government has recognised that corruption is a serious problem in the country and that efforts have to be undertaken to address the problem. In October 1997, it adopted a resolution, which assigns priority tasks to different ministries, in the area of the fight against corruption. In 1998, the Government approved an amendment to the penal law increasing the sanctions for bribery. On 23 February 1998, the government set up a ministerial committee for the protection of economic interests; this constitutes an important step forward in the fight against corruption. The Ministry of Finance has a unit responsible for anti-money laundering and anti-corruption policy. It has thus far not proved effective due to lack of qualified staff. Insufficient work force, equipment, financing and low pay for state employees continue to be serious obstacles to an effective approach. Additional sustained efforts over a considerable period will therefore be necessary\(^{(3)}\).

On the basis of information from the Czech Ministry of the Interior, only isolated cases of corruption within the ranks of the police have come to light. However, the relatively poor remuneration of members of the police force is likely to have negative consequences.

At local level, it is not unusual for there to be links between political groups susceptible to corruption and local business cliques closely associated with public administration and often of a semi-criminal nature\(^{(4)}\).

In the Corruption Perceptions Index 1998, published 1999, Transparency International, (respectively the University of Göttingen's Internet Centre for Corruption Research) the Czech Republic ranked on the 37th place of totally 85 assessed countries; before Poland (39), but behind Hungary (33), reaching a score of 4.8 points out of 10 (Denmark) possible. The Index focuses mainly on corruption in the public sector. It does not provide any details on, e.g., the mostly corrupted sectors; hence, there is no information about corruption in the law enforcement area\(^{(5)}\).

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\(^{(1)}\) PHARE-Report, p. 33, 36.
\(^{(2)}\) PHARE-Report, p. 45.
\(^{(4)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 2.
\(^{(5)}\) Transparency International, Corruption Perceptions index.
2.22 *How do the police forces take account of the rule of law?*

The system of registration examination and publication of complaints against the police is non-transparent\(^{(1)}\).

2.23 *Does the police take enough preventive action, especially in the field of drugs?*

"The anti-drug policy of the Czech Republic is an example of a well-balanced and integrated approach of preventive and repressive measures. Especially the National Drug Commission plays an important co-ordinating role."\(^{(2)}\)

2.24 *Does police equipment, especially in the field of*

- *intelligence technology,*
- *computerised search,*
- *communications,*
- *vehicles, aircraft and vessels,*

*meet the minimum requirements?*

With a view to fulfilling the "Schengen standards", especially when it comes to operational cross-border co-operation with other EU Member States (cross-border hot pursuit and surveillance), new communication systems and procedures have to be implemented\(^{(3)}\).

2.25 *Is there adequate material backup (fuel, funds to pay for communications)?*

There was no information available concerning this question.

2.26 *In what areas are there shortcomings?*

There was no information available concerning this question.

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\(^{(1)}\) PHARE-Report, p. 33.

\(^{(2)}\) PHARE-Report, p. 35.

\(^{(3)}\) PHARE-Report, p. 35.
2.27 Is the budget such that there is a prospect of the shortcomings being remedied soon?

There was no information available concerning this question.

International police co-operation

The international police co-operation suffers from the lack of knowledge of foreign languages among police officers\(^{(1)}\).

The material assessed did not contain other information on these questions.

Crime statistics

2.28 How has crime developed in the past few years?

Although penetration of the society by organised crime is in its initial stage, the Czech Government considers organised crime as a serious risk\(^{(2)}\).

In this respect the need for international police co-operation and the exchange of information is increasing\(^{(3)}\).

A rapid increase of criminal activities aimed at the financial market could be stated in the areas of financial fraud, money laundering and tax evasion\(^{(4)}\).

Due to its geographical location drug traffickers are increasingly using the Czech Republic as a transit country. Drug abuse, in comparison to Western European Countries is still rather low, but criminal gangs try to encourage the consumption of illicit drugs. It seems realistic that the drug problem in the Czech Republic will increase\(^{(5)}\).

\(^{(1)}\) PHARE-Report, p. 36.
\(^{(2)}\) PHARE-Report, p. 35.
\(^{(3)}\) PHARE-Report, p. 36.
\(^{(4)}\) PHARE-Report, p. 36.
\(^{(5)}\) PHARE-Report, p. 36.
A variety of nationalities are involved in organised criminality in and through the Czech Republic, ranging from the trafficking of Heroin, cocaine and cannabis to the illicit purchase and movements of nuclear materials and waste to help purchase drugs for wholesale supply. The Czech Republic's large chemical and pharmaceutical industries offer opportunities for the production and smuggling of synthetic drugs\(^{(1)}\).

The Czech Republic plays an important role primarily as a transit country for drugs, but increasingly also as the country of origin for synthetic drugs. Although the Czech Republic has now brought its relevant legislation largely into line with European standards, low prices, inadequate preventive work and easy availability of drugs have led to a sharp increase in both domestic drug users and drug tourism. In this connection the Czech media call Prague the "Amsterdam of the East\(^{(2)}\).

Countries - notably the Czech Republic - that very recently saw themselves as simply a transit route, now have to recognise that they are experiencing a major growth in consumption. There has been an alarming growth in associated crime. The worst scenario is that the whole region could become a vast consumption area as well as a transit highway\(^{(3)}\).

The Czech Republic has been a major final transit point for people smuggling into the EU.

The organised groups of criminals in the Czech Republic are particularly active in trafficking in stolen vehicles. For the past five years the number of stolen vehicles has been steadily increasing, and the Czech Republic has to date been unable to take decisive measures against the practice. In the meantime there has been a tendency for the Czech Republic to acquire an important role in the illegal trafficking of vehicles, both as a country of transit and procurement, and as an importing country\(^{(4)}\).

\(^{(1)}\) Paper of a Member State on border controls and Law enforcement co-operation, p. 5.
\(^{(2)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 1,2.
\(^{(3)}\) The Langdon Report, p. 11.
\(^{(4)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic, p. 1,2.
Economic crimes/ Money laundering

Organised crime in the Czech Republic is present especially in the less visible form of investment of legal income favoured by the sudden opening of the market and by the scarce control structures of the financial markets. Bribery is used here to overcome controls and defeat resistance. Other crimes especially related to organised crime (like extortion) do not seem to be particularly widespread at the moment\(^{(1)}\).

As a crossroads for commerce, and the flow of people, the Czech Republic attracts organised crime groups from Eastern Europe, for the transit of prohibited goods, substances and criminally derived proceeds. Domestic criminal groups are also developing.

The Czech economy is still heavily cash payment oriented. This coupled with the countries numerous banking and non-banking financial institutions, make it vulnerable at the placement, layering and integration of illegal money. Possibilities for laundering arise through the numerous "bureau de change", insurance companies and approx. 9 million anonymous passbooks issued by Czech banks\(^{(2)}\).

2.29 \textit{In what areas has there been a particularly marked increase in crime?}

The material assessed did not contain information on these questions.

2.30 \textit{What is the clear-up rate?}

The material assessed did not contain information on these questions.

2.31 \textit{What types of offence are particularly problematic? What is the clear up rate for such crimes?}

The weak spot of penal jurisdiction is in economic and financial matters. The inquiries concerning fiscal fraud, bankruptcy, money laundering, corruption and common economical crimes do not lead to substantial successes. From this point of view the system is not able to face organised crime effectively\(^{(3)}\).

\(^{(1)}\) PHARE-Report, p. 45.
\(^{(3)}\) PHARE-Report, p. 46.
The principal reasons are the following:
- the competencies of the various investigative bodies engaged in the investigation of economic crimes are not precisely defined
- the special unit at the Ministry of Finance has monitoring tasks but no investigative powers
  - lack of collaboration of the various institutions with the judicial authorities, useful information can not be provided
- inexperience of the police in this type of investigations; inexperience of magistrates in these matters\(^{(1)}\).

2.32 What successes (identification of criminals, arrests) are there to report in combating organised crime, money laundering and corruption?

The material assessed did not contain information on these questions.

3 Detailed assessment of the situation in the customs area

The Council Secretariat did not receive any material assessing the situation in the customs area in the Czech Republic.

**Slovakia**

4 Introduction/ General remarks

4.1 General remarks on the state of information

The part of the PHARE-Report on police training and co-operation is an excellent description and analysis of the legislative framework for law enforcement authorities, of the relevant institutions and the training of police forces in Slovakia. Detailed enough, it outlines the main problems in this area, also taking account of the political situation in Slovakia. This report clearly is the reference for all similar sources that were used to compile the overview on Slovakia.

The Regular Report from the Commission very shortly summarises, i.a., Slovakia’s progress in the field of Justice and Home affairs, providing some interesting facts.

\(^{(1)}\) PHARE-Report, p. 46.
Member States’ contribution on law enforcement and inter-agency co-operation: This paper shortly introduces into the main findings regarding the topics of border control and law enforcement and inter-agency co-operation.

Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia: This contribution lightens up various aspects of the crime situation in Slovakia that have not been mentioned in other contributions and supplies interesting facts of the situation within the Slovakian police forces. Regrettably not all areas of crime are covered and remarks on the Slovakian police remain too few to give a coherent picture. Details and figures lack completely.

4.2 Gaps

There is no or few information about:

(in: Legal bases, organisation and powers of the police)
- the preventive and investigative powers of the police
- the role of the Slovak Intelligence Service in criminal investigations
- the specialised units (organised crime, drugs, money laundering) within the Slovak police
- the IT - systems of the Slovak police forces

(in: Staff, training and equipment)
- the total operational staff complement and the police density
- the employment of auxiliaries
- police training, especially in service training
- the activities of the Slovakian authorities forces in the field of prevention
- the police equipment in greater detail

(in: International police cooperation)
- the ability and competencies of the Slovakian police forces for international cooperation

(in: Crime statistics)
- statistical figures on the crime situation in Slovakia
4.3 General remarks on the situation in the Slovakia

The legislation concerning the police is in principle appropriate. However, an legislative amendment removed the direction and control of the police from the Police Presidents and placed it directly into the hands of the Minister of the Interior, who assumes greater powers over the policing and justice system. Given sufficient political will from the Ministry of the Interior, the various problems facing the Slovak police corps are capable of being overcome(1).

In its July 1997 Opinion, the Commission had stressed that Slovakia had to prove its commitment to carrying out the reforms needed, particularly with regard to combating organised crime and corruption.

The Slovakian security authorities have not yet succeeded in effectively combating organised crime, which has steadily been consolidating its position over the past few years(2).

4.4 Main problems adopting the acquis

The following problems are regarded as main difficulties concerning the adoption of the aquis in the area of police matters in Slovakia. Other, not necessarily less important problems are listed in detail in part 5 of the document:

- An legislative amendment removed the direction and control of the police from the Police President and placed it directly into the hands of the Minister of the Interior, who assumes greater powers over the policing and justice system. Given sufficient political will from the Ministry of the Interior, the various problems facing the Slovak police corps are capable of being overcome(3).
- The Slovak police corps is not as effective as it could be. It is indeed short of resources but does not use what it possesses to best advantage. The police corps suffers from antiquated communication systems and inadequate information technology(4).
- Repeated reorganisations, high staff turnover (especially in key positions), and changes in responsibilities have led to a decline in professionalism in the police and judiciary(5).

(1) PHARE-Report, p. 70.
(2) A Member States’ contribution about shortcomings in crime prevention and in external border security in Slovenia, p. 16.
(3) PHARE-Report, p. 70.
(4) PHARE-Report, p. 70.
(5) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.
- Police management lacks a clear sense of direction and leadership. The constant turnover of staff has taken its toll. A high proportion of operational staff is young and relatively unexperienced\(^1\).

- The absence of a strategic plan for policing means that police units spend too much of their time competing with each other for additional resources. There are no systems for allocating priorities, setting targets and measuring the effectiveness of units or operational tactics\(^2\).

- The current system involves significant duplication of effort and waste of resources through the role of the investigation department in the investigation. The interposing of this department between the criminal police and the prosecutor allows for a significant degree of political interference by the interior minister through his control over the appointment or dismissal of individual investigators\(^3\).

- The main organisational problem of the criminal police lies in the lack of clarity in respect of jurisdiction between different agencies such as the police anti-drugs unit and the customs service or the organised crime unit of the criminal police and the financial police\(^4\).

- The jurisdictional confusion among the various specialised units of the criminal police is compounded by the absence of a common system and common standards for the collection and analysis of criminal intelligence and the lack of shared databases among the various units\(^5\).

- The Slovakian security authorities have not yet succeeded in effectively combating organised crime, which has steadily been consolidating its position over the past few years\(^6\).

- In its opinion on Slovakia the Commission stated that the fight against corruption needed to be made more effective. In spite of some efforts undertaken there has been no major improvement\(^7\). Although some decisions to set up new legal facilities (such as witness protection) have been made, there does not seem to be enough political will to wage a determined battle against organised crime.\(^8\)

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\(^1\) PHARE-Report, p. 70.
\(^2\) PHARE-Report, p. 22.
\(^3\) PHARE-Report, p. 70.
\(^4\) PHARE-Report, p. 18.
\(^5\) PHARE-Report, p. 18.
\(^6\) PHARE-Report, p. 70.
\(^7\) Regular Report, p. 10.
\(^8\) Regular Report, p. 35.
5 Detailed assessment of the situation in the police area

Legal bases, organisation and powers of the police

5.1 Are all the legal bases required for effective policing in place? What loopholes, if any, are there?

The two principal legislative measures governing the Slovak police are the Police Acts of 1991 and 1993. The Act of 1991 outlined the obligation and duties of individual police officers in the new democratic state. The Act of 1993 was primarily a response to the dissolution of the federal state of Czechoslovakia and recognised the Slovak police corps as primary source of law enforcement within the Slovak Republic. Both acts are embedded in a democratic framework and their content is consistent with the principles contained in the United Nations Code of Conduct for Law Enforcement Officials\(^{(1)}\).

An amendment to the Act of 1993, which became effective in January 1998 reduces the authority of the police president and places effective direction and control of the police directly into the hands of the minister of the interior. The minister assumes direct control not only over the police president, but, even more important over the eight regional police chiefs. Additionally the minister will appoint and dismiss the police president and not the government, as present\(^{(2)}\).

The concentration of power in the hand of one minister is a reminiscence of the communist era, when direct control of the police was essential to the maintenance of political power. Such an aggregation of power to a single source must cause questions to be posed about the reasons for such course of action\(^{(3)}\).

The ratification and implementation of the OECD Agreement on fighting corruption of foreign public officials in international business transactions is under way (1998)\(^{(4)}\).

\(^{(1)}\) PHARE-Report, p. 16.
\(^{(2)}\) PHARE-Report, p. 16.
\(^{(3)}\) PHARE-Report, p. 16.
\(^{(4)}\) Regular Report, p. 10.
Loopholes

- The main acts to prevent money laundering seem to be inadequate. The chief of the financial
police criticised the existing laws as lacking the teeth to deal with current developments in the
field of organised crime. As a reaction, planning for an amendment of those laws by the ministry
of the interior together with the ministry of finance was promulgated (1).

- The law combating organised money laundering offences, which entered into force in the Slovak
Republic on 1 October 1994, also comprises the basis for authorising the suppression of money
laundering. However, there has been little success to date in this field, due in part to
weaknesses in the law itself (2).
- A crime prevention programme has been planned for a long period of time, but never been
issued so far.
- In the area of drug criminality, necessary legislation, such as a monitoring law, is lacking (3).
- (A different source states: In June 1998, legislation on narcotics and psychotropic substances
was adopted. It constituted the framework for the legal growing and selling of these products (4))
- As far as stolen vehicles are concerned, the fact that it is still possible in Slovakia to purchase
stolen vehicles in good faith also has a negative effect on the prevention of this type of crime.
Similarly, use of, transport in or being in possession of a stolen vehicle are not as a rule
punishable offences (5).

Money laundering

In August 1997 the Ministry of the Interior adopted a decree to prevent money laundering and
suspicious banking operations. In December 1997 the legislation amending the Criminal Code and
defining bank and tax secrecy more precisely was adopted. (6)

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(1) PHARE-Report, p. 16.
(2) Member States’ contribution about shortcomings in crime prevention and in external border
security in Slovakia, p. 16
(3) Member States’ contribution about shortcomings in crime prevention and in external border
security in Slovakia, p. 16.
(4) Regular Report, p. 35.
(5) Member States’ contribution about shortcomings in crime prevention and in external border
security in Slovakia, p. 16.
(6) Regular Report, p. 10.
**Loopholes:**

- The decree applying the money laundering law voted through in 1995 was published almost two years late, in July 1997. In addition, the government's May 1998 decision to request no identity or origin details for funds used to purchase treasury bills goes against every effective policy to combat money laundering.\(^{(1)}\)

**5.2 How is the police force organised?**

Geographically, the police force is divided into eight semi-autonomous regional command centres and local policing services are delivered from 76 subordinate districts\(^{(2)}\).

The main functions of policing are provided through the Uniformed Patrol Department, the Traffic Police and the Criminal Police, each of which is commanded by a senior officer based within the police presidium. The chiefs of those separate departments comprise the police president's management team. Similar arrangements are to be found within regional command centres\(^{(3)}\).

Other sections at the ministry of the interior include the financial police, specialist technical services, the internal affairs department, the investigation department, the criminal science and techniques institute and the police academy\(^{(4)}\).

The functional and territorial organisational structures of the Slovak police corps are basically sound and do not deviate very widely from those of other democratic countries\(^{(5)}\).

Repeated reorganisations, high staff turnover (especially in key positions), and changes in responsibilities have led to a decline in professionalism in the police and judiciary\(^{(6)}\).

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\(^{(1)}\) Regular Report, p. 35.
\(^{(2)}\) PHARE-Report, p. 18.
\(^{(3)}\) PHARE-Report, p. 18.
\(^{(4)}\) PHARE-Report, p. 18.
\(^{(5)}\) PHARE-Report, p. 18.
\(^{(6)}\) Member States' contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.
5.3 Are all police authorities in the country under the same command?

A properly constituted police force exists in the Slovak Republic which contains all the necessary specialist functions to deal with modern crime problems. It is a national organisation, accountable to the National Council of the Slovak Republic through the minister of the interior. From 1 January 1998 it is under the authority of the minister of interior (see 3.2)(1).

5.4 On the basis of what sectional and regional criteria is the police force divided up?

Geographically, the police force is divided into eight semi-autonomous regional command centres and local policing services are delivered from 76 subordinate districts(2).

The main functions of policing are provided through the Uniformed Patrol Department, the Traffic Police and the Criminal Police, each of which is commanded by a senior officer based within the police presidium. The chiefs of those separate departments comprise the police president’s management team. Similar arrangements are to be found within regional command centres(3).

5.5 Is there any long-term planning for the internal development of the police forces (Human Resources Management, budgetary planning etc.)? What strategies exist for the fight of (organised) criminality?

The absence of a strategic plan for policing means that police units spend too much of their time competing with each other for additional resources. There are no systems for allocating priorities, setting targets and measuring the effectiveness of units or operational tactics(4).

5.6 What powers does the police have?

- in terms of preventing potential threats?
- in terms of criminal investigation?

The Council Secretariat did not receive sufficiently detailed information concerning this question.

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(1) PHARE-Report, p. 17.
(2) PHARE-Report, p. 18.
(3) PHARE-Report, p. 18.
(4) PHARE-Report, p. 22.
5.7 What other authorities, if any, are responsible for criminal investigations?

Another two of the functions provided by sections of the ministry of the interior are the department of investigation and the department of internal affairs which have no overlapping responsibilities. The investigation department occupies an intermediary function between the role of the criminal police and that of the prosecutor. Its members are nominal police officers but do not form part of the police corps and do not come under the command of the police president or any regional police chiefs. They are directly appointed as investigators by the minister of the interior, who is the only person who can remove them from their role.

Crimes, which carry a penalty of less than three years' imprisonment and where the identity of the offender is unknown, the role of the criminal police is to undertake preliminary enquiries. Once sufficient evidence has been collected, the case must be handed over to the investigation department, which will thereafter direct and lead the investigation. In case of an offender being known or suspected, the investigation department immediately takes over the responsibility for the case. The investigator has to conduct a fresh enquiry in order to produce admissible evidence. The investigator, in practice, directs the work of the criminal police, determining their course of action and frequently duplicating ground already covered.

When the investigator is satisfied that a case has been made out, he will take both, the offender and the victim through the documentation, which he then presents to the prosecutor. As soon as the prosecutor is satisfied of the strength of a case, he must present it to a judge. Just as the investigators direct the work of the criminal police, the prosecutors direct the work of the investigators and judges may direct the prosecutors.

The system might be repetitive and contain much duplication of work, but it is recognised by all. Nevertheless members of the criminal police feel their own work to be undervalued, which demotivates them. The work of the investigators is generally of high quality. Nevertheless the separate role of the investigator is dysfunctional to the whole system and the department should be fully incorporated into either the criminal police or the prosecutors department. Although in theory the services are independent from each other, in practice things are quite different. The investigation department is highly dependent upon the minister of the interior (see above). It has not been unknown in recent times for that power to be used when an investigator came too close to events which would have proven to be politically embarrassing(1).

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(1) PHARE-Report, p.19 and 22.
The internal affairs department has two main functions, the economic control of the police and the monitoring of complaints. The placing of both sections of the department outside the influence of the police presidium is a clear signal for the department’s independence\(^{(1)}\).

5.8 Do the intelligence services cooperate in criminal investigations?

There was no information available concerning this question.

5.9 Are there special departments for specific types of crime?

The criminal police is divided functionally as well as territorially, with specialist units dealing with drug trafficking, organised crime, economic crime and terrorism. The specialist units are not subdivided regionally and operate as centralised functions controlled from the presidium\(^{(2)}\).

There are no public prosecutor’s departments with special responsibilities, or a system for turning Queen’s evidence\(^{(3)}\).

5.10 Do the powers of the individual authorities overlap?

The main organisational problem of the criminal police lies in the lack of clarity in respect of jurisdiction between different agencies such as the police anti-drugs unit and the customs service or the organised crime unit of the criminal police and the financial police\(^{(4)}\).

5.11 Is there a satisfactory communication between the various police forces themselves and between police forces and other law enforcement bodies/respectively the judiciary?

The inherited culture of “knowledge as power” hampers cooperation between units within the police and makes the sharing of information with other key agencies, such as customs and immigration, almost impossible\(^{(5)}\).

\(^{(1)}\) PHARE-Report, p.19 and 22.
\(^{(2)}\) PHARE-Report, p. 18.
\(^{(3)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.
\(^{(4)}\) PHARE-Report, p. 18.
\(^{(5)}\) PHARE-Report, p. 22.
Existing rivalries and mutual distrust between the security authorities sometimes lead to parallel investigations\(^{(1)}\).

5.12 Is there a central computerised search system?

The jurisdictional confusion among the various specialised units of the criminal police is compounded by the absence of a common system and common standards for the collection and analysis of criminal intelligence and the lack of shared databases among the various units\(^{(2)}\).

The police system, which was decentralised under the old government, lacks efficient reporting systems and data collections\(^{(3)}\).

5.13 Do all police authorities have access to their search system?

There was no information available concerning this question.

Staff, training and equipment

5.14 What is the total operational staff complement? In terms of population, what is the policing density?

There was no information available concerning this question.

5.15 Are enough qualified people applying to join the police force?

In connection with the fight against organised crime, Slovakia must acquire enough and suitably trained staff\(^{(4)}\)

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\(^{(1)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.

\(^{(2)}\) PHARE-Report, p. 18.

\(^{(3)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.

\(^{(4)}\) Regular Report, p. 35.
The police force is currently short of around 2000 men in total. Qualified applicants are hard to come by, not least on account of the limited opportunities of making money in the civil service\(^1\).

5.16\textit{Is the police force staffed exclusively by professionals or is there partial or temporary employment of conscripts or auxiliaries?}

There was no information available concerning this question.

5.17\textit{Does professional staff receive police training and how long does it last?}

The police academy is the flagship of police education in the Slovak Republic. It provides an university education for its students from first degree level through to postgraduate qualifications of masters and doctorate. Unfortunately, it is increasingly seen as an expensive irrelevance by police commanders who do not particularly value the quality of its product.

The secondary police school is a modern, well organised and practical learning environment.

The overall picture of police training and education is positive\(^2\).

5.18\textit{Does staff undergo regular in-service training?}

There was no information available concerning this question.

5.19\textit{Is there co-operation between the various departments?}

There was no information available concerning this question.

\(^{1}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.

\(^{2}\) PHARE-Report, p. 22.
5.20 Is corruption a problem in the police force?

The internal affairs department has two main functions, the economic control of the police and the monitoring of complaints. A weakness in the system is that they have no direct authority to direct police commanders to take disciplinary proceedings against officers, whose conduct had stipulated the complaint. In 1997, approximately 450 complaints (out of 1800 recorded) are found to be substantiated, a figure higher than in most EU-States. The internal affairs department was created in 1994 after public concern that crime committed by members of the police corps was getting out of hand. Notorious cases had included the committing of armed robberies and similar serious crimes by police officers\(^{(1)}\).

The situation is aggravated by widespread corruption and the involvement and contacts of high-level politicians with presumed organised crime leaders. Finally, the fight against organised crime was also dealt a heavy blow by the Slovakian intelligence service, SIS, which controlled the departments for the prevention of organised crime although there were clear indications of its involvement in organised crime. It remains to be seen how much of an effect the personnel and structural changes announced by the new government and partly implemented will have.

Although the Slovak crime statistics for 1997 show only 14 cases of corruption, it is so widespread, especially in the police force, that it must also in future be regarded as a security risk.

Frustration and resignation in branches of the police force allow for only limited continuity in the performance of tasks and further increase susceptibility to corruption, which is in any case widespread\(^{(2)}\).

5.21 Does the police take enough preventive action, especially in the field of drugs?

There was no information available concerning this question.

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\(^{(1)}\) PHARE-Report, p. 20.
\(^{(2)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.
5.22 Does police equipment, especially in the field of

- intelligence technology,
- computerised search,
- communications,
- vehicles, aircraft and vessels,
meet the minimum requirements?

The various specialist units of the criminal police lack common standards and systems for the gathering, analysis, evaluation and dissemination of basic criminal intelligence\(^{(1)}\).

The paucity of provision and the inadequacy of equipment is most striking in the field of combating crime\(^{(2)}\).

Technical equipment - for example, to monitor the GSM network - is inadequate\(^{(3)}\).

Poor equipment in general and comparatively low pay are bound to be partly responsible for the actual situation. On the other hand, a clear increase in quality of work was apparent in those authorities in receipt of assistance with equipment\(^{(4)}\).

5.23 Is there adequate material backup (fuel, funds to pay for communications)?

The Council Secretariat did not receive information on that question.

5.24 In what areas are there shortcomings?

The Council Secretariat did not receive information on that question.

5.25 Is the budget such that there is a prospect of the shortcomings being remedied soon?

The Council Secretariat did not receive information on that question.

\(^{(1)}\) PHARE-Report, p. 21.
\(^{(2)}\) PHARE-Report, p. 21.
\(^{(3)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.
\(^{(4)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.
International police co-operation

The assessed sources did not provide any details about the international police co-operation in Slovakia.

Crime statistics

5.26 How has crime developed in the past few years?

Slovakia continues to be an important country of transit but also for procurement, and an outlet for stolen vehicles. Although the geographical proximity of the Slovak capital, Bratislava, to the State borders of Hungary and Austria, but also the Czech Republic, is conducive to organised trafficking in vehicles, the existing situation is primarily due to shortcomings in prevention. The work of the police in this area is not very successful. In 1997 one-third of all vehicle thefts in Slovakia were committed in Bratislava, which forms the country's geographical focus of crime\(^{(1)}\).

5.27 In what areas has there been a particularly marked increase in crime?

In the past few years, there has been a constant rise in the number of drug-related offences in Slovakia, together with a definite increase in narcotics users\(^{(2)}\).

5.28 What is the clear-up rate?

The percentage of cases in connection with stolen vehicles solved by Slovak investigation authorities was below 8\(^{(3)}\).

\(^{(1)}\) Member States' contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.

\(^{(2)}\) Member States' contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.

\(^{(3)}\) Member States' contribution about shortcomings in crime prevention and in external border security in Slovakia, p. 16.
5.29 What types of offence are particularly problematic? What is the clear up rate for such crimes?

The government itself recognises the alarming rise in organised crime evident in the 120% increase in offences of this kind being investigated.\(^{(1)}\)

5.30 What successes (identification of criminals, arrests) are there to report in combating organised crime, money laundering and corruption?

The Council Secretariat did not receive information on that question.

6 Detailed assessment of the situation in the customs area

The paper on the “Customs administration of the Slovak Republic”, received by the Council Secretariat presents the history and achievements of the Slovak customs authorities from 1993 until now. The information in this paper does not answer a single question as they can be found under point 6 of the document and therefore may only be used as a very general introduction into the topic.

Slovenia

7 Introduction/ General remarks

7.1 General remarks on the state of information

The PHARE - Report provides a compact overview on the situation concerning police matters in Slovenia. Its purpose is to identify areas where support in Justice and Home Affairs might be needed. In that respect a detailed assessment was obviously not necessary hence some of the observations on the legislative situation, the police institutions and the staff capacity and training are of more general nature.

\(^{(1)}\) Regular Report, p. 35.
The Regular Report from the Commission is meant to summarise the findings of various sources and to provide an overview on the situation and the most important results and problems. It is not meant to give a detailed insight, but is an good basis to verify if findings of other sources mainly correspond with the information collected so far and to obtain a description of the main problems in the area of (among others) Home Affairs.

Council of Europe Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (PC-R-EV), Annual Report 1997 - 1998: In 1998, a group of experts visited Slovenia. The results of their on-site examination of the Slovenian laundering system are summarised in their annual report. Its description and analysis of the present situation in Slovenia are as precise and well founded as the report about the Czech Republic.

Report by the CPT (European Committee for the Prevention of Torture and inhuman or degrading Treatment or Punishment): This report explores, among others, the prevailing factual situation in Slovenia regarding the attitudes of law enforcement officials towards persons deprived of their liberty, the general conditions in the establishments and the legal and administrative framework on which the deprivation of liberty is based. The report is the result of a thorough examination of the situation and provides valuable information about the implementation of the rule of law.

Member States’ contribution on law enforcement and inter-agency co-operation: This paper shortly introduces into the main findings regarding the topics of border control and law enforcement and inter-agency co-operation.

Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic: This contribution lightens up various aspects of the crime situation in Slovenia. Only few areas of crime are covered and remarks on the Slovenian police remain too few to give a coherent picture. Details and figures lack completely.

7.2 Gaps

There is no or few information about:

(in: Legal bases, organisation and powers of the police)
- various legislative measures,
- the organisation of the police forces
- the preventive and investigative powers of the police
- authorities in Slovenia, which are also responsible for criminal investigations
- the role of the Slovenian Intelligence Service in criminal investigations
- the specialised units (organised crime, drugs) within the Slovenian police
- the IT - systems of the Slovak police forces

*(in: Staff, training and equipment)*
- the employment of auxiliaries
- police training , especially in service training
- the situation regarding corruption in the police forces
- the police equipment

*(in:International police cooperation)*
- the ability and competencies of the Slovenian police forces for international cooperation

*(in: Crime statistics)*
- statistical figures on the crime situation in Slovenia

7.3 General remarks on the situation in Slovenia

One expert had the general impression that the efforts of the Slovenian authorities in the field of legislation are serious and professionally handled*(1)*

The Slovenian police force reached in many aspects already the EU level, in some cases even exceeds it, for instance concerning the IT-management of the police. The combating of organised crime is rather well managed. Usual problems in relations between central and regional criminal police have to be overcome*(2)*.

The Slovenian police training system seems to be overall impressive. The Slovenian Police Force has already laid the foundations for good policing in an EU-context*(3)*.

*(1) PHARE-Report, p. 62/63.*
*(2) PHARE-Report, p.65.*
*(3) PHARE-Report, p. 67/ 68*
In the field of anti-money laundering measures Slovenia has established a sound legal and institutional structure, which seems to perform well. The operational achievements in this respect are promising(1).

The CPT’s delegation heard no allegations of torture of persons detained by the police in Slovenia; further no evidence of such treatment was found by the delegation during the visit. However, allegations were heard of physical ill treatment of persons detained by police officers. Material conditions of detention in the police establishments visited varied from reasonably good to rather poor(2).

7.4 Main problems adopting the aquis

The general nature of the observations made in the PHARE-Report continue in the analysis and in the conclusions which makes it difficult to grasp the scope of the problems (see paragraph 7.5)

In the following areas problems were mentioned:

- The fact that Slovenia is having to cope with drug problems and more frequently increases the need for rapid action both in setting out a legal framework and in taking steps to restrict output and trafficking(3).
- There are shortcomings concerning the implementation of the new legislation, e.g. due to ineffective procedural legislation(4).
- There is a certain lack of interaction between the Police, the social welfare system and the communities. Existing community policing should be problem oriented(5).
- The co-operation between criminal investigation units and prosecutors is rather good, but seems not to be fully developed. Many prosecutors are overloaded and lack the time to supervise the investigation(6).
- A regional police organisation consisting of 11 regional authorities for a country of 20,000 km² is inefficient. (7)

(1) Report of the PC-R-EV, p. 11.
(3) Regular Report, p. 36.
(4) PHARE-Report, p. 62.
(5) PHARE-Report, p. 65.
(6) PHARE-Report, p. 65.
(7) PHARE-Report, p. 65.
Money laundering

- No money laundering case has passed the final test of the courts yet, particularly on the issue of the proof of the predicate offence. The low compliance by National Bureaux of Financial Investigations and National Bureaux of Investigation should be met by enhanced and more effective supervision, where overreliance on the Office for Money Laundering Prevention should be avoided\(^{(1)}\).

- The current legislation concerning money laundering has some problem areas, which have already been identified by the Slovene authorities; appropriate measures for action, for instance introducing a new definition of money laundering and the revision of confiscation and seizure provisions have already been taken\(^{(2)}\).

- Whereas the reporting system seems to function adequately, compliance is rather unbalanced. Most of the disclosures are made by the bank and credit institutions, while the National Bureaux for Financial Investigations and the National Bureaux for Investigations remain clearly deficient. \(^{(3)}\).

- The OMLP needs an increase of its financial resources -, as does the whole anti-laundering regime in general-, while its role of supervision needs a clearer definition\(^{(4)}\).

8 Detailed assessment of the situation in the police area

Legal bases, organisation and powers of the police

8.1 Are all the legal bases required for effective policing in place? What loopholes, if any, are there?

Amendments of the Code of Criminal Procedure have been proposed to the Parliament. The new Police Act, which settles the future organisation of the Police force under the Ministry of the Interior, will come into force late 1998. Other laws that will be introduced or amended will be the Law on Courts, the Law on State Prosecution, the Rules on Prosecution, the Penal Code and a Law on Breach of Duty concerning state civil servants\(^{(5)}\).

\(^{(1)}\) Report of the PC-R-EV, p. 11.
\(^{(2)}\) Report of the PC-R-EV, p. 11.
\(^{(3)}\) Report of the PC-R-EV, p. 11.
\(^{(4)}\) Report of the PC-R-EV, p. 11.
\(^{(5)}\) PHARE-Report, p. 61.
A data protection act, specifying the individual's rights on the protection of privacy, is into force since 1990, based on the OECD Guidelines from 1981 and on the Council of Europe Convention on personal data from 1981. A Law on Money Laundering has been in effect since 1995(1).

Slovenia has ratified all relevant Council of Europe's Conventions on Drugs and Psychotropic Substances from 1961, 1971, 1972 and 1988. Three acts on drugs and psychotropic substances, on trafficking in precursors and on the prevention of illegal narcotic drugs are being prepared(2).

To prevent and combat corruption, a code of police ethics, which regulates the relations between police officers and the citizens, and rules concerning disciplinary measures have been enacted(3).

New police legislation was adopted in July 1998. This provides for a change to the Interior Ministry's structure and the introduction of up-to-date management methods.

Since 1 January 1995 a new penal code and a new code of criminal procedure have been in force in Slovenia. By means of the new code of criminal procedure, the police are able to apply special prosecution methods in combating organised crime(4).

Money laundering

Slovenia is developing a strong anti-money laundering regime based on international standards. It has ratified both the 1988 UN Convention against illicit traffic in narcotic drugs and psychotropic substances and the Council of Europe Convention on Laundering, Search, Seizure and confiscation of the Proceeds of crime. The Convention was adopted in April 1998(5).

A Law on the Prevention of Money laundering was enacted in 1994 and amended in 1995. It contains a comprehensive set of measures for detecting and preventing money-laundering activities and can be regarded as the centrepiece of the Slovenian anti-money laundering regime. In order to adapt to the internal and international practice, a draft law is currently pending in Parliament to substitute the relevant article in the Penal Code with a broader and more comprehensive money laundering offence, which will apply to all criminal offences from which proceeds may be generated(6).

(1) PHARE-Report, p. 61.
(2) PHARE-Report, p. 61.
(3) PHARE-Report, p.61.
Slovenia established a system of confiscation, which applies to all criminal offences, including money laundering. The prosecution has the burden to prove the illegal source of the property\(^{(1)}\).

Slovenia is also party to the Council of Europe's European Convention on Extradition. However, its capacity of providing assistance would be strengthened by ratification of the European Convention on Mutual Legal Assistance.

**Loopholes/ Shortcomings:**

- In 1998, Slovenia still had to ratify the 1998 Convention on the Suppression of Terrorism. In addition, Slovenia needs to adopt a law on narcotics and psychotropic substances respectively needs to bring its law in line with EU standards and needs to adopt and implement legislation on chemical precursors\(^{(2)}\).

- The performance of the system in terms of seizure and confiscation as well as the relevant legal provisions are currently not up to the desirable level. It is intended to change the provisions to fully comply with the provisions of the Council of Europe Convention No. 141. The proposed amendments will enable the seizure and confiscation of property even in cases where the criminal procedure has been suspended or where the accused person died during the trial, it will enable the police to obtain a freezing order during pre-trial investigations and to secure property to the equivalent value of criminal proceeds already in the investigation stage\(^{(3)}\).

**8.2 How is the police force organised?**

The police is organised in three levels: the state level (Ministry of the Interior), the Regional level (11 Public Safety Administrations) and the Local level (98 police stations). There are plans to reorganise the police administration on the level of the Ministry of the Interior in near future (the Report was tabled in 1998). This will involve a greater independence of this level\(^{(4)}\).

A pilot project on regional police organisation has been carried through with the aim to reduce senior staff, to have more police officers working operatively and to introduce a higher degree of specialised policing\(^{(5)}\).

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\(^{(1)}\) Report of the PC-R-EV, p. 10.
\(^{(2)}\) Regular Report, p. 36.
\(^{(3)}\) Report of the PC-R-EV, p.10.
\(^{(4)}\) PHARE-Report, p. 63,64.
\(^{(5)}\) PHARE-Report, p. 63,64.
8.3 Are all police authorities in the country under the same command?

Uniformed and criminal police activities receive instructions from directorates within the Ministry of the Interior. Strategic planning as well as daily instructions of the of police activities on regional level is done by the Ministry of the Interior(1).

8.4 Based on what sectional and regional criteria is the police force divided up?

Criminal Investigation units exist at all three levels of the law enforcement organisation. The regional level is the most important one in the fight against most crimes(2).

8.5 What powers does the police have?

- in terms of preventing potential threats?
- in terms of criminal investigation?

Persons arrested in connection with less serious offences (infringements of the laws on public order and minor criminal offences) may be held in custody by the police for a maximum of 24 hours. As regards minor offences, detention is in principle limited to 12 hours. A person detained in connection with a serious criminal offence, falling within the competence of the Criminal Investigation Department, can remain in police custody for a maximum of 48 hours(3).

8.6 What other authorities, if any, are responsible for criminal investigations?

No information has been obtained about that subject.

8.7 Do the intelligence services cooperate in criminal investigations?

No information has been obtained about that subject.

(1) PHARE-Report, p. 63,64.
(2) PHARE-Report, p. 65.
8.8 Are there special departments for specific types of crime?

Organised crime units have analysts within the organisation\(^{(1)}\).

A special team of prosecutors has recently been created with the objective to fight organised crime and other aggravated crimes. This team worked very well with police investigator\(^{(2)}\).

**Money laundering**

In the field of financial crimes, the Office for Money Laundering Prevention (OMLP) is the supervisory authority for suspicious transactions and has significant powers of supervision and co-ordination in relation to money laundering cases. It is an administrative offence for an entity or a person covered by the Law on money laundering to fail to disclose data to the OMLP. Over the period 1995 - 1997 the OMLP processed 166 cases, 28 of which were passed to the law enforcement authorities for investigation.

The OMLP has wide-ranging powers and plays a central role in the anti-money laundering strategy of Slovenia by evaluating and analysing suspicious transaction reports, initiating investigations, issuing directives and engaging in awareness raising and training initiatives.

Whereas the reporting system seems to function adequately, compliance is rather unbalanced. Most of the disclosures are made by the bank and credit institutions, while the National Bureaux for Financial Investigations and the National Bureaux for Investigations remain clearly deficient.

The OMLP needs an increase of its financial resources -, as does the whole anti-laundering regime in general-, while its role of supervision needs a clearer definition\(^{(3)}\).

8.9 Do the powers of the individual authorities overlap?

No information has been obtained about that subject.

\(^{(1)}\) PHARE-Report, p. 65.
\(^{(2)}\) PHARE-Report, p.65.
\(^{(3)}\) Report of the PC-R-EV, p. 11.
8.10 Is there a satisfactory communication between the various police forces themselves and between police forces and other law enforcement bodies/respectively the Judiciary?

The co-operation between criminal investigation units and prosecutors is rather good, but seems not to be fully developed. Many prosecutors are overloaded and lack the time to supervise the investigation\(^{(1)}\).

In the region of Koper, the police and custom authorities cooperate very well. Co-operation with the Italian Authorities exists since 1957. Co-operation between Slovenian and Croatian authorities is good and well estimated\(^{(2)}\).

The experts were very much impressed by the Communications and Data Centre of the Slovenian Ministry of the Interior which perpetually co-ordinates all police activities within the country\(^{(3)}\).

Increasingly, the Customs, Border Police and Interior Police appear to cooperate with each other. Indications of an improving relationship between Slovenian police and customs include the planning of a joint police-customs task force\(^{(4)}\).

8.11 Is there a central computerised search system?

No information has been obtained about that subject.

8.12 Do all police authorities have access to their search system?

No information has been obtained about that subject.

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(1) PHARE-Report, p.61.
(2) PHARE-Report, p. 64.
(3) PHARE-Report, p. 65.
(4) Contribution by a Member State on border controls ..., p.4.
Staff, training and equipment

8.13 What is the total operational staff complement? In terms of population, what is the policing density?

In February 1998 there were 8371 employees under the command of the Ministry of the Interior, 7260 of whom were police officers. 16.2% were female police officers\(^{(1)}\).

785 police officers are dealing with criminal investigations\(^{(2)}\).

8.14 Are enough qualified people applying to join the police force?

The Police High School admits 120 – 150 pupils a year for a four years training period. Some of the pupils are 14 – 15 years old when entering the Police High School. By this they can pass the secondary high school, hence it is quite popular to become a police officer\(^{(3)}\).

8.15 Is the police force staffed exclusively by professionals or is there partial or temporary employment of conscripts or auxiliaries?

No information has been obtained about that subject.

8.16 Does professional staff receive police training and how long does it last?

Professional training is carried out continuously for all ranks of the police force\(^{(4)}\).

Basis training is carried out at the Police High School. Training for middle management and for senior employees within the Ministry of the Interior is carried out at the College of Police and Security Studies. The College is an academic institution and also performs research activities.

A basic reform of the training will be carried out in the years to come.

\(^{(1)}\) PHARE-Report, p. 66.
\(^{(2)}\) PHARE-Report, p. 65.
\(^{(3)}\) PHARE-Report, p. 67.
\(^{(4)}\) PHARE-Report, p. 61.
The College's diligent curricula seemed to be performed in very serious way\(^{(1)}\).

**8.17 Does staff undergo regular in-service training?**

All employees of the Ministry of the Interior have to pass on compulsory week of training per year\(^{(2)}\).

**8.18 Is there co-operation between the various departments?**

No information has been obtained about that subject.

**8.19 Is corruption a problem in the police force?**

Complaints against police officers are treated seriously; either by a disciplinary procedure or, if necessary, they are prosecuted. A large majority of complaints usually are classified "unjustified" after the investigation\(^{(3)}\).

The average salary for the experienced police officer is about the equivalent of 1.000 Deutschmarks\(^{(4)}\).

Cases of corruption are decreasing\(^{(5)}\).

**8.20 Does the police take enough preventive action, especially in the field of drugs?**

The concept of community policing has been introduced and is considered as preventive police work. During 1997, budget funds have been put into the administrative structures responsible for combating the drug problem\(^{(6)}\).

\(^{(1)}\) PHARE-Report, p. 67.
\(^{(2)}\) PHARE-Report, p. 67.
\(^{(3)}\) PHARE-Report, p. 65.
\(^{(4)}\) PHARE-Report, p. 67.
\(^{(5)}\) PHARE-Report, p. 61.
\(^{(6)}\) Regular-Report, p. 36.
With the prospect of Slovenia’s participation in the activities of the European Monitoring Centre for Drugs and Drug addiction (EMCDDA) in Lisbon, the “contact point” in the national drug information needs to be strengthened(1).

8.21 Does police equipment, especially in the field of
- intelligence technology,
- computerised search,
- communications,
- vehicles, aircraft and vessels, meet the minimum requirements?

No information has been obtained about that subject.

8.22 Is there adequate material backup (fuel, funds to pay for communications)?

No information has been obtained about that subject.

8.23 In what areas are there shortcomings?

Premises and offices of the police have to some extent become worn out due to the increased staff numbers. There is a lack of modern telecommunication techniques and some other material. Organisation and management were said to need better co-ordination(2).

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(1) Regular-Report, p. 36.
(2) PHARE-Report, p. 64.
International police co-operation

8.24 Are there bilateral agreements on police co-operation in general and on combating organised crime in particular? Are agreements implemented efficiently?

Slovenia co-operates in the JHA sector internationally with Austria, France, Germany, Italy, the Netherlands and the U.K.. Training is also organised by international organisations like AECP, ILEA, the MEPA, the FBI and the DEA, mainly in police matters\(^{(1)}\).

Slovenian law enforcement agencies are considered by this Member State to have the potential and the ability to participate effectively in joint operations with foreign agencies\(^{(2)}\).

8.25 Is there direct co-operation in the form of mixed inspection squads and investigation teams?

No information has been obtained about that subject.

8.26 Are Interpol requests dealt with swiftly and comprehensively?

No information has been obtained about that subject.

8.27 Is international co-operation hindered by regulations on confidentiality?

No information has been obtained about that subject.

\(^{(1)}\) PHARE-Report, p. 65.
\(^{(2)}\) Contribution by a Member State on border control..., p. 4.
Crime statistics

8.28 How has crime developed in the past few years?

Slovenia is a transit country regarding criminal activities. In 1997, authorities registered 190 crimes per 100,000 inhabitants, which is - assumed that the statistic figures are correct - quite low in comparison to other European Countries. The crime rate stagnated and even decreased in the last few years. Organised crime is characterised by an increased professionalism from national as well as from foreign criminals (Former Republic of Yugoslavia and from the former Soviet Union). Criminal organisations from Russia have not yet established in Slovenia\(^{(1)}\).

Generally, more organised and violent crimes are committed. There are an increasing number of cases where conventional investigative methods have to be replaced by forensic science. Transborder crime emanates mainly from the closest neighbour countries and to a smaller extent from the Caucasus\(^{(2)}\).

The principal organised crime activity in Slovenia is organised trafficking in arms and drugs. Slovenia is now once again an important transit country for drugs of all kinds. Heroin, but also cannabis products from the Middle East, is brought via Slovenia to West European States. Some of the cocaine smuggled out of South America reaches Western Europe via the ports on the Northern Adriatic coast and through Slovenia\(^{(3)}\).

Slovenia becomes increasingly a drug user country. There are estimated 4000 - 6000 drug addicts in the countries. Prostitution and secondary crimes (bank robberies, thefts etc.) are increasingly connected to drugs abuse and drugs criminality\(^{(4)}\).

Slovenia’s border with Hungary, which is directly on branches of the Balkan Route, forms an attractive routing for drug traffickers. There have been major drug seizures transiting Slovenia on the Balkan Route (between July and September 1998 over 2 tons of cannabis were seized)\(^{(5)}\).

\(^{(1)}\) PHARE-Report, p. 61.  
\(^{(2)}\) PHARE-Report, p. 61.  
\(^{(3)}\) Member States’ contribution about shortcomings in crime prevention and in external border security in Slovenia, p. 12.  
\(^{(4)}\) PHARE-Report, p. 65.  
\(^{(5)}\) Contribution of a Member State on border controls ..., p. 4.
Money laundering

The main risk presented by Slovenia is as a money laundering centre, and this risk is expected to increase as Austria and Italy strengthen their money laundering controls (1).

According to the Slovenian Ministry of the Interior, several cases of money laundering have come to light, in which Italian criminal groups in particular emerged as suspects. Through the setting-up of private foreign exchange offices, money from illegal arms deals in particular was reinvested in the legal economy.

8.29 In what areas has there been a particularly marked increase in crime?

The growth of organised crime is 8% a year (2).

8.30 What is the clear-up rate?

The clear-up rate is 65% in 1997 and is increasing (3).

8.31 What types of offence are particularly problematic? What is the clear up rate for such crimes?

No information has been obtained about that subject.

8.32 What successes (identification of criminals, arrests) are there to report in combating organised crime, money laundering and corruption?

No information has been obtained about that subject.

9 Detailed assessment of the situation in the customs area

The Council Secretariat did not receive any material assessing the situation in the customs area in Slovenia.

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(1) PHARE-Report, p. 61.
(2) PHARE-Report, p. 65.
(3) PHARE-Report, p. 65.
10 Introduction/ General remarks

10.1 General remarks on the state of information

The part of the PHARE-Report on Police organisation and training is a well-structured overview on the legal basis for police work, the structures of the Estonian Police Forces and the staff and training capacity. Nevertheless, this section of the report remains vague in many areas, concerning the real extent of problems the Estonian Police seems to have. It frequently underlines the will and the ambition of the Estonian Police Forces to catch up with EU standards, but is reluctant to say why and in what way EU standards could not be matched.

The Regular Report from the Commission is meant to summarise the findings of various sources and to provide an overview on the situation and the most important results and problems. It is not meant to give a detailed insight, but is an excellent basis to check if findings of other sources mainly correspond with the information collected so far and to obtain a description of the main problems in the area of (among others) Home Affairs.

Contribution of a Member State regarding the Police, Customs and Judiciary in Estonia: In the paragraphs about police and organised crime this document gives a well made and clearly structured overview on the situation on police matters in Estonia, without going into detail. Consequently, information that would allow looking at the situation more closely is not presented.

Survey of Nordic Support to the Baltic Countries in the area of Justice and Home Affairs: With this report the Nordic countries presented to the Commission in 1998 an inventory of the completed, ongoing and planned projects and programmes in the JHA area. It lists the priorities for support in the various Baltic States and makes proposals for concrete action. This document is useful to identify areas where due to shortcomings further support is required.

Member States’ contribution about shortcomings in crime prevention and in external border security in the Czech Republic: This contribution lightens up various aspects of the crime situation in the Czech Republic that have not been mentioned in other contributions and supplies interesting facts of the situation within the Czech police forces. Regrettably not all areas of crime are covered and remarks on the Czech police remain too few to give a coherent picture. Details and figures lack completely.
Memorandum of a Member State, based on Situation Reports of liaison officers from January until September 1998: The memorandum is based on personal observations made by Finnish police officers in the course of cooperation with Estonian police officers. It contains very valuable insights into the Estonian policing reality and provides a thorough assessment of the situation. This memorandum, which is based on the monthly reports of a Member States' police liaison officer in Tallinn, shows quite clearly the importance to have access to "unfiltered" information provided by liaison officers and magistrates.

10.2 Gaps

There is no or few information about:

(in: Legal bases, organisation and powers of the police)
- loopholes and shortcomings in the Estonian legislation regarding police matters and the latest legislative projects
- the organisation of the police forces, especially after the reorganisation and on the criteria on which the police force is divided up
- the preventive and investigative powers of the police
- the role of the Estonian Intelligence Service in criminal investigations
- the specialised units (organised crime, drugs) within the Estonian police, especially more details about their structures, competencies and successes
- the IT - systems of the Slovak police forces

(in: Staff, training and equipment)
- police in service training
- the situation regarding corruption in the police forces
- the police equipment

(in: International police cooperation)
- the ability and competencies of the Estonian police forces concerning international cooperation
10.3 General remarks on the situation in Estonia

The Estonian Government and the relevant authorities undertake serious efforts to adapt the Estonian judicial and police systems to EU standards\(^{(1)}\).

The Baltic Countries have made progress and their achievements bear witness of a dynamic evolution. The Baltic Government demonstrates a strong political will and ambition to move ahead\(^{(2)}\).

In general it can be stated that Estonia’s administration and legislation in the internal security area still needs considerable development. Estonia is also lagging badly behind in the ratification and implementation of international agreements closely linked to internal security\(^{(3)}\).

10.4 Main problems adopting the aquis

The following problems are regarded as main difficulties concerning the adoption of the aquis in the area of police matters in Estonia \(^{(4)}\). Other, not necessarily less important problems are listed in detail in part 11 of the document:

- The main priority for Estonia is to develop the ability to control and reduce criminality, especially in the area of drug-related crime and financial crimes\(^{(5)}\).
- In these areas, there are legal (inefficient procedural measures) and organisational/ structural deficiencies\(^{(6)}\).
- Sustained effort is still needed to tackle raising economic crime, money laundering and drug trafficking. Methods and technical aids for use in fighting organised crime need to be developed and staff numbers boosted\(^{(7)}\).
- Estonia has to put some considerable work in the organisation of the police. It has to devote more resources to combating organised crime and drugs issues, and rapidly adopt the appropriate national and international legal instruments in that connection (1988 UN Convention, money laundering bill, etc.) It will also need to push ahead with combating corruption. Limited training and low salaries may also jeopardise achievements attained in this area\(^{(8)}\).

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\(^{(1)}\) PHARE - report, page 50.
\(^{(2)}\) Survey of Nordic Support p.2.
\(^{(3)}\) Memorandum of a Member State, p.1.
\(^{(4)}\) PHARE: p.33, 34, and 46.
\(^{(5)}\) PHARE-Report, p. 50.
\(^{(6)}\) PHARE-Report, p. 50.
\(^{(7)}\) Regular Report, p. 37.
\(^{(8)}\) Regular Report, p. 37.
- The Estonian Police has not established an anti-money laundering team yet\(^{(1)}\).
- From an organisational and also from a financial point of view there are doubts whether it is efficient to have a regional police organisation with too many regional authorities for such a small country\(^{(2)}\).
- Although Estonia is a relatively small country, the police is divided into 17 prefectures and thus there are too many police chiefs\(^{(3)}\).
- Forensic and criminalistic sciences have no EU standard, as well as the situation in the field of IT and police communications technology\(^{(4)}\).
- The implementation of the Third - Pillar aquis within the Estonian police will take some time, because there is no broad knowledge about the requirements of the aquis and how it affects police work in Estonia\(^{(5)}\).
- There is not much specialist knowledge in the field of fight against drugs and modern criminal intelligence work, especially when it comes to strategic and operative analysis. There is a general lack of knowledge in the field of economic and financial crimes\(^{(6)}\).
- There is an overall need of more funds for the police training units in Estonia. Specific types of training such as police management and ethics for all police officers are needed. There is also a great demand for specialist training\(^{(7)}\).
- There is a great need for improved knowledge on various narcotic substances among the police, courts and prosecutors\(^{(8)}\).
- There is the need for stability and continuity in the organisation of the Estonian police\(^{(9)}\).
- Estonia's police administration, for example, is operating on a somewhat informal basis. The administration is plagued by internal disputes which culminate in demands for dismissals and resignations on various pretexts\(^{(10)}\).
- Priorities for further action in the field of police matters in Estonia are the fight against drugs; i.e. drug trafficking and smuggling, to set up an integrated information and data system for ministries and authorities, including drafting of data protection legislation and the transfer of know-how and practical training for the police on the Schengen standards\(^{(11)}\).

\(^{(1)}\) PHARE-Report, p.52.
\(^{(2)}\) PHARE-Report, p. 54.
\(^{(3)}\) Contribution of a member State, p. 2.
\(^{(4)}\) PHARE-Report, p. 54.
\(^{(5)}\) PHARE-Report, p. 51.
\(^{(6)}\) PHARE - Report, p. 57.
\(^{(7)}\) Contribution of a Member State, p.2.
\(^{(8)}\) Contribution of a Member State, p. 3.
\(^{(9)}\) Contribution of a Member State, p. 2.
\(^{(10)}\) Memorandum of a Member State, p.1.
\(^{(11)}\) Survey of Nordic Support, p. 3.
11 Detailed assessment of the situation in the police area

Legal bases, organisation and powers of the police

11.1 Are all the legal bases required for effective policing in place? What loopholes, if any, are there?
Since 1997, Estonia has acquired a large body of legislation in field of police and security\(^{(1)}\).

The Government proposal for a new Code of criminal procedure focuses on giving the police more powers and defines the pre-trial investigation organs\(^{(2)}\).

The Security Arrangement Act establishes the legal basis for safeguarding state security and to that end defines the responsibilities and status of the relevant institutions. The new police law will guarantee stability of the police forces. The law determinate qualifications, grade and salaries for police officials\(^{(3)}\).

Competencies of the Estonian police Board and the Security Police are laid down in the Constitution, the Penal Code, the Code of Criminal Procedure and the Decree on Enforcing Procedures and, above all, in the Police Service Act (1990) and in the Decree on Police Service. The Police Act defines the general rights and obligations of the police in maintaining public order and safety. It also defines the organisational structure of the police, equipment, social benefits etc.

The Surveillance Act (1994) defines the right of surveillance by the police\(^{(4)}\).

The police is authorised to establish data files and to analyse data for preventive or investigative purposes, to use undercover agents in order to infiltrate criminal organisations, to intercept telecommunications. These activities may only be started based on a court order.

Data protection is regulated in the Personal Data Protection Act (1996) and the DataBase Act (1997)\(^{(5)}\).

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\(^{(1)}\) Regular Report, p. 37.
\(^{(2)}\) PHARE, p.37.
\(^{(3)}\) PHARE, p. 37.
\(^{(4)}\) PHARE-report, p. 49.
\(^{(5)}\) PHARE-report, p. 49.
Estonia has ratified the Council of Europe's conventions of 1961 and 1971 concerning drugs in 1995. In implementing this convention, the Estonian Narcotics Act entered force in 1997\(^{(1)}\).

Estonia has signed, but not ratified the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime\(^{(2)}\).

The Narcotic Drugs and Psychotropic Substances Act, adopted in July 1997, has entered into force, as have an act ratifying the Council of Europe Anti-Doping Convention and a decree on precursors and essential chemicals. In addition, Estonia adopted in November 1997 guidelines for its policy on drugs, covering the period 1997 to 2007\(^{(3)}\).

Estonia still has to rapidly ratify the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and adopt the draft bill on preventing money laundering, which is a vital weapon in the battle against drug crime. The planned deadline for entry into force (2000) is far off\(^{(4)}\).

Along with the new Police Service Act, a new Security Organisation Act and a Prevention of Money laundering Act has been adopted\(^{(5)}\).

**Loopholes/ Shortcomings**
- Estonia has brought its legal regime largely into line with EU standards. A law on money laundering is still lacking but should shortly be adopted\(^{(6)}\).
- Estonia has to put some considerable work in the organisation of the police. It has to adopt rapidly the appropriate national and international legal instruments in that connection (1988 UN Convention, money laundering bill, etc.)\(^{(7)}\).

11.2 How is the police force organised?
There are two separate police organisations in Estonia, the Estonian Police Board and the Security Police. Both of them serve under the Ministry of the Interior\(^{(8)}\).

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\(^{(1)}\) PHARE-report, p. 49.
\(^{(2)}\) Regular Report, p. 9.
\(^{(3)}\) Regular Report, p. 37.
\(^{(4)}\) Regular Report, p. 37.
\(^{(5)}\) Contribution of a Member State, p. 3.
\(^{(6)}\) Contribution of a Member State, p. 3.
\(^{(7)}\) Contribution by a Member State on shortcomings in the area of crime prevention and in external border security in Estonia, p.10.
\(^{(8)}\) Regular Report, p. 37.

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The Estonian Police is divided into the Estonian Police Board and the Security Police, which are submitted to the Ministry of the Interior. The Estonian Police Board consists of units organised nationally and the Police Prefectures (17), which themselves are divided into criminal police and uniformed police.

The police service is undergoing a process of reform and reorganisation. On 14 May 1998, a new Law on Police Service was adopted that will guarantee stability of the police forces. The law determinate qualifications, grade and salaries for police officials\(^{(1)}\).

The criminal police is being reorganised into criminal investigation departments. The staff numbers of the Internal Control Department of the Police have been increased to improve detection and handling of breaches of the law committed by police officials\(^{(2)}\).

At the end of November 1998 it was announced, that after the reform only seven departments would remain in Estonia. The intention is to implement this reform in the course of 1999.

Although Estonia is a relatively small country, the police is divided into 17 prefectures and thus there are too many police chiefs\(^{(3)}\).

There is the need for stability and continuity in the organisation\(^{(4)}\).

Through the new police act the Estonian Central Criminal Police and the Central Investigation office will be merged\(^{(5)}\).

On account of the frequent changes at the head of the Estonian Ministry of the Interior and the police force, the police have been and continue to be subjected repeatedly to diverse attempts at reform, which in the past few years have clearly had an adverse effect on the effectiveness of police work\(^{(6)}\).

\(^{(1)}\) Regular Report, p. 8.
\(^{(2)}\) Regular Report, p. 37.
\(^{(3)}\) Contribution of a member State, p. 2.
\(^{(4)}\) Contribution of a member State, p. 2.
\(^{(5)}\) Contribution of a member State, p. 2.
\(^{(6)}\) Contribution by a Member State shortcomings in the area of crime prevention and in external border security in Estonia, p.9.
11.3 Are all police authorities in the country under the same command?

All Police authorities of the Estonian police are under the authority of the Minister of the Interior\(^1\).

11.4 Based on what sectional and regional criteria is the police force divided up?

The Council Secretariat did not have information on this question.

11.5 What powers does the police have?

- in terms of preventing potential threats?
- in terms of criminal investigation?

11.6 What other authorities, if any, are responsible for criminal investigations?

The Estonian Security Police, established in 1991, is subordinated to the Ministry of the Interior. According to the Estonian Penal Procedure Code, they have the competence to investigate offences endangering the security of the state. It has the competence to investigate those offences independently from the Estonian Intelligence Service and on order of the Prosecutor's office.

11.7 Do the intelligence services cooperate in criminal investigations?

The Council Secretariat did not have information on this question.

11.8 Are there special departments for specific types of crime?

Police forces in the Prefectures have no units specialised in organised crime. Only the Central Criminal Police has a unit of this kind\(^2\).

A special unit in the Central Criminal Police has been set up in order to increase the efficiency in combating organised crime\(^3\).

\(^1\) PHARE- Report, p. 51.
\(^2\) PHARE-Report, p. 48.
\(^3\) Contribution of a Member State, p. 3.
In some Prefectures, small units to tackle drug related crime were set up. Bigger units, which are specialised in investigating these offences, exist in Tallinn and Narva and at the Central Criminal Police in Tallinn. The number of officers in these specialised units is far too low (20 officers for whole Estonia)\(^{(1)}\).

An action programme to combat organised crime has been approved in Estonia and police narcotics units have been set up at every department. However, these measures will not be sufficient on their own as current methods do not meet the demands of today and staff numbers and training are not at the appropriate level\(^{(2)}\).

The relatively low statistical figures merely express the comparatively limited manpower deployed in combating drug-related crime\(^{(3)}\).

The Central Criminal Police in Tallinn which is a national unit, has a specialised team for investigations against criminal organisations and a unit specialised in financial crimes (credit card frauds, violations of copyrights and trademarks), but no anti-money laundering unit\(^{(4)}\).

11.9 Do the powers of the individual authorities overlap?

The material assessed did not provide information about this point.

11.10 Is there a satisfactory communication between the various police forces themselves and between police forces and other law enforcement bodies/ respectively the Judiciary?

The co-operation between the police units responsible for criminal investigation and prosecutors is not well developed. Prosecutors are overloaded and therefore take not much interest in police work or in direct contacts with the investigating officers\(^{(5)}\).

Largely they seem to rely upon the results of the work of the investigating officers of the criminal police. According to the Prosecutor General, there are plans to change the situation for better.

\(^{(1)}\) PHARE-Report, p. 48.
\(^{(2)}\) Memorandum of a Member State, p.1.
\(^{(3)}\) Contribution by a Member State shortcomings in the area of crime prevention and in external border security in Estonia, p.9.
\(^{(4)}\) PHARE-report, p.52.
\(^{(5)}\) PHARE-Report, p. 50.
Procedures between the investigators and the public prosecutor’s office are too bureaucratic. It would be desirable to strengthen the prosecutor’s role in the investigative work\(^{(1)}\).

Co-ordination between Criminal Police units and the Security Police seems to be well functioning\(^{(2)}\).

According to the Police Prefectures in Pärnu and Paide the co-operation with police forces on Prefecture and national level is very good; this applies also for the Security Police, the Customs and the Border Guard\(^{(3)}\).

11.11 Is there a central computerised search system?

The Estonian Information and Communications department develops a harmonised data system for use between the various authorities. The plans for IT system are very ambitious, but there is no money for realisation\(^{(4)}\).

11.12 Do all police authorities have access to their search system?

The material assessed did not provide information about this point.

Staff, training and equipment

11.13 What is the total operational staff complement? In terms of population, what is the policing density?

Estonia’s police forces have current 4325 filled post and approximately 1500 vacancies. The number of police officers per inhabitant is 1/260, whereas in Finland it is 1/600 and in Sweden 1/505. Among the 4325 police officers, there are 258 high ranked officers (lowest rank: Commissioner), which means that in average, there are 17 Senior and Junior police officers per high ranked officer\(^{(5)}\).

\(^{(1)}\) Contribution of a Member State, p.2.
\(^{(2)}\) PHARE-Report, p. 53.
\(^{(3)}\) PHARE-Report, p.53.
\(^{(4)}\) PHARE - Report, p. 52.
\(^{(5)}\) PHARE - Report, p. 55.
More resources are needed to combat the production and handling of drugs and more police officers need to be trained\(^{(1)}\).

11.14 Are enough qualified people applying to join the police force?

Due to low salaries many police officers leave their jobs to work for a private company (145 resigned from the police forces, 100 of them because of low salaries). The average salary of a police officer is between 2000 and 2500 (Currency not indicated). The "quality" of police officers has improved in recent years.

Turnover of personnel is still relatively high and there is a high number of vacancies (currently 25 % of all posts available). The main reason is the low salary. The new Police Service Act, which came into force on 1 July, is aiming to adjust the problem by raising the initial salary for a new police officer by 40 %\(^{(2)}\).

Most police chiefs are relatively young and many have inadequate training.

Following dismissals of politically biased police officers, the average age in the Estonian police force is relatively low, so that there is a lack of experienced investigators. A further problem is the generally unsatisfactory equipment in police units and poor remuneration in the civil service, which is leading to increasing difficulties in recruiting qualified applicants\(^{(3)}\).

The biggest expenditure cuts in the Estonian national budget for 1999 will fall to the Ministry of the Interior. It means amongst other things that the general salary increase provided for in the new police service law will be postponed. It is also having a severe effect on police morale and will lead to many voluntary departures. Altogether 545 policemen resigned in 1998, about half of them because of poor salaries, on which they were unable to support their families\(^{(4)}\).

11.15 Is the police force staffed exclusively by professionals or is there partial or temporary employment of conscripts or auxiliaries?

1200 Civilians work in the Estonian police\(^{(5)}\).

\(^{(1)}\) Contribution of a Member State, p.3.
\(^{(2)}\) Contribution of a Member State, p.2.
\(^{(3)}\) Contribution by a Member State shortcomings in the area of crime prevention and in external border security in Estonia, p.9.
\(^{(4)}\) Memorandum of a Member State, p.2
\(^{(5)}\) PHARE-Report, p. 56.
11.16  Does professional staff receive police training and how long does it last? Where are the shortcomings?

The police School in Paikuse admits about 200 cadets a year. The basic training is divided into two parts with practical police work in a police station in between. Many police officers never fulfil their second course, because they have been recruited by, e.g., private guard companies\(^{(1)}\).

There is not much specialist knowledge in the field of fight against drugs and modern criminal intelligence work, especially when it comes to strategic and operative analysis. There is a general lack of knowledge in the field of economic and financial crimes\(^{(2)}\).

The level of language skills, especially in English is very low in the whole police force. Younger police officers have more and more less knowledge in Russian.

Police cadets at the national Police school are insufficiently trained concerning drug offences\(^{(3)}\).

There is an on going restructuring and training of the Estonian Police Board. Through foreign assistance, special programmes to improve professional skills of police officers are conducted\(^{(4)}\).

There is an overall need of more funds. Specific types of training such as police management and ethics for all police officers are needed. There is also a great demand for specialist training\(^{(5)}\).

There is a great need for improved knowledge on various narcotic substances among the police, courts and prosecutors\(^{(6)}\).

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\(^{(1)}\) PHARE - Report, p. 56.
\(^{(2)}\) PHARE - Report, p. 57.
\(^{(3)}\) PHARE-Report, p.48.
\(^{(4)}\) Contribution of a Member State, p.2.
\(^{(5)}\) Contribution of a Member State, p.2.
\(^{(6)}\) Contribution of a Member State, p. 3.
11.17  *Does staff undergo regular in-service training?*

The material assessed did not provide information about this point.

11.18  *Is there co-operation between the various departments?*

The material assessed did not provide information about this point.

11.19  *Is corruption a problem in the police force?*

The situation in this field has improved, partly due to a well-designed and integrated programme of prevention and control of corruption (National Crime Prevention Programme). It is not clear yet whether the measures taken until now have had a positive impact, but they reflect the commitment of the Estonian authorities to the fight against corruption. The situation needs to be monitored closely\(^{(1)}\).

In the Corruption Perceptions Index 1998, published 1999, of Transparency International, (respectively the University of Göttingen's Internet Centre for Corruption Research) Estonia ranked on the 26th place of totally 85 assessed countries; before Poland (39), the Czech Republic (37), Hungary (33), reaching a score of 4.8 points out of 10 (Denmark) possible. The Index focuses mainly on corruption in the public sector. It does not provide any details on, e.g., the mostly corrupted sectors; hence, there is no detailed information about corruption in the law enforcement area\(^{(2)}\).

Situation-related and structural corruption in the Estonian security authorities is a big problem. In almost every department there are indications of possibly corrupt officials. Even some senior police officers are apparently involved. The main reason for the widespread corruption is bound to be the low salaries of police officers\(^{(3)}\)

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\(^{(1)}\) Regular report, p. 9.
\(^{(2)}\) Transparency International, Corruption Perceptions index.
\(^{(3)}\) Contribution by a Member State on shortcomings in crime prevention and in external border security in Estonia, p. 10.
11.20  *How does the police forces take account of the rule of law?*

A State Audit office supervises Police activities. Equally, the committees established by the local governments are entitled to control the police activities within their jurisdiction. The State Prosecutor supervises within his area of competence that police activities are compliant with procedural laws. A Committee of the Estonian Parliament and the State Prosecutor's office controls the activities of the Security Police⁽¹⁾.

There have been reports of violent acts and degrading treatment of suspects and people taken into arrest⁽²⁾.

11.21  *Does the police take enough preventive action, especially in the field of drugs?*

The Estonian police forces seem to be willing to carry out crime prevention activities, especially in the form of community policing and by work done by juvenile police officers. However, these efforts do not seem to be much targeted⁽³⁾.

Concerning the fight against organised crime, an overall programme of prevention and control (National Crime Prevention Programme) has been put in place⁽⁴⁾.

11.22  *Does police equipment, especially in the field of*

- *intelligence technology*,
- *computerised search*,
- *communications*,
- *Vehicles, aircraft and vessels, meet the minimum requirements?*

Plans for future Police communication are very ambitious, but can not be realised due to the lack of financial means. In addition, the planned Estonian communication system (as well as the IT-system) is a national solution, which obviously does not meet the technical requirements of the Schengen or Europol systems yet⁽⁵⁾.

⁽¹⁾ PHARE - report, p.50.
⁽²⁾ Contribution of a Member State, p.2.
⁽³⁾ PHARE -Report, p. 50.
⁽⁴⁾ Regular Report, p. 37.
⁽⁵⁾ PHARE-Report, p. 54.
Estonia has a laboratory for forensic sciences, which does not meet the requirements of a modern criminal laboratory due to insufficient financial means.

The police, unlike the Estonian border guard, is relatively poorly equipped\(^{(1)}\).

11.23  *Is there adequate material backup (fuel, funds to pay for communications)?*

The material assessed did not provide information about this point.

11.24  *In what areas are there shortcomings?*

The material assessed did not provide information about this point.

11.25  *Is the budget such that there is a prospect of the shortcomings being remedied soon?*

The material assessed did not provide information about this point.

**International police co-operation**

11.26  *Are there bilateral agreements on police co-operation in general and on combating organised crime in particular? Are agreements implemented efficiently?*

There is co-operation between Estonia and the Nordic Countries, other European countries (Germany, U.K.) and the U.S. of America in the form of assistance programmes (training, transfer of material) on bi- and multi-lateral basis but also in the framework of the PHARE programme and through international organisations (AECP, ILEA, NBPA and others)\(^{(2)}\).

Estonia has formally concluded police co-operation agreements with some fifteen countries. The Estonian police is also member of the Baltic Sea Task Force and co-operates with the Russian police, especially in cases relating to narcotics \(^{(3)}\).

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\(^{(1)}\) Contribution by a Member State on shortcomings in crime prevention and in external border security in Estonia, p. 8.

\(^{(2)}\) PHARE-Report, p. 48.

\(^{(3)}\) Regular Report, p. 37.
The various planned and ongoing projects of the Nordic Countries with Estonia can best be read in the Annex of the Survey of Nordic Support, some of them are mentioned here(1):

- Nordic-Baltic Police Academy - a joint training and education project with Estonia, Latvia and Lithuania
- Finland plans co-operation with Estonia, Latvia and Lithuania on economic and financial crimes committed by Russian and Baltic citizens
- Norway continues the initiative concerning a common communication system (BALTCOM)

The major obstacle to mutual cooperation between a Member State and Estonia concerning training and other development assistance has been the continual and rapid turnover of Estonian officials(2).

11.27 Is there direct co-operation in the form of mixed inspection squads and investigation teams?

The material assessed did not provide information about this point.

11.28 Are Interpol requests dealt with swiftly and comprehensively?

The material assessed did not provide information about this point.

11.29 Is international co-operation hindered by regulations on confidentiality?

The material assessed did not provide information about this point.

Crime statistics

11.30 How has crime developed in the past few years?

Crime obviously does not focus on certain regions in Estonia. Thefts and burglaries are common and widespread. Their number of successfully investigated cases concerning these crimes is relatively low(3).

(1) Survey of Nordic Support.
(2) Memorandum of a Member State, p.1.
(3) PHARE-Report, p.47, 48.
Over half of all Estonia's crime is recorded in Tallinn and if the surrounding province of Harju is included, 57% of all crime is committed in the area\(^{(1)}\).

There are estimated five or six criminal groups operating in Estonia.

Crime statistics are not very reliable but indicate a worrying trend, especially relating to the number of homicide cases (247 in 1997). According to the Estonian Ministry of the Interior, the crime rate is still increasing, but the number of severe crimes is decreasing. In the past years organised crime has restructured itself, now operating under a legal facade\(^{(2)}\).

Together with homicide, the most dominant forms of crime are drug-related and economic crime. The amount of offences related to drugs is still growing. Estonia has become one of the largest suppliers of Amphetamine and ecstasy in the Nordic countries; especially Finland and Sweden are concerned. During the last few years, Estonia has also developed into a large cocaine receiving country.

Over the past few years, the number of recorded drug-related offences has definitely increased but has on the whole fluctuated at a relatively low level. There are also far fewer offences and a smaller increase in drug-related crime in Estonia than, for example, in Latvia and Lithuania. However, the low number of cases gives only an inadequate reflection of the actual situation\(^{(3)}\).

Concerning stolen vehicles, Estonia is of great importance as a transit country, particularly because of its good ferry connections. Although Estonia is of minor importance as a destination for stolen vehicles, it may be observed here too that the country is used as a "laundering stop" to register stolen vehicles temporarily.

Crime trends in Estonia and particularly in Tallinn have given cause for concern. The first ten months of 1998 saw a 10% increase in crime compared with the same period in the previous year\(^{(4)}\).

\(^{(1)}\) Memorandum of a Member State, p.2
\(^{(2)}\) Contribution of a Member State, p. 2/3.
\(^{(3)}\) Contribution by a Member State on shortcomings in crime prevention and in external border security in Estonia, p. 9.
\(^{(4)}\) Memorandum of a Member State, p.2
11.31 **In what areas has there been a particularly marked increase in crime?**

The most serious crimes such as robbery, crimes against the person and the body, economic crime, narcotics crime, vehicle crime, money laundering and crime against property are all clearly on the rise. Estonia's police commissioner has stated that crime in Tallinn is rampant and that people no longer venture on to the streets after dark.¹

11.32 **What is the clear-up rate?**

The overall clear-up rate in Tallinn is poor: only 12.7% and only 27 % in the country as a whole.²

11.33 **What types of offence are particularly problematic? What is the clear up rate for such crimes?**

Theft offences still make up the largest category of crime. Of 21591 cases recorded (64.9% of all reported offences) 3.825 were cleared up (17.7%).

Economic crime is still on the increase. 59% of all recorded fraud cases were cleared up.

Drug related crimes increased for more than 65% in the first 9 months of 1998 in comparison to 1997. 76% were cleared up.³

11.34 **What successes (identification of criminals, arrests) are there to report in combating organised crime, money laundering and corruption?**

A special drugs investigation unit of the Yallinn police forces had seizable sucess in 1998 in carrying out many raids in brothels and in suspect drugs laboratories. The work of this unit is held up as an example for other police units.

The Estonian police internal investigation unit uncovered about 10 cases of corruption in which the police had demanded bribes. The supects ib these cases were mainly traffic police officers.⁴

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¹ Memorandum of Member State, p.2
² Memorandum of a Member State, p.2
³ Memorandum of a Member State, p.2
⁴ Memorandum of a Member State, p. 30/ 31
12 General remarks on the situation in the customs area

The Estonian Customs administration still has some general problems. The work has low status and the salary is low. There are reportedly cases of corruption. A priority is the development of a new customs code in accordance with customs code requirements of the EU. Despite the fact that this is a prioritised area, the progress has been slow.

In the framework of a bilateral co-operation agreement between Swedish and Estonian Customs, co-operation worked increasingly well. The number of cases where assistance was given is growing. The Estonian customs have received technical equipment from Sweden as well as from other Member States. A customs liaison officer of the Nordic States is based in Tallinn.

Efficiency and competence of the Estonian Customs must increase\(^{1}\).

\(^{1}\) Contribution of a Member State, p. 32, 33.
List of materials assessed on policing and customs issues

Czech Republic

- Mission report on the identification of projects in the field of Justice and Home affairs to be implemented under the PHARE - Programme for the Czech Republic, European Commission, 1998 (PHARE-Report)
- Regular Report from the Commission on Czech Republic's progress towards accession, European Commission, 1998 (Regular Report)
- Document d'ensemble (Rapports réguliers de la Commission sur les progrès réalisés par chacun des pays candidats sur la voie de l'adhésion), COM (1998)712 final
- A Member States' contribution about shortcomings in crime prevention and in external border security in the Czech Republic, Estonia, Slovenia and Slovakia
- A Member States' contribution on border controls, law enforcement and inter-agency co-operation, 1998 (Member States' contribution on law enforcement and inter-agency co-operation) in the Czech Republic, Estonia, Slovenia and Slovakia

Slovakia

- Regular Report from the Commission on Slovakia's progress towards accession, European Commission, 1998 (Regular Report)
- Customs administration of the Slovak Republic, commemorative volume by the Slovakian customs authorities, 1998 (??)
• A Member States' contribution on border controls, law enforcement and inter-agency co-
operation, 1998 (Member States' contribution on law enforcement and inter-agency co-operation) in the Czech Republic, Estonia, Slovenia and Slovakia
• A Member States' contribution about shortcomings in crime prevention and in external border security in the Czech Republic, Estonia, Slovenia and Slovakia

Slovenia

• Mission Report on the Identification of Projects in the field of Justice and Home affairs to be implemented under the PHARE Programme for the Republic of Slovenia, 1998 (PHARE-Report)
• Regular Report from the Commission on Slovenia's progress towards accession, European Commission, 1998 (Regular Report)
• A Member States' contribution on border controls, law enforcement and inter-agency co-operation, 1998 (Member States' contribution on law enforcement and inter-agency co-operation) in the Czech Republic, Estonia, Slovenia and Slovakia
• A Member States' contribution about shortcomings in crime prevention and in external border security in the Czech Republic, Estonia, Slovenia and Slovakia
• Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 19 to 28 February 1995 (Report of the CPT)

Estonia

• Mission for the identification of projects in the field of Justice and home affairs to be implemented under the PHARE Programme for Estonia, 1998 (PHARE-Report)
• Regular Report from the Commission on Estonia's progress towards accession, European Commission, 1998 (Regular Report)
• Contribution of a Member State regarding the Police, Customs and Judiciary in Estonia, 1999
• Memorandum of a Member State, based on Situation Reports of liaison officers from January until September 1998; 1999 (Memorandum of a Member State)
• A Member States' contribution about shortcomings in crime prevention and in external border security in the Czech Republic, Estonia, Slovenia and Slovakia
• A Member States' contribution on border controls, law enforcement and inter-agency co-operation, 1998 (Member States' contribution on law enforcement and inter-agency co-operation) in the Czech Republic, Estonia, Slovenia and Slovakia
• Survey of Nordic Support to the Baltic Countries in the area of Justice and Home affairs, 1998