Crime in Central and East European countries

Jerzy Jasinski[1]

For the purpose of this paper the Central and East European countries are taken to be the states situated in the long belt between the Baltic Sea, Germany, Austria, Italy, the Adriatic Sea, Greece, and Turkey on the one side, and the Black Sea and the former Soviet Union (with the exception of the three Baltic States) on the other. The most Northern country of this belt is Estonia, and the farthest South are Albania and Macedonia ('the Former Yugoslav Republic of Macedonia'). Undoubtedly, Ukraine and Bielorus also belong to the group of Central and East European countries, but the crime pattern in these two countries seems to be more similar to that prevailing in Russia than in the other aforementioned East European countries.

Generally, two approaches can be distinguished while looking at social phenomena in a region covering a number of states. The first one, usually followed by 'insiders', is to focus attention on the differences and special features of the various countries in question, whose peculiarities are usually related, primarily, to their history, national composition, religion, traditions, and culture. The other approach, which is more often chosen by 'outsiders', involves focusing attention on what makes these countries – in spite of all the above mentioned differences – in some way similar. Although the author is an 'insider', the 'outsider's' perspective was chosen in an effort to examine the similarities in the crime pattern in the various countries in the region.

The main reason for this approach is that until recently all these countries have been shaped by the same or very similar strong forces. The majority of these countries were under Soviet political and economic domination. All of them had an authoritarian government which relied strongly on a political

1 Professor of Law, Institute of Legal Studies, Polish Academy of Science, ul. Nowy Swiat 72, 00-330, Warszawa, Poland. An expanded version of this paper under the title 'Crime in the European Countries in Transition' was delivered at the Twenty-First Criminological Research Conference organized by the European Committee on Crime Problems, Council of Europe, Strasbourg, November 19-22, 1996.

police force, a one party political system (with some formal exceptions), state ('national') ownership of industries, services, and agriculture (again with some marginal, and – in one case only – real, exceptions), a centrally planned economy, and officially preached communist ideology.

In all these countries, at least some values, beliefs, attitudes, and behaviour patterns promoted partly by the official ideology, but more by the realities of life under the political and economic system of 'real socialism', became fairly widely ingrained into the society. Among other things these were: strong reliance on state authorities in the solving of economic and social problems; acceptance of state authorities as being solely responsible for the well-being of the society as a whole and of the individual; passivity in political, social and economic matters; acceptance of the status of a subordinate rather than that of a citizen; reliance on formal social control as a means of restraining crime; widespread disrespect for law by people who considered that the law was not serving their immediate interests; belief that economic equality is one of the most important components of social justice; perception of wealth as a sign and consequence of dishonesty and hence treated with mistrust; lack of confidence in or even hostility towards 'others' (e.g. other nationalities within the country, and foreigners); fear of 'foreign capital'; little appreciation of the benefits to be gained from the freedom of expression and the right to privacy.

For the countries situated in this region 'the transition' in the late-1980s and at the beginning of the 1990s had at least three related, but different dimensions: the transition from political subordination to national independence; the transition from the authoritarian form of government to a democratic one; and the transition from a centrally planned economy to a market economy.

Initially, the ruling elites in the communist countries wanted to restrict the reforms to the economic sphere. The Soviet empire and Yugoslavia were supposed to remain intact. However, fairly soon it was clearly apparent that, at least in Europe, a market economy and an authoritarian regime are incompatible (although this may not be the case in Asia). The crisis in the economy proved to be much deeper than previously estimated by the ruling elites. In most countries attempts to build a productive and competitive economy without sharing power with at least some of those who were deprived of it under the Communist rule proved to be impossible. Also, national ambitions and contradictions of national interests appeared to be a much stronger diffusive force than expected by those who for years preached internationalism, and resulted in the emergence of new nations (i.e. 'soviet nation') and a gradual disappearance of the old ones.

Under these circumstances, at the onset of the transition period, the crisis was deep and not all the countries concerned managed to avoid a bloody confrontation. The people wanted freedom and prosperity, and wanted them immedi-

ately. As a result of the transition, nearly everyone got freedom, but very few got prosperity. For large sections of the population the transition has now become associated with diminished income, social insecurity, unclear prospects for the future, and, in some countries, also with civil war. For these sections of the population freedom has been an abstract and 'inconsumable' commodity.

The extent of crime

Has the transition led to an increase in the extent of crime? The difficulties in assessing the scope of crime in a given country over a period of time with the use of official criminal statistics are well known. The changes in crime rates occur not only as a result of changes in the real extent of crime, but also as the result of new criminal legislation, the readiness of people to report criminal incidents to the police, the willingness of the police to record reported offences, etcetera. When such an assessment is to cover a number of countries the task becomes even more complex and uncertain. Every country has its own definitions of offences in its criminal legislation and establishes, in its own way, the limit between offences (covered by criminal statistics) and transgressions (the majority or all of which do not appear in these statistics because they are not usually dealt with by the courts). As a result, the total number of recorded offences is influenced more by the legal definitions and the way the police deal with the offences which come to their attention – than by the actual extent of crime.

Therefore, the total number of offences registered as known to the police or defined in criminal statistics in some other way (e.g. incidents proved to be offences in the preliminary investigation), should not be considered as a measure of the extent of crime suitable to be used for comparisons between different countries. On the other hand, time series of such rates coming from one country can – under certain conditions – be used to show the existing crime trends, and it is only such trends derived from the criminal statistics of different countries that can be compared. Since the question to be answered here is not what the gradual development of crime has been, but, rather, what impact the transition has had on the scope of crime, mean rates from before the transition (1986-1989) and from its first period (1991-1994) were used.

The data in Table 1 seem to provide support for the commonly held view that in the Central and East European countries the transition has produced, or at least, has been accompanied by a crime wave. Apart from the interesting exceptions of Slovenia and Yugoslavia (new), in the countries listed in Table 1 recorded crime recorded nearly doubled or even nearly trebled, as in the case of Estonia and Bulgaria. Has the increase in crime really been as sharp as the figures in Table 1 suggest?

Table 1: Offences known to the police; mean rates per 100,000 population for the years 1986-1989 and 1991-1994, and the level of their increase

Country	1986-1989	1991-1994	Increase in rates#
Bulgaria	663	1763	2.7
Estonia	885	2487	2.8
Hungary	1843	4071	2.2
Latvia	912	1897	2.1
Lithuania	638	1476	2.3
Poland	1367	2282	1.7
Slovakia	879*	2243	2.6
Slovenia	1911	2307	1.2
Yugoslavia (New)	1174	1355	1.5

How many times the mean rate for the years 1991-1994 is greater than for the years 1986-1989.

* 1989

In giving an answer to this question one has to bear in mind the processes behind the compilation of data on crime published in the past. In the communist countries, the level of crime shown by criminal statistics was as high as the authorities wanted it to be. The scope of crime was considered to be an important political issue, because its low level was reputed to show the superiority of socialism over capitalism in solving social problems. First of all, there was a built-in mechanism for lowering the number of recorded offences in the way the police worked. The police were held responsible both for the high rate of clearance offences and for crime prevention. This responsibility encouraged the police to either ignore the offences which were difficult to clear up or to record them as less serious offences (e.g. robbery as simple theft); crime prevention made it desirable to leave petty offences unrecorded. Police units which followed both these courses of action were likely to get high marks from their superiors: they had a high clearance rate and a low crime rate in the area under control. If this mechanism did not produce desirable effects, the data were doctored or simply undisclosed (as, for example, in Albania, Rumania, or in the former German Democratic Republic).

At the beginning of the transition, society was released from the tight grip of the communist state. The police force lost the former unequivocal support of the state authorities and quickly changed its attitude towards society at large: the policemen started to be polite, wanted to show themselves to be servants of society, readily accepted reports of suspected criminal activity from mem-

bers of the public and recorded them. Also, within society, the former prevailing mistrust, fear, and sometimes even hostility towards the police became considerably reduced.

The above remarks should not be understood to mean that the observed rise in recorded crime can be solely attributed to the change in the attitudes of the public and the police. What they mean is that the explosion of crime noticed in the majority of countries in our region between 1989 and 1991 was probably a much smaller one than the criminal statistics seem to suggest. One must also remember that crime used to be practically absent from the mass media. From the beginning of the transition, crime became a popular item in the news. This could also easily have contributed to the impression of a crime wave.

The explanation of changes in the extent of recorded crime during the nineties seem to pose a much more complicated problem. In the years 1990-1994, the number of registered offences was on a steady rise in Rumania, it levelled in Bulgaria and, to some extent, also in Poland. In the majority of countries recorded crime started to fall at least in the latter part of that period (Estonia, Hungary, Latvia, Lithuania, Slovakia, Slovenia, and Yugoslavia (new)). The most tempting way of interpreting such a picture would probably be to assume that the downward trend in crime indicates that the police and their position in society have regained a certain degree of stability. This position enables the police to make the number of reported offences correspond to the level of their efficiency. At the same time, however, a real decline in crime should not be excluded, as suggested by some results of victimization surveys conducted in Estonia and by similar (preliminary) results from Poland.

Countries with high and low crime rates

Is it possible – relying on official criminal statistics – to distinguish between those countries with a high crime rate and those with a low crime rate? The answer is yes at least in relation to crimes of violence, or, perhaps even to all traditional criminal offences, providing that the countries concerned do not differ too much in their economic development and social and political backgrounds. The data most often used for this purpose are those on homicide. The main international sources for these data are: the results of UN Surveys of Crime Trends and Operation of Criminal Justice Systems, and the International Crime Statistics compiled by Interpol. Both these sources show clearly that for the above purpose only numbers of completed homicides should be used, because the share of attempted homicides in the total number of homicides varies enormously from country to country (e.g. in 1994: 7 per cent in Latvia, 24 per cent in Poland, and 60 per cent in Croatia).

The data in Table 2 seem to support the assumption that there are marked

Table 2: Homicides (completed); mean rates per 100,000 population for the years 1991-1994

Country	1991-1994
Bulgaria	5,1
Croatia	3.8
Czech Republic	1.9
Estonia	15.1
Hungary	3.0
Latvia	11.4

differences in the extent of crime among the countries of our region. A relatively low level of crime is noted in Slovenia, the Czech Republic, Slovakia, and Poland. Countries with a relatively moderate level of crime include Hungary, Croatia, Bulgaria, and perhaps Lithuania. A considerable amount of crime characterizes Latvia, and in particular Estonia.
In order to estimate both the change in the extent of crime and that in its relative level, the results of victimization surveys are very useful. Unfortunately, in our region such surveys covering the adult population from all over the country were not carried out before 1989. A victimization survey was conducted in Hungary in 1990, in Czechoslovakia and in Poland in 1992, in Estonia in 1993 and in 1995; several countries (among them Poland) took part in the International Crime Survey 1996. The estimates of crime trends, at least in some countries of our region will be published soon. Data available now reveal that the victimization rates in Estonia in 1995 generally showed a decline from their 1993 level (Aromaa and Ahven, 1995, p. 5).

Crime and transition

It would be beyond the scope of this paper to discuss what forces and processes are crime inducing in general. However, it seems appropriate to attempt to name at least the main processes related to the transition, which have been responsible for the state of crime now being observed in our countries.
Without mentioning the civil war (fortunately only some countries of our region have gone through this terrible experience), these main processes are: a diminished role of the state in the economy of the country; privatization of 'national' property and re-privatization of property unlawfully taken from its owners by the state (as far as the re-privatization process was really carried out); freedom for everybody to engage in business activities; opening of the

borders facilitating relatively free movement of goods (in the case of countries in the far North and far South of our region, also relatively free movement of people – a new development there); and a general weakening of the role of the state in regulating the behaviour of the citizens. It is ironic that processes beneficial for the economy of the country also proved to be the ones which generated crimes.

A separate comment must be made about law. Under communist rule, what was permitted by law was often also forbidden; during the period of transition, in the practice of everyday life, what is forbidden is also allowed: the weak state has no effective means and its functionaries do not have the political desire to enforce the law.

A study of criminal statistics shows no dramatic changes in the structure of offences recorded. The majority of them are property offences, among which there are more and more offences against private property and less against state property; there is a moderate rise in offences against life and health, and a somewhat surprising fall in economic offences. What is worrisome about crime in our region is mostly hidden behind statistical figures, although these figures also point to some disquieting patterns of crime at present. First of all, they show a steady rise – with very few exceptions – in the most serious kinds of violent offences and predatory crimes. The most significant group of offences for our societies, i.e. those of economic character and a variety of activities of organized crime, are nearly all absent from the statistical figures.

Let's start with traditional *criminal offences*. In general, in most of our countries more of the offences reported to the police are those of a more serious nature than before. This is shown in the way they are committed, in the means used to commit them, in their increased sophistication, sometimes even in their purpose, to mention only a few new patterns of contemporary crime. In nearly every country of our region, opinions are voiced that the way the traditional criminal offences, such as homicides, robberies, burglaries, breaking-in (e.g. in cars), thefts, are committed has become more brutal, more professional and with more indifference towards the victim(s). It would appear that a new kind of criminal has come out of the dark, another breed of criminal, who quickly learns the more 'efficient' techniques of how to achieve his ends by perpetrating offences and how to diminish the probability of being caught.

For example, everywhere in the countries concerned cases of robberies and extortion of unprecedented cruelty are reported. It is believed that every car, no matter what kind of locks and protection devices it is equipped with, can now be stolen and effectively disposed of. Expensive cars are stolen and afterwards 'resold' to the owner for a moderate sum of money in relation to its worth, or sold abroad. Unknown before or occurring very rarely, well targeted

burglaries aimed at obtaining definite objects (e.g. art, private collections of postage stamps or coins) seem to be on the rise. For example, in Poland in the mid-1980s there were 10-15 armed robberies recorded by the police annually; in 1990 there were 92 such cases, in 1991 – 167, in 1992 – 338, in 1993 – 559, in 1994 – 963, and in 1995 – 1464.

The means of committing offences have also changed. Equipment and other goods which were formerly difficult to come by or unobtainable on the market, even on the black market, are being used for criminal purposes. As a result of the changes in the economic system these goods are now available if not in shops, then in bazaars: firearms, explosives, chemicals necessary for the production of synthetic drugs (such as amphetamine), modern printing and duplicating machines (used by forgers), etcetera. As a result many criminals are now better equipped than the police, which is quite a new phenomenon.

Kidnapping is one example of the change in the purpose of committing an offence. For instance, in Poland, several such offences used to be reported to the police each year. In nearly all such cases the kidnapped person was a child and the 'kidnapper' was a divorced spouse or another family member who believed the ruling of the court granting the guardianship of the child to the other party in the family dispute was unjust and had to be corrected even by unlawful means. Now there are many more such cases of kidnapping and nearly all of them are committed for extortion of a ransom or to enforce some behaviour such as cancellation of a debt.

As mentioned before, in our region the main crime problem is that of *economic crime.* The transition has provided fertile soil for perpetrating such offences, the reasons for which were unavoidable, as they were simply consequences of the conditions prevailing at the beginning of the transition period. Among them was the nature of the communist state which did not provide for the separation of the state authority (*imperium*) from the management of state ownership (*dominium*). In practical terms, this meant that the same public officials were empowered to act as if they were owners of state property and to take decisions about its future on state authority. The assumption that a public official would take care of state property as well as if he were the owner, proved to be naive. It often occurs that such decisions may be beneficial either for the state or for the official. Occasionally, this conflict of interests was very strong and often the temptation for the official to act with a view to his own advantage appeared irresistible. The decisions related to privatization can bring a handsome profit to the public official who takes them. For political parties, investors, industrial and farm lobbies, and other pressure groups to place their 'own people' in such decision making positions became crucial. As a result, the privatization – beneficial to the national economy – became also a strong crime-generating process. Public officials hand-picked the buyers of

state enterprises, factories, houses, plots of land and determined the prices and terms of the deals. There are procedures established by the law as to how such transactions should be dealt with, but these are often only partly followed or, in fact, entirely bypassed. The same applies to granting licences, providing subsidies, assigning import and export quotas, exemptions from taxes and custom duties.

How was all that possible? Part of the answer lies in the fact that the Central and East European countries were completely unprepared for the adoption of a free market economy, particularly as it happened so quickly. Relatively simple was the adoption of new laws essential for a market economy: laws regulating free trade, consequences of insolvency, laws on the banking system, on non-banking financial institutions (e.g. investment funds, private insurance companies, leasing companies, etcetera), on the stock exchange, on the issuance of securities and bonds, on firms and property registers, etcetera. There were many examples from abroad which could be followed, and it was relatively easy to find experts from abroad, and sometimes also from within the country, who were prepared and able to draft the respective laws. What was difficult, however, was the building of new institutions which would make these laws work. There was a lack of competent people who could manage these institutions and make them efficient.

What has happened in the last few years with the banking systems is an obvious example of the problems created by new institutions. In nearly all the countries in question a wave of bankruptcies in the banking world has taken place. The reason for this has been the extension of credit to insolvent or sometimes even non-existent debtors. Although it is very difficult to assess exactly how many of these irretrievable credits were extended because of the incompetence of the bank managers, and exactly how much was lost due to fraudulent dealings, it seems very probable that the latter was substantially to blame.

It is also interesting to note that in nearly all our countries fraudulent quasi-banking institutions have been established. They operated using loopholes or lack of clarity in the banking laws. These institutions promised interest rates much higher than inflation, which attracted tens or even hundreds of thousands of people to entrust their, as a rule small, savings to them. The first lucky investors got their money back with handsome interest, which made these quasi-banks more and more popular. Since they often did not engage in any real business activities, their collapse was inevitable as soon as the influx of money from new clients became insufficient for paying the promised interests. Some of the founders of these institutions managed to escape abroad with huge sums of money, some, less capable, went straight to prison, but either way an enormous number of people lost their savings.

It is widely believed and substantiated by evidence gathered from a variety of sources that corruption in our region has reached a very high level. Since we do not have proper tools to measure its extent, it does not seem possible to rank our countries in this respect. Conducive to the spread of corruption was also, apart from the above mentioned factors, a kind of pro-market, 'liberal' ideology. Its aims were probably noble: to break the passivity inherited from the past and to boost the spirit of entrepreneurship. The message was taken, but partly understood to mean that what really matters is to get rich by whatever means possible. A weak state, i.e. weak in the enforcement of established laws and rules, has created the attitude that laws are to be known and looked at rather than obeyed.

What connects traditional crime with economic crime is *organized crime*. This is not a new phenomenon in our countries since it also existed under the former economic and social order. Its extent, scope of activities, relation to state authorities and to business circles have changed so much that, at present, organized crime poses entirely new problems and challenges. From all over the region reports have been received about the rise in the number of criminal organizations and in the number of people belonging to them. Their areas of activities have become so manifold that it is difficult to enumerate them. Among the most common ones are: contraband goods and people, distribution and sometimes also production of narcotics, protection rackets, large scale forgeries, money laundering, procurement of a variety of services, and larcenies, properly prepared and focused on carefully selected targets.

Smuggling means two different activities: one is bringing goods into the country or taking them out in a way enabling custom duties evasion and/or by-passing some legal prohibitions, and the other is transferring goods or people through the country for another destination. Central Europe, because of its geographic position between two different worlds, is particularly prone to the latter kind of smuggling. From the East, sometimes from the Far East, to the West travel narcotics, alcohol, arms, art objects, and people (illegal immigrants), to give a few examples. From the West to the East go cars, cigarettes, luxury goods, etcetera. This kind of contraband needs good and efficient organization within the country and connections beyond its borders. This contributes to the internationalization of organized crime to a much greater degree than the traditional kind of smuggling.

The protection racket is a new phenomenon in our countries. This kind of extortion of money from legitimate businesses does not seem to have had an equivalent in former times. It could only develop in a market economy which provides some opportunity for small private business to flourish, but the speed with which the organized criminal groups have crept into this sphere again points to the weakness of the state. Instead of primitively counterfeited paper

money or documents, there are now professionally forged money bills, passports, driving licences, and all sorts of documents for internal and external use, made with the use of modern printing and duplicating equipment. Their production, also on order from abroad, as well as their distribution, is one of the areas of activity of the organized criminal groups.
A great variety of services is offered by organized crime. One of them, which can be seen as a *signum temporis*, is the retrieval of debts from businessmen unwilling to pay them back. A commission for such a service usually comes from another businessman for whom, because of the chronic inefficiency of the judicial system, this is the only way of retrieving his money.
During the first period of the transition, the profits from organized crime activities were mostly transferred abroad. At present most of these profits are invested within the country in legitimate business. This is a sign that organized crime feels well established and is optimistic about its future here. More and more often it turns out that organized crime has already established good connections with some politicians, law enforcement officers, and businessmen. In some cases it is difficult to distinguish between a businessman and a mobster.
One can only hope that economic crime will decrease after the transition has been completed. If the rise in organized crime is not stopped now, then there is little hope that it will be eliminated in the foreseeable future. Organized crime will assume control over large sectors of the national economy and exert influence or even take over the political structure of the state.

Reference

Aromaa, K., A. Ahven
Victims of Crime in a Time of Change: Estonia 1993 and 1995
Helsinki, 1995