

C.27: Data on investigation and application of sanctions for corruption offences

Corruption (including certain related offences such as damage to EU financial interests)

Data source: Police Presidium of the Czech Republic

2017

Criminal Code Section (most corresponding)	Criminal offences registered	Criminal offences clarified	% clarified
S. 226 – Bankruptcy manipulation	1	0	0
S. 256-8 – Public tender, competition or auction manipulation	23	8	34,8
S. 259-260 – Issuance of untrue financial/audit certificate, damage to EU financial interests	27	13	48,2
S. 331 – Bribe taking	23	11	47,8
S. 332 – Bribe giving	67	60	89,6
S. 333 – Indirect bribery	2	0	0

2018

Criminal Code Section (most corresponding)	Criminal offences registered	Criminal offences clarified	% clarified
S. 226 – Bankruptcy manipulation	0	0	0
S. 256-8 – Public tender, competition or auction manipulation	38	24	63,2
S. 259-260 – Issuance of untrue financial/audit certificate, damage to EU financial interests	67	46	68,7
S. 331 – Bribe taking	180	162	90,0
S. 332 – Bribe giving	98	88	89,8
S. 333 – Indirect bribery	3	3	100

2019

Criminal Code Section (most corresponding)	Criminal offences registered	Criminal offences clarified	% clarified
S. 226 – Bankruptcy manipulation	1	0	0
S. 256-8 – Public tender, competition or auction manipulation	30	17	56,7
S. 259-260 – Issuance of untrue financial/audit certificate, damage to EU financial interests	80	35	43,8
S. 331 – Bribe taking	37	24	64,9
S. 332 – Bribe giving	82	59	72,0
S. 333 – Indirect bribery	3	0	0

2020

Criminal Code Section (most corresponding)	Criminal offences registered	Criminal offences clarified	% clarified
S. 226 – Bankruptcy manipulation	0	0	0
S. 256-8 – Public tender, competition or auction manipulation	65	39	60,0
S. 259-260 – Issuance of untrue financial/audit certificate, damage to EU financial interests	65	26	40,0
S. 331 – Bribe taking	36	17	47,2
S. 332 – Bribe giving	78	55	70,5
S. 333 – Indirect bribery	1	0	0

Notes:

1. “Registered” means that the Police started criminal proceedings in a given year (i.e. may not include the earliest steps).
2. “Clarified” includes many different outcomes of criminal proceedings, if they happen in the year of registration. It refers to e.g. cases in which the Police proposed that particular person is indicted by the public prosecutor, cases with known suspect closed due to amnesty, cases with known suspect transferred abroad, cases that are actually only parts of continuous crime or cases closed by plea bargain or conditional suspension of prosecution. It does not include unfinished investigation of criminal offences (e.g. without known suspect), of course.

C.37: Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

Protection of journalist's sources

Judgment of the Constitutional Court of 27 Sep 2005, no. I. ÚS 394/04:

The need to protect sources of information is so strong that many journalists feel bound by professional codes of ethics that require them not to disclose a source. Many journalists rely on these codes, for example in court, when faced with an order to reveal the identity of their sources. In spite of this, situations sometimes arise where the interests of journalists and the public's right to information conflict with the interests of more or less powerful individuals or institutions. Often such a conflict relates to matters of the judiciary, usually if the information is - or may be - relevant to criminal or civil proceedings. The Constitutional Court's task here is to assess such a conflict by a proportionality test and weigh whether the public interest in revealing the source of the journalist's information is so strong in a particular case that the constitutional right to freedom of expression prevails.

The answer is yes. The cited Articles 17 (1) of the Charter and 10 (1) of the Convention enshrine the right to freedom of expression, which is one of the cornerstones of a democratic state. It is mainly the press, radio and television that disseminate and convey information; in this context, freedom of information is of paramount importance (cf., for example, the judgment of the European Court of Human Rights in the Sunday Times v. United Kingdom 1978, A-30). According to the settled case law of the European Court of Justice, one of the aspects of freedom of the press is the protection of journalistic sources, which is the subject of this constitutional complaint.

See also: Judgment of the Constitutional Court of 21 May 2019, sp. zn. I. ÚS 4037/18

Breaking the protection of journalist's source

Judgement of the Constitutional Court of 11 September 2012, no. II. ÚS 1375/11:

The Constitutional Court has no doubt that the interest in public security may outweigh the interest in the protection of a journalistic source, but this certainly cannot be the case in criminal proceedings concerning the leak of information that was already declassified before criminal proceedings and it never had an international dimension. In other words, even the right to the protection of a journalistic source as part of the fundamental right to information does not have absolute precedence over other fundamental rights and freedoms of others, resp. from legitimate publicly protected interests, but the latter could not be transferred in the present case. The Constitutional Court therefore found the constitutional complaint to be perfectly justified.

See also:

Judgement of the Constitutional Court of 26 April 2016, no. III. ÚS 3457/14

Resolution of the Supreme Court of 26 July 2018, no. 4 Pzo 6/2018

Judgement of Constitutional Court of 15 March 2005, no. I. ÚS 367/03

It can generally be stated that persons who are active in the public, that is, politicians, public officials, media stars, etc., must bear a greater degree of public criticism than other citizens. There is a dual basis for this principle. On the one hand, it encourages the public discussion of public affairs and the free formation of opinions. So as to allow for the greatest possible plenitude of discussion of public affairs, it should be regulated by state authority solely to the extent absolutely indispensable (compare Art. 17 par. 4 of the Charter of Fundamental Rights and Basic Freedoms). In addition, the state accepts that its authoritative interference with the freedom of expression, for the purpose of protecting the good name of other citizens, should be subsidiary, that is, employed only in the case that such harm cannot be cured by some other means. Such harm can be cured by means other than interference by the state, for example, by making use of permissible opportunities to oppose controversial and misleading opinions. Thus, it is often possible to minimize the damaging consequences of controversial statements by means that are more effective than a judicial proceeding.

See also:

Resolution of the Constitutional Court of 14 May 2014, no. I. ÚS 1163/14

Judgement of Constitutional Court of 11 November 2005, no. I. ÚS 453/03

Resolution of the Constitutional Court of 18 October 2012, no. II. ÚS 2042/12

Resolution of the Constitutional Court of 28 March 2001, no. IV. ÚS 566/2000

Judgement of the Constitutional Court of 4 April 2005, no. IV. ÚS 146/04

Judgement of the Constitutional Court of 17 July 2007, no. IV. ÚS 23/05

Judgement of the Constitutional Court of 15 May 2012, no. II. ÚS 171/12

Judgement of the Constitutional Court of 23 June 2015, no. II. ÚS 577/13

Judgement of the Constitutional Court of 14 April 2015, no. II. ÚS 2296/14

Judgement of the Constitutional Court of 10 March 2020, no. III. ÚS 2300/18

Resolution of the Constitutional Court of 17 December 2020, no. I. ÚS 3081/20

Resolution of the Constitutional Court of 10 November 2020, no. III. ÚS 2779/18

Resolution of the Constitutional Court of 11 December 2019, no. II. ÚS 3853/19

Resolution of the Constitutional Court of 17 September 2019, no. III. ÚS 207/19

Judgement of the Constitutional Court of 17 October 2017, no. IV. ÚS 1378/16

Judgement of the Constitutional Court of 30 March 2010, no. PI. ÚS 2/10

Other

Resolution of the Constitutional Court of 24 January 2012, no. Pl. ÚS 10/09

Judgement of the Constitutional Court of 17 July 2007, no. IV. ÚS 23/05

Resolution of the Supreme Court of 12 January 2005, no. 15 Tdo 1314/2004

Resolution of the Supreme Court of 30 October 2014, no. 8 Tdo 148/2014

Judgement of the Supreme Court of 13 November 2019, no. 25 Cdo 675/2019