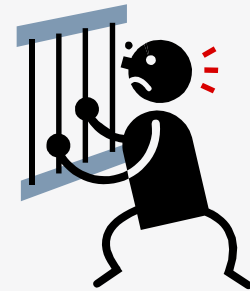




MASARYK UNIVERSITY FACULTY OF LAW

The Czech Prison System





Legal Regulation of prison sentence

- Act No. 169/1999 Coll., Prison Act, as amended amended.
- Act No. 40/2009 Coll., Criminal Code, as amended
- Act No 141/1961 Coll., Code of Criminal Procedure, as amended
- Prison Rules (an act of Minister of Justice).



An unconditional sentence of imprisonment

- A maximum term of imprisonment as a regular penalty shall be twenty years.
- A uniform minimum term is not provided.
- Exceptional Punishment - *a sentence of imprisonment of twenty up to thirty years and life imprisonment.*
- The term of imprisonment shall be served in prisons in accordance with another Act - Prison Act No. 169/1999 Coll.



Principles of punishment

- No one may be subjected to torture or to cruel, inhuman, or degrading treatment or punishment (Article 7/2 of the Charter of Fundamental Rights and Freedoms)
- Cruel and disproportionate criminal sanctions may not be imposed. The serving of a criminal sanction must not undermine human dignity (Section 37/2 of the Penal Code)



Czech Prison System

- The prison system = a system of State institutions.
- The Prison Service of the Czech Republic as a department of Ministry of Justice administers the prison system.
- The Minister of Justice manages the Prison Service through a Director General, who is responsible to him for the operation of the Prison Service.



The Prison Service

- is structured into Prison Guard, Judicial Guard and Administration Service.
- *The Prison Guard* guards, transports and escorts detainees and convicts, guard detention houses, prisons and local prisons and maintain peace in these facilities.
- *The Judicial Guard* maintain peace, security and safety in buildings of the Ministry of Justice, courts and Public Prosecutor's Office.
- *The Administration Service* makes decisions within the framework of administrative procedures according to special regulations and provides organisational, economic, educational and other similar activities. The Medical Service is a part of the Administration Service.



Types of Prison - until September, 30

- open prison
 - prison under supervision
 - prison especially guarded
 - top security prison
-
- distinguished according to the method of external guarding and security.
-
- special prison designed for juveniles





Types of Prisons - since October, 1, 2017

- Two types of prison
- prison with guarding
- - dpt with low level of security
- - dpt with medium level of security
- - dpt with high level of security
- top security prison
- special prison designed for juveniles.

The court shall specify the type of prison.

The director of the prison shall specify the dpt. in the prison with guarding according to measure of risk.



Rights of convicts

- Basic social rights include regular meal, bed and place for personal things, eight hours a day for sleeping, time for personal ablution and cleaning, at least one hour for walking, adequate spare time and medical treatment, clothes suitable for the weather conditions and sufficient to protect their health.
- Visits, correspondence, using the phone and spiritual and social services are also granted.
- The convicts can read books, newspapers, magazines, they can play games etc. They are entitled to order daily newspapers, magazines and books at their own expense and may borrow various publications including legal regulation. They also have the right to buy food and personal articles in the prison shop. Each prisoner has the right to receive a parcel containing food and personal articles weighing up to 5 kg, usually for his birthday and Christmas.



Duties of convicts

- the convicts have to keep order and discipline
- For example, it is prohibited to drink alcohol and use drugs, to gamble, to tattoo oneself or the others etc.
- Prisoners are obliged to work if prison have work for them to do.



Purpose of the prison sentence

- is not only to isolate convicted offenders, but especially an intense effort to reform the offender and his/her future reintegration into a society of people acting in accordance with the law.



Programmes of treatment

- Working activities: prisoners work either in prison`s workshops or manufacturing centres, or in companies outside.
- Educational activities: full-time study in prison`s schools, distance learning, correspondence course, requalification.
- Special educational activities: psychotherapy, artetherapy, social treaning, socially - legal counselling.
- Activities of interests: hobbies, amateurs clubs
- Extramural activities: preparation for release



Conditional Release/Parole

- the court may release a prisoner on parole if he has served one-half of the term of imprisonment or one-third of the term of imprisonment (no particular serious crime, no previous conviction to a prison sentence)
- In cases of offence earlier
- persons who are sentenced for serious crimes, the list of which is given in CC + who are sentenced to an exceptional term of imprisonment of between 20 and 25 years after twothird of their sentence
- life convicts after at least 20 years



Conditional Release/Parole

- probationary period up to three years (offence) and between 1 to 7 years (crime)
- supervision can be ordered and restrictions or duties can be imposed
- obligation to stay home during time defined in the judgment can or
- obligation to perform work for the public benefit or
- obligation to pay some money for public benefit can be also imposed



Change into house arrest

- the court may change the prison sentence into house arrest if the convict has served one-half of the term of imprisonment which was imposed for offence



Joint Execution of Imprisonment

- of mothers together with their children
- up to 3 years of age (exceptionally up to 5 years)
- not in top security prison
- special department since 2004



Thank you for your attention.