

**30th Council of Europe Conference of Ministers of justice**  
**"prisons in today's Europe"**  
Istanbul, 24 – 26 November 2010

**SPEECH**

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**CZECH REPUBLIC**

**Mr President, Ministers, Excellencies, distinguished delegates, ladies and gentlemen:**

Second theme of our conference, prisons in today's Europe, is as important as the efficiency of justice. It directly affects smaller number of people, but malfunctioning system has a far reaching impact on human rights as well as on the position of a State in a democratic society.

For me personally, such forum, as we are attending today, represents an important opportunity to exchange information and ideas and to deepen mutual cooperation. In my speech, I would like to present very briefly the position of the Czech Republic and inform you on some aspects of the problems of our prison system.

The basic planning document of the Czech prison system is the Concept of development of the Czech prison system regularly approved by the Government. Its primary aim is to react to new conditions and new chain of events which the Czech prison system has to face and also indicate the direction and priorities of the system. The new European prison rules, approved in 2006 which include common principles, are fully taken into account by the Czech Republic when preparing new strategies and concepts of the prison system.

One of the major current problems of the Czech prison system is insufficient accommodation capacity. In November the number of prisoners overreached 22,000, which represents an average of 11% over the capacity of our prisons. The situation is considerably complicated by the current and future budget restrictions for the sector due to implications of financial crises and the fact that the government's decision imposes an obligation to reduce the number of employees of the prison service next year. Prison overcrowding is quickly becoming a major financial and controversial problem.

In accordance with Recommendation 22 from 1999 of the Council of Europe on overcrowding of prisons and increase in the number of prisoners the Czech Republic has been extending the possibility of use of non-custodial sanctions and measures.

In 2010 came into force New Criminal Code No. 40/2009 Coll., which introduces a new sanction which should potentially help to significantly decrease the number of persons held in prisons – the house arrest. The use of this kind of sentence should reduce the number of short imprisonment sentences. When sentenced to house arrest, the perpetrator has a duty to remain in given residence during weekends and free days and other days from 8 p.m. to 5 a.m. The compliance with the measure is supervised by the Probation and Mediaton service.

When a provider of electronic monitoring is selected the supervision should be distinctly simplified. We believe that with the correct application in practice, the number of persons held in prisons and other corrective institutions would not increase.

The experience of the Czech Republic confirms that alternative punishment and various forms of diversions in criminal proceedings may be effective instruments for simplifying and speeding up criminal procedure. Alternative sanctions imposed instead of a prison sentence

are a much better way of taking into account the interests of the crime victim and effectively securing compensation for the damage caused by the crime. We expect a great benefit from the mentioned house arrest.

As regards juvenile offenders, there was a special law on justice in juvenile matters adopted in 2004 in the Czech Republic. For a person less than eighteen years of age who has committed a crime, criminal proceedings are governed by the laws on liability for unlawful acts of Youth and Juvenile Justice with a focus to provide specific approach to juveniles and children and to ensure their higher protection in criminal proceedings. Proceedings are carried out by special Courts for juveniles.

For convicted juveniles, an individualised approach to treatment is increasingly applied in order to prevent the negative effects of isolation of juveniles from society as much as possible during their imprisonment. Convicted juveniles should be treated in a manner that develops their mental, emotional and social maturity. Emphasis is placed on acceptance and awareness of personal responsibility for the crime they committed. Educational and work activities of convicted juveniles should be focused on obtaining knowledge and skills which would help them to find employment once they are released from prison.

Ladies and Gentlemen,

Thank you for your attention.