

Czech Republic

1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

CONDITIONAL RELEASE	
Name of the judgement or the probation decision	Art 2/6 of FD - conditional release
Classification of this judgement or the probation decision	Art 2/6 of FD - conditional release
Legal basis of this judgement or the probation decision	Provisions 88 and 89 of Act No. 40/2009 Coll., Criminal Code
Definition of this judgement or the probation decision	Decision of a Court on early release of a sentenced person after part of the custodial sentence or measure involving deprivation of liberty has been served together with <ul style="list-style-type: none"> - ordering the supervision of the conditionally released person, or - imposing on the conditionally released person under sentence also appropriate restrictions or obligations, or ordering the supervision of the conditionally released person, and imposing appropriate restrictions or obligations as well.
Legal Conditions of this judgement or the probation decision	Court may conditionally release a convicted person : <ul style="list-style-type: none"> - after such person has served one-half (in certain cases before serving one-half of the term of imprisonment or after two-thirds of the term of imprisonment to which he was sentenced and a person sentenced to the exceptional term of life imprisonment may be conditionally released after having served at least twenty years of imprisonment); - when such person proved his rehabilitation by his behaviour and fulfilment of his duties, and he can be expected to lead proper life in future or the court

accepts guarantee for completion of the convicted person's rehabilitation;
- the court shall set a probationary period from one to seven years.

If the court conditionally releases person before serving one-half of the term of imprisonment to which such person was sentenced (person convicted for committing a misdemeanour who proves by his exemplary behaviour and fulfilment of his duties that further continuation of execution of sentence of imprisonment is not necessary), it imposes on this conditionally released person obligation to stay during the fixed period in particular during the night and during not working days on his place or imposes to him to execute the work in favour on the state or other benevolent institution or to pay compensation imposed for the benefit of victims.

Type of probation measures

A) Supervision

The supervision means a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in formulation and realisation of the probation programme during the probationary period, and supervising the observance of conditions imposed upon the offender by the court or arising from law. Supervision upon the offender is guided by a probation officer.

The aim of supervision is to monitor behaviour of the offender and thereby also to ensure protection of society and to reduce possibility to repeat the criminal activity. It also aims to provide professional guidance and aid to the offender with a view to ensuring that he will lead an orderly life in future

If the Court order the supervision of the released person, probation officer will be in a regular personal contact with this released person and the probation program will be formulated for and cooperation with released person.

The person upon whom the supervision has been imposed, is obliged:

- to cooperate with the probation officer in a way determined by the officer on the basis of his probation programme,
- to appear at the probation officer in terms determined by the officer,
- to inform the probation officer about his residence, employment, abidance of appropriate restrictions or duties imposed by the court, and other circumstances which are important for the execution of supervision, specified by the officer,
- to allow the probation officer entrance to the dwelling, where he abstains.

B) Appropriate restrictions or obligations (probation measures)

At the same time as ordering the supervision, the court may (but not must) impose on the conditionally released person under sentence also appropriate restrictions or obligations (probation measures) aimed at introducing order into his way of life. The court may impose appropriate restrictions or obligations without ordering the supervision.

The Czech law does not provide for any exhaustive list of probation measures which can be imposed by the judge to the sentenced person. Therefore, it is at the sole discretion of the judge to determine any obligation or restriction deemed necessary, depending on the facts of the case submitted. Appropriate restrictions and appropriate duties have the aim to introduce order into perpetrator's life; as a rule the court may impose a duty on the offender to compensate, according to his situation, the damage which he caused by his crime.

Example of probation measures are:

- to take part in a suitable retraining course;
- to take part in an appropriate programme of social training and re-education;
- to undergo treatment to rid himself of his dependence on addictive substances, which is not regarded as protective therapy (treatment) under

	<p>Criminal Code;</p> <ul style="list-style-type: none"> - to take part in suitable programmes organised by psychological consultants; - to desist from visiting unsuitable milieus, sporting, cultural and other social events, and from contacts with particular persons (individuals); - to desist from gambling, including coin-operated gambling machines, and betting, ...
<p>Combination of sanctions or measures</p>	<p>In this case the following combination is possible :</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures); - combination of supervision and imposition of appropriate restrictions or obligations (probation measures).
<p>Authority responsible for taking such a decision</p>	<p>The court</p>
<p>Authority responsible for supervising</p>	<p>The supervision and control of probation measures is followed up by Probation and Mediation Service (administrative authority). The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity :</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative sentences and measures. <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices)..</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health institutes, churches and religious communities, civil associations, foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing inadaptible citizens with social care.</p>

Authority responsible in case of infringement	<p>If the offender, upon whom the supervision has been imposed, infringes the conditions of supervision or appropriate restrictions or duties, the probation officer notifies, without undue delay, the court which imposed the supervision and/or appropriate restrictions or obligations.</p> <p>Unless the judge stipulates otherwise, the probation officer compiles, at least once a six months, a report, notifying judge of the process of supervision, fulfilment of appropriate restrictions and duties and the situation of conditionally released person.</p>
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SUSPENDED SENTENCE	
Name of the judgement or the probation decision	Suspended sentence
Classification of this judgement or the probation decision	Art 2/2 of FD - suspended sentence
Legal basis of this judgement or the probation decision	Provisions 81 - 86 of Act No. 40/2009 Coll., Criminal Code
Definition of this judgement or the probation decision	<p>Custodial sentence the execution of which is conditionally suspended together with :</p> <ul style="list-style-type: none"> - ordering the supervision of the conditionally sentenced person, or - imposing on the conditionally sentenced person under sentence also appropriate restrictions or obligations, or ordering the supervision of the conditionally sentenced person, and imposing appropriate restrictions or obligations as well.
Legal Conditions of this judgement or the probation decision	<p>The court may suspend an offender's term of imprisonment when:</p> <ul style="list-style-type: none"> - his term of imprisonment does not exceed three years; - if, because of the person of such offender, his previous way of life and his living and working surroundings and also the circumstances of the case, it is believed that the purpose of punishment will be achieved even without the offender serving a term of imprisonment. <p>The court shall fix a probationary period of one up to five years.</p> <p>When the court approves suspension of an offender's term of imprisonment, such suspension does not apply to the other punishments imposed on the offender.</p>
Type of probation	A) Supervision

<p>measures</p>	<p>The supervision means a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in formulation and realisation of the probation programme during the probationary period, and supervising the observance of conditions imposed upon the offender by the court or arising from law. Supervision upon the offender is guided by a probation officer.</p> <p>The aim of supervision is to monitor behaviour of the offender and thereby also to ensure protection of society and to reduce possibility to repeat the criminal activity. It also aims to provide professional guidance and aid to the offender with a view to ensuring that he will lead an orderly life in future</p> <p>If the Court order the supervision of the released person, probation officer will be in a regular personal contact with this released person and the probation program will be formulated for and cooperation with released person.</p> <p>The person upon whom the supervision has been imposed, is obliged:</p> <ul style="list-style-type: none"> - to cooperate with the probation officer in a way determined by the officer on the basis of his probation programme, - to appear at the probation officer in terms determined by the officer, - to inform the probation officer about his residence, employment, abidance of appropriate restrictions or duties imposed by the court, and other circumstances which are important for the execution of supervision, specified by the officer, - to allow the probation officer entrance to the dwelling, where he abstains. <p>B) Appropriate restrictions or obligations (probation measures)</p> <p>At the same time as ordering the supervision, the court may (but not must) impose on the conditionally released person under sentence also appropriate restrictions or obligations (probation measures) aimed at introducing order into his way of life. The court may impose appropriate restrictions or obligations without ordering the supervision.</p> <p>The Czech law does not provide for any exhaustive list of probation measures which can be imposed by the judge to the sentenced person. Therefore, it is at the sole discretion of the judge to determine any obligation or restriction deemed necessary, depending on the facts of the case submitted. Appropriate restrictions and appropriate duties have the aim to introduce order into perpetrator's life; as a rule the court may impose a duty on the offender to compensate, according to his situation, the damage which he caused by his crime.</p> <p>Example of probation measures are:</p> <ul style="list-style-type: none"> - to take part in a suitable retraining course; - to take part in an appropriate programme of social training and re-education; - to undergo treatment to rid himself of his dependence on addictive substances, which is not regarded as protective therapy (treatment) under Criminal Code; - to take part in suitable programmes organised by psychological consultants; - to desist from visiting unsuitable milieus, sporting, cultural and other social events, and from contacts with particular persons (individuals); - to desist from gambling, including coin-operated gambling machines, and betting, ...
<p>Combination of sanctions or measures</p>	<p>Combination is possible. Provision of Article 53 of the Criminal Code will be applied in general. If the Criminal Code provides for two or more punishments for a certain crime, each such punishment may be imposed separately, although two or more of them may be imposed in parallel ("concurrently").</p> <p>In addition to the punishments which this Code stipulates for a particular</p>

	<p>crime, other punishments as listed in provision 52 of the Criminal Code may be imposed :</p> <ul style="list-style-type: none"> - House arrest may not be imposed concurrently with prison sentence and community work; - community work may not be imposed concurrently with prison sentence,; - financial penalty may not be imposed concurrently with forfeiture of property; - prohibition of stay may not be imposed concurrently with expulsion. <p>House arrests, community work, financial penalty, prohibition of enter to sport, cultural and others social events, expulsion and prohibition of stay may be imposed separately, even if the Criminal Code does not stipulate such a punishment.</p> <p>Furthermore, in this case the following combination is possible</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures) - combination of supervision and imposition of appropriate restrictions or obligations (probation measures).
<p>Authority responsible for taking such a decision</p>	<p>The court</p>
<p>Authority responsible for supervising</p>	<p>The supervision and control of probation measures is followed up by Probation and Mediation Service (administrative authority).</p> <p>The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity:</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative sentences and measures. <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices).</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health</p>

	<p>institutes, churches and religious communities, civil associations, foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing inadapted citizens with social care.</p>
<p>Authority responsible in case of infringement</p>	<p>The court has to ascertain whether the probationer complied with the conditions imposed on him during the probationary period before it concludes that he has proved himself. A probationer who does not comply with the conditions of the probationary period has to serve his term of imprisonment.</p> <p>Exceptionally the court may, with regard to the circumstances of the case and the person of the offender, allow the suspended sentence valid, even if the behaviour of the offender was occasion of prescription to execute the punishment, and :</p> <ul style="list-style-type: none"> - order the supervision (if the custodial sentence the execution of which is conditionally suspended impose on the conditionally sentenced person under sentence only appropriate restrictions or obligations), or - extend the probationary period appropriately, but not by more than two years, whereas this period must not exceed the maximum determined period, or - impose appropriate restrictions and obligations which have not been imposed before, aimed at obliging him to lead an orderly life.

<p>CONDITIONAL WAIVER OF PUNISHMENT CONNECTED WITH SUPERVISION</p>	
<p>Name of the judgement or the probation decision</p>	<p>Conditional Waiver of Punishment Connected with Supervision</p>
<p>Classification of this judgement or the probation decision</p>	<p>Art 2/3 of FD - conditional sentence</p>
<p>Legal basis of this judgement or the probation decision</p>	<p>Provision 48 of Act No. 40/2009 Coll., Criminal Code</p>
<p>Definition of this judgement or the probation decision</p>	<p>Decision by which the court conditionally waives an offender's punishment, if it considers it necessary to follow the offender's conduct for a fixed period. The waiving of punishment is, in fact, a special example of the use of the threat to impose a punishment. The court issues a verdict on finding the offender guilty, but it does not impose any punishment on him.</p>

<p>Legal Conditions of this judgement or the probation decision</p>	<p>The court may waive punishment of an offender :</p> <ul style="list-style-type: none"> - who commits a misdemeanour and, who shows regret for committing it and who makes an effective attempt to reform himself, if, taking into account the nature of the committed act and the offender's previous life, there are grounds to believe that consideration of the case by the court will be sufficient to reform the offender; - if he committed a crime in a state of diminished sanity, and the court is of the opinion that the protective therapy which it concurrently orders will ensure the offender's rehabilitation and the protection of society more effectively than punishment (not if the offender has induced himself into the state of diminished sanity, even through negligence, by taking an addictive substance). <p>The court shall fix a probationary period of up to one year and concurrently order supervision of the offender.</p>
<p>Type of probation measures</p>	<p>A) Supervision</p> <p>The supervision means a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in formulation and realisation of the probation programme during the probationary period, and supervising the observance of conditions imposed upon the offender by the court or arising from law. Supervision upon the offender is guided by a probation officer.</p> <p>The aim of supervision is to monitor behaviour of the offender and thereby also to ensure protection of society and to reduce possibility to repeat the criminal activity. It also aims to provide professional guidance and aid to the offender with a view to ensuring that he will lead an orderly life in future</p> <p>If the Court order the supervision of the released person, probation officer will be in a regular personal contact with this released person and the probation program will be formulated for and cooperation with released person.</p> <p>The person upon whom the supervision has been imposed, is obliged:</p> <ul style="list-style-type: none"> - to cooperate with the probation officer in a way determined by the officer on the basis of his probation programme, - to appear at the probation officer in terms determined by the officer, - to inform the probation officer about his residence, employment, abidance of appropriate restrictions or duties imposed by the court, and other circumstances which are important for the execution of supervision, specified by the officer, - to allow the probation officer entrance to the dwelling, where he abstains. <p>B) Appropriate restrictions or obligations (probation measures)</p> <p>At the same time as ordering the supervision, the court may (but not must) impose on the conditionally released person under sentence also appropriate restrictions or obligations (probation measures) aimed at introducing order into his way of life. The court may impose appropriate restrictions or obligations without ordering the supervision.</p> <p>The Czech law does not provide for any exhaustive list of probation measures which can be imposed by the judge to the sentenced person. Therefore, it is at the sole discretion of the judge to determine any obligation or restriction deemed necessary, depending on the facts of the case submitted. Appropriate restrictions and appropriate duties have the aim to introduce order into perpetrator's life; as a rule the court may impose a duty on the offender to compensate, according to his situation, the damage which he caused by his crime.</p> <p>Example of probation measures are:</p> <ul style="list-style-type: none"> - to take part in a suitable retraining course; - to take part in an appropriate programme of social training and re-

	<p>education;</p> <ul style="list-style-type: none"> - to undergo treatment to rid himself of his dependence on addictive substances, which is not regarded as protective therapy (treatment) under Criminal Code; - to take part in suitable programmes organised by psychological consultants; - to desist from visiting unsuitable milieus, sporting, cultural and other social events, and from contacts with particular persons (individuals); - to desist from gambling, including coin-operated gambling machines, and betting, ...
<p>Combination of sanctions or measures</p>	<p>In this case the following combination is possible</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures) - combination of supervision and imposition of appropriate restrictions or obligations (probation measures).
<p>Authority responsible for taking such a decision</p>	<p>The court</p>
<p>Authority responsible for supervising</p>	<p>The supervision and control of probation measures is followed up by Probation and Mediation Service (administrative authority).</p> <p>The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity:</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative sentences and measures. <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices).</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health institutes, churches and religious communities, civil associations,</p>

	foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing inadaptable citizens with social care.
Authority responsible in case of infringement	The court If an offender whose punishment has been conditionally waived leads an orderly life during the probationary period and complies with the imposed conditions, the court shall proclaim that he has met the conditions; otherwise, the court shall decide to impose on him the punishment, even during the probationary period.

HOUSE ARREST PENALTY	
Name of the judgement or the probation decision	House arrest penalty
Classification of this judgement or the probation decision	Art 2/4 of FD - alternative sanction
Legal basis of this judgement or the probation decision	Provision 60 - 61 of Act No. 40/2009 Coll., Criminal Code
Definition of this judgement or the probation decision	Sentenced person is confined by the court to his or her residence during specified time (if it is not specified by the court than during working days from 20.00 p.m to 05.00 a.m.; during non working days - all the day).
Legal Conditions of this judgement or the probation decision	<p>The court may order house arrest penalty up to two years if the offender has committed a misdemeanour and</p> <p>if, because of the nature and seriousness of the committed misdemeanour and personality of the offender, it is possible to suppose that this penalty is sufficient (eventually in addition to another sanction), and</p> <p>if the offender gives written promise to stay at his or her residence and to provide help during the supervision.</p> <p>The court may order house arrest penalty as an independent (sole) punishment if, because of the nature of the committed misdemeanour and the possibility of rehabilitating the offender, imposition of another punishment is not necessary for achievement of the purpose of sentence.</p>

	<p>When imposing house arrest penalty, the court shall determine the alternative punishment (prison sentence) up to one year in case that offender does not comply with the imposed conditions.</p>
<p>Type of probation measures</p>	<p>Alternative sanction set out in Article 4 letter d).</p> <p>The court may concurrently impose on the offender, for the duration of the house arrest penalty, sufficient restrictions and duties with the aim to introduce order into his life; as a rule, the offender is also ordered to compensate damage caused by his misdemeanour.</p> <p>Appropriate restrictions or obligations (probation measures)</p> <p>At the same time as ordering the supervision, the court may (but not must) impose on the conditionally released person under sentence also appropriate restrictions or obligations (probation measures) aimed at introducing order into his way of life. The court may impose appropriate restrictions or obligations without ordering the supervision.</p> <p>The Czech law does not provide for any exhaustive list of probation measures which can be imposed by the judge to the sentenced person. Therefore, it is at the sole discretion of the judge to determine any obligation or restriction deemed necessary, depending on the facts of the case submitted. Appropriate restrictions and appropriate duties have the aim to introduce order into perpetrator's life; as a rule the court may impose a duty on the offender to compensate, according to his situation, the damage which he caused by his crime.</p> <p>Example of probation measures are:</p> <ul style="list-style-type: none"> - to take part in a suitable retraining course; - to take part in an appropriate programme of social training and re-education; - to undergo treatment to rid himself of his dependence on addictive substances, which is not regarded as protective therapy (treatment) under Criminal Code; - to take part in suitable programmes organised by psychological consultants; - to desist from visiting unsuitable milieus, sporting, cultural and other social events, and from contacts with particular persons (individuals); - to desist from gambling, including coin-operated gambling machines, and betting, ...
<p>Combination of sanctions or measures</p>	<p>Combination is possible. Provision of Article 53 of the Criminal Code will be applied in general. If the Criminal Code provides for two or more punishments for a certain crime, each such punishment may be imposed separately, although two or more of them may be imposed in parallel ("concurrently"). In addition to the punishments which this Code stipulates for a particular crime, other punishments as listed in provision 52 of the Criminal Code may be imposed :</p> <ul style="list-style-type: none"> - House arrest may not be imposed concurrently with prison sentence and community work; - community work may not be imposed concurrently with prison sentence,; - financial penalty may not be imposed concurrently with forfeiture of property; - prohibition of stay may not be imposed concurrently with expulsion. <p>House arrests may be imposed separately, even if the Criminal Code does not stipulate such a punishment.</p> <p>Furthermore, in this case the following combination is possible :</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures)

<p>Authority responsible for taking such a decision</p>	<p>The court</p>
<p>Authority responsible for supervising</p>	<p>The supervision and control of probation measures is followed up by Probation and Mediation Service (administrative authority).</p> <p>The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity:</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative sentences and measures. <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices).</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health institutes, churches and religious communities, civil associations, foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing inadaptable citizens with social care.</p> <p>Concept of House Arrest (Home Detention) was implemented as a new alternative sanction into the New Criminal Code of the Czech Republic with effect from 1st of January 2010. Electronic Monitoring as instrument of control of this alternative sanction is expected to come into the practice in frame of the year 2012. Till than, Home Detention is supervised by the means of unexpected curfew - provided by probation officer's personally visiting offender at his/her home.</p>
<p>Authority responsible in case of infringement</p>	<p>The court</p> <p>In case that offender does not comply with the imposed conditions, the court shall decide to impose on him the punishment.</p>

COMMUNITY WORK

Name of the judgement or the probation decision	Community work
Classification of this judgement or the probation decision	Art 2/4 of FD - alternative sanction
Legal basis of this judgement or the probation decision	Provision 62 - 65 of Act No. 40/2009 Coll., Criminal Code
Definition of this judgement or the probation decision	An obligation to carry out community service such as maintenance of public areas, cleaning and maintaining public buildings and streets (roads), and other similar work to the benefit of the communities, to the benefit of the state or the other publicly beneficial institutions, which deal with teaching and science, culture, education, protection of health, fire prevention, protection of environment, promotion and protection of juveniles, protection of animals, humanitarian, social, charity, religious, gym or sports activities. The work must not be instrumental to gainful purposes.
Legal Conditions of this judgement or the probation decision	<p>The court may order community work :</p> <ul style="list-style-type: none"> - if the offender has committed a misdemeanour, - as an independent (sole) punishment if, because of the nature of the committed misdemeanour and the possibility of rehabilitating the offender, imposition of another punishment is not necessary for achievement of the purpose of sentence. <p>A community work sentence may be imposed of from 50 to 300 hours</p>
Type of probation measures	<p>Alternative sanction set out in Article 4 letter i).</p> <p>The court may concurrently impose on the offender, for the duration of the punishment, sufficient restrictions and duties in aimed at introducing order into his life; as a rule, the offender is also ordered to compensate damage caused by his misdemeanour.</p> <p>Appropriate restrictions or obligations (probation measures)</p> <p>see the point above</p>
Combination of sanctions or measures	Combination is possible. Provision of Article 53 of the Criminal Code will be applied in general. If the Criminal Code provides for two or more punishments for a certain crime, each such punishment may be imposed separately, although two or more of them may be imposed in parallel

	<p>("concurrently"). In addition to the punishments which this Code stipulates for a particular crime, other punishments as listed in provision 52 of the Criminal Code may be imposed. House arrest may not be imposed concurrently with prison sentence and community work, community work may not be imposed concurrently with prison sentence, financial penalty may not be imposed concurrently with forfeiture of property and prohibition of stay may not be imposed concurrently with expulsion.</p> <p>Community work may be imposed separately, even if the Criminal Code does not stipulate such a punishment.</p> <p>Furthermore, in this case the following combination is possible :</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures)
<p>Authority responsible for taking such a decision</p>	<p>The Court</p>
<p>Authority responsible for supervising</p>	<p>The supervision of probation measures is followed up by Probation and Mediation Service (administrative authority)</p> <p>The supervision and control of probation measures is followed up by Probation and Mediation Service (administrative authority).</p> <p>The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity:</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative sentences and measures. <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices).</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health institutes, churches and religious communities, civil associations, foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing</p>

	inadaptable citizens with social care.
Authority responsible in case of infringement	<p>The Court shall change the punishment from community work, or its remaining part, to a term of imprisonment, and it shall concurrently decide on the manner of the offender's imprisonment; thereby, every one (even just commenced) hour of unperformed community work shall be counted as one day of imprisonment.</p> <p>Exceptionally the court may decide to remain community work or to prolong the time to execute it (max. 6 month). In this case, the court may concurrently impose on the offender, for the duration of the punishment, sufficient restrictions and duties and decide about the supervision of the offender.</p>

PROHIBITION OF STAY	
Name of the judgement or the probation decision	Prohibition of stay
Classification of this judgement or the probation decision	Art 2/4 of FD - alternative sanction
Legal basis of this judgement or the probation decision	Provision 75 of Act No.40/2009 Coll., Criminal Code
Definition of this judgement or the probation decision	<p>Obligation not to stay in a determined place or district. If the offender needs to stay in such a place for personal reasons, he must obtain authorisation (permission) thereto.</p> <p>The prohibition of stay may not involve the place or district where the offender has his permanent residential address.</p>
Legal Conditions of this judgement or the probation decision	<p>The court may order a prohibition of stay as punishment :</p> <ul style="list-style-type: none"> - for a premeditated crime; - if, because of the offender's previous way of life and the place where he committed his crime, this is required in the interests of the protection of public order, family, health, morality or property; - as a sole punishment for a crime for which the maximum term of imprisonment stipulated by Criminal Code does not exceed three years, if, because of the nature of the committed crime and the possibility of rehabilitating the offender, the court considers imposition of another punishment unnecessary.

<p>Type of probation measures</p>	<p>Prohibition of stay is an alternative sanction set out in Article 4 letter b).</p> <p>The court may impose on the offender on the same time, under sentence appropriate restrictions aimed at introducing order into his way of life.</p> <p>Appropriate restrictions or obligations (probation measures)</p> <p>The supervision means a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in formulation and realisation of the probation programme during the probationary period, and supervising the observance of conditions imposed upon the offender by the court or arising from law. Supervision upon the offender is guided by a probation officer.</p> <p>The aim of supervision is to monitor behaviour of the offender and thereby also to ensure protection of society and to reduce possibility to repeat the criminal activity. It also aims to provide professional guidance and aid to the offender with a view to ensuring that he will lead an orderly life in future.</p> <p>If the Court orders the supervision of the released person, probation officer will be in a regular personal contact with this released person and the probation program will be formulated for and in cooperation with released person.</p> <p>The person upon whom the supervision has been imposed, is obliged:</p> <ul style="list-style-type: none"> - to cooperate with the probation officer in a way determined by the officer on the basis of his probation programme, - to appear at the probation office in terms determined by the officer, - to inform the probation officer about his residence, employment, abidance of appropriate restrictions or duties imposed by the court, and other circumstances which are important for the execution of supervision, specified by the officer, - to allow the probation officer entrance to the dwelling, where he abstains.
<p>Combination of sanctions or measures</p>	<p>Combination is possible. Article 53 of the Criminal Code will be applied in general. If the Criminal Code provides for two or more punishments for a certain crime, each such punishment may be imposed separately, although two or more of them may be imposed in parallel ("concurrently"). In addition to the punishments which this Code stipulates for a particular crime, other punishments as listed in Article 52 of the Criminal Code may be imposed. Prohibition of stay may not be imposed concurrently with expulsion.</p> <p>Prohibition of stay may be imposed separately, even if the Criminal Code does not stipulate such a punishment.</p> <p>Furthermore, in this case the following combination is possible :</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures);
<p>Authority responsible for taking such a decision</p>	<p>The court</p>
<p>Authority responsible for supervising</p>	<p>The court informs each municipality in which territory the stay of sentenced person was prohibited as well competent Police headquarters and asks for concurring in the execution of this sanction.</p>

	<p>The supervision of probation measures is followed up by Probation and Mediation Service (administrative authority)</p> <p>The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity:</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative sentences and measures. <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices).</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health institutes, churches and religious communities, civil associations, foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing inadaptable citizens with social care.</p>
<p>Authority responsible in case of infringement</p>	<p>The court</p> <p>Provision 337 of Act No. 40/2009 Coll., Criminal Code protects the interest of society in ensuring that there is proper compliance with decisions (verdicts) of courts and other state organs.</p> <p>Whoever frustrates or substantially obstructs execution of a decision of a court or another state organ by staying without permission and a serious reason in a place or district from which he has been prohibited, or by not complying with a restriction imposed on him in connection with his sentence shall be punished by imprisonment for a term of up to three years.</p>

<p>PROHIBITION OF ENTER TO SPORT,CULTURAL AND OTHER SOCIAL EVENTS</p>	
<p>Name of the judgement or the probation decision</p>	<p>Prohibition of enter to sport, cultural and others social events</p>

Classification of this judgement or the probation decision	Art 2/4 of FD - alternative sanction
Legal basis of this judgement or the probation decision	Provision 76 of Act No. 40/2009 Coll., Criminal Code
Definition of this judgement or the probation decision	Obligation not to enter to specified sport, cultural and others social events and possible obligation to report at specified times to competent Police headquarters.
Legal Conditions of this judgement or the probation decision	The court may order Prohibition of enter to sport, cultural and others social events if an offender commits a crime in connection with such an event.
Type of probation measures	<p>Alternative sanction set out in Article 4 letter b), in some cases letter e) as well.</p> <p>The court may impose on the offender on the same time, under sentence appropriate restrictions aimed at introducing order into his way of life.</p> <p>Appropriate restrictions or obligations (probation measures)</p> <p>The supervision means a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in formulation and realisation of the probation programme during the probationary period, and supervising the observance of conditions imposed upon the offender by the court or arising from law. Supervision upon the offender is guided by a probation officer.</p> <p>The aim of supervision is to monitor behaviour of the offender and thereby also to ensure protection of society and to reduce possibility to repeat the criminal activity. It also aims to provide professional guidance and aid to the offender with a view to ensuring that he will lead an orderly life in future.</p> <p>If the Court orders the supervision of the released person, probation officer will be in a regular personal contact with this released person and the probation program will be formulated for and in cooperation with released person.</p> <p>The person upon whom the supervision has been imposed, is obliged:</p> <ul style="list-style-type: none"> - to cooperate with the probation officer in a way determined by the officer on the basis of his probation programme, - to appear at the probation office in terms determined by the officer, - to inform the probation officer about his residence, employment, abidance

	<p>of appropriate restrictions or duties imposed by the court, and other circumstances which are important for the execution of supervision, specified by the officer,</p> <ul style="list-style-type: none"> - to allow the probation officer entrance to the dwelling, where he abstains.
<p>Combination of sanctions or measures</p>	<p>Combination is possible. Article 53 of the Criminal Code will be applied in general. Prohibition of enter to sport, cultural and others social events, may be imposed separately, even if the Criminal Code does not stipulate such a punishment.</p> <p>Furthermore, in this case the following combination is possible :</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures)
<p>Authority responsible for taking such a decision</p>	<p>The court</p>
<p>Authority responsible for supervising</p>	<p>The supervision of probation measures is followed up by Probation and Mediation Service (administrative authority) which cooperates with competent Police headquarters in the execution of this sanction.</p> <p>The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity:</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative sentences and measures. <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices).</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health institutes, churches and religious communities, civil associations, foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing inadaptible citizens with social care.</p>

<p>Authority responsible in case of infringement</p>	<p>The court.</p> <p>Provision 337 of Act No. 40/2009 Coll., Criminal Code protects the interest of society in ensuring that there is proper compliance with decisions (verdicts) of courts and other state organs.</p> <p>Whoever frustrates or substantially obstructs execution of a decision of a court or another state organ by entering the events covered by Prohibition of enter to sport, cultural and others social events or by committing an act which frustrates the purpose of this penalty shall be punished by imprisonment for a term of up to three years.</p>
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<p style="text-align: center;">PROTECTIVE THERAPY</p>	
<p>Name of the judgement or the probation decision</p>	<p>Protective therapy.</p>
<p>Classification of this judgement or the probation decision</p>	<p>Art 2/4 of FD - alternative sanction</p>
<p>Legal basis of this judgement or the probation decision</p>	<p>Provision 99 of Act No. 40/2009 Coll., Criminal Code</p>
<p>Definition of this judgement or the probation decision</p>	<p>The obligation to undergo the therapeutic treatment in compliance with the orders of professionals from medical/therapeutic institution (obligation to attend therapy periodically in definite time). The person is at the same time at liberty.</p>
<p>Legal Conditions of this judgement or the probation decision</p>	<p>A court shall order protective therapy in the cases laid down in provisions 40 (2) and 47(1) of the Criminal Code, or if an offender is not criminally liable because of insanity and it would be dangerous if he remained at large.</p> <p>Article 40 (2) : The court may lower imposing punishment under legal limit if the offender does not have induced himself into the state of diminished sanity, even through negligence, by taking addictive substance and if the court is of the opinion that regarding to offender’s medical state even lower punishment will ensure offender ´s rehabilitation; the court concurrently orders the protective treatment.</p> <p>Article 47(1) : The court may also withhold from imposing punishment on an offender if he committed a criminal offence in state (condition) of diminished</p>

sanity, and the court is of the opinion that the protective treatment which it concurrently orders will ensure offender 's rehabilitation and protection of society more effectively than punishment. However, this provision shall not be applied if the offender has induced himself into the state of diminished sanity, even through negligence, by taking and addictive substance.

The court may also order protective therapy :

- if an offender commits a crime in a state approaching insanity and his remaining at large would be dangerous; or
- if an offender who excessively uses addictive substances commits a crime under their influence or in connection with their misuse; the court shall not order protective therapy when it is obvious, taking into account the person of the offender, that such therapy would not serve its purpose.

Protective therapy (treatment) shall continue as long as its purpose requires, not longer that two years (extension even repeated of this period is possible, always for two years maximum).

The termination of the protective therapy shall be ordered by the court.

Type of probation measures

Alternative sanction set out in Article 4 letter k)

The court may impose on the offender on the same time, under sentence appropriate restrictions aimed at introducing order into his way of life.

Appropriate restrictions or obligations (probation measures)

The supervision means a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in formulation and realisation of the probation programme during the probationary period, and supervising the observance of conditions imposed upon the offender by the court or arising from law. Supervision upon the offender is guided by a probation officer.

The aim of supervision is to monitor behaviour of the offender and thereby also to ensure protection of society and to reduce possibility to repeat the criminal activity. It also aims to provide professional guidance and aid to the offender with a view to ensuring that he will lead an orderly life in future.

If the Court orders the supervision of the released person, probation officer will be in a regular personal contact with this released person and the probation program will be formulated for and in cooperation with released person.

The person upon whom the supervision has been imposed, is obliged:

- to cooperate with the probation officer in a way determined by the officer on the basis of his probation programme,
- to appear at the probation office in terms determined by the officer,
- to inform the probation officer about his residence, employment, abidance of appropriate restrictions or duties imposed by the court, and other circumstances which are important for the execution of supervision, specified by the officer,
- to allow the probation officer entrance to the dwelling, where he abstains. When deciding on the termination of the protective therapy, the court shall order the supervision if there is a menace that the offender perpetrates another crime.

Supervision

The supervision means a regular personal contact of an offender with an officer of the Probation and Mediation Service, cooperation in formulation and realisation of the probation programme during the probationary period, and supervising the observance of conditions imposed upon the offender by the court or arising from law. Supervision upon the offender is guided by a

	<p>probation officer.</p> <p>The aim of supervision is to monitor behaviour of the offender and thereby also to ensure protection of society and to reduce possibility to repeat the criminal activity. It also aims to provide professional guidance and aid to the offender with a view to ensuring that he will lead an orderly life in future</p> <p>If the Court order the supervision of the released person, probation officer will be in a regular personal contact with this released person and the probation program will be formulated for and cooperation with released person.</p> <p>The person upon whom the supervision has been imposed, is obliged:</p> <ul style="list-style-type: none"> - to cooperate with the probation officer in a way determined by the officer on the basis of his probation programme, - to appear at the probation officer in terms determined by the officer, - to inform the probation officer about his residence, employment, abidance of appropriate restrictions or duties imposed by the court, and other circumstances which are important for the execution of supervision, specified by the officer, - to allow the probation officer entrance to the dwelling, where he abstains.
<p>Combination of sanctions or measures</p>	<p>The court may order protective therapy in addition to a punishment, or when it waives such punishment.</p> <p>In this case the following combination is possible</p> <ul style="list-style-type: none"> - combination of different types of appropriate restrictions or obligations (probation measures) - combination of supervision and imposition of appropriate restrictions or obligations (probation measures)
<p>Authority responsible for taking such a decision</p>	<p>The court</p>
<p>Authority responsible for supervising</p>	<p>The medical/therapeutic institution</p> <p>The supervision of probation measures is followed up by Probation and Mediation Service (administrative authority)</p> <p>The probation and mediation services are established by Act No.257/2000 Coll. Probation and Mediation Service Act. The Probation and Mediation Service aims to offer effective and socially beneficial solution of crime-related conflicts and at the same time organizes and provides for efficient and dignified execution of alternative sentences and measures with emphasis on victim interests, community protection and crime prevention.</p> <p>Objectives of the PMS activity:</p> <ul style="list-style-type: none"> - Offender integration - the Probation and Mediation Service aims to reintegrate offenders back to the community with no further re-offending. Integration is a process leading to the restoration of offender's respect for the legal status of the society, his/her capability and self-actualisation. - Victim participation - the Probation and Mediation Service strives to involve the victim in the "process" of his/her own restitution, to restore his/her feeling of safety, his/her integrity and confidence in justice. - Community protection - the Probation and Mediation Service contributes to community protection with effective solution of conflict and risk situations related to criminal proceedings and with efficient execution of alternative

	<p>sentences and measures.</p> <p>Completing tasks of the Probation and Mediation services in relation to judicial and Police bodies are secured by their offices which are located at the seats of the district courts or made-equal divisional or municipal courts (74 offices + 4 field offices).</p> <p>Cooperation among Probation and Mediation Service and courts, state prosecutors and bodies of the Police of Czech Republic is based on law. Closer cooperation is regulated by particular Cooperation Agreements that specify principles of the case work, the exchange of information aimed at effective control of alternative sanctions.</p> <p>The Probation and Mediation Services proceed, in cooperation with the bodies of the social security, schools and educational facilities, health institutes, churches and religious communities, civil associations, foundations and other institutions pursuing humanitarian goals and cooperates with bodies of socio-legal protection of children and providing inadaptable citizens with social care.</p>
Authority responsible in case of infringement	<p>The court</p> <p>Provision 337 of Act No. 40/2009 Coll., Criminal Code protects the interest of society in ensuring that there is proper compliance with decisions (verdicts) of courts and other state organs.</p> <p>Whoever frustrates or substantially obstructs execution of a decision of a court or another state organ by entering the events covered by Prohibition of enter to sport, cultural and others social events or by committing an act which frustrates the purpose of this penalty shall be punished by imprisonment for a term of up to three years.</p>

PROHIBITION OF A SPECIFIC ACTIVITY	
Name of the judgement or the probation decision	Prohibition of a Specific Activity
Classification of this judgement or the probation decision	Art 2/4 of FD - alternative sanction
Legal basis of this judgement or the probation decision	Provisions 73 and 74 of Act No. 40/2009 Coll., Criminal Code
Definition of this judgement	The decision by which offender is sentenced to prohibition of a specific activity. This punishment is ordered in order to temporarily prohibit the offender from exercising a specific profession, office or activity which

or the probation decision	requires a special authorisation or licence.
Legal Conditions of this judgement or the probation decision	A court may order a prohibition of a specific activity : - for a period of from one to ten years, - if the offender in question has committed a crime related to such activity, - as an independent (sole) punishment if the Special Part of the Criminal Code permits imposition of such punishment and if, because of the committed crime and the possibility of the offender's rehabilitation, no other punishment is considered necessary to achieve the purpose of the sentence.
Type of probation measures	Alternative sanction set out in Article 4 letter d)
Combination of sanctions or measures	Combination is possible. Article 53 of the Criminal Code will be applied in general. If the Criminal Code provides for two or more punishments for a certain crime, each such punishment may be imposed separately, although two or more of them may be imposed in parallel ("concurrently"). In addition to the punishments which this Code stipulates for a particular crime, other punishments as listed in Article 52 of the Criminal Code may be imposed. House arrest may not be imposed concurrently with prison sentence and community work, community work may not be imposed concurrently with prison sentence, financial penalty may not be imposed concurrently with forfeiture of property and prohibition of stay may not be imposed concurrently with expulsion.
Authority responsible for taking such a decision	The court
Authority responsible for supervising	The court The competent Police headquarters
Authority responsible in case of infringement	The court Provision 337 of Act No. 40/2009 Coll., Criminal Code protects the interest of society in ensuring that there is proper compliance with decisions (verdicts) of courts and other state organs. Whoever frustrates or substantially obstructs execution of a decision of a court or another state organ by performing an activity which he has been prohibited from carrying on shall be punished by imprisonment for a term of up to three years.

2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.

Probation measures / alternative sanctions	Explanation
<p>Obligation for the sentenced person to inform a specific authority of any change of residence or working place</p>	<p>§ 50 char. c) of Act No. 40/2009 Coll., Criminal Code Only if the applied penalty consists in supervision by a probation officer. The offender sentenced to supervision by a probation officer has duty to inform the probation officer about his place of residence, working place and means of subsistence, keeping imposed adequate restrictions and duties and other circumstances important for execution of probation supervision.</p>
<p>Obligation not to enter certain localities, places or defined areas in the issuing or executing State</p>	<p>§ 48 par. 4 char. e) of Act No. 40/2009 Coll., Criminal Code Court, as a part of conditional release with supervision, can impose adequate obligation not to enter inappropriate environment, sports, culture or other social events.</p> <p>§ 75 of Act No. 40/2009 Coll., Criminal Code Obligation not to stay in certain localities contains the penalty</p> <p>Prohibition to stay (see points above - page16). § 76 of Act No. 40/2009 Coll., Criminal Code</p> <p>Obligation not to enter sports, culture or other social events - contains the penalty Prohibition of enter to sport, cultural and others social events (see points above - page 18)</p>
<p>Obligation containing limitations on leaving the territory of the executing State</p>	<p>§ 73 of Act No.141/1961 Coll., Criminal Procedure Code Court may replace custody by guarantee of trustworthy association or person or by written promise of accused person or by supervision of probation officer. The guarantee contains limitations on leaving the territory of the executing State.</p> <p>§ 60 of Act No. 40/2009 Coll., Criminal Code Obligation containing limitations on leaving the territory of the executing State contains the penalty House arrest penalty - (see points above page 10).</p> <p>§ 89 par. 2 of Act No. 40/2009 Coll., Criminal Code Obligation containing limitations on leaving the territory of the executing State is possible obligation for a conditionally released persons to stay at home in certain time periods (see points above - page 2).</p>
<p>Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of</p>	<p>§ 48 par. 4 of Act No. 40/2009 Coll., Criminal Code</p> <p>This contains the list of adequate restrictions and adequate duties which can be imposed with these penalties:</p> <ul style="list-style-type: none"> - Conditional withheld sentence with supervision; - Conditional sentence to imprisonment penalty; - House arrest; - Community service order; - Prohibition of staying; - Prohibition of entry; - Prohibition of certain activity.

<p>carrying out a professional activity</p>	<p>JUVENILE - educational measures: probation programme; educational obligations such as to live with one's parents, attendance of a social skills training programme; psychological counselling etc.; educational restrictions such as not to use addictive substances, not to gamble, not to change one's place of residence without reporting it to the probation officer etc.;</p>
<p>Obligation to report at specified times to a specific authority</p>	<p>§ 50 char. b) of Act No. 40/2009 Coll., Criminal Code Obligation of offenders under supervision to appear before a probation officer in term set by probation officer. Supervision can happen either as replacement of custody or as a part of conditional release.</p> <p>§ 77 of Act No. 40/2009 Coll., Criminal Code Execution of the penalty not to enter sports, culture or other social events. At the time these events happen convict must report to the Police of the Czech Republic.</p>
<p>Obligation to avoid contact with specific persons</p>	<p>§ 48 par. 4 char. e) of Act No. 40/2009 Coll., Criminal Code Obligation to avoid contact with specific persons can be set as adequate restriction during the conditional release.</p> <p>JUVENILE - educational measures -educational restrictions such as not to visit certain events or unsuitable environments, not to meet certain people.</p>
<p>Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence</p>	<p>§ 70 of the Act No. 40/2009 Coll., Criminal Code Forfeiture of item or other asset value. The court may impose forfeiture of an object which: a) was used for the commission of a certain criminal offence; b) was determined for the commission of criminal offence; c) the offender acquired by his criminal offence, or as a reward for such criminal offence; d) the offender at least partly acquired for another object pursuant to letter c), unless the value of the thing pursuant to letter c) is negligible in relation to the thing acquired.</p> <p>§ 101 of the Act No. 40/2009 Coll., Criminal Code Seizure of item or other asset value. Unless the court orders forfeiture of a particular object under § 70, it may order that such object be seized. a) if it belongs to an offender who can not be prosecuted or sentenced; b) if it belongs to an offender whose sentencing has been discharged (withheld) by the court, or c) if the safety of the people or property, or similar public interest, so requires.</p>
<p>Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation</p>	<p>See § 48 par. 4 char. i), k) of the Act No. 40/2009 Coll., Criminal Code (see points above page 8) Court may impose adequate restrictions or duties on an offender, in particular order him: i) to pay debt on alimony or another outstanding amount; k) to compensate the damage caused by the offence.</p> <p>§ 89 par. 2 of the Act No. 40/2009 Coll., Criminal Code Obligation to compensate the damage caused by the offence in the scope of conditional release.</p>

	<p>JUVENILE: request to the juvenile offender to pay, at one time or in instalments, a certain amount to the Crime Victims Fund as damage compensation</p>
<p>Obligation to carry out community service</p>	<p>Obligation to carry out community service contains the penalty Community service order § 62 of the Act No. 40/2009 Coll., Criminal Code (see points above page 12)</p> <p>Obligation to carry out community service can be possible obligation during conditional release § 82 par. 2 of the Act No. 40/2009 Coll., Criminal Code (see points above page 6)</p> <p>JUVENILE: obligation to perform in his/her free time community service of a certain type free of charge of 50 to 150 hours - criminal measures.</p> <p>Do up to 60 hours of community beneficiary work - educational measures, performance of a community service or community beneficiary work may be imposed on juvenile offenders only in a manner which does not interfere with their school attendance, professional performance or employment.</p>
<p>Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons</p>	<p>Generally part of supervision - see some points above.</p> <p>JUVENILE: The supervision by a probation officer is a long-term work with a convicted juvenile, while the latter has the obligation to be in regular contact with the officer from the Probation and Mediation Service, to cooperate on development and implementation of a specific programme, its application and checking on observation of conditions imposed by the court or implied by the law.</p> <p>The supervision provided for by the Probation and Mediation Service ranks among the intensive tools to influence juvenile offenders. Its aim is to reduce the risks of criminal activities continuation and to contribute to reintegration of the accused or convicted person into the society. To make the work with offenders efficient, it is necessary to integrate the assistance with professional guidance and inspection.</p>
<p>Obligation to undergo therapeutic treatment or treatment for addiction</p>	<p>§ 48 par. 4 char. c), d) of the Act No. 40/2009 Coll., Criminal Code Obligation to undergo therapeutic treatment or treatment for addiction can be part of conditional release with supervision.</p> <p>§ 99 of the Act No. 40/2009 Coll., Criminal Code Obligation to undergo therapeutic treatment or treatment for addiction can be part of Protective treatment. The court shall order protective treatment if an offender is not criminally liable because of insanity and it would be dangerous if he remained at large.</p> <p>§ 100 of the Act No. 40/2009 Coll., Criminal Code Obligation to undergo therapeutic treatment or treatment for addiction can be part of Safety detention. The court shall order safety detention if an offender having committed a particularly serious criminal offence is not criminally liable because of insanity and it would be dangerous if he remained at large and it is not expected that the protective treatment will ensure sufficient protection of society.</p> <p>JUVENILE: Probation programmes - offenders are under the obligation to go through programmes involving particularly social</p>

training, psychological consulting, therapeutic, community service, educational, training, prequalification or other suitable programmes developing social skills and personality of the juvenile, with various levels of lifestyle restriction. Each programme has to be discussed by an accreditation commission, approved by the Minister of Justice CR and registered in a list of probation programmes kept by the Ministry of Justice CR.

Protective measures - special treatment, protective youthful and young offenders rehabilitation social training.

b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?

If yes, please define them and provide a description for each of them.

Other probation measures/alternative sanctions existing in your domestic law	Explanation
<p>Please indicate the additional probation measures and alternative sanctions provided for in your domestic law</p>	<p>Appropriate restrictions or obligations (probation measures) The Czech law does not provide for any exhaustive list of probation measures which can be imposed by the judge to the sentenced person.</p> <p>Therefore, it is at the sole discretion of the judge to determine any obligation or restriction deemed necessary, depending on the facts of the case submitted. Appropriate restrictions and appropriate duties have to aim to introducing order into perpetrator's life; as a rule the court may impose a duty on the offender to compensate, according to his situation, the damage which he caused by his crime.</p> <p>Example of probation measures are:</p> <ul style="list-style-type: none"> - to take part in a suitable retraining course; - to take part in an appropriate programme of social training and re-education; - to undergo treatment to rid himself of his dependence on addictive substances, which is not regarded as protective therapy (treatment) under Criminal Code; - to take part in suitable programmes organised by psychological consultants; - to desist from visiting unsuitable milieus, sporting, cultural and other social events, and from contacts with particular persons (individuals); - to desist from gambling, including coin-operated gambling machines, and betting, ...

c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?

No

3) Electronic monitoring

Does your national law provide for the possibility to use Electronic Monitoring?

No

If no, do you intend to provide Electronic Monitoring in the future?

Yes, concept of House Arrest can involve Electronic Monitoring. The electronic monitoring is not implemented into Czech practice yet. New criminal code with effect from January 1 st 2010 has comprised the possibility of using new sentence - home arrest, but if it's happened, the control of execution is up to Probation and Mediation Service. It means, that the execution of home arrest has be provided by probation officer's personally visiting offender at his/her home.

4) Formalities

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

In criminal prosecution it is necessary to prove necessary extent particularly whether the fact, in which a crime is seen, was committed, whether the fact was committed by the charged person, and for which inducement, respectively, substantial circumstances affecting the consideration of dangerousness of the crime, substantial circumstances for consideration of personal conditions of the offender, substantial circumstances enabling to determine the consequence and amount of damage caused by the crime, any circumstance that resulted in criminal activity or allowed for committing it.

Anything that may contribute to clarification of the matter may serve as the evidence, especially the testimonies of the charged person and witnesses, expert opinions, things and written instruments important for the criminal proceedings and examination. Each of the parties may find, submit or lodge a motion to execute the evidence. The fact that the evidence has not been found or requested by any authority responsible for criminal proceedings is no reason for refusal of such evidence.