

## 6. JUSTICE, CRIME

*This chapter was compiled using figures and texts provided by the Ministry of Justice, General Directorate of the Prison Service of the Czech Republic, Ministry of the Interior, Police Presidium of the Czech Republic, General Directorate of Fire & Rescue Service of the Czech Republic, Ministry of Defence, and General Directorate of Customs.*

*A new version of the Act No 40/2009 Sb, Criminal Code has been effective since 2010, yet, at the same time, the Act No 140/1961 Sb remains in force as well. Tables show data for convicted persons summarised in corresponding Sections since 2010 according to both the old and new Criminal Code.*

### **Definitions of selected indicators**

**The accused** shall mean the number of persons against whom a legal action was brought to trial (motion for punishment).

**The sentenced** shall mean the number of persons ruled guilty and sentenced by the court, when the sentence has come into effect already.

**The prosecuted** shall mean the number of persons, who were notified of the accusation pursuant to Section 160 of the Criminal Code (delivered, announced) in the reference year.

**Prosecuted persons, total** shall mean the number of persons prosecuted for murders; offences of violence, total; offences against morality, total; offences against property, total; other criminal acts, total; remaining criminality, total; economic crimes, total; and military acts, total; and acts against the constitutional system, total.

**The indicted** (the accused) the number of persons, against whom action was brought pursuant to Section 176 of the Criminal Code in the reference year.

In **shortened proceedings** (summary procedure) shall mean the number of persons against whom a shortened preparatory procedure was completed according to Section 179 a) of the Criminal Code.

**Proposed sentences** shall mean the number of persons against whom a motion for punishment was filed with a court according to Section 179 c) of the Criminal Code.

**Murders, total**, shall mean the number of all murders including robbery murders, sexually motivated murders, murders motivated by personal relations, murders by contract, neonaticides, that is murders of newborns by their parents, and other murders.

**Violent crimes** include killing of foetus, child abandonment, kidnapping, robbery, theft in financial institutions, violence against public officials save for police officers, violence against public official – police officer, violence against public official – general police officer, wilful bodily harm, brawl, violence against and threatening to a group of population, taking hostages, dangerous threatening, blackmail, restriction and deprivation of personal freedom, violation of domestic freedom, unauthorised interventions into the right of domicile, dwelling, cruelty to a charge, cruelty to a person living in common dwelling, restriction of the freedom of religious worship, oppression, violence of the freedom of association and assembly and other violent crimes.

**Vice crimes** include violations; sexual abuses of a dependant; other sexual abuses; commercial forms of sexual abuse of a dependent; other commercial forms of sexual abuse; other sexual deviations; endangering public morals; offences of criminal transmission of sexually transmitted diseases; harm to health caused by sexually transmitted disease, harm to health by sexually transmitted disease by negligence, pandering, intercourse between relatives, human trafficking; other vice crimes.

**Offences against property** – thefts by burglary, ordinary thefts, frauds, embezzlements, unlawful uses of someone else's thing, concealment of a thing, causing damage to someone else's thing, and other offences against property.

**Sexual abuses of a dependant** shall mean crimes, when somebody misuses dependence of a person younger than 18 years or a person commended to his/her supervision, forces such person to have intercourse out of marriage, or sexually abuses such a person in another way misusing his/her dependence.

**Cruelty to a person sharing common dwelling** shall mean the crime when someone abuses a close person or other person sharing common dwelling or house (domestic violence).

In the Czech Republic, illegal migration shall mean cases of illegal crossing of the state border on the territory of a given state for various reasons, cases of unauthorised abandoning of the state, and also cases of illegal stay by breaching legal conditions for the stay of an alien. Two basic categories are distinguished as follows:

A) illegal migration across the state border of the Czech Republic;

B) illegal migration inside the Czech Republic territory as breaching of the stay regime.

With effect from 1 October 2017, thanks to adoption of the Act No 58/2017, changing the Act No 40/2009 Sb, the Criminal Code, as amended, the Act No 169/1999 Sb, the Sentence Serving Act, and on change of certain related acts, as amended, and to other related acts, a change occurred in assigning of convicts to types of prisons by courts. Since that day, the Criminal Code distinguishes instead of four types of prisons (an open prison, a prison under supervision, an especially guarded prison, and a top security prison) only two types of prisons as for the way how external security is ensured, ensuring of safety, and the regime under which a sentence is served. The two prison categories existing now are as follows: prisons with security and prisons with increased security.

Prisons with security are newly subdivided internally according to the level of security as follows: units with low level of security, units with medium level of security, and units with high level of security.

The Prison Service itself now decides about placing of convicts to individual units of a prison with security, based on a range of criteria including so-called penological (penal) recidivism of the convict.

In addition to basic types of prisons, special prisons are established for juveniles, who are younger than 19 years and for persons in the age of 19+ years, in the case of whom the court decided that they would serve their punishment among juveniles also after they reach the age of 19 years.

Within a prison, departments of various types can be established, provided that it will not endanger the purpose of a service of punishment.