

Abstract – Selected Questions of Unconditional Imprisonment

The presented diploma thesis dealing with current issues of unconditional imprisonment is led by an effort to analyze problems that are connected with the imprisonment and to outline possible solutions.

The introduction is devoted to the concept of punishment and its purpose. In order to better understanding the current concept of unconditional imprisonment, the second part briefly discusses the historical development of this punishment and the origin of penological systems. This section also includes legislative regulation at both international and national level. The third part examines the unconditional imprisonment in terms of length, while the author concludes that the greatest risk of negative effects is linked to both very short sentences and penalties of over 10 years.

The pivotal part of the thesis is the fourth part, which deals with selected actual issues, which must be discussed in connection with the unconditional imprisonment. The author calls for the priority to be given to the problems of prison overcrowding, because without the solution of this problem it is not possible to face other negative phenomena and effort to reform convicts are often void. The author sees the solution partly in the construction of new prison facilities. She does not consider the execution of imprisonment in non-state objects as suitable. Based on the low effectiveness of unconditional imprisonment, which is manifested by a high rate of recidivism, the author also focuses on the Czech conditions unconventional imprisonment in open prisons.

She considers open prisons to be a very effective resocialization tool and in her opinion it is necessary to support the construction of other such facilities. The author further points out that the imposition of alternative sanctions in the form known today does not in itself lead to a reduction of recidivism, which is extremely high in the Czech Republic and that a more comprehensive implementation of restorative justice elements must be therefore considered. Overall, the thesis tries to prove that the unconditional imprisonment involves a considerable amount of negative influences and at the same time in the current conditions a limited impact of educational influences and therefore it should indeed be approached as the *ultima ratio*.

The author reaches her conclusions on the basis of a study of professional literature, using in particular the publications of the Institute for Criminology and Social Prevention. She also works with the case law of the European Court of Human Rights or with the

recommendations of the Council of Europe. The author also draws her knowledge from personal visits to Valdice Prison and especiall from a visit to the open prison in Jiřice.