

Resumé

Despite the efforts for a wider use of alternative forms of punishment, the sentence of unconditional imprisonment still remains the main form of sanction used in criminal law and can be imposed for any type of crime. However, it should be treated as the *ultima ratio* form of punishment, because it is the strictest sanction interfering heavily with the fundamental rights and freedoms of an individual. The topic of unconditional imprisonment is very extensive and is often discussed even amongst the general public. The aim of this paper was to report on the approach of the Czech legal system to the unconditional imprisonment, especially concerning its realization in prisons.

The paper is divided into three parts of a similar scope – the theoretical background, sentencing and the realization of imprisonment including a practical excursion to Rapotice prison.

The first part of the paper consisting of three chapters starts with introduction to the historical background beginning with the ancient times, through the age of Enlightenment and the roots of modern penitentiary systems ending with international cooperation in the field and implementation of the European Prison Rules. The next two chapters focus on the concept, purpose and objectives of imprisonment discussing different theories on what should be the main function of imprisonment including the retributive, corrective and restorative theories and the theories of incapacitation and deterrence.

The second part of the paper analyzes the current legislation on the topic and it is divided into eight chapters. The fourth chapter introduces the main principles of sentencing, followed by the system of sanctions described in chapter five. The focal point of this part of the paper is the interpretation of particular criteria set by the law for the court to consider when imposing a sanction and its term in chapters six and seven. The following three chapters deal with the rules for placing convicts in different prison types and moving between them and the rules for allowing parole. The remaining chapter reports on the proposed legislation changes on the topic, which would cut down the number of prison types and partially shift the authority to place convicts in prison regimes from courts to the Prison Service.

The third part focuses on the realization of imprisonment in practice and is accompanied by practical findings acquired by the author through personal visit to Rapotice prison. Its aim was to give a closer insight on everyday life of prisoners and the work of employees of the Prison Service, as well as to objectively analyze the conditions of imprisonment and functioning of the penitentiary system in the Czech Republic. Two chapters illustrate regimes in different prison types and special departments (e.g. for women) and describe different persons who are involved with the inmates (guards, psychologists, etc.). Special attention is paid to programs of treatment designed for the inmates (employment, education, free time activities, etc.). The author also depicts the negative impact of incarceration on convicts and in the last chapter, describes Rapotice prison and its programs of treatment in particular.

At the conclusion, the author summarizes the changes that the Czech penitentiary system has come through since 1989 in order to come closer to the western European standards, and expects the current trend which combines aspects of incapacitation and corrective approaches to continue.