

Restorative programmes in the Czech criminal law

Abstract

This thesis focuses on the role of restorative programs in the Czech criminal justice system and their potential impact on criminal proceedings. Restorative justice emphasizes the compensation of harm caused by the crime, the active participation of those affected by the crime, and supports offender's acceptance of responsibility. Key tools include restorative programs such as mediation, conferences, and circles. The expansion of these programs is supported by international organizations through recommendatory documents, for example, the Council of Europe's Recommendation on Restorative Justice in Criminal Matters and the EU Directive on Victims' Rights. The Czech legal framework responds to issues within the criminal justice system by introducing restorative approaches, such as diversions in criminal proceedings and alternative sentences. Restorative programs in the Czech Republic are provided under the Probation and Mediation Service Act and the Act on Victims of Crime. The Probation and Mediation Service (PMS) offers mediation and family restorative conferences, with established standards for expertise, education, and program control. Non-profit organizations provide restorative programs under the Act on Victims of Crime as a form of assistance to victims; however, the availability is very limited, and there is no unified quality control of programs, nor can agreements from restorative programs influence criminal proceedings. The aim of the thesis is to assess the possibilities of applying restorative programs in the Czech Republic and propose changes to the legal framework, including a new law on restorative programs, a redefinition of the purpose of criminal proceedings, or the introduction of the institute of restorative agreement, which could influence the outcome of criminal proceedings. Restorative justice requires a change in approach not only from legislators but also from practitioners in the criminal justice system.

Key words: restorative programmes, restorative justice, criminal procedure