

**Table C: Early release from determinate sentences of imprisonment in Europe<sup>1</sup>**

Country	Legislative basis	Decision-making body	Range of determinate prison sentences	Period before release	Absolute minimum period before release	Prognosis/ discretionary vs. automatic release	Additional grounds for early release (good time etc.)	Conditions and period of community supervision
<b>Austria</b>	§§ 46 ff CC	Senate of a regional court in the administrative district of the prison, §§ 152, 152a Prison Act	1 day – 20 years	1/2, § 46(1); exceptionally because of the seriousness of the offence and general preventive aspects 2/3, § 46(2)	3 months; for offenders aged under 21 at the time of committing the crime: early release after min. 1 month.	Good prognosis and evaluation, "if the offender will be pre-vented from committing further crime by early release no less than by fully serving the sentence."  General preventive reasons only in exceptional cases, see column 5.		Directives/ supervision not obligatory, for under 21 years old, however, regularly.  Period of probation: Min. 1 y., max. 3 y.; if remainder > 3 years: 5 years; for release from life sentences: 10 y.
<b>Belgium</b>	Act of 17 May 2006 on the External Legal Position of the Sentenced Prisoner and the Rights of the Victims	Prison authorities up to a max. of 3 years; otherwise: Sentence Implementation Court <sup>1</sup>	8 days – 30 years	For sentences of up to 1 year ca. 1/6 - 1/4 <sup>2</sup>  For sentences of over 1 year: 1/3 For recidivists sentenced to more than 3 years: 2/3.  For life sentences:	15 days – 3 months  For sentences of over 1 year: 3 months	To large extent automatic Requirement: absence of a negative prognosis <sup>3</sup>		Community supervision compulsory, minimum period 2 years; for serious crimes minimum 5 years; for life sentences, 10 years

<sup>1</sup> Revised version of: *Dünkel*, § 57 StGB (Commentary), margin note 91, in: *Kindhäuser/Neumann/Paeffgen*, Strafgesetzbuch, 4. Edition 2013, Baden-Baden.

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				10 years (or 16 years if recidivist)				
<b>Croatia</b>	§ 55 CC; § 159 Prison Act	Judge for the execution of sentences	30 days – 15 years, exceptionally 20–40 years	1/2, exceptionally (good behaviour) 1/3	–	Good prognosis; consideration of personality, prior life, behaviour in prison and effects to be expected from early release.	Release anticipated by max. 2 months before end of the sentence after having served 3/4 of the sentence (decision of the prison governor)	Not obligatory  Period is equivalent to the remainder of the sentence
<b>Czech Republic</b>	§§ 61 ff CC; §§ 331 ff Criminal Procedure Act	Court (individual judge)	1 day <sup>4</sup> – 15 years (exceptionally: 25 years)	1/2 for certain crimes; 2/3 for recidivists or certain very serious crimes	–	Good behaviour and prognosis or personal security ('Bürgschaft') provided to the court.	–	not obligatory;  1 – 7 years
<b>Denmark</b> <sup>5</sup>	§§ 38–40 Criminal Code	Minister of Justice. Institutional authority: Section for prisons and probation	30 days – 16 years (exceptionally 20 years)	2/3, exceptionally after 1/3	2 months	Requirements: absence of a negative prognosis; Accommodation and income are guaranteed; Undertaking to respect conditions of release	Placement of juveniles/elderly/sick in i.a. homes and hospitals	Usually, conditions are set. Period max. 3 years; if remainder of the sentence is more, then max. 5 years.

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<b>England/Wales</b> <sup>6</sup>	Criminal Justice Act (CJA) 1991; Crime and Disorder Act 1998; CJA 2003, CJ and Immigration Act 2008	Parole Board for indeterminate and recalled prisoners (as far as no automatic release is provided, s. column 7)	1 day – whole life	Determinate Sentences: automatic release at 1/2 + discretionary Home Detention Curfew up to 135 days earlier.  Extended Sentence for Public Protection (ESPP): 2/3	–	Automatic early release with supervision by the probation service;  ESPP: discretionary early release (Parole Board)	max. 135 days before the date of release: placement on electronic monitoring (decision of prison administr.); since 2007: End of Custody License: additional 18 days early release for sent. – 4 y. (with supervision)	Conditions fixed by the prison governor for automatic + HDC.  Period of probation is identical with the suspended part of the sentence (i. e. the remaining term); <sup>7</sup> ESPP: Extension of period of up to 5 y. (violent off.) or 8 y. (sexual off.)
<b>Estonia</b>	§§ 76 ff Criminal Code	Court of first instance	30 days – 20 years (exceptionally 30 y.); detention for minor offences: 1 day – 30 days	1/2 or 2/3 (depending on the seriousness of the offence)	6 months	Good prognosis	–	Directives or obligations are mandatory (§ 76)
<b>Finland</b>	Criminal Code, Chap. 2c, §§ 5 ff.	Prison administration (automatic release); exclusion of early release can	14 days – 12 years (exceptionally 15 years for	1/2 for (concerning the last 3 years) first time incarcerated offen-	14 days	automatic release (exceptionally it can be ordered to serve longer)	Max. 6 months before an early release: supervision by the	Not obligatory  Period of probation is equivalent with the remainder of the

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		be imposed by the sentencing court for sentences of at least 3 years and particular serious offences of recidivist offenders or extremely dangerous offenders (Chap. 2c, § 11)	cumulated sentences)	ders, for others 2/3; for under 21-year-old young offenders: 1/3 or 1/2 depending on previous incarcerations;  If it is ordered to fully serve the sentence: release after 5/6 (s. col. 3) (§ 12)			probation service, possibly combined with electronic monitoring	sentence, maximum 3 years; for released from life imprisonment: 3 years
<b>France</b>	Art. 729 ff. Code of Criminal Procedure	Judge for the execution of sentences  In case of sentences of more than 10 years or a remainder of more than 3 years: the district court for the execution of sentences	6 months – 30 years	1/2, for recidivist offenders 2/3; <sup>8</sup> early release may be granted particularly in case of sentences or the remainder of the sentence of up to 4 years, if the offender has to take care of children aged up to 10 y.	– (in individual cases of sentences of more than 5 years a period of security (période de sûreté) of a max. of 2/3 of the sentence may be fixed)	Proof of “considerable efforts to participate in rehabilitative activities”	Remission: good behaviour; max. 3 months per year (2 m. for the 2nd and the following years) or 7 days per month; <sup>9</sup> electronic monitoring up to 1 y. before ordinary release	Regularly directives and obligations and supervision by the probation service.  Period of supervision: remainder of sentence + max. 1 year (Recidivist offenders: max. 15 years)

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<b>Germany</b>	§ 57 Criminal Code (StGB)	Court for the execution of sentence at District Court, see §§ 454, 462a Criminal Procedure Act	1 month – 15 years	2/3, see § 57 (1) CC,  1/2 for first time incarcerated with sent. of up to 2 years and exceptionally other sentences if special circumstances justify it, see. § 57(2) No. 1 and 2 CC	2 months (§ 57(1))  6 months (§ 57(2))	Good prognosis: 'if it can be justified with regards to the interests of public safety.'	6 days per year for working prisoners, see § 43(9), (10) Federal Prison Act (this or equiv. regulation applied in 11 Federal States); Prison Act Mecklenburg-Western Pomerania: 8 days per year.	Directives and obligations, not obligatory; after having served > 1 year regularly supervision by the probation service should be ordered  Probation period: 2–5 years, minimum remaining term of the sentence
<b>Greece</b>	§ 105 ff. CC	Local Misdemeanours Councils (or Juvenile Tribunals, for 15-18-year-old juveniles)	10 days– 20 years	2/5 for sentences of less than 5 years; 3/5 for sentences between 5 and 20 years (4/5 for drug offenders); (1/3 for 15-18-year-old juveniles)	1/3 for sentences between 5-20 years (2/3 for drug offenders)	Automatic release for reasons of ill health; otherwise good risk prognosis based on custodial conduct	Each day of work in prison counts as one and a half days towards the sentence	Under the supervision of probation officers; period contingent upon the remainder of the sentence (minimum 3 years)

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<b>Hungary</b>	§§ 47 ff. CC §§ 8 ff. Prison Act	Judge for the execution of sentences decides on early release and recall; judge of first instance may exclude early release	2 months – 15 years, exceptionally: 20 years	Detention: 2/3; prison: 3/4; penitentiary (strict regime): 4/5; sentence < 3 years: exceptionally 1/2	2 months	Good prognosis and good behaviour; early release excluded for certain organised crimes <sup>10</sup>	–	not obligatory  Period of probation equivalent to the remainder of the sentence, minimum 1 year
<b>Ireland</b>	Criminal Justice Act 2006; Prison Act 2003	Prison authorities (remission) ; Minister of Justice on the recommendation of the Parole Board	1 day – life imprisonment	3/4; 2/3 (Remission, see col. 8)  Parole: Prisoners serving 8 y. up to 14 y.	1 month	Good conduct; Further good conduct, particularly participating in treatment programmes;  Parole: good prognosis	Almost automatic regular remission of one quarter of the sentence, in case of further good conduct: 1/3; see col. 5	Remission is unconditional;  Parole: different directives; supervision of the probation service;
<b>Italy</b>	§§ 176, 177 CC	supervision tribunal (tribunale di sorveglianza) <sup>11</sup>	5 days – 24 years	1/2; for recidivist offenders: 3/4  (The remainder must not exceed 5 years) <sup>12</sup>	30 months; for recidivist offenders: 4 years	Good behaviour, which justifies the expectation of resocialisation; obligations to compensate the victim are fulfilled or not fulfilled without being responsible for it.	Liberazione anticipata (good time): up to 45 days per 6 months, if the prisoner proves his/her participation in rehabilitative	Obligatory  Period of probation corresponds to the remainder of the sentence

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							programmes	
<b>Lithuania</b>	§§ 157 ff. Law for the Execution of Punishments, in force since 1 May 2003	Lower court within the district where the prison is situated	3 months – 20 years (exceptionally 25 years)	1/3 or 1/2; according to different groups; 2/3 – 3/4 or no release for particular dangerous recidivists or after a recall of probation terms	–	Prisoner must have proven his ability to improve by good behaviour and/or good working results	–	Supervision is obligatory  Period of supervision is equivalent to the suspended remainder of the sentence
<b>Netherlands</b>	§ 15–15l CC <sup>13</sup>	Public prosecutor	1 day– 15 years (exceptionally: 30 years)	Prison sentence of up to 1 year: no early release  Sentence of > 1 year up to 2 years: 1 y. + 1/3 of the remainder of the sentence; Sent. > 2 y.: 2/3, Art. 15.	1 year	Early release is postponed or denied if an explicit negative prognosis must be given; also if the patient of a psychiatric clinic needs further treatment, or if he has shown serious negative behaviour in prison, has tried to escape or has escaped from prison, Art. 15d.	–	Supervision if it contributes to prevent recidivism, Art. 15b; <sup>14</sup> Participation in treatment programmes and electronic monitoring can be ordered, see Art. 15a. Period of probation is equivalent to the remainder of the sentence, min. 1 y., Art. 15c.

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<b>Poland</b>	§§ 77 ff. CC, Art. 159 ff. Law on the Execution of Sentences	Court of the execution of sentences at the district court	1 month – 15 years (in exceptional cases 25 years)	1/2; for recidivist offenders 2/3, or 3/4, 3/5 in cases of 25-year sentences	–	Positive prognosis (Conditions can be tightened at the time of imposing the original sentence)	–	Supervision obligatory for sexual- and recidivist offenders, for release from life sentences and for juveniles  Period of probation is equivalent to the remainder of the sentence, min. 2 y., max. 5 y. (after previous re-offending min. 3 years); after the 25-years penalty: 10 y.
<b>Romania</b>	Art. 99 ff. CC	Court within the district where the prison is situated	15 days – 30 years	Prison sentence of max. 10 y.: 2/3, more than 10 y.: 3/4 Prisoners aged 60 and older: 1/2 (prison s. up to 10 y.) and 2/3 (prison s. > 10 y.)	–	Condition: rehabilitative improvements during the stay in prison and possibility for social reintegration; civil obligations as established in the judgement fulfilled	–	Period of probation is equivalent to the remainder of the sentence



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<b>Russia</b>	Art. 79 f. CC	Court, decision prepared by a release commission of the prison	6 months – 20 years (exceptionally 30 years)	1/2–2/3, according to specific crimes	6 months	Prognosis, that “the offender is able to rehabilitate”	For less serious crimes after 1/3 a substitution by other non-custodial sentences is possible	Supervision is obligatory (police)  Period of probation is equivalent to the remainder of the sentence
<b>Scotland</b>	Prisoners and Criminal Proceedings (Scotland) Act 1993	Parole Board, if not automatic release	5 days – 30 years	Prison sentence < 4 years: 1/2; Prison sent. min. 4 years: 1/2; otherwise: 2/3 <sup>15</sup>	If sentence is less than four months: one half of sentence	Release must be granted upon the expiry of two-thirds of the custodial part of the sentence; earlier release may be granted only where the offender is considered to present “an acceptable risk”	Where prisoner is considered by Ministers to present “an acceptable risk” and sentence is not for a sexual offence, they may serve up to one quarter of the sentence or 166 days on Home Detention Curfew	For conviction on indictment for non-sexual offence where sentence is less than 3 years: Directives and supervision possible; max. term: 1 year  Where the court imposes extended sentence for sexual offence or violent offence, where sentence is over 4 years, period on licence in the Community may be up to 10 years in addition to sentence imposed

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								by court
<b>Slovenia</b>	§§ 88, 89 CC; §§ 105 ff. Prison Act	Release Commission (3 members: 1 Supreme Judge, 1 Supreme Prosecutor, 1 representative of Justice)	15 days – 30 years (exceptionally life imprisonment)	1/2; prison sentences of more than 15 y.: 3/4; exceptionally after 1/3, if special circumstance of the personality of the offenders are given.	–	Good prognosis (“justified” expectation that no further crimes will be committed)	Release by prison governor: max. 1 month before end of sentence after having served 3/4 of the sentence	Supervision by the Centre for Social work possible since 2008; directives not obligatory  Probation period is equivalent to the remainder of the sentence
<b>Spain</b>	§§ 36 ff.; 90 ff. CC §§ 72 General Penitentiary Law Title VIII §§ 191 ff Penitentiary Rules	Judge for the execution of sentences	6 months – 20 years; exceptionally up to 40 years	3/4; exceptionally after 2/3 or 1/2 <sup>16</sup>	–	Mainly, prison behaviour, home leaves granted and period spent in an open prison are taken into account	Electronic monitoring for preparation of (early) release is possible	Not obligatory  Probation period is equivalent to the remainder of the sentence

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Sweden	Chap. 26 §§ 6 ff. CC <sup>17</sup>	A postponement of release is decided by the head of the prison department	14 days – 10 years (exceptionally: 14 years)	2/3	1 month	Regularly (automatic) release, if not special grounds to object to such a release (for ex. recidivist offenders who previously have been sentenced to a probation sentence according to Chap. 28 § 3 CC; Postponement of max. 6 months is exceptionally possible because of disciplinary sanctions during the prison term.	–	Not obligatory Min. 1 year, max. remainder of the sentence
Switzerland <sup>18</sup>	Art. 86 CC	Prison administration; regularly the prison department of the canton; partly special release commissions	Regularly 6 months – 20 years	2/3, exceptionally 1/2, if special circumstances of the offender are given	3 months	Good behaviour, no indices for recidivism	–	Regularly supervision by the probation service, directives, Art. 87. Probation period is equivalent to the remainder of the sentence, min. 1 year, max. 5 years.

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Turkey	Art. 107 Law for the Execution of Punishments and Security Measures (Law No. 5275 in force since 1 June 2005)	Court of first instance or local district court at place of prison <sup>19</sup>	1 month – 20 years (Art. 49 (1) Turkish Criminal Code)	2/3 <sup>20</sup>	There is no general statutory absolute minimum; But for life sentence 24 years and aggravated life sentence 30 years	Good behaviour in prison, Art. 107 (1); Is usually indicated	-	Directives are not obligatory; and can also be changed or rescinded during probation period, Art. 107 (10). The max. probation period is the remainder of the prison sentence. <sup>21</sup>

<sup>1</sup> Of multidisciplinary composition: a judge, an expert in social reintegration and an expert in prison matters.

<sup>2</sup> Differentiated for sentences of up to 1 year: under 5 months possible after 15 days; between 4 und 7 months possible after 1 month; between 7 und 8 months possible after 2 months; between 8 months and 12 months possible after 3 months.

<sup>3</sup> For sentences of more than 10 years where less than 1/2 has been served, the Commission must be unanimous.

<sup>4</sup> There is no general statutory absolute minimum. In practice, also less serious crimes are not punished with imprisonment of less than 3 months, for other offences the relevant statutory provision sets a minimum period (at least 6 months).

<sup>5</sup> The Act on the execution of sentences of 31.05.2000, in force since 01.07.2001, and related legal changes have had an impact on the implementation of prison sentences and the rights of prisoners: detention (a less strict form of imprisonment of from 7 days to 6 months) has been abolished and the release of persons sentenced to life imprisonment is now also governed by statute.

<sup>6</sup> Since 2006 the work of the Parole Board is restricted to indeterminate sentences and those recalled from license for more than 28 days.

<sup>7</sup> 'Indeterminate Imprisonment for Public Protection' (with up to life long supervision after release) has been abolished by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Repeat violent or sexual offenders now can be sentenced to life imprisonment with up to life-long license after release (sect. 122 LASPOA 2012).

<sup>8</sup> The half or 2/3 are counted for the sentence minus remission, see column 8. So in fact it can be at the 3 months-point for non-recidivists with a sentence of one year, which is reduced by 6 months according to the good time schedule, see also next footnote.

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<sup>9</sup> A further reduction of 3 months per year or 7 days per month (*réduction de peine supplémentaire*) can be obtained if the offender successfully participates in rehabilitative programmes (e.g. training, work, schooling programmes, but also efforts to compensate the victim).

<sup>10</sup> The exclusion for repetitive recidivists was abolished on 1 March 2003.

<sup>11</sup> Which is composed of lawyers and experts/professionals from other disciplines (psychologists etc.), similar to the Belgian Release Commissions.

<sup>12</sup> Early release and referral to a period under house arrest is possible when the remainder is max. 2 years, if regular parole (*affidamento in prova*) cannot be granted. In addition, for pregnant women or for parents with sentences of up to 4 years, if they have to take care of children under 10 years of age; also for seriously ill persons over 60 and for young offenders under 21 with a corresponding remainder of up to 4 years.

<sup>13</sup> On 1 July 2008 a new law came into force which reflected the continuous critique of the system of automatic early release without the possibility of imposing supervision and directives, see § 15-15I CC. The new law requires individual prognoses in cases of sentences of more than 1 year. Early release from sentences of less than one year (after having served at least 6 months) was abolished. However, this form of early release, as well as the automatic scheme, is applicable in the transitional period up to 1 July 2013 in cases dealt with by the courts before 1 July 2008.

<sup>14</sup> The earlier system in force until 2008, which provided a postponement or denial of early release only in exceptional cases, consisted of an automatic and unconditional release, i.e. neither directives nor a probation term and supervision by the probation service could be ordered.

<sup>15</sup> The Crime and Disorder Act 1998 introduced the extended sentence for sexual offences and violent offences attracting a sentence of over four years. This sentence comprises two parts, a custodial term, of which a minimum of one half and a maximum of two-thirds must be served in custody, with early release being at the discretion of the Parole Board, and an extension period of a maximum of ten years. The offender remains on licence, under local authority supervision and liable to recall to prison, from the date of release until the expiry of the entire calendar period of the sentence.

<sup>16</sup> If the prisoner has continuously worked or participated in rehabilitative programmes, or if he is over 70 years old and seriously ill, he may be released (early) at any time.

<sup>17</sup> Reform law, in force since 1 January 1999, for prisoners in detention before that date, the old law applies, which did not provide for an obligatory date for release, which possibly was more favourable for the detainees as a release even after half of the sentence was possible.

<sup>18</sup> On 1 January 2007 a total reform of the General Part of the Swiss Criminal Code came into force.

<sup>19</sup> The prison administration files a review at court, though the court is not bound by this review, Art. 107 (11).

<sup>20</sup> Before 2005, according to Art. 19 and in addition to Art. 2 of the former law of 1965, the release of the prisoner was already possible after 40% of the prison sentence.

<sup>21</sup> For life sentences, aggravated life sentences, and for combinations of life sentence and prison sentence the max. probation period is half of the min. period before release. For example, for life sentence 12 years and for aggravated life sentence 15 years.