

K) Imprisonment

- 1. Act on the Execution of Prison Sentences and Measures of Rehabilitation and Security - Prison Act (Gesetz über den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Maßnahmen der Besserung und Sicherung - Strafvollzugsgesetz - StVollzG)**
of 16 March 1976 (Federal Law Gazette [BGBl.] Part I pp. 581 and 2088; BGBl. Part I 1977 p. 436), last amended by Act of 10 December 2001 (BGBl. Part I p. 3422)

Second Part: Execution of Prison Sentence

Section 16 Time of Release

(...)

(2) If the end of the sentence falls on a Saturday or Sunday, a religious holiday, the first working day after Easter or Whitsuntide or in the period between 22 December and 2 January, the inmate may be released on this day or on the working day prior to this day or period if this is reasonable in accordance with the length of the sentence and no welfare-related reasons constitute an obstacle thereto.

(...)

Section 21 Prison Food

The composition and nutritional value of prison food shall be supervised by a doctor. Special food shall be granted as ordered by the doctor. Inmates shall be enabled to follow the nutritional rules of their religious community.

Section 53 Cure of Souls

(1) The inmate may not be refused religious care by a pastoral worker of his/her religious community. At his request, he/she shall be assisted in contacting a pastoral worker of his/her religious community.

(2) The inmate may possess basic religious writings. They may only be removed in the event of gross abuse.

(3) The inmate shall be permitted a suitable quantity of items of religious use.

Section 54 Religious Events

(1) The inmate shall have the right to attend religious services and other religious events of his/her confession.

(2) The inmate shall be permitted to attend the religious service or religious events of another religious community if the pastoral worker agrees.

(3) The inmate may be excluded from attending religious services or other religious events if this is necessary for prevailing reasons of security or order; the pastoral worker should be heard first.

Section 55 Ideological Communities

Sections 53 and 54 shall apply mutatis mutandis in respect of members of ideological confessions.

Fourth Part: Execution Authorities

Section 145 Determination of Occupancy Capacity

The supervisory authority shall determine occupancy capacity for each institution such that suitable accommodation is guaranteed during rest time (section 18). It shall be taken into account that a sufficient number of places for work, training and further training, as well as premises for cure of souls, leisure, sport, therapeutic measures and visits should be provided.

Section 154 Cooperation

(...)

(2) Close cooperation should prevail between the authorities and agencies of discharged prisoners' assistance, probation assistance, supervisory bodies for conduct supervision, labour offices, bearers of social insurance and social assistance organisations, assistance facilities of other authorities and independent welfare associations. The execution authorities should work together with persons and associations whose influence may promote integration of the inmates.

Section 157 Cure of Souls

(1) Pastoral workers shall be appointed or placed under contract on a full-time basis in agreement with the respective religious community

(2) If the small number of members of a religious community does not justify cure of souls in accordance with subsection (1), cure of souls shall be permitted by other means.

(3) With the consent of the prison director, prison chaplains may use independent assistant pastoral workers and bring in pastoral workers from outside for religious services and for other religious events.

Fifth Part: Execution of Further Measures of Deprivation of Liberty in Correctional Facilities, Data Protection, Social and Unemployment Insurance, Final Provisions

Section 182 Protection of Special Data

(1) The religious or ideological confession of an inmate and personal data collected on the occasion of medical examinations may not be made generally known in the prison. Other personal data relating to the inmate may be made generally known within the prison if this is necessary for an ordered co-existence in the prison; section 180 subsections (8) to (10) shall remain unaffected.

(...)

**2. Remand Detention Execution Ordinance
(Untersuchungshaftvollzugsordnung - UVollzO)**

of 12 February 1953 (cf. e.g. proclamation in Bavaria Bavarian Justice Ministry Gazette [JMBl. Bay.] 1953 p. 76), in the version of 15 December 1976, brought into force by decrees by the Land administrations of justice: e.g. Bavaria: proclamation of 15 December 1976 (JMBl. Bay. 1977 p. 49)

No. 47 Religious Events

- (1) The inmate may attend joint religious services and other religious events of his/her confession unless the judge orders otherwise with regard to the purpose of remand detention or for reasons of order in the prison.
- (2) Under the same preconditions, the inmate may attend religious events of another religious community if its pastoral worker consents.
- (3) If the inmate misuses attendance at religious events for purposes of collusion or otherwise for unauthorised contact with other inmates, or if he/she disturbs the event, he/she may be excluded by the prison director in agreement with the chaplain from further attendance at these events. Exclusion shall require the approval of the judge (section 119 subsection 6 of the Code of Criminal Procedure [StPO]), who shall also decide on readmission, where appropriate after hearing the pastoral worker.
- (4) Joint religious events involving remand and convicted inmates shall be permissible unless otherwise ordered by the judge in exceptional cases.

No. 48 Individual Cure of Souls

- (1) The inmate shall have the right to receive the advice of a pastoral worker of his/her confession. No. 47 subsection (2) shall apply analogously.
- (2) The full-time or contracted appointed prison chaplain may visit the inmate without permission.
- (3) The judge shall grant other chaplains than prison chaplains permission to visit the inmate for pastoral purposes; the judge shall determine whether the visit is to be supervised.

No. 48a Ideological Communities

Nos. 47 and 48 shall apply mutatis mutandis to members of ideological confessions.

3. Juvenile Courts Act (Jugendgerichtsgesetz - JGG)

of 4 August 1953 (Federal Law Gazette [BGBl.] Part I p. 751), in the version of the proclamation of 11 December 1974 (BGBl. Part I p. 3427), last amended by Act of 19 December 2000 (BGBl. Part I p. 1756)

Section 91 Task of Youth Custody

(...)

(2) Order, work, instruction, physical exercise and sensible occupation in free time shall form the basis for this education. The vocational performance of the convicts shall be promoted. Training facilities shall be established. Cure of souls shall be ensured.

Section 115 Legal Provisions of the Federal Government Related to Prison

(1) The Federal Government shall be empowered with the consent of the Federal Council for the execution of youth custody, of youth detention and remand detention to issue provisions by means of a legal ordinance⁵⁰ regarding the nature of accommodation, treatment, the life-style, the educational, pastoral and vocational care, work, instruction, healthcare and physical exercise, leisure, contact with the outside world, order and security in the prison and sanctioning of breaches thereagainst, reception and release, as well as coercion with authorities and agencies serving youth care and youth assistance.

(...)

4. Ordinance relating to the Execution of Juvenile Detention - Juvenile Detention Execution Ordinance (Verordnung über den Vollzug des Jugendarrestes - Jugendarrestvollzugsordnung - JAVollzO)

of 12 August 1966 (Federal Law Gazette [BGBl.] Part I p. 505), in the version of the proclamation of 30 November 1976 (BGBl. Part I p. 3270), last amended by Act of 26 June 1990 (BGBl. Part I p. 1163)

Section 1 Execution Facilities

(...)

(3) Male and female juveniles shall be separated. This may be abrogated in order to enable juveniles to attend religious events and educational activities.

Section 19 Cure of Souls

(1) Proper cure of souls shall be ensured.

(2) Juveniles shall have the right to receive the advice of the appointed pastoral worker of their current or previous confession, and to attend joint religious services and other religious events of their confession in the prison.

⁵⁰ Cf. on this the Youth Detention Execution Ordinance (Jugendarrestvollzugsordnung) printed below at No. 4 which is based on this empowerment.

(3) If a cleric of this confession is not appointed, juveniles may be visited by a cleric of their confession.