



Probation in Europe

Slovak Republic

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1. Introduction

In December 2015 Slovakia had 5.426.252 inhabitants and the prison population was 9.922 inmates. In 2000 the Ministry of Justice of the Slovak Republic began with the preparation and in 2002 and 2003 with the implementation of pilot projects of probation and mediation in criminal matters at selected district courts in the Slovak Republic. Currently, it can thus be said that the performance of “modern” probation in Slovakia has completed a bit more than its first decade which has seen various changes.

Among key changes were the following:

- Legislative changes – for example, new and amended Act No. 300/2005 Coll., the Criminal Code, and Act No. 301/2005 Coll., the Criminal Procedure Code which came into force on 1 January 2006; new Act No. 78/2015 Coll. on Controlling of Execution of Selected Decisions by Technical Means (legislative base of electronic monitoring), changes in Act. No. 550/2003 Coll. on Probation and Mediation Officers (the goal and definition of probation was changed), etcetera.
- Organizational changes – regarding name, competences, and staffing of the corresponding unit of the Ministry of Justice of the Slovak Republic which has the authority over probation and mediation, and, at the same time, revitalization of functionality of the advisory and initiative body of the Ministry of Justice – the Council for Probation and Mediation – at the turn of 2013/2014.
- Initiatory changes supporting the development of probation – various projects were or currently are being implemented during this decade, e.g. the national project ESMO – Electronic services of monitoring the accused and convicted persons (Ministry of Justice), the project Educational and preventive programmes in social work in criminal justice – a block grant for NGOs and partnership support of Swiss-Slovak cooperation (Edukos civic association)¹, the project of the Research and Development Support Agency – Restorative justice and system of alternative sentences in conditions of the Slovak Republic (Trnava University in Trnava), Justice and Protection of Victims project (Judicial Academy of the Slovak Republic) as well as other international projects in which Slovak professionals take part as experts (e.g. COST project Offender Supervision in Europe in which the workers of the Research Centre of the Faculty of Education of the Comenius University participate). The fact that the Ministry of Justice became a member of the Confederation of the European Probation (CEP) in 2012 could also be listed as an initiatory change.

1.1 Probation organization(s)

The probation activities (and mediation in criminal matters) are provided by Probation and Mediation Offices operating at district courts (the performance of probation and mediation officers is realised at district courts but organizationally, they are included under the county courts). Probation and mediation officers

¹ In 2013 and 2014, the Swiss-Slovak Cooperation Programme was implemented in the Slovak Republic, which resulted in new probation programmes, e.g. the Personal growth and development programme. Besides, the cooperation has brought new knowledge into the area of possibilities of application of an instrument for measuring the risk of recidivism, but also the ability to assess the need for intervention related to recidivism risk reduction in convicted persons more effectively.

cooperate in accordance with the legislation currently in force with various organizations (Prison and Justice Guard; Offices of Labour, Social Matters and the Family; non-governmental subjects, etc.). However, probation and mediation offices are independent offices operating at the court level. Hierarchically, they are under the Ministry of Justice of Slovak Republic (MoJ). According to Article 43 of the Rules of Organization of MoJ, tasks related to performance of probation and mediation at district courts fall under the competence of the Department of Probation, Mediation and Crime Prevention of MoJ (the department is organizationally placed under the Section of Criminal Law of MoJ).

1.2 Probation activities in a nutshell

Section 1 §2 of the Act No. 550/2003 Coll. on Probation and Mediation Officers sets out probation as:

1. controlling, organizing and delivering of probation programmes for the accused, prosecuted and sentenced (hereinafter referred to as “accused”) including imposed restrictions and duties
2. controlling of imposed sentences or restrictions including probation or protective supervision
3. doing activities in relation to providing preliminary investigation of the accused
4. organizing the coordination and performance of the sentence of compulsory work and sentence of home arrest
5. executing supervision over behaviour of accused if technical means are used for security purposes and reinforcement of probation
6. assisting the victim if there is a restraining order prohibiting the accused from making any contact to the victim and approaching the victim’s domicile
7. assisting the accused with probation-related matters, helping them to lead an ordered life and satisfy conditions that were imposed upon them by the decision of the prosecutor or the court in criminal proceedings.

The Probation and mediation officer facilitates the discussion of the criminal matter in one of the special methods of proceedings in appropriate cases, or makes effort to make the imposed and properly enforced punishment not involving deprivation of liberty, or to replace imprisonment with other suitable remedy. For this purpose, the probation and mediation officer:

- a) provides background materials pertaining to the accused person and their family, social, and work environment
- b) creates conditions for the decision on the conditional suspension of prosecution or on the approval of an out-of-court settlement
- c) carries out activities for the purpose of making an agreement between the injured party and the accused person on compensation for damages caused by a criminal act or for the purpose of eliminating the injury caused by a criminal act
- d) supervises the behaviour of the accused during the trial period and enforcement of punishments not involving deprivation of liberty
- e) carries out other activities related to criminal proceedings while enforcing probation and mediation activities (Section 3 (1)(a–e) of the Act No. 550/2003 Coll. on Probation and Mediation Officers).

The performance of work of a probation and mediation officer can be divided into three main activities:

- work with clients (probation, mediation in criminal matters, counselling)
- administration (work with files and electronic systems, formal communication with relevant institutions)
- management (meetings, organization of enforcement of alternative punishments)

Based on the results of various (already conducted) research work at national level (e.g. Lulei, 2008; Suchá, 2013; Cehlár, 2014, and others), a potential causality relation between an extreme workload (and insufficient staffing) and quality of the performance of work in the area of activities of probation and mediation officers can be identified. Workload category includes e.g. high administrative and bureaucratic overload, a large number of clients, inconsistent work procedures, etc. (Suchá, 2013).

2. Historical Development of the Probation System

Historical development stages related to probation in the context of the Slovak Republic can be divided into three basic periods:

1. the period until the creation of the First Czechoslovak Republic in 1918,
2. the period from the creation of the First Czechoslovak Republic until the creation of “modern” probation in 2002,
3. the period of “modern” probation from 2002 to the present day.

In the first stage certain probation elements in legal systems can be identified (e.g. home supervision, probational release, etc.), but probation as an independent institute and its organisation did not exist in this period. Considering the fact that in both first stages probation elements are found in particular in relation to conditional sentences or conditional release, the historical development of probation in Slovakia, similarly to other European countries, was related to the mentioned institutes (sanction modalities in relation to conditional sentence, conditional release etc.). Historical development of conditional sentences in relation to probation elements was dealt with, for instance, by Czech authors Rozum, Kotulan, and Vujtech (2000).

During historical stages there was a number of associations and institutions which took part in assisting convicted persons, which points to an evident historical connection with social work and probation. In the period until the 1930s, the assistance to convicted persons could be described as an area that was primarily dealt with by non-state sector (NGOs). The oldest institution supporting convicted persons in the territory of Slovakia, Bertina (established in 1832 in Bratislava), could be mentioned as an example. Its activities focused on the support of prisoners from Bratislava and Bratislava County who were released, showed improvement and got into difficult financial situation. Another significant facility dealing with social work with convicted persons was e.g. the association called Banskobystrický Patronage, established in 1909 in Banská Bystrica. Its ambition was to prevent committing crimes and protect children and juveniles. The association supervised the juveniles who were released from the execution of a punishment and took care of their suitable placement. At the same time, it supported families of convicted persons materially.

In 1924, for instance, the Association for supporting and caring for released convicts was established. Article 2 of the statutes of this association from 1924 laid down that the purpose of the association was to provide assistance to released convicts whose behaviour during the sentence along with circumstances and motives of their criminal offence, and their individuality inspired hope that they could become proper members of society again by providing them with work, clothes, tools, necessary conditions for existence, and by appropriately influencing the protégés of the association. The association sought primarily to enable its protégés to acquire food through their own manful activity and protect them from new wrongdoing.

A short digression into history leads to the first codex valid on the territory – the act of Saint Cyril from the period of Great Moravia – the so-called “Zákonsudnyljudem”, which is based on the philosophy of protection and retaliation with the intention to prevent new offenses. The idea was that the punishment should reflect the crime committed. For example, the crime of arson was punished by burning the offender at the stake. This philosophy of punishment as discouragement and revenge was not effective enough. Within the probation system the act of the article CVIII/108 from 1873 that was passed during the existence of Ugrian state was significant, and it enabled placing former convicts (and persons living as a homeless, suspicions etc.) under police control for a maximum of three years. In the Ugrian legal order the measure of probation is found also in connection with an imposition of a sentence to juveniles. For example, the legal article no. VII from 1913 on juvenile court regarded a person from 12 to 18 years as a juvenile and “against such juveniles the law allowed to use the measures of admonition, release on probation, reformatory education, imprisonment or state imprisonment”. A measure that contained certain elements of supervision of a convict was also conditional release of imprisoned persons enacted in the Section 48 of Legal Article V/1878. Conditional release was preceded by placement into a provisional institution. The prisoners who were condemned to penitentiary or jail to at least three years and had already served two thirds of their sentence could be ordered to serve the rest of their sentence there. They also had to meet the condition of effort and exemplary behaviour which gave hope for their improvement. Convicts were treated more moderately in a provisional institution than in penitentiary or jail. Also, convicts condemned to penitentiary for life could be sent to a provisional institution after serving 10 years of their sentence and if other conditions were met.

In 1919–1945, there was a number of criminal measures in the criminal legislation that contributed to the development of the probation system. These criminal measures did not impose a mandatory punishment involving deprivation of liberty upon a convicted person; instead, they were enabled to remain at large and ordered under facultative or obligatory supervision. These sanctions included conditional modalities, probational release, home supervision, supervised custody, waiver of punishment and supervision. They could also be ordered after conditional release. However, all these institutes but conditional sentence and conditional release applied exclusively to juvenile convicts. The predecessor of a present institute of probation could be considered a so-called “probational release” which was laid down in the criminal legislation in various variants in 1908–1931. Moravčíková (2010), who dealt with contexts of historical development of social work and probation in her research, identified, using the method of educational historiography and content analysis of

the measure of probational release, that, for instance, a Red Cross social worker was entrusted with the supervision of a convicted person in connection with the institute of probational release in 1931. In another two cases (both from 1931), supervision was delegated to the Association of district care for youth which performed social work tasks.

After the creation of the Czechoslovak Republic in 1918, the care for prisoners was considerably weakened. This was due to the departure of many civil servants to Hungary. Social work with convicts was not performed by the state and its institutions at that time, but it was carried out on a voluntary basis by society. It was carried out as a side activity along with their main working tasks, e.g. by the principal (the head of an institution), teacher of an institution, clergyman, etc. The head of an institution was, for instance, obliged to notify the home municipality and the corresponding association of the release of a convict from prison as well as ask them for assistance to the released person. Home municipalities were supposed to give the released person shelter, social security, clothes, and food. This was sometimes a problem, as municipalities often lacked sufficient financial resources for such assistance. The situation remained the same until the 1930s when social workers and probation officers, who were mandated to care for prisoners in prisons, but also for the released persons, began to perform their activities in prisons (Moravčíková, 2010).

The creation of “modern” probation was preceded by two pilot projects carried out in 2002 and 2003. Positions of probation and mediation officers were created by the Ministry of Justice of the Slovak Republic at selected district courts and their positive results definitively confirmed the intention of establishing a probation service in the Slovak Republic. Since 1 August 2000, a special officer began operating in the Section of Criminal Law at the Department of Criminal Legislation and Crime Prevention of the Ministry of Justice of the Slovak Republic whose task was to coordinate preparation and realization of a pilot project of probation and mediation in criminal matters. Subsequently, in October 2001, a working group on preparation of the pilot project composed of representatives of individual law enforcement bodies and third sector started its work. The first pilot project of the Probation and mediation service was carried out in 2002 at District Courts in Bratislava IV – the town part of Karlova Ves, Spišská Nová Ves, and Nové Zámky. During the activity of the pilot project, in the period from 1 April 2002 to 31 December 2002, probation and mediation officers were assigned a total of 55 mediation and 112 probation files. Most represented criminal offences within mediation were theft, bodily harm, and misappropriation. Within probation, the most frequent restrictions or obligations were the prohibition of activities and the obligation to repair the damage caused. Based on these positive results, the Ministry of Justice of the Slovak Republic continued with the project also in 2003 at the same three district courts. From 1 January 2003 to 31 December 2003, probation and mediation officers were assigned 177 probation and 61 mediation files. In mediation cases, an agreement was reached in 42 cases, representing 57.37% of cases. Parties complied with an agreement in 35 cases (83.33%) of these cases. Besides quantitative changes pertaining to the number of probation and mediation officers, the number of addressed matters, and changes in staffing of the corresponding unit of the Ministry of Justice of the Slovak Republic, there were no key changes related to probation system in 2008 – 2016 (besides the key changes mentioned in the introduction).

3. Legislative Basis of the Probation System

The most significant legislative changes were made in 2005 after recasting of penal codes that came into force on 1 January 2006 (the Criminal Code and the Criminal Procedure Code). These new legal norms have made it possible for the first time to impose e.g. suspension of the execution of a punishment involving deprivation of liberty under probation supervision, community service, house arrest, and other alternative punishments not involving deprivation of liberty, or to apply diversions in criminal procedure through mediation, etc. Despite all of this, there is still room for improvement in the implementation of legislative norms into probation system in the area of stabilising systematized positions of probation and mediation officers, as their number at the present time could be described as underrated and insufficient.

There are several relevant rules (in relation to Commentary to Recommendation CM/Rec (2010) 1 of the Committee of Ministers to member states on the Council of Europe probation rules) that are aimed at the area of probation and their implementation into acts and norms that are used in the practice of a probation and mediation officer in the Slovak Republic.

Rule 1 (tasks of probation agencies) : the Act on probation and mediation officers includes provisions that say that a probation and mediation officer assists an offender during a trial period and during supervising the execution of punishments not involving deprivation of liberty in leading an ordered life and satisfying the conditions that were imposed on them by the decision of the prosecutor or the court in criminal proceedings, and cooperates in synergy with state bodies and institutions dealing with the aforesaid issue. The whole probation process is based on individual skills, flexibility, and expertise of a probation and mediation officer and on their ability to make the best of these statutory rules and implement them into practice. The process itself also requires a sufficient number of probation and mediation officers who could better contribute to the proper administration of justice and the security of society. In case that the number of probation and mediation officers is not raised, there is a risk of not having enough time for implementing this rule.

Rule 8 (implementing judicial decision, accountability and authority of probation agencies) – the rule is applied in Slovak conditions through legal norms² which facilitate cooperation with state institutions dealing with the accused and convicted persons, e.g. with a social guardian³, a prison social worker, etc. The application of these acts in practice could be considered a little shortcoming, as it is not really effective in terms of interconnection and networking of individual subjects (a probation and mediation officer with a social guardian, or a probation and mediation officer with a prison social worker, etc.).

Rule 34 (volunteers) – volunteers in Slovakia perform individual activities only through civic associations which at the same time cover these activities financially. They may participate in the implementation of probation programmes which

2 Act No. 550/2003 Coll. on Probation and Mediation Officers, § 4 „interaction between a probation and mediation officer and state bodies and other institutions.

3 Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship, § 18 social guardianship of adult natural persons, § 70 resocialization contribution, etc.

mainly consist of assisting the accused and convicted persons in fulfilling entailed commitments and restrictions, e.g. in attending social and psychological trainings or other education programmes which were imposed on them by the court, etc. An example of such a civic association is EDUKOS in Dolný Kubín (www.edukos.sk) which operates within its projects in this area on a long-term basis.

Rule 95 (victims) – the contact with victims in the probation process varies in intensity, depending mainly on the type of offence committed and on the effects which it had on a victim, community, social environment, etc. The first contact is generally made before probation in pre-trial proceedings through an investigator who instructs a victim, gives them contacts and addresses of organizations that may be of some help. The aspect of voluntariness is always present. In certain cases, probation and mediation officers ensure control and supervision over an offender and cooperate with a victim in this context. Contacting the injured party always depends on the type of offence committed that requires such procedures, or on entailed commitments and restrictions imposed on an offender by the court and their execution may indirectly pertain to the victim, e.g. domestic violence, prohibition on abusing addictive substances, prohibition on approaching the victim to a distance shorter than 5 metres, approaching the victim's domicile, etc. Victims of criminal offences are informed on the whole probation process and on the fact that they may actively participate in some activities connected with probation supervision over an offender and entailed commitments and restrictions. These activities are performed by civic associations, e.g. Náruč, which deals with victims of criminal offences. Its members are volunteers with high expertise in this area. There is still room for improvement in approaching victims of criminal offences from the point of view of probation, as there is no methodology that would guide and unify these activities at the local, regional, and national level.

Rule 97 (restorative justice interventions) – the corrective task of justice formally focuses primarily on the use of probation activity when ensuring the respect of rights and obligations of offenders, victims, and a community which are set out in penal codes and other legislative norms. Special interventions are carried out through probation activities taking into account the type of criminal offence, damages, and entailed commitments and restrictions. In order to reach the aim of an offender compensating for the damage (injury) caused in relation to a criminal offence, it is necessary for these measures to be an integral part of such decisions issued by a corresponding body.

Rule 98 (crime prevention) – the rule is barely applied in the conditions of probation, as the development of crime reduction strategy is an area which is largely dealt with by other organizations. In individual regions, probation and mediation officers also participate in these activities within their cooperation with agencies which are a part of informal partnerships. There was mutual cooperation with, for instance, the Náruč civic association from Žilina (www.naruc.sk) which participates in the action plan of prevention for the purpose of eliminating violence against women and domestic violence in the territory of the Žilina self-governing region. The cooperation consists of mutual exchanging of reports and knowledge in relevant cases that are a part of probation.

3.1 Legislative Basis

Legislative area of probation in Slovakia is presented through acts and decrees of the Ministry of Justice which at the same time regulate activities related to mediation in criminal matters. This legislative approach is determined by staffing of probation activity, as one person (one probation and mediation office) has a cumulative function, ensures activities related to probation and also mediation in criminal matters⁴.

The basic legal norm regulating the activity of probation in Slovakia is the “Act on Probation and Mediation Officers“ which sets out the performance of probation and mediation in matters dealt with in criminal proceedings. For the purpose of better implementation of community service punishment into practice, a separate Act No. 528/2005 Coll. was adopted which regulates the performance of community service punishment. It sets out rules and competences, determines who can impose what punishment and who can be a work provider, i.e. subjects which engage in gainful activities are not allowed as work providers in relation to community service punishment, etc. The act regulates conditions under which community service punishment may be delayed, suspended, dismissed and changed to a mandatory punishment involving deprivation of liberty. The Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship made it possible to legislatively interlink probation activity in offenders who were released from the execution of punishment or the execution of imprisonment and were ordered probation supervision with activities carried out by a social guardian, e.g. within allocation of resocialization contribution, but also mutual reporting on a client. If an offender is imprisoned for other criminal offence during probation supervision, a probation and mediation officer can visit this client in prison in accordance with the law. One of other effective instruments that can be used by a probation and mediation officer within probation is a legal norm issued by the Prison and Justice Guard of the Slovak Republic⁵ which regulates formal cooperation between a prison social worker and a probation and mediation officer within probation activities. Other implementation norms include the Decree of the Ministry of Justice of the Slovak Republic No. 543/2005 establishing „administration and office order for courts...“. This decree aims to support a fair trial within a reasonable time and unify court procedures when dealing with court’s agenda. These include individual procedures of probation activities which are performed by probation and mediation officers, e.g. in which cases court’s agenda would include probation or mediation. The newest adopted and approved legal norm is the Act No. 533/2011 Coll. on Recognition and Enforcement of Judgements Imposing Measures not Involving Deprivation of Liberty or Probation Decisions with a View to the Supervision of the Probation Measures in the European Union which came into force on 1 February 2012.

4 The Decree of the Ministry of Justice of the Slovak Republic No. 149/2011, on rules of determining the number of judges, court employees, vacancies for judges, and distribution of employee positions at courts, „Annex No. 1“, General judicial department: 1 probation and mediation officer at a district court, 2 probation and mediation offices at a district court in the seat of a regional court.

5 General Directorate’s Order No. 60/2008 on Social Work in Prison and Justice Guard.

3.2 Mission and Mission statement

The essential substance of probation in the Slovak republic is, among other things, a constructive method of positively influencing the offending behaviour based primarily on a mutual combination of elements of control, supervision, assistance, and counseling with the emphasis on the elimination of recidivist crime in persons who are a part of probation supervision. Strategic goals of probation are stated in the Act on Probation and Mediation Officers. They mainly include activities of a probation and mediation officer who helps in order for:

- the criminal matter to be discussed in one of the special methods of proceedings in appropriate cases
- the punishment not involving deprivation of liberty to be imposed and properly executed
- the imprisonment to be replaced by another suitable remedy.

For this purpose, a probation and mediation officer provides background materials pertaining to the accused person and their family, social, and work environment, performs supervision over the behaviour of the accused person during the trial period, controls the execution of punishments not involving deprivation of liberty, and carries out other activities related to criminal proceedings while executing probation activities.

In order to reach the goal and required priorities, a probation and mediation officer performs actions within their competence following a work schedule and a copy of a final decision of the court which entails an obligation to perform probation, or the written order of the presiding judge, a single judge or a prosecutor in pre-trial proceedings. Basic goals of probation include cooperation and interaction with social security bodies, schools and school facilities, healthcare facilities, registered churches and religious organizations, citizen interest groups, foundations and other institutions providing services of general interest. There are probation activities which are performed only formally, i.e. an offender appears before a probation officer at a specified time and signs his attendance. This happens in cases in which the relevant body did not entail restrictions and commitments in its decision. It is necessary that relevant bodies order also commitments and restrictions within their decisions in addition to probation supervision (i.e. not only probation supervision on itself, without entailing commitments and restrictions). Entailed commitments and restrictions should be tailor-made for offenders with regard to crime they committed and their personal abilities and mental capacity to comply with a probation programme.

3.3 Crime Prevention

There are no clearly defined goals in Slovakia that probation and mediation officers should follow within the area of primary and secondary prevention in the process of probation and probation supervision. The term prevention in conditions of probation is understood and presented merely as control and supervision over an offender. It is rather a matter of fulfilment of entailed commitments and restrictions including e.g. prohibition on attending sports or other mass events, on the use of alcoholic beverages and other addictive substances, on meeting with persons with negative influences or accessories or accomplices, on approaching the victim to a distance shorter than 5 metres, on approaching the victim's domicile, etc. A key

role in prevention in the conditions is played by the Government Council for Crime Prevention and the Ministry of Justice of the Slovak Republic which takes preventive measures through various projects. Last but not least, there are non-governmental organizations which carry out activities which can be classified as a primary and secondary prevention.

In individual cases, probation and mediation officers participate at the regional and local level in programmes organized by the state or public administration or non-governmental organizations. For example, a meeting of specialists and interested persons who participate in prevention aimed at youth, more specifically at pupils of primary and secondary schools. The meeting was organized by the Žilina self-governing region. Similar meetings are organized also in other regions where, for instance, probation and mediation officers engage in lecturing activities at schools or resocialization facilities in cooperation with other specialists. These meetings benefit from the fact that it comes to a mutual interconnection and cooperation between individual activities which may positively contribute to the implementation of other projects aimed at prevention and crime reduction in a given region.

3.4 Victim assistance

Assistance to victims of crime from the point of view of probation in the system is not primary in its nature. It could be classified as a secondary or tertiary assistance aimed at providing information, verification from the perspective of compensating for the damage caused to a victim, etc. It is referred to cases in which a probation and mediation officer within probation supervision calls a victim who is to be compensated for the damages resulting from the committed crime by an offender during trial period. It is not an obligation of probation and mediation service to provide primary assistance to victims of crime. This area is covered by the state and largely non-governmental organizations. Every police force and every investigator disposes of a list of organizations which provide assistance to victims of crime. Listed organizations need to hold certificates confirming their professional competence for the provision of such services.

3.5 Volunteer involvement

The use of volunteers in the process of the assistance to the convicted persons who were released from prison is realized by non-governmental organizations taking part in this activity. This includes, in particular, regional projects, e.g. the project aimed at the „Preparation for life and education of persons in danger of social exclusion“. The project is run by the EDUKOS civic association within the project called “RESTART” (www.edukos.sk). This project (programme) was aimed at training and education of tutors, consisting of the long-term unemployed, but also of university students, who will assist citizens released from the execution of punishment or citizens on whom an educational measure was imposed in reintegration in the labour market and social life. These tutors had to go through the 100-hour educational process consisting of 60 hours of theory and 40 hours of practice. The best six participants in the TUTOR programme had an opportunity to get employed within the TUTORING activity for 6 months (already during the implementation of the project) as assistants - tutors. A tutor began cooperating with a client already during the enforcement of the punishment, approx. 1 month before release, and subsequently assisted the client in reintegration into society, taking into account his individual conditions and needs. The cooperation takes place with a prison social worker and a social guardian from

the corresponding region to which the convicted person will return after their release from prison and also with a probation and mediation officer. The whole project was funded by the European Social Fund. As these volunteers were selected mainly from the unemployed, they were also financially rewarded for the work (approx. 300 – 400 Euro/month). The context of work with victims of crime with participation of non-governmental organizations is similar. One of them is the Náruč civic association which provides counseling services to women who became victims of domestic violence and were subjected to long-term gross physical and mental abuse, without the ability to defend themselves and their children, without a support from their closest ones, without necessary financial resources and without the opportunity to get a job (www.naruc.sk).

4. The Organization of Probation Services

Individual rules of probation in Slovakia are applied as follows:

Rule 22 (recruitment and selection) – employees for the position of probation and mediation officers are recruited in accordance with the act that determines basic pre-conditions for the performance of duties of a probation and mediation officer. This lies within the competence of presidents of courts who determine the composition of a selection committee.

Rule 23 (education and training) – legislation and laws of Slovakia oblige probation and mediation officers to educate themselves. Furthermore, the area of education is laid down in the Act on Court Clerks where it is an obligatory condition that „a court clerk who performs a permanent civil service at the court is obliged to take part in educational activities aimed at the improvement and complementation of the knowledge required for the performance of their duties “.

Rule 24 (initial training) – this rule has not been applied in the Slovak system so far – new probation and mediation officers do not attend an initial training because there is no such training in conditions of probation and mediation.

Rule 25, 27 (initial training and specialization) – further education of probation and mediation officers may take place in terms of the act, but it doesn't in practice. The stated act creates room for professional education for the purpose of deepening the knowledge in the area of activities performed by a civil servant based on the contract of service at such a position. Such education can take the form of presence or distance learning, self-study, education through means of electronic communication, specialised stays, participation in conferences, specialised seminars, courses, etc. The office ensures that a civil servant (and also a probation and mediation officer) is able to enhance their qualifications within at least 5 days of service per a calendar year. A civil servant remains entitled to their pay during the period. Costs related to enhancing qualifications are borne by the office.

Rule 29 (staff complement) – a shortcoming of this rule in conditions of Slovakia is the fact that it is being completely ignored. Probation and mediation officers at the regional and local level are unevenly occupied and a high number of individual cases make it impossible for them to assist offenders more effectively.

Rule 37 (cooperation) – probation and mediation officers cooperate within the limits of their possibilities that are created at individual courts also with judicial bodies, but also with civil society organizations that have been mentioned previously. This cooperation doesn't necessarily have to be a result of an informal initiative of a probation and mediation officer, as it represents a legal obligation in some situations.

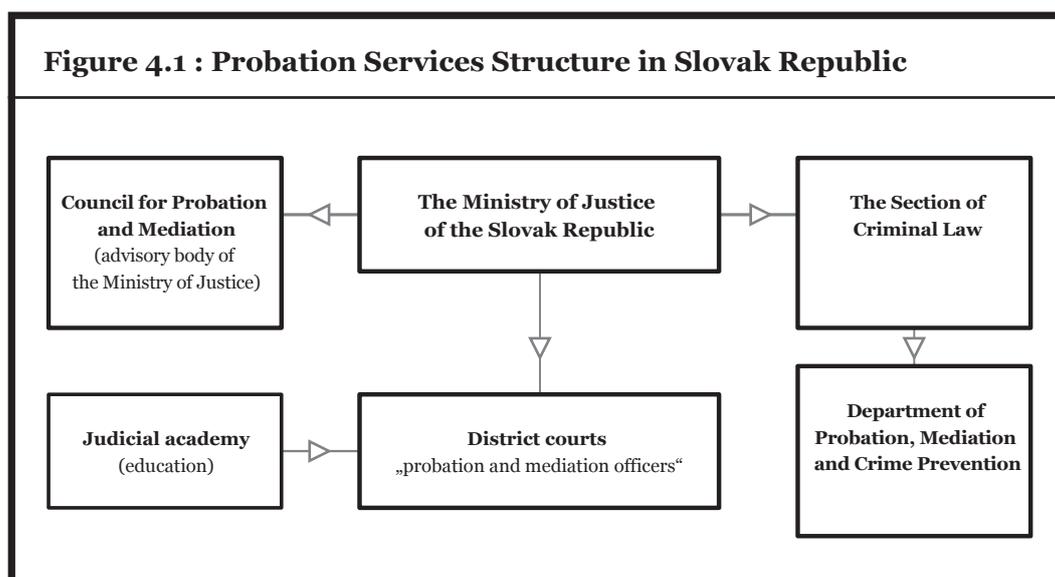
Rule 42 (pre-sentence report) – the national law lays down precise rules as to in which cases a probation report is prepared, e.g. conditional suspension of execution of punishment involving deprivation of liberty with probation supervision, imprisonment replaced by probation supervision, etc. A probation and mediation officer in probation matters requires within the time limits laid down by the presiding judge, at least once a year since the decision has entered into force, a copy of a criminal record, a reputation report from a municipality (town), the police, the Infringement Office, and other necessary documents for assessing the lifestyle of a convict and compliance with entailed restrictions and commitments when released on parole, if probation supervision over a convict was ordered, etc.

Rule 63, 64 (Council framework decision) – probation and mediation service responds to requests of individual states to perform probation supervision over foreign offenders. These requests come most frequently from the Czech Republic and the activities have so far always been carried out in coordination with the Ministry of Justice of the Slovak Republic.

4.1 Main characteristics

The Ministry of Justice of the Slovak Republic conceptually and methodologically controls and guides performance of probation and mediation in Slovakia. For this purpose, the Minister of Justice of the Slovak Republic established an advisory and initiatory body, the Council for Probation and Mediation, consisting of judges, prosecutors, probation and mediation officers, representatives of government bodies, and theoretical and practical specialists. The structure of probation system in the Slovak Republic is shown in Figure 1.

Figure 1 The structure of probation system in the Slovak Republic



The Section of Criminal Law provides covers the probation activities through the Department of Probation, Mediation and Crime Prevention which deals with, among other things, tasks related to performance of probation and mediation at district courts, monitors and evaluates workload of probation and mediation officers, develops proposals on unifying practice in the area of probation and mediation, prepares background materials for education of probation and mediation officers in cooperation with the Judicial Academy, draws up conceptual and methodological background materials in the area of probation and mediation, etc. However, the whole area of probation and mediation at this department is dealt with by two employees.

4.2 Internal organization

The organization of probation service is divided into two basic parts:

- a) coordination and conceptual activity – which is ensured by the Department of Probation, Mediation and Crime Prevention which includes probation,
- b) probation practice – probation and probation supervision performed in practice by probation and mediation officers.

There are no special teams of probation and mediation officers that deal with special groups of clients. This is a serious shortcoming, as now and then clients are encountered who require a more specialised intervention relatively often in practice. The needs in this area are in some cases saturated only by non-governmental and civil society organizations at the local level.

4.2.1 Probation workers

During the last years there have been changes in applying the Act No. 549/2003 Coll. on Court Clerks where probation and mediation officers are included, more specifically through abolishing the provisions of § 13 to § 17 dealing with professional training and initial adaptation education. The probation and mediation service has no employees who participate in probation or probation supervision and thus the officers are, in accordance with the applicable law, employed by the state to carry out activities related to probation at district courts which are their offices of service with the president of the court being their superior.

Internal structure of guiding of probation activities is not determined, probation and mediation officers at the local and regional level are equal, and there is no internal differentiation. Probation and probation supervision activities are performed in terms of the mandate given to a probation and mediation officer by the court or the prosecutor. There is close and intensive cooperation with the state police in this area, e.g. in the control of alcoholic beverages consumption; with the third sector, for the purpose of carrying out social trainings of convicts, etc. Supervision of probation and mediation officers is not carried out, which can be considered as a shortcoming, as the absence of it may result in the burnout syndrome etc. The support of employees at the local level is individual, but it could be said that not enough attention is being paid to it by the methodological management in general.

Table 1. The staff structure

Number of staff	81
Management staff	11
Executive staff	81
Supporting staff (e.g. secretary, bookkeeping staff, ICT staff etc.), operational centre for electronic monitoring	8

4.2.2 Education, training requirements and opportunities

Education of probation and mediation officers is ensured by the Judicial Academy which is an independent educational institution operating countrywide providing, organizing and carrying out educational activities for judges, prosecutors, and court clerks. It was established by the law⁶ as an independent legal entity which is a budgetary organization of the Ministry of Justice of the Slovak Republic and manages assigned resources from the state budget in order to ensure education for judges, prosecutors, and court clerks. The Judicial Academy organizes educational events through their employees and the teaching staff according to an approved annual learning plan (academic plan). The teaching staff includes heads of departments and external members. Programme and topics that are the subject of education of probation and mediation officers are submitted by the corresponding department of the Ministry of Justice which provides coordination and methodological guidance for probation and mediation officers.

Probation and mediation officers are not divided into different subgroups which would deal with only one particular issue. In performance of their function, they are in charge of all activities related to probation and probation supervision and control of entailed commitments and restrictions. The area of education was predominantly aimed at the issue of the application of alternative punishments, procedures in the area of effective performance of control of entailed commitments and restrictions, communication skills with clients, the use of verbal and non-verbal communication, etc.

Unfortunately there is an absence of basic educational programmes for probation and mediation officers before employing them. Currently however, relevant steps are being taken in order to change this state of affairs. Education costs are a part of the budget available for the Judicial Academy but there isn't a separate chapter determining the exact costs of education for probation and mediation officers.

4.2.3 Other organizations involved in probation work

There are organizations at the local level which participate in addressing the issues of probation or execution of alternative punishments. As for community service for instance, these are organizations and institutions which do not engage in gainful activities, e.g. villages, towns, schools, civic associations, hospitals, social care homes for children and adults, but also the Police Force, etc. The task of these organizations (entities) is to create suitable conditions for the execution of community service punishments which will have a positive impact on convicts, e.g. activities related

6 Act No. 548/2003 Coll. on the Judicial Academy

to accompanying persons with reduced mobility (wheel chair users) to hospital for examinations, which has a highly positive and emotional element to it, creates feelings of being needed in convicts, etc. The aim of this activity is not only to enforce the community service punishment, but also to motivate convicts to see other people's needs, to be able to help people who need it, to create room for the development of empathy, etc. There is currently no professional organization in Slovakia that would deal with the issue of probation, its development, the needs of probation and mediation officers, the code of ethics, and other relevant topics related to probation.

4.3 Probation and offenders abroad

Conditions of probation and probation supervisions are governed by the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders of 1964 which is in force since 2003 and also applied within criminal procedure law. This state changed on 1 February 2012 when the "Act on Recognition and Enforcement of Judgements Imposing Measures not Involving Deprivation of Liberty or Probation Decisions with a View to the Supervision of the Probation Measures in the European Union" came into force.

The Implementation of Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions was in the competence of the Section of Legislation of the Ministry of Justice of the Slovak Republic (in relation to transposition into the Slovak national law) and the Section of International Law of the Ministry of Justice of the Slovak Republic (in relation to notification obligations following from the framework decision). From August to December 2011, there was a process that included interdepartmental consultation, negotiation of governmental advisory bodies and government, negotiation of National Council of the Slovak Republic, and a declaration of law in the Collection of Laws of the Slovak Republic (Act No. 533/2011 Coll. on Recognition and Enforcement of Judgments Imposing Measures not Involving Deprivation of Liberty or Probation Decisions with a View to the Supervision of the Probation Measures in the European Union). The legislative process was provided by the Ministry of Justice of the Slovak Republic. The aforesaid data can be accessed in the published report from the Commission to the European Parliament and the Council on the implementation of Framework Decisions 2008/909/JHA, 2008/947/JHA, and 2009/829/JHA on the mutual recognition of judicial decisions on custodial sentences or measures involving deprivation of liberty, on probation decisions and alternative sanctions and on supervision measures as an alternative to provisional detention of 25 February 2014.

5. Different Stages of the Criminal Justice Process

In the Slovak republic the individual Probation rules are implemented as follows: Rule 7 (probation involvement in different stages) – this rule is not respected before a final decision of the court from a point of view of probation activities in their conditions either - a report for a judge has no influence on legal proceedings. In case an imprisonment is replaced by probation supervision over an offender, a probation officer is only able to propose to withdraw or extend entailed commitments

and restrictions, or to submit a report stating that the probation supervision is not achieving its goal, or that the accused person doesn't respect entailed commitments, etc.

Rule 12 (interdisciplinary work and social inclusion) – at the local level, cooperation takes place in particular with public institutions which participate in minimizing negative impacts on offenders from the point of view of their integration into society. Such organizations include e.g. the EDUKOS civic association or the Maják civic association which, among other things, help various groups of hardly employable people through social counseling, especially the convicts during and after the execution of punishment, teaching the convicts during the execution of punishment, etc.

Rule 44 (offender involvement and reports) – an offender in the legal system has a right to comment on reports that are elaborated by a probation and mediation officer during probation. This means that if a report is prepared for a judge, the offender (or his legal representative) is always entitled to comment on the report during legal proceedings. This report is, as a rule, read by a judge or a probation and mediation officer during the court session and offender's comments on the content of the submitted report are recorded into a written record of proceedings. This system enables a probation and mediation officer to draw up an unbiased probation report on an offender.

Rule 45 (reports) – reports elaborated during probation supervision and probation for the purpose of a decision may include viewpoints, suggestions, and initiatives of other institutions which participated in probation, or organizations which have known an offender for a long time, or in cases of a waiver of punishment which may be applied in case of an offence if the court accepts a guarantee of the offender's reform and believes that, because of the educational influence of the person who offered such a guarantee, the nature of an offence and the offender's personality, the imposition of a punishment is not necessary, etc. Furthermore, these reports may also include proposals to entail appropriate restrictions and commitments which an offender has to meet during a trial period, e.g. undergo alcoholism treatment, etc.

Rule 46 (explaining report to offenders) – if circumstances of a case allow, an offender may join the process of drawing up a probation report, e.g. by submitting documents proving that they found a job, an employment contract, or documents proving that they are compensating the damage caused to the injured party, began a therapy, a treatment of addiction to substances, etc. These changes during probation supervision are listed in the report.

Rule 47 (community service) – a probation and mediation officer in the legal system ensures that a community service is served, while the conditions under which such a punishment can be executed and in whose favour are laid down by the law. The convicted persons are obliged to execute community service punishment to the extent determined by the court in favour of the state, a higher territorial unit, a municipality or other legal person engaged in education, culture, school system, protection of human rights, protection of animals, social assistance, etc. The law clearly determines the conditions under which such a punishment may be delayed and suspended, e.g.

during pregnancy or illness, or waived in cases of a change in the state of health of a convicted person which occurred unintentionally, etc. Convicts executing community service punishment do not wear specific clothes or are not marked in any other way, which prevents potential stigmatisation. The system is set up in a way that it is decided at the local level, according to individual skills and abilities of a convict, what kind of service/activity will be performed during execution of community service punishment, in favour of which organization, etc. With the consent of a convict, community service punishment may be executed outside the area of jurisdiction of the court where a convict resides, which favours minimal potential risks of stigmatisation.

Rule 48 (cooperation with community) – the Slovak legal system doesn't allow community service punishment to be executed in favour of organizations which engage in gainful activities.

Rule 51 (community service tasks) – a probation and mediation officer at a district court keeps a register of labour appropriate for the execution of community service punishment. This system of registration of labour is applied only at the local level where all needs of convicts (including juveniles and women) and also needs of providers of these services (communities) are taken into account. In cases where an association of citizens accepted a guarantee of the offender's reform, such association may participate in educational interaction within community service punishment.

Rule 52 (consultation with offenders in relation to community service performance) – this rule is a part of a legal norm. A convict is always called upon to appear before the probation and mediation officer within seven days from receipt of a request for the purpose of negotiating the conditions of the execution of community service punishment so the execution itself is tailor-made for a convict, i.e. their knowledge, abilities, skills, state of health, etc.

Rule 55 (interventions) – supervision over convicts is not understood only as control, but in cases where the court entailed restrictions and commitments that should result in a convict leading an ordered life, the probation and mediation officer ensures this activity. For instance, if a court decides that a convict shall, besides execution of community service punishment, undergo other educational programme or a social training, the whole process is regulated at the legislative level. This area is formally guaranteed; however, it is difficult to implement these norms in the practice for capacity reasons, i.e. because of insufficient number of probation and mediation officers and a large number of community service punishments at the regional level. Community service punishment was imposed in 704 cases in 2009, in 1,232 cases in 2010, in 2,278 cases in 2011, in 3,179 cases in 2012, and in as many as 3,946 cases in 2013.

Rule 56 (families and dependents of offenders) – in individual cases, information is provided also to family members, especially in case of juvenile convicts, or to schools, as long as this knowledge may positively influence the course of probation supervision.

Rule 57 (electronic monitoring) – the criminal code includes house arrest punishment which should be executed using a monitoring device. Electronic monitoring was tested and is in use. Activities are performed by probation and mediation officers and an operational centre with technical devices were provided by an external company.

Rule 59 (reintegration) – as for this rule, it is necessary to point out the difference between theory and practice. The legislation formally creates objective conditions for cooperation with prison authorities, an offender, their family and community with the aim to achieve the most effective post-penitentiary work and cooperation with other authorities; however, this activity can hardly be performed because of a low number of probation and mediation officers. Many academics and practitioners (Pavelova, 2015, Lulei, 2011 etc.) emphasize family and community as strong protective factors in various critical life situations (crime career, drug abuse etc.), which is why it is necessary to work more with families in the area of probation in the future.

Rule 61 (constructive work) – control and supervision after an early release (conditional release) is performed only in cases where a trial period with probation supervision over an offender is ruled by the court. A social guardian in cooperation with a probation and mediation officer participates in recidivism risk reduction in offenders. The whole process is determined by a lack of probation and mediation officers and social guardians.

Rule 62 (desistance) – national rules enable offenders who were conditionally released with probation supervision and whose trial period expired to continue cooperating with organizations and agencies dealing with these issues on a voluntary basis. A probation and mediation officer no longer performs any activities with an ex-convict, but may, upon request, recommend other organization, agency, civic association which would go on with a continuous assistance to the ex-convict.

Rule 85 (treating offenders fairly) – the probation and mediation officer ensures active control and supervision in accordance with specified conditions, while informing an offender on possible sanctions in case of disrespecting the rules.

Rule 86 (explaining to offenders) – offenders are informed on the whole process of probation in initial stages and are, at the same time, fully aware of the rules. Such informing is clear and comprehensible for an offender, but also for a probation and mediation officer. More specifically, it defines the degree of responsibility that offenders take on and steps that will be then taken by a probation and mediation officer.

In comparison to 2008 (Chapter 4), it can be stated that no changes that would have a relevant influence on individual stages of criminal proceedings were made.

5.1 Pre-trial/remand/trial stage

Table 2. Sanctioning system and probation involvement in the pre-trial/trial stage

Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Provided in the legislation	Probation involved	Main characteristics of the probation activity
Unconditional waiver by the public prosecutor			
Conditional waiver by the public prosecutor			
Conditional suspension of the pre-trial/remand detention	X	X	A probation and mediation officer performs control of fulfillment of commitments and restrictions entailed by the prosecutor, assistance, notification.
Pre-trial/remand detention			
Police custody			
Bail	X	X	Supervision and control of entailed commitments and restrictions, notification, assistance.
Caution	X	X	Supervision and control of entailed commitments and restrictions, notification, assistance.
Surety	X	X	Supervision and control of entailed commitments and restrictions, notification, assistance.
House arrest	X	X	Supervision and control of entailed commitments and restrictions, notification, assistance.
Electronic monitoring	X	X	All activities with EM are managed by probation and mediation officers (from the use of electronic devices to performance of specific probation order).

Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Provided in the legislation	Probation involved	Main characteristics of the probation activity
Community service	X	X	Coordination, supervision and control of entailed commitments and restrictions, notification, assistance.
Treatment order	X	X	Coordination, control, transmission.
Training/learning order	X	X	Coordination, control, transmission.
Drug/alcohol treatment program	X	X	Coordination, control, transmission, notification.
Compensation to the victim	X	X	Only in cases of conditional suspension of criminal proceedings by the prosecutor.
Mediation	X	X	Coordinates and performs mediation.
Semi-detention			
Attending a day centre	X	X	Transmission, support.
Liberty under judicial control			
Interdiction to leave the country	X	X	Supervision and control.
Interdiction to enter different cities/places	X	X	Coordination, notification, control and supervision, assistance.
Interdiction to carry out different activities	X	X	Supervision and control of entailed commitments and restrictions, notification, assistance, support.
Interdiction to contact certain persons	X	X	Supervision and control of entailed commitments and restrictions, notification, assistance, support.
Psychiatric treatment	X	X	Supervision and control of entailed commitments and restrictions, transmission.

Sanctions/Measures/ Penalties/Conditions attached to a conditional decision or sentence	Provided in the legislation	Probation involved	Main characteristics of the probation activity
Deferment of sentence	X	X	Only in cases where also probation supervision was entailed, control and supervision, assistance, support, motivation.
Fine			
Security supervision	X	X	Coordination, supervision and control of entailed commitments and restrictions, assistance.
Conditionally withheld sentence of young offender	X	X	Commitments and restrictions encouraging an ordered life, assistance.

In appropriate cases determined by the law, a probation and mediation officer also participates in the process of pre-trial proceedings through cooperation with a police officer, a prosecutor, and a judge. These activities are of a formal nature, e.g. when imprisonment is replaced by probation supervision with a probation and mediation officer controlling commitments and restrictions entailed by the court (e.g. prohibition on the use of alcoholic beverages, prohibition on approaching the victim to a distance shorter than 5 metres, prohibition on staying at a certain place, undergo a treatment, etc.). In case a probation and mediation officer identifies a breach of entailed commitments and restrictions, they inform the corresponding body which imposed the measures in writing. Upon request, a probation and mediation officer submits interim probation reports for a police officer, a prosecutor, and a judge. Such reports are submitted also in cases of significant changes that have an influence on pre-trial proceedings, e.g. a withdrawal, but also an extension of entailed commitment may be proposed. A probation and mediation officer during probation, among other things, assists an accused person in leading an ordered life, meeting the conditions imposed upon them, finding a job, beginning a treatment of addiction, compensating for the damage caused to a victim, etc.

During pre-trial proceedings, the probation and mediation officer performs activities before the decision at the request of a prosecutor or the courts. This, however, is not a rule, but rather a matter of individual consideration of a corresponding body. In such cases a probation and mediation officer interviews an offender in order to obtain relevant information on the presence of contraindications to the execution of a certain alternative punishment not involving deprivation of liberty. Scale-questionnaires are designed for this purpose by means of which an accused person comments on their motivation, but also on risk factors that would obstruct the execution of an alternative punishment. Obtained information is, where necessary, verified by a probation and mediation officer or an offender is requested to present documents proving certain health restrictions, etc. Based on this procedure, a written

report before the decision or information obtained within preliminary investigation is prepared.

5.1.1 Pre-trial/pre-sentence report

A report from pre-trial proceedings prepared by a probation and mediation officer for the police, a prosecutor, or a judge includes basic information about an offender pertaining to their psychosocial state, motivation, etc. These are generally interim probation reports. In another part of the report, obtained findings and information requested by the corresponding body are presented, with requests being formulated in points. The purpose of the report is to obtain the maximum amount of information and knowledge about an offender which can be used in further decision-making of corresponding bodies. The structure of a report is not obligatory and has no predetermined formal nature. It is always a flexible response to the request. A probation report before the decision in pre-trial proceedings may be requested by a police officer, a prosecutor, or a judge for pre-trial proceedings. The reason for such a request may be verification of the offender's compliance with entailed commitments and restrictions during probation supervision, e.g. when imprisonment was replaced by probation supervision. Reports are required in the following cases: if imprisonment was replaced by probation supervision over an offender, in case of conditional suspension of prosecution with probation supervision, if a prosecutor or a judge consider a possibility of imposing an alternative punishment not involving deprivation of liberty such as community service or house arrest. A probation and mediation officer doesn't have to inform an offender about the content of a report. The system creates room for an offender to respond to a report elaborated during probation by contacting the corresponding body that requested it. This kind of reports can be seen as more objective, as an offender cannot influence their content. This prevents offenders from manipulating these reports or from exerting inappropriate psychological pressure on a probation and mediation officer in order for them to write a more positive report or to conceal or modify information. Interim probation reports before the decision can be accessed by the police, a prosecutor, a judge, an offender, a victim, and legal representatives. Reports are a part of an investigation file or a judicial record. A probation and mediation officer is required by law to maintain confidentiality.

A probation report from pre-trial proceedings may also contain suggestions and proposals for a competent authority (a prosecutor or a judge) which serve only as a recommendation. There are no individual special probation plans for foreigners.

5.2 Enforcement stage

Probation is based on a legal mandate and people do not come to a probation officer by themselves and voluntarily. This is the reason why there is room for the court to individually decide, without the consent of a convict, whether probation supervision will be imposed or not, as offenders do not necessarily have to be aware of the fact that they have a problem resulting in their criminal activity. In case of imposing alternative punishments, e.g. imposing community service punishment, the court may impose such a punishment only with the consent of an offender. In case of house arrest punishment, it is necessary to find out, using the institute of preliminary investigation, whether an offender meets conditions for imposing such a punishment. House arrest punishment is the second most severe punishment after the punishment of deprivation of liberty.

Supervision in the probation process has a control function which should encourage an offender to stop engaging in criminal activities. On the other hand, supervision also has a social and assisting function and helps an offender to reintegrate into society. These goals of supervision are reflected in two approaches. The first, a more control-oriented approach, focuses on the offender's responsibility towards society. The second, a more assistance-oriented approach, focuses on overcoming the problems which could result in further offences⁷. Cooperation between probation and mediation officers and prosecutors, courts, lawyers, victims, family members, community, etc. is also necessary for the purpose of achieving the basic goal of probation.

A probation and mediation officer acts in the probation process based on a legal mandate. In case of a conditional suspension of prosecution, probation supervision is a part of the court's judgement. At this stage, probation and mediation officers pay attention to the cooperation with a victim when it comes to compensation for the damage, prohibition on approaching the injured party (victim), etc. This area is strengthened also by the third sector which participates in the area of psychological and counseling services.

At this stage, the activity of a probation and mediation officer is performed only in cases when:

- a) there was a conditional release from a custodial punishment and, at the same time, the court ordered probation supervision over a convict and entailed commitments and restrictions; in cases of convicts who were not ordered probation supervision within conditional release by the court, a probation and mediation officer performs no activities, as these are provided by a social guardian within a post-penitentiary social work,
- b) offenders are given a pardon or an amnesty. Such persons are not put under probation supervision in the Slovak legal system.

The court may conditionally remit a convict his fulfilment of obligations when his behaviour demonstrates improvement and (s)he can be expected to lead an ordered life in the future. Furthermore, in case of a person convicted of an offence after serving half of mandatory punishment involving deprivation of liberty or mandatory punishment involving deprivation of liberty reduced by the decision of the President of the Slovak Republic. In case that it concerns a person convicted of an offense after serving two thirds of mandatory punishment involving deprivation of liberty or mandatory punishment involving deprivation of liberty reduced by the decision of the President of the Slovak Republic. When considering a conditional release, the court shall pay due account to the type of prison facility where the convict serves his punishment.

A person convicted of a particularly serious crime or a person convicted to punishment involving deprivation of under § 47(2) of the Criminal Code other than life imprisonment may be conditionally released only after serving three fourths of punishment involving deprivation of liberty. A person convicted to life imprisonment may be conditionally released at the earliest after serving 25 years of this punishment. A person reconvicted to punishment involving deprivation of liberty

⁷ United Nations Organization. Commentary on the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), New York, 1993.

for life can't be conditionally released. After a conditional release, the court shall determine a trial period of one to seven years starting from a conditional release of a convict. At the same time, the court may order probation supervision over these conditionally released convicts up to three years and entails appropriate restrictions or commitments laid down in § 5(3) and (4). If a conditionally released person has led an ordered life and followed entailed restrictions and commitments during a trial period, the court shall declare that a convict has proved himself, in some cases even during a trial period, orders to serve the rest of their punishment. If the court declared that a conditionally released person has proved himself, it shall be deemed that the punishment was executed on the day of conditional release. A probation and mediation officer doesn't take part in writing a report submitted to the court before conditional release from the execution of punishment involving deprivation of liberty.

Table 3. Sanctioning system and probation involvement in the enforcement stage

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provided in the legislation	Probation service involve- ment	Main characteristics of the probation
Imprisonment	X		Information about the probation and its tasks could be presented to imprisoned offenders.
Suspended sentence	X	X	Only in cases which include probation supervision, supervision, coordination, assistance and support.
Conditional sentence	X	X	Coordination, supervision, control of entailed commitments and restrictions.
Probation	X	X	Coordination, assistance and support.
House arrest	X	X	Coordination, supervision, control of entailed commitments and restrictions, assistance and support.
Electronic monitoring			
Community service as sanction	X	X	Coordination, control of entailed commitments and restrictions.
Semi-liberty			
Semi-detention	X	X	In the conditions, it is imprisonment replaced by probation supervision, supervision and control of entailed commitments and restrictions.

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provided in the legislation	Probation service involve- ment	Main characteristics of the probation
Treatment order	X	X	Only as a part of entailed commitments and restrictions, supervision, assistance and support.
Training/learning order	X	X	Only as a part of entailed commitments and restrictions, coordination, supervision, assistance and support.
Drug/alcohol treatment program	X	X	Only as a part of entailed commitments and restrictions, coordination, supervision, control, assistance and support.
Educational measures	X	X	Coordination, assistance and support.
Compensation to the victim	X	X	Only as a part of mediation, or entailed commitment to compensate for the damage caused, control.
Mediation	X	X	Coordination, realisation of mediation
Attending a day centre			
Interdiction to leave the country	X	X	Supervision, control of entailed commitments and restrictions
Interdiction to enter different cities/places	X	X	Control of entailed commitments and restrictions, supervision, notification, cooperation, coordination with the police
Interdiction to carry out different activities	X	X	Control of entailed commitments and restrictions, supervision, notification, cooperation, coordination with the police
Interdiction to contact certain persons	X	X	Coordination, assistance and support
Fine	X		
Day fine			
Other financial penalties	X		

Sanctions/Measures/ Penalties/Conditions attached to a conditional sentence	Provided in the legislation	Probation service involve- ment	Main characteristics of the probation
In/out patient order (psychiatric treatment)	X	X	Control and supervision, notification.
Security measures			
Combined order	X	X	Only in juveniles, a fine may be converted into community service.
Community punishment	X		
Conditional release / Parole	X		Only in cases which include probation supervision, supervision, coordination, assistance and support.
Automatic release	X		Coordination, supervision, control of entailed commitments and restrictions.
Open prison	X		Coordination, assistance and support.
Penitentiary program outside the prison	X		Coordination, supervision, control of entailed commitments and restrictions, assistance and support.
Other sanctions/ measures etc. Please name and describe them.			

Implementation of alternative punishments at this stage from the point of view of a probation and mediation officer is realised based on legal norms. It is very important for a probation and mediation officer to have a clear and comprehensible mandate for this procedure enabling them to act at this stage. An offender (a convict) also has to be duly informed of this mandate. The mandate may follow from a final decision or a judgement of the court. Based on the mandate, a probation and mediation officer calls an offender (a convict) and informs them again of their rights and obligations according to law and explains the position of a probation and mediation officer in this process to them. In case a convict culpably fails to execute alternative punishment and doesn't follow entailed commitments and restrictions under probation supervision, a probation and mediation officer proposes to convert community service punishment to mandatory punishment. When implementing alternative punishments, a probation and mediation officer cooperates with public and state authorities, the third sector, and, in order to achieve this goal, coordinates individual activities which may positively influence the execution of punishment

and its enforceability. According to the Criminal Procedure Code, a probation and mediation officer performs probation and mediation tasks assigned by the court or other corresponding body and other tasks laid down by this act or any other special acts. If probation fails to serve the purpose specified by the decision of the court or other corresponding body, a probation and mediation officer makes an application to the court for an order of punishment involving deprivation of liberty or for further prosecution of a person whose prosecution was conditionally suspended.

In the current system there are no special programmes that could be implemented in prisons or special sections of workplaces.

Table 4. Other probation activities in the enforcement stage

Providing support to the families of the offenders/detainees	Support for offenders' families is not applied in all cases, but only in individual cases depending on the type of offence committed. It is applied in cases of domestic violence, house arrest punishment, in juveniles sentenced with community service punishment, etc.
Coordinating volunteer prison visitors	no
Preparing offenders for (conditional) release	yes (only if probation or electronic monitoring was ordered by judge)
Preparing prisoners for home leave and/or providing support during home leave	no
Providing support to persons that have been pardoned or amnestied	no
Providing advisory report with respect to amnesty or pardon	no
Other tasks not included here.	no

5.3 Care and after-care outside the criminal justice system

Probation and mediation service in Slovakia stops cooperating with a convict after the statutorily designated probation supervision period with entailed commitments and restrictions has expired. After the end of this period, a probation and mediation officer writes a final probation report and sends it to the competent judge in order to make a decision as to whether a convict has proved himself or not during probation supervision. The law doesn't grant a possibility of further cooperation between a probation and mediation officer and the convict for the purpose of further assistance or support after the end of a trial period. It is a matter of rare cases occurring in the practice which are dealt with beyond powers of a probation and mediation officer. Probation system and laws allow also foreign offenders to be put on probation.

6. Probation Methodology

The Slovak probation system still has no specific methodology in relation to systematic work with offenders. There are some pilot projects at the regional level (mentioned later in the text), but constant practice at the national level is missing. Therefore, the Council of Probation and Mediation is trying to set up a strategy for development of probation system in Slovakia, which should be finished in 2016 and identify key tasks and problems.

7. Finances, Accounting, Registration Systems and Evaluation Procedures

Rule 10 (probation in criminal justice system) – Probation and mediation service formally has a responsible position laid down in laws and decrees governing individual activities pertaining to the performance of this service. However, it lacks sufficient resources for its effective existence. This is evidenced by a reduction of the number of probation and mediation officers by half.

Rule 15 (inspection and controlling process) – the control of probation activity and effectiveness of probation work is carried out neither at the national nor at the regional level.

Rule 16 (evidence based practice) – research and supporting the effectiveness of work is currently being carried out only by the academic community by means of various publications (Lulei, 2011; Lulei, 2012; Lulei, 2013) which seek to suggest and implement research findings into practice in an appropriate manner. It can be stated that there are gradual positive changes in this area.

Rule 21 (probation staff) – the area of gaining respect and achieving a goal by providing sufficient resources and sufficient remuneration for officers in the conditions is satisfied only sporadically. There are courts where a probation and mediation officer has not enough material or room to perform individual probation activities at the required level. They currently don't have a separate account (a separate budget chapter) for financing the performance of individual activities to the extent possible when this institute was introduced in 2004 - 2006.

Rule 33 (salary and conditions) – financial remuneration of the personnel performing probation service neither corresponds to their higher education nor reflects the demanding nature and the very nature of their work compared to other EU Member States.

Rule 104-105 (probation practice) – as far as these rules are concerned, it can be stated that there has been a lack of will to implement changes in this area so far. The reason for this are the constant personnel changes at the superior body. After 10 years of existence of probation and mediation service, there has been no stabilisation of experts in the area.

7.1 Finances

Probation and mediation service is financially supported only from the state budget, specifically from the Ministry of Justice. Probation and mediation officers are, pursuant to the Act on civil service, classified in the 8th salary class, which represents a fixed salary of 631.50 Euro. The aforesaid act allows the raise of a functional salary with a personal extra pay for the quality of performed work, but this sum amounts to only 100,- € on average. Salaries and financing the costs of probation and mediation service are currently not distinguished. They are included in a joint financial package of all expenditure and revenue for all court employees. Probation and mediation service has no other income, e.g. from private resources, etc.

Because a separate budget chapter for probation and mediation service was repealed it is extremely difficult to objectively describe an annual budget of probation and mediation service for the years 2008 – 2013 and to make a comparison with the prison sector.

Table 5. Prison / Probation expenditure

	Probation Services	Prison System
Current total yearly expenditure	-	-
Average number of employed staff	89	5 254
Daily average number of offenders/clients dealt with	-	-

In 2013, probation and mediation officers were assigned 7.749 new probation cases. The provided number does not include probation cases from the previous period which are still dealt with. In the same year, probation and mediation officers were assigned 1.752 mediation cases which they are dealing with continually along with probation cases.

Evaluation of the area of prison service for the year 2013:

- the average number of Prison and Justice Guard members in 2013 - 4.472
- the average monthly salary in prison service (Prison and Justice Guard) in 2013 – 1.227,34 €
- number of the accused persons as of 31.12.2013 – 1.216 persons
- number of the convicted persons as of 31.12.2013 - 8.537 persons

In 2013 the average monthly number of Prison and Justice Guard members was 4.472 persons compared to 4.432 persons in 2012, which represents an annual increase of 39.6 members. The average monthly salary of a member of Prison and Justice Guard was 1,227.34 Euro in 2013, which represents an increase of 31.96 Euro compared to the average monthly salary of a member of Prison and Justice Guard in 2012.

The approved budget of expenditures for 2013 represented a sum of 151.597.404 € which was later decreased through budgetary measures by 3.535.867 € to 148.061.537 € during 2013. Prison and Justice Guard used overall expenditures, including extra-budgetary resources, in the amount of 148.895.523 € which represented 100.56 % of the revised budget and an increase of 1.809.950 € in comparison to the same period of 2012.

7.2 Accounting

Probation and mediation service in Slovakia has no separate budget chapter that could be the starting point for providing requested data. Records of probation and mediation officers are kept in a joint budget chapter with other court employees.

7.3 Registration Systems and Evaluation Procedures

There is still room for improvement in the area of registration systems, which is a consequence of constant personnel changes in the management at the Department of Probation, Mediation and Crime Prevention of the Ministry of Justice of the Slovak Republic that still has not been able to take necessary steps in this regard. Files are kept only in printed form, as there is no special program for keeping probation files in electronic form. Probation and mediation officers made a proposal to the Ministry of Justice concerning the inclusion of probation and criminal files in an electronic judicial record within the court management. This proposal has been currently halted at the final stage. There is a new program which is a part of implementing electronic monitoring of persons. It is a special program which will saturate the needs of record keeping, granting probation and mediation cases, creating new files, keeping records of alternative punishments, house arrest punishment, etc. so that individual activities are recorded in electronic form. Until recently, national probation statistics have been disclosed and made available to the public at the website of the Ministry of Justice of the Slovak Republic which can also be accessed by the police, the prosecution office, the third sector, etc. This data is currently not being disclosed.

Probation programmes do not represent a system that could be used for measuring effectiveness and efficiency of probation services, which we consider a serious shortcoming with regard to their benefit to society and their own development. There are no annual probation reports, only written reports which are a part of referring to statistical indicators.

No studies in the field of probation were carried out by the Department of Probation, Mediation and Crime Prevention; there are only individual works carried out as academic papers. There are some individual cases of specialised articles which were presented by probation and mediation officers based on the empirical knowledge they acquired.

In 2014, the Project No.PP-2012-003 of the Block Grant for NGOs and Partnership Support of the Swiss-Slovak Cooperation Programme carried out by the Consulting and Information Centre EDUKOS in cooperation with a Swiss partner ECAP was completed. The project was aimed at education and prevention programmes in social work in criminal justice. It was based on the specific implementation of the PAGRED (French: *processus actif pour la gestion du risque et l'encouragement à la désistance*, a process of probation service of the canton of Freiburg by Philippe Pillonel and Simon Gabaglio. Individual programmes are currently being implemented into practice.

8 Societal Support and Clients' Views

There are no bulletins or other information materials for general public (at national level) and, according to some research studies, people mostly do not know what probation is. Some basic information can be found on the website of the Ministry of Justice.

9. Probation Client's Rights

Individual "European Probation Rules" (14, Article 100, Article 101, 41, 89, 92) are respected and followed in Slovakia, while being guaranteed by laws and decrees which further specify related procedures.

Offenders have an unrestricted right also in the area of probation to file requests and complaints about the way probation is performed or behaviour and actions of a probation officer. If an offender put under probation supervision changes the place of residence, then "probation is performed by a probation and mediation officer of the district court within the jurisdiction of which the accused or convicted person has their residence. In such cases, the offender is not required to travel to other district for the purpose of probation supervision. Confidentiality is guaranteed by law: "A probation and mediation officer is required to maintain confidentiality under a special regulation; they may not rely on this confidentiality in relation to law enforcement authorities or the court. A probation and mediation officer may not be examined in relation to performed mediation activities with regard to factual circumstances which have come to their knowledge in the course of mediating a dispute resolution or in relation thereto and which weren't reflected in the agreement reached between the accused person and the injured party. This, however, doesn't take away the responsibility to prevent or report a criminal offence ".

Offenders on probation have rights enabling them to lodge requests and complaints with an immediate superior of a probation officer, the president of the court, who guarantees resolution in an impartial manner. The complainant may visit the president of the court once a month for the purpose of complaining about the violation of their rights. If there is a greater restriction to offender's rights than ordered by the court, they may bring a legal action against a probation officer or other persons in civil proceedings in order to regain their rights.

10. Developments to be expected

According to the conclusions of the Council of Probation and Mediation, the Strategy of development of probation and mediation should be prepared by the end of 2016. This strategy should identify the key points and problems that need to be solved. In 2015, new legislation in relation to electronic monitoring came into force. There is also a strong presumption that the number of probation and mediation officers will be increased.

11. Notable Publications

Cehlár, V. – Lulei, M. 2014. *Saturation of the needs of the victims by the use of criminal mediation: Mediation in criminal cases and tools for measuring the scale of risk of recidivism in probation system*. Lessons from the Project Judiciary and Protection of Victims (seminar in Budapest) .<http://www.ja-sr.sk/node/3986>

Cehlár, V. 2012. *Evaluácia trestupovinnej práce a činnosti probačného a mediačného úradníka „pred“ a „po“ rozhodnutí súdu = Evaluation of compulsory work sentence and activities of probation and mediation officer before and after court decision*. In *Justičná Revue*. ISSN 1335-6461, n. 5, p. 701-712.

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Lulei, M. - Pavelová, L.. 2013. *OFFENDER SUPERVISION in SLOVAKIA - Brief overview of basic information* (poster). An international conference of COST Action IS1106 - 26th and 27th April 2013, Liverpool Hope University, UK, 8 p.

Lulei, M. 2011. *Sociálna práca v trestnej justícii a probácia = Criminal justice social work and probation*. - Nitra : UKF, 2011. 136 p.

Lulei, M.; Záhora, J.; Kurilovská, L. 2013. *Komparatívna štúdiá probačnej a mediačnej činnosti vo Švajčiarsku a na Slovensku - implikácie pre prax = Comparative study of probation and mediation in Switzerland and Slovakia – implication for practise*. In: *Výchovné a probačné programy v sociálnej práci v trestnej justícii*. Dolný Kubín : Edukos, 2013, p. 85-137.

12. Main Addresses, Phone & Fax Numbers, E-mail Addresses, Home Pages.

The Ministry of Justice of the Slovak Republic
Župné námestie 13
823 11 Bratislava
Slovak Republic
website: www.justice.gov.sk/
tel.: 02/59353 111

Institute of Social Studies and Curative Education
COMENIUS UNIVERSITY IN BRATISLAVA
Faculty of Education
Research Center of Social Work
Šoltésovej 4
811 08 Bratislava
Slovak Republic
website: www.fedu.uniba.sk
tel.: +421 2 50 222 114
E-mail: ksp@fedu.uniba.sk

General Directorate of Prison and Justice Guards
Šagátova ulica č.1
813 04 Bratislava
website: <http://www.zvjs.sk/>
Tel: +421/2/208 31 111
Fax: +421/2/208 31 696
E-mail: kancelariaGR@zvjs.sk

Judicial Academy
Suvorovova 5/C
902 01 Pezinok
website: <http://www.ja-sr.sk/frontpage>
E-mail: akademia@ja-sr.sk

ANNEX 1



SUMMARY INFORMATION ON PROBATION IN SLOVAKIA



General Information

- Number of inhabitants: 5 426 252 (12/2015)
 - Prison population rate per 100,000 inhabitants: 183 (2016)
 - Link to Probation Service: www.justice.gov.sk
 - Links to websites: www.zvjs.sk
www.justice.gov.sk
- Member of the CEP in: 2012

Characteristics of the Probation Service

- probation and mediation officers working at district courts,
- decentralized probation system,
- control, professional help and assistance to offenders.

Tasks

- organizing and supervising the accused, defendant or convicted,
- supervising the execution of a punishment not involving deprivation of liberty, including entailed commitment or restriction,
- supervising the behaviour of the accused during the trial period when released on parole,
- assisting the accused in leading an ordered life and satisfying conditions that were imposed on them by the decision of the prosecutor or the court in criminal proceedings.
- provide background materials pertaining to the accused person and their family, social, and work environment,
- create conditions for the decision on the conditional suspension of prosecution or on the approval of an out-of-court settlement,
- carrying out activities for the purpose of making an agreement between the injured party and the accused person on compensation for damages caused by a criminal act or for the purpose of eliminating the injury caused by a criminal act,
- supervise the behaviour of the accused during the trial period and execution of punishments not involving deprivation of liberty,
- carrying out other activities related to criminal proceedings while executing probation and mediation activities,
- controlling, organizing and performance of probation programmes for the accused, prosecuted and sentenced including imposed restrictions and duties,
- controlling of imposed sentences or restrictions including probation or protective supervision,
- activity in relation to providing preliminary investigation of the accused,

- organizing, coordination and performance of the sentence of compulsory work and sentence of home arrest,
- supervision over behaviour of accused if technical means are used for security purposes and reinforcement of probation,
- assisting the victim if there is a restraining order prohibiting the accused from making any contact to the victim and approaching the victim's domicile,
- assisting the accused with probation-related matters, helping them to lead an ordered life and satisfy conditions that were imposed upon them by the decision of the prosecutor or the court in criminal proceedings, etc.

Number of staff (average numbers in 2015)

- Probation Officers: 81
- Probation Managers, all grades: 11
- Administrative support staff, all grades: 8
- Community Service Supervisors: 0
- Total: 100

- Daily average number of offenders dealt with: -

New developments

- creation of the Strategy of development of probation and mediation in criminal procedures by the end of 2016,
- new legislative instruments in relation to electronic monitoring came into force in 2015,
- anticipation of the increase in the number of probation and mediation officers,
- changes of organizational structure of probation system.

Probation during the different stages of the criminal procedure

	Pre-Trial Stage	Trial and Enforcement Stage	Post Release Stage
Preparing a pre-sanction report	x	x	x
Supervising etc. sanction of probation			
Supervising etc. conditional sentence			
Supervising etc. special measures drug addicts			
Supervising etc. community service			
Supervising training or learning projects			
Interventions with young offenders			
Supervising etc. suspended sentence			

	Pre-Trial Stage	Trial and Enforcement Stage	Post Release Stage
Assistance/support of offenders in prison/detention			
Preparing pre-release reports, prisoners			
Supervising conditional release/parole			
Supervising post custody, sex offenders			
Preparing victim impact reports			

Literature

Act No. 78/2015 Coll. on Controlling of Execution of Selected Decisions by

Technical Means

Act No. 221/2006 Coll. on the Execution of Custody

Act No. 300/2005 Coll., the Criminal Code

Act No. 301/2005 Coll., the Criminal Procedure Code

Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social

Guardianship

Act No. 400/2009 Coll. on Civil Service

Act No. 420/2004 Coll. on Mediation

Act No. 475/2005 Coll. on the Execution of Punishment

Act No. 528/2005 Coll. on the Execution of Community Service Punishment

Act No. 548/2003 Coll. on the Judicial Academy

Act No. 549/2003 Coll. on Court Clerks

Act No. 550/2003 Coll. on Probation and Mediation Officers

Annual Report of the Slovak Prison Service, 2013.

Cehlár, V. – Lulei, M. 2014. *Saturation of the needs of the victims by the use of criminal mediation: Mediation in criminal cases and tools for measuring the scale of risk of recidivism in probation system*. Lessons from the Project Judiciary and Protection of Victims (seminar in Budapest). <http://www.ja-sr.sk/node/3986> (2014)

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Sucha, L. 2013. Possibilities of multi-professional co-operation in post-penitentiary care. (Doctoral thesis) / Lenka Sucha. – Comenius University in Bratislava, Faculty of Education. Field of study: Social work, 2013, p. 107.

Trembecký, D. et al. 2006. Probation and mediation in the Slovak Republic – view of probation and mediation officer.