

Chapter 30

Slovenia

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1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM

1.1 The introduction of probation in Slovenia

Slovenia does not have a single organized probation service (služba probacije) as is known elsewhere in Europe. Certain probation activities and measures are carried out by public prosecutors, centres for social work (pre-trial, trial and after care, community service), mediators (pre-trial) and prisons (social work in prisons). Various non-governmental organizations are also involved. The available sources indicate that during the 19th century in the territory of present-day Slovenia, convicts were able to visit with representatives of charity and church associations that assisted them in their return to freedom. Penal legislation from the 1930s determined that it was the duty of the prison to assist prisoners with money and clothing after their release from the institution. There was an association that provided assistance to released prisoners that received funding for its activities from the state. From the available sources we can see that the law prescribed protective supervision (zaščitni nadzor) that could last up to 3 years after release from prison. This supervision was carried out by assistants selected by the court from among state, humanitarian and other organizations, or from among the citizenry. After the Second World War the implementation of penal sanctions developed parallel to the development of the social system of the time. The Ministry of Internal Affairs was competent for the implementation of sanctions.¹

The Penal Sanction Enforcement Act of 1951² first prescribed the norms for post-released protection (postpenalna zaščita) of convicted persons, which was entrusted to citizens' councils (volunteer non-professional social workers) within regional and municipal peoples' councils. A warden service was also established in prisons at that time, while before that security tasks had been performed by police officers.

In 1954 the Institute of Criminology was founded at the Faculty of Law, which was the first criminology institute in the former Yugoslavia. The first research projects in the area of penal sanctions (kazenske sankcije) had a significant influence on the further development of the field. In 1955 a school for social workers was founded, which soon qualified the first social workers, who worked in various fields of social care. The Minimum Rules for the Treatment of Prisoners, adopted at the 1st UN Congress on the Prevention of Crime and Treatment of Offenders in Geneva in 1955, also had a significant effect on the development of the implementation of penal sanctions. In 1958, care for released prisoners was undertaken by councils which operated under the auspices of municipal social care bodies, and in 1961 the law prescribed that professional social services in the field would be responsible for post-release assistance (postpenalna pomoč), under which the councils for providing assistance to

¹ Brinc, F. (1976), 'Organizacija, metode dela in uspešnost pomoči odpuščenim obsojenim osebam', Inštitut za kriminologijo pri Pravni fakulteti, Ljubljana.

² Official Gazette FLRJ No. 47/51; Brinc, F. (1976), 'Razvoj postpenalne zaščite od oslobođenja do danas', Penologija 2/76, Beograd.

released prisoners, which were supposed to be informed of the impending release of prisoners three months before release, operated more or less successfully³. After 1968, there was a series of changes in penal legislation. The republics and provinces of what was then Yugoslavia were allowed to pass their own legislation on the implementation of penal sanctions. Slovenia adopted its first law in this field in 1970⁴. In 1968 the competency for the implementation of sanctions of deprivation of liberty was transferred from internal affairs to justice. The probation work of social work centres started as after-care (postpenalna pomoč, pokazenska pomoč) for released prisoners after 1973, when a new republic law on the enforcement of penal sanctions was adopted. The Penal Sanction Enforcement Act of 1973⁵ defined, in more specific terms, that the body responsible for the main elements of after-care for released prisoners was the municipal community of social care, to which the state delegated this task. Before this the councils for providing assistance to released prisoners had performed these tasks. Prisons were charged with providing prisoners with assistance in the form of money and clothing upon their release from the institution. The term social worker (socialni delavec), which meant a professional employee of a prison, was first used in this act.

Slovenia adopted new Penal Enforcement Act in 1978⁶ and on this basis the biggest social work centres (centri za socialno delo) employed social workers for duties in the penal field and in some cases for the implementation of suspended sentences with custodial supervision (pogojna obsodba z varstvenim nadzorom). One significant new feature of this law was that it increased the responsibility of other bodies and organizations outside the system of implementing penal sanctions to participate in this field, and to provide assistance after release and continued resocialization (resocializacija). Coordination committees were established at social work centres, linking together all the services in the community that were responsible for resolving the difficulties of prisoners after release. These coordination committees included representatives of employment, education, healthcare and housing institutions. The social work centres were also assigned the task of organizing the family and social environments. Prison social work services were also strengthened, and co-coordinating cooperation with outside services became an integral part of their work. These after-care programmes thus became an integral part of the individual treatment programmes of prisoners. The law also comparatively listed the forms of assistance and introduced the possibility that the social work centres could assign special counsellors to released prisoners for assistance after release. This was the basis for the development of volunteer consultancy work in the 80s and 90s⁷.

³ Novak, S. (2002), 'Cooperation between prisons and social organisations', in Meško, G.(ed), *Visions of Slovenian Criminology*, College of Police and Security studies, Ljubljana, pp. 269-276.

⁴ Križnik, I. (2003), 'Chapter 9 Slovenia', in: Kalmthout A.M., Roberts J. and Vinding S. (eds), *Probation and Probation Services in the EU accession countries*, Wolf Legal Publishers, Nijmegen, pp. 287-316.

⁵ Official Gazette of RS (Uradni list RS), No. 25/73.

⁶ Official Gazette SRS No. 17/78.

⁷ Novak, S. (1993), 'Vloga centra za socialno delo v postpenalni pomoči (The role of social

The suspended sentence (pogojna obsodba) and suspended sentence with custodial supervision (pogojna obsodba z varstvenim nadzorstvom) were introduced in the Penal Code in 1977. The suspended sentence was based on a combination of European suspended sentences and the Anglo-American institution of probation.⁸ The Enforcement of Penal Sanctions Act of 1978 determined that suspended sentences with supervision would be enforced by social work centres through their appointing special counsellors for that purpose.

The Penal Code of 1994⁹, the first penal legislation since Slovenia became an independent country, maintains the concept of the suspended sentence, which had been used in Slovenia since 1977, and also maintains the suspended sentence with supervision. It introduced work for humanitarian organizations or local community (delo v korist humanitarnih organizacij ali lokalne skupnosti) - community service. In this way it followed the trends of numerous western European countries of substituting prison sentences with alternative penal sanctions that do not include the deprivation of liberty. For juvenile criminal offenders the Act introduced a new non-institutional measure along with reprimand and the supervision of a social care body, which included instructions and injunctions (navodila in prepovedi). These include a wide range of forms of influencing juveniles, from apologizing to the victim to restitution for damages, working for humanitarian organizations or local community. They are followed by instructions in the fields of healthcare, social care and education. Social work centres carry out these measures.

The Amended Penal Code of 1999¹⁰ introduced material provisions from the most important international documents in this field into the Slovene legal order. This law unfortunately also introduced a 30-year prison sentence for the worst criminal offences. In April 2000 the parliament adopted a new Enforcement of Penal Sanctions Act¹¹, which introduced new regulation of community-based sanctions and measures (skupnostne sankcije in ukrepi). One example is work carried out for the benefit of humanitarian organizations or the local community as a substitution for a prison sentence of up to three months, and another is weekend detention (vikend zapor) as a form of imprisonment. The social work centres have the same role in penal treatment as before, but they received new responsibilities in the field of community sanctions. The Misdemeanours Act of 2003¹² prescribed work for the benefit of humanitarian organizations or the local community as a possibility for substituting the payment of a fine (globa). It also determined that the social work centres would form a network of humanitarian organizations where persons who committed minor offences (prekrški) could perform community service.

1.2 Important developments

work centre in postpenal treatment) ', UD, Pravna fakulteta (Faculty of Law), Zagreb.

⁸ Bavcon, L. (1994), 'Introduction to Penal Code (Uvod v Kazenski zakonik)', Official Gazette, Ljubljana, pp 28.

⁹ Official Gazette of RS No. 63/1994.

¹⁰ Official Gazette of RS No. 23/1999.

¹¹ Official Gazette of RS No. 22/2000.

¹² Official Gazette of RS No. 7/2003 (took effect on 1 January 2005).

The year 1973 was a turning point with regard to the inclusion of the social work centres as a public service in the field of providing post-release assistance to released prisoners. After 1984 volunteer counsellors were included in the field of penal assistance, under the auspices of the social work centres. Today, other non-governmental organizations are also included in this field. In 1978 the social work centres also received a new authorisation to implement suspended sentences with supervision. Community service as a substitute for prison sentences of up to three months began after 2000. Tasks in this field have been assigned to the Prison Administration and the social work centres. The institution of working for the benefit of humanitarian organizations or local communities is defined by law as a possibility for an alternative solution of criminal matters in various phases of treatment within the criminal justice system. Mediation proceedings in criminal matters (poravnavanje v kazenskih zadevah) were introduced on 1 January 2000. The Misdemeanours Act that took effect in 2005 introduced the possibility of substituting the payment of fines with work for the benefit of humanitarian organizations. The number of such cases has increased, and it will be necessary to establish a network of humanitarian organizations and determine an operating protocol. The Ministry of Justice has issued special instructions on the procedures and competencies of individual institutions (courts, social work centres, prisons).

1.3 Probation activities in a nutshell

Probation activities and measures can be grouped into the following categories:

- social report (socialno poročilo) in the process of investigation by prosecutor or judge at the court (report prepared by social work centre);
- report by prison staff in the process of investigation by court for new offence, if the prisoner is serving another sentence of deprivation of liberty;
- mediation proceedings in criminal matters relate to alternative resolution of disputes or conflicts that arise between victims and offenders as the consequence of criminal activities. Attempts are made to reach agreements that are satisfactory to both parties through the help of a mediator;
- performance of community service, if part of an agreement between the victim and suspect in a mediation proceeding (during hearing at prosecutor's office);
- deferment of prosecution (odlog pregona), a form of out-of-court decision making on charges in a criminal proceeding. Suspects perform a certain task following the instructions of the public prosecutor. Preparedness to perform the tasks postpones criminal prosecution, performance of the tasks means that the prosecutor dismisses the charges. Deferment of prosecution is possible only upon the consent of the victim;
- preparation and implementation of restitution or redress for damages or performance of generally useful work through special instructions and tasks assigned to the suspect by the prosecutor in a deferred prosecution proceeding, which is a form of out-of-court decision making on a criminal matter;
- opinion or proposal of respite of execution of a prison sentence (odlog prestajanja zaporne kazni) for convicted persons (obsojenci);

- provision of suspended sentence with custodial supervision (based on our experiences the courts have not handed down this sentence very often in the last twenty years);
- supervision for juveniles;
- during the time in prison, the social work centre gets involved by appointing a counsellor if individual treatment is necessary;
- social work in prison;
- preparation of post penal treatment programme, assistance to prisoners;
- counselling after release from serving of prison sentence;
- organization of community service work as a substitute for 3-month prison sentence;
- organization of community service as a substitute for the payment of fines pursuant to the Misdemeanours Act.

In the last few years the institution of working for the benefit of humanitarian organizations or the local community has become a significant alternative as:

- a task for the suspect in a deferment of prosecution by the prosecutor. The work can be performed over a period of at most three months and for duration of at least 40 hours and at most 120 hours;
- instructions during a mediation proceeding (part of an agreement between the victim and the suspect);
- a substitute for a prison sentence of up to three months enforced by the Prison Administration (defined prison together with the social work centre);
- substitution for the payment of fines;
- the educational measure of "instructions and injunctions" for juveniles (enforced by social work centres).

The present responsibilities of organizations within the Probation Services system are:

responsibilities of the public prosecutor:

- referral of matter to mediation, issuing of opinion on proposal of mediator;
- carrying out deferment of prosecution proceeding with supervised fulfilment of tasks assigned to the suspect;

responsibilities assigned by law to social work centres:

- preparation and supervision of performance of generally useful work as arising from agreements between victims and suspects in mediation proceedings;
- carrying out and organization of various instructions and tasks given by the prosecutor to suspects in deferment of prosecution proceedings;
- organization and carrying out of community service (in all phases of criminal procedure);
- organization and maintenance of a network of organizations which offer the possibility of carrying out community service;
- assigning of counsellors for carrying out suspended sentences with supervision;
- cooperation with prison staff and development of measures of assistance after release from serving prison sentences;
- appointing counsellors to assist convicted persons in returning to life after serving sentences;

- counselling released prisoners;
 - carrying out various measures for juvenile criminal offenders;
- responsibilities of mediators:
- carrying out mediation proceedings (hearing at prosecutor's office);
- responsibilities of prisons:
- preparing and development of individual treatment programmes, social work in prisons, preparation for release;
 - cooperating in the carrying out of community service as a substitute for prison sentences of up to three months;

2 LEGISLATIVE BASIS AND MISSION

2.1 Legislative basis

Slovenia does not have an independent probation service or law establishing a probation service; penal legislation determines which organizations carry out individual probation measures. These duties are defined in the Criminal Procedure Act, the Penal Code, the Enforcement of Penal Sanctions Act and individual executive regulations.

2.2 Mission and mission statement

In view of the fact that there is no specific probation service, all participants take into account national guidelines and laws that define the purpose of the operation of the individual services. The Social Security Act¹³ defines the tasks of social security activities, which include the prevention and solution of the social problems of individuals, families and population groups. It defines the duties of the social work centres and other social security institutions. In 2006, the National Assembly of the RS adopted the Resolution on the National Social Security Programme for the period 2006 – 2010¹⁴. It determines among other things that the state will also promote and develop a network of individual programmes for ex-convicts. The Social Chamber is responsible for the cohesion, development and professional improvement of social security activities through the organization of education and training. It also adopted the code of ethics for workers in the field of social security, which is binding for all social workers regardless of the field in which they are employed. The mission of the Republic of Slovenia Prison Administration also includes efforts to ensure that prisons are safe for society, inmates and employees, and that they provide the possibility of resocialization of incarcerated persons. This means that the treatment of incarcerated persons has to be organized so that it allows them to obtain training for a life of liberty and discourage them from repeating their criminal offences, so that after serving their sentences they will be able to live in accordance with legal and moral norms¹⁵. All of these documents influence the specific probation activities of the individual contractors.

2.3 Crime prevention

The National Assembly of the RS also adopted in 2006 the Resolution on the Prevention and Combating of Crime¹⁶ as a strategic and fundamental document that determines the objectives and principles for successful prevention and combating of crime. The guidelines in the field of crime policy include the provision that perpetrators of criminal offences must be included to a greater

¹³ Official Gazette of RS, No. 3/2007, officially consolidating text (ZSV-UPB2).

¹⁴ Official Gazette of RS, No. 39/2006.

¹⁵ National Prison Administration (2005), National Prison Administration 1995-2005, published by NPA on the occasion of the 10th anniversary of operation.

¹⁶ Official Gazette of RS No. 43/2006.

extent in resocialization and rehabilitation programmes. These must also include programmes of post penal inclusion in the working and living environments, whereby close cooperation must be established with social institutions and institutions of civil society, which can contribute to the successful integration of these persons. It is emphasised that the carrying out of the programmes for preventing recidivism and ensuring alternative enforcement of markedly shorter prison sentences and other preventive activities dictates the concerted operations of the institutions and the partnership of the state with civil society organizations. There is also an emphasis on the victims of criminal offences, who require specific treatment in all phases of the procedure. Comprehensive assistance of victims by the state and civil society must be provided especially during the period of recovering from the consequences of the criminal offences.

2.4 Victim protection

In view of the fact that Slovenia does not have a probation service which functions as a single organization, several organizations are involved in this field. They include primarily non-governmental organizations (help lines, classes on non-violent communication, counselling centres, safe houses, crisis centres) whose activities are state-funded (experimental and developmental programmes supported by the Ministry of Labour, Family and Social Affairs), and some operate on the basis of donations. Some social work centres have developed new social security programmes, primarily for providing care for victims of violent criminal offences. Under the auspices of the non-governmental and non-profit organization the Papilot Institute for the Promotion and Development of Quality of Life, Centres for Assistance to Victims of Criminal Offences operate in seven major towns throughout the country. The Ministry of Labour, Family and Social Affairs finance them. The White Ring Association of Slovenia offers legal and psychosocial assistance to victims of criminal offences. Among other services it provides legal counselling in criminal proceedings, personal counselling and financial support for victims.

3 THE ORGANIZATION OF PROBATION SERVICES

3.1 Main characteristics

Social work centres, which are organized as local community public services in the field of social assistance, and whose operation is supervised by the Ministry of Labour, Family and Social Affairs, carry out most probation activities. These services are available for all Slovene citizens who find themselves in social need. All 62 social work centres that cover the entire territory of Slovenia are connected to the Community of Centres for Social Work (CCSW). Social services aim at preventing social pressures and difficulties (social prevention) and eliminating social pressures and difficulties of individuals and other population groups. The state has passed a variety of laws and regulations through which it provides citizens services and measures for preventing and dealing with distress and difficulties. The social work services are therefore also responsible for some

activities in the field of criminal justice. They also act as coordination centres for the local community area. The community service coordinators are employed at the social work centres and function at regional level (12 regions). The mediators, who must fulfil certain conditions for carrying out mediation proceedings, are managed by the public prosecutor's office. They are also connected through the Victim-Offender Mediation Association in Slovenia. The prisons are internal organisational units of the Prison Administration, which is an authority within the Ministry of Justice. The Administration is headed and represented by its Director-General who is responsible to the Minister for his own work and the work of the body. The Head Office of the Prison Administration is responsible for alignment, coordination and supervision of institutions and the provision of resources for the operation of the prisons. Prison sentences are executed in six prisons, at thirteen locations. Detention departments are organized within particular institutions at nine locations. Within the framework of the Prison Administration of the RS, a juvenile correctional institution is also operated. The carrying out of prison sentences and juvenile prison sentences must be organized in a manner which enables the preparation of the prisoner or juvenile for a life of liberty, so that they will live in accordance with legal and moral norms.

3.2 Internal organization

3.2.1 Probation workers

Workers in the probation field include mediators (pre-trial procedure), social workers and other professionals at social work centres (counsellors for suspended sentences with supervision, staff who prepare social reports and other professional opinions in connection with criminal proceedings and the serving of sentences, after-care providers), volunteer workers (counsellors for post penal treatment), prison staff and community service coordinators. The state public prosecutor's office also has several duties in this field (mediation proceedings and deferment proceedings). The Rules on Mediation in Criminal Matters¹⁷ determine the manner and procedure of selecting mediators, appointing mediators for individual matters, the mediation procedure, contents of agreements, costs of proceedings and supervision of the work of mediators. The Ministry of Justice issues public invitations for selecting candidates for mediators in the area of individual higher courts. Candidates must satisfy certain conditions¹⁸ that are judged and established by the head of the district public prosecutor's office. They are required to attend special courses. The head of the district public prosecutor's office appoints mediators for individual matters.

Prison staff provides such organization of life and work in prisons that promotes the suitable inclusion of convicted persons into a normal life of liberty

¹⁷ Official Gazette, RS No. 114/2004.

¹⁸ Mediators are adult citizens of the Republic of Slovenia who have not been convicted of a criminal offence which is prosecuted according to official duty, who are of sound mind and body, who are fluent in the Slovene language, who have at least a post-secondary level of education, who have their permanent residence in the area of the higher court.

after serving their sentence. Workers in treatment services prepare individual treatment programmes for convicted persons and provide for their implementation, organize and hold group forms of treatment of convicted persons and participate in the planning and implementation of all other measures through which the improved psychological adjustment of convicted persons is attempted to be achieved.¹⁹ Instructors and teachers of practical classes are employees involved in the commercial activities of institutions that provide professional and vocational training of convicted persons and participate in carrying out treatment programmes.

3.2.2 Education, training requirements and opportunities

The education of candidates for mediators is organized by the Supreme Public Prosecutor's Office of the Republic of Slovenia, and candidates' attendance is mandatory, otherwise they can be removed from the list. The Victim-Offender Mediation Association can also organize education in cooperation with the Ministry of Justice. The Community of Social Work Centres, the Social Chamber and other organizations organize the education of workers at the social work centres. Prison staff receives additional training based on the annual training plans adopted by the Prison Administration. Priority areas are determined in the plans. Community service coordinators meet at regional coordinators' meetings, which are also attended by prison staff and individual humanitarian organizations. At this time there is no special education for probation duties.

3.2.3 Other organizations involved in probation work

The Ministry of Labour, Family and Social Affairs together with the Community of Social Work Centres and in cooperation with the Community of Municipalities of the RS have created a network of humanitarian organizations where community service can be performed. In practice it has been shown that these organizations are interested in cooperation, but the problem arises of payment in cases of work-related accidents, medical check-ups and other costs associated with working with the perpetrators of criminal offences. The social work centres and prisons cooperate with healthcare, education, employment and other organizations that can contribute to the carrying out of measures and duties arising from the provisions of penal legislation. Non-governmental organizations are also included.

4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS

4.1 General

Probation activities are set out in the Criminal Procedure Act, the Criminal Law Act, the Enforcement of Penal Sanctions Act and executive regulations.

¹⁹ 244. article of Prison Enforcement Act from 2000.

Table 1: Activities of probation during the different stages of criminal procedure

	Pre-Trial Phase See: 4.2	Trial and Enforcement Phase See: 4.4	Post Release Phase See: 4.4
Preparing a Social Enquiry report	x	x	x
Supervision/assistance to pre-trial detainees	x		
Mediation/victim support	x		
Supervising / organizing etc. community service	x	x	
Supervising / organizing training or learning projects	x	x	
Supervising etc. drug/alcohol treatment programs	x	x	
Pre - sentence report		x	
Supervising etc. suspended sentence		x	
Supervising etc. the mentally ill or retarded offenders (in-out patient orders)		x	
Supervising etc. special measures for drugs addicts		x	
Assistance / support to prisoners in prison		x	
Advisory report with respect to amnesty / pardon		x	
Assistance / support to persons who are granted amnesty / pardon.		x	

4.2 Pre-trial phase, the role of the probation service

4.2.1 General

The institutions of mediation and deferment of prosecution are used in the pre-trial procedure as alternatives to classical resolution of criminal matters.

4.2.1.1 Mediation proceedings from Article 161 of the Criminal Procedure Act ²⁰

²⁰ Official Gazette, RS, consolidating text No. 32/2007 (UPB4).

The public prosecutor may remit the report of a crime or propose criminal charges for criminal offences for which a fine or imprisonment of up to three years for another criminal offence is prescribed to a mediation proceeding. He takes into account the type and nature of the offence, the circumstances in which it was committed, the personality of the perpetrator, previous offences for the same or other types of criminal offences, and their level of responsibility. A mediator leads the mediation proceeding. It is carried out only on the consent of the suspect and the victim. The mediator is independent in his work. He must endeavour to make the content of the agreement correspond to the seriousness and consequences of the offence. If the content of the agreement between the suspect and the victim relate to the performance of generally useful work, the execution of the agreement is prepared and supervised by social work centres in cooperation with the mediator and the public prosecutor. When he receives notification of the fulfilment of the agreement, the public prosecutor dismisses the charges. The time limit for the fulfilment of the agreement may not be more than three months. The mediation proceeding is prescribed in the Rules on Mediation in Criminal Matters²¹. The objective of mediation is to conclude an agreement that includes certain moral or material satisfaction of the victim due to the offence committed by the suspect. The Rules on Mediation in Criminal Matters determine the manner and procedure of selecting mediators, appointing mediators for individual matters, the mediation procedure, contents of agreements, costs of proceedings and supervision of the work of mediators.

4.2.1.2 Procedure

When a mediator is selected for an individual criminal matter, the competent public prosecutor issues him a copy of the criminal charges. The mediator must keep the issued information as the mediation file. (Article 14) The mediator begins the mediation proceeding at the latest within fifteen days of receiving the report of a crime (Article 15). He keeps continuously updated records of the mediation proceeding. Before the mediation proceeding the mediator must obtain the written consent of the parties. To this end he holds separate discussions with the suspect and the victim. If the victim or the suspect is a juvenile, the invitation to the discussion must also be submitted to the parents or legal guardian (Article 17). The Rules prescribe the procedure and conduct. The mediator establishes patient dialogue between the parties and guides them and interposes with the objective of eliminating their dispute and reaching agreement. The mediator is obliged to ensure that the parties without force or pressure reach an agreement that corresponds to the seriousness and consequences of the offence (Article 20). The mediation proceeding is concluded and considered as unsuccessful if no agreement is reached between the parties within one month of the first hearing (Article 21.3). The mediator draws up a written agreement when it is reached between the parties (Article 22). In composing and concluding the agreement the mediator may not determine or influence the determination of the amount of restitution or determine the liabilities of the suspect, but must endeavour to achieve and counsel the parties

²¹ Official Gazette of RS, No. 114/2004.

toward the result that the content of the agreement corresponds with the seriousness and consequences of the offence (Article 23). Before the final conclusion and signing of the agreement the mediator may request the opinion of the competent district public prosecutor regarding the content of the agreement, who must submit his opinion at the latest within three days. The mediator is not bound by the opinion of the district public prosecutor, but is obliged to inform the parties of said opinion, which they can take into account regarding the content of the agreement. The mediator must ensure that the agreement is concluded at the latest within fifteen days of the receipt of the opinion of the competent district public prosecutor (Article 26).

The agreement must include statements by the parties, a description of and the type of offence committed pursuant to the data in the criminal charges, the name and surname of the mediator, the content of the agreement reached, which must relate to the performance of generally useful work, and must also include a statement from the organization where the suspect will perform the generally useful work and the manner of performing the work, the manner of and deadline for fulfilment of the obligations, the date of conclusion of the agreement, and the signatures of the participants in the mediation proceeding. The written consent of the parties to mediation is a component part of the agreement (Article 24).

The agreement may include an apology to the victim and/or his/her close relations by the offender, elimination of the damages, return or replacement of articles, payment of damages, work for the benefit of the victim, generally useful work, and other forms of moral or material satisfaction of the victim (Article 25). The parties inform the mediator about the fulfilment of the obligations arising from the agreement and submit proof thereof to the mediator as necessary. The mediator notifies the competent district public prosecutor of this and together with the notification sends the entire file on the mediation proceeding (Article 28.1). The prosecutor dismisses the charges against the suspect, and the victim can no longer prosecute the suspect for the same criminal offence. In the case that the mediation procedure is not concluded successfully, the prosecutor proceeds with the judicial criminal proceeding.

4.2.1.3 The preparation and supervision of the performance of generally useful work

The preparation and supervision of the performance of generally useful work as arising from the agreement between the victim and the suspect in the mediation proceeding is prepared and supervised by the social work centres in cooperation with the mediator and the public prosecutor (Article 161.4 of Criminal Procedure Act). If the content of the agreement relates to the performance of generally useful work, before the conclusion of the agreement the mediator must obtain the opinion of the competent social work centre, in which the organization where the suspect will perform the generally useful work and the manner of performing the work is stated. The social work centre must submit the opinion within fifteen days (Article 24 of Rules). The mediator notifies the competent social work centre and the organization where the suspect will perform the generally useful work about the conclusion of the agreement (Article 27.2 of Rules).

4.2.1.4 Deferment of prosecution with instructions and tasks

Deferment of prosecution with instructions and tasks (Odlog pregona z navodili in nalogami) (from Article 162 of the Criminal Procedure Act) through which the harmful consequences of the criminal offence are reduced or eliminated: the public prosecutor may with the consent of the victim defer the prosecution of criminal offences for which fines or prison sentences of up to three years are prescribed, or other criminal offences determine by law, if the suspect is prepared to conduct himself in the manner prescribed by the instructions of the public prosecutor and perform certain tasks through which the harmful consequences of the criminal offence are reduced or eliminated. These tasks may be elimination or restitution of damages, payment of certain contributions to the benefit of a public institution or for charitable purposes or to a fund for reimbursement of damages for victims of criminal offences, performance of generally useful work, and payment of maintenance obligations.

The Supreme Public Prosecutor's Office has issued the General Instructions on Standard Application of the Provisions of the Criminal Procedure Act²², which defines the criteria for deferment of sentence, the criteria for defining tasks, the criteria for the amount of payment of certain contributions, the criteria for determining the number of hours of generally useful work and the deferment proceeding. If the victim consents to the deferment and the suspect is prepared to conduct himself in accordance with the public prosecutor's instructions with regard to the content of the tasks and the time limit for deferment of sentence, the public prosecutor issues an order for the deferment of sentence. The Supreme Public Prosecutor's Office keeps records of applications from public institutions and humanitarian organizations to which amounts are paid from payment orders for contributions to the benefit of those organizations (Article 7 of General Instructions). If the public prosecutor in the deferred prosecution proceeding issues an order for the elimination or restitution of damages or an order for the performance of generally useful work, the performance of the work is prepared and supervised by the social work centres in cooperation with the public prosecutor (Article 162.3 of Criminal Procedure Act). When issuing an order the public prosecutor determines which social work centre will prepare and supervise the performance of the generally useful work and states the time limit by which the social work centre must issue the report on the basis of which he will decide whether the suspect has conducted himself in accordance with the instructions (Article 10 of General Instructions).

4.2.2 Pre-trial report

The social work centre which performs the already described duties during this phase, cooperates with the public prosecutor and the mediator in the mediation proceeding and with the public prosecutor in the deferred prosecution proceeding (Article 182 of Criminal Procedure Act).

²² Official Gazette, RS, No.128/2004.

When the public prosecutor demands the institution of proceedings against a juvenile, he must report this every time to the social security body (social work centre). In pre-trial proceedings against juveniles this body has a special role. It cooperates throughout the time of the proceeding, and may submit proposals and draw attention to facts that are significant for the making of a correct decision (Article 458). It also issues an opinion on the expediency of proceedings against a juvenile when the prosecutor decides not to institute criminal proceedings in cases of criminal offences for which a prison sentence of up to three years or a fine is prescribed (Article 466). It also participates in mediation proceedings and deferred sentence proceedings. The Criminal Procedure Act determines the possible measures for assuring the presence of the defendant, for eliminating the reoccurrence of the danger and for successful implementation of the criminal procedure. They are: summons, compulsory appearance or promise by the accused not to leave his residence, prohibition of approaching specific place or person, attendance at police station, bail, house arrest and detention. House arrest is supervised by the court and the police (Article 199.9). Upon deprivation of liberty the competent social security body (social work centre) is informed about whether it is necessary to provide for the welfare of children and other family members who are cared for by the person whose liberty is deprived. Juveniles whose liberty is deprived must be provided with care, protection and all necessary individual assistance that they might require with regard to their age, sex and personality.

4.3 Trial and enforcement phase

4.3.1 General

The Penal Code determines the sentences, admonitory sanctions (substitutes for prison sentences), safety measures and educational measures for juveniles. The sentences are: imprisonment, fine, revoking of driving licence and deportation of foreign nationals (Article 34). The admonitory sanctions include suspended sentence and judicial admonition. When the prognosis of the defendant's behaviour is not entirely convincing, the court pursuant to the conditions of the law may order a suspended sentence with custodial supervision. When carrying out these sanctions the court on the proposal of the social work centre appoints a counsellor. The Act sets out principal and accessory sentences. A term of imprisonment may only be imposed as a principal sentence. A fine may be levied as a principal or accessory sentence. The revoking of a driving licence as well as the deporting of a foreign national may only be imposed as an accessory sentence to imprisonment, fine or suspended sentence. The Penal Code also sets out the safety measures connected with the danger of the offender (Article 35). The following may be ordered: compulsory psychiatric treatment and confinement in a mental institution, compulsory psychiatric treatment in the community (both measures are ordered for insane perpetrators of criminal offences independently), compulsory treatment of alcoholics and drug addicts (upon imprisonment or suspended sentence), a prohibition to engage in certain occupations, revoking of driver's licence and confiscation.

4.3.2 Pre-sentence report

Before the investigating judge completes his investigation, he can obtain data as needed on the previous life of the defendant and about the conditions in which he lived, his personal income and other circumstances connected with his personality (Article 182 of Criminal Procedure Act). The law does not set out that the social work centres supply these data, but it can be seen from the content of the data that the social work centres perform these tasks. The prison staff prepares data on behaviour while serving a sentence of deprivation of liberty, if the defendant is already serving another sentence.

In preparatory proceedings against a juvenile, the social work centre sends a pre-sentence report in order to study the circumstances needed to determine the mental development, and study the environment and conditions in which the juvenile lives and other circumstances relating to his personality (Article 469). There are not prescribed form of pre-sentence report. The social worker or other experts, prepare this report on the basis of his/her knowledge, qualification and experiences of work. During the preparatory proceedings the juvenile may be sent to a transitional home, a diagnostic centre, or supervision may be carried out by a social security body (social work centre). He can be sent to live with another family in order to provide assistance, protection and accommodations (Article 471). The social work centre plays an important role in all of these procedures.

4.3.3 Probation procedures and processes

In view of the fact that there is no special probation service in Slovenia, no special procedures for professional conduct in this field have been set out. As mentioned in previous chapters, several organizations are involved in probation activities.

4.3.3.1 Suspended sentence with custodial supervision

Suspended sentences are categorised among admonitory sanctions. The courts may order a suspended sentence instead of a sentence upon fulfilment of conditions in the Penal Code²³. The court may decide that an offender who has been given a suspended sentence has to undergo custodial supervision for a certain period of time during the term of suspension. Custodial supervision involves assistance, supervision and custody provided for by the statute. When the court assesses that custodial supervision is no longer required, it may order such a measure to be discontinued even before the expiry of the term of suspension. In applying custodial supervision, the court may set issue one or more instructions, according to which the offender has to behave (Article 58). In

²³ In Slovenian criminal law there are three kinds of admonitory sanctions: a suspended sentence, a suspended sentence with custodial supervision, and a judicial admonition. If the sentence is imprisonment for a term not exceeding two years or a fine, this sentence may be suspended. The sentence may not be suspended for criminal offences for which a prison sentence of more than three years is prescribed by the statute', Peršak,, N (2004), 'Conditional and/or suspended sentence and probation', in 'Slovenia', Heuni.

selecting these instructions, the court in particular considers the age of the perpetrator, his psychological characteristics, the motives for which he committed the crime, his personal circumstances, his past behaviour, the circumstances under which the offence was committed as well as his conduct after committing of the offence. The choice of instructions must not in any way affect the human dignity of the offender and must not cause him unreasonable hardship (Article 58.2). The court's instructions may include the following tasks to be performed by the offender: to submit himself to a course of medical treatment at an appropriate institution, to attend sessions of vocational, psychological or other consultation, to qualify for a job or take up employment suitable to offender's health, skills and inclinations, to spend income according to the duties relating to family support (Article 58.3) Upon a proposal made by a counsellor or by the offender, the court may modify or repeal the instructions *ex officio* (Article 58.4).

A counsellor appointed by the court shall exercise custodial supervision. The law defines duties of counsellor. The counsellor provides assistance to the offender and supervises his compliance with the court's instructions. The counsellor is under obligation to provide aid and supervision as well as to give directions and practical advice to the offender on how to comply with the court's instructions, with a view of preventing the offender from committing further criminal offences. He has to maintain relations with the offender in a careful and convenient manner. The counsellor from the time to time reports to the court on the exercising of custodial supervision and proposes appropriate modifications or repealing of instructions or the discontinuation of custodial supervision (Article 59).

Procedure: the court shall submit the judgement, complete with the data available on the convicted person's personality, to the responsible centre for social work as soon as it becomes legally binding. The centre shall, within 30 days of receiving the judgement, propose to the court a counsellor to conduct custodial supervision. The counsellor is professional staff of centre for social work or other person suitable for work as counsellor and who agree with the appointment. The law defines that minister responsible for justice shall, in agreement with the ministry responsible for social affairs, regulate in detail the conditions to be met by counsellors, and other issues relating to counsellors' work. (Article 143, Enforcement of Penal Sanction Act).

The duties and responsibilities of counsellor: A counsellor shall, in cooperation with the responsible centre, sign a written agreement with the offender. This must contain instructions on how to implement the contents and dates set by the court. Details of assistance, care, supervision and protection shall be specified in the agreement. During custodial supervision and execution of the agreement, the counsellor shall maintain suitable personal contact with the convicted person. Through these personal contacts the counsellor shall determine whether the agreement is being implemented in practice and, at the same time, admonish the convicted person should he depart from the agreed form and content of protective supervision (Article 144 of EPSA) The counsellor shall help the convicted person to resolve personal, family and other problems, particularly those which occur in connection with the execution of instructions lay down by the court. If the convicted person has difficulties concerning

employment, housing, medical treatment or education, the counsellor shall, in addition to contacts with the responsible centre for social work, establish contacts with other relevant bodies, companies and other organizations able to provide the convicted person with the necessary assistance (Article 145 of EPSA). In delivering all these activities the counsellor doesn't use any standard tools. Social work is based on a range of theoretical traditions and applies a series of professional skills, such as counselling and therapy, group work, assertive training and training in social skills; individual planning, risk assessment, advocacy; street, community and neighbourhood work; and helping users to make use of services, benefits and information. All of this possibility is used depend on individual needs.

When performing protective supervision, the counsellor may supervise the execution of instructions by verifying, with appropriate bodies and other persons where the instructions are directly carried out, whether instructions are being implemented as laid down. He shall immediately notify the court if it is established that the convicted person is failing to fulfil the instructions during the trial period or is, for no good reason, avoiding contact with the counsellor. The counsellor shall report, every six months at least, to the court on the course of enforcement of protective supervision. In this report he may, depending on the success of execution of instructions, propose a change or removal of instructions, or the termination of supervision (Article 146 of EPSA).

4.3.3.2 Substitution for three-month sentence – community service

The Penal Code sets out that a sentence of imprisonment of up to three months may be served such that the convict performs work for the benefit of humanitarian organizations or the local community instead of imprisonment (Article 107). It determines the basic framework for this substitute sentence. The Enforcement of Penal Sanctions Act determines that the execution of these alternative substitutes for imprisonment are prepared, carried out and supervised by the Prison Administration in cooperation with the social work centres (Article 13). The social work centre notifies the court if the convict fails to perform the community service. The Rules on the Execution of Prison Sentences determine²⁴ the procedure for the competent prison and social work centre in the performance of community service. Until 2005 there were no regulations or instructions setting out more concretely how to include humanitarian organizations or the local community in the carrying out of this institution or how to separate the competences of the prison system from those of the social work centres. In 2005 the Ministry of Justice issued the Instructions on Organizing and Carrying Out Generally Beneficial Work²⁵, in which it set out the procedure and determined the competences of the individual implementers of this institution, which appears as a substitute for the payment of fines in the Misdemeanour Act and as a substitute for prison sentences of up to three months pursuant to the Enforcement of Penal Sanctions Act. The Misdemeanour Act more concretely determined the competences of the social work centres, which would form a network of humanitarian organisations where persons who committed minor offences could perform community service.

4.3.3.3 Imprisonment

The court may at the request of a convict who is still at liberty, the request of family members or on the proposal of a social work centre delay the execution of a prison sentence in cases which the law exhaustively lists (serious illness, death in the family, important work due to natural catastrophes, or if a certain amount of damage would arise due to the interruption of schooling, protection and raising of a children, threat to the survival of the family, small children etc.). Prisoners are allocated to individual penal institutions in accordance with the Instructions on the Allocation and Imprisonment of Convicts prescribed by the Minister of Justice²⁶. Prisoners are sent to the appropriate prison by the court order, but under certain circumstances they can be relocated by the Administration. If a prisoner is given a prison sentence of up to three years, the court can order the sentence to be served in an open institution. If the imposed prison sentence is up to five years, the court can order the sentence to be served in a semi-open institution. A prison sentence may be imposed for a term not shorter than fifteen days and not longer than fifteen years. The sentence of thirty years imprisonment may alternatively be prescribed for the intentional committing of the most serious

²⁴ Official Gazette RS, No. 102/2000.

²⁵ No.710-4/2005, date: 5 September 2005.

²⁶ Official Gazzete RS, No. 78/2000, 44/2003, 86/2004.

crimes. The director of the Prison Administration may on the proposal of the convict or the director of the institution allow the convict to serve his sentence only on weekends in cases where it is the convict's first conviction, their personality is under control, they hold regular employment or attend education and the criminal offences were committed through negligence. This applies to prison sentences of up to six months. Treatment programmes and activities²⁷ that are carried out in prisons are focused on training for life after release, i.e. the reintegration of convicted persons into society. Professional work in the Slovene prison system is based on socio-therapeutic orientations, group and individual forms of treatment, elements of the therapeutic community and a focus on cooperation with the social community in the widest sense. It is important to include professional institutions and foundations outside of the prison system that can cooperate in the carrying out of various programmes focused on solving the difficulties and problems of incarcerated persons.

Cooperation: the Prison Administration cooperates in the implementation of treatment of convicted persons²⁸ at the competent social work centres, employment services, residential matters, healthcare, educational and other institutions. These institutions, which are in practice mainly the social work centres, cooperate with the prisons in planning and carrying out individual treatment programmes for convicted persons and cooperate in preparations for release of convicted persons who are serving prison sentences. Here we speak of programmes of necessary measures of assistance for convicted persons after release, in the framework of social security services and contributions performed by professional staff who is involved in the treatment of incarcerated individuals. An important role in the cooperation between the systems of executing penal sanctions and society is played by social security as a system and by social organizations as the performers of services focused on the various needs of the clients. The Enforcement of Penal Sanctions Act specially defines the role of cooperation between the prisons and the social work centres. In addition to government implementers of social policy, assistance for convicted persons can also be organized by non-government organizations such as associations, charity organizations, self-help organizations and other organizations in civil society.

Programmes: the implementers of the programmes carried out in prisons are the professional staff of the treatment services. The conditions for participation in these programmes are the consent of the convicted persons on inclusion in the programme, their active involvement and the ensuring of respect for their personalities. The institution composes an individual treatment programme for each convict, which lists all the activities and programmes in which they will be involved, the schedule of serving the sentence, advantages, work, and contacts

²⁷ Novak, S. (2005), 'Slovenian context in individualization of treatment programmes in prison system', Unpublished paper for a International Conference 'Peculiarities of prison reform with a view to the integration in the European Union' in Bucharest, Romania, May 27-28, Organized by the support of the European Commission Delegation in Bucharest, within 2003 PHARE Program 'Support for the Improvement of the Penitentiary System'.

²⁸ Novak, S. (2002), 'Cooperation between prisons and social organisations', in: Meško, G.(ed), *Visions of Slovenian Criminology*, College of Police and Security Studies, Ljubljana, pp. 269-276.

with relations and preparation for release. The programme is signed by the convict in writing.

Social work in prisons²⁹ is performed for all categories of incarcerated persons. The social programme and post penal plan is a component part of the individual treatment programme. It is prepared by social workers employed at the prison together with the convict, and external staff is also included. These programmes influence the lives of the convicted persons after release, since they facilitate their reintegration into the social and work environment and thus reduce the effects of recidivism factors. Social work in prisons for convicted persons is carried out in three phases, a reception phase at the beginning of the sentence, the phase during the sentence and the phase of direct preparation for release. The content of the work in the reception phase includes focused discussion, support, information, counselling, motivation, solution of acute social problems, material assistance, on the basis of prior consent of the convict a connection with a social work centre in the field for as fast as possible inclusion and resolution of social problems of the family and preparation of the social programme. Activities and duties are defined which will be borne by the convict himself, the professional service at the institution and external staff. The duties, activities and obligations are executed while the sentence is being served. Representatives of the social work centres visit the prisons. The social workers at the prisons may together with the convicted persons visit the convicted persons' families or workplaces outside of prison, educational organizations in which they are involved in education or arrange other matter in connection with social problems.

The role of the social worker in prison is primarily coordinative, since they connect and coordinate the inclusion of services outside of the prison and search for various opportunities for solving the convicted persons' difficulties, especially those that they are unable to solve themselves. The social work is oriented toward the convict, his family and the environment from which he comes. It is important that convicted persons are motivated to solve their problems and that they are aware of the procedures and opportunities for taking care of their problems. On the basis of the Enforcement of Penal Sanctions Act, the social work centres together with the other services in the field and in cooperation with the prison have to prepare a programme of necessary measures for assistance to convicted persons at least three months before release from imprisonment, and each must offer assistance in their own area for his inclusion into society. The social work centres are involved from the beginning of the sentence with concrete forms of assistance, planning the social network in the local community and solving the problems of the convict's family (protection of children, material status, and relationships). During the sentence they form the link between the prison and the environment.

Counselling: the institution proposes that the competent social work centre appoint a counsellor for the convict if the professional panel at the institution assesses that a counsellor could assist in the more successful implementation of

²⁹ Novak, S.(2003), 'Imprisonment and aftercare', Unpublished paper for an International Conference 'Prison System related questions of the EU-accession in Hungary and in the other candidate countries', Kriminalexpo, 17-19 November, Budapest.

the individual treatment programme (assistance with continuing education, changed environment, arranging a residence, employment, healthcare). The institution issues such a proposal at least one month before release. The counsellors perform these tasks under the auspices of the social work centres and the Prison Administration.

Prison leaves: as a reward for active effort in the treatment process, effort and successes at work and for respecting the house rules, the director of the prison may confer benefits on the convict which are prescribed by law (extended or unsupervised visits, unsupervised visits outside of the institution, prison leave in the company of a prison staff, prison leave except to the area where the criminal offence was committed, prison leave, partial or full enjoyment of holiday outside the institution, up to seven days free holiday per year. Prison leave may be granted up to four times a month and may last up to 48 hours (Article 77 of EPSA). The personality of the convict, escape risk, type and manner of crime and other circumstances are taken into account when making decisions. The professional panel at the institution prepares opinions on such benefits.

4.4 Post-release phase

According to the Penal Code, a prisoner who has served half of his prison sentence may be released from prison on the condition that he does not commit a new criminal offence before the imposed sentence has expired. Slovenia does not have any special statutory conditions for additional supervision of conditionally released prisoners (parole), as is carried out by probation services elsewhere in Europe. A prisoner may be conditionally released if it is reasonable to assume that he would not commit another criminal offence. When deciding on conditional release, the prisoner's behaviour in prison is also taken into account. A conditional release commission decides the conditional release. The prison staff prepares a report on the results the prisoners have achieved in the programmes they participated in during their time in prison. This includes their possibility of leading life in liberty.

4.5 Care and after-care outside the criminal justice system

After serving a sentence with conditional release or serving the sentence in full, the client seeks assistance at the social work centre on a voluntary basis. This is followed by the implementation of the post penal programme adopted at the prison. The social work centre provides personal assistance and arranges the inclusion of the convict into society (employment, education, support programmes, social security, and assistance to the family).

5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION

5.1 Finances

Social work centres are government funded and receive no private funding. There is no information available about the cost of activities in the criminal justice field.

The total costs of the work of mediators at district public prosecutors' offices amounted to EUR 106,791 in 2005 and EUR 108,891 in 2006. These funds are provided by the state from within the budget for the public prosecutor's office.

Table 2: Average number of inmates and inmate cost per day in prison 2004-2006

	2004	2005	2006
Average number of inmates	1132	1137	1268
Cost per day	EUR 61,15	EUR 63,87	EUR 61,22

Source: Annual Reports by Prison Administration, 2004, 2005, 2006

5.2 Accounting

The use of budgetary funds is prescribed by financial legislation that all budgetary beneficiaries must take into account.

5.3 Registration systems and evaluation procedures

In view of the fact that various organizations are involved in this field, there is no national database on probation activities. Data are kept in the records of the individual organizations (prosecutors' offices, courts, prisons, social work centres).

5.4 Societal support and client's views

In the last few years, the Criminology Institute has conducted several high-quality research projects, above all in the area of community service. There are no studies of public opinion or clients' views.

6 PROBATION CLIENTS' RIGHTS

Prisons are inspected by the Ministry of Justice. Presidents of District Courts, the human rights ombudsman and authorised bodies for human rights protection and the prevention of torture, inhumane and degrading procedures and punishment must also be allowed to carry out inspection.

Exercise and protection of prisoners' rights. A prisoner who believes he has been subjected to torture or other cruel forms of inhumane or degrading treatment may request legal protection by means of a proposal and the prison must forward the proposal to the competent state prosecutor (Article 83)³⁰. If the prisoner suffered damage as the result of such actions, he may, according to the law, request compensation directly from the person who caused the damage (Article 84 of EPSA). If other violations of rights or other irregularities are involved for which no legal protection is guaranteed, the prisoner may submit the complaint to the Director General. If the prisoner does not receive a reply to his complaint within 30 days of filing it, or if he is unhappy with the director's decision, he shall be entitled to submit an application to the Ministry of Justice.

³⁰ Enforcement of Penal Sanction Act (EPSA), Official Gazette RS, No.22/2000.

The prisoner is also entitled to file a complaint against a violation of his rights and irregularities with other bodies that carry out prison inspections (article 85 of EPSA).

Procedure: if a prisoner hands the prison authorities a proposal for legal protection (under article 83 of PSEA) or a demand for damages, the prison authorities shall inform the Head Office of Prison Administration of this and deliver the proposal or the demand for damages with their report³¹ The Director General of the Prison Administration, after receiving a prisoner's complaint of violation of rights or other irregularities in the prison and the report of the prison authorities on the statements in the complaint, shall do everything required within a reasonable period of time to establish whether the behaviour and proceeding of prison staff was legal and appropriate, or whether the prisoner's rights have been violated. If he finds that the complaint is well founded, he shall order the director of the prison to do everything required guaranteeing the prisoner his rights. The Director General of the PA shall inform the prisoner in writing of the findings and possible measures on the basis of the complaint and, at the same time inform him that he has the right to send a written appeal to the Ministry of Justice if he believes that his complaint has not been suitably resolved. A prisoner shall make an appeal to the Ministry of Justice in writing or orally to a clerk, and may also appeal orally to an employee of the Ministry of Justice authorised to exercise supervision of prisons. The Head Office of the PA must send a prisoner's written appeal, together with the report of the prison and the personal file of the prisoner to the Ministry of Justice within three days of receipt of the appeal. The Ministry of Justice shall send the answer to the appeal to the prisoner through the Prison Administration³². If a prisoner makes an appeal to the president of the district court of jurisdiction that exercises supervision, the president shall verify this and, in the case of good grounds, shall order the necessary measures, and may also report to the director of prison or in writing to the PA with possible directions³³

Free legal aid to prisoners: prisons must provide free legal aid to prisoners for the protection of their rights determined in the Penal Sanctions Enforcement Act and in regulations issued on the basis thereof.

7 NEW DEVELOPMENTS

National crime prevention programme. On the basis of the Resolution on the Prevention and Combating of Crime, in March 2007 the Government of the RS adopted the Resolution on the National Programme on the Prevention and Combating of Crime³⁴ for the period 2007-2011. The Resolution emphasises the concepts of planned and congruent implementation of all of the activities of state institutions, civil society and citizens which could contribute in any way to the

³¹ Art 117 , Rules concerning the enforcement of prison sentences, Official Gazette, RS, No. 102/2000.

³² Art 118, in the above rules.

³³ Art 119, in the above rules.

³⁴ Proposal No. EVA: 2006-1711-0008, Government paper.

controlling and reduction of crime, or minimise the opportunities and possibilities for committing criminal offences. In individual areas of work the Resolution sets out concrete objectives, including the objective of effective preparation of convicted persons for inclusion into normal life after serving their prison sentences and the introduction of a probation service. Among other things, objectives and strategies are defined for each work area, and programmes for the realisation of these objectives with the performers of the activities and time limits for the implementation of individual measures. The areas of work are urban crime, property crime, economic crime, organized crime, illegal drugs (including the development of alternative measures for perpetrators of criminal offences in connection with drugs), youth violence, family violence, environmental protection, fear of crime, assistance to victims of criminal offences (creation of new programmes), legislation and procedure of state bodies within reasonable time limits (changes to legislation, organization programmes and work methods), inter-institutional cooperation (coordination, new definition of social care bodies in the field of crime prevention, rehabilitation of victims and perpetrators of criminal offences). In the field of criminal policy and execution of penal sanctions the Resolution envisages the preparation of new programmes for training and work of convicted persons, the preparation of legislation and the introduction of a probation service under the auspices of the Ministry of Justice. The Ministry of Labour, Family and Social Affairs would participate in this project. The deadline for its execution is 2009. On the basis of the Resolution the Government should appoint an interdisciplinary working body that will take an active role in the implementation of the national programme. Also envisaged are changes to legislation in the field of criminal justice, which are currently in the working materials phase and are difficult to imagine in the form of guidelines for development and change.

In 2006 the National Assembly also adopted the National Programme of Social Security³⁵ for the period 2006-2010, which presents strategies and development perspectives of programmes and services in the framework of the social security system. The area of work with perpetrators of criminal offences is part of the network of public services via services, public programmes and public authorisations. The services and public authorisations (programmes, measures and tasks determined in penal legislation) will be implemented by the social work centres, and the public programmes can also be implemented by non-governmental organizations. These include developmental and experimental programmes which the state finances through invitations to tender. The national programme also envisages new programmes for ex-convicts.

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Fax: + 386 1 581 9313,
info.soczbtor@soczbtor-sl.si, <http://www.soczbtor-sl.si/>

Društvo za pomoč žrtvam kaznivih dejanj –
BELI OBROČ SLOVENIJE,
Mala ulica 8,
1000 Ljubljana,
info(at)beliobroc.si,
<http://www.beliobroc.si/news.php>

Zavod Papilot – Center za pomoč žrtvam kaznivih dejanj
(Papilot Institute for the Promotion and Development of Quality of Life,
Centres for Assistance to Victims of Criminal Offences),
Zakotnikova 3,
1000 Ljubljana,
fax: +386 1 5421587,
cpzljubljana@papilot.si, <http://papilot.sisplet.org>

Spletni naslov organizacij dopolnilnega varstva (pomoč žrtvam nasilja, varne hiše, zavetišča, krizni centri), ki delujejo v okviru centrov za socialno delo ali nevladnih organizacij in jih podpira ržava:
<http://www.mddsz.gov.si/index.php?id=7007&type=98>

ANNEX 1

Criminal Statistics

1. Input offender statistics

Table 1.1: Alternative form of criminal prosecution (pre-trial phase, adults and juveniles) 2005, 2006

Year	Total number of alternative proceedings	Number of successfully concluded
2005	5322	2538 – 48 %
2006	5727	3247 – 57 %

Source: Annual Reports 2005, 2006 by Supreme State Prosecutor's Office of Republic of Slovenia

Table 1.2: Deferment of prosecution (adults) 2005, 2006

year	2005	2006
Proceeding	3423	3300
Dismissal of crime report	1963	1897

Source: Annual Reports 2005, 2006 by Supreme State Prosecutor's Office of Republic of Slovenia

Table 1.3: Mediation proceedings (adults) 2005, 2006

year	2005	2006
Proceedings	1476	1660
Dismissal of crime report	832	985

Source: Annual Reports 2005, 2006 by Supreme State Prosecutor's Office of Republic of Slovenia

Table 1.4: Convicted adults by main penal sanctions, Slovenia, 2004, 2005, 2006

Passed penal sanctions/ year	2004	Share	2005	Share	2006	Share
Imprisonment**	6879	86,3	6906	89,5	7195	88,6
Fine	889	11,2	613	7,9	577	7,1
Security measure without penal sentence	28	0,4	45	0,6	245	3,0
Educational measure	12	0,1	-	-	1	0,1

Judicial reprimand	147	1,8	144	1,9	83	1,0
No punishment imposed	19	0,2	10	0,1	9	0,1
Total	7974	100	7718	100	8119*	100

Source: Rapid Reports 2006, Statistical office of the Republic of Slovenia, No 151. Rapid Reports 2007 Statistical office of the Republic of Slovenia, No, 58

* (8110 + 9 cases: other)

** Imprisonment (prison sentences and suspended sentences)

Table 1.5: Imprisonment in 2004 - 2006

	2004	2005	2006
Imprisonment	6879	6906	7195
Of which suspension sentence	5857	5607	5914

Source: Statistical Yearbook of the Republic of Slovenia 2006,

Rapid Reports 2007, Statistical office of the Republic of Slovenia

Table 1.6: Substitution for three-month sentence and substitute the payment of fine (Misdemeanour Act) - Community service

Year	Convicted prisoners	Perpetrators of misdemeanours *
2001	4	0
2002	8	0
2003	3	0
2004	3	0
2005	10	0
2006	8	97
Total	36	97

2007: Up to 1 June 2007 there were 272 cases (2 for convicted prisoners and 272 for perpetrators of misdemeanours) Source: Prison Administration of Republic of Slovenia

* Substitute the payment of fine for the performance of a specific generally beneficial task or task to the benefit of the locally governed community. The scope and content of the tasks must be specified proportionately to the fine imposed in the duration of between three and maximum 30 working days. The time limit within which the tasks shall be performed may not be shorter than one month and longer than three months. (Article 19 of Misdemeanour Act).

Table 1.7: Working with suspects and offenders - Welfare of adults – Statistical data from social work centres, 2006

Dealing with young adults perpetrators of criminal offences (criminal Justice Process)	140
Dealing with adults perpetrators	1260
Post penal treatment	662
Counselling	95
Suspended sentence with supervision	46

Source: Annual report of Social Work Centres 2006

Table 1.8: Total number of inmates 2004 – 2006

Year	Inmates*
2004	4488
2005	3291
2006	3754

Source: Annual Reports of Prison Administration 2004, 2005, 2006

* remand prisoners, convicted prisoners, persons convicted for misdemeanours

2. Average offender population statistics

Table 2.1: Average daily prison population 2004-2006

Year	Inmates
2004	1132
2005	1137
2006	1268

Source: Annual Reports of Prison Administration 2004, 2005, 2006

Table 2.2: Release of convicted prisoners 2004-2006

Year	Conditional or early released
2004	84,5%
2005	81 %
2006	76 %

Source: Annual Reports of Prison Administration 2004, 2005, 2006

Total number of prison leaves in 2006:

13.081 (0,7 % of abuses)

3.257 prison leaves on special purpose (education, health, child birth...)

Number of prisoners in education by type of the programme in 2006:

Primary 43, short-term vocational – 24, vocational – 110, secondary 38, post-secondary – 2, higher – 10

3. Staffing statistics

Number of victim-offender mediators (106 acting mediators, data from December 2006)

Number of coordinators for community service (at the centres for social work):
12

Numbers of treatment staff in prisons 31 December 2006:

Pedagogues: 45, psychologists: 8, social workers: 12, other professional staff: 6,
instructors (commercial activities): 99. Total: 183 staff

