

Current state on changes in Slovakia

Slovakia's Probation and Mediation has been undergoing slight, tiny changes since 2004. These changes did not correspond with the needs of the application practice. The year 2006 has been significant from the perspective of the revision of the legislative acts in the criminal law field. Consequently, in 2008 we have seen a decrease in number of the Probation and Mediation Officers. This stagnation tendency of the application of the institute of probation and mediation has had a negative impact on the shapes and methods of the work, which were limited to the basic formal procedures of the Probation and Mediation Officers.

By implementing the technical devices of electronic monitoring into the Probation and Mediation service system, as one of the supervision tools, the year 2016 led to positive changes as a consequence of this process. In this regard, the Probation and Mediation departments were established in 2016. Each regional court has a general director as their centre of competence, whereas The Probation and Mediation Officers operate at the local district courts. The number of Probation and Mediation Officers increased to 82 and 8 new general directors at the departments. This *status quo* did not change until 31st December 2022, when four new Probation and Mediation Officers were hired (i. e. specialists for mediation in criminal matters).

This increase in the „specialists“ is a part of the ongoing project implemented in Slovakia since 2021. This project called *„Building and empowering of the alternative dispute resolutions through mediation and the effective use of the restorative justice values in the Slovak Republic“* has been a benefit for the whole Probation and Mediation service in Slovakia. The main task of the national project was to strengthen and make more effective the core principles of restorative justice and diversion measures in criminal proceedings. The purpose was to better perform the tasks within the institute of probation and mediation in criminal matters.

The project as a whole has been the reaction to unsatisfactory status since one Probation and Mediation officer performed not only probation in relation to the alternative to imprisonment/alternative sanctions, the electronic monitoring but also facilitated the mediation in criminal matters. The outcome of this project is to separate the field of mediation and the field of probation and to assign the cases to the Probation and Mediation Officer according to his/her specialisation. This has already begun in the Žilina region, Slovakia where the first specialists on mediation in criminal matters were hired on 1 January 2023. The main interest of the Ministry of Justice is to gradually continue with this specialisation at other regional courts as well.

These, but also other needs of the application practice required the adoption of concrete systemic measures like the specialisation of the Probation and Mediation Officers, including the methodical and management component.

In the process of the development of new methodical components the financial aspect, the impact on public financing, the need for continual increase of the Probation and Mediation

Officers, etc. were taken into account. Not only these aspects were ground in forming the analyses and creating the new organisation structure.

In order to positively impact this status, it will be necessary to adopt evolutionary and not revolutionary changes in the feature of systemic actions. One of them is the strong and professionally specialised leadership of the Probation and Mediation service that is capable of an objective and flexible reaction on the needs of the application practice.

From 1 February 2023, the new organisation unit has been created at the Ministry of Justice of the Slovak republic – Section on restorative justice and probation. Parts of this section are the different departments specialised in probation and prevention, mediation and restorative programmes and electronic monitoring and technical security. The previous department of probation, mediation and prevention of crime no longer exists, while the former employees had the opportunity to migrate into the new structures of the section after considering their professional background.

Currently, the new unit is still under development, the selection of employees is still ongoing and gradually, the new employees are being hired with an emphasis on their specialisation and skills.

Organisational structure of the Probation and mediation service

There is intense, continual work on the amendment of the Slovak Criminal Code. In case of approval by the National Council of the Slovak Republic, it will empower the restorative justice field, the use of non-custodial sentencing, etc. This particular legislative change will consequently strengthen the professionals coming from the ranks of Probation and Mediation officers. Suggested legislative changes within the existing Criminal Code together with the undersized number of Probation and Mediation officers have been re-evaluated and the following request has been addressed to the government:

„For the purpose of strengthening the court capacities in relation to the probation, electronic monitoring, restorative justice and non-custodial sentences, it is demanding to increase in:

- ***208** probation and mediation officers;*
- ***8** psychologists and*
- ***16** technicians for the possibility of instalment and operation of the tasks related to electronic monitoring.“*

Current state: One probation and mediation officer is assigned **159 cases on average** (the final figure of the probation and mediation cases is **altogether 171**).

From these absolute numbers, we can conclude that probation and mediation are operated by:

- **8** regional general directors (who methodically manage and coordinate the probation, mediation and supervise the execution of the decisions related to technical security within the district of the regional court, coordinate the application of the programmes etc.);

- **82** probation and mediation officers

which results in

- **13 037** registered open cases/files in probation (the status for the previous year);
- **1100** mediations (annually operated);
- **171 open cases (perpetrators and victims)** for 1 probation and mediation officer.