

IN THE NAME OF THE VICTIM: THE VICTIM'S PERSPECTIVE IN CRIMINAL PROCEEDINGS WITH A FOCUS ON THE POST- SENTENCE LEVEL

ABSTRACT

The probation service was introduced into the Criminal Justice System of the Czech Republic in 2001. From the beginning, in terms of content and organization, its work was based on the principles of restorative justice. The practice of probation officers is directed in this regard at the resolution of the problem; it does not engage only the offender but also the victim and the local community, who may participate in the process of resolving the consequences of the crime. The conditions for the realization of the process of mediation are set in the special legislative framework that provides for mediation between the victims and the perpetrators under the jurisdiction of all courts in the Czech Republic, and this procedure is free for all participants. There is a regional centre in every region of the Czech Republic as well

¹ Martin Jelinek, Probation officer, e-mail: vcelar@seznam.cz

² Andrea Matoušková, Ph.D., Headquarter of Probation and Mediation Service, e-mail: amatouskova@pms.justice.cz

Received: July, 2014
Accepted: January, 2015
UDK 343.988
DOI 10.3935/ljsr.v22i1.82

Martin Jelínek¹

Andrea

Matoušková²

Probation and Mediation Service
Czech Republic

Key words:

probation, victim, restorative
justice.

as in the metropolitan area of its capital, Prague. Mediation between the perpetrator and the victim has become one of the most important activities and most effective methods in the work of Czech probation officers when it comes to restorative justice.

Perspective of the victim on the crime, his/her questions concerning the reasons that led the offender to commit the crime, needs of the victim connected with eliminating the damages and finally concerns of the victim about the offender – these are only a few of the facts that victims face as a result of a crime.

Questions about what services and what professions are supposed to cooperate in mutual coordination and cooperation with victims, and how the system of work with victims of crime should be set up, is currently subject of discussion not only among experts but also among public and political representatives.

The current situation in cooperation of subjects working with victims of crime is rather scattered. There are several agencies and organisations that offer different services and programmes for victims of crime (i.e. Bílý kruh bezpečí, Rosa, Arcidiecézní Charita), most of them NGOs or branches of international organisations. Then there is one regional intervention centre in each region of the Czech Republic (there are 13 regions + Capital City of Prague) run by local governments. It means that services and activities often duplicate and victims and the public in general are not sure where to find appropriate help.

The Probation and Mediation Service in the Czech Republic pays attention to victims of crime right from the beginning of the service's activity. At the moment, all probation officers cooperate with other subjects (mostly NGOs) especially when solving the following questions with clients (all the services are free of charge!):

- Employment (follow up services, organisations offering employment for persons with criminal records or those conditionally released)
- Drug and alcohol abuse (follow up services specialised in drug/alcohol abuse treatment, therapeutic communities, ambulant medical treatment)
- Psychological health (follow up psychologist services provided by NGOs)
- Debt - financial counselling

The following examples show how it works in practice. (Please note that all names in the case works in this article have been changed yet the stories are real).

Example 1:

Marek (25), sentenced to 4 years in prison for a drug related robbery applies for conditional release after 3 years and 2 months. Based on the probation officers report and recommendation, the Court changes the remaining punishment into house ar-

rest that would be served in Therapeutic Community Magdalena. There, the client will participate in a special programme for drug abusers and will be tested regularly. The house arrest will be checked by the Probation and Mediation service. The probation officer will regularly report to the Court whether the client fulfils the conditions of house arrest or not. If Marek doesn't fulfil the conditions (i.e. he is not at home during the hours stipulated by the Court), he will go back to prison to serve the remaining time of the original sentence.

Example 2:

Petra (42) is unemployed and conditionally sentenced for 3 years and 5 years probation supervision (in total 11 criminal records). The probation officer offered Petra a meeting with a work advisor at Rubikon Centrum, an organisation providing work-, debt- and financial counselling for free for people with criminal records. Petra met the work advisor twice, he created a CV with her and together they chose from several potential employers. After two weeks, Petra started to work as a barista in a business centre cafeteria. Petra is happy about this opportunity, she has money to pay her accommodation and also to cover some of her debts.

In the Czech Republic, the Probation and mediation service has been offering its professional activities right from the beginning of its activity (1.1.2001) according to the principles of restorative justice. Although the Probation and Mediation Service in the Czech Republic belongs, with its experience, to the historically younger probation services, we can also say that it brought new questions to the practices of probation services and at the same time it tries to answer those questions in the frame of its practice: e.g. how can victim – offender mediation be applied in probation practice? How can probation be made restorative? Can probation and mediation be joined under »one roof«?

The Probation and Mediation Service in the Czech Republic bet on the fact that during case work, it is useful to work with victim and offender in parallel within one institution. In some cases we use the form of personal meetings between offender and victim, in other cases we choose an indirect meeting - it means that we work with them separately and we indirectly mediate the communication between the offender and the victim. In both cases, it is necessary for the probation officers to be able to set up such conditions between the victims and the offenders that enable dialogue between offenders, victims and representatives of the affected community.

The steps that probation officers in the Czech Republic take are performed in order to engage not only offenders but also victims and representatives of the affected community in the process of solving the crime. Realisation of victim – offender mediation as an extrajudicial conflict mediation process in the frame of

criminal law is allowed by Probation and Mediation Act 257/2000 Sb.. This act sets the condition of the mediation and guarantees that Victim Offender Mediation through the Probation and Mediation Service in the Czech Republic is available in all court districts and is for free. Realisation of VOM in the Czech Republic is also based on the principles defined in Recommendation No. R (99) 19 named as Mediation in penal matters adopted by the Committee of Ministers of the Council of Europe on 15 September 1999.

On the 20th January 2010 the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec (2010)1 to the member states on the Council of Europe Probation Rules, that among other things, declares the need to take into account the interests and needs of victims in probation work. Currently the European probation services no longer solve the question whether to involve the victim in their work or not, but they seek particular procedures and they try new methods of work in their practice. Sharing good practice in probation services is the way to be innovative and not only develop elements of restorative justice but also evaluate them and inspire each other.

According to Europe Probation Rules, respecting rights and needs of victims of crime belongs to the basic principles of probation work. In the Czech republic, probation officers – according to law and the need of victims for information that enable them to make their own decision about the degree of their participation in solving the crime - address the victims with the possibility of cooperation not only at pre-sentence level but also during post-sentence level. They do this the most often during probation and parole supervision and during the execution of sentences of community service and house arrest.

Article 29 of the Europe Probation Rules declares that the probation staff should be sufficiently numerous and professionally trained in order to carry out effective work not only with offenders but also with their families and victims of crime. In the Czech republic the probation officers who are already in the basic qualifying course trained in the skills needed to work with victims also receive necessary theoretical background. These skills are then further deepened through case supervision and education (continuous and specialisation training) during their practice. Training of probation officers in working with victims of crime has also been supported in recent years through a number of projects financed by the European Social Fund and other grant and subsidy mechanisms. For many years we have drawn our inspiration from contacts with our foreign partners, e.g. Canada, Austria and Great Britain.

Article 94 of those rules emphasises the need for probation services to establish the necessary partnerships with subjects that provide a number of services to victims of crime.

In the Czech Republic, cooperation of probation officers with victims of crime is limited in time, to the length of the criminal proceedings. The content of this cooperation is specified – we give victims necessary information and we can also arrange mediation or other restorative procedures leading to the normalisation of relations between the offender and the victim and damages. We also provide professional support and individual assistance to victims or we arrange a meeting with experts and services needed.

Thanks to the currently ongoing individual project, Probation and Mediation Service, created in several Czech towns and cities, multidisciplinary teams whose members are, apart from probation officers, policemen, judges and prosecutors, also representatives of regional services that offer various interventions for victims of crime. Coordination of activities, professional discussion of practical problems and creating new, previously non-existent services for victims – these are already confirmed benefits of the teams in the Czech Republic. Thanks to this project, 70 new advisors for victims of crime in 30 towns and cities are currently working in the Czech Republic, a significant part being probation officers.

The Probation and Mediation Service in the Czech Republic is a service that directly works with victims in its practice. In order to discuss the possibility of agreement on compensation, it offers victims a safe form of dialogue with offenders (mediation, restorative conference). In the context of case work probation officers work with offenders in ways that lead them to become aware of the consequences of their actions, accepting responsibility towards their victims, covering damages and atonement effects of crime on victims' lives. After the start of the offender's probation supervision, the probation officer on one hand collects and analyses information regarding the offender (risk assessment and needs), on the other hand the probation officer also contacts the victim and offers him/her the possibility of cooperation. Simultaneous detection of the view of the offender and the victim of the crime is carried out by probation officers with the aim to inter alia choose the appropriate and effective ways of working with the offender when compiling the probation surveillance plan and to explore the possibility of mediation between offender and victim. In accordance with Article 97 of the Europe probation rules the Probation and Mediation Service in the Czech Republic has its own procedures when working with offenders and victims that are covered by national methodological standards. It provides necessary educational opportunities and prepares a variety of methodological materials that are useful for direct work with victims and offenders – very important are e.g. our two new manuals – Work with victim manual and Best practice manual, that can be downloaded from the Confederation of European Probation website: <http://www.cep-probation.org/news/254/1008/how-to-integrate-restorative-justice-and-victim-support-in-probation-practice>

Working with victims of crime has been a part of the practice of the Probation and Mediation Service in the Czech Republic right from the beginning. We incorporate work with victims into all professional agendas in which we are engaged that are described below. It is important to point out that probation officers contact all victims in all cases where a victim is involved. The cooperation is of course voluntary so in many cases the victims don't want to cooperate or they don't contact back but our experience says that those victims who contact a probation officer get the proper help they look for.

MEDIATION

Victim + offender mediation is one of the most important activities and effective tools of Czech probation officers when it comes to restorative justice. Of course, VOM mediation requires deeper professional skills of the probation workers, but those are treated by quality training and seminars provided by the Probation and Mediation Service. The VOM has specific rules (both preparation phase and the mediation itself) and especially in VOM, the sensitive and professional work with victims is essential. The aim of mediation at pre-sentence level is, besides other things, to achieve an agreement between victims and offenders so that the case doesn't necessarily need to go to Court, or, the Court takes into consideration the result of the agreement. Besides and most importantly, VOM can settle a dispute or conflict between both sides; that is one of the most important things and also the main aim of VOM.

In 2013, in total 1,321 VOMs took place in the Czech Republic.

YOUTH WORK

Youth work of probation officers actually copies the work with adults but it has several specifics (given by law, i.e. length of punishment, different types of punishment or given by the simple fact that youths need a different approach). It involves parents or other legal representatives of the youngster, school and very often also institutions like children's homes. Work with youths is more focused on alternative ways of chastisement, the work is aimed much more at the offender him/herself in order to influence his/her behaviour. There are several probation programmes for youths where the participants learn social skills that they are often lacking, they learn how to communicate with other people (especially important when it comes to racial or ethnic questions) or simply how to prepare for a job interview. Also big attention is paid to the social surroundings of the youngsters and other institu-

tions like the Child Care Unit can get involved. VOM is also one of the well proved tools in work with victims.

COMMUNITY SERVICE ORDER

An adult person can be sentenced to up to 300 hours of community service (a youth up to 150 hours). Probation officers set up the provider (by Czech law, it must be a non-profit organisation, either governmental or an NGO, usually a town hall, church or school) and controls the punishment itself and reports back to the court. Any problems that may occur are discussed between the provider and particular probation officer. As in any other agenda, victims are contacted and are offered services that they may need (more about the services the victims are entitled to obtain for free in the next chapter).

Parole

Parole is a specific agenda in the sense that it reacts on a crime that has happened sometimes many years earlier and the offender has spent some time in prison. The probation service is contacted by those conditionally released who were given probation supervision by the Court that decided on their conditional release. As in all other agendas, a probation officer contacts the victim with an offer of cooperation and assistance. The victim's response is entirely voluntary of course.

From 2008 the Probation and Mediation Service with the close cooperation of the Czech Prison Service has been realising the projects of practicing parole board hearings in some of the prison facilities. This activity was supported by the Czech Helsinki Committee who was also our project partner. Currently, the Committee for conditional release (Czech equivalent for Parole boards) is acting in 9 out of 35 prisons in the Czech Republic. Cooperation between the assistant of the victims (staff of the Probation and Mediation Service) and victims is part of the preparation of information on the offender's case for the parole hearing and during its realising too; victims have opportunity to prepare their Victim Impact Statement and they can take part in the parole hearing personally, if they want.

Probation supervision

As in all Probation and mediation service agendas, victims are contacted in every case in the probation agenda. When a person is conditionally sentenced and given probation supervision by the Court, probation officers contact the victims and offer them free guidance and help. It is voluntary and this of course means

that not all victims react but those who react are given professional assistance with the option of free follow up services such as psychological help or counselling of all types.

House arrest

House arrest was introduced into Czech law together with the new Criminal Code on the 1st January 2010 (see p. 8). It gives judges a tool that is good for both offender and the state. The fact that the offender doesn't go to prison (one day in Czech prison costs the state approx. 37 €) saves finances and also keeps the offender in his/her social environment. It means the offender can still work, doesn't lose contact with his/her family but still he/she is punished by having to stay in a particular area within given hours (if not stated otherwise in the sentence, it is between 8pm – 5am on weekdays and all weekends and holidays). House arrest is very commonly used for minor drug crimes, failing to pay alimony or petty theft. As in all other agendas, the probation officer contacts the victim with an offer of cooperation and assistance. The victim's response is entirely voluntary of course.

Entry ban (sport, cultural or other events)

As well as the previous punishment, entry ban was introduced in 2010. The philosophy of this punishment is to prevent the offender from attending particular events. Mostly, it is used to prevent football hooligans from entering the football grounds but it is commonly used for other events, i.e. concerts. The probation officer has the right to order the offender to report to the relevant police station during the match he/she is banned from. As in all other agendas, the probation officer contacts the victim with an offer of cooperation and assistance. The victim's response is entirely voluntary of course.

Initially, the Probation and Mediation Service in the Czech Republic contacted the victims of crime with an offer of possible cooperation only in criminal cases, in which documents were being prepared for possible diversion or ensuring the performance of alternative punishment. It means that the victims were contacted at the pre-sentence level mostly, when their attitude and opinions were important for the criminal proceeding. Currently, all victims (incl. post-sentence level) are contacted by probation officers. This means, the victim is not only a tool that is necessary for the criminal proceeding itself, rather now the victim is at the centre of our attention, along with his/her needs and questions that we work with. At the moment we offer help to victims during all stages of criminal proceedings and we broaden the options of follow up services aiming directly at victims of crime.

A new impetus in the area of rights and status of victims of crime was undoubtedly the adoption of the new Criminal Code, which came into effect on the 1st January 2010. This Code, prepared under the leadership of then Minister of Justice Mr. Jiri Pospisil, emphasises the need for the use of alternative sentences and measures for offenders (e.g. introducing two new alternative sentences – house arrest and entry ban) and generally strengthens the authority of probation officers to ensure their performance. The second turning point in the Czech practice was on the 1st August 2013 when the Act on victims of crime came into effect. The Czech republic's first ever law explicitly dedicated to victims of crime improves the position of victims in criminal proceedings, expands their rights and introduces new possibilities for their safe participation in criminal proceedings. The Ministry of Justice has created a register of such assistance to victims of crime and this is publicly available on the Ministry's website. Organisations that may (based on their accreditation) offer victims various services are listed on the website. The Probation and Mediation Service is one of these institutions in the Czech Republic.

The basic principles of Act No. 45/2013 Coll. on victims of crime are the following:

1. Each person who considers him/herself a victim of crime should be considered a victim, if there is no evidence to the contrary or unless it is clearly an abuse of victim status under this Act. The status of victim doesn't change, if the offender has not been identified or convicted. Probation officers therefore cooperate with the victim not only during criminal proceedings but for example, prior to its commencement.
2. Police of the Czech republic, authorities active in criminal proceedings and other public authorities, bodies registered in the register of assistance to victims of crime (including the Probation and Mediation Service), health service providers, experts, interpreters, advocates and the media have a duty to respect the personality and dignity of the victims, approach the victim as politely and gently as possible and accommodate them. Progress towards the victim should consider his/her age, state of health (including mental state), intellectual development and cultural identity so it avoids deepening of the trauma caused by the crime or secondary victimisation.
3. Victims are entitled to their rights according to this Act regardless of their race, ethnicity, nationality, sex, sexual orientation, age, disability, denomination, belief or worldview. Victims are entitled to their right regardless of their citizenship unless provided otherwise in this Act.

4. Police, authorities active in criminal proceedings and subjects entered in a register of assistants to victims of crime have a duty to inform victims – in an understandable manner - about their rights and allow them to their full application. They are obliged to do so repeatedly upon the victim's request.
5. Police and authorities active in criminal proceedings cooperate in providing assistance to victims of crime.

According to the new law, victims have a right to receive free professional assistance (for as long as it is necessary). This assistance is provided by accredited institutions in the following areas:

- psychological counselling
- social counselling
- legal counselling
- legal information or restorative programmes before the criminal prosecution, during and after the criminal prosecution (provided by the Probation and Mediation Service)

Newly created options to obtain quality legal assistance (carried out according to the law by free registered lawyers) and legal information (carried out according to the law by registered services for victims of crime, inter alia by the Probation and Mediation Service) are very important for the victims of crime.

EXAMPLES FROM THE PRACTICE OF PROBATION OFFICERS

Collaboration between probation officers and a victim of crime may be established in different ways, some of them are illustrated on real cases from our practice:

1. Victim contacted the probation officer him/herself

Mrs. Jana learned about the Probation and Mediation Service from her friend who a few years earlier had been serving a community service and she was informed about other activities of the Probation and Mediation Service by her probation officer. Jana sought the local relevant probation and mediation office on the website and called the probation officer.

Jana wanted to get information on how to deal with the situation when her former partner constantly harassed her through text messages. The probation officer invited Jana to his office to discuss the situation. Jana came and she spoke with the probation officer about possibilities of a solution to her situation. Jana

was afraid of her former partner, she was afraid that the situation could worsen and that her former partner might harm her and her current partner. Together they analysed the situation and assessed the possible risks that might threaten Jana and her next of kin. Due to the poor mental state of Jana, the probation officer arranged free psychological counselling with a psychologist who cooperates with his office long term. The probation officer then contacted the police and told them about this case so if the police received notification from Jana herself, the situation wouldn't be underestimated. Jana and the probation officer agreed that he would contact her former partner. Further consultation with the probation officer was planned in two weeks.

During this time, the probation officer met with Jana's former partner, who agreed to the meeting. Jana's former partner explained his actions. He told the probation officer that he felt sadness after the break up and during the interview he realised the seriousness of the situation that he had caused through his behaviour (especially the qualification of his acts as a crime). He promised not to contact Jana anymore.

Two weeks later, Jana came to the consultation in obviously better shape. She was in a good mood. Her former partner had stopped harassing her and her life had slowly started to return to normal. Jana considered the visit of the psychologist as very supportive, she said that it was great to talk to someone "neutral", not personally involved in her situation and someone who didn't give her advice or judge her.

Jana left the probation office knowing that in the case of new problems with her former partner she knew who to contact, she received necessary contacts and she knew better how to proceed.

2. Probation officer contacts the victim – case from pre-sentence level

Tomas (16), prosecuted for damaging private property – police informed the probation office about the criminal prosecution. The probation officer invited Tomas for a consultation and also sent an invitation to the victim of Tomas' crime, Mr. David. Tomas had sprayed Mr. David's house wall.

During the consultation with the probation officer, Tomas presented himself as a guy who regrets his actions and agreed to meet the victim and offer him compensation. Tomas feared in particular the fact that he would have a criminal record and was worried about how he would be able to pay the damages. He also feared that as a high school student he would have trouble at school and also that he wouldn't be able to get the required amount of money for damages.

A day later, the probation officer talked to the victim – David. David was upset because the house wall was brand new and it took him a lot of time to re-plaster the whole wall again. He expressed his outrage that someone discredited his work like this. The probation officer introduced the possibility of mediation to David – face to face meeting with the offender. After a moment's hesitation, David agreed.

The mediation occurred 20 days after the probation officer was informed about this case by the police. Mediation took place at the probation office and during the mediation Tomas explained to David the reasons for spraying his house wall. At the same time, Tomas understood what he had done to David and how difficult it was to re-plaster the wall. David was able to express his resentment, but he himself told Tomas about a few "pranks" that he had done when he was at Tomas' age. As part of the compensation, Tomas offered David the financial amount that he had at the moment but that didn't cover the cost of repairing the plaster. For this reason, it was agreed that in compensation for damage Tomas would paint David's fence around his house and also chop wood which David was preparing for winter. To confirm the agreement they shook hands.

After mediation, the probation officer prepared a report on the outcomes of the mediation informing the prosecutor about the outcomes and the agreement between Tomas and David. Also he proposed to apply diversion – conditional suspended prosecution. In a few weeks, the prosecutor accepted the proposal and decided to suspend the prosecution with a probation period of 6 months. Tomas thus avoided trial and in the foreseeable future could count on the fact that if he complies with the conditions during the probation period he would not have a criminal record.

3. Probation officer contacts the victim during offender's probation period – case from post-sentence level

Mr. Robert, during a period of 18 months, robbed 64 persons, the vast majority were women over 80 years old. Convicted Robert always foreknew this victims, he would follow her into her house and offer to help her with her shopping bags. The victims agreed and when they weren't paying attention, Robert stole their purses from the bags. Overall caused damage was 3,750 EUR. Robert was sentenced to prison for 36 months, suspended with a probation supervision period of 5 years. The court also ordered Robert to pay compensation to all victims.

The probation officer initiated the probation supervision and when preparing the probation surveillance plan he discussed causes of the offence with Robert. They also discussed current life situation and also his attitude to the victims of his offence. At the same time, the probation officer addressed all the victims and in-

formed them about the decision of the court and what it meant to them. In the letter, he expressed his interest in their situation and needs and offered them his assistance and cooperation in solving the problems caused by the criminal offence.

During the following week, the probation officer was contacted by three victims. One of them told him that she didn't need compensation because Robert had only taken 8 EUR off her. The other two wanted to talk about the compensation. The probation officer also received several death announcements from the victims' relatives. The son of one of the victims even visited the probation officer personally. In the following weeks, the probation officer talked to the victims, tried to find out their needs, discussed the persistent fear that they had and also their ideas of compensation. Some of the information was passed on to Robert (if agreed upon with the particular victim) in the framework of regular meetings. In this way, the probation officer led Robert to take responsibility and to plan a process as to how to compensate the damage. At the same time, the probation officer could gradually answer some of the victim's questions (he asked Robert those questions during the regular meetings) – e.g. why did he choose them? Did he want to hurt them physically? Does he know how much 20 EUR means to a pensioner? Did he realise what position he put them in? This indirect dialogue between Robert and the victims allowed all sides to express their questions and get answers to them. Robert's responsibility grew step by step due to the direct confrontation between what he did to the victims and how it changed their lives. All victims that were in contact with the probation officer appreciated the fact that they had been informed about the outcome of the criminal proceedings and that the Probation service was interested in their situation.

Robert has only paid damages so far to the first of the victims because he is currently unemployed. He is actively trying to solve this situation, he cooperates with an organisation that focuses on mediating work to persons with criminal records. Robert will have an interview and if he passes it, he will work as a night watchman in a factory. If Robert manages to secure a regular income, he already has a schedule for gradual payment of damages to all victims. The victims are familiar to Robert's situation through contact with the probation officer.

4. Probation officer contacts victim before the court decides about conditional release of the offender

Marek (30), sentenced to prison for 4 years for bodily injury caused by a traffic accident – speeding on a motorcycle Marek hit a woman on a pedestrian crossing and caused her serious injuries. After 2 years in prison, Marek asked the court for

conditional release and in cooperation with the probation officer was preparing to return to normal life. At the same time Marek decided to write the victim a letter in which he suggested a procedure as to how he could pay the damages. Due to the fact that immediately after the accident Marek helped the injured woman, although he himself was also injured, it was clear that he has been aware of his guilt right from the beginning.

The probation officer together with the prison staff and Marek himself evaluated Marek's risks and needs and they prepared a plan about what to do if the court conditionally releases Marek from the prison. In the framework of this cooperation an issue of damages was also resolved and therefore, in this context, the probation officer addressed the victim and offered her cooperation. The letter was responded by the victim's husband who brought up completely new information – his wife is motionless and completely dependent on others and is permanently placed in a hospital. The victim hasn't communicated with others since the accident.

After several personal meetings between probation officer and the victim, her husband decided to compile his Victim Impact Statement to express the effects of the crime on the life of not only his wife but his entire family.

The Statement was a subject of a parole hearing read by the victim's assistant who was preparing this Statement with the victim. Given that Marek's family and the family of the victim lived in the same small town, cooperation between the probation officer and the victim's assistant has been extended to work with Marek's parents and the victim's husband. Marek decided that, given the situation of the victim and her family about which, until then, he had no idea, he would offer the family financial compensation for the hospital treatment payments. This was eventually accepted by the victim's husband.

After the parole hearing, the court conditionally released Marek from the prison with a probation period of 5 years and he was also banned from driving for 5 years. Shortly after the release, Marek started to work and gave the affected family the promised financial compensation. Because the court didn't impose probation supervision, the probation officer would no longer be involved in this case. The victim's family was informed about the possibility of contacting the probation officer in case of any questions at anytime in the future. Because Marek and the victim didn't exclude future personal meeting, the question of mediation remained open at the time.

CONCLUSION

This article wants to introduce to the readers how the Probation and Mediation Service in the Czech Republic develops the principles of restorative justice in

its practice and what specific procedures it uses. Illustrative case studies are taken from our practice, but the names and their identification data has been changed. Our practice is based on theoretical approaches that have already been described in many publications, but specific approaches that we use in our practice have been created by us. We have used our experience and knowledge but also good practice performed abroad that we were able to get to know in detail during many foreign study visits (namely in Austria, Canada, England and Wales, Finland, Norway, Spain, Germany, Croatia and others). Constant practical experience sharing of the employees working in probation and mediation, seeking to implement restorative justice into our practice is an opportunity for us to get to know how to introduce our practice and also how to keep constantly making it better. Our participation in the project “Restorative Justice at post – sentencing level; supporting and protecting” was a great chance to share our experience with our foreign colleagues and be inspired by the way they work. It is very pleasant to know that probation and mediation practice that has been developing in the Czech Republic since 2000 is performed in accordance with the recommendation of the Council of Europe, to which we refer in this article. The text of these recommendations not only shows us other ways and opportunities to improve our existing practices but also helps us to promote the principles of restorative justice in the Czech practice.

Martin Jelínek

Andrea Matoušková

Ured za probaciju i medijaciju

Češka Republika

U IME ŽRTVE: PERSPEKTIVA ŽRTVE U KAZNENOM POSTUPKU U RAZDOBLJU NAKON IZRICANJA SANKCIJE

SAŽETAK

Probacijska služba u kazneno-pravnom sustavu u Češkoj Republici uvedena je 2001. godine. Od samog početka, u sadržajnom i organizacijskom smislu postavljena su pitanja o tome kako djelovanje službe postaviti na restorativnim osnovama. Praksa probacijskih službenika usmjerena je da se u razrješavanju problema ne angažira samo počinitelja kaznenog djela, nego i žrtvu, ali i lokalnu zajednicu koja treba sudjelovati u postupku razrješavanja posljedica kaznenog djela. Uvjeti za ostvarenje procesa medijacije postavljeni su posebnim zakonodavnim okvirom koji osigurava medijaciju između žrtve i počinitelja na područjima svih sudova u Češkoj Republici, a taj je postupak za sve sudionike besplatan. U svakoj regiji u Češkoj Republici postoji jedan regionalni centar, a jedan je za područje glavnog grada Praga. Medijacija između počinitelja i žrtve kaznenog djela postala je jedna od najvažnijih aktivnosti i učinkovitih metoda u radu čeških probacijskih službenika kada je riječ o restorativnoj pravdi.

Ključne riječi: probacija, žrtva, restorativna pravda.