

10. Summary

The aim of the thesis is to analyse the role of the Probation and Mediation Service in the criminal matters of the minors. The reason why I have chosen this issue is the fact that although the PMS has been operating in the Czech republic already for 8 years even the specialists are not often properly acquainted with the activities of the PMS. This issue is also interesting from the point of view of its potencial in the light of the future development of the criminal justice and especially as far as the role of the PMS in the criminal matters of the minors is concerned. The PMS was implemented into the Czech legal system by the act number 257/2000 although similar institutions have been already employed for decades in other countries around the world. In its domain the PMS pays special attention to the minor delinquents. Special act number 218/2003 which deals with the judiciary in the matters of the minors particularly emphasizes the instructional element of the measures which can be imposed on minors and also counts with the extensive employment of the PMS in the solving of the criminal matters.

The principles of the restorative justice have significant implications in the both above-mentioned acts. Therefore, the first chapter of my work contains the definition of the notion of the restorative justice and explains the effects of its propositions in the current regulation of the criminal matters of the minors in the Czech law.

The following chapters deal with the notions of probation and mediation. Fifth, an individual chapter investigates the issue of legal framework of the PMS, its structure and the main objectives which pursues. The role of the PMS in the area of coordination and cooperation with other state subjects and non-profit organizations is also mentioned.

The sixth chapter represents the cardinal part of the thesis. Herein, the particular institutes in application of which the PMS plays an important role are explained. As for the pre-sentence procedure it concerns, first of all, the advisory reports and early help. This function of the PMS serves as an information service for the organs participating in the criminal procedure. Unfortunately, it is not used sufficiently these days.

Another institute I deal with in my work is the probation surveillance over the minors. Its substance, significance and primarily its execution is analysed (the particularities of the parole supervision are specified – subchapters one, three and four). Subchapter two highlights the activity of the PMS in cases of replacement of the custody by the surveillance. Subchapter five contains a description of the surveillance carried out by the probation officer as one of the possible measures which can be imposed on a child younger than 15 years.

The probation programme as one of the instructional measures was introduced into our legal system as late as in 2003 by the act n. 218/2003 and it is therefore a fairly new institute. In order to provide an outline of the content of the probation programme one part of this chapter is addressed to the programme called ‚The Law For Every Day‘, which has been in use recently. The PMS also plays an important role in imposing of the criminal punitive measure of community service. The cooperation of the PMS with all the participating subjects and particular problems which can occur during the execution of such a measure are outlined here. Exposition of the alternative criminal procedures is focused primarily on the mediation activity which is carried out by the PMS.

Subsequently, specific chapter summarizes the results of the questionnaire survey which serves especially for the extension and verification of the theoretical knowledge and for the broader monitoring of the PMS’s practise.

In conclusion, I made an effort to recapitulate the most important findings related to each of the above-mentioned institutes and to propose possible recommendations for the improving of the effectiveness of the vindictory measures. Thanks to the opportunity of one month long attachment in the PMS centre in Beroun I had the chance to acquaint myself with the methodical procedures, consult the files of the PMS and to participate in the proceedings carried out by the probation officers. I have tried to employ my experience in this paper. Attachments also form part of my work which serve especially for the clarification and widening of the knowledge of the issue concerned.

Klíčová slova:

Probační a mediační služba

Probation and Mediation Service