

PREPARATION OF SENTENCED FOR RELEASE FROM IMPRISONMENT

Štefan NESZMÉRY

Abstrakt

A preparation of the sentenced for a life after their release from a prison begins in the moment the person is taken to the jail and therefore this process is present during the whole time of imprisonment. In this case, a social worker is usually the only one in this environment who tries to form an ordinary relationship with the sentenced. Furthermore, he should be patient and fleshly enough in order to be able to carry all the tests from the side of the sentenced. At the same time, he should be able to accept the sentenced person without any prejudice. (Dundrová, Kujevská 2012)

Keywords

Sentenced, resocialization, a social worker, penitentiary care.

INTRODUCTION

Despite the fact that this problem is considered to be current, it is found at the edge of public interest. In other words, the society responds to the issue of the possible resocialization of prisoners negatively, in addition also with negligence as well as despicableness. However, it is important to recognise that the society does not realise the importance of proper resocialization which can be one of the most appropriate methods eliminating recidivism of the sentenced person. This would gradually lead to a reduction of criminality in the society and therefore citizens could feel much safer and less threatened by “*criminal elements*.” On the one hand, the attitude of the society towards the legal norms and their offenders and on the other hand psychological conditionality of behaviour and its disorders are thought to be a reflection of cultural as well as historical development of the society. (Heretik 2004) According to The Judiciary Guards and Prison Wardens Corp of Slovak Republic, in December 2017, the number of the sentenced people was 8512 (630 women) and from the total number of sentenced, 5440 people were imprisoned repeatedly. It is hard to deny that the recurrent convicts belong to the most predominant part of people being

imprisoned in Slovak institutes. (Počty obvinených a odsúdených. Štatistika – December 2017, www.zvjs.sk)

The argument which holds water is that sentenced people are at risk of social exclusion which is related not only to lifelong process of stigmatization of criminal record, but also dealing with the guilt and at the same time also never-ending consequences of their own crime. We should also remember that it is necessary to add to these problems the bad habits obtained by the negative influence of the environment as well as the authorities during the life and time spent in imprisonment. After taking into account the mentioned elements, it is possible to begin to understand the extent of social exclusion of these people. (Justová 2005)

Purpose of imprisonment

The society uses the act of imprisonment as a restrictive and remedial measure in order to serve to protect itself. Or to put it in another way, it is a method whose form was based on maturity of the society, what is more also its degree of tolerance of violence as well as legal and ethical setting accepted by the majority.

Punishment as a consequence of inappropriate behaviour already existed in the first-rate society. An offender was excluded from the community, which in the terms of natural conditions, social ties and defensive mechanism, *de facto* equalled being sentenced to death. In those difficult times, the survival of mankind mainly depended on (non)functioning of a family, group, kin or tribe. Similarly, individualism did not have a great chance of survival. Gradually, the punishments together with the reasons for their imposition have been changing alongside with the changes in the society. Punishment has served not only as a penalty for a perpetrator, but at the same time also as preventive education. It has been aimed at highlighting what can happen to anyone who breaks the rules or standards of the society. According to the Criminal act, a convict is defined as a person who has been after a judgement sentenced guilty. (Zákon č. 300/2005 Z. z.)

According to the Code of Criminal procedure, a convict refers to a person who has been recognised guilty by the court and the conviction has become valid. (Zákon č. 301 /2005 Z. z.)

The main purpose of the penalty is according to the Act of the Punishment of Imprisonment protection of the society against criminals, moreover also prevention of the convicts from committing another crime and last but not least also creating conditions enabling them to develop and support positive personal reserves for their resocialization, so that they are able to lead a proper life. (Zákon č. 475/2005 Z. z.)

Penalty is understood as a cause of punishment. The perpetrator sentenced by the court should be aware of the fact that he has exceeded the respected rules, norms as well as the limits of acceptability what is tolerated by the society; in addition the person has behaved in a pathological way which definitely leads to particular consequences. Eventually, the court will determine the penalty, which represents the legitimate consequence of their

conduct. Depending on the type of the offense, the court should provide the offender an appropriate form of punishment, furthermore also it has right to partially or totally restrict the perpetrator in certain rights and freedoms whose exercise would be at odds with the purpose of the punishment, including the right to inviolability of the person and its privacy, the freedom of residence and movement, preservation of leaf secret, the secrecy of reports and other documents, the freedom of choice of occupation, right to deal with things of personal needs. A higher degree of detainee's custody automatically means stricter restrictions of rights and freedoms, adequate forms of treatment etc. (Zákon č. 475/2005 Z. z.)

In Criminal act § 31, par. 2 a penalty is defined as: „*Penalty is an offense on personal liberty, property or other rights connected with the sentenced person that can be given to the offender only by a court according to a law for committed criminal offense.*“ (Zákon č. 300/2005 Z. z.) As I have already mentioned before, the main purpose of the sanction is not only punishing the perpetrator whose pathological behaviour has resulted in a violation of generally accepted rules and norms of society, but also resocializing them in order to make their return to normal civil life as easy as it is possible, without the recurrence of pathological behaviour in society. Social pathology is usually a serious deflection from behaviour which is considered to be correct in the society and at the same time it is in conjunction with the approved standards. In other words, it refers to a violation of norms that can be understood as threatening, exasperating, undesirable and unbearable. According to the author, the part on individual's pathology without any doubt has social factors, socialization, environmental impact or another particular situation. When we are looking for a source of pathological behaviour of an individual, an important place is also given to psychoanalysis of childhood,

adolescence, family relationships etc. (Havlík 2007)

Apart from the factors mentioned above, among the most significant roles in identifying what is and is not accepted by the society belong for instance historical and religious context between majorities and minorities in the society, moreover also differences in the social layers, age groups etc. It is worth pointing out that what is considered to be pathological by one society, can be understood as something acceptable by another society with different historical, cultural or religious origins (incest, a marriage with underage girls in Muslim world etc). All things considered, the main aim of the imprisonment in legally defined limited time and space conditions is to influence the convicts in order to be aware of the fact that their inappropriate behaviour will lead to adequate punishment in the society. Similarly, the state as well as non-state institutions offer the opportunity to change their future and activities in the society, so that they are able to become a full-fledged citizens who will not jeopardise themselves or the others by their way of life.

Placing sentenced to imprisonment

The legally sentenced offender is placed into custody in one of the institutions serving for imprisonment according to valid legislation. (Zákon č. 475/2005 Z. z.) In addition he has to be informed about his rights and obligations, the length of the sentence and last but not least also about the possibilities for the release from the penalty. The person can be informed in the form of an interview, presentation or leaflet.

Except from an external differentiation of institutions for imprisonment to three levels of guardianship, according to a Decree of the Ministry of Justice of Slovak Republic which launches a procedure for imprisonment, there is also an internal differentiation with specialized sections divided into differential groups „A“, „B“, „C“,

a specialized section without a differential group. Those who are sentenced for life in prison are classified into the differential subgroups „D1“ and „D2“. A specialized protective treatment section is ordered for convicts who suffer from mental illness, personality disorder or another serious mental health problems requiring special treatment. Furthermore, those who have problems with an adaptation to conditions in imprisonment and therefore a court orders them protective treatment are also placed to already mentioned specialized protective treatment. This internal differentiation serves to increase the efficiency of the treatment with convicts. (Vyhláška MS SR č. 368/2008 Z. z.)

The differential group is assigned as a result of recommendations and conclusions of a psychological examination in the psycho-diagnostic and consultancy centre while taking into account behaviour of the convicted, social and criminal interference and their attitude towards the treatment during detention. (Justová 2009). The perpetrator begins with imprisonment in “*entry section/incoming room*” which according to a law serves for the adaptation of sentenced to new environment as well as becoming familiar with the conditions of imprisonment. When taking into account the institutes with maximal degree of supervision, a director of this institute is the one who decides on the placement of the sentenced into the entry section/incoming room. However, it is important to point out that a person sentenced to life in prison or sentenced to special section is not assigned to the entry section/incoming room. (Zákon č. 475/2005 Z. z.)

After the convicted enters the imprisonment, he is interviewed by the employees of the institute (including educator, psychologist, social worker etc.) who are trying to get as much information about the convicted as it is possible, for instance family background or whether he has a maintenance obligation.

Consequently they use these information in order to prepare expert opinions, plans and treatment programs. According to the Act of Imprisonment, the commission discusses the further placement while taking into account the differential group and work placement of the convicted within seven calendar days from admission of the convicted to the institution. (Zákon č. 475/2005 Z. z.)

Preparation of sentenced for release from imprisonment

A release of the sentenced person from imprisonment is defined as the end of his punishment or in other words sentence. However, at the same time for many of them it represents a great psychological burden associated with return to society and ordinary life. In order to alleviate this transition period, we can find in the imprisonment so-called exit section which with its specific function concludes the process of resocialization carried out by the employees of the institution. Before the termination of imprisonment of the convicted person, there is "exit section." The accommodation capacity of this exit section is usually given according to a Decree of the Ministry of Justice of Slovak Republic, Code of custodial sentence to approximately ten convicts. Supposing the accommodation capacity is not expected to be fulfilled, the exit section in imprisonment is not established. Similarly, if the accommodation capacity is not fulfilled in long term basis, the exit section will be abolished by the director of the institute. This exit section has to be separated from the other accommodation spaces of the institute. Its purpose is to prepare the sentenced person for conditions after being released from imprisonment. The sentenced person is usually placed to the exit section six months prior to his expected release from imprisonment. (Vyhláška MS SR č. 368/2008 Z. z.)

The exit section is normally for convicts who have been in imprisonment for more than three years as well as for the convicts that need help in creating favourable conditions for an individual way of life. The convict located in an open section of imprisonment and still facing the punishment cannot be assigned to the exit section. (Zákon č. 475/2005 Z. z.)

In the exit section, there is more space for the convict to gain information, from theoretical information to practical skills (reporting to the relevant police corps, necessary offices, gaining accommodation, providing health care, cooking, ironing etc.), with the main aim to prepare to return into normal life after the end of imprisonment in the most effective way. According to Decree of the Ministry of Justice of Slovak Republic, Code of Imprisonment, there is an interview in which the convicted person is instructed about his responsibilities connected with his departure from imprisonment. (Vyhláška MS SR č. 368/2008 Z. z.)

The convicts are usually placed in two to four-person rooms with appropriate individual treatment. Moreover, self-serviced areas are also established here with the main aim to prepare the convicts to life after release (ironing, washing, cooking etc.) In order to reduce the restriction of imprisonment as well as carry out the tasks of the section, the sentenced person might be allowed following things:

- a) to make calls without limits,
- b) to be visited by relatives and other close people at least once in two weeks, with direct contact and using his own clothes,
- c) to visit family members and relatives outside the institution for maximum 24 hours (not applicable on convicts with maximal degree of security),
- d) to attend cultural, educational or sport activities outside the institution in participation of pedagogue.

To improve resocialization and practical training to life after release from imprisonment, the organization of the exit section has a community character. The social worker as well as the pedagogue and the psychologist of the institute help convicts for their adaptation to ordinary life. They use methods and procedures to prepare the convict mentally and socially for a return to the society that has already condemned and punished their pathological behaviour. This kind of stigmatization means for many convicts a great psychological burden, which fundamentally complicates their resocialization and return to society. Therefore the close cooperation between a psychologist, a social worker and a pedagogue of the institution, that are trying to help to resocialize the sentenced person not only during the placement to the exit section, but also during the whole time of imprisonment, is considered to be necessary. The behaviour of the sentenced person in the exit section is thought to be an evaluation of the work of the employees of the institute and at the same time it may reflect how they managed to support and regulate him during the process of resocialization. With the main aim to continue in the activities of supporting and developing the sense of responsibility, behaving according to laws and social norms after the end of imprisonment and last but not least also providing measures that would prevent a formation of crisis in the family, the institution sends a notice about the release of the convict to:

- The competent authority for the social protection of children and social welfare.
- The competent local government authority.
- An organization that cooperated with corps when dealing with the convict and it also provides activities after the end of imprisonment. (Zákon č. 475/2005 Z.z.)

During the stay of the sentenced in the exit section, it is recommended to have

rather individual approach to the convict, focusing on non-directive way of communicating and highlighting areas of risk that could lead him to repeated failure and recurrence of his criminal activity. His relations with the outside world should be strengthened, due to the fact that this area can be one of the most important in adapting the sentenced person to ordinary life. As it is stated by Netík, a citizen released from imprisonment is going through so-called adaptation phase whose duration is usually individual, whereas it lasts no longer than two years. The recurrence is most frequent in the already mentioned adaptation phase, owing to it is caused by the “*shock*” from the impact on the reality of life, long-term frustration, demotivation to pro-social behaviour, emptiness of the social space in which they return etc. Assistance in overcoming the “*crisis from freedom*” is the primary role of penitentiary and post-penitentiary care.

The concept of applied penology research under the terms of The Judiciary Guards and Prison Wardens Corp of Slovak Republic (2016) states that it is clear from the penological knowledge that the constitutional environment, even in the most effective way of dealing with the convicts, will not only protect the society against the criminals, whereas at the same time for the potential unfavourable effects of the constitutional environment (imprisonment, “*second life*” social stigmatization after the end of sentence, loss of social contacts etc.) will also represent a potential threat of radicalization (with an emphasis on young people). (Koncepcia aplikovaného penologického výskumu na roky 2016 až 2026 a dlhodobá orientácia analyticko-výskumnej činnosti v podmienkach Zboru väzenskej a justičnej stráže, 2016)

That is why we consider the resocialization of the convicts for an activity which has a potential to revitalize the life not only of the sentenced person, but also of the whole society. This fact can be confirmed by the research of Kozoň,

which states that up to 90% people sentenced for long-time imprisonment, was condemned by the court, owing to they had behaved socially in a penitentiary environment. Among these people is shown the real effectiveness of the post-penitentiary social work of the specific treatment that can carefully monitor their needs and provide appropriate feedback on their responsibility for actions, so that it will not lead to "*instinctively*" committing another crime, on the other hand it will be rather motivated. (Kozoň 2009)

Employees of the institution try to hold moral and ethical principles, summarized in the Code of Ethics that states: "*... in the contact with prisoners, we provide information about their rights and obligations in conjunction with custody or imprisonment as well as the forms of assistance which may be provided to them.*" (Etický kódex 2013, s. 2) Therefore, all the necessary information is provided to the sentenced person during the first few days of so-called entry sections in order to be aware of what is waiting for them or what their possibilities of resocialization are.

The most significant role of resocialization in penitentiary as well as post-penitentiary care plays an interest and willingness of the convict to "*re-educate*" himself, to find positive emotions and responses in himself and also in other people which gives him a signal that although he made a mistake, he can learn from it, avoiding it in the future and at the same time also engaging in the society. All things considered, this is the reason why we perceive social workers' effort to motivate the convicts in a positive way as one of the most significant parts of their resocialization.

For the most appropriate period when the convicts are more accessible to resocialization, we assume time of their placement to exit section. We think that during this period, the increased activity of organizing various discussions, lectures or workshops held by employees of the institute

as well as external subjects should be more attractive to the convicts. They would gain "*closer contact*" with the outside world; in addition they would receive valuable information and contacts to individuals and organisations which could facilitate their transition to ordinary life. The approaching date of departure does not represent only pleasure that their imprisonment will soon end, but at the same time it can be a stressful situation through which they usually are not able to get. Therefore the non-control can result in re-pathological behaviour that leads to recurrence and eventually it would be like catching 22.

We agree with Kozoň, who perceives a role of the specific treatment with a substandard client such as the one released from imprisonment, so that he should be allowed to experience more valuable parts of himself through positive feelings as well as accepting his past, following the pro-social values of their cognitive awareness - legal consciousness. This is considered to be an optimal way to prevent recidivism and a right way for the convict to find his place in the society after fulfilling the sentence. (Kozoň 2009)

The current challenges for the social work with convicts are considered to be intensification of the interconnection of penitentiary and post-penitentiary care, due to the fact that their cooperation can greatly increase the use of the convict in ordinary life. We perceive as a problem an inadequate number of third-sector organizations that would deal with sentenced people as well as their families. Similarly, their cooperation with state organizations is not always satisfying, which can complicate the aim of resocialization.

There is some merit in the argument that the lack of interest of the society to already mentioned issue is also perceived as a negative phenomenon, resulting in a lack of confidence and self-esteem of the sentenced person as well as the feeling of stigmatization which makes it impossible to adapt to both social and working environment. Frustration from a return to

normal life often leads to recurrence of pathological behaviour, anger or hatred of the whole world. All these attributes have to be seen in the context such a demanding and multidisciplinary process as resocialization. Therefore, the problems introduced in this bachelor thesis are considered to be up-to-date, stimulating and beneficial for the whole society. Frustration, demotivation for pro-social behaviour, the emptiness of the social space in which they return, etc. Assistance in overcoming "*the crisis from freedom*" is the primary role of penitentiary and post-penitentiary care. (Netík in Schavel a kol. 2016)

According to Decree of the Ministry of Justice of Slovak Republic, Code of Imprisonment, if the sentenced person agrees that the representatives of the authorities and organizations maintain the personal or written contact with the sentenced during imprisonment in order to assist him in creating the conditions after his release from the sentence, mainly in the areas:

- Solving social problems of the sentenced person in creating favourable conditions after release from imprisonment,
- Organising, ensuring and implementing cultural and educational activities,
- Material and technical equipment of a room, rooms for sport and leisure activities,
- Support and assistance in the application of new methods of resocialization and carrying out professional seminars as well as specialized training of employees for the treatment with convicts. (Vyhláška MS SR č. 368/2008 Z. z.)

Among the authorities that cooperate with the institutes of imprisonment, resulting directly from legislation, without any doubt belongs the Ministry of Labour, Social Affairs and Family of the Slovak Republic. As it is stated in § 18 and 19 of

the Law on Social Protection and Social Curatorship, it is allowed to social curatorship of adult natural person to participate in the preparation of an adult natural person for release from imprisonment or custody, moreover also providing help in adaptation to family, social and working environment and last but not least in solving personal and relationship problems while working according to a plan of social work with the adult natural person. The assistance covers for instance searching for job in the place of residence, requalification courses, help in material need etc. (Zákon č. 305/2005 Z. z.)

The social curator keeps written and personal contact with the adult natural person during the imprisonment (or detention), so that he is the one who cooperates in the convict's rehabilitation. Depending on the seriousness of a life situation and the problem of the sentenced person, the social curator is chosen to help in solving his personal, family and social problems with which the sentenced person would not be able to tackle by his own. The social curator is according to a law helpful in resocializing of the sentenced person after being released from imprisonment, for example by providing him a resocialization allowance which can be used to provide personal documents or purchase of personal needs necessary for easier reintegration into society. It is aimed at helping and strengthening ties between the convict and his family, what is more he also participates in the preparation of the sentenced person for release from imprisonment or detention. (Návrat z výkonu trestu odňatia slobody, www.upsvar.sk)

While doing steps in favour of social curatorship for the adult natural person, the authority for the social protection of children and the social curatorship, depending on the seriousness of the life situation or the problem of the adult physical person, he assists in the

preparation of the adult natural person to release from imprisonment, motivates to treat with drug abuse and other addictions and at the same time also offers help from specialized institutions, thus trying to support resocialization process of the sentenced person during as well as after release from imprisonment.(Zákon č. 305/2005, Z. z.)

Exit section can be included in a return program that expresses the respect for the world from which the convict is coming. It confirms the institution's sympathetic approach to people with problems. It is worth acknowledging the right of the convict for further development and preparation to return worthily, which can be an important experience to him. (Rieger in Kleskeň 2016)

CONCLUSION

It is clear from the penological knowledge that the constitutional environment, even in the most effective way of dealing with convicted person, will not only protect the society against criminals, but for the negative influence of constitutional environment (imprisonment, "second life," social stigmatization after the end of the sentence, loss of social contacts etc.), it will also represent a potential threat of radicalization (with a particular emphasis on young people). That is why we consider the resocialization of the convicts as an activity which has a potential to revitalize the life of not only the sentenced person, but at the same time also whole society. This is confirmed by Kozoň's research which states that up to 90% of convicted for a long-term imprisonment were conditionally released by the court, owing to they had behaved appropriately in the penitentiary environment. We can see in their behaviour a real effectiveness of post-penitentiary social work of specific treatment that can carefully monitor their needs and provide feedback about the responsibility for their conduct, so that their behaviour will not "instinctively" slip to another crime,

whereas it will be rather socially motivated. (Kozoň 2009)

A significant role in resocialization in penitentiary as well as post-penitentiary care plays a keen interest and willingness of the convict to "re-educate himself," to find in himself and in the others positive emotions and responses which can send him a signal that although he made a mistake, he can learn from it, avoid it in the future and most importantly to engage in the life of society. This is the reason why we perceive social workers' efforts in positive motivation of the sentenced person as one of the most important activities in their resocialization.

For the most appropriate period, when the convicts are more accessible to resocialization, we assume the time they are placed in the exit section. I am of the opinion that during this period, the increased activity of organizing various discussions, lectures and workshops by the employees of the institute as well as external subjects, is for the convicts more attractive and beneficial. Consequently, the convicts would gain "*closer contact*" with the outside world; they would receive valuable information and contacts on people and organisations that would facilitate their transition to normal civilian life. The approaching date of departure does not represent only pleasure for the convict that his imprisonment will end, but it is also a stressful situation with which they sometimes cannot cope. That would result in re-pathological behaviour that leads to recurrence and the convict would find himself in catching 22.

We agree with Kozoň, who perceives the role of the specific treatment with a risky client such is the one released from custody, so that he should be allowed to experience more valuable parts of himself through positive feelings as well as accepting his past, following the pro-social values of their cognitive awareness - legal consciousness. This is considered to be an optimal way to prevent recidivism and a right way for the convict to find his

place in the society after fulfilling the sentence. (Kozoň 2009)

The current challenges for the social work with convicts are considered to be intensification of the interconnection of penitentiary and post-penitentiary care, due to the fact that their cooperation can greatly increase the use of the convict in ordinary life. We perceive as a problem an inadequate number of third-sector organizations that would deal with sentenced people as well as their families. Similarly, their cooperation with state organizations is not always satisfying, which can complicate the aim of resocialization.

There is some merit in the argument that the lack of interest of the society to already mentioned issue is also perceived as a negative phenomenon, resulting in a lack of confidence and self-esteem of the sentenced person as well as the feeling of stigmatization which makes it impossible to adapt to both social and working environment. Frustration from a return to normal life often leads to recurrence of pathological behaviour, anger or hatred of the whole world. All these attributes have to be seen in the context such a demanding and multidisciplinary process as resocialization. Therefore, the problems introduced in this bachelor thesis are considered to be up-to-date, stimulating and beneficial for the whole society.

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CONTACT

JUDr., PhD., Ing. Štefan NESZMÉRY, LL.M., PhD.
Department of Social Work, Faculty of Education in Bratislava of the Comenius university in Bratisla
E-mail. neszmery@fedu.uniba.sk