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PROBATION SYSTEM REFORM IN GEORGIA IN 2014-2018

ANALYSIS OF THE POLICY DOCUMENTS

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1. AIM OF RESEARCH

The research aims at assessing the process of planning and implementing the state policy in respect with the National Agency of Probation throughout 2014-2018 and describe and analyze the probation agency part of respective policy documents.

2. OBJECTIVE OF THE RESEARCH

The objective of the research is to do the following in accordance with various policy documents of respective years in relation with the National Agency of Probation:

- To assess positive and negative trends in respect with state policy planning, to what extent the aim, activity and their respective indicators were properly envisaged;
- To assess inter-correspondence of aims, objectives and activities envisaged by the respective plan and their relevance to the challenges facing the agency for a specific period;
- To assess the structure of respective parts of the action plans and the process of developing and complying with them;
- To develop recommendations with the view of planning and promoting the public policy process.

3. RESEARCH METHODOLOGY

Assessment of both public policy documents (strategies and action plans) and compliance with the obligations by Georgia at the international level was carried out for the purposes of the research, which concern National Agency of Probation.

Obligations taken upon by Georgia within the scope of the EU Association Agreement were assessed within the scope of the research (for 2014-2016 and 2017-2020). Besides, it was assessed what kinds of obligations were reflected by the state in the following public policy documents:

- a) Human rights protection (2014-2015; 2016-2017; 2018-2020) action plans (respective chapters);
- c) Strategies of the criminal law reform (2015; 2016; 2017; 2018) (Part of the National Agency of Probation);
- d) Action plans of the criminal law reform (2015; 2016; 2017; 2018) (a respective part);

Main focus was placed on the analysis of action plans when assessing the state policy documents. Plans were assessed according to the following components:

- The structure of respective components of action plans (strategies);
- Relevance of respective components of action plans (strategies);
- Compliance of respective components of action plans (strategies).
- a) Relevance of respective components of action plans (strategies)

Assessment of the components of action plans was carried out according to the following sources:

- Annual reports of the public defender of Georgia (2014-2018);
- Research carried out by other organizations.

Based on the mentioned sources, it was assessed to what extent the aims, objectives and activities reflected in the action plans were relevant and responded to the existing challenges in the reporting period (2014-2018).

b) Compliance of respective components commensurate with action plans (strategies)

Assessment of compliance of action plans was made according to the following sources:

- Compliance reports of government plans of human rights protection (2014-2015; 2016-2017);
- Progress reports VII of the criminal law reform VII (2015 §), VIII (201), IX (2017 §) X (2018) ;
- Annual reports of the public defender regarding the situation of human rights and freedoms;
- Annual report of the Agency of Probation.

c) The structure commensurate with action plans (strategies)

The structure of action plans, more specifically, objectives and activities, were assessed by the so-called S.M.A.R.T principles, which envisages finding out to what extent these components were reflected in the plan:

- S (Specific) = specific (concrete, detailed, well defined);
- M (Measurable) = measurable (figures, amount);
- A (Achievable) = achievable (possible);
- R (Realistic) = realistic (taking into consideration resources);
- T (Time-bound) = set in time (there has to be a specific timeframe, the so-called deadline for fulfilling the plan).

Trends reflected in respective policy documents were assessed from this angle.

4. LIMITATION OF RESEARCH

In the process of implementing the research, public information was requested from the national probation agency which concerned compliance with the activities (in certain cases, objectives) in public policy documents (action plans). The given information would be used as the additional

instrument to assess respective points of the action plans. The Ministry of Justice of Georgia did not provide public information due to which. Analysis was carried out according to other sources.

5. INTRODUCTION

According to the Georgia-EU Agenda of 2014-2016, one of the priority issues in envisaging the process of reforming the system of justice is continuing the policy of rehabilitation and resocialisation in the criminal law field, including, supporting such approaches as non-prison punishment, doing public work, using probation actively¹, the mentioned strategic directions involve development of the national agency of probation in their accordance.

Obligations envisaged by the association agenda in relation with developing rehabilitation programs and actively using non-prison punishments, are reflected in objectives of the government action plan 2014-2015 of human rights protection of Georgia and activities envisaged to carry them out. ² To be more specific, activities of the association agenda are envisaged in 2014 and 2015 criminal law reform strategy and action plans³.

Besides, the association agenda of 2017-2020 between EU and Georgia envisages more detailed and focused obligations related with reforming the system of probation. In general, the 2014-2016 association agenda was refocused on the basis of the above-mentioned document and more specific spheres of cooperation were defined according to priority directions.

Implementation of approaches of rehabilitation and resocialization in the penitentiary and probation systems and outside them was defined as the short-term priority⁴ of cooperation in the justice sector with the view of preventing repeated crime and maintaining the respective balance between public order and security and ensuring human rights protection.

The development of the probation service itself is envisaged as the short-term priority in the field of law execution, which also envisages extensive use of alternative measures of imprisonment, by means of introducing new non-prison punishments and increasing capacity of the probation service.⁵

Objectives and activities targeted towards fulfilling the obligations envisaged by the association agenda between EU and Georgia, were reflected in government action plans of human rights protection and the criminal law strategy and action plan. The present document envisages analysis of the mentioned documents. It gives assessment of the human rights protection government action plan of 2014-2015, 2016-2017, 2018-2020 as well as 2014-2018 criminal reform strategies and action plans. Analysis intends to determine relevance of aims, objectives and activities of various policy documents with the national agency of probation for the inter-relevance and specific period confronting the agency as well as assessing to what extent aims,

¹ EU-Georgia Association Agenda (2014-2017).

² Objective 5.2.1. and 5.2.4. of the human rights protection government action plan of Georgia (2014-2015)

³ Aim 7 of the action plan of criminal law reform of 2014 and 2015.

⁴ Short-term priority – the priority in accordance with the association agenda of 2017-2020 of EU and Georgia, which should be achieved or significant progress should be observed in terms of their compliance by the end of 2018.

⁵ Association agenda of 2017-2020 of EU and Georgia .

objectives, activities and their respective indicator were properly taken into consideration and whether separate components of the plan were complied with in the respective period.

Human rights protection government action plan compliance reports⁶ published on the website of the secretariat of human rights protection were used in the process of assessing policy documents as well as the action plan compliance progress reports of respective years published by the inter-agency coordination board of the criminal law reform.⁷ It also needs to be stated that, in most cases, published reports are not finalized, they do not respond to the indicators commensurate with plans and, therefore, analyzing additional information is significant for assessing compliance with activities envisaged by the plan. With the view of preparing the present document, the Young Lawyers' Association of Georgia requested public information from the LEPL Agency of Correction of Non-Prison Punishment and Probation. However, by the time of preparing the report, we have not received any reply from the agency to any of the letters. Actually, impeding provision of public information made it impossible to assess 2018 execution since at this stage the 2018 action plan compliance progress report of criminal law reform was published either.

6. EXISTING CHALLENGES

In the 2013-2017 action plan of criminal law reform the government of Georgia expressed readiness to create such a system which will be focused on preventing crime, protecting human rights, establishing a just and independent court and ensuring accountability, objectivity and efficiency of the agencies taking part in the process of justice.

In accordance with the same plan, ensuring rehabilitation and resocialization were defined as the main priorities of the National Probation Agency for the reporting period for which it was significant to refine the individual planning plan of punishment. Respectively, the amount of rehabilitation, educational and professional programs had to increase in the reporting period and the scope of their application be spread throughout the whole country.⁸

Aims of the national agency of probation envisaged by law do not get limited by only executing legislative acts defined by law, the aim of its activities and avoiding the new crime, protecting security of the society, resocialization of the convicted individual (his/her integration into society) and rehabilitation (improvement of the convicted individual and his/her return to the society as a healthy member).⁹

The priority of the probation agency in the process of resocialization and rehabilitation of convicted individuals was working according to the individual plan of assessing the risk and needs of probation officers and the individual plan of punishment. To implement the given priority, throughout years overload of probation officers used to be a challenge, which made the process of establishing the individual approach difficult. Stable retention of the amount of cases under

⁶ <http://myrights.gov.ge/ka/reports/progress%20reports/>

⁷ <http://www.justice.gov.ge/Ministry/Index/238>

⁸ Criminal law reform action plan of 2013-2017. <http://www.justice.gov.ge/AboutUs/Council/237>

⁹ Law of Georgia on "The Rule of Non-prison Punishment Rule Execution and Probation". Article .7.1

the review of each officer in 2014-2018 was reflected in the respective policy documents. During the reporting period the amount of conditional convicts increased. Respectively, with the view of retaining the amount of average jobs, the amount of probation employees increased. As a result, based on the data of 2017, involvement of 90 % of probationers was possible in the system of individual planning of punishment.¹⁰

In the process of analyzing needs and capacities of probation bureaus of lower Kartli and Samtskhe-Javakheti by “SIDA” in 2013, a number of problematic issues got identified in respect with conditionally convicted under age individuals, which demonstrate the condition of the probation system in general at that time. Part of issues which were identified as a result of the survey, are related with lack of probation agency services, including, at the regional level, failure to envisage the specificity of under-age individuals and ethnic minorities, lack of communication with the public and the non-government sector, and, respectively, unhealthy attitude of the public towards conditionally convicted individuals.¹¹ The mentioned issues during 2014-2018 used to be the significant challenge for the National Agency of Probation which throughout years was to some extent reflected in policy documents.

Working with underage conditionally convicted individuals used to be one of the challenges of the agency of probation. In 2015 the Juvenile Justice Code was adopted, which served as the significant stage of the criminal law justice reform. Adoption of the code was respectively reflected in the activities of the national probation agency. The necessity to train officers responsible for coordinated work with juveniles emerged. Besides, on the basis of the Code of Justice of Juveniles, a new form of punishment – home - arrest was adopted for underage individuals. National agency of probation was defined as the agency responsible for home arrest. Respectively, the necessity for respective infrastructural and staff development emerged.

Along with growth of probation agency functions, increase of the zone of its coverage and equipping the bureaus with respective service, served as the necessity. Infrastructural development used to be a significant challenge of the agency in the reporting period, which was respectively reflected in the policy review documents.

Within the scope of liberalization of criminal law policy, the new form of punishment got established from 2014 – restricting freedom. Ensuring execution of the mentioned punishment appeared to be one of the challenges of the probation agency since at the initial stage of the reporting period, significant resource of the agency was directed towards opening the mentioned establishment whereas from 2017-2018, flowing from the process of liquidation of the establishment of restriction of freedom, as the punishment for adults and handing to the penitentiary department the infrastructure.

Besides the function of supervision of convicted individuals, the main priority of the National Agency of Probation is to prevent crime and ensure resocialization and rehabilitation of individuals on parole and crime prevention.¹² To achieve the mentioned aims, the challenge of the probation agency is to develop respective rehabilitation programs and implement them respectively. Another significant challenge is proper retraining of staff and equipping them with respective skills, which, was respectively reflected in objectives and activities envisaged by policy documents.

¹⁰ Ninth (2017) report of the criminal law system reform progress. <https://bit.ly/2Wrg3Mw> final visit: 26.05.2019)

¹¹ Needs and Capacity analysis of Lower Kartli and Samtskhe-Javakheti Probation Bureau, SIDA, 2013 <https://bit.ly/2I4fX5v>

¹² Supporting the use of non-prison sanctions in Armenia Azerbaijan and Georgia, Survey report of south Caucasus office of International Prison Reform (PRI), 2015. p. 40

7. DESCRIPTION OF 2014-2018 PUBLIC POLICY DOCUMENTS

3.1 The 2014-2015 government action plan of protecting human rights of Georgia

For 2014-2015, Chapter 5 of the human rights protection government action plan of Georgia is dedicated to the corrections system, probation and rehabilitation of former prisoners.

The full structured system of probation is united as one aim in the government plan (aim 5.2.), under which respective 5 aims and, overall, 16 activities are envisaged.

Administrative capacity development of the training centre of corrections and probation serves as the primary objective (Objective 5.2.1) and to achieve it, 6 activities are envisaged. The mentioned activities envisage infrastructural and structural development of probation service as well as capacity development of agency employees, as a result of raising their qualification and workload.

Objective 5.2.2. envisages legislative base development and it involves only one activity, taking into consideration international recommendations in the process of legislative initiative.

The objective envisaged within the scope of the same aim is improvement of the system of supervision of the probation service (5.2.3). Two activities are envisaged for meeting the mentioned objective, developing the electronic data base and working with the convicted individuals with an individual plan.

Development of public involvement and rehabilitation programs was given as a separate objective (objective 5.2.4). the mentioned objective envisages, on the one hand, carrying out rehabilitation programs of probationers (as one of its activity) whereas, on the other, it provides their involvement in various types of sport, cultural and charity activities.

3.2. 2014 criminal reform action plan

The 7th aim in the 2014 criminal law action plan is “Rehabilitation and resocialization, introducing the prevention oriented individual approach and refining it”. The program, the finalized probation system, unites three main activities for assessing the level of resocialization of probationers. To be more specific, stable retaining of the percentage (2% difference) indicator of the repeated crime of probationers, 97.5 % index of timely finalization of affairs and alleviating the regime of by the court.

The 7th aim unites 5 sub-programs which envisage in more detail respective activities, measures and indicators, the mentioned sub-programs substantially coincide with the government action plan of human rights protection.

The sub-program 7.1. envisaged by the criminal law reform action plan of 2014, coincides with the aim envisaged by the human rights action plan and the finalized system of probation. Besides, activities envisaged by plans closely correspond with certain differences.

In terms of **infrastructural development** of the agency, these two plans partially correspond. To be more specific, the human rights government action plan envisaged moving of both the

central office and Tbilisi bureau to the new premises in 2014. Although the 2014 criminal law action plan indicated, in general, in its sub-program (7.1.) the need for renovating and equipping all bureaus, it considers as the specific activity only renovation and refurbishment of only the Tbilisi bureau. Plan fully coincide with one another and envisage creating one more additional video data spot.

In respect with **structural development** of probation agency, activities envisaged by two plans coincide with each other. To be more specific, it is envisaged to establish the rehabilitation programs division. The criminal law action plan also envisages periodic assessment of the structure of the probation service and increasing the staff amount.

The 2014 criminal law reform action plan repeats the human rights action plan and envisages reducing the workload of probation officers compared with previous years. Besides, it additionally defines specific marginal amounts of probationers envisaged for each officer.

The human rights government action plan envisages starting operation of the freedom restriction establishment in 2014-2015 whereas the 2014 action plan of სსსს defines as its objective functioning of the establishment with 70 % load. Also, the plan does not plan any additional measure in respect with the above-mentioned.

In respect with raising qualification of employees, the plan envisaged more detailed measures and separate activities, including, developing the study plan and implementing it.

Sub-program 7.2 coincides with the objective defined by the human rights protection action plan, **development of the legislative base**. However, it makes a list of separate measures to be carried out under this aim in more detail. Besides, the criminal law action plan additionally defines testing of new alternative sanctions and piloting them as well as developing recommendations as a result of assessing the mentioned process.

Besides, as the constituent part of the process of legislative reforms, piloting of involving social probation workers in the process before allocating punishment to under-age individuals, as a separate activity.

Supervision system improvement sub-program (subprogram 7.3.) envisaged by the criminal law reform action plan, in fully commensurate with the human rights protection government action plan. However, it additionally envisages a number of activities. To be more specific, besides proper functioning of a special electronic base for carrying out the activities, it is envisaged to make sure that in all probation offices dictoscopic registration is functioning.

In terms of improving the system of supervision, the criminal law reform action plan additionally envisages improving implementation of imposing public sanctions and spreading information about the above-mentioned. Besides, supporting intensive meetings and information exchange with the corrections department, is envisaged as a separate activity with the view of improving mutual cooperation.

The 2014 criminal reform action plan envisages measures (activities) substantially different from the human resources action plan in the sub-program of **developing public involvement and rehabilitation programs**. The measures envisaged in it are directed towards developing rehabilitation programs and cooperation with NGOs in the process of piloting and activities of rehabilitation regarding activities of rehabilitation for probation officers. The mentioned sub-program also envisages proper functioning of the division of rehabilitation programs and activating obligatory and voluntary rehabilitation programs.

The criminal law reform action plan is commensurate with the human rights action plan and envisages **increasing provision of the public with information** about the probation agency. To be more specific, it envisages raising the level of informing the public about the agency of probation, public opinion surveys, various PR activities and intensive involvement in inter-agency working groups.

Therefore, although the 2014 action plan repeats the general aim (fully operational system of probation) envisaged by the strategy of 2014-2015, it is more detailed and targeted towards defining the activities specifically.

3.3. 2015 criminal law reform strategy and action plan

The 2015 criminal law reform strategy defines general aims and objectives of the National Agency of Probation and envisages priorities for 2015, which mainly coincide with and repeat the priorities provided in the government action plan of human rights protection of 2014-2015.

“Rehabilitation and resocialization, introduction and refining of the individual approach focused on prevention serves as the 7th aim in the 2015 criminal law reform action plan as well as that of 2014”.

Its main program is the finalized probation system (program 7) which unites three main activities. Namely, retaining in a stable manner the percentage index of repeated crime committed by probationers (with a 2-% difference), the 97.5 % index of finalizing work on time and the percentage index of abolishing conditional punishment by the court and mitigating the regime by court.

Apart from the main program, the 7th aim unites 5 sub-programs which mainly repeats the objectives envisaged by 2014-2015 human rights protection action plan.

In respect with administrative capacity development of the agency, the 2015 strategy focuses on two main priorities, establishment of restricting freedom and staff policy. In accordance with the 2015 strategy, it is envisaged to additionally set up the establishment of restricting freedom in west Georgia.

The 2015 action plan first sub-program is development of administrative capacity of the probation agency (sub-program 7.1). The mentioned sub-program substantially repeats the government action plan and envisages infrastructural development, retaining the probation officers’ workload within the marginal limits, structural development of the agency and periodic raising of employees’ qualification as well as expanding the services of the video date and proper functioning of the establishment of restricting freedom.

In respect with infrastructure, the 2015 plan does not envisage repairing of any bureau (office) and envisages that for the mentioned period all bureaus are repaired and equipped respectively. Besides, it envisages proper and full-scale functioning of the electronic base and, similar to the human rights protection government plan, envisages creation of one more spot for the video date.

Significant focus is made in the sub-program of **developing administrative capacity** on establishments of restricting freedom in relation with which it is envisaged to load the functioning of the establishments of restricting freedom with 97 % load as well as additionally starting construction of the establishment of restricting freedom in west Georgia in 2015.

In respect with the structure of the probation agency, the 2015 criminal law action plan envisages investigation/survey of the existing structure and, if necessary, making respective amendments. In accordance with the plan, increase of remuneration of labor/salary is not envisaged for 2015 and only the amount of staff grows. With the view of capacity development of the probation agency, it is envisaged to retain workload for every officer (on average, 150 probationers), (which coincides with the activities envisaged by the government plan of human rights).

The 2015 strategy envisages constant care about raising the qualification of probation officers (8.1.2.). in accordance with the strategy, attention will be mainly focused on developing the skills of social workers among officers in the process of activities focused on resocialization of convicted individuals. Besides, it underlines the necessity of staffing the establishment of restricting freedom with staff with respective qualifications.

Two plans are in full compliance with the activities envisaged in respect with raising the qualification of employees. With the events envisaged for raising qualification, the 2015 სსრ reform plan envisages in more detail the list of activities, including, developing the annual curricula and training of staff working in the field of human resources.

Different from the human rights reform action plan, in the chapter of **developing the legislative base**, the 2015 strategy identifies a specific legislative change, which envisages adding the authority of executing a new type of punishment, home arrest, in respect with underage individuals to be executed by the agency of probation. With the same purpose, it is envisaged to formulate respective structural changes and the job description. Attention is also focused in the strategy on supporting doing work for public good.

In accordance with 2015 criminal law action plan, sub-program 7.2 envisages development of **the action plan** about probation (coincides with human rights government action plan for 2014-2015). In accordance with the recommendations of international experts, besides finalization of the legislative base and general measures, the 2015 plan envisages assessment of executing work done for public good and the rehabilitation program for persons with restricted freedom - "Atlantis" - and involvement in the program of professional training.

In accordance with the 2015 strategy, main attention is attached to developing the methodology of assessing risks and needs of the convicted individual and individual planning of the punishment.

In the part of measures envisaged for proper functioning of the electronic database of record keeping, the sub-program (7.3.) სსრ of **improving the system of supervision** of the action plan of 2015 repeats the activities commensurate with the action plan (for 2014-2015) of the reform of human rights protection. However, it additionally defines registering all probationers in the base and ensuring proper functioning in all regional offices, as separate measures. Plans also coincide with one another in the part of planned measures for activities in accordance with the needs and risks assessment of the convicted and the individual plan of going through punishment, the 2015 სსრ plan additionally envisages the planned percentage index of probationers involved in the system of individual planning.

The 2015 სსრ action plan, as well as the 2014 one, envisages as a separate activity execution of work for public good and update of the working base as well as publishing on the website periodic reports about the mentioned activity.

The 2015 reform strategy attaches special significance to cooperation with various non-government organizations in the process of respectively implementing rehabilitation programs,

selecting the rehabilitation program according to the needs of convicted individuals and giving employment to the conditionally convicted individuals.

Sub-program 7.4. **Development of rehabilitation programs and public involvement** at the level of the objective (aim) fully coincides with the human rights protection government action plan (2014-2015). However, activities envisaged by two plans substantially differ from one another. Sub-program 7.4 envisages update of the action plan of rehabilitation-resocialization as required, cooperation with non-government organizations in respect with developing and implementing rehabilitation programs as well as activating the system of compulsory and voluntary rehabilitation programs in regions.

With the view of preventing the repeated crime, the 2015 reform strategy envisages carrying out the survey about the dynamics of committing possible crime by the probationers released on parole and on condition before the expiry of the term. The aim of the survey is to collect exact information, define mechanisms of prevention, assessing the permanent committee activities and, if necessary, making legislative changes. There are no indications (in the form of the respective activity) regarding the above-mentioned survey either in the human rights protection action plan or the one of სსსრ.

Besides improving public awareness, (which envisages the human rights government action plan), the 2015 criminal law reform action plan sub-program 7.5. additionally envisages ensuring interagency coordination. Respectively, activities involve both distribution of materials of information nature and active involvement in the inter-agency working groups.

3.4. Government action plan of 2016-2017 of the human rights protection action plan of Georgia

For 2016-2017, Chapter 4 of the government action plan of human rights is dedicated to protection of human rights in the system of corrections. Aim 4.7 of the same chapter envisages finalization of the non-prison punishment execution system. The mentioned aim involves 2 objectives and 9 activities.

Objective 4.7.1 envisages development of capacity of the national agency of probation. To complete the mentioned objective, 6 activities are united, including, electronic monitoring, development of the video date and infrastructural development of the agency and, in the event of legislative base analysis, in case of necessity, preparation and initiation of legislative changes.

Development of public involvement and rehabilitation programs for conditionally convicted individuals is identified as a separate objective (objective 4.7.2). the given objective envisages 3 activities which foresee implementation of rehabilitation programs of conditionally convicted individuals, including, promoting employment and involvement in sport/creative activities.

3.5. 2016 criminal law reform strategy and action plan

The 2016 criminal law system reform strategy defines aims, objectives and priorities of the agency of probation, which are in substantial compatibility with the government action plan of human rights protection. However, it reflects more specific activities and planned reforms.

The criminal law system reform action plan for 2016 does not substantially get different from the aims and objectives envisaged by the plan of previous years. Besides, 2016 action plan, different from government action plan of human rights protection, envisages one main program and 5 sub-programs. The mentioned programs in the government action plan are given in the form of separate activities (mainly united under the objective of capacity development of the national agency of probation).

The general program of action plans and the finalized system of probation again focus on stable retaining of the indicators of retaining the percentage of repeated crime while being on probation, timely finalization of cases and alleviating the regime.

The 2016 reform strategy, in terms of **developing the administrative resource** of the probation agency focuses on the reform related with the establishment of restricting freedom. Namely, in was planend from 2017 to change restricting of freedom with another type of non-prison punishment and giving out the existing infrastructure to the penitentiary establishment. The 2016-2017 inter-government action plan on human rights does not envisage such an objective at all.

The criminal law reform action plan of 2016 in the sub-program of developing administrative resource (subprogram 7.1) partially repeats the human rights protection action plan. Namely, infrastructural development of the agency is encountered as the separate activity in both plans and it envisages proper functioning (equipped and renovated) of all bureaus of the probation agency, in general. Plans also overlap in terms of the activity of developing the video date coverage zone.

Beside the above-mentioned overlapping activities, the criminal law reform 2016 action plan also envisages a whole range of activities with the view of agency administrative capacity development. To be more specific, in the form of retaining average workload of probation officers, raising their qualification, revising the staff list and increasing the quantity.

In accordance with the strategy of the criminal law reform of 2016, one of the challenges of the agency is to train qualified staff and provide them with specialized trainings. Besides, both the strategy and the action plan envisage training of officers working with underage individuals in the direction of juvenile justice.

The 2016 action plan and strategy envisages as the separate sub-program (objective) development of the **legislative base** of the agency of probation. The mentioned issues are given in the government action plan as one of the activities.

Within the scope of the metioned reform, the criminal law reform action plan envisages annual update of the law on probation as well as separate measures with the view of improving alternative sanctions as required and executing and assessing work for public good.

The 2016 strategy also envisages supporting execution of doing work for public good according to which periodic update of the data base of working places should be made.

The 2016 reform strategy envisages submission of the individual assessment report to court on the underage individuals by the probation agency social workers at the stage of allocating punishment. Such a measure is also envisaged by the 2016 action plan.

The 2016 criminal law reform strategy, in accordance with the human rights protection action plan (for 2016-2017), envisages establishment of the division of electronic supervision and information technologies within the national agency of probation for implementing home arrest.

The 2016 court reform strategy and the action plan are fully commensurate with 2016-2017 human rights government action plan and, as a separate sub-program, envisages implementation of methodology of assessing risks and needs and individual planning of punishment.

The criminal law reform action plan repeats the objective envisaged by the human rights protection government action plan related with **development of rehabilitation programs and public involvement**. Additionally, the 2016 strategy and the action plan envisage active cooperation with NGOs, increasing the existing rehabilitation modules (26 modules) by 4 modules, supporting conditionally convicted students, giving help in respect with leading a healthy lifestyle.

The 2016 criminal law reform action plan, similar to the previous one, envisages as the sub-program separate activities about the probation agency **with the view of informing the public**, including, involving the agency in various working groups. Besides, there is no mention of the given objective (and neither a separate activity) in the human rights government action plan for 2016-2017.

3.6.2017-2021 criminal law reform strategy and action plan

2017-2021 criminal law system reform strategy defines aims of the probation system, its activities and priorities for 2017-2021. Besides, similar to the previous years' strategy, it defines 5 priority directions according to which both 2017 strategy and the action plan of 2017-2021 are structured.

The 2017 criminal law system reform action plan includes in the probation part one key program and 5 activities. The mentioned sub-programs and measures (activities) united in them substantially repeat the objectives and activities envisaged by the government action plan but their structure is formulated extremely differently.

With the view of developing probation agency administrative resources, the 2017 criminal law reform strategy focuses its main attention on staff policy and takes into consideration psychological training of probation officers, social workers and psychologists with the programs commensurate with their activities. Besides, the strategy also gives information related with the freedom restriction establishments about 2017 planned reform.

In the full-scale system of probation of 2017 criminal law reform action plan focus is again made on the percentage indicator of committing the repeated crime in the period of probation, timely finalization of affairs and alleviating the regime.

Sub-program 7.1 involves development of administrative capacity of the agency of probation, the activities included in it mainly coincide with objectives and activities of the human rights government action plan. However, it gives a more detailed picture of planned activities for infrastructural and staff development purposes. It unites 10 activities which are targeted towards covering current administrative expenses of the agency, those for taking care of current ones of its offices (bureaus) as well as increasing availability of the videodate service. Those measures which concern planned changes of the staff list, staff training and retaining the standard of individual workload of probation officers, may be identified separately.

In accordance with 2017 criminal law reform strategy, for 2017 the priority of the agency was updating the data base of doing work for public good and supporting employment of probationers as well as caring about underage individuals. To be more specific, the above-mentioned envisages

submitting individual assessment related with underage individuals before the punishment and supporting the process of executing home arrest towards them. For 2017 the strategy defined carrying out necessary legislative changes for using home arrest of underage individuals.

Different from human rights protection action plan (for 2016-2017), in which development of the legislative base is presented only as a separate activity, sub-program 7.2. of the criminal law reform action plan is dedicated completely to the development of the probation agency legislative base. Besides updating the general legislative base as required, it involves measures directed towards involving the agency of probation before imposing punishment and at the stage of release on parole as well as the ones targeted to improving alternative sanctions.

Registering all probationers in the electronic database and increasing percentage indicators of probationers involved in individual planning is envisaged as the main activity of the sub-program 7.3. of the improvement of the system of supervision. The criminal law reform action plan for 2017-2021 envisages as a separate activity use of home-arrest punishment for full legal age individuals and creating the pre-court probation, though with the stipulation of existence of respective budgetary means. The same sub-program envisages as a separate activity execution of work for public good and constant update of the respective base. 2017 action plan and strategy coincides with the human rights government action plan and envisages as the measure of working of probation officers with convicted individuals according to the individual plan of assessing the risk and needs and going through punishment.

The 2017 strategy of criminal law envisages implementation of rehabilitation programs targeted towards rehabilitation-resocialization of convicted individuals during 2017. They include professional training programs, giving employment to conditionally convicted individuals and propaganda of the healthy way of life. Priority directions of 2017 strategy substantially coincide with the activities envisaged by government action plans of human rights protection.

2017-2021 criminal law action plan is in full compliance with the human rights government plan in the direction of rehabilitation programs and developing public involvement. However, in the part of measurements, the criminal law reform action plan focuses more on strengthening the agency of probation in respect with developing rehabilitation programs. To be more specific, besides rehabilitation programs implementation and introducing new ones at the respective level, the plan also envisages active cooperation with non-government organizations in the mentioned direction and, by doing so, implementing minimum one rehabilitation program.

Different from the government action plan of human rights protection, the one of 2017 criminal law reform again envisages as a separate sub-program (7.5) ensuring inter-agency coordination and improvement of informing the public about probation. The measures which are related with periodic meetings with the public and media representatives, organizing PR actions and constant participation in inter-agency working meetings are united in it.

3.7. 2018 criminal law reform strategy and action plan

The 2018 strategy defines aims and priorities of the agency of probation for 2018-2022. For 2018-2020 finalization of the legislative base of the agency of probation was a priority as well as reforming the structure of the service and raising qualification of employees, developing rehabilitation programs and the system of supervision. The structure of the strategy is formulated in accordance with the mentioned priorities.

Developing the legislative basis is the primary objective of the strategy which unites two activities. It is planned to analyse the legislative base, develop the code of probation and the respective legislative package. The strategy focuses on the activities necessary for introducing the new non-prison punishment, home arrest, since 2018.

A separate chapter of the strategy is dedicated to the improvement of the system of supervision and development of administrative resources of the agency, including, through staff training.

Under the objective of rehabilitation programs and public involvement, the strategy envisages activities directed towards efficient use of rehabilitation programs as well as it is left as a priority to implement the methods of assessing risks and needs and individual planning of punishment.

A separate chapter is dedicated in the strategy to inter-agency cooperation and activities envisaged by informing the public.

3.8 Government of Georgia action plan of human rights for 2018-2020

For the years of 2018-2020, the structure of the human rights protection action plan was formulated in a new manner. It does not envisage national agency of probation as a separate responsible agency in respect with any activity. Besides, activities of ministry of corrections and probation unite significant components of the activities of the agency of probation.

8. RESEARCH FINDINGS

Efforts demonstrated in 2014-2018 in respect with capacity development of the National Probation Agency should be assessed positively. In the process of resocialization and rehabilitation of convicted individuals development of rehabilitation programs in the reporting period and involving various actors in them made a significant impact.

It got identified as a result of analyzing the policy documents that they mainly reflect the challenges existing for the National Agency of Probation in 2014-2018. Also, a positive tendency is observed in terms of the government action plan of human rights of the respective period, as the policy defining document, general nature.

At the same time, unfortunately, activities envisaged by plans are mostly non-respectively defined, they are not measurable and timebound. Besides, respective indicators were mainly directed towards only assessing complying with the activities and not objectives. Also, they measured the activity outcome rather than that of the target group.

In certain cases, it was revealed that activities envisaged by strategic plans were not accordingly planned in respect with respective financial resources. In 2014-2015, according to policy documents, one of the priorities of the agency of probation was activating the freedom restriction establishment training of employees and implementing restriction of freedom. From January 1, 2018 the type of punishment - restricting freedom will be abolished. Respectively, the freedom restriction establishment of full legal age convicted individuals will be liquidated. The given process indicates lack of the long-term rehabilitation policy.

Policy documents of 2014-2018 are mutually consistent and no substantial contradictions were identified in them. The structure of the criminal law reform strategy and action plan is mainly formulated according to the government action plan of human rights of the respective period.

Policy documents compliance reports of 2014-2018 in most cases do not correspond with activities and indicators envisaged by the documents themselves due to which it is difficult to define the progress of task compliance through it.

2014-2018 criminal law reform action plan is substantially homogenous in respect with objectives, activities and indicators. Non-substantial change was made in it only in separate cases. Respectively, in frequent cases, the plan did not reflect current challenges of the agency. Besides, the mentioned action plan often used to envisage current objectives, rather than those of developing the service, and activities related with the agency activities.

It is also worth noting that policy documents did not necessarily envisage the objectives and activities of vulnerable groups. In the documents of 2014-2018 the whole range of activities related with underage individuals were envisaged based only on the code of justice of underage individuals. Respectively, it is purposeful to ensure that the strategic policy documents of planning the activities of the National Agency of Probation are used when envisaging the activities flowing from the specificity of respective minorities. In this respect, it is a welcoming fact that the government plan of 2018-2020 human rights protection is focused on the respective target groups, including, various minorities and vulnerable groups.

9. RELEVANCE OF PLANS

As a result of generalizing the plans, it can be concluded that during reporting years, the objectives and activities envisaged by policy documents were substantially relevant to the existing challenges in the respective period for the national agency of probation. In this respect, government action plans of protecting human rights should be more positively assessed whereas when it comes to the action plans of the criminal law reform, they undergo only insignificant changes in 2014-2018 and they did not necessarily reflect the challenges and objectives of respective years facing the agency.

10. THE STRUCTURE OF PLANS

When assessing action plans, objectives and aims should follow the SMART principle. To be more specific, each aim and activity should be specific, which means that it should be formulated specifically and in detail, the action to be carried out should be defined well, it should be measurable, which implies that it should be possible to measure the activities and aims, reflect them in numbers. Besides, they need to be attainable. Respectively, their fulfillment should be possible. Aims and activities should be realistic, which means that by envisaging existing resources it is possible to implement them. They should time-bound. There should be a specific defined term, the so-called deadline, for carrying out the activity and attaining the goals. It is also worth-noting that indicators of assessing aims and objectives may measure only separate

activity compliance (compliance indicators). It is also possible that there are indicators of impact and the way out, which illustrates to what extent the aim defined in the action plan has been attained. The plan should envisage the agency responsible for a separate activity and attainment of the goal and the source funding the activity. Indicators should meet all five elements of the S.M.A.R.T. principle.

Unfortunately, the existing action plans mostly can not meet the requirements given. In the majority of cases, aims, activities and indicators are too general, not formulated specifically, neither the amount of beneficiaries is given, hiding of which would be considered attainment of the goal. Frequently, aims are unrealistic envisaging the resource which exists and the necessary budget is not strictly defined. Mostly, indicators and activities are mixed which makes assessment of the plan complicated.

In most cases, in the form of indicators the plan only envisages quantitative indicators, which does not allow for assessing objectives and activities envisaged by the plan. A whole range of indicators repeat the activities envisaged by the plan, which indicates failing to select indicators respectively. In certain cases, the responsible agency is not indicated properly or not given at all. It also needs to be mentioned that in most cases it is not given at all in the plan what the source of expenditures is necessary for carrying out the activity, which initially undermines attainment of aims and creates the question of to what extent the given aim or activity is attainable and realistic.

11. COMPLIANCE OUTCOMES

As for being compliant with the plans, reports of the human rights plan and that of the criminal reform mostly define the status of complying with separate activities as fulfilled or partially fulfilled. However, in most cases, the outcomes given in compliance reports do not correspond with the indicators envisaged by the plan whereas mostly assessing the activities and compliance with the objective is impossible due to non-pertinence of indicators envisaged by the plan related to them.

It is also worth-noting to mention here that assessing compliance with the plans was complicated by failure to provide public information from the national agency of probation. Respectively, within the scope of the survey, the only source of assessing compliance was progress reports and those of the public defender.

12. RECOMMENDATIONS

- To envisage a long-term vision of activities of the national agency of probation in strategies and action plans;
- To envisage the S.M.A.R.T principle, indicators and objectives when developing the action plans;
- To base action plans on the detailed analysis of the situation so that to avoid implementation of the activity and the expenditure which may not be counted as active in further years or its cost-efficiency may be put under the question mark;

- To write out the necessary budget for every activity for carrying it out (state budget, money allocated by donors, other sources);
- To make sure the action plan reflects only those issues which may make a realistic impact on the processes taking place in the system. Respectively, it is purposeful to make sure indicators measure not only outcomes of the activities or activities but also their impact on the whole system;
- The plan should include a detailed formula of calculating indicators so that to measure in reality the impact of activities on the target group;
- It is essential to make sure that the plan of each year flows from the needs of a specific year (period) and is not a mechanical application of the plan of the previous year;
- To ensure activities are envisaged based on the specificity of respective minorities by means of the documents of strategic policy of planning of the activities of the national agency of probation

