

BUILDING PROBATION SERVICE CAPACITY: WHAT WORKS?

Annex F2 – Country Case Study

GEORGIA

Stephen Pitts

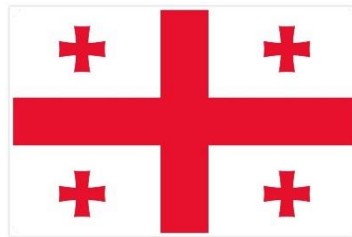
Leo Tigges

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This country study is an annex to the report “Building Probation Capacity, What Works: Learning from the European Experience of Probation Service Development in the 21st Century.”

Any opinions, findings, conclusions, or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of interviewees, of individuals that gave advice or feedback on drafts, or of the institutions that are mentioned in the materials. Any errors are the fault of the authors.

The field studies were carried out before the main report was written. The data - with some exceptions- were updated as far as possible up to and including 2022. Recent developments may shed new light on the described situation.

We are immensely grateful to everyone who has helped to make this study possible.

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Introduction

This country case study summarises the development of the Probation Service in Georgia over the first two decades of this century. It describes processes of capacity building including examples of good practice and concludes with brief observations on the current state of play in relation to the service.

Executive Summary

In this Executive Summary we provide a snapshot of the “stand out” findings of the Georgia country study, in particular observations on capacity building including those “success factors” which appear to offer potentially transferable lessons in effective capacity building. Drawing on the capacity building model, we also briefly summarise probation in Georgia today.

Context

The probation system in Georgia has developed hugely since the early steps taken at the start of the century. The service has expanded its remit to include work in all four probation domains - including preparing social enquiry reports on juveniles, delivering diversionary measures for juveniles and adults, an expanded range and volume of community sanctions and measures, the preparation of reports to inform early release, and the post-release supervision of parolees. Furthermore, the primary purposes of the service have evolved from a focus mainly on control and monitoring measures to a service in which social enquiries, diversion, rehabilitation and reintegration play a much more prominent role. Work with persons supervised is underpinned by an assessment and case management process designed to take account of varying levels of risk of both reoffending and harm.

Georgia inherited a tradition from the Soviet period of high rates of custody and overcrowded prisons with low staff/prisoner ratios. The few community disposals emphasised punishment and control rather than rehabilitation and reintegration.

Prison numbers have more than halved in recent years, although the trajectory of decline has not been even¹. Releases have often occurred under a system of presidential pardon which has not taken account of risk. Numbers remain high by international standards at 263 per 100,000 population. Persons under probation supervision are more than double the numbers in prison, at just over

¹ Based on - World Prison Brief - <https://www.prisonstudies.org/country/georgia>

20,000. Whilst probation supervision does appear to have successfully impacted the use of prison, this figure represents a rate of 506² per 100,000 of population³ - more than twice the European mean of 216, prompting question of possible net-widening.

Observations on Capacity Building and "Success Factors"

As with the other country studies in this report, the capacity building model has been helpful to us as researchers in probation service capacity building and to those we have interviewed, in understanding the process of probation service development in Georgia, including development in the four domains of probation work, and the enablers which have helped to support and sustain probation service development.

The process of probation capacity building in Georgia demonstrates several important characteristics of capacity building and significant potential "success factors". These are briefly summarised in this Executive Summary, expanded in the body of this country study (sections 3 and 4) and further elaborated in Appendix 3 (Commentary and Findings).

Amongst the characteristics and positive qualities identified, we highlight in this Executive Summary five "stand-out" points: (1) A complex development context within which several influences and complexities affect the change process - factors we believe it will be important to take into account in many capacity building situations (2) the importance of political will (3) the value of sharing with and learning from countries that experience some similarity in their journey of transition (4) the significance of longer-term continuity in major actors, and (5) an enabling "style" of capacity building on the part of international actors.

Most recently the service has extended its work in all domains and continues its work to strengthen all "enablers", not least in its partnerships with other departments, civil society and communities including volunteers.

Early capacity building initiatives appear to have been, on occasion at least, less smooth. Reasons are not always clear, but initiatives may have been hampered by insufficient attention on the part of international and local parties to ensuring mutual understanding and agreement in initial expectation, coupled with limited project change flexibility once work is underway. Other significant factors appear to have included low priority (focus and finance) relative to prison, and fragmented international support without guarantee of continuation

² Based on - National Statistical Office, 2021

³ Based on - SPACE 11 Statistics, 2021

(until supported by an EU interagency coordination platform which also served to coordinate donors).

Furthermore, in the early stages of development only lawyers could serve as probation staff according to the legislation, a position which changed as a result of the second Law on Probation (adopted in 2007) which allowed social workers and psychologists to be employed in the probation service, a development supported by the growth of social work studies in some universities in Georgia, some students going on to join the probation service on qualification.

Five “stand-out” capacity building characteristics and success factors in Georgia:

- 1 Capacity building is a complex undertaking, influenced by many and varied factors.** Probation development in Georgia has been influenced by multiple noteworthy factors extending well beyond formal project content, factors we believe it is essential to understand and consider in many capacity building projects. Elements such as historical and cultural context and tradition, the degree of political will (for example to address prison overcrowding), and organisations and individuals within and outside the service (such as committed long-term leaders and experienced locally based national and international NGOs) have contributed significantly to the trajectory of penal culture, and to developments in probation rationale, aims and practice. Other components have been important too, such as growing resources (human and physical), substantial and determined communications (oral and published in written form) on probation service mission and goals to a range of justice stakeholders and public⁴, increased availability of social work staff, together with a range of international factors, for example long term donor involvement, international probation guidance, the international probation “family” (for instance the influence of the CEP) and the wider international political picture - to name only some. All have notably influenced the course and speed of change, including an increasing emphasis on rehabilitation as the service’s foundations, such as greater capacity and resources, have been established.
- 2 The significance of political will** as a driver and supporter of change: “stand-out” instances of direct involvement of politicians in leading planning and development, a clearly focussed reform strategy addressing key institution-building areas, and structures that facilitate “whole criminal justice” and inter-agency coordination.

⁴ Earlier years were devoted to building awareness around the mission and goals of the probation service among CJ stakeholders as well as civil society and public.

- 3 **Value of expertise from and of countries that have experience of a similar transition** - it helps to understand (and not underestimate) the journey over time through an evolving “penal culture”.
- 4 **Longer-term donor involvement** from international bodies such as the INL⁵, EU, UN and its agencies, CoE, ICRC⁶ and IRZ⁷, from locally based international NGOs (who bring both international and local insight), and countries with well-established probation traditions have been invaluable. Longer-term roles support constancy and coordination, reduce effort duplication, and contribute to “mindfully managed resources”. This is all the better when accompanied by “impressive” longer-term **international project leaders /experts** who are experienced, skilled, responsive, who can support sustained development including technical (such as in case management processes) over time, and with whom there is mutual respect and regard; “Never change a winning team”.
- 5 **Approach** - also helpful are approaches that inspire rather than tell, support knowledge transfer, contribute hard resources (infrastructure, technology), pilot (rather than immediately implement on a large scale), and support local solutions.

Probation in Georgia; The Current Situation

Whilst the main focus of this research has been capacity building, brief commentary may be made on the current probation situation. As is the case with all our country studies, we note the limitations of time, particularly in-country, on which these observations are based.

The service now works in all four domains, and this is an important strength. Further development of capability remains of course possible and is underway, for example in the range and number of reports to inform sentencing, achieving a fuller potential of parole, and emphasis on inclusion, rehabilitation, and desistance. All align with Council of Europe “Probation Rules”.

In relation to service enablers, potential areas for attention include strengthening human resources / training, cooperation with relevant state agencies and with NGOs and Civil Society, particularly in support of inclusion and rehabilitation, and continued enhancement of research and development capacity.

⁵ INL - Bureau of International Narcotics and Law Enforcement Affairs (State Department of USA).

⁶ ICRC - International Committee of the Red Cross

⁷ IRZ - The German Foundation for International Legal Cooperation

Development in several of these areas has occurred even since our field study, some of which are noted briefly at the conclusion of this section.

As noted in the opening remarks, whilst probation supervision does appear to have had a successful impact on the use of prison, the community supervision figure represents a rate of 506 per 100,000 of population (2021 SPACE II figures, published 2022). This is substantially more than twice the European mean of 212. Together with a still high prison population of 9,625 or rate of 263 per 100,000 (both figures 2021), a figure which has remained broadly similar for 5 years other than a high of 9,740 in 2019 which also showed an increase in recorded crimes, these probation figures prompt questions of a possible net-widening effect.

Without doubt however, the probation service in Georgia and its work has developed strongly, accelerating further in recent years. For example, in 2021, the service introduced "PROBBOX", a technological tool to facilitate contact of the low-risk probationers with the service on the premises of other organisations. These are stationed mainly on the premises of the Public Service Halls, which unite services under the Ministry of Justice in a single-window concept and also in municipal buildings.⁸ Amongst other purposes, the tool aims to help mitigate contact inconvenience in areas with few probation bureaux and reduces identification as a probationer when visiting probation premises.⁹ Other developments concern work with juveniles, on mediation, on electronic monitoring, in offender assessment and rehabilitation practices, IT and infrastructure, budget¹⁰, in the number, training and skills of staff and their remuneration, engagement with statutory partners and community groups (including in support of social needs), communications and in research.

Since participation in rehabilitation programs is not mandatory for low-risk probationers, the Agency has established a new capability to give its beneficiaries opportunity and motivation to develop pro-social skills, learn conflict management and raise awareness in legal issues, healthy lifestyle, employment opportunities and other subjects that will help prevent recidivism. The "Probationers' Orientation Course"¹¹ will be initially conducted by probation officers, while in consecutive courses, successful graduate probationers will join probation officers as co-trainers. To increase motivation for participation in the courses, probationers will get paid for co-training and successful completion of the course will become a positive factor in the process of deciding to cancel the

⁸ In 2022, a PROBBBOX device was installed in Khashuri City Hall building. Several further devices are being installed in several municipal buildings.

⁹ The Agency has completed research on PROBBBOX satisfaction among probationers and reports the following results: Simplicity of use - 96.5%; Satisfaction - 90%; Provision of Anonymity - 81%.

¹⁰ Agency budget for 2023 is 17,410,000 Laris (6,289,740 EUR), which has been increased for 33% - 4,033,800 Laris (1,563,800 EUR) in comparison to 2022 budget of 13,106,200 Laris (4,734,900 EUR).

¹¹ The course is being developed with the support of INL.

suspended sentence and mitigate the regime. The TOT and the first course will be conducted in 2023.

The Agency is also developing “Levels 1 and 2” Crime Prevention, including a specialised online course for schoolteachers to strengthen their role in crime prevention, and awareness raising campaigns in schools and Institutions of Higher Education.

The Agency is currently drafting a Probation Code¹² which, along with the execution of probation legal acts and non-custodial sentences, will include general rules for the juvenile referral process and define the restorative justice process and programs, as well as principles and implementation of victim-offender mediation. The Code will emphasize the organization of the rehabilitation and resocialization processes for persons supervised or diverted. Under new code, the institution of Volunteer Probation Officer will be established.

These points and others are discussed more fully in the relevant sections of this study.

¹² The Agency is currently drafting a Probation Code, which will be brought to Parliament in 2023.

Section 1. Facts and Figures

Country Population 2022: 3,660,000

Prison Rate and Population (World Prison Brief)

| Indicator | Pre/early -Probation Service | Recent/Current (2021) |
|---|-------------------------------|---|
| Prison population total (including pre-trial detainees /remand prisoners) | 23,684 (2010) | 9,625 at 30.09.2021 (national statistical office) |
| Prison population rate (per 100,000 of national population) | 452 (2009) 541 (2011) | 263 |
| Pre-trial detainees / remand prisoners (percentage of prison population) | 9,000 (pre-trial only - 2007) | 21% |

Probation Rate and Population

SPACE STATISTICS (SPACE II - 2021)¹³

STOCK 31-1-2021

Total number of persons under the supervision of probation agencies: 20,145¹⁴

FLOW 2018

Total number of persons placed on Probation during 2019: 13,899.

¹³ Aebi, M. F., & Hashimoto, Y. Z. (2022). SPACE II – _2021 – _Council of Europe Annual Penal Statistics: Persons under the supervision of probation agencies. Council of Europe

¹⁴ According to the National Statistics Office of Georgia, the total number of persons under the supervision of Probation by May 2020 was 20,731, of which 17,129 were under probation (suspended sentence)

| No forms of supervision before the sentence | Stock | Flow |
|---|-------|-------|
| Forms of supervision after the sentence: | | |
| 1.2. Total | 21145 | 11425 |
| 1.2.0. Mixed sanctions or measures | 1193 | 1910 |
| 1.2.1. Fully suspended custodial sentence with probation | 16344 | 8218 |
| 1.2.2. Partially suspended custodial sentence with probation | 2455 | 1563 |
| 1.2.3. Conditional pardon or conditional discharge (with probation) | NAP | NAP |
| 1.2.4. Community Service | 378 | 987 |
| 1.2.5. Electronic Monitoring | 428 | 442 |
| 1.2.6. Home arrest (curfew orders) | 428 | 422 |
| 1.2.7. Semi-liberty | NAP | NAP |
| 1.2.8. Treatment | NAP | NAP |
| 1.2.9. Conditional release | 352 | 162 |
| 1.2.11. Others | 116 | 39 |

The number of Community Service 326 in 1.2.4 is not including the 1862 cases that are registered under “Mixed sanctions or measures” of 1.2.0.

Notes

General comment:

1.2 indicates the sum of 1.2.0, 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.6, 1.2.7, 1.2.8, 1.2.9 and 1.2.11. According to the Georgian legislation, a person can be charged with several sentences (basic and additional sentences).

1.1: Forms of probation before the sentence are not applicable according to the Georgian probation system. Sanctions are executed after the sentence.

1.2.5 and 1.2.6 indicates same number and are overall counted as one, because in Georgia, Electronic Monitoring is used only in cases of Home Arrest.

1.2.0 "Mixed sanctions or measures" are:

- Community service
- Deprivation of the right to hold a specific position or job

1.2.11 "Other" is:

- Restitution work with probation
 - Temporary release from reformatory

An increase in prison population, including pre-trial detention, occurred during the latter part of the 1st decade of the 21st Century. Total numbers in custody have since decreased significantly to a point where the prison population rate (September 2021) is now 263 (541 in 2011), a rate which is however still high in the European context.

The most recent SPACE II statistics on probation, published in 2022 for 2021, show community supervision at 506 per 100,000 of population. This is one of the highest rates in Europe, at considerably more than twice the European mean rate of 212.

The researchers of the SPACE II statistics place Georgia in the category of the jurisdictions with a high probation population rate (≥ 200 per 100,000 inhabitants) and a high prison population rate (≥ 200 per 100,000 inhabitants) (Aebi et al, 2022)

The total country population figure may underestimate the total population from which prisoners and probation clients may be drawn because of temporary population movements inward and outward that reduce the average population at any one time.

Section 2. The current situation (Domains and Enablers)

The Four “Domains” of Probation

Domain 1 - Pre-Trial and Pre-Sentence

- Diversion and Mediation of Juveniles and Adults under 21: - the National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation (the “Agency”) is involved in diversion in the case of juveniles (14-18 years old) and adults (under 21 years old), the role being to prepare individual assessment and recommend diversion measures together with mediation and supervision activities. Social workers and psychologists provide various psychosocial and pro-social programs and services to the persons involved in the diversion and mediation process, as well as their participation in educational or cultural activities.¹⁵
- Diversion of Adults - In October 2011, a modified version of diversion was introduced for adults (over 21 years old) who have committed a less grave or grave crime.¹⁶
- Pre-Sentence Reports - The Juvenile Justice Code of Georgia adopted in 2015 introduced the pre- sentence report for the trial, both for judges and prosecutors, to be prepared by the Agency. The Agency now prepares reports on juveniles and parolees, with current consideration of extension pre-trial reports to other groups, with females as a probable priority. The number of pre-sentence reports in 2020 was 307; the ratio of these reports per probation officer was 0,9 (European mean: 6) (Source: SPACE II, 2021)
- Since 2021, the Agency has been involved in the program for the release of prisoners sentenced to life imprisonment, where it prepares family and social environment assessments, as well as conducts educational and awareness-raising programs in penitentiary institutions.

¹⁵ Under 21, the Diversion/Mediation process is managed by the Diversion and Mediation Department, while diversion for adults over 21 is managed by probation bureaus.

¹⁶ The amendment to a law of Georgia on the Execution of Non-custodial Sanctions and Probation concerning this issue were implemented on 15/05/2012 (Law of Georgia No 6215 of 15 May 2012)

Domain 2 - Community Sentence

National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation has competence for the execution of non-custodial sentences and probation measures:

Non-custodial sentences executed by the agency:

- Deprivation of the right to occupy a certain position or to carry out certain activities.
- Deprivation of a legal person of the right to carry out certain activities.
- Community services (CS); may be imposed for between 40 to 800 hours, at 8 hours per day maximum, for adults. (Juveniles, maximum per day 4 hours, maximum total 300 hours).¹⁷ Community service is used both as a “front and back-end” sanction.¹⁸ It can also be used as part of diversion (between 40 to 300 hours) as per Article 168 prima of the Criminal Procedural Code.¹⁹ Community Service is enforced by the Probation Service²⁰
- Correctional work.
- House arrest and electronic monitoring (introduced in 2015 in the case of juveniles, and from 2017 in the case of adults)²¹

Probation measures executed by the agency:

- Imposition of a conditional sentence
- Early release from the sentence
- Suspension of enforcement of sentence (for pregnant women - up to 1 year after child’s birth).

¹⁷ The total number of hours to be served are prescribed by the Court in its judgement, however probation officers decide on the number of hours to be served per day given individual circumstances (employment, study, etc.,) of the convicted person and the type of the unpaid work to be undertaken.

¹⁸ a) at the sentencing stage when the judge decides to use CS as a non-custodial sanction (either as primary or additional sanction) also including as part of a plea bargain scheme concluded with prosecutor -; b) by parole board, when a prisoner has served certain proportion of their sentence and parole board grants the commutation to a more lenient sanction, e.g., CS. (See Article 44 of the Criminal Code below)

¹⁹ See: <https://matsne.gov.ge/en/document/view/16426?publication=235>
<https://matsne.gov.ge/en/document/view/90034?publication=137>

²⁰ Community Service is enforced by the probation service as stipulated in the Article 2.4. of the Law on Crime prevention, the Procedures for Enforcing Non-custodial Sentences and Probation
<https://matsne.gov.ge/en/document/view/21610?publication=26>

²¹ House arrest is a sanction as per Georgia’s Criminal Code, Art. 40 (f) prima and 47 prima, and is as a rule enforced by means of Electronic Monitoring (EM) by the Probation Service. EM is also used for the enforcement of the CS, as per Art. 29 of the Law on Probation. EM is also a measure of pre-trial restraint, however in this case not enforced by the probation service.

See Enablers section for more detail on practice including assessment, individual planning to address risk and needs, and partnerships including public protection.

- In practice, reporting with fingerprinting is a major activity (the frequency of attendance is varied over time and depends on the factors defined by law).^{22 23}

Since 2021, contact is facilitated by “PROBBOX” on the premises of other organisations.²⁴

Domain 3 - Custodial Pre-Release

Parole consideration is possible from the 50% point of a custodial sentence: depending on the gravity of crime - 50% of prison sentence as a minimum tariff for less grave crime, 2/3 for grave or ¾ for particularly grave crimes. A plan is ideally made before a parole date.

Contact of the agency with the case is initiated when documents are received at the agency from the custodial institution. At this point a probation officer is assigned to the case as a case manager. Assessment is made with the involvement of social workers and psychologists and a plan will specify action necessary to help the parolee avoid further crime and comply with supervision.

Domain 4 - Early/Post-Release

Pre²⁵ and post-release supporting programmes, and supervision of parolees are delivered by the probation service. Electronic monitoring may be employed²⁶ as may Community Service at the commuted rate of 5 hours for each day on imprisonment.

²² According to a law of Georgia on “Crime Prevention, Execution of the Non-custodial Sanctions, and Probation” - Art. 12(1) “The regime established by law for probationers and parolees shall include the obligation to appear, once a week, at a specified time and place determined by a probation officer; it may also include the fulfilment of other obligations provided for by the legislation of Georgia.”

Art. 12(4) “On the basis of a written agreement with the Head of the National Probation Agency, the regime established for a convict may be mitigated, which imposes an obligation to appear at the Probation Bureau once in every two weeks, and in accordance with the procedure laid down in this Law, an obligation to appear once a month.”

²³ Fingerprinting as a measure of control is used for all convicted persons registered at the probation service, including those on probation (probationers serving conditional sentence) and those serving non-custodial sanctions, as well as parolees/those released early from serving prisons sentences.

²⁴ PROBBOX is used by probationers and parolees.

²⁵ Pre-release is mainly addressed by the Special Penitentiary Service.

²⁶ Usually as part of commutation to house arrest.

The Four “Enablers” of Probation

| Legislation and Leadership | The Organisation |
|---|---|
| <p>Legislation is developed in all 4 domains.</p> <ul style="list-style-type: none"> ● Pre-sentence reports for juveniles, individual assessment reports for diversion and mediation program for juveniles over 14 and adults under 21, reports for conditional sentence for juveniles/adults. ● Community - including Conditional Sentences, Community Service, and Electronic Monitoring ● Pre-release (reports to inform decision-making) ● Post-release supervision of parolees, including possible use of Electronic Monitoring and/or Community Service <p>Legislation is also in place for the Probation Organisation duties and responsibilities, as well as its relations with the public authorities and other bodies which are defined by the national law.</p> <p>A Probation Code is in draft and will include rules in relation to non-custodial sentences as well as</p> | <ul style="list-style-type: none"> ● Infrastructure is fairly well-developed following on-going improvements, (although there is some room for staff conditions, interview arrangements to support privacy, and access for people with disabilities to improve, particularly outside of Tbilisi and other major cities in more rural areas). The Agency has 10 regional bureaus with 65 offices that cover all municipalities. ● The caseload is in comparison with the European mean (43:1) high, namely 143. Staff numbers ratio relative to caseload is expected to improve as a result of hiring of new staff, especially in urban areas including qualified and specialist staff. An increase in budget from 2022 of about 33% has been awarded for 2023.²⁸ ● Training is in place, including in evidence-informed practices (training embraces assessment, case planning, rehabilitation interventions), organised at the Justice Training Centre. Training is supported by a Training Plan. An HR strategy addresses job descriptions, recruitment and selection. ● Information Technology is in place (including an electronic |

²⁸ The budget for 2023 is 17.410.000 Laris (6.289.740 EUR)

regarding juveniles, victim-offender mediation, and rehabilitation.²⁷

Principles of both the United Nations “Tokyo” Rules and the Council of Europe Probation Rules are found in the legal acts for the probation system in Georgia.

database, facility to finger-print individuals when they report, and a video-conference facility to improve liaison with penitentiary institutions)²⁹³⁰

- Since 2021 contact is facilitated by “PROBBOX” technology, which may be located in offices of other organisations³¹.
- Since 2021 the Ethics Code of Probation Officers has been adopted. Fundamental rights and freedoms are granted by virtue of the probation agency being a legal entity of public law (LEPL)³² so extending obligations as with other public institutions.
- Communications - As part of MoJ public relations policy, the Agency engages all communication capabilities.
- Research and Development - capacity has been developed in the Analytical Department.³³

²⁷ The Agency is currently drafting Probation Code, which will be brought to Parliament in 2023. Along with the execution of probation legal acts and non-custodial sentences, the Probation Code will include general rules for the juvenile referral process and define the restorative justice process and programs, as well as principles and implementation of victim-offender mediation. The Code will emphasize the organization of the rehabilitation and resocialization process of convicts, ex-prisoners and diverted persons. Under new code, the institution of Volunteer Probation Officer will be established.

²⁹ Art. 171 at <https://matsne.gov.ge/en/document/view/91612?publication=31>

³⁰ These video-conference facilities serve to facilitate contact between inmates and their relatives and friends, acquaintances who come to probation bureaus and use the video-conferencing booths to speak with prisoners. Note: During the Covid pandemic, these were also used by probation staff (e.g., social workers to do online pre-trial assessment interview with juveniles for social enquiry reports, and to participate in Parole board sessions remotely).

³¹ <https://www.cep-probation.org/probobox-georgias-large-scale-reform-of-probation-system-through-innovative-technologies/>

³² There are some features of LEPLs which give them autonomy of action as outlined in the respective law Law of Georgia on Legal Entities under Public Law | სსიპ “საქართველოს საკანონმდებლო მაცნე” (matsne.gov.ge)

³³ The structure of the Agency (Art. 7); A) Administrative Department; B) Organizational Support Department; C) Economic Department; D) Department of Resocialization-Rehabilitation of Convicts and Former Prisoners; E) Public Relations Department; F) Analytical Department (Art. 13); G) Internal Audit Department; H) Department of Diversion and Mediation; I) Juvenile Referral Center.

| Partnerships | Practice |
|---|---|
| <ul style="list-style-type: none"> ● Relationships with “justice chain” in development – <ul style="list-style-type: none"> ○ including with courts and prosecution service in area of diversionary and mediation programmes. ○ Judiciary in relation to report targeting. ○ The Prosecutor’s office organises coordination meetings with other CJ agencies, including probation, both at the central as well as local levels in municipal towns. ○ Probation Service participates in CJ reform coordination councils. ● Direct relation with Prisons (information on Conditional Release decision-making) ● Arrangements are in place with Other Government Departments, including to support public protection MAPPA arrangements ● Partnerships are in place with Local Authorities. Community service is enforced in the municipal infrastructural projects, where the ex-offenders have a possibility of employment after the sentence is served. | <ul style="list-style-type: none"> ● Practices are research informed (Internationally recognised practices, adapted where appropriate) ● Practices include – <ul style="list-style-type: none"> ○ Risk and Needs Assessment (RNA), case planning, allocation according to risk of reoffending and harm are in place, and on-going development underway including a common tool with prison service. ○ Assessments categorise offenders into low, medium or high-risk groups according to their likelihood of reoffending or causing serious harm³⁷. ○ A sophisticated case management process³⁸ has been introduced including principles, attention to risk of both reoffending and harm and to victims of domestic abuse, and allocation to staff role based on (risk of harm led) assessment. A probation officer supervises low risk offenders whilst medium risk offenders are supervised by a probation officer with assistance from a social worker. In high-risk |

³⁷ The introduction of Risk-Needs Assessment helped identify an increased number of persons at high risk of causing serious harm.

³⁸ Order N502 Minister of Justice Geo Case management ENG
https://www.google.com/search?client=safari&rls=en&q=Order+N502_Minister+of+Justice_Geo_Case+management_ENG&ie=UTF-8&oe=UTF-8

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|---|--|
| <ul style="list-style-type: none"> • “PROBBOX” contact technology is located on premises of other organisations such as municipality offices. • Partnerships are in place with NGOs to support rehabilitation, social inclusion and re-integration. • the NGO sector cooperates with probation officers and other staff.³⁴ • There is expressed intention to extend further the involvement with communities, NGOs, private sector, academic sector and research institutions. The Agency is developing “Levels 1 and 2” Crime Prevention, including a specialised online course for schoolteachers to strengthen their role in crime prevention, and awareness raising campaigns in schools and Institutions of Higher Education.^{35 36} • Community volunteers are involved in probation service work (the Probation Code of 2023 will establish the | <p>cases, a psychologist is additionally involved in the case.</p> <ul style="list-style-type: none"> • Restorative Justice/Diversion and Mediation (in case of juveniles and adults) - Rehabilitation of ex-prisoners released from penitentiary institutions. • Some specialised approaches in delivery or development e.g., with sex offenders (Sex Offender Programme), juveniles, family work, domestic violence, anger management, thinking skills. • “MAPPA” type arrangements for the management of higher risk of harm offenders developed from 2019/2021. • A “Probationers’ Orientation Course” • Is a new capability for lower risk beneficiaries to provide opportunity and motivation to develop pro-social skills, learn conflict management and raise awareness in legal issues, healthy lifestyle, employment opportunities and other subjects that will help prevent recidivism³⁹. |
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³⁴ Social workers and psychologists in particular as they are more especially concerned with rehabilitation tasks at the probation service.

³⁵ In 2023, in coordination with the Ministry of Education and Science of Georgia, the Agency will launch a mandatory specialized online course for schoolteachers. The course, which is currently developed, will enhance teachers’ skills relevant to first and second level crime prevention and strengthen their role and involvement in the crime prevention process. Most importantly, the course aims to ensure timely identification of difficult/delinquent behavior in schoolchildren and strengthen referral process of the relevant cases to the Agency’s Juvenile Referral Center.

³⁶ In 2023, to raise awareness on legal and civil issues and anti-social behavior in schoolchildren and students, the Agency will organize meetings in schools and institutions of higher education led by Agency personnel and popular figures.

³⁹ Since participation in rehabilitation programs is not mandatory for low-risk probationers, the Agency has established a new capability to give its beneficiaries opportunity and motivation to develop pro-social skills, learn conflict management and raise awareness in legal issues, healthy lifestyle, employment

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| <p>institution of Volunteer Probation Officer).</p> <ul style="list-style-type: none"> • Annual roundtables with key-partners at regional and state level are held with the aim of increasing community involvement and responsibility. | <ul style="list-style-type: none"> • Practice supported by established Resocialization and Rehabilitation Department, with plans to develop further • Volunteer programmes are in place and in further development⁴⁰ • Approaches to gender-specific assessment and programmes including for women who have experienced violence before entering the penitentiary or probation services. • Public reports, statistics and public information is provided. The Agency prints informational brochures and booklets, which are also available in courts to increase awareness about benefits of non-custodial sentences and procedures regarding them.⁴¹ |
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opportunities and other subjects that will help prevent recidivism. The “Probationers’ Orientation Course” will be initially conducted by probation officers, while in consecutive courses, successful graduate probationers will join probation officers as co-trainers. To increase motivation for participation, probationers will get payed for co-training and successful completion of the course will become a positive factor in deciding to cancel the suspended sentence and mitigate the regime. The TOT and the first course will be conducted in 2023.

⁴⁰ One successful example is the Volunteer Teachers Program, under which agency’s beneficiaries receive non-formal education in various fields of their interest.

⁴¹ Awareness raising about the probation mission and tasks has been quite prominent from the very start. PRI and other organisations have helped fund or print such published materials, in addition to organising round table meetings with different stakeholders to increase their awareness and understanding about what probation does, and in general about the advantages of non-custodial sanctions and measures.

Section 3. Characteristics of Capacity Building in Georgia

The following points were highlighted in reports and/or meetings. They are presented using the following structure.

- Why build Probation?
- Who was involved?
- What has been developed within the Probation “Domains”?
- How has the probation function been “enabled”?
- Summary of capacity building in Georgia including the international dimension

Why Build Probation?

- Drive/need to reduce post-Soviet prison population
- Interest and drive of Ministers, including international and Human Rights
- Ministerial drives to reform entire justice system, including probation development as a significant and “visible” indicator of change
- Zero-tolerance (of corruption/crime) supported rule of law (impacted on prison numbers, but also encouraged probation)
- Increased focus on Human Rights
- Shift from control to rehabilitation, including evidence-informed, and social-work approach based on positive relationships (informed also by international projects and experts, and study visit experience)
- Inspiration of international experience and participation in international conferences
- “Culture of openness, recognition of imperfection, and so willingness to learn”
- Influence of NGOs, including drive of locally based experienced international NGOs
- Influence of the CEP including membership from 2010; including receipt of visits by the CEP President and Secretary General (also recent - 2019 - hosting of Eurasia Probation Conference)

- The Council of Europe “Probation Rules”, the United Nations “Tokyo Rules”⁴², and the “Bigger political picture” of the EU help to drive change
- “Constancy” and funding of the CoE, EU and the United States, linked (especially in the case of the EU) to binding expectations, for example EU “Budget Support” linked to agreed justice objectives (may also be supported by parallel international technical development projects)

Who has been involved?

- Ministers from early stages until current, including (especially in more recent years) close involvement in “next stage” development planning
- Close, committed, and consistent senior level official (probation leadership) involvement in international projects, including in more recent years
- Consistency of cooperation with international institutions including COE, EU, INL Georgia, UN and its agencies, including UNICEF
- Continuous involvement of some international experts over several years (including Baltic State)
- NGOs, national and international (including PRI)
- Engagement of “justice chain” (in more recent international projects)
- Some joint development projects with prisons⁴³
- Some involvement of prosecutors and judges – important to provide information and rationale
- The active role of CEP alongside local actors, including Georgian membership and hosting of CEP events (most recently with focus on the topic of capacity building)

What has been developed within the Probation Domains?

Practice has been developed in all four domains. This includes -

- Diversionary measures and reports pre-sentence (juveniles initially, extending to adults under 21)
- Community sentences and measures including
 - Conditional Sentence, Suspension of Sentence Enforcement, and Early Release from Sentence
 - Community Service
 - Electronic Monitoring
 - Fingerprinting
- Introduction of the remote “PROBBOX” contact and services access system

⁴² “Probation in Europe” (Confederation of European Probation, 2016)

⁴³ In 2018 the operation of the National Probation Agency became under the umbrella of the MoJ as a Legal Entity in Public Law, the social work division of prisons has been given greater authority, and opportunities for joint work with the probation service increased.

- Support pre-release from custody through risk assessment and home report
- Post-release supervision of parolees

How has the Probation function been enabled?

Attention has been paid to development in all four “enabler” areas. These include –

- Legislation development for delivery in all four probation domains and for implementation via the probation function
- Juvenile rehabilitation, restorative justice (mediation) and probation system development is part of Vision 2030 – Development Strategy of Georgia⁴⁴
- Support to the organisation through offers of practical/material support (in addition to “knowhow”) e.g., IT systems, video conferencing, fingerprinting technology (from 2021 supplemented by “PROBBOX” technology)
- The organisation is further enabled through attention to the whole organisation including infrastructure, structure (HQ and field delivery), recruitment and selection of adequate staff numbers supported by job descriptions with increasing attention to casework requirements, to training (a training plan is in place), research and development, a complaints system, and communications
- Practice is enabled and supported through the introduction of evidence-based approaches including Risk and Needs Assessment (RNA) and programmes (family violence, developing program for sex offenders), “graduated intensity sanctions” linked to low/medium/high levels of supervision, supported by a sophisticated case management process involving allocation of cases to probation officers, social workers or psychologists according to risk (harm-led), case plans, attention to victims, and multidisciplinary approaches and gender-sensitive research and development
- Partnerships development of probation was supported within a comprehensive joint strategy with prison service including collaboration between experts, senior managers and involvement of Minister(s).⁴⁵
- Attention and support to other partnerships including “justice chain” (the Prosecutor’s office organises coordination meetings with other CJ agencies, including probation, both at the central as well as local levels in municipal towns, and the service participates in CJ reform coordination councils)
- The NGO sector actively cooperates with the Agency. Rehabilitation of

⁴⁴ Vision 2030 – Development Strategy of Georgia was approved on November 3, 2022.

⁴⁵ In 2020 a Ministerial Order approved a common methodology for Risk-Needs Assessment.

probationers and ex-prisoners are initiated and carried out in all regions. Every region has several volunteers. Probation officers work closely with local municipalities and relevant stakeholders to address probationers' needs. Annual roundtables with key-partners at regional and state level are held with the aim of increasing community involvement and responsibility

- To manage higher risk offenders "MAPPA" (Multi-Agency Public Protection) -type arrangements are being developed (from 2019/21)
- Public reports, statistics and public information is provided. As part of MoJ public relations policy, the agency engages all communication capabilities. The Agency provides informational brochures and booklets. These are also available in courts to increase awareness about benefits of non-custodial sentences and procedures.

Section 4. Concluding observations on capacity building and probation in Georgia

(For a more detailed note on characteristics of, and success factors in, capacity building, threats and weaknesses, and an historical account of the service's development and of capacity building projects, together with further detail including sources of information, see Appendices 1-5 of this country study)

Capacity Building

The capacity building model has been helpful to us in our enquiries regarding capacity building and to interviewees, in understanding the process of probation service development, including rationale for probation development, key actors, the domains in which the service works, and the service's enablers. The model has also helped to explore the enablers which have supported the service's development, including identification of threats which have been overcome.

Drivers and influences of probation development, in addition to the important desire to reduce use of custody, have included service developments in Europe, the wider political picture in relation to the European Union, NGOs (local and international), international standards including those of the Council of Europe, and membership of the Confederation of European Probation (CEP).

The role of international projects has also been extensive and positive. Focus has included strategy and legislation and enablers such as resources (infrastructure, software, hardware, equipment including for fingerprinting), human resource development including recruitment and training, partnership development, closer liaison including with the judiciary and with NGOs and practice development. A developing rehabilitative orientation, closer to prevailing European models, appears to reflect changes in penal philosophy.

Political will has been significant in achieving success, as has continuity of service leadership and of international experts who have developed in-depth knowledge of the service and context. The quality of expert staff and their relationship skills appear important. Delivery of international projects more or less continuously over the last two decades has allowed projects to dovetail and build on each other, whilst consistency in donor and expert staff has reduced risks of competition or duplication, and improved donor-Georgia co-ordination. As well as foci noted above, donor support to infrastructure has further assisted.

Projects have worked less well when there has been low agreement on priorities and during periods of national stress, for example the impact of the 2008 Russia-Georgia war and Russian occupation of 20% of Georgia's Territories.

In summary, the process of probation capacity building in Georgia highlights several important characteristics of capacity building and significant potential "success factors".

Stand-out factors include:

1 Capacity building is a complex undertaking in which context is key.

Development in Georgia has been and remains influenced by a multitude of factors extending well beyond formal project content and management. Taking account of these, and other factors outside of the formal boundaries of the project, is in our opinion often a necessary condition for satisfactory delivery and progress. Key amongst these factors has been degree of political will, including to reduce custodial overcrowding, and several other strong drivers of probation rationale and aims including determined actors within and outside the service such as long-term committed leaders, including also justice and other stakeholders such as the role of active, internationally experienced NGOs who have stimulated the emergence and strengthening of the probation service and supported communication of the role and benefits of probation work. Other critical factors have included the political and penal culture (not least the influence of the Soviet period), and historical and cultural tradition, the gradual improvement of resources including human resources from a weak early position, together with a range of international factors. These include the influence, guidance and material support of donors, the international probation "family" (including the attraction and influence of the CEP and the World Conferences on Probation, including conference attendance at both) and the bigger political picture (to name only some). All have helped to influence the trajectory and speed of change. Whether, and if so how, they are addressed or harnessed has impacted substantially on project deliverables and capacity building over time. It is noteworthy in the Georgia context that all the foregoing has been drawn on to varying degrees to support, strengthen and sustain development.

2 The significance of political will as a driver and supporter of change, including "stand-out" instances of direct involvement of politicians in leading development and the process of planning, coupled with a clearly focussed reform strategy addressing key institution-building areas, and structures that facilitate "whole criminal justice" and inter-agency coordination.

3 The value of expertise from and of countries that have experience of a similar transition. Their involvement, for example in the case of Estonia,

has helped to understand (and not underestimate) the journey over time through an evolving “penal culture”.

- 4 Longer-term donor involvement** (including from international bodies such as the INL, EU, UN and its agencies, CoE, ICRC, IRZ, and countries with well-established probation traditions) provides constancy, reduces duplication and supports coordination (including provision of finance/materials/infrastructure as well as “know-how”) and (as we were informed by one donor representative) to “mindfully manage resources”. Georgia has sought and gained international projects on a regular basis, a further factor that has helped to ensure steady development of probation capacity. Capacity building impact has also been strengthened by longer-term international project leaders /experts who are “impressive”, experienced, skilled, responsive, and with whom there is mutual respect and regard; As we were informed, “Never change a winning team!”
- 5 Capacity building approaches** employed were also noteworthy, in particular the employment of styles and content that “inspire not tell”, that provide knowledge, and that prepare and pilot (rather than immediately implement on a large scale), thereby helping to support locally developed and owned solutions and build capability and sustainability.

Probation in Georgia; The Current Situation

Whilst the primary focus of this research has been capacity building, commentary may also be made on the current situation based on the domains and enablers model (although the limited scale, particularly in-country, of this research must be born in mind).

In terms of the current situation, the service now works in all four domains, and this is an important strength. At the same time further development is of course possible, for example in relation to the range and number of reports to inform sentencing, in particular extending to adult males.

Another area for consideration is the extent to which current provision and emphasis (for example the possibility of ordering up to 800 hours of community service work for adults, or up to 300 hours for juveniles⁴⁶, and the extensive use of fingerprinting) do indeed effectively support the service’s aims, or inadvertently “widen the net”.

⁴⁶ It should be noted that in practice (2020-2022 statistics), the maximum hours of community service sentenced by the court was 300 in the case of adults and 180 in the case of juveniles.

We also note introduction of remote contact in 2021 by means of the “PROBBOX” system which may be located on the premises of other organisations. These are stationed mainly on the premises of the Public Service Halls, which unite services under the Ministry of Justice in a single-window concept and also in municipal buildings.⁴⁷ The aims include to facilitate supervisee contact in areas with few probation facilities, to reduce public identification as an offender resulting from regular visits to probation premises, and to provide a number of other services, for example relating to employment or family contact with prisoners, which can be delivered digitally.

Whilst the latter approaches do limit direct contact between an officer and an offender (and would not therefore appear in themselves to support a positive relationship between the officer and offender in conformity with the first principle of the Probation Rules), the Agency’s intentions through use of fingerprinting and PROBBOX technology are to simplify processes of control, especially in the case of lower risk offenders, and provide anonymity and ease of access to services, whilst simultaneously strengthening rehabilitation programs and capabilities in line with the principles of the European Probation Rules.

To this end the Agency intends that implementation of PROBBOX contributes to a shift in probation officers’ energies away from “routine tasks”, particularly with lower risk supervisees, towards stronger involvement in rehabilitation processes for those most in need due to their risks and needs. Analysis of impact of this significant development will be important and of interest beyond Georgia. Whilst the full impact will undoubtedly become clearer as the system is established, a first study of probationer satisfaction is positive.⁴⁸

Development continues in relation to offender reintegration and rehabilitation pre- and post- imprisonment, including work to increase contact and planning pre-release by the community-based probation officer, for example in the case of parole. In relation to lower risk offenders, the Agency has developed a “Probationers Orientation Course”, since participation in rehabilitation programs is not mandatory for low-risk probationers. Whilst this will be initially conducted by probation officers, in consecutive courses, successful graduate probationers will join probation officers as co-trainers and be paid for co-training. Successful completion will become a positive factor in deciding to cancel the suspended sentence and mitigate the regime. The TOT and the first course are being conducted in 2023.

⁴⁷ In 2022, a PROBBOX device was installed in Khashuri City Hall building. Several further devices are being installed in several municipal buildings.

⁴⁸ The Agency has recently finished research on PROBBOX satisfaction among probationers and reports the following results: Simplicity of use - 96.5%; Satisfaction - 90%; Provision of Anonymity - 81%.

In relation to service enablers, potential areas for further attention include, in addition to ensuring sufficient state-based funding; strengthening human resources including training, strengthening of cooperation with relevant state agencies and with NGOs, Civil Society and municipalities to support reintegration and rehabilitation, and continued enhancement of the Services' research and development capacity. We observe that, at the time of our visit, the internationally supported project plans developed by the service included further advances in these areas and understand that implementation has subsequently proceeded.

It is important to emphasise the strong success of the growing probation service and its work in reducing the use of prison. However, the community supervision figure, representing a rate of 540 per 100,000 of population, is more than twice the European mean of 216. As noted earlier, the researchers of the SPACE II statistics place Georgia in the category of the jurisdictions with both a high probation population rate and a high prison population rate (Aebi et al, 2021)⁴⁹. These probation figures prompt questions (despite the notable development of the probation service across all domains and regarding service enablers) of whether, and if so to what extent, community sentences may nevertheless unintentionally be introducing a net-widening effect.

Probation developments in Georgia are without doubt substantial including in the most recent years. Further detail regarding the many significant developments is contained in **Appendix 1** of the Georgia country report including (in the latter parts of the Appendix) regarding several important recent service developments. These are noted here in brief -

In January **2020**, the Juvenile Referral Center was established as an agency unit to strengthen crime prevention. It provides rehabilitation and resocialization of juveniles in conflict with the law and under the age of criminal responsibility (7-14 years) and difficult behavior (10 to 18).

Also from 2020, the development of restorative justice and the management and coordination of diversion programs, including victim-offender mediation, became a core agency function. In line with the 2030 Vision - Development Strategy of Georgia, regional mediation centers aim to ensure access to mediation services throughout the country.

In 2021, to improve the effectiveness of community service, the Ministry of Justice signed memorandums with 12 municipalities of Georgia: offenders are

⁴⁹ Aebi, M. F., Hashimoto, Y. Z. & Tiago, M. M. (2021). Probation and Prisons in Europe 2020: Key Findings of the SPACE reports. Series UNILCRIM 2021/2. Council of Europe and University of Lausanne.

involved in the implementation of infrastructural works, and later receive the opportunity of employment.

For the effective enforcement of house arrest in 2021-2022, a mobile team, a 24-hour monitoring team and a rapid response team were formed in the agency's Electronic Monitoring Center. From June 2022 regime violations have been reduced by 27%.

Employment opportunities for ex-offenders have been supported by recent initiatives: In 2021, the Ministry of Justice signed a memorandum with the Ministry of Agriculture within which beneficiaries are trained in agriculture and employed in seasonal work. In 2021-2022, within the Ministry's grant program, 5 non-governmental organizations provided professional training, social and legal assistance to probationers and persons involved in diversion programs. From 2021, through cooperation with the IT Academy, beneficiaries are trained in IT, programming and design. 4 charitable organizations provide basic needs and funding for medical care to beneficiaries in poverty, and 2 food chain companies provide meals.

Whilst the Covid-19 Pandemic has affected involvement of volunteers, since 2021 the agency conducts a Volunteer Teachers Program offering non-formal education in various fields.

Currently, the agency employs 430 personnel, with 153 probation officers, 15 electronic monitoring staff, 46 social workers, 19 psychologists and 13 mediators. In 2021-2022 employee salaries were increased by the agency, complimenting a 10% increase in public sector salaries. In 2021-2022, 10 probation bureau offices were opened, renovated or moved to provide a modern infrastructure and work environment. In 2023 the agency's 2022 budget of 13.106.200 Georgian Lari (4.734.900 EUR) has been increased to 17.410.000 Lari (6.289.740 EUR), an increase of about one third, with increased designation for human resources, rehabilitation services and infrastructure development.

In 2021, Ethics Code of Probation Officers was adopted, setting basic principles and values of their work. In **2022**, uniforms for probation officers, electronic monitoring specialists and public reception staff were approved, to be followed by the restoration of ranks.

Also in 2022, the agency completed update of its 41 psychosocial, prosocial, addiction management and other rehabilitation programs, most of which were developed with the support of EU and INL and active involvement of local NGO experts. In 2020, Ministerial Order 502 had entered into force to regulate risk and needs assessment and implementation of an individual plan. In 2021, the agency developed and implemented Risk and Needs Assessment (RNA) software for the initial stage of case management for probationers and ex-

prisoners, and in 2022 a unified electronic system for all stages of case management.

In **2023**, the creation of regional areas for ex-prisoners will begin, to increase access to relevant programs and services to support the voluntary rehabilitation of ex-prisoners. Also, in 2023 the Agency will increase its crime prevention activity. In coordination with the Ministry of Education and Science of Georgia, the Agency will launch a mandatory specialized online course for schoolteachers. The course, which is currently developed, will enhance teachers' skills relevant to first and second level crime prevention and strengthen their role and involvement in the crime prevention process. Most importantly, the course aims to ensure timely identification of difficult/delinquent behaviour in schoolchildren and strengthen referral process of the relevant cases to the Agency's Juvenile Referral Center.

Also in 2023, to raise awareness on legal and civil issues and anti-social behaviour in schoolchildren and students, the Agency will organize meetings in schools and institutions of higher education led by Agency personnel and popular figures.

APPENDICES

Appendix 1 - Historical Development of Probation in Georgia

Georgia inherited a tradition from the communist period of high rates of use of custody, overcrowded prisons with low staff/prisoner ratios, and few community disposals, with a general emphasis on labour as the main regime and, in the community, on punishment and control rather than rehabilitation and reintegration.

The historical development of the probation system in Georgia is described in the relevant chapter of "Probation in Europe" (Confederation of European Probation, 2016)⁵⁰. The following is a condensed version of that account, with additional content informed by discussion with local and international staff and experts, past and current, and references including to legislation and sources noted in the text or footnotes.

Before **2001**, the National Probation Agency came under the Ministry of Internal Affairs. In 2001, the Ministry of Justice assumed the responsibility for the control and supervision of probationers.

By **2002** the Ministry of Justice was actively building probation capacity including attention to legislation, structure and staffing.

In **2003** the EU funded a 12-month international policy advice development project.

In **2007**, the Parliament of Georgia passed a new Law defining the procedures of executing non-custodial penalties and probation. On 17 July 2007, a sub-department - "Non-custodial Sanctions and Probation Service" was formed under the Ministry of Justice. Under the new law, probation bureaus were directly integrated into the territorial units of the National Probation Service.

Since **2008**, progress in the development of the probation system has been achieved even though, since that year, 20% of Georgia's territories (Abkhazia

⁵⁰ <https://www.cep-probation.org/wp-content/uploads/2018/10/probation-in-europe-Georgia-2017.pdf>

and South Ossetia) is under Russian occupation and the country continues to struggle with the grave consequences of war.⁵¹

On 04 **February 2009**, the National Probation Agency was integrated into the Ministry of Corrections and Legal Assistance (MCLA).

In **September 2009**, a report by the Secretariat of the Criminal Justice Reform Council "Criminal Justice Progress Reform in Georgia" described the work of the Working Groups on the Penal System and on the Probation System. The working groups were established by the Criminal Justice Reform Inter-Agency Coordination Council. The Penal System Working Group included attention to conditions of the imprisonment, combating prison overcrowding, (which included revision of length of sentencing, release on parole mechanism, increase of the alternative to pre-trial detention, and development of proper infrastructure). The Working Group on the Probation System included attention to the structure and administrative capacity of the Probation Service, improvement of the legislative framework regulating the Probation Service, increase of the skilled workforce along with the improvement of the supervision system, and development of the appropriate rehabilitative programmes with the direct involvement of the community. These components were included in the Probation Action Plan which paid particular attention to juveniles and looked ahead to discussion regarding the legislative framework governing the Probation Service.

In **2010** the *Georgia Criminal Justice Reform Strategy* set out these components in a chapter devoted to the Probation Service (see Appendix 5) and did so alongside strategies for other services addressed during the coordinated developments of the preceding year. Other components and services in the overall strategy include Criminal Procedure Legislation, Juvenile Justice, Police, Prosecution, Legal aid, Judiciary, Penitentiary, Legal Education, and the Public Defender's Office.

Overall probation-related aims included "reducing prison overcrowding through use of pre- and post-trial alternatives; addressing the causes of the crime and providing appropriate community supervision, rehabilitation and reintegration of persons who committed the crime." The strategy continues "It is expected that the CJR will bring the national legislation, rules and practices up to international standards over a short period of time, while in medium time frame it would improve effectiveness and efficiency of the justice institutions and increase public confidence in justice sector... The CJR also contributes to the improvement of the business climate and eradication of the corruption. The

⁵¹ It should also be acknowledged that Russia's hostilities towards Georgia date back to early 1990s, with the first war in South Ossetia, a year-long war in Abkhazia and elements of hybrid warfare engaged over the years.

CJR acts through improved rules and legislation, capacity building and improved service delivery. Part of the reform aims to combine effective and efficient law enforcement with prevention, rehabilitation and alternative sentencing as fundamental pillars of the system”.

On 01 **January 2010**, the National Probation Agency changed its status to L.E.P.L (Legal Entity of Public Law) National Agency of Execution of Non-custodial Sentences and Probation. The goals included the enforcement of legal acts determined by law, prevention of re-offending, ensuring public safety, facilitating re-socialization and rehabilitation of the probationers.

In **October 2010** the National Probation Agency joined the European Organization for Probation (CEP). Georgia received visits by the CEP President, and by the CEP Secretary General on several occasions. Membership is noted, according to the Georgia “Probation In Europe” CEP chapter referred to above, to have encouraged development to international standards - “CEP membership is also a great challenge, which obliges the Agency to carry on further reforms and ensure that the results of these reforms are irreversible”⁵². (The influence of CEP membership on international cooperation has continued to the present. For example, in **2019** the Georgian service hosted the CEP Eurasia Conference on Capacity Building in Probation).

In **2010** the new Criminal Procedure Code (CPC) called for the protection of human rights and fair, rapid and effective justice. The rate of use of custody pre-trial, especially for juveniles, has since then declined markedly. The probation role includes diversion assessment and reports as well as supervision of some measures.

In October **2011**, a modified version of diversion was introduced for adults who have committed a less grave crime, alternative options including Community Service.

In **2013** the Government of Georgia increased funding of the National Probation Agency by 50%. As the 2015 PRI report⁵³ comments “A 50% increase of funding for probation in 2013 confirms the commitment of the current government to sustain improvement to the delivery of alternative sanctions. The Ministry of Justice welcomes the participation of civil society in discussions about implementing reforms. A rolling 5-year reform plan covers a wide range of issues. This open and forward-looking stance is likely to encourage continuing investment of advice and assistance from international donors”.

⁵² “Probation in Europe” (Confederation of European Probation, 2016)

⁵³ Promoting the use of Non-custodial Sanctions in Armenia, Azerbaijan, and Georgia, Syntheses Research Report 2015

From **2014 to 2016**, a Limited Liberty Establishment (Halfway House) for adult offenders was opened. This Establishment was for those inmates whose sentence of imprisonment was changed with a liberty restriction. The main goal was rehabilitation and preparation for release. Inmates were given the opportunity to work and receive salary including employment (in) a pasta factory, bread bakery and a wood carving enterprise on the premises, and a multi-profile educational centre offering trades such as an electrician, computer engineer, and stylist.

Also, in **2014**, a pilot method of assessment was introduced and is now established. Assessments categorise offenders into low, medium or high-risk groups according to their likelihood of reoffending or causing serious harm. A probation officer supervises low risk offenders whilst medium risk offenders are supervised by a probation officer with assistance from a social worker. In high-risk cases, a psychologist oversees development of the supervision plan.

Around the same time, the EU-Georgia Association Agenda report 2014⁵⁴ notes an intention to “continue to implement rehabilitation and re-socialisation policies in criminal justice; promote use of non-custodial sentences, community orders, reinforced use of probation, early release through parole, diversion and mediation.”

In **2015**, a new non-custodial form of penalty - house arrest was introduced based on the Juvenile Justice Code,⁵⁵ adopted on 01 January 2015, and executed by the National Probation Agency with the help of an electronic monitoring system. (The) main goal is to avoid incarceration of juveniles.

The Juvenile Justice Code was based on conventional principles of law, Convention on the Rights of the Child, and the Constitution of Georgia. As well as house arrest, the National Probation Agency social workers are responsible for preparing individual assessment reports of juvenile offenders at the pre-sentence stage of the criminal trial⁵⁶.

As the “Probation in Europe” Georgia Chapter (**2016**) notes in the concluding section on historical development, the “National Probation Agency actively continues to work with the court, prosecution and representatives of self-government institutions in order to increase the use of non- custodial sentences”.

⁵⁴ <https://data.consilium.europa.eu/doc/document/ST-4656-2014-INIT/en/pdf>

⁵⁵ Juvenile Justice Code of Georgia (Art. 66(b)), at <https://matsne.gov.ge/en/document/download/2877281/0/en/pdf>

⁵⁶ Specified in Article 27.4.b

On December 31, **2019**, Crime Prevention Center and National Agency for Execution of Non-Custodial Sentences and Probation Agencies were merged, following also transfer of responsibility of penitentiary services from the Ministry of Corrections to the Ministry of Justice (as the Special Penitentiary Service) which took place in **2018**. The National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation Agency now operates under the umbrella of the Ministry of Justice as a Legal Entity of Public Law.

The merger brought to the combined agencies a stronger emphasis on social work and psychological support. At the time of visiting, the establishment consisted of approximately 200 probation officers, 34 social workers and 9 psychologists⁵⁷, the number of the latter two groups being due to increase by about 40 staff (the total staff group of about 420, including managers and others, worked with a total caseload of about 17,000 persons). Whereas the predominant background of the probation workforce has been persons with a legal background, the service is therefore due to move in the direction of what was described as a European-influenced service, a move which is also seen to contrast in some respects with a more monitoring and security-based “US style” approach. Furthermore, the increase in social work staff coincides with increased emphasis on risk-needs assessment and rehabilitative programmes (developed in liaison with prisons) and in further development of work with juveniles. The latter group are always supervised by social workers, work which is regulated by juvenile law including diversionary measures, mediation and restorative practices.

Other rehabilitation-focused changes included the introduction of a Sex-Offender Treatment Programme (supported by the Embassy of the United States), Multi-Agency Public Protection Arrangements (MAPPA) and a Family Violence programme (the latter two supported by the EU and including expertise from a mainly England and Wales-based team)

It is noteworthy and must be to the credit of leaders, political and professional, that the probation system now works in all four “Probation Domains” (see Section 3 of this country study), an indication of long-term confidence in the probation role and openness to the adoption of international learning and practice.

The Strategy and Action Plan on the Development of the Penitentiary and Crime Prevention Systems **2019-2020** of the Ministry of Justice set out the Vision, Mission, Principles and Strategic Goals for the penitentiary and crime

⁵⁷ There was until recently little professional support for psychologists. Those recruited tended to come to probation with little knowledge of criminal justice or assessment and rehabilitation of offenders. Hence their focus was on mental health problems rather than reducing risk of re-offending and serious harm. This is changing now that support and supervision has been introduced.

prevention systems. These included a clear focus on effective rehabilitation and reintegration, human rights (including defendants, offenders and staff), organisational capacity and public visibility.

Other sources of information including interviews with leaders note several “drivers” for change during the period of probation service development. These included a desire to address the very high rates of use of custody (one of the world’s highest at the start of the 21st Century).

Pre-trial custody continued to expand; however, in 2007 pre-trial population stood at about 9,000, a factor which in turn encouraged also a particular focus on alternatives to pre-trial detention.

A very high rate of use of community orders is subsequently noted and in turn helped to contribute to greater recognition of, and emphasis on, the rehabilitative potential of probation work.

Other important drivers for change noted are consistency in high level political support over several years (from 2012 in particular, including Ministerial European experience in a similar field), and active political involvement in service strategic planning.

In January **2020**, to strengthen crime prevention capacity, the Juvenile Referral Center was established as a structural unit of the agency, which provides rehabilitation and resocialization of juveniles in conflict with the law and under the age of criminal responsibility (from 7 up to 14 years) and difficult behaviour (aged from 10 to 18). In July 2021, the first regional office of the Center was opened in Kutaisi, which will be followed by the establishment of other regional offices of the center throughout the country, according to the 2030 vision - Development Strategy of Georgia. Since its establishment, 259 juveniles and most of their parents have been involved in rehabilitation programs.

From **2020**, the development of restorative justice and the management and coordination of diversion programs, including victim-offender mediation, became one of the core functions of the agency. In 2021, the highest rate of 65% was achieved in successful victim-offender mediation. To strengthen human resources and promote professional development, the Register of Mediators was introduced by the end of 2021, which provides the selection and training of mediators based on updated standards. In line with the 2030 Vision - Development Strategy of Georgia, the agency has started creating regional mediation areas to ensure access to mediation services throughout the country. In 2022, 3 such facilities were opened in Kutaisi, Khashuri and Ozurgeti.

In **2022**, the agency completed update of its 41 psychosocial, prosocial, addiction management and other rehabilitation programs, most part of which were developed with the support of EU and INL, with the active involvement of

local NGO experts. In 2020, the Ministerial Order 502 entered into force, which regulates the risk and needs assessment and implementation of an individual plan. In 2021, the agency developed and implemented Risk and Needs Assessment (RNA) software for the initial stage of case management for probationers and ex-prisoners, and in 2022 developed and implemented a unified electronic system for all stages of case management. The agency conducts voluntary rehabilitation of ex-prisoners and in **2023**, the creation of regional areas for ex-prisoners will begin, to increase access to relevant programs and services. From 2020, more than 3.5 thousand probationers, ex-convicted persons, and diverted persons have been involved in rehabilitation programs.

In **2021**, to improve the effectiveness of community service, the Ministry of Justice signed memorandums with 12 municipalities of Georgia, according to which offenders are involved in the implementation of infrastructural works, and after serving the sentence they receive the opportunity of employment. For the effective enforcement of house arrest in 2021-2022, a mobile team, a 24-hour monitoring team and a rapid response team were formed in the agency's Electronic Monitoring Center. After forming a rapid response team in June 2022, regime violations were reduced by 27%.

On December 21, **2021**, the agency introduced PROBBOX technology, which for the first time in Europe, along with probation bureaus, provides electronic control of low-risk probationers and provision of their services in the premises of other organizations in a one-shop stop. Available (early 2023) in the Public Service Halls of Tbilisi, Telavi, Gori, Kutaisi, Zugdidi and Batumi and Khashuri City Hall, PROBBOX ensures increased anonymity of probationers and enhanced geographical area of probation capabilities. According to Vision 2030 - Development Strategy of Georgia, 250 PROBBOX devices will be installed throughout the country by the end of this decade. Research conducted before the implementation of PROBBOX has shown that identification as a probationer in society was a significant inconvenience for convicted persons when visiting probation bureaus, while recently finished research on PROBBOX satisfaction among probationers, resulted in 90% of satisfaction, 96.5% in the simplicity of use and 81% in provision of anonymity.

In **2021**, the Ministry of Justice signed a memorandum with the Ministry of Agriculture, within the framework of which beneficiaries will undergo training in the fields of agriculture and will be employed in seasonal jobs. In 2021-2022, within the Ministry's grant program, 5 non-governmental organizations provided professional training, social and legal assistance to probationers and persons involved in diversion programs. From 2021, because of cooperation with the IT Academy, the agency's beneficiaries are trained in IT specializations, programming and design. 4 charitable organizations provide basic needs and funding for medical care to beneficiaries in poverty and 2 food chain companies provide meals. Covid-19 Pandemic has affected involvement of volunteers in

rehabilitation process, although since 2021 the agency is actively conducting Volunteer Teachers Program, within which beneficiaries get non-formal education in various field of their interest.

Since participation in rehabilitation programs is not mandatory for low-risk probationers, the Agency has established a new capability to give its beneficiaries opportunity and motivation to develop pro-social skills, learn conflict management and raise awareness in legal issues, healthy lifestyle, employment opportunities and other subjects that will help prevent recidivism. Probationers' Orientation Course, which is being developed with the support of INL, will be initially conducted by probation officers, while in consecutive courses, successful graduate probationers will join probation officers as co-trainers. To increase motivation for participation in the courses, probationers will get paid for co-training and successful completion of the course will become one of the positive factors in the process of deciding to cancel the suspended sentence and mitigate the regime. The TOT and the first course will be conducted in 2023.

The Agency has also pursued Levels 1 and 2 crime prevention: In **2023**, in coordination with the Ministry of Education and Science of Georgia, the Agency will launch a mandatory specialized online course for schoolteachers. The course, which is currently developed, will enhance teachers' skills relevant to first and second level crime prevention and strengthen their role and involvement in the crime prevention process. Most importantly, the course aims to ensure timely identification of difficult/delinquent behaviour in schoolchildren and strengthen referral process of the relevant cases to the Agency's Juvenile Referral Center.

Also in **2023**, in order to raise awareness on legal and civil issues and anti-social behaviour in schoolchildren and students, the Agency will organize meetings in schools and institutions of higher education led by Agency personnel and popular figures.

The Agency is drafting a Probation Code, to be brought to Parliament in 2023. Along with the execution of probation legal acts and non-custodial sentences, the Probation Code will include general rules for the juvenile referral process and define the restorative justice process and programs, as well as principles and implementation of victim-offender mediation. The Code will emphasise the organization of the rehabilitation and resocialization process of convicts, ex-prisoners and diverted persons. Under new code, the institution of Volunteer Probation Officer will be established.

Currently, the agency employs 430 personnel, with 153 probation officers, 15 electronic monitoring staff, 46 social workers, 19 psychologists and 13 mediators. In 2021-2022 salaries of the employees were increased by the agency, which is also complimented by the annual 10% increase in salaries in

the public sector. In 2021-2022, 10 probation bureau offices were either opened, renovated or moved to new premises, to provide modern infrastructure and working environment. In 2023 the agency's 2022 budget of 13.106.200 Georgian Lari (4.734.900 EUR) has been increased to 17.410.000 Lari (6.289.740 EUR), an increase of about one third, with increased designation for human resources, rehabilitation services and infrastructure development. Increase of the number of social workers, psychologists and mediators will be in line with the regional expansion of Juvenile Referral Center, mediation and rehabilitation areas.

In **2021**, the Ethics Code of Probation Officers was adopted, setting basic principles and values of their work. In **2022**, uniforms for probation officers, electronic monitoring specialists and public reception staff were approved, which is to be followed by the restoration of ranks to probation officers with the adoption of the Probation Code.

Other influences noted above include the EU-Georgia Association Agenda and CEP membership. Furthermore, several international capacity building projects have been delivered. These are summarised next.

Appendix 2 - International Capacity Building Projects

Multiple sources highlight several significant international projects, starting from about 2003, which have sought to support the development of the probation system. These include projects funded by the CoE, European Union, the most recent having been extended until the year of writing (2020). Also, significant have been projects funded by individual European Embassies and by the INL⁵⁸ Bureau of the United States State Department.

Foci of the donor-funded projects have included legislation and strategy, extension of work with vulnerable groups including juveniles and females, support to creation of the liberty deprivation establishment (a form of "half-way house"), support of infrastructure, (including for example the ability to record finger prints), human resources, the development of Standard Operating Procedures and strengthening of programme evaluation, and practice developments including a range of "evidence-based" developments (emphasised from 2012). The latter include Risk and Needs assessment, parole preparation including assessment of risk of reoffending and harm, case management, a "Thinking for Change" Cognitive Behavioural Programme, a multi-disciplinary approach including Multi-Agency Public Protection

⁵⁸ Bureau of International Narcotics and Law Enforcement Affairs

Arrangements (MAPPA, noted above), an assessment format for family (domestic) violence, and attention to reintegration. Staff training has also been important. Other support activities have included overseas study visits, support to attend overseas training courses, and international conferences.

It is noted by a range of involved persons that the integration of work strands has been assisted by an overarching criminal justice reform strategy, long-term continuity in donor agency coordinators, (in some cases) also in project leaders and subject experts, (some) joint prison and probation projects, and by a "Mindful Management of Resources".

Specific projects and supporting activities include several need assessment and inception initiatives and subsequent delivery projects.

Highlights noted include -

- A 12-month probation policy advice project, supported by the EU, began in the autumn of 2003. An international evaluation of a concept paper on Reform of the Georgian Penitentiary System in March 2005⁵⁹ noted a need to establish a clearly defined role for the probation service including a wider application of alternative sanctions, and definition of community sanctions and measures to be implemented by the service (including clarity about a resocialisation role). Other recommendations included an increase in conditional release from prison sentences to reduce numbers in prison, effective risk assessment linked to resocialisation planning, training and recruitment criteria, and increased attention to cooperation with relevant authorities like judges, prosecutors, prison workers, police forces and local municipalities, NGOs, emphasizing that the probation system is dependent on other parties and services available in society.
- In **2006** the Inception Report of a EuropeAid Project "Support to the Reform of the Ministry of Justice of Georgia"⁶⁰ contained the following specific objectives -
 - 1** Strengthen policy and strategy making bodies and to develop the policy-making process within the Ministry of Justice.
 - 2** Strengthen the institutional capacities of the Ministry of Justice in relation to human resources and budget management.
 - 3** Support further development of the Civil Registry ensuring efficient, transparent and accountable management.
- A project on penitentiary and probation reform,⁶¹ implemented by the

⁵⁹ Reform of the Georgian Penitentiary System – Evaluation Paper of Concept Note, Penal Reform International (2005)

⁶⁰ Support to the Reform of the Ministry of Justice of Georgia EuropeAid/120650/C/SV/GE (2006)

⁶¹ EC Project Penitentiary and Probation Reform in Georgia TACIS/2006/123217

Swedish Prison and Probation Service, addressed better prison regimes and the Probation Service. The prison focus included constructive activities such as more opportunities for employment, skills training, social adaptation training, courses to tackle offending behaviour and engagement with the world outside the prison. The probation service focus included "Better Service Delivery" (continue the development of basic offender supervision and rehabilitation services) and "Improved Organisational Effectiveness" (improve resource levels - staff, finance and equipment - and methods to ensure that they are applied with maximum impact to the tasks of the service).

- By the end of the project in late **2008** progress was noted including training on risk assessment and individual supervision plans, however with delays and changes in the original ToR. Significant factors appear to have included several changes at Ministerial and Deputy Ministerial level, and external factors including the Russia-Georgia War and Russian occupation of 20% of Georgia's territories,⁶² and periods of internal protests and instability. It is noteworthy that progress in the development of probation system has been achieved even though the country has continued to struggle with the consequences of war.
- Also noted were the significance to progress (positive or negative) of working groups and inter-team relations, including the value that can follow study visits including to inform reconsideration of priorities and reconfiguration of the project ToR. In summary it may be said that the project advanced on different levels; **content** as the primary focus, a focus which was influence during the project by changes in political leadership, project process issues (including purpose clarity and consistency, the functioning of working groups, personnel matters, and to some extent resources), and **context** (clearly and understandably especially important in the context of the project time period).
- Other important factors at that time included cooperation with NGOs, for example with "**Penal Reform International**" (PRI) to arrange Probation Round Table Conferences in all regions of Georgia, with the Regional Probation Bureau as the host (the conferences were found to be successful and highly appreciated), to strengthening the rehabilitation and re-socialisation of prisoners and probationers (engaging with "**The Association of Psychotherapists and Clinical Psychologists of Georgia**" and "**The Women's Club, Peoni**", and to support the **Juvenile Justice "Diversion" project** in Rustavi and Batumi.
- A further assessment of the situation was conducted in **2009** during the

⁶² 20% of Georgia's territories (Abkhazia and South Ossetia) since 2008 has been under Russian occupation and progress in the development of probation system has been achieved even though the country is still struggling with the grave consequences of war. It should be also acknowledged that Russia's aggression against Georgia dates back to early 1990s, with the first war in South Ossetia, a year-long war in Abkhazia, and elements of hybrid warfare over the years.

inception phase in the framework of the EuropeAid project "Capacity Building in Support of Rule of Law in Georgia" (EuropeAid/127042/C/SER/GE).

Summary conclusions included a great need of further developments in all areas - noting at that time the lack of resources and (varied) political will since the creation of the Probation Service - a need for strengthening the Probation Service in the area of Human resource management as a first priority (with recruitment procedures which are transparent and effective) in order to establish a well-functioning system, and revised functions and legislative framework (adoption of the set of normative acts is noted).

Other recommendations included responding to shortages in staff and financial resources and lack of cooperation schemes and working methodology, to other stakeholders and partners at the state and local level, and to a lack of public awareness.

In relation to the potential impact of the project, it is noted that it is "evident that without the investment into new posts for probation officers and their working environment from the side of the Government the support provided from the side of the donor community will be insufficient. It's encouraging that Government is currently taking steps to invest more resources for improving the performance of the Probation Service".

- Subsequently, in **2010**, experts of the Council of Europe noted (amongst other things) that legislation should be supplemented by policy statements, practice guidance and National Standards to guide the work of the staff of NPA and to help other criminal justice personnel and the public to understand and to value the work of probation. It was also noted that probation supervision is not just a matter of surveillance, monitoring and control and that the Law and the Charter should give more emphasis to what probation represents - in particular the idea that (as EPR⁶³ #1 states) "Probation agencies shall aim to reduce reoffending by establishing positive relationships with offenders in order to supervise (including control where necessary), guide and assist them and to promote their successful social inclusion." In other words - "Positive relationships, guidance, assistance and social inclusion need to be much more strongly affirmed in the Charter and perhaps in the Law". The potential benefits of participation in the Confederation of European Probation (CEP) and through the Council of Europe were further noted. It was also remarked that the (then) Probation Service (*National Agency for the Enforcement of Non-custodial Sentences and Probation*) had many characteristics of a Police force (ranks, uniforms, firearms, notification of the reports, etc.) and its tasks are mainly based on control.

⁶³ European Probation Rules

Control and assistance activities (both composing supervision) seem to be separate in these legal provisions, and that the convicted person seemed to play only a passive role, not being considered as one of the parties; decisions seem to be taken without consulting, discussing or agreeing their contents with the offender.

- Other work during the same period included projects carried out under the NORLAG⁶⁴ framework founded in 2004. NORLAG cooperated with judges, defence, prosecutors, prison and probation officers. Projects implemented by NORLAG together with the Ministry of Corrections: included work on concept of a community service as a non-custodial sentence in Georgia, and programs on preparation for release to support Georgia's introduction of a new system of parole. A Maternal and Child Unit opened in the territory of women's institution in **2010**, and a library project at women's penitentiary institution -the goal of the project was to start the process of introduction of the national plan for library and the educational services, based on international recommendations and the Universal Declaration of Human Rights
- From **2009** the Criminal Justice Assistance Programme of the US State Department was motivated in part by the very large probation agency caseload at that time relative to the small staff complement, a ratio which was resulting in only nominal contact. This was pre-the introduction of fingerprinting, when paper-based systems were proving inadequate in the face of large caseloads. Assistance included training and equipment (including for fingerprinting). The project also involved study visits (to Colorado), each with 15/20 participants. The US State Department has continued support including support of Probation Service officials' attendance at several large-scale international Conferences including in London, Tokyo, and Montreal. It is noteworthy that US State Departments projects have been coordinated with other donor-funded projects including the Norway Grants, Swedish programme, and European Union projects described above. One donor coordinator commented that it was "Important to coordinate, complement, and not to duplicate" donor projects, and to "mindfully manage resources".
- Coinciding with a new Government, a further EU project "Support to the reform of the criminal justice system in Georgia" was implemented from **2012** for a period of 38 months. At that point it was noted that despite having already made substantial progress in recent years, the successful implementation of the reform package calls for further institutional

⁶⁴ The Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG) NORLAG - <http://sps.gov.ge/en/activities/partners/international-organizations/article/21352-the-norwegian-mission-of-rule-of-law-advisers-to-georgia-norlag.html> Official website: <http://www.norlag.ge/>

changes across the public administration in general and to the structure of the Ministry of Justice (MoJ) and Ministry of Corrections and Legal Assistance (MCLA) in particular.

The project aimed to further strengthen the capacity of the Ministry of Justice to ensure the implementation and monitoring of the Criminal Justice Reform Strategy of Georgia, endorsed by the Criminal Justice Reform Council in 2010. The project provided technical assistance to justice sector institutions (including the judiciary) in the implementation of the national Strategy and Action Plans for reform of the criminal justice system. For instance, in the framework of the sector reform agenda, (the) team provided support for the capacity building of the Ministry of Corrections, with particular emphasis on the Legal Aid Service (Legal Entity of Public), National Probation Agency (LELP) and Penitentiary Department.

- A notable achievement of this project was the first Juvenile Justice Code in Georgia, adopted by the Georgian Parliament on 12 June **2015** (for a fuller version of the text from which this account is adapted see ⁶⁵).
- More recently, the EU4Justice Programme **2016 - 2020** has provided long-term support and consistency in experts – including team leader and several other specific topic experts. The focus has been especially on the introduction and strengthening of evidence-based practices and on building sustainability. In particular in prisons the project supported the Government of Georgia to develop a modern and efficient penitentiary and probation system including developing sector strategies, action plans and Directions Document (BDD) in compliance with national policies and international standards, developing a long-term strategy for initial and continuous education including the establishment of modern and consistent human resources policy for recruitment of the skilled professionals, improving and expanding specific working and vocational educational opportunities for inmates based on the individualized approach; assist in designing the psycho-social rehabilitation programmes for convicts and promoting increased participation of prisoners in those programmes, and supporting the National Probation Agency (NPA) in improving its administrative capacities, including human resource management, rehabilitation and resocialization of probationers in coordination with civil society, developing individual approaches towards probationers, enhancing conditions for carrying out alternative, non-custodial pre-trial measure and sentences and assist in of pretrial probationary assessment reporting.

⁶⁵ EU funded Project "Support to the Reform of the Criminal Justice System in Georgia," Implemented by "Hulla & Co. Human Dynamics KG" aiming at improvement of RNA tools and establishing the supervision over the assessment process. The training of the staff and other activities were involved - <https://www.humandynamics.org/en/project/georgia-reform-of-criminal-justice-system>

- It is also important to note work in relation to children. The UN Enhancing Access to Justice and Development of a Child-friendly Justice System in Georgia is a joint initiative of the [European Union](#) and two UN agencies in Georgia: United Nations Children Fund (UNICEF) and United Nations Development Programme (UNDP), with UNICEF serving as an Administrative Agent. The programme is funded by the European Union based on the Financing Agreement on "Support to the Justice Sector Reform in Georgia" signed between Georgia and the European Union in May **2015**.
- Also, two projects have addressed gender-responsivity. **"Support the improvement of the service provision for women offenders who have experienced violence and discrimination and their vulnerable children." (2018)** is a research study prepared by Penal Reform International South Caucasus Regional Office with the financial support from the EU and US Government's INL programme in Georgia with the aim to "identify effective interventions, to provide targeted assistance and to inform the state agencies, which are in the process of developing rehabilitation services for women in conflict with the law who are victims of violence, stigma and discrimination, and their vulnerable children, about the reintegration needs of the identified beneficiaries". The project "Facilitating the Resocialization of Women Victims of Physical, Psychological and Sexual Violence." **(2019)** includes working with a woman-specific tool, identifying the female victims of domestic or other kinds of violence. The tool was implemented within the support of the Embassy of the Kingdom of the Netherlands. The project aimed to support women who have been victims of violence before entering the penitentiary and probation system.
- Strengthening juvenile referral process by fostering interagency cooperation began in **2021** with the support of EU and UNICEF. From **2022**, the EU and INL started supporting training of mediators for Agency's newly established Register of Mediators. In 2021-2022, project "Supporting the Rehabilitation and Resocialization of Persons in Conflict with law via Developing the Rehabilitation Programs and Capacity Building" was implemented with INL assistance. In **2022**, INL provided the Agency with modern fingerprint scanners for all probation offices and supported participation of the Georgian delegation at the 5th World Congress on Probation and Parole in Ottawa.

Appendix 3 - Capacity Building and Probation in Georgia – Commentary and Findings

Without doubt the probation system in Georgia has developed hugely during the last two decades. The focus too has evolved; the probation service has

expanded its remit (social enquiry reports on juveniles, diversionary measures for juveniles and adults, the range and volume of community sanctions and measures, and the preparation of reports to inform early release and the post-release supervision of parolees). Furthermore, the purpose is also seen to have evolved, in particular from a service focussed mainly on control and monitoring measures to one in which social enquiries, diversionary measures, rehabilitation and reintegration play a much more prominent role.

An important rational driving probation development has been the need to reduce the use of prison. This has been evident from the outset but gained further momentum following fresh increases in the use of imprisonment after the Rose Revolution (2003), during the first decade of the present century.

The importance of political drive and support for probation has been notable, especially in the early stages and in more recent and current years - with "stand-out" examples of high-level involvement in the promotion of probation and future planning. Financial support has also increased over the years and has been fundamental to the ability to develop. Other drivers have included expert NGOs (combining international with a local base and expertise, for example Penal Reform International), practice in Europe and its institutions, including the political picture in relation to the European Union, international bodies (with regular presence) and standards including those of the Council of Europe, the draw and membership of the Confederation of European Probation, and a desire to be able to "showcase" a developing service.

The role of international projects alongside Georgia's probation service development is notably extensive.

The precise focus and contribution of international projects has been influenced by multiple factors. The degree of active backing at ministerial level has, as noted, at times been instrumental and critical. Close present involvement provides clear drive and support.

International experts have regularly drawn attention to strategy and legislation / normative framework, and these areas have been important foci of international projects - notably including in relation to community sanctions and measures and to parole. However significant attention has also focussed on enablers including resources (infrastructure, software, and equipment including for fingerprinting), human resource development including recruitment and training, partnerships and closer liaison including with the judiciary and with NGOs (the latter especially in relation to reintegration and to communication), and practice development. The impression gained from a review of capacity building projects is that infrastructure and enablers have been essential, alongside development work in the domains.

As noted previously, practice focus has evolved step by step to include rehabilitation-orientated evidence-informed assessment, case planning, and interventions. Whilst it is not clear exactly what precise factors contributed, and when, to the development of a broader probation focus, the probation service has appointed senior level staff, especially in more recent years, who have pursued this agenda with obvious enthusiasm. It may be noted that this appeared less strongly to be the case during the earlier days of the service; several international experts commented over a number of years on the desirability of such an evolution, reinforced by Council of Europe guidelines and influenced almost certainly by membership of the CEP (as the Georgia Criminal Justice Reform Strategy 2010 states "From November 2010 the National Probation Agency has enrolled to the European Organisation of Probation (CEP) and one of the priorities of National Probation Agency is to establish the standards of European Organization of Probation in Georgia").

The fact that the recommendation of a stronger focus on rehabilitation was made over several years suggests that change in this direction was initially slow. A rehabilitative orientation, closer to prevailing European models, has since developed during the last decade in particular, appearing to reflect changes in penal philosophy, including at political level, and perhaps a growing capacity to deliver rehabilitative work once the services foundations, including more adequate resources, have been established.

The rehabilitative focus and human rights focus has further extended recently to gender-specific research and practice development, supported financially by the Kingdom of the Netherlands, European and United States.

None-the-less, as earlier projects experienced amply, successful project delivery and results require more than focus on content; project process and context are important also.

Whilst most international projects appear to have delivered and contributed well to probation service development, and to have been welcomed and well-received, this has not universally been the case. When projects have worked less well, factors appear to include lack of local probation resource, frequent changes including at Ministerial level, and occasionally difficulties in project process (planning, governance, resources), and - apparently significantly - disagreement on priorities. The latter point may reflect a reality of western European practice meeting Georgian practice at the start of this century without full appreciation of differences in contextual factors such as penal culture, or full commitment to such extensive change. The process of setting ToRs in advance, whilst in a sense entirely understandable, may also sometimes lead to less-than-ideal objectives and some inflexibility or responsiveness during delivery. Other important factors influencing project delivery include periods of national stress, notably - as described earlier - the impact of the 2008 Russia-Georgia War and Russian occupation of 20% of Georgia's territories.

On the other hand, several factors appear to have supported capacity building. These include a willingness to bring flexibility to priorities, and study visits to build mutual understanding and direction. Joint work between Georgia and Baltic states (and their expert staff) appears beneficial, for reasons including the reputation brought by the Baltic states, and the comparative common ground relative to many other countries in Western Europe. Continuity of international experts has been helpful, including during periods of change in the Georgian Ministerial and senior teams. Longer-term experts can develop a wide range of contacts (ensuring at least some continuity of relationship), deeper knowledge of the service and context, and sensitivity to the depth and speed of change that is most likely to support sustainable development. It is also noted that international experts, even when not from countries with some historical “common ground” have frequently had extensive work experience in post-Soviet countries on which to draw.

Overall, it has been appropriate and helpful to “explain” rather than tell, to exchange knowledge as well as methods (although these have been valuable), to inspire, pilot and prepare rather than transplant and implement, and to build capability and sustainability. It has also been helpful to begin with less “risky” groups such as juveniles than with adults.

Consistency and constancy over time of several donor organisations, of key local personnel, and in senior level international experts, has been welcomed and contributed to capacity building success. For example, some experts, involved in the early years of service development, maintained contact or even involvement well into the following decade, and contact consistency of experts across the EU projects delivering from 2012 until the time of writing is noteworthy. Furthermore, the quality of expert staff, and their relationship skills, is important. Other helpful characteristics are a combination of extensive joint planning of project aims and deliverables and a willingness to respond and adapt efficiently and effectively to arising issues. It is clear from in-country discussions that the project team are well-respected, and their technical skill valued; “Never change a winning team” is telling.

Similar consistency and mutual respect are noted in relation to provider organisations that have spanned the duration of the EU projects, consistency in key staff again being seen as helpful. The fact that international projects have been delivered more or less continuously over several years means that they have been able to dovetail and build on each other, whilst consistency in donor and expert staff has facilitated the development of strong mutual levels of respect and understanding, reduced the risks of competition or duplication of effort, and improved donor-Georgia coordination.

This is also the case between European and US donors where it has been helpful to coordinate contributions. These may coincide (for example the joint support of specific projects such as PRI 2018) or differ in their emphasis, for

example on infrastructure or knowledge. A benefit of work on prisons and probation in the same project may also be noted. Overall, the “Mindful Management of Resources” was seen as necessary and helpful.

A clearly focussed reform strategy has helped international contribution relate well to determined need and achieve impact. Whilst not directly project focussed, international donors have supported institution-building through targeted contribution to payroll. EU “Budget Support”, linked to specific objectives, also appears important as an influence on direction and a tangible resource. EU projects may in turn provide technical support in areas related to the budget support.

In conclusion, the capacity building model has clarified the process of probation service development, including rationale for probation development, key actors, the domains in which the service works, and the service’s enablers. The process of capacity building described suggests many examples of good practice and some cautionary points.

Whilst the primary focus of this research has been capacity building, commentary may also be made on the current situation (although the limited scale of this research should be noted).

Whilst the primary focus of this research has been capacity building, commentary may also be made on the current situation based on the domains and enablers model (although the limited scale, particularly in-country, of this research must be born in mind).

In terms of the current situation, the service now works in all four domains, and this is an important strength. At the same time further development is possible, for example in relation to the range and number of reports to inform sentencing, in particular extending to adult males and families.

Another area for consideration is the extent to which current provision and emphasis (for example the possibility of ordering up to 800 hours of community service work for adults, or up to 300 hours for juveniles⁶⁶, and the extensive use of fingerprinting) do indeed effectively support the service’s aims, or inadvertently “widen the net”.

We also note introduction of remote contact in 2021 by means of the “PROBBOX” system which may be located on the premises of other organisations. These are stationed mainly on the premises of the Public Service Halls, which unite services under the Ministry of Justice in a single-window

⁶⁶ It should be noted that in practice (2020-2022 statistics), the maximum hours of community service sentenced by the court was 300 in the case of adults and 180 in the case of juveniles.

concept and also in municipal buildings.⁶⁷ The aims include to facilitate supervisee contact in areas with few probation facilities, to reduce public identification as an offender resulting from regular visits to probation premises, and to provide a number of other services, for example relating to employment or family contact with prisoners, which can be delivered digitally.

Whilst the latter approaches do limit direct contact between an officer and an offender (and would not therefore appear in themselves to support a positive relationship between the officer and offender in conformity with the first principle of the Probation Rules), the Agency's intentions through use of fingerprinting and PROBBOX technology are to simplify processes of control, especially in the case of lower risk offenders, and provide anonymity and ease of access to services, whilst simultaneously strengthening rehabilitation programs and capabilities in line with the principles of the European Probation Rules.

To this end the agency intends that implementation of PROBBOX contributes to a shift in probation officers' energies away from "routine tasks", particularly with lower risk supervisees, towards stronger involvement in rehabilitation processes for those most in need due to their risks and needs. Analysis of impact of this significant development will be important and of interest beyond Georgia. Whilst the full impact will undoubtedly become clearer as the system is established, a first study of probationer satisfaction is positive.⁶⁸

Development continues in relation to offender reintegration and rehabilitation pre- and post- imprisonment, including work to increase contact and planning pre-release by the community-based probation officer, for example in the case of parole.

In relation to service enablers, potential areas for further attention include, in addition to ensuring sufficient state-based funding; strengthening human resources including training, strengthening of cooperation with relevant state agencies and with NGOs, Civil Society and municipalities to support reintegration and rehabilitation, and continued enhancement of the Services' research and development capacity. At the time of our visit, the internationally supported project plans developed by the service included further advances in these areas.

It is therefore important to emphasise the strong success of the growing probation service and its work in reducing the use of prison. However, the

⁶⁷ In 2022, a PROBBOX device was installed in Khashuri City Hall building. Several further devices will be installed in several municipal buildings.

⁶⁸ The Agency has recently finished research on PROBBOX satisfaction among probationers and reports the following results: Simplicity of use - 96.5%; Satisfaction - 90%; Provision of Anonymity - 81%.

community supervision figure, representing a rate of 540 per 100,000 of population, is more than twice the European mean of 216. As noted earlier, the researchers of the SPACE II statistics place Georgia in the category of the jurisdictions with both a high probation population rate and a high prison population rate (Aebi et al, 2021) ⁶⁹. These probation figures prompt questions (despite the notable development of the probation service across all domains and regarding service enablers) of whether, and if so to what extent, community sentences may nevertheless unintentionally be introducing a net-widening effect.

Probation developments in Georgia are however without doubt substantial, including in the most recent years. Further detail is contained in **Appendix 1** of the Georgia country report including (in the latter parts of the Appendix) regarding several important recent service developments. These are noted here in brief –

In January **2020**, to strengthen crime prevention capacity, the Juvenile Referral Center was established as a structural unit of the agency. The Centre provides rehabilitation and resocialization of juveniles in conflict with the law and under the age of criminal responsibility (from 7 up to 14 years) and difficult behavior (aged from 10 to 18).

Also from **2020**, the development of restorative justice and the management and coordination of diversion programs, including victim-offender mediation, became one of the core functions of the agency. In line with the 2030 Vision - Development Strategy of Georgia, the agency has begun to create regional mediation areas to ensure access to mediation services throughout the country.

In **2021**, to improve the effectiveness of community service, the Ministry of Justice signed memorandums with 12 municipalities of Georgia, according to which offenders are involved in the implementation of infrastructural works, and after serving the sentence they receive the opportunity of employment.

For the effective enforcement of house arrest in 2021-2022, a mobile team, a 24-hour monitoring team and a rapid response team were formed in the agency's Electronic Monitoring Center. After forming a rapid response team in June **2022**, regime violations were reduced by 27%.

As noted earlier, in **2021** the agency introduced PROBBOX technology, which for the first time in Europe, along with probation bureaus, provides electronic control of low-risk probationers and provision of their services in the premises of other organizations in a one-stop shop. Research conducted before

⁶⁹ Aebi, M. F., Hashimoto, Y. Z. & Tiago, M. M. (2021). Probation and Prisons in Europe 2020: Key Findings of the SPACE reports. Series UNILCRIM 2021/2. Council of Europe and University of Lausanne.

implementation of PROBBOX showed that identification as a probationer in society was a significant inconvenience for convicted persons when visiting probation bureaus. Recent research on PROBBOX satisfaction among probationers, resulted in 90% of satisfaction, 96.5% in the simplicity of use and 81% in provision of anonymity. Further research will be of interest beyond as well as within Georgia.

Employment opportunities for ex-offenders have been supported by several recent initiatives: In **2021**, the Ministry of Justice signed a memorandum with the Ministry of Agriculture, within the framework of which beneficiaries are trained in agriculture and employed in seasonal work. In 2021-2022, within the Ministry's grant program, 5 non-governmental organizations provided professional training, social and legal assistance to probationers and persons involved in diversion programs. From 2021, through cooperation with the IT Academy, beneficiaries are trained in IT specializations, programming and design. 4 charitable organizations provide basic needs and funding for medical care to beneficiaries in poverty, and 2 food chain companies provide meals.

Whilst the Covid-19 Pandemic has affected involvement of volunteers, since 2021 the agency conducts a Volunteer Teachers Program offering non-formal education in various fields.

Currently, the agency employs 430 personnel, with 153 probation officers, 15 electronic monitoring staff, 46 social workers, 19 psychologists and 13 mediators. In 2021-2022 employee salaries were increased by the agency, which complimented the annual 10% increase in salaries in the public sector. In 2021-2022, 10 probation bureau offices were either opened, renovated or moved to new premises, to provide modern infrastructure and working environment. In 2023 the agency's 2022 budget of 13.106.200 Georgian Lari (4.734.900 EUR) has been increased to 17.410.000 Lari (6.289.740 EUR), an increase of about one third, with increased designation for human resources, rehabilitation services and infrastructure development.

In 2021, Ethics Code of Probation Officers was adopted, setting basic principles and values of their work. In **2022**, uniforms for probation officers, electronic monitoring specialists and public reception staff were approved, which is to be followed by the restoration of ranks to probation officers with the adoption of the Probation Code.

Also in **2022**, the agency also completed update of its 41 psychosocial, prosocial, addiction management and other rehabilitation programs, most of which were developed with the support of EU and INL, with the active involvement of local NGO experts. In 2020, Ministerial Order 502 had entered into force to regulate risk and needs assessment and implementation of an individual plan. In 2021, the agency developed and implemented Risk and Needs Assessment (RNA) software for the initial stage of case management for

probationers and ex-prisoners, and in 2022 developed and implemented a unified electronic system for all stages of case management.

In **2023**, the creation of regional areas for ex-prisoners will begin, to increase access to relevant programs and services to support the voluntary rehabilitation of ex-prisoners.

Findings

The fuller findings on capacity building from which the five “stand-out” factors are drawn are described here, including where relevant attention to “why”, “who” “what” (domains) and “how” (enablers) -

- Several strong “drivers” for change including recognition of need to reduce the prison population, the interest and drive of Ministers, and desire to reduce corruption and crime, and to improve rule of law and Human Rights.
- Added central drive following creation of MCLA (2009), bringing together need to tackle prison population, focus on probation, and on-going international support (knowledge and material)
- A clearly focussed Reform Strategy, addressing key aspects of development such as legislation, human resources, operations and infrastructure, innovative technologies, taken forward on a coordinated inter-agency basis.
- Involvement of “the right people and the political will”
- “Important to understand and address political motivations” (which can vary but include national and international factors)
- Acceleration of incorporation of rehabilitation focus during last decade, accompanied by a respective recruitment of social workers and psychologists.
- A “culture of openness” to change inspired and encouraged by international experience including overseas study visits and conferences (including recognition of a “rehabilitation and social work” approach)
- The involvement of Ministers, including “stand out” instances of stimulating and shaping development.
- And of probation leaders directly in, and owning, change
- Sustained involvement, drive and influence of “quality” international and local NGOs
- Encouragement and influence of international bodies, the Council of Europe “Probation Rules”, the UN “Tokyo Rules”, and of the “big picture” “pull” of the EU.
- The benefits of regular international resource support, linked also in various ways to development objectives (for example EU “Budget Support”)

- Influence of the “international probation family” - especially the CEP including visits by CEP President and Secretary General, “recognition” of membership, and hosting of Eurasia Probation Conference
- (Some) involvement of justice chain and other partners in the process of change
- Approach that pays attention to development in all probation domains (including a focus on vulnerable groups as a priority) supported by comprehensive strategic planning - with the recently adopted Vision 2030 - Development Strategy of Georgia - which addresses rehabilitation, restorative justice and probation (and, as noted above, developed with close collaboration between international and local experts, senior managers and involvement of Minister).
- Practice development supported by high quality evidence-based approaches including RNA, “graduated sanctions” (linked helpfully to low/medium/high levels of supervision with resource allocation benefits), case plans, and multidisciplinary approaches.
- “Whole organisation” international support which has included a combination of *practical/material support* e.g., introduction and deployment of technology including video conferencing, *knowledge/practice support*, (including assessment, programmes e.g., developing program to work with sex offenders), gender-sensitive practice, and support to “enablers” - in particular training, research, work in partnership.
- International experience and support (material and “know-how”) provided consistently over several years by international donor organisations (including INL, EU, CoE and UN and its agencies), in particular in some instances their local staff.
- In turn this has contributed to a deliberate focus on coordination of support and the avoidance of duplication, including between donors, and consistent advice (across donors) to beneficiary regarding programmes and priorities, and to “Mindfully Manage Resources”.
- It has also contributed to effective management of some differences in US and European practice emphasis.
- Continuity has in turn helped during periods of change in Government or probation leadership.
- “Embassy” support has also been valuable. “Embassy projects” may have special benefit in addressing specific issues.
- Skilled “impressive” international experts (programme leader, managers, coordinator, experts)
- Also, consistency in international experts (“Never change a winning team”)
- Experts “responsive to requests” and bring technical competence to requests.
- Value recognised of experts who have experienced similar (post-Soviet) systems.

- An approach of “explaining” rather than “telling”.
- Local (including pilot) development, involving steps over time to adapt and refine. It feels like “our product”.
- Avoiding “import” or transplant; international projects support preparation or model development rather than immediate implementation
- Pilots may involve juveniles and females initially. Less risky in terms of outcomes (or resistance)
- Consistency of desire and effort to engage with others including in partner agencies in the spirit of enhancing cooperation.
- Experts can help coach in developing approaches, including among partner agencies and with staff whose historical focus was primarily legal.
- Important to communicate, involve and explain probation service to key actors e.g., to judiciary.
- A “general culture of openness about problems, recognition of imperfection, and willingness to use SWOT etc. and to look for solutions”.
- The impact of the foregoing enhanced by evident strong mutual respect between key partners including donors, providers (including experts) and beneficiaries.
- However, capacity building has been hindered, particularly in the earlier years of development, by apparent lack of agreement about, and changes to ToRs (perhaps reflecting uncertainty and/or differences in key aims, and an underestimating of difference including in legislation and penal culture)⁷⁰, project process issues including resource allocation and changes in Georgia including at political level, and context (including significant national and international events).

Appendix 4 - Sources of Information:

While preparing this study we were fortunate in being able to discuss the development of the probation system in Georgia with a range of people previously or currently significantly involved in this work. We are especially grateful to the support provided to us by Elene Akhmodishvili of the Analytical Department, National Agency for Crime Prevention, Execution of Non-Custodial Sentences and Probation who not only provided information but arranged meetings during our visit and even assisted where necessary with interpretation, to Iason Nachkebia, Head of Analytical Department, for his extensive advice and information to help ensure our report is both accurate and up to date, and to Tsira Chanturia of Penal Reform International (PRI) and Tamar Chanturia (at the

⁷⁰ Earlier years were devoted to building awareness around the mission and goals of the probation service among CJ stakeholders as well as civil society and public.

time of PRI) who provided very helpful insight on the development of probation work in Georgia, substantial comments on the draft study, and additional references.

Interviews: Meetings, face to face or virtual, were held with current and former Deputy Heads of the Service and current and former Divisional Heads of relevant functions including Rehabilitation Programmes, and other leaders and senior managers of the Probation Service, academic experts, NGO representatives, representatives of donor organisations including of the United States and Europe and the Netherlands, and with international experts on probation involved in the process of capacity building, past and recent/present.

Literature: A range of written sources were drawn on, in particular -

- Confederation of European Probation; Probation in Europe - Georgia Chapter (2016)
- Council of Europe; SPACE II Statistics (2021)
- Delgrande, Natalie; Alternatives to custody across Europe - Council of Europe and SPACE perspectives -, Presentation to CEP Conference, Chisinau 2014
- National Probation Agency of Georgia, Website
- Penal Reform International - Promoting the Use of Non-custodial Sanctions in Armenia, Azerbaijan and Georgia, Synthesis Research Report (2015)
- World Prison Brief, Institute for Crime and Justice Policy Research, Birkbeck College, University of London, 2020

Appendix 5 - Excerpts from Key Sources

Council of Europe - SPACE II Statistics 2021

General comment:

As the result of government structural changes of July of 2018, the penitentiary system was integrated into the Ministry of Justice (MOJ) and the Special Penitentiary Service (SPS) has been established, subordinated to the MOJ. The SPS oversees the penitentiary system as a whole including its operation, development and implementation of thematic reforms aiming at prevention of reoffending, supporting inmates, resocialization-rehabilitation and providing efficient treatment services.

As for the National Crime Prevention, Execution of Non-Custodial Sentences and Probation, the agency is also operating under the umbrella of MOJ as Legal Entity of Public Law. The main areas of work of the Agency are juvenile referral, management and coordination of diversion and mediation programs,

supervising the sentence execution and supporting rehabilitation, re-socialization of beneficiaries and promoting crime prevention.

The MOJ has recently prioritized further developing penitentiary and crime prevention and probation systems and elaborated respective its part in Vision 2030 - Development Strategy of Georgia.

Probation in Europe - Georgia Chapter (excerpts) - Confederation of European Probation 2016 (Note: This Chapter does not reflect changes from the 2016 date of writing).

2. Historical Development of the Probation System

2.1 History from the origins to 2010

Before 2001, the National Probation Agency came under the Ministry of Internal Affairs. In 2001, the Ministry of Justice assumed the responsibility for the control and supervision of probationers. In 2007, the Parliament of Georgia passed a new Law defining the procedures of executing non-custodial penalties and probation. According to the new law, the Department of Non-custodial Sentences and Probation was integrated into the Ministry of Justice. The Department fulfilled the obligations imposed by the legislation, and controlled duties of offenders provided in the law mentioned above. On 17 July 2007, a sub-department - Non-custodial Sanctions and Probation Service was formed under the Ministry of Justice. Under the new law, probation bureaus were directly integrated into the territorial units of the National Probation Service. On 04 February 2009, the National Probation Service was integrated into the Ministry of Corrections and Legal Assistance. On 01 January 2010, National Probation Agency changed its status to L.E.P.L (Legal Entity of Public Law) National Agency of Execution of Non-custodial Sentences and Probation. Goals of the National Probation Agency include the enforcement of legal acts determined by law, prevention of re-offending, ensuring public safety, facilitating re-socialization and rehabilitation of the probationers.

In 2010, the National Probation Agency joined the European Organization for Probation (CEP). This was recognition of successful reforms implemented in the probation system of Georgia. CEP membership is also a great challenge, which obliges the Agency to carry on further reforms and ensure that the results of these reforms are irreversible.

2.2 Recent history from 2010 to 2016

Since 2010, Georgia has gradually introduced mediation and diversion program. Social worker plays an important role in the diversion process of the

offender. Within 3 days from prosecutor's request for referral of the case, a social worker meets juveniles and their parents to clarify their future cooperation.

In 2014, Limited Liberty Establishment (Halfway House) for adult offenders was opened. This Establishment is for the inmates whose sentence of imprisonment is changed with liberty restriction, based upon the decision of the local board. Also, for the offenders who are sentenced to liberty restriction by the court (will be enacted from January 2017). The main goal of the institution is rehabilitation of inmates and their preparation for release.

On the territory of liberty deprivation establishment, inmates are given the opportunity to work and receive salary. There is a pasta factory, bread bakery and a wood carving enterprise on the premises of the Limited Liberty Establishment (Halfway House), where inmates can work and get paid for their work. The multi-profile educational centre offers inmates an opportunity to acquire new trades such as an electrician, computer engineer, stylist, etc.

In September 2015, a new non-custodial form of penalty - house arrest was introduced based on the Juvenile Justice Code. This sentence is executed by the National Probation Agency with the help of the electronic monitoring system. This alternative sanction serves for liberalization of the criminal justice system and its main goal is to avoid incarceration of juveniles. Juvenile Justice Code was adopted on 01 January 2015, based on conventional principles of law, Convention on the Rights of the Child, and the Constitution of Georgia.

Based on the juvenile justice code, the National Probation Agency is responsible for preparing individual assessment reports of juvenile offenders at pre-sentence stage of the criminal trial. Reports are prepared by social workers of the National Probation Agency.

National probation agency actively continues to work with the court, prosecution and representatives of self-government institutions to increase the use of non-custodial sentences.

3.1 Legislative basis

The legal basis of the probation system are: the Georgian constitution; the Law on Procedure of Execution of Non-custodial Sanctions and Probation; the Juvenile Justice Code; the Criminal Code; The Prison Code; Regulations of the National Agency of Execution of Non-Custodial sentences and probation; Typical Regulation of Probation Bureaus; Regulations on the Standing Commission of the National Probation Agency on Annulment of Non-custodial Penalties; Law on the Approval of Principles, Rules and Forms of Compiling

Individual Sentence Plan, its implementation and assessment of risks of the offender; Orders of the Minister of Corrections as well as other legal acts.⁷¹

There are no records about Probation in the Georgian Constitution, but probation agency is a legal entity of public law, and it extends all obligations as other public institutions. Constitution protects probationers by granting rights stated in Chapter 2, on fundamental rights and freedoms.

In the Georgian legislation there are no rules to define the type of offences and/or offenders that come under the attention of the probation service. The court decides what sentence is appropriate for every individual crime. The “Law on Procedure of Execution of Non-custodial Penalties and Probation” consists of 47 articles and is regulates important issues related to Georgian non- custodial sentences and probation.

International acts, together with national laws, also represent legal basis for the probation system in Georgia. Among them are following legal documents: United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) Adopted by the General Assembly resolution 45/110 of 14 December 1990; Recommendation CM/Rec (2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules (Adopted by the Committee of Ministers on 20 January 2010 at the 1075th meeting of the Deputy Ministers).

⁷¹ One such act is the Law on Social Work [Preview \(matsne.gov.ge\)](http://matsne.gov.ge) which regulates the work of social workers (including those employed at the Probation service).