

Information from the Government of Georgia

Resolution on “Human rights in the administration of justice, including juvenile justice” (A/HRC/RES/24/12)

Human rights in the administration of justice in correctional system, including juvenile justice

Overcrowding

Alongside with the liberalization of the Criminal policy and the introduction of the law on Amnesty, due to the efficient work of the revised parole boards and the renewed Joint Permanent Commission of the Ministry of Corrections (MoC) and the Ministry of Labor, Health and Social Affairs of Georgia (MOH), prison overcrowding issue was effectively addressed. The effective work of the parole boards made possible to guarantee 4m² living spaces for convicts and minimum 3m² for pre-trial inmates, as provided by European standards. The dorm type spaces were gradually replaced by cell type spaces in all penitentiary establishments.

Currently 5 parole boards (3 for adult male, 1 for juveniles and 1 - for women since May 2014) review on monthly basis cases for early conditional release and commutation of remaining term of a sentence into a less grave punishment. All early conditional release mechanisms have a diverse membership, which in addition to the ministry officials include representatives of relevant NGOs, Judicial organs and local universities. The original plan of the MoC is to link in the future the early conditional release criteria with the results of the individual sentence planning.

After October 2012, 24 infrastructural projects have been launched by the MoC, some of them still underway. The penitentiary Establishments №1 in Tbilisi, №3 in Batumi, №4 in Zugdidi, №16 in Rustavi, №19 in Ksani (for TB inmates) had been closed. In April, 2014 PE №3 in Batumi has been opened after full reconstruction. In 2013 Reconstruction of Juvenile Rehabilitation Establishment №11 has been finalized (160 convicted inmates), with a school building, sports grounds, etc.

In the end of 2014 a new Smart Reception Unit has been constructed and opened in Gldani №8, instead of the cubicle type of cells (so called “fuksi” and “quarantine”) used for initial intake and temporary holding purposes have been closed and abolished. Infrastructure for long term family visits in Kutaisi №2 has been constructed and put into operation. A New campus for temporary detention has been constructed in Ksani №15. New public receptions have been constructed and opened in №2 Kutaisi, №5 female and №6 in Rustavi prisons. Workshop and sporting facilities have been constructed and opened in №5 female prison. Infrastructure for long term family visits

and kitchen has been added to №12 Tbilisi. A “Half-Way House” - open type institution in Tbilisi has been constructed, equipped and opened.

The renewed Prison Referral Hospital has been opened in June 2014. The hospital has a 90 bed capacity and is planned and equipped according to the civilian hospital standards; licensed according to the civilian health care licensing protocol; also has safety adaptations to serve prisoners. The adapted habitat for persons with disabilities with the capacity of 53 patients also runs at the hospital. The nurses have passed special professional trainings; TB hospital project has been finalized and opened.

The low risk penitentiary establishment №16 with the capacity of up to 1200 inmates is ready to be opened in nearest future. The institution will focus on rehabilitative and re-socialization programs for inmates. The factory, education centre and other related facilities will function on its territory. With the assistance of the US Government the institution and its staff will receive comprehensive methodological guidance and training in the nearest future. A high security type prison for 574 inmates is planned to be opened in Laituri, West Georgia by the end of 2016.

Behavior Based Classification System of inmates

In 2014 the MoC has initiated a broad package of legislative amendments to the Code of Imprisonment, which entered into force on May 3, 2014. These amendments included introduction of a new classification system of prisons (4 types of prisons including low risk, half-open, closed and maximum security prisons) with the distribution of inmates based on their behavior based risk assessment methodology.

Pursuant to the legislative amendments the MoC plans to introduce inmate’s objective classification system, including personal assessment of risks and needs of each inmate individually. While the respective methodology will certainly consider sentence information, it will equally take into account an inmate’s behavior, criminal, institutional and personal history. Accordingly, inmates will be sent to relevant institutions, where individual sentence plan will be developed, implemented by the multidisciplinary board consisting of a security officer, social worker and psychologist. Inmates’ classification will help prison administrations maintain better control over population, create secure prison environment and facilitate to the rehabilitation of the inmates.

The ongoing plan of the MoC is to link the early conditional release criteria with the results of the individual sentence plan. Individual sentence planning has so far been successfully implemented in relation to juvenile inmates and from 2015 will be introduced in one female and in one male penitentiary establishment;

Rehabilitation-Resocialisation

The psycho-social rehabilitation of inmates is a declared MoC priority for 2015. Further liberalization of criminal law has made it possible to increase the use of non-custodial sentencing in the forms of community service and the placement of offenders and probationers in the 'half-way house' (the Establishment for Limitation of Liberty, where inmates have access to education and work opportunities, also they are given an opportunity to leave the establishment for a weekend);

One the aim of the ongoing comprehensive reform of the corrections system in Georgia is the major conceptual shift from execution of the punishment imposed by the court towards rehabilitation, re-socialization and healthy re-integration of prisoners into society. Important part of legislative changes concerns enhancement of social work and rehabilitation process, including modernization of prisons social services and getting closer to the European standards in this field. It is planned to transform prisons social service into civilian service instead of existing soviet style paramilitary one, launch new standardized social and rehabilitation programs and enhance educational capability of whole penitentiary system;

Currently are number of ongoing educational, vocational and professional courses offered within the penitentiary system to inmates. Throughout 2014 up to 3000 convicted inmates participated in these courses and have been retrained. In order to increase working opportunities for prisoners and enhance their employability upon release, the MoC introduced several employment programs in the penitentiary establishments. Currently, more than 600 convicted inmates are listed to do maintenance work in the establishments and relevant remuneration is paid for them from the State budget accordingly. The Penitentiary Department is also planning the construction of small factories on the territory of several establishments;

In 2014, up to 2472 probationers have completed educational, psycho-rehabilitation and social skills development programs (1086 probationers in 2013). In addition, 2315 probationers participated in social-cultural and sports activities (1611 probationers in 2013) in cooperation with different local and international organizations. One of the main priorities of the National Probation Agency for 2015 is to support probationers in finding employment opportunities. As a result of increased and strengthened cooperation with NGOs, in 2014, 145 probationers have been employed (125 probationers in 2013). In 2015 the National Probation Agency will further intensify cooperation with NGOs, in order to assist a greater number of probationers in finding jobs.

In 2013 the National Probation Agency launched a database containing vacancies for convicts sentenced to community service, allowing officers of National Probation Agency to choose a service in accordance with inmates' skills and physical abilities;

Internal/External Monitoring Mechanisms

To ensure complete eradication and prevention of torture and ill-treatment of inmates, the following major steps have been taken by the MoC since October 2012:

Monitoring/enquiry/complain mechanisms strengthened: The capacity and functions of the General Inspection Department at the Ministry of Corrections (MoC) and the Monitoring Division of the Penitentiary Department have been strengthened. The legislative changes in 2013 have made the General Inspection Department and Investigation Department of the MoC become more independent by being directly subordinated to the Minister of Corrections. The General Inspection Department was granted a power to conduct operative-search activities such as gathering evidence on disciplinary misconduct by penitentiary staff, etc. The number of its staff has doubled. Since October 2012 the follow-up internal investigations into possible HRs violations against prisoners led by the MoC internal control mechanisms resulted in the dismissal of 115 staff members and the issuing of different administrative penalties for 270 staff members. (To compare: from January 1, 2010 to October only 25 staff members received different administrative penalties);

Mandate and operation of the investigation department has also been strengthened. Investigation has been launched in 608 criminal cases in 2013, investigations have been completed in 365 cases and 57 cases ended with court proceedings and criminal charge. Investigation has been launched in 660 criminal cases in 2014, investigations have been completed in 545 cases and 190 cases ended with court proceedings and criminal charge. Majority of complains (90%) received in autumn 2012 related to the allegations of torture and ill-treatment conducted before September 2012. It should be noted, that during 2013 the majority of complaints received from inmates have been related to the request to re-consider court decisions, which falls beyond our competence and have been forwarded to the appropriate authorities. A complains box has been placed at every penitentiary establishment where prisoners can file anonymous complaints and since 2013 the 24 hour hot-line for complains has started to function. The complaints addressed to the minister or deputy ministers are reviewed by the Human Rights Unit under the General Inspections Department of the MoC and are forwarded to the appropriate institutions for further consideration. Complaints handling and guarantees for complaining has been improved. Increase in number of complaints and statistics on reacting to them demonstrate that safeguards over the complaining mechanisms are more effective.

Over 35-40% of the prison staff has been replaced in 2013-2014. Administrative layers of all institutions have been replaced and trained in human rights standards and absolute prohibition of torture and inhuman or degrading treatment or punishment. Trainings for the regular prison staff

are ongoing and prohibition of torture and inhuman or degrading treatment or punishment is an essential part of the training plan.

The Public Defender and members of his staff along with the National Preventive Mechanism under the office of the Public Defender, enjoy unrestricted access to all MoC establishments of the deprivation of liberty. Since October 2012 the MoC has also been granting access to prisons to the human rights defender and service provider NGOs who have since conducted various surveys and psycho-rehabilitation activities for inmates;

The MoC has been also granting access to prisons to interested NGOs and other public organizations who conduct various surveys and psycho-rehabilitation activities for inmates. Between December 2013 and February 2014, in the frames of the project proposed by the Open Society Georgia Foundation to prepare a comprehensive public report on ill-treatment in prisons, 7 NGOs have been granted access to conduct surveys in 9 penitentiary institutions. The report was based on a survey carried out throughout Georgia with the participation of 1200 prisoners.

Penitentiary Healthcare

2013-2014 Strategy and Action plan for Prison Healthcare Reform (so called 18 months reform) has been developed with wider participation and endorsed. The reform was completed successfully following the independent evaluation conducted on behalf of the EU and CoE;

- Prison healthcare budget has been increased from 7.2 million to 14.5 million GEL;
- Program for prevention, testing and treatment of Hepatitis C has been launched, providing testing already to 6100 prisoners and treatment to 500 simultaneously;
- A new Rehabilitation Center for treating inmates infected with tuberculosis was opened, where three main criteria have been met, such as separation of patients with different forms of TB infection (MDR, XDR, Sensitive), independent regulation of airflows between the cells and departments as well as inward and outward ventilation system and the special food ratio for TB infected inmates. Accordingly TB response has been strengthened and consolidated; Incidence of new regular TB cases decreased from 801 cases (2012) to 82 cases (2014); Incidence of MDR TB has been decreased from 68 (2012) to 8 (2014); TB related mortality has been decreased to its historical minimum; Bann for the pre-trial prisoners to access services in the TB center was abolished;
- Universal access to HIV counseling, testing and treatment has been established;

- Appropriate measures have been taken to protect confidentiality of medical information: 1. protected safes have been provided to all medical facilities 2. Staff has been trained and instructed; 3. Monitoring is done;
- New adapted housing with appropriate assisted care has been opened for disabled prisoners and working process to introduce new rehabilitation program is on;
- Access to antidrug services has been improved: 1. new department of addictology has been opened; 2. Anti-dependency campaign against psychotropic drugs has been started 3. Drug clinic has been contracted in the civilian healthcare sector 4. Coverage for methadone detox has been expanded to female institution 5. Decision to initiate methadone maintenance therapy from 2015 for all problem drug users incarcerated, has been made 6. Condoms are provided;
- Total 37% of medical personnel has been replaced based on competitive selection and salaries of doctors and nurses have been increased by 60%;
- Continuous professional development program for prison nurses and doctors has been launched. More than 800 medical and non-medical prison staff, including a high number of managerial staff went through a cascade trainings on health promotion, preventing activities and Istanbul Protocol;
- Suicide Prevention Program has been designed and launched in five prisons, engaging more than 89 prisoners at high risk of suicide, since January, 2014; Mental Health and psychiatric care has been identified as a priority: new psychiatric unit has been opened. Identification of mental health problems on primary healthcare level is improved. Referral to the psychiatric services has been improved and training of the staff on healthy environment – conducted;
- A Medical center - Central Correctional Hospital (CCH) has been opened, where average length of stay for surgery is 5.5 days and for therapy – 9.9 days;
- Medical assistance is provided to inmates at the facility, in the medical center, however if there is a need for specific treatment doctors from the civilian service are invited for the specialized care. Furthermore, for urgent medical assistance which cannot be provided at the facility, inmates are immediately transferred to a civilian hospital;
- In this regard more than 62 civilian hospitals and clinics have been contracted to provide medical services to prisoners and 5650 referrals in 2013 and 4204 referrals in 2014 have been completed to the prison and civilian hospitals to provide diagnostic, treatment and care to prisoners. This is more than significant increase in comparison to previous years when the number of referrals ranged from 400 to 1280 with more than double number of prisoners;

- Smart reception unit has been opened in Gldani N8 which operates based on dynamic security principles. Multidisciplinary approach to the prisoner's needs has been introduced. Similar Unit will be constructed in Kutaisi N2 facility;
- Preliminary medical examination has been re-introduced and is conducted at smart reception unit for all prisoners without exemption. Upon intake inmates are examined externally by the medical personnel and their medical files are created updated. All observed injuries are recorded in an adequate manner (in accordance with the Istanbul Protocol) and the final document is handed to the administration of the facility, who is obliged to pass it to the Prosecutor's Office;
- Remand prisoners are screened for Tuberculosis. Examinations on C and B Hepatitis as well as HIV AIDS are also offered;
- Victims of violence accessed full range of medical services available and established by the national standards;
- Electronic Queue Management System and Prison Electronic Health Record have been developed and put into operation. Electronic Queue Management ensures transparent, equal and effective handling of planned medical care; Also calculates average waiting time to access specialized medical service (the period varies from 25 to 55 days depending on the type of services and geographical location); Cases that need emergent or immediate response, don't fall under the waiting list and are addressed without delay;
- Model of Primary Healthcare has been rolled-out to all prisons and all primary healthcare units have been rehabilitated and equipped. Simultaneously prison hospitals and primary healthcare services have been licensed following the public health system accreditation standard. For the first time in country's history Prison Healthcare Standard has been developed, which sets a types and list of the "must provide" services for prisoners. Furthermore, information on medical services became available for migrant prisoners. Relevant information have been published and made available in 10 different languages;
- New prison drug standard has been developed and adopted as well as supply and access to the medicines has been improved considerably. Also in order to support the improved medical care a new food standard has been developed and implemented in 2013 and upgraded in 2014. It provides 12 different types of ratios to the substantial target groups among inmates;
- As the Ministry of Corrections of Georgia has identified mortality in the penitentiary system as a priority and alarming issue to be addressed it has analyzed available health and criminal data and identified "top killers" in the penitentiary system. Leading mortality reasons prior October 2012

were: 1) Tuberculosis 2) Hepatitis C induced cirrhosis, 3) cardiovascular diseases 4) trauma and suicide;

- Due to reforms discussed in this chapter, Tuberculosis no longer represents a leading ‘killer’ in the system. The main reasons of mortality in 2013 were 1) cardiovascular diseases; 2) suicide; 3) Tuberculosis;
- Leading ‘killers’ in 2014 were: 1) suicide; 2) cardiovascular diseases; 3) cancer. There was only one death caused by Tuberculosis in 2014;
- All 3 inmate deaths recorded so far in 2015 were registered in civil hospitals, outside of the penitentiary facility;
- Total number of deaths among prisoners has been reduced significantly as a results of the reform: in absolute numbers it has been decreased from 144 cases per year to 25 cases between years 2010-2014 and Standard Mortality Rate (SMR adjusted per 10 000 prisoner) has been decreased from 63 to 25 in the same period;
- Number of communicated applications lodged against Georgia to the European Court of Human Rights has been reduced by 60% between 2010 and 2013;
- The Council of Europe’s Committee of Ministers in its final resolution (12 Nov, 2014) acknowledged reforms implemented in the prison healthcare system of Georgia, considered ECHR judgments in this area executed and DECIDE TO CLOSE DOWN five examinations thereof (see the resolution at <https://wcd.coe.int>).

Juveniles in correctional system

The reform of the juvenile justice system is one of the most important directions for the Ministry of Corrections. The Ministry shares the principle that strict criminal justice policy will not ensure juvenile crime prevention or reduce the risk of re-offending. We believe that imprisonment should be used as a last resort, when other non-custodial sentences are not effective and cannot guarantee effective implementation of justice. However, when such measures are needed, it is important to make sure that this period is as short as possible and is used for the rehabilitation purposes.

Currently, the issues concerning children in conflict with law are regulated by various laws and secondary legislative acts. Important steps have been made in recent years to reform the juvenile justice policy. One of the priorities of the MoC is to establish an effective and child-oriented juvenile justice system. Reforms have been put in place in the following areas:

- Effective prevention of juvenile delinquency;

- Improvement of the legislative base;
- Development and use of alternatives to prosecution and prison;
- Rehabilitation and reintegration of juveniles in conflict with the law;
- Skills development and permanent training of juvenile justice experts;
- Capacity-building for research and analysis; streamlining of statistical methods.

One of the most successful developments within the framework of the juvenile justice system reform has been introduction of an individual approach to children in conflict with the law which was made possible through incorporation of social work assessment and intervention in parts of the criminal justice system for juveniles.

Individual Sentence Planning (ISP) mechanism for convicted juveniles is regulated by Decree No. 19 on the approval of the “Individual Sentence Planning Instructions” adopted by the Minister of Corrections and Legal Assistance of Georgia in 2012. ISP is applied to all convicted juveniles upon intake into the penitentiary establishment. The planning process starts immediately and within a month a juvenile’s individual sentence plan is approved. The procedure is the following: the director of the establishment appoints a coordinator for a new juvenile upon intake. Risk and needs assessment of the new intake from bio-psycho-social point of view takes place by a Multidisciplinary Board composed of social worker, physiologist, teacher, doctor and security officer. The Board evaluates juvenile and prepares recommendations for his/her individual sentence plan. The plan is based on in-depth risks and needs assessment of a juvenile. Plan prepared for a period of 6 months and is reviewed every six month by the Board. The whole process takes place with the consent and active participation of the juvenile concerned. In case of juvenile refusal, the social worker continues working in order to convince the juvenile about advantages of the individual sentence plan. Generally, the results of the ISP are taken into consideration by the Juveniles Parole Board while making decision.

For the effective implementation of rehabilitation process it is vital to have various educational, rehabilitative and sport programs in place as well as adequate infrastructure for carrying out these types of programs. In the beginning of year 2013 special rehabilitation establishment for juvenile inmates has been renovated, equipped with a new inventory and meets the minimum living space standard of 4 square meters per juvenile. All staff members working with juvenile offenders have participated in a special training program on how to treat juvenile offenders. A new educational-rehabilitation house with a yard, classrooms, rooms for vocational training and arts lessons, as well as a modern library has been constructed.

The MoC closely cooperates with various state institutions, non-governmental and international organizations as well as the Ombudsman of Georgia. As a result of a successful cooperation with the Ministry of Education and Science general education process is conducting in the rehabilitation establishment for juveniles and the school at the establishment is a branch of one

of the public schools in civil sector. As a result of a close cooperation with our partner organizations number of vocational trainings are being carried out: wood art, painting courses, and computer courses, guide courses, etc. Social workers and psychologists of the establishment systematically carry out various psycho-social-rehabilitation programs: anti tobacco, anti alcohol, anti drugs and trafficking, aggression and anger management programs, preparation for the release, etc. The establishment is equipped with sport inventory with the support of the Ministry of Sport and Youth Affairs of Georgia. Rugby and football circles are functioning on a weekly basis, various sport activities are being carried out. Overall objective of the Ministry is to keep juvenile inmates busy, physically active and mentally occupied so that after release a person returns to the society with less risk of reoffending.

Certainly rehabilitation process does not end at the door of prison facility and in this regard a period of preparing a juvenile for the release, so-called transitional management is of high importance. This includes the exchange of information and identification of risks outside by the penitentiary and probation social worker to ensure painless reintegration of juvenile into the society. At this stage of preparation prison staff produces a risk assessment document which is sent to a juvenile Parole Board. This document summarizes information about risks and needs of juvenile while entering prison facility as well as information on the progress made as a result of the individual sentence plan and recommendations to be taken into account after release. Risk assessment document also contains information on prisoners' education, behavior, feelings, emotions, family, traditions, attitudes towards a crime and etc.

The National Probation Agency is oriented at rehabilitation of juvenile probationers, which is important for prevention of re-offending. Positions of social workers and psychologist were introduced in the probation system to ensure qualified individual sentence planning. Besides, every probation officer who works with juvenile probationers underwent special trainings. Individual sentence planning implies identification of individual needs of a probationer. The National Probation Agency is oriented to engage juvenile probationers into educational, rehabilitation and tutoring programs in order to reintegrate them into society. One of the priorities of the Ministry is to establish an effective and child-oriented juvenile justice system.

The new liberal legislative reform brought the diversion and mediation programs for juvenile offenders. The programs ensure that juveniles, who had committed certain category of crimes for the first time, will not be convicted. In case of reconciliation with the victim, the juvenile offender, within his/her abilities, is obliged to retribute the damage to the victim. The National Probation Agency participates in the diversion program by specially trained social workers, who are in charge of daily process of re-socialization of an offender. Probation bureaus also ensure enforcement of meetings with convicts by video-conferencing. The service was first implemented in the Juveniles' Special Establishment that is an effective way for communication with the outside world.

Juveniles Parole Board

From 2013 a risk assessment document has been regularly sent to the juvenile parole board. This definitely contributed to the improvement of a system of early conditional release. Juveniles Local Council for Early Conditional Release established in the MoC by the Ministerial Order #151, October 28, 2010 and represents a body, which reviews issues in relation to early conditional release or commutation of the remaining term of a sentence into a less grave punishment.

This mechanism gives an opportunity to effectively and objectively review applications of each juvenile convict and make decisions after personal interviews with them. If the Council takes a decision on rejection of a parole request or commutation of remaining term of a sentence into a less grave one, the repeated application on the same issue can be filed and reviewed in 3 months. It is essential, that in practice Juveniles Parole Board reviews the applications in every month and oral hearing is typical for this local council. Hearings are held in the establishment for juveniles. The board takes decision on the ground of the information received from the prison management and as a result of the interview held with a particular juvenile inmate.

Women in Corrections system

Women are serving their sentence separately in the special establishment for women, which is equal to semi-open type facility.

A special “Mother and child Unit” is functioning on the territory of the Establishment №5. Female inmates and their children up to three years may live together by the permission of the trusteeship and guardianship organ and with the consent of administration. According to their needs, breastfeeding mothers, pregnant inmates and mothers with children up to 3 year are provided with a special food ratio based on new food standard, medical services and adequate sanitarian and hygienic conditions by the MoC;

The individual sentence planning system was piloted to women establishment in this year. So far this method was applied only to the juveniles. The comprehensive rehabilitation and re-socialization programs are implemented within the Establishment №5 for women inmates;

From 2013 general healthcare service in line with the standard available in civil healthcare sector is accessible to all female inmates without any discrimination taking into consideration their specific needs. The service of primary healthcare, ambulatory and a gynecologist is also accessible at the Establishment №5. Referral service is provided to female inmates in 64

different civilian hospitals. Various program for prevention the breast cancer, medical and rehabilitation services for drug dependents are accessible to female inmates;

The separate Local Council for Women Early Conditional Release was established in May, 2014. The applications of convicted women juveniles are reviewed by the Juvenile Local Council. At least one member of the Women Local Council is specially trained or/and has working experience in gender issues and on the women prisoners rights.

The training on the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) has been under way at the Penitentiary and Probation Training Centre. The training covers special needs of women prisoners during serving the sentence and the issues related to their preparation for release in line the Convention on the Elimination of All Forms of Discrimination against Women.

The MoC Structural Reform

In 2015 major conceptual change was shifted from execution of punishment imposed by the courts towards rehabilitation and re-socialization of prisoners. Thus the MoC priorities for 2015 included the following: structural changes in the Ministry, which includes merging of penitentiary department with the ministry, enhancement of penitentiary personnel qualification, institutionalization and standardization of penitentiary and probation rehabilitation programs, increase of security standards in the penitentiary system, introduction of inmates' classification according their risks and needs and establishment of individual sentence planning to the whole system;

In this respect in the second half of 2014 the MoC has assessed and evaluated existing model of penitentiary system. Based on the result of analyses the MoC leadership made decision to implement structural changes in the system. These changes include abolishment of two parallel structures with two separate budgets - penitentiary department and the ministry, thus transforming it into a unified penitentiary system subordinated directly to the Minister.

Under these changes existing penitentiary department will be merged with the Ministry, which will have unified management and administration, unified human recourse management including stable career development system for personnel, clearly defined positions for civil servants and penitentiary institutions' personnel with special ranks. In the frames of the reform a new recruitment policy for penitentiary personnel will be introduced in 2015. New regulations for competition and certification processes of recruited personnel as well as their job descriptions will be developed. All personnel who currently work in the penitentiary system will go through the state funded training and retraining, receive certificate for their further penitentiary career.

The reform includes four dimensions:

1. **Structural and Organizational Changes:** establishment of the effective model of the penitentiary system. It includes organizational changes: creation of a new management system by liquidation of the penitentiary department, reorganization and consolidation of the two institutions in the field; improvement of management and enhancement of links between policy-making and enforcement, strengthening mechanisms of internal system for human rights and implementation of preventive monitoring system, simplification of administrative procedures;
2. **Improvement of Human Recourses Policy:** formation of the contemporary model of human resources management in the penitentiary system. It includes: creation a stable career system for penitentiary personnel by establishing special penitentiary service under the law, introduction strict classification between civil and paramilitary employees, implementation of mandatory training courses before employment for prison staff, increase their social, legal and security guarantees and making their status equal with a police officer;
3. **To develop Security Standards:** modernization of the security services and implementation of new standards in their work, introduction new attitudes and methodology of the operational activities and strengthen analytical field, establishment crisis management standards;
4. **Enhancement of Social Work and Rehabilitation Process:** modernization of social services and getting closer to the European standards in this field, transformation of social service into the civilian service instead of existing soviet style paramilitary one, implementation of a new social programs and enhancement educational capability of the penitentiary system.

The reform aims to increase the effectiveness of management and public confidence towards the system, and create a legal basis for the re-branding of the penitentiary system.

General overview of the Georgian legislation regarding restriction/deprivation of liberty

The Constitution of Georgia and the Criminal Procedural Code (CPC) provide that no one should be unlawfully or arbitrarily deprived of his or her liberty and the principles of necessity and proportionality in this regard are respected.

The respective provisions read as follows:

Constitution of Georgia, Article 18.

1. *Human liberty shall be inviolable.*
2. *Imprisonment or other restrictions of personal liberty shall be inadmissible without a court decision.*
3. *A specially authorised official may arrest a person in the cases provided for by law. A detainee or a person whose liberty has been otherwise restricted shall be brought before a court*

of competent jurisdiction not later than 48 hours. If the court does not adjudicate upon detention or any other kind of liberty restriction within the following 24 hours, the person shall be released forthwith.

4. (Deleted – 27.12.2006, No 4137).

5. An arrestee or a detainee shall be made aware of his/her rights and the grounds for liberty restriction upon his/her arrest or detention. An arrestee or a detainee may request the assistance of an advocate upon his/her arrest or detention and the request shall be satisfied.

6. Pre-trial detention period shall not exceed nine months.

7. Violation of the provisions of this article shall be punishable by law. A person arrested or detained unlawfully shall have the right to compensation.

Article 42 of the Constitution of Georgia additionally states that the right to defence shall be guaranteed.

Article 205 of CPC determines the rules and conditions for detention and states that:

1. The detention, as a preventive measure can be used exclusively in cases where it is the only means:

a) to prevent risk of absconding and obstruction of justice by the defendant;

b) to prevent obstruction in obtaining evidence;

c) to prevent further commission of a crime by the defendant.

2. The total term of detention of a defendant shall not exceed 9 months. Upon expiration of this term, the defendant must be released from detention. The term of the defendant's detention runs from the moment s/he was arrested or, if s/he was not arrested, from the moment the court order to apply detention as a preventive measure was rendered, until a final judgment is issued by the trial court.

Furthermore, the detention term before the pre-trial hearing shall not exceed 60 days after the arrest.¹

Under the Georgian legislation the defence may move with a motion of dropping already issued detention warrant at any time prior to its expiration. A draft amendment to CPC has been submitted to the Parliament introducing automatic and periodic judicial review of detention warrant. The draft addresses as well the duty of the courts to substantiate their decisions on pre-trial detention.

According to the article 170 of CPC:

1. Arrest is a short-term restriction of a person's liberty.

2. A person is considered arrested from the moment his/her liberty of movement is restricted. From that moment the person is considered defendant.

¹ Criminal Procedural Code, Article 205(3)

Article 171 of the CPC sets grounds for arrest. The arrest warrant without oral hearing may be issued upon motion of the prosecutor by the court in following circumstances: if there is a probable cause that a person committed the crime for which legislation provides for a sentence in form of imprisonment, and, at the same time, the person will abscond from justice or will not appear in court, destroy the information of importance to the case or commit a new crime. Arrest warrant shall not be the subject of appeal.

Arrest without a court warrant shall be permitted if:

- a) the person is caught while committing a crime, or immediately thereafter;
- b) the person is seen at the crime scene and is immediately followed in order to effect an arrest;
- c) clear evidence of the committed crime is found on the person, with the person, or on his/her clothes;
- d) the person has fled after committing a crime, but was later identified by the eyewitness;
- e) a person may escape;
- f) a person is wanted.

Arrest without a court warrant can only be made if there is a probable cause that the person has committed the crime and the danger of flight, threat of destruction of evidence or possibility of committing a new crime cannot be avoided by measures alternative to arrest, which are proportionate to the circumstances of alleged crime and personal characteristics of the defendant.

Article 174 of CPC determines the Arrest Procedure and reads as follows:

1. If grounds for arrest exist, the arresting official shall be required to notify the arrested person about those grounds in a clear manner. Namely, s/he shall explain to the defendant which crime s/he is suspected of committing, inform him/her about the right to have a defense counsel, the right to remain silent and refrain from answering the questions asked, not to incriminate himself and that everything that s/he says can be used against him/her in the court. The statement(s) made by the arrested individual prior to being informed of the rights referred to in this Paragraph shall be inadmissible evidence.

2. The arresting official shall bring the person in custody to the nearest police station or other law enforcement body immediately.

3. If there is a probable cause to believe that the arrested individual is armed and/or intends to get rid of it, damage, or destroy an object, substance, or other item, containing information that could be evidence, the arresting official shall be authorized to conduct a

personal search in accordance with provisions of Paragraph 2, Article 121 [Personal Search] of this Code.

4. When the arrested individual is brought to the place of detention, s/he shall immediately be examined by the doctor to determine his/her general health conditions and a corresponding medical report shall be drawn up.

5. The term of arrest shall not exceed 72 hours. Within no later 48 hours from the moment of arrest, the arrested person shall be presented with the indictment. If during this term the arrested person is not indicted and provided with the indictment, s/he should be released immediately.

6. The term of arrest shall be included in the term of detention of the defendant.

Reforms of the criminal justice system including the juvenile justice sector

It should be noted that for coordinated administration of justice Government of Georgia (hereinafter - GoG) develops national strategies and action plans. Criminal Justice Reforms are led by the Criminal Justice Reform Inter Agency Coordination Council (hereinafter - ICC). The ICC represents a key policy-making body that is chaired by the Minister of Justice and is composed of representatives from different governmental agencies, international and non-governmental organisations. It has developed annual consultation forums with the donor community and civil society representatives; while its working groups create inclusive process, with participation being offered to any organization or interested individual expert. The ICC adopted following strategies and action plans in 2009 and subsequently revised on annual bases: Criminal Legislation Reform, Juvenile Justice, Penitentiary, Probation, Legal Aid, Legal Education, Prosecution, Police, Judiciary and the Public Defender's Office.²

As to the juvenile justice reform, GoG has adopted *The Juvenile Crime Prevention Strategy* in March 2012. The Strategy aims to develop unified national policy for juvenile delinquency prevention, provide the basis for development of effective crime preventions measures and interventions, as well as indicate responsible state institutions. The Strategy reflects the main principles and regulations of the Committee on the Rights of the Child and is based on the international standards and best practice of states. The Strategy and its Action Plan reduce juvenile offending, as well as rehabilitate and reintegrate into society juveniles in conflict with law. In the framework of ICC the revision process of the Strategy and its Action Plan has been lunched in 2014 and the first draft has been elaborated. Draft strategic documents are being discussed within the Sub-Working Group on Juvenile Crime Prevention operating under the Working Group on Juvenile Justice (JJ WG) of the ICC.

For ensuring better realization of children's rights in all areas of the legal system including criminal justice, the concept of *Justice for Children in Georgia* was proposed by the UNICEF.

² The progress reports of the ICC are publicly available at www.justice.gov.ge.

The concept gained a wide support from the GoG and it was decided to start the new phase of the reform which would reflect the policy of the Justice for Children in order to protect the best interests and consider the needs of all juveniles involved in criminal, administrative or civil proceedings. Subsequently, the *Juvenile Justice Strategy* elaborated in 2009 and subject to annual revision was expanded in March 2014 to cover the justice for children as recommended by UNICEF in their concept paper endorsed by the relevant ministries. The ICC at its 11th Session agreed on the following English translation: *Justice for Children Strategy*.

The new policy of GoG reflects the standards of the Convention on the Rights of Children Committee which considers that State's approach to juvenile crime must involve the prevention of delinquency and must stress the importance of diverting children from the criminal justice system;³ and that individual approach to a child in contact with the justice system shall be ensured at any stage of proceedings.⁴

The Government of Georgia has reviewed and amended the national legislation in accordance with the Convention on the Rights of Child (1989) (*hereinafter* – CRC)⁵ together with its additional protocol (2000),⁶ Geneva declaration on the rights of the child (1924),⁷ UN declaration on the rights of the child (1959),⁸ the Beijing Rules (1985),⁹ Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2005),¹⁰ United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) (1990),¹¹ United Nations Guidelines for the Prevention of Juvenile Delinquency (1990),¹² Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (2007),¹³ Guidelines of the Committee of Ministers of the Council of Europe on

³ Justice for Children Strategy, p. 8.

⁴ Ibid, p. 11.

⁵ Convention on the Rights of the Child adopted by General Assembly resolution 44/25 of 20 November 1989, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

⁶ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography adopted by General Assembly resolution A/RES/54/263 of 25 May, 2000, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>.

⁷ Geneva Declaration of the Rights of the Child adopted by League of Nations on 26 September, 1924, available at: <http://www.un-documents.net/gdrc1924.htm>.

⁸ Declaration of The Rights of the Child adopted by UN General Assembly Resolution 1386 (XIV) of 10 December 1959, available at: <http://www.un.org/cyberschoolbus/humanrights/resources/child.asp>.

⁹ United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") adopted by General Assembly resolution 40/33 of 29 November 1985, available at: <http://www.un.org/documents/ga/res/40/a40r033.htm>.

¹⁰ Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime adopted by the Economic and Social Council resolution 2005/20 of 22 July, 2005, available at: <http://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf>.

¹¹ United Nations Rules for the Protection of Juveniles Deprived of their Liberty adopted by General Assembly resolution 45/113 of 14 December 1990, available at: <http://www.unrol.org/files/TH007.PDF>.

¹² United Nations Guidelines for the Prevention of Juvenile Delinquency adopted by the General Assembly on 14 December 1990 (A/RES/45/112) , available at: <http://www.un.org/documents/ga/res/45/a45r112.htm>.

child-friendly justice (2010),¹⁴ the European Rules (2008),¹⁵ two model laws of the UNODC (Model Law on Justice in Matters Involving Children in Conflict with the Law (and related Commentary); Model Law on Justice in matters involving child victims and witnesses of crime (and related Commentary)), statutes of various international organizations as well as other important documents and best practices of different countries. Legislative reform includes, inter alia, adoption of the *new Criminal Procedure Code*¹⁶ and *Amendments to the Code on Imprisonment*¹⁷, which establish effective guarantees for the protection of the rights of juvenile offenders.

In addition to the diversion, which was successfully incorporated in CPC in 2010 (detailed information on the Diversion and Mediation program see below) the JJ WG has worked to expand the legislative options of alternative sanctions for juveniles and bring criminal liability of juveniles in line with common European standards. In 2014 the application of diversion was expanded as alternative to traditional justice system for juveniles. In this process, Ministry of Justice (*hereinafter* - *MOJ*) cooperates with UNICEF, which provided detailed analysis of the problematic issues of Criminal Code of Georgia with respect to the criminal liability of juveniles. The recommendations of UNICEF with respect to legislative amendments were researched thoroughly by MOJ. The recommendations and findings of research were also reviewed at the meeting of JJ WG held in January 2013. Relevant chapters of the Criminal Code were analyzed in detail on the retreat held on 15-17 March 2013 where Georgian and foreign experts were strongly advocating idea of adoption of separate code regulating all aspects of juvenile justice. The Minister of Justice endorsed elaboration of a special *Juvenile Justice Code* and decided to create working group with this mandate. This decision was widely welcomed by the JJ WG as it is considered to constitute the best practice throughout the globe.

In March 2015 MoJ in cooperation with UNICEF and completed working on the first ever standalone Juvenile Justice Code based on the UNODC Model Law on Juvenile Justice and Related Commentary, Convention on the Rights of the Child and other relevant international standards. The aim of the Juvenile Justice Code is to fully incorporate into the legislation the best interest of child and other principles of juvenile justice enshrined in the Convention on the Rights of the Child and relevant international standards, to expand the alternatives to criminal prosecution, such as diversion and mediation, and to diversify the sanctions available to the

¹³ Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, 2007, available at: http://www.coe.int/t/dghl/standardsetting/children/Lanzarote%20Convention_EN.pdf.

¹⁴ Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, available at: http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20_4_.pdf.

¹⁵ Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measure, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1367113&Site=CM>.

¹⁶ The Criminal Procedure Code of Georgia, 2009

¹⁷ The Code of Imprisonment of Georgia, 2010.

judge to ensure that the detention and imprisonment are used only as measures of last resort against juveniles.

The draft Code has been presented to the ICC on 20 January 2015 approved by GoG on 12 March 2015 and subsequently sent to the Parliament of Georgia. The draft Code passed first reading of the Plenary Session of the Parliament.

The key principles of the Draft Code are as follows:

- In the juvenile justice procedure, first of all **the best interests of a juvenile** shall be considered.¹⁸
- Any measures taken against a juvenile in conflict with the law shall be **proportionate** to the committed act, as well as personality of a juvenile and corresponding to his or her educational, social and other needs.¹⁹
- The priority in all cases shall be given to the **alternative measures** while using **imprisonment as a last resort**.²⁰
- Existing legislation enables only prosecutors to use **diversion** towards juveniles, while according to the new draft Code diversions will be also available at judicial level.
- Juvenile justice procedure shall be administered only by the **authorities specialized in juvenile justice**. Judge, prosecutor, investigator, defence attorney, mediator, social worker, probation officer, who works with a juvenile in conflict with the law as well as with juvenile witness or victim shall have undertaken special training in the methodology of communication with a juvenile victim or witness and other related areas.²¹
- **The right to privacy** of a juvenile in conflict with the law shall be respected at all stages of juvenile justice. **The criminal record** of a juvenile will be expunged immediately from the moment the sentence is executed. However, the information on criminal recordings of the juvenile is kept and taken into account in case of recommitting the offence. Information on the previous conviction of a juvenile will be confidential and no personal data of a juvenile will be published in any form.²²
- The **participation of a juvenile** at any stage of legal proceedings will be guaranteed and juvenile justice procedure will be conducted **without any unjustified delay**.²³
- In any decision making process **individual approach** will be applied for each juvenile. This means that individual circumstances of a juvenile such as age, level of development, conditions of life, up-bringing and development, education, state of health, family situation and other circumstances, which allow evaluation of personality and behavioural

¹⁸ Draft JJ Code, Article 5.

¹⁹ Ibid, Article 6.

²⁰ Ibid, Articles 8 and 9.

²¹ Ibid, Article 15.

²² Ibid, Article 12.

²³ Ibid, Articles 11 and 12.

features of a juvenile and determination of his or her needs shall be taken into consideration and included in the **individual assessment report**.²⁴

The **rights and guarantees for Juveniles in custody** will be significantly higher comparing to adults;²⁵

Diversion and mediation program

The diversion and mediation mechanism for the juveniles in conflict with law was launched in Georgia in July 2010. Necessary amendment were made to CPC which introduced discretionary powers for prosecutors. Furthermore, on 12 November 2010 the Decree of the Minister of Justice №216 (Decree) was issued. The Decree formulated the basic principles of the diversion and mediation program and established the relevant procedure.

According to the Decree, “diversion” is an alternative mechanism of criminal prosecution, a form of exemption of juveniles from criminal responsibility which may be exploited by a prosecutor.

According to Article 105 of CPC if there is a justified presumption that a juvenile has committed a crime, the prosecutor may decide to divert the juvenile from criminal prosecution and not to initiate or terminate already initiated criminal investigation if there is no public interest in the investigation.

There are a number of preconditions set up by the Decree; the diversion mechanism is designed only for those juveniles who has committed less grave or grave offence and have done so for the first time; the juvenile pleads guilty; the juvenile has not previously participated in the diversion and mediation program. If all these preconditions are met the prosecutor relying on his/her inner belief and taking into consideration the best interest of the juvenile decides if there is a public interest in the administration of justice in the given case.

According to the Decree, “mediation” is a process of dialogue between the juvenile and the victim aimed at their reconciliation and conflict resolution. The legal representatives of the juvenile, the prosecutor, the social worker and in special circumstances other persons also participate in the process.

Before taking decision on the involvement of the juvenile into the program, the prosecutor meets with the juvenile or his/her legal representative and explains him/her the essence of the program, its aims, conditions and possible outcomes. Similar meetings also take place with the victim. The grounds and purposes of the decision to divert the juvenile as well as the role of a mediator are explained to the victim. The victim’s refusal to mediation shall not hinder the process of diversion.

²⁴ Ibid, Article 13.

²⁵ Ibid, Chapter XIII.

It should be highlighted that a party to the criminal process may make a motion on the application of diversion program towards the juvenile at any stage of the process.

If a decision to divert the juvenile is taken and the juvenile and his/her legal representatives agree with it, the prosecutor invites a social worker from the legal entity of public law (LEPL) of the Ministry of Corrections - the National Probation Agency to create a bio-psycho-social assessment of the juvenile. Based on the results of the assessment the prosecutor concludes with the juvenile a civil Agreement of Diversion. If the agreement includes the mediation element it is called a Diversion and Mediation Agreement and its conclusion is trusted to the mediator who acts under the authority of the LEPL of the Ministry of Justice – the Center for Crime Prevention. The agreements may prescribe: the obligations of the juvenile; restrictions upon his/her behavior and his/her inclusion in various programs; rights and obligations of the parent and the victim. The restrictions shall be proportional to the crime committed by the juvenile. The agreement may be concluded maximum up to 12-month period.

The social worker on a regular basis and at least once a month provides the prosecutor with information on the fulfilment of the agreement.

The prosecutor himself/herself meets the juvenile, his/her legal representatives and the social worker at least once in a three-month period and discusses the process of the implementation of the agreement.

If during the period established by the agreement the juvenile diligently observes its fulfilment, the prosecutor makes a decision to terminate criminal investigation against him/her after the expiry of the agreement. If, however, during this period the juvenile flagrantly violates the conditions of the agreement, the social worker reports on this to the prosecutor. The latter, taking into consideration this information and all relevant circumstances and after consultations with the juvenile or/and his/her legal representative may make a decision on the initiation or resumption of the investigation against the juvenile. This being the case, all relevant information obtained from the juvenile in the process of diversion and mediation procedure, including his/her confessions, shall not be used against him/her in the criminal proceedings.

The Decree also establishes the main principles of the diversion and mediation program:

- a) **Facilitation of wider application of the alternative mechanisms.** This principle provides that taking into consideration international standards of criminal justice and the best interest of the juvenile the alternatives to the criminal prosecution and imprisonment shall be used as wider as possible;
- b) **Voluntariness.** This principles as follow from its name envisages that participation in the program shall be based on expression of free will and no one shall be forced to participate in it. Refusal to participate in the program is allowed at any stage;
- c) **Proportionality.** This implies that the restrictions incurred imposed on the juvenile as part of the diversion agreement shall be proportional to the committed crimes and all

relevant circumstances, e.g. age of the juvenile, the severity of the damage caused, etc. shall be taken into consideration;

- d) **Confidentiality.** This principle states that any information obtained in the process of diversions and/or mediation is confidential and shall not be disclosed without the consent of the persons concerned;
- e) **Inadmissibility of stigmatization** principle provides that the restrictions prescribed by the diversion agreement shall not cause stigmatization of the juvenile, his/her exclusion from the normal education process and shall not exceptionally influence the course of his/her daily life;
- f) **Ensuring the best interest of the juvenile** principles calls the prosecutors to be guided by the best interest of the juvenile while making decisions in connection with the diversion and mediation process

815 juveniles were diverted starting from November 2010 until April 2015.

Rehabilitation and re-socialization of former prisoners

The Rehabilitation and Re-socialization Program for Former Prisoners was initiated by the legal entity of public law (LEPL) of the Ministry of Justice – the Center for Crime Prevention at the end of 2012. No similar state program of providing assistance to former prisoners had existed in Georgia before. Being relatively recently established the program is constantly evolving based on close monitoring and permanent analysis of the needs of persons released from penitentiary institutions

The program aims to support rehabilitation of persons released from penitentiary institutions and facilitate their integration into society as its full-fledged members. Under the program, along with providing other services, the physical and mental health problems of former prisoners are addressed, former prisoners are encouraged to undergo vocational trainings and successful participants of the program are employed. The realization of the program begins from a penitentiary facility. A social worker of the Centre for Crime Prevention meets with the prisoners 1-3 months before their release and provides them with the information on the program and services it includes. The relevant work is also being conducted with relatives of a prisoner to prepare them for his/her soon release and return to home. The participation in the program is voluntarily. If a prisoner or former prisoners expresses his/her will to participate in the program, a social worker is being assigned to him/her acting as a personal manager and assists the potential needs of a new program beneficiary. This process considers holding at least two meetings with the former prisoner and at least on visit to his/her family.

After drafting an assessment conclusion an individual rehabilitation plan is developed (in case of juveniles their legal representatives are involved as well). The social worker engages the former prisoner in various services based on his/her needs which may include:

- addressing physical and mental health problems;

- enhancing social skills, anger management, etc.;
- vocational retraining and employment;
- non-formal education/trainings;
- working with the former prisoner's family members;
- legal assistance.

It is noteworthy to mention that in order to increase effectiveness of the post-release rehabilitation process, by the Order of the Minister of Justice of Georgia, prisoners enjoy the opportunity to receive ID cards on their demand free of charge. Up to know, approximately 1600 prisoners have exercised this right and have received their ID cards.

In 2013-2014 social workers from the Center for Crime Prevention have met individually 2400 prisoners in penitentiary facilities. After the release 1342 former prisoners have applied to the Center for Crime Prevention for registration in the program out of which 917 beneficiaries have become actively involved into the program.

Within the framework of the program:

- 268 beneficiaries have been provided with healthcare service of different type;
- 6 beneficiaries have been provided with shelter;
- 185 beneficiaries have receives free legal consultations;
- 148 beneficiaries have been discovered to need psychological assistance. At the first stage they have been referred to the Center's psychologists and later some of them have undergone rehabilitation course in the partner organizations;
- 48 beneficiaries have been delivered with free English language course;
- 142 beneficiaries attended free vocational retraining course;
- 91 beneficiaries attended a training course for development of social skills;
- 44 beneficiaries underwent a training course on running small business and developing business plans;
- 5 beneficiaries have been granted 4 000 GEL each to implement their business plans within the framework of a grant program of the Ministry of Justice;
- 15 beneficiaries have completer a three-month paid internship (150 GEL per month) in various organizations within the framework of a grant program of the Ministry of Justice;

- 10 beneficiaries attended a driving courses for obtain a driving license;
- 34 beneficiaries have attended job search training course;
- 143 beneficiaries have been employed

It should be highlighted that the rate of prisoners who express their readiness to be involved into the program is gradually increasing. Thus, only during the first half of March 2015 87 applications were received by the Center for Crime Prevention to this end.

It also should not be forgotten that this program is not the only way the state seeks to integrate former prisoners into the society after their release. Many prisoners are leaving the penitentiary establishment on conditional release which means that they are under the monitoring of the LEPL of the Ministry of Corrections - the National Probation Agency, which at the time also provides the conditionally released persons with wide range of trainings and services.