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DEPRIVATION OF RIGHTS FOR DRUG-RELATED CRIMES

POLICY DOCUMENT



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Mechanism of Deprivation of Rights for Drug-Related Crimes

Policy Document

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Problem Outline and Legislation

The drug policy in Georgia is more punitive than preventive, which, alongside heavy punishments, is manifested in an ineffective care system related to addiction. In addition to the primary measure of responsibility - punishment/penalty, the legislation imposes further restrictions in the form of the deprivation of rights for persons convicted of drug-related crimes and, in some cases, also of administrative offenses. This document aims to analyze the legislation and practice governing such deprivation of rights to advocate for systemic reform of this mechanism.

The deprivation of rights is one of the problematic mechanisms in the legislation regulating drug-related crimes and administrative offenses. The Law of Georgia "On Combating Drug-related Crime" (hereinafter: the Law) is the main legal act regulating it.

The law envisages an automatic deprivation of so-called civil rights for persons convicted of drug-related crimes. In contrast, in the case of an administrative offense (Article 45¹ of the Code of Administrative Offenses), the law leaves the discretion to use the mechanism to a judge reviewing the case.

Public agencies (Supreme Court, National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation) do not produce statistics on the deprivation of rights imposed on offenders. Accordingly, the precise number of persons deprived of specific rights due to conviction for drug-related offenses is unknown. Therefore, in the absence of quantitative data, the extent of the problem is not fully understood.

Notably, the law was developed within the framework of the "zero tolerance" policy, and besides a substantive one, it also had a symbolic meaning. The law imposed significant substantive restrictions on persons convicted of drug-related offenses. At the same time, the law also symbolically marked drug users as a particularly high-risk group who must remain excluded and disenfranchised even after having served the sentence. Despite mitigating the repressive nature of the drug policy in recent years, this law continues to be in effect, and more so, since 2012, the scope of its operation has only expanded.

Rights Subject to the Deprivation Mechanism

The law envisages deprivation of the following rights for convicted offenders:

1. The right to drive a vehicle;
2. The right to pursue medical and/or pharmaceutical activities, as well as the right to establish, manage and represent a pharmacy;
3. The right to practice law;
4. The right to work in pedagogical and educational institutions;
5. The right to work in public service;

6. The right to stand for elections;
7. The right to manufacture, purchase, store, and carry weapons.

It is important to note that most of the listed rights can be restricted regardless of the law if a judge decides to impose an additional sentence.

For example: The deprivation of rights provided for by the law is, in substance, similar to one of the types of punishment provided for in subsection "b" of Article 40 of the Criminal Code of Georgia, namely, the deprivation of the right to hold an office or work. The first part of Article 43 of the Criminal Code explains what this type of punishment entails. The deprivation of the right to hold an office or work means that the convicted person is prohibited from holding a non-elective position in the public service or local self-government bodies or from engaging in professional or other activities.

The Scope of the Law

The law distinguishes 5 categories of subjects and prescribes a different legal regime for each (term of deprivation of rights, possibility of early restoration of rights).

In particular, the law applies to the following persons:

1. Users of Narcotic Substances

A person who has committed the crime under Article 273 (use of narcotic drugs), the first part of Article 273¹ (illegal purchase, possession of small amounts of marijuana..), and/or the crimes under Article 275/276 (transport-related crime under the influence of narcotic substance) of the Criminal Code of Georgia.

2. Facilitator of Drug-related Activities

A person who has committed the crime under Articles 260, 261 (without the purpose of sale), Articles 262-268, or 271-273¹ (except when the purpose of selling the narcotic substance – plant cannabis or marijuana - is confirmed) of the Criminal Code of Georgia.

3. Seller of Narcotic Substances

A person who has committed the crime under Articles 260, 261, or 273¹ of the Criminal Code of Georgia (when the purpose of sale is confirmed).

4. Facilitator of the Distribution of Narcotic Substances

A natural/legal person/group of persons who have committed the crime under Chapter XXXIII of the Criminal Code of Georgia, which led to the illegal trafficking of narcotic or psychotropic substances.

5. Persons Convicted of Administrative Offenses

Persons who have committed the offense under Article 45¹ of the Code of Administrative Offenses (hereinafter: CAO) (illegal purchase, storage of cannabis or small amount of marijuana...).

Until 2018, the law had applied only to persons convicted of drug-related crimes, while the legislative changes of 30 November 2018¹ extended² the discretionary power of a judge to use the mechanism of rights deprivation to administrative offenders (Article 45¹ of the CAO). In the explanatory note,³ the need for extending the scope of the law was not even formally substantiated.

Legislative Framework – Terms of Deprivation of Rights

The Right	User	Facilitator	Seller	Facilitator of Distribution	Convicted of an Administrative Offence (CAO 45 ¹)	repetitive ⁴
to drive a vehicle	3 years	5 years	5 years	5 years	Up to 3 years	5 years
to pursue medical activities	3 years	10 years	20 years	10 years	Up to 3 years	15 years
to practice law	3 years	5 years	15 years	5 years	Up to 3 years	10 years
to work in pedagogical institutions	3 years	5 years	15 years	5 years	Up to 3 years	10 years
to work in public service	3 years	5 years	15 years	5 years	Up to 3 years	10 years
to stand for elections	3 years	5 years	15 years	5 years	Up to 3 years	10 years
In connection to weapons	3 years	5 years	15 years	5 years	Up to 3 years	10 years

As can be seen from the table, a discretionary decision about the need and term of deprivation of rights is made by a judge only for administrative offenders. In all other cases, rights deprivation has a blanket nature. An exception only applies in case of a verdict based on a plea agreement. According to

¹Law of Georgia “On Legislative Changes to the Law of Georgia „On Combatting Drug-related Crime” 30.11.2018. available: <https://cutt.ly/OwAbqJwR>.

² The basis for the legislative change was the decision of the Constitutional Court, declaring criminalization of the consumption of marijuana/cannabis unconstitutional. Accordingly, since the entry into force of this decision, the issue is subject to regulation by the Code of Administrative Offenses. Transfer of the act to the CAO from the Criminal Code of Georgia led to the extension of the mechanism of deprivation of rights to an administrative offense, however, only partially, in some cases of consumption of cannabis/marijuana.

³Explanatory Note for the Draft Bill On Legislative Changes to the Law of Georgia „On Combatting Drug-related Crime” 13.09.2018. available: <https://cutt.ly/YwAby0vY>.

⁴ Repeated commission of a crime under Article 2 (c) (e) of the Law.

paragraph 4¹ of Article 3 of the Law, in case of a plea agreement between the parties, reduction of the period of deprivation of rights under this article or, in exceptional circumstances, full exemption from the deprivation of rights is possible. Accordingly, the person convicted of a drug-related crime is dependent on the terms of the plea agreement signed with the prosecutor rather than the decision made by a judge.

Grounds for Restoring Rights

Article 6 establishes the grounds and procedure for restoring rights. Namely, deprived rights can be restored:

1. After the expiration of the term specified by law.
2. Upon the application to the Standing Commission for the Revocation of Conditional Sentences ('the Commission') [the possibility does not extend to persons convicted of administrative offenses]. The Commission is authorized to restore deprived rights to a person earlier after the expiration of one-third of the relevant period or to reduce the duration of the deprivation of rights.

Main Challenges of the Law:

1. Automatic deprivation of rights for persons convicted of drug-related crimes (according to the terminology of the law: a drug user, drug dealer, facilitator of drug distribution, and facilitator of drug-related activities)

According to the existing legislation, a judge is not authorized to determine the need for depriving a specific right based on an individual assessment of the circumstances in the case. Instead, a judge is to automatically deprive the convicted person of all seven rights provided for by the law.

It should also be noted that deprivation of rights is indicated only in the resolution part of the verdict. Such a formal regulation of the issue also suggests that the said mechanism is, in fact, perceived as a special form of punishment. Thus, the types of punishment provided by the Criminal Code, as well as the mechanism of deprivation of rights should allow for an individualized approach.⁵

2. Blanket determination of the term of the deprivation of rights for persons convicted of drug-related crimes

⁵ Georgian citizens – Konstantine Labartkhava, Malkhaz Nozadze and Irakli Gigolashvili v. Parliament of Georgia Constitutional Complaint N 702. (16.12.2015)

According to the existing regulation, there is no minimum or maximum time limit for the deprivation of rights, but one specific term for each right, which does not leave any possibility of solving an issue with an individualized approach and imposing a proportional limitation.

Such a blanket arrangement contradicts the fundamental principle of individualized responsibility since, within the framework of the existing regulation, the use of appropriate restrictive mechanisms considering the specific characteristics of the crime and the offender is impossible.

3. Impossibility of restoring rights/reducing the duration of rights deprivation for persons convicted of administrative offenses.

The Law "On Combating Drug-related Crime" foresees the discretion of a judge to deprive the offender of one or more rights envisaged in law in the case provided for in Article 45¹ of the COA. According to the COA, this restriction can only apply to persons who have committed repetitive offenses (illegal purchase, storage, or consumption of small amounts of plant cannabis or marijuana...). In particular, the deprivation of rights mechanism may apply to the following offenses:

- Repeated consumption of cannabis or marijuana in a building, except a privately owned residence or other building premises;
- Repeated consumption of cannabis or marijuana on the street, stadium, square, in the yard, park, court building, airport, on the premises of a medical and/or pharmaceutical institution, in a cinema, theater, concert hall, cafe, restaurant, in any public transport, in a bus station, a railway station and/or another place in a public space;
- Repeated consumption of cannabis or marijuana or being under its influence in the presence of a minor or on the premises and property of a training, educational, and/or fostering institution, library, youth camp, children's entertainment center, and/or other institution intended for persons under 18 years of age, at a public gathering intended for persons under the age of 18 or in an adjacent area within a radius of 150 meters;
- Repeated consumption or being under the influence of cannabis or marijuana while in a military unit.

According to the existing law, only persons convicted of a criminal offense can apply to the Standing Commission with a request to restore rights or reduce the term of deprivation of rights. Statistics confirm that the ratio of granted applications for the restoration of rights/reduction of the duration of the deprivation of rights is consistently high, however, the rate of applications itself is low, which creates an assumption about the lacking information on the mechanism and/or mistrust of the Commission. For example: in 2022, 233 persons applied to the commission for the restoration of rights, out of which 206 applications were granted, while in 2023 (within 10 months), 67 out of the 89 applications were fully, and 18 - partially granted.

Persons who have committed an administrative offense cannot use this opportunity, while an administrative offense, in contrast to a criminal one, poses much fewer risks to public safety and public health.

Deprivation of Rights - Analysis of Practice

To study the practices related to the deprivation of rights mechanism, Face-to-face interviews were conducted with 24 persons convicted of drug-related crimes. Namely, two focus group meetings were organized, each with the participation of 8 people. In addition, 8 face-to-face interviews were conducted. The age of the participants in the face-to-face interviews ranged from 23 to 50 years; all of them were residents of Tbilisi, and the average age was 32 years. All participants in both face-to-face interviews and focus groups were male. Interviews and focus group meetings were conducted based on the developed guidelines (Appendix 1 and Appendix 2).

The experience of the interviewed persons regarding deprivation of civil rights is mostly homogenous. All of them indicate that a conviction for a drug-related crime has been accompanied by the deprivation of civil rights for different periods of time. According to them, before the conviction, they either had a vague idea of the mechanism or were completely unaware of it. It should be noted that the interviewed persons did not have accurate information about the mechanism even at the time of the interview despite the conviction and deprivation of rights. The duration of the deprivation of rights among interviewees varied based on the charges and number of convictions, however, for the vast majority, the deprivation of rights caused practical difficulties and substantially worsened their rights situation. In the interviews, the social and economic impact of the mechanism of deprivation of rights on persons convicted of drug-related offenses was separately highlighted, and the systemic challenges of the mechanism were identified

The Blanket Content of the Law and the Impossibility of an Individualized Consideration

As noted, the legislation in force in Georgia does not envisage an individualized approach to the deprivation of rights. This was also revealed from the information obtained during the interviews. The interviewed respondents indicated that the content and conditions of deprivation of rights were not separately considered during the criminal trial or when entering into a plea agreement. According to them, they mostly learned about the deprivation of rights following the announcement of the verdict:

"The judge did not even discuss the issue of the deprivation of rights. I heard about it during the announcement of the verdict, and then the lawyer explained it to me in detail" [Male, 32 years old].

Another respondent indicated that:

"When the judge announced the verdict, and I signed a plea agreement, only then did he/she tell me what rights would be restricted for me, but he/she didn't really discuss it in detail; he just announced it" [Male, 27 years old].

The interviewees unanimously pointed out that the necessity of the deprivation of rights and its terms were not discussed individually, which they consider a problem. One of the interviewees indicated that he was not informed about the mechanism of the deprivation of rights before the verdict was announced. One of the respondents mentioned that even though he applied to the judge with a request to preserve a specific right, his request was not granted:

"I told the judge that the right to drive was very important to me and asked him to let me preserve this right in order to provide for my family when I get out of the prison. I needed it as a source of income, but my request was denied. There was no further consideration of this" [Male, 37 years old]

"The judge just asked me if I knew which rights would be taken away from me. Confused, I answered that yes, I knew. He knocked with a hammer and that was it. Further consideration of this was out of the question" [Focus group 2, respondent 1]

"As far as I know, there was no discussion about the content of the restricted rights; they just listed what rights would be restricted, and no one asked me what I thought about it" [Focus group 2, respondent 4]

As noted, the current legislation does not give a judge the discretionary power to only deprive specific rights or determine the duration for the deprivation of rights. Precisely due to that, the judge was not in the position to consider the deprivation of the right to drive a vehicle in an individualized manner.

Deprivation of the Right to Drive a Vehicle and its Social Aspects

Based on the conducted interviews and focus groups, the most significant practical problem is the automatic deprivation of the right to drive a vehicle accompanying the drug-related convictions. First, the respondents talked about the social and economic pressures caused by the deprivation of the right to drive a vehicle. It should be noted that, in addition to a means of transportation, a vehicle is often a necessary attribute for a job or self-employment.

The 50-year-old, 37-year-old, and 32-year-old respondents interviewed in face-to-face interviews stated that deprivation of the right to drive a vehicle was the most challenging for them. For some of them, the car was just a means of transportation, while the 32-year-old respondent stated:

"A car was essential in my line of work because I had to commute often and bring the tools with me, but now I have to give someone else an additional amount to take me from one place to another and do the same thing that I was doing myself before" [Male, 32 years old].

A man, formerly employed in a distribution service, recalls being forced to quit his job due to a drug-related conviction and subsequent loss of his driver's license [Focus Group 2, Respondent 6].

A young man who worked in one of the fastest growing self-employment sectors - the courier sector, and for whom the driver's license was the only source of income, was also left without income:

"When the right to drive a vehicle was taken away from me, I was working as a courier, and accordingly, I couldn't continue anymore, then I started looking for jobs where I could hide my conviction" [Focus group 2, respondent 7].

Another respondent in the focus group tells about a similar experience:

"During COVID, "Glovo" was the only income for me. I used to work at night, and precisely then, they deprived me of the right to drive a vehicle. My wife was pregnant at that time, and I was hardly able to bring home an apple. It was the most awful period for me." [Focus group 1, respondent 5].

In addition, it is significant that, often the deprivation of the right to drive a vehicle can affect the realization of other social rights, for example, access to health care. Two focus group participants reported that losing their right to drive a vehicle made it substantially more challenging to care for elderly family members:

"I couldn't take my diabetic mother to the clinic anymore; it was the most challenging in terms of health services; we had to take a taxi every time" [Focus group 1, respondent 8].

"I used to take my mother to the clinic; she has heart problems and following the deprivation of my right to drive a vehicle, we have to struggle either to drive her with a taxi or sometimes to ask a relative to drive" [Focus group 2, respondent 1].

Notably, the ban on driving a vehicle is not directed only to light vehicles but also to agricultural machinery, which can be one of the primary sources of self-employment, especially among people living in rural areas.

Impact of Deprivation of Rights on Employment and Economic Situation

Conviction for a drug-related crime and subsequent deprivation of rights has a significant impact on the economic situation of individuals. On the one hand, not so rarely is there a fine imposed as a punishment when convicted of a drug-related crime, which creates financial pressure on the convicted person and his family. In this regard, deprivation of such rights affecting employment status and income further worsens a person's social situation and marginalizes them. Sometimes, the financial pressure caused by a conviction is so grave that a fine is perceived as a more severe punishment than imprisonment:

"Clearly, I have no income, and 3 thousand was my fine; I have no idea where I should get it, plus I have bank loans. In brief, I'm in a terrible economic situation. I would even ask that I'd rather be in prison for a while than pay the fine, but it doesn't work out that way" [Male, 31 years old].

In addition, the conviction for a drug-related crime and subsequent deprivation of civil rights significantly worsens the social situation of those as well who have not had social problems before the conviction, as the conviction significantly worsened their standard of living. Respondents recount how they had to give up rather good career prospects or sell private property, because of a conviction or reduced income as a result of the conviction:

"My wife and I bought an apartment with a mortgage; since my income decreased, we could no longer pay the mortgage. I had problems with the bank, and we moved to my parents' house and sold the apartment to pay off the debts" [Male, 32 years old].

"It directly affected my income because I lost my job at an international company, and I also lost the chance to work as a university lecturer" [Male, 28 years old].

"I worked as a public servant and I lost the job because of the conviction" [Focus group 2, respondent 2].

Significantly, the mechanism of the deprivation of rights has a greater impact on the lives of those who were employed prior to a conviction and negatively affects more aspects of their life than of those who were unemployed before a conviction. Several people participating in the study indicated that the deprivation of rights did not significantly impact their lives, as they were unemployed even before the conviction. However, the worsened career prospects and economic situation of those employed and self-realized prior to conviction is apparent. It is also worth noting that after the deprivation of rights, some convicts could not find a new job at all, while others were unemployed for a long time and are still facing this challenge:

"Since the arrest, I have been unemployed, so not only did I lose my income, but I have acquired debts. [...] It's hard to remember now all the ways in which it caused difficulties for me, but in the end, my whole life changed due to the status of conviction. I was not in prison, but I still had handcuffs due to the attitudes of society and unemployment" [Focus group 2, respondent 8].

Apart from worsening the socio-economic status of employment, a respondent in a focus group noted that following the convictions and deprivation of rights, he had to stop his studies due to the suspension of his student status. Overall, the impact of the deprivation of rights on the socio-economic status of convicts is quite severe and has a significant effect on their well-being.

"Deprivation of rights is directly related to restriction, stigma; therefore, if we think about resocialization and at the same time restrict them with certain things, it [resocialization] cannot be implemented; it is simply unthinkable" [Male, 50].

The awareness of the respondents on the mechanism of rights restoration and the standing commission is inadequate.⁶ Most of them stated that they had not heard about the existence of such a commission, and a few of them had a vague idea about the commission's work and the mechanism's effectiveness. One of the respondents said that he heard about the commission when it was already late, so there was no point in applying. Precisely, the lack of awareness must explain the low rate of appeals to the commission. In 2023 (within 10 months), only 89 persons applied to the commission. Although the agencies (including the Probation Agency, the Supreme Court) do not keep statistics on the number of persons deprived of their rights, taking into account other data (the number of drug convictions, the rate of plea agreements), it is clear that the number of those offenders, who have been deprived of their civil rights, must be much higher. In addition, a tendency was revealed that the respondents were informed about the permanent commission, mainly in the context of the restoration of the right to drive a vehicle. Through the interviews, it was revealed that only two respondents had applied to the commission, and both of the applications were rejected, while the reason for the rejection was not explained.

The face-to-face interviews identified the severity and extent of the impact of the mechanism of deprivation of rights. A wide range of interviewees pointed to the specific difficulties that came with convictions for drug-related offenses. The information provided by the respondents paints a clear picture of the social impact of the mechanism of the deprivation of rights. Their narrative is uniform, which indicates that the problems are common and systemic.

Based on the interviews, several specific conclusions can be drawn:

- The mechanism of the deprivation of rights has a greater impact on the socio-economic status of employed persons than those unemployed at the time of conviction. A conviction completely changes the work-life of people who were employed before the conviction. The impact of the deprivation of rights on the economic situation of convicted persons is evident since their income is substantially reduced or non-existent. They are mostly demoted or forced to change jobs, which aggravates the resocialization challenges.
- Prior to the conviction, most of the respondents had a vague idea about the mechanism of the deprivation of rights accompanying the conviction for drug-related offenses. Also, in none of the cases did the court discuss the question of the deprivation of rights. Most of the time, they learned about the deprived rights and the duration, either from the lawyer or a judge, directly during the case hearing in court.

⁶ Standing Commission for the Revocation of Conditional Sentences under the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation.

- A significant number of respondents do not have information about the existence of the relevant commission for the restoration of rights, which may only be an indication of the commission's formal and ineffective work.
- Among the deprived rights, confiscation of the driver's license caused the most difficulties, which is explained by the close connection between the right to drive a vehicle and the source of income. The restoration of the right to drive a vehicle was the purpose of several respondents' applications to the commission, although none of their requests were granted.
- Although the legislation does not envisage the deprivation of rights as a punishment, this mechanism is clearly perceived as a punishment by all respondents. The deprivation of rights is the primary and most common cause for the deterioration of the socio-economic situation of offenders, which then affects other aspects of life (including education, access to health services, and resocialization). Therefore, the punitive nature of the restriction of rights is evident.

Proposed amendments

In order to deal with the challenges mentioned above and avoid disproportionate restriction of rights, we consider the best option is to revoke the law and, if necessary, to integrate certain rights restrictions into the Criminal Code as an additional punishment. In the absence of the sufficient political will required for the essential transformation of this mechanism, we recommend implementing legislative changes, at least in the two main directions. In particular, it is essentially vital:

1. Instead of a blanket deprivation of right, a judge reviewing the case should be allowed to assess the necessity for the restriction, taking into account the circumstances of the case and the personality of an offender, and to choose the optimal and proportional duration of it within the limits defined by law.

Resolution of the issue based on a discretionary power has several advantages:

- With discretionary power, a judge will have the obligation to justify the necessity of the deprivation of a right. Considering the existing legislative framework, a judge does not discuss the issue of the deprivation of rights in the motivational part of the decision indicating these restrictions only in the resolution part.
- Decisions on the deprivation of rights will no longer be of an automatic/blanket nature but based on the individual circumstances of a specific case.
- A judge will have the opportunity to deprive an offender of not all the rights stipulated by the law but only those, the realization of which will be considered dangerous taking into account the offender's personality and the crime committed.

- A judge will be authorized to determine a specific duration of the deprivation of a right taking into account individual circumstances (within the limits stipulated by the law).

Accordingly, the mentioned amendment will solve two of the three challenges discussed above: the automatic deprivation of rights for persons convicted of drug-related offenses and the blanket nature of the duration for such deprivation.

2. Reduction of the maximum terms stipulated by the law

It is true that with the proposed amendment, a judge is given the discretion to determine the duration for the deprivation of rights; however, in order to neutralize the risks of disproportionate restrictions, reduction of the maximum terms stipulated by the law is essential. This change will not apply to drug distribution cases due to increased public danger.

The reduction of the maximum term for the deprivation of rights is significant to the extent that it will affect plea bargain cases where a judge has no discretion to change the duration (except in special circumstances provided by law).

The Right	User	Facilitator	Seller	Facilitator of Distribution	Convicted of an Administrative Offence (CAO 45 ¹)	Repetitive
to drive a vehicle	3 years Up to 2 years	5 years Up to 3 years	5 years Up to 5 years	5 years Up to 3 years	Up to 3 years Up to 2 years	5 years Up to 3 years
to pursue medical activities	3 years Up to 2 years	10 years Up to 5 years	20 years Up to 20 years	10 years Up to 5 years	Up to 3 years Up to 2 years	15 years Up to 10 years
to practice law	3 years Up to 2 years	5 years Up to 3 years	15 years Up to 15 years	5 years Up to 3 years	Up to 3 years Up to 2 years	10 years Up to 5 years
to work in pedagogical institutions	3 years Up to 2 years	5 years Up to 3 years	15 years Up to 15 years	5 years Up to 3 years	Up to 3 years Up to 2 years	10 years Up to 5 years
to work in public service	3 years Up to 2 years	5 years Up to 3 years	15 years Up to 15 years	5 years Up to 3 years	Up to 3 years Up to 2 years	10 years Up to 5 years
to stand for elections	3 years Up to 2 years	5 years Up to 3 years	15 years Up to 15 years	5 years Up to 3 years	Up to 3 years Up to 2 years	10 years Up to 5 years
In connection to weapons	3 years Up to 2 years	5 years Up to 3 year	15 years Up to 15 years	5 years Up to 3 years	Up to 3 years Up to 2 years	10 years Up to 5 years

3. Extending the rights restoration mechanism to administrative offenders

It is recommended that offenders be given the opportunity to restore their rights before the expiration of the term. The legislation grants this possibility to all persons convicted of drug-related crimes. Taking into account that a crime is characterized by a higher public danger compared to an administrative offense, it is unclear why the right to request an early restoration of a right/reduction of the term does not apply to administrative offenders.