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Georgia in Need of an Independent Anti-Corruption Agency

Policy Brief

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Introduction

Corruption undermines democracy and the rule of law, infringes on human rights, gradually erodes the standard of living, and contributes to organised crime, terrorism, and other challenges to security. It is a major obstacle to poverty alleviation and development.¹

The Government of Georgia (GoG) has committed itself to implementing an effective and coordinated anti-corruption policy as part of a number of international platforms. Among other documents, the Georgia-EU Association Agreement (AA) directly stipulates the commitment to an effective fight against corruption and the implementation of the United Nations Convention against Corruption of 2003 (UNCAC).²

Contrary to this, corruption in Georgia has assumed an extreme form – that of state capture.³ According to Transparency International's Corruption Perception Index (CPI), the influence of the ruling party's founder over key institutions meets the definition of state capture.⁴

The worsened anti-corruption environment⁵ is accompanied by an almost complete stalling of the implementation of reforms in this area.⁶ The current situation is characterised by impressively low levels of petty corruption combined with near total impunity for high-level corruption.⁷

Georgia does not have an independent anti-corruption agency that would:

- Have a high degree of independence, accountability, and transparency;
- Investigate corruption impartially and effectively, especially cases of high-level corruption;

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- Ensure the prevention of corruption in the civil service;
- Introduce an effective system of financial monitoring of political parties.

As early as in 2018, a European Parliament resolution⁸ noted that “high-level elite corruption remains a serious issue” for Georgia. The document called upon the GoG to separate the Anti-Corruption Agency from the State Security Service, ensure its independence, and immediately investigate cases of high-level corruption. In July 2022, the European Commission’s defined precondition for the EU candidate status required the Government to ensure the independence of the Anti-Corruption Agency, equipping it with all key anti-corruption functions and thorough investigation of cases of high-level corruption.⁹

The present policy document discusses the problems related to the activities of the State Security Service (SSSG) and the Prosecution Service of Georgia (PSG) as the two main agencies responsible for investigating corruption crimes, and also assesses the effectiveness of the investigation of cases of high-level corruption. The document offers recommendations in response to these challenges, in accordance with the AA and, also, the 4th priority determined by the European Commission for granting candidate status to Georgia.

Why is the current model ineffective?

According to the AA, the fulfilment of the requirements of the UNCAC requires the existence of two main types of anti-corruption instruments: preventing corruption and addressing cases of corruption through law enforcement bodies. As explained by the OECD, “only criminal sanctions provide the necessary level of deterrence and punishment of such serious wrongdoing as corruption.”¹⁰

The main agencies¹¹ responsible for investigating corruption crimes in Georgia are the **State Security Service (SSSG)**¹² and the **Prosecution Service of Georgia (PSG)**.¹³ This function is performed by the Anti-Corruption Agency (Department) of the SSSG¹⁴ and the Division of Criminal Prosecution of Corruption Crimes of the PSG.

The OECD has been calling on the GoG for years to “consider removing anti-corruption investigative powers from the [State] Security Service and the Prosecution Service.”¹⁵ The report notes that the “placement of the anti-corruption agency within the Security Service is dubious.”¹⁶ The report also found that “[c]o-locating investigators and prosecutors can also undermine the checks and balances on the exercise of power which should exist as a safeguard against improperly motivated investigations and cases and failures to take action where merited.”¹⁷

The European Parliament also talked about the independence of the Anti-Corruption Agency and the need to separate it from the SSSG.¹⁸ At the same time, the European Commission¹⁹ included ensuring the independence of the Anti-Corruption Agency, providing it with all key anti-corruption functions, and ensuring the thorough investigation of cases of

¹ The United Nations Convention against Corruption, 2003, p. iii.

² Association Agreement between the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, Articles 2, 4, 17, accessible [here](#).

³ Is Georgia a Captured State? Transparency International Georgia, December 11, 2020, accessible [here](#).

⁴ CPI 2021 for Eastern Europe & Central Asia: Democratic Hopes in the Shadow of Growing Authoritarianism, Transparency International, January 25, 2022, accessible [here](#).

⁵ Corruption and Anti-Corruption Policy in Georgia: 2016-2020, Transparency International Georgia, October 21, 2020, accessible [here](#).

⁶ Georgian Government’s Stalled Anti-Corruption Policy, Transparency International Georgia, December 14, 2021, accessible [here](#).

⁷ Input Paper on Anti-Corruption Environment in Georgia, Transparency International Georgia for *Zentrum Liberale Moderne*, May 3, 2021, accessible [here](#).

⁸ European Parliament resolution of 14 November 2018 on the implementation of the EU Association Agreement with Georgia (2017/2282(INI)), accessible [here](#).

⁹ Opinion on Georgia’s application for membership of the European Union, European Commission, 16 June 2022, accessible [here](#).

¹⁰ OECD (2020), Anti-corruption Reforms in Eastern Europe and Central Asia: Progress and Challenges, 2016-2019, OECD Publishing, Paris, p. 195, accessible [here](#).

¹¹ Note: In individual cases, corruption crimes are also investigated by the Investigation Service of the Ministry of Finance of Georgia and the General Inspection of the Ministry of Justice.

¹² Ordinance No. 385 of the Government of Georgia on the Approval of the Statute of the State Security Service of Georgia, 30 July 2015, *Legislative Herald*, accessible [here](#).

¹³ Activity Report of the Prosecutor’s Office of Georgia of 2020, p. 71, accessible [here](#).

¹⁴ Note: In reality, the Anti-Corruption Agency is an internal structural unit under the State Security Service with powers similar to those of the department/division of public relations or human resources, for example.

¹⁵ OECD (2016), Anti-corruption Reforms in Georgia: 4th Round of Monitoring of the Istanbul Anti-Corruption Action Plan, OECD Publishing, Paris, p. 10 and 120, accessible [here](#).

¹⁶ *Ibid.*, Recommendation 21 (1), p. 10.

¹⁷ *Ibid.*, p. 10.

¹⁸ European Parliament resolution of 14 November 2018 on the implementation of the EU Association Agreement with Georgia (2017/2282(INI)), adopted P8_TA(2018)0457, accessible [here](#).

¹⁹ Opinion on Georgia’s application for membership of the European Union, European Commission, 16 June 2022, accessible [here](#).

²⁰ Control of internal security service in council of Europe member states, Recommendation 1402 (1999)1, Parliamentary Assembly, Council of Europe, accessible [here](#).

high-level corruption as prerequisite for the GoG to obtain the status of candidate country. And according to the recommendation of the Council of Europe, “internal security services should not be allowed to run criminal investigations.”²⁰

The critical challenges of the current model:

1. Accountability, transparency, independence

Doubts regarding the independence of the State Security Service and the Prosecution Service.

A necessary precondition for the effective functioning of anti-corruption agencies is ensuring a high degree of independence and protecting them from political pressure and interference.²¹ Independence, first of all, implies the depoliticisation of anti-corruption institutions,²² which requires the selection and appointment of the heads of the agencies through a competitive, fair, and transparent procedure and using clear merit-based criteria.²³

The current head of the SSSG, Grigol Liluashvili, from 2004-2016 worked in several companies owned by Bidzina Ivanishvili, the founder of the Georgian Dream party who wields informal influence over public institutions. Liluashvili served as the Director General of Cartu Group and the President of the Supervisory Board of Cartu Bank. Grigol Liluashvili’s predecessor, Vakhtang Gomelauri, was also the head of Bidzina Ivanishvili’s personal bodyguard service and his confidante. He now serves as the Minister of Internal Affairs. As for the PSG, local and international actors – including the Venice Commission,²⁴ GRECO,²⁵ OECD,²⁶ and the European Parliament²⁷ – have, for years, highlighted shortcomings in the system of the Prosecution Service, including the procedure of election of the Prosecutor General,²⁸ which is not based on a political consensus and is not protected from the influences of a single party.²⁹

Frequently, the Prosecution Service (and the court) acts in agreement with the ruling party. Their apparent aim is to remove individuals critical of the authorities from political processes rather than to administer justice.³⁰ Examples include the case of Nika Gvaramia, the so-called Cartographers’ Case, the case of Khazaradze-Japaridze, and other high-profile cases.³¹

In recent years, distrust towards the independence and neutrality of the SSSG has been on the rise, and it is becoming clear that **“the government uses the State Security Service as a mechanism of total control.”**³²

In August and September of 2021, thousands of files were disseminated suggesting a large-scale unlawful, covert tapping and surveillance³³ – presumably by the State Security Service – which contained processed information about the private communication and private life of journalists, representatives of religious organisations, politicians, civil activists, diplomats,³⁴ and other individuals.

A vivid illustration of the lack of independence and neutrality of the State Security Service is a joint study by Transparency International Georgia (TI Georgia) and the International Society for Fair Elections and Democracy (ISFED).

²¹ OECD (2013), Specialised Anti-Corruption Institutions: Review of Models: Second Edition, Paris, pp. 27-28, accessible [here](#).

²² Ibid.

²³ UNODC (2009), Technical Guide to the United Nations Convention against Corruption, p. 116, accessible [here](#).

²⁴ Compilation of Venice Commission Opinions and Reports concerning Prosecutors (CDL-PI(2018)001), 11 November 2017, accessible [here](#); The Opinion of the Venice Commission on the draft revised Constitution (CDL-AD(2017)013-e), accessible [here](#); The Opinion of the Venice Commission on the constitutional amendments as adopted at the second and third hearings in December 2017 (CDL-AD(2018)005-e), accessible [here](#).

²⁵ GRECO (2019), Compliance Report Georgia, adopted by GRECO at its 82nd plenary meeting, Strasbourg, 18-22 March 2019, accessible [here](#).

²⁶ OECD (2022), Performance Area 6.

²⁷ European Implementation Assessment (Update) of the Association Agreement between the EU and Georgia, European Parliamentary Research Service, March 2022, accessible [here](#).

²⁸ Remarks by EU Ambassador Carl Hartzell following today’s parliamentary vote in first reading on the post-19 April Agreement on constitutional amendments, accessible [here](#); U.S. Embassy Statement on Parliament’s First Reading of Post-April 19 Agreement on Constitutional Amendments, accessible [here](#).

²⁹ The Coalition is reacting to the process of selection of candidates for the position of Prosecutor General, 5 February 2020, accessible [here](#).

³⁰ Justice System against Opponents of the Government, Transparency International Georgia, 9 March 2020, accessible [here](#).

³¹ Is Georgia a Captured State? Transparency International Georgia, 11 December 2020, accessible [here](#).

³² Civil Society Organisations: Government Uses State Security Service as Mechanism of Total Control, 3 August 2021, accessible [here](#).

³³ Everything about the life of clergymen – what thousands of pirate recordings reveal, 13 September 2021, RFE/RL Georgia, accessible [here](#).

³⁴ Reports: Georgian Security Spied on EU, U.S. Ambassadors, 15 September 2021, Civil.ge, accessible [here](#).

The study identified a large-scale scheme to mobilise voters in favour of the ruling party by illegal means and the use of state agencies for election/partisan purposes. At the same time, the ruling party, together with the State Security Service, compiled political dossiers on employees of budgetary organisations and relied on this information when hiring public servants.³⁵

It should be emphasised that the placement of an anti-corruption function within the SSSG is fundamentally incompatible with other areas of its responsibilities (e.g., fighting terrorism). In addition, the SSSG is a closed institution by its nature, while the fight against corruption requires a high degree of transparency and openness.

As for the independence of specialised anti-corruption bodies, the Division of Criminal Prosecution of Corruption Crimes of the PSG is accountable to the Prosecutor General and the Deputy supervising corruption-related affairs,³⁶ while the Anti-Corruption Agency (Department) is accountable directly to the head of the SSSG and the deputy head in charge of this area.³⁷

Unfortunately, the activity reports of these structural units – which are submitted to the head of the State Security Service and the deputy head supervising corruption-related affairs and, in the case of the PSG – to the Prosecutor General once in every six months – are not publicly available.

The annual reports of the SSSG and the PSG do not contain detailed statistics regarding the work of specialised anti-corruption investigators and prosecutors, including information on the results of legal proceedings.

To ensure accountability and transparency, international best practice also suggests establishment of a public supervision instrument. The UNCAC calls for the involvement of civil society and the media.³⁸ According to the assessment of the OECD, Georgia does not have mechanisms for public supervision of anti-corruption investigative structures.³⁹

As for the appointment of the heads of specialised anti-corruption units - both at the SSSG and the PSG are appointed by the direct order of the Prosecutor General and the head of the State Security Service rather than on the basis of an open and transparent competition, which contradicts the requirements of the UN Convention⁴⁰ and international best practice outlined by the OECD.⁴¹

According to the assessment of the OECD, the heads of relevant agencies in Georgia “were not appointed to the respective administrative positions through a transparent and competitive selection procedure, using clear criteria based on merit.”⁴²

Significant shortcomings occur with regard to the submission of asset declarations. In Georgia, the head and deputy heads of the Division of Criminal Prosecution of Corruption Crimes of the PSG, as well as the investigators and prosecutors of the Division are not obligated to submit asset declarations, while the declarations of the head and deputy heads the Anti-Corruption Agency of the SSSG are secret.⁴³ International organisations, including the CoE/GRECO⁴⁴ and OECD/ACN⁴⁵ have identified this problem for several years.

³⁵ State resources at the service of the ruling party: Proven methods of vote buying and illegal mobilisation of votes in Georgia, Transparency International Georgia, July 22, 2022, accessible [here](#).

³⁶ Order No. 005 of the Prosecutor General of Georgia on the Approval of the Statute of the Division of Criminal Prosecution of Corruption Crimes of the Prosecution Service of Georgia, January 29, 2021, Articles 1 and 3, *Legislative Herald*, accessible [here](#).

³⁷ Order No. 9 of the Head of the State Security Service of Georgia on the Approval of the Statute of the Anti-Corruption Agency (Department) of the State Security Service of Georgia, August 1, 2015, Articles 1 and 5, *Legislative Herald*, accessible [here](#).

³⁸ UNCAC, Article 13.

³⁹ OECD (2022), p. 153.

⁴⁰ UNODC (2009), Technical Guide to the United Nations Convention against Corruption, p. 116, accessible [here](#).

⁴¹ OECD (2013), Specialised Anti-Corruption Institutions; OECD (2021), *Istanbul Anti-Corruption Action Plan 5th Round of Monitoring: Pilot Performance Indicators*, OECD Anti-Corruption Network for Eastern Europe and Central Asia.

⁴² OECD (2022), Anti-Corruption Reforms in Georgia: Pilot 5th Round of Monitoring under the Istanbul Anti-Corruption Action Plan, p. 145, accessible [here](#).

⁴³ The Law of Georgia on Conflict of Interest and Corruption in Public Service, Chapter IV, *Legislative Herald*, accessible [here](#).

⁴⁴ GRECO (2017), Fourth Evaluation Round Georgia: Corruption prevention in respect of members of parliament, judges and prosecutors, Group of States against Corruption, Council of Europe, Adopted by GRECO 74th Plenary Meeting, December 2, 2016, published on January 17, 2017, p. 51.

⁴⁵ OECD (2016), Fourth Round of Monitoring.

Neither the SSSG's nor the PSG's websites contain information on the education, work experience, and qualifications of the head and deputy heads of the Anti-Corruption Agency (same for the head and deputy heads of the relevant PSG Division). Moreover, except for the head of the PSG Division, the websites do not indicate the names of any of the officials listed above.

Fight against high-level (elite) corruption

The GoG does not admit the existence of high-level corruption in the country. Accordingly, none of the national anti-corruption strategies and action plans developed thus far contain measures to combat it. Media reports of alleged corruption offences that involve high-level officials and/or individuals close to the ruling party do not receive an effective response.⁴⁶

No regular communication takes place with the public regarding the launching of investigations into cases of high-level corruption and the process and result of investigations, or about the failure to launch an investigation. In accordance with international best practice, the effective fight against corruption implies the launching of investigations into all alleged cases of high-level corruption or the public availability of a well-reasoned decision not to launch an investigation.

According to Georgian legislation, one of the grounds for launching an investigation is information published in the media.⁴⁷ **The periodically updated list of cases of high-level corruption** compiled by TI Georgia currently includes 85 cases, which became known in recent years and to which no relevant response has taken place. It is alarming that the PSG and the SSSG neither release information on these cases proactively nor respond to freedom of information (FOI) requests, at least about whether or not an investigation has been launched.⁴⁸

The 85 cases compiled by TI Georgia encompass the years 2016-2022 and **involve at least 99 high-level officials**, including:



It is alarming that 57 of these 99 individuals are still in office, including the current Prime Minister, Prosecutor General, judges, MPs, and high-level officials of the State Security Service. The alleged corruption crimes include such serious violations as: exerting undue influence on the judiciary, vote buying, illicit enrichment, favouritism, influence peddling, conflict of interest, revolving door, etc. In addition, 16 officials figure in more than one case.

As became known from the OECD report, from an early version of this list that included 30 cases, the monitoring mission requested the GoG to sub-

⁴⁶ Uninvestigated Cases of Alleged High-Level Corruption in Georgia – A Periodically Updated List (last updated on July 25, 2022), Transparency International Georgia, accessible [here](#).

⁴⁷ Criminal Procedure Code of Georgia, Article 101, *Legislative Herald*, accessible [here](#).

⁴⁸ Letter no. SSSG 8 21 00169309 of the State Security Service of Georgia; letter no. 13/68725 of the Prosecution Service of Georgia.

mit information on 22 cases. According to the government, an investigation has been launched into only six cases and they are still ongoing (five of them at the PSG and one at the Investigation Service of the Ministry of Finance).⁴⁹ **It is noteworthy that from the 22 cases, no criminal prosecutions have been initiated, and accordingly, none of the cases have resulted in a final conviction.**

22 cases requested by the OECD:



The annual reports of the PSG from the years 2018-2021 and those of the SSSG from 2015-2021 also confirm that the identification and repression of corruption crimes committed by high-level officials stop at the level of heads of municipal bodies at most.

For example, the 2021 report of the PSG reads: "In 2021, seven persons were found guilty of a corruption crime, who were holding a high office at the time of committing the crime. All of them were employed in local self-government bodies."⁵⁰

Several problems are encountered in the PSG and SSSG reports.

Reports do not:

- provide exhaustive information about the work of specialised anti-corruption units;
- address high-level corruption, or explain measures directed against it;
- uncover any of the alleged high-level corruption cases identified by the media or CSOs, that involve high-level officials/individuals close to the ruling party;
- break down statistics according to the articles, regions, agencies, and positions.

Reports often contain vague sentences with incomplete statistical data, such as:

- "A number of public servants have been arrested as a result of operative and investigative measures taken"⁵¹ – In response to a FOI request for this data, the SSSG replied that the agency does not process information about public servants at all.⁵²
- "Out of the 431 persons charged in 2021, 117 were public servants of various ranks at the time of committing the crime"⁵³ – No breakdown into the positions, agencies or the outcomes of the charges.
- "The SSSG pays particular attention to the fight against official misconduct and corruption crimes and to taking measures to identify and prevent the conflict of interest and corruption in the public service"⁵⁴ – no further details.

⁴⁹ OECD (2022), Anti-Corruption Reforms in Georgia: Pilot 5th Round of Monitoring under the Istanbul Anti-Corruption Action Plan, p. 136, accessible [here](#).

⁵⁰ The Activity Report of the Prosecution Service of Georgia of 2021, May 13, 2022, p. 50.

⁵¹ Reports of the State Security Service: 2016, p. 18; 2017, p. 16; 2018, p. 16.

⁵² Letter no. SSSG 6 22 00144169 of the State Security Service.

⁵³ The Activity Report of the Prosecution Service of Georgia of 2021, p. 44.

⁵⁴ The Report of the State Security Service of Georgia, 2017, p. 16.

⁵⁵ OECD (2022), Benchmarks 9.4.1 and 12.2.1.

⁵⁶ Performance Audit Report on the Anti-Corruption Environment in the Country (2015-2018), the State Audit Office, 29 May 2020, accessible [here](#).

⁵⁷ Letter no. 13/73054 of the Prosecution Service of Georgia, 2 December 2021.

⁵⁸ Georgian National Integrity System Assessment 2020, Transparency International Georgia, 26 June 2020, accessible [here](#).

According to the assessment of the OECD, the annual reports of the SSSG and the PSG only provide the public with general information, without analysing the statistics of cases of high-level corruption and using them to improve their policies or practice.⁵⁵ **The State Audit Office** finds the same: *“Regularly updated, complete and uniform statistics on corruption crimes are not collected, which would enable the stakeholders to analyse the corruption crimes in various respects (breakdown according to regions, agencies, positions, results of investigation, etc.).”*⁵⁶

Unfortunately, the mechanism of monitoring asset declarations is also not used for identifying high-level corruption. In the years 2018-2021, the Civil Service Bureau only sent a single case per year to the PSG and the investigations are still underway.⁵⁷

It should be noted that the effectiveness of the investigation of corruption crimes across the country is not assessed by any agency, including the body coordinating the anti-corruption policy⁵⁸ – the Anti-Corruption Council and its Secretariat, which is supposed to include the results of analysis in its relevant policy documents.

Conclusion

The main challenge posed by the “fragmented” institutional model of the fight against corruption in Georgia is the co-location of the responsibility for investigation and prosecution within the Prosecution Service, placement of the responsibility for investigation of corruption crimes in the State Security Service, and the inadequate degree of independence, accountability, and transparency of these agencies.

The bodies responsible for repressing corruption crimes mostly fail to respond effectively to cases of corruption that involve high-level officials and/or individuals close to the ruling party. Moreover, the heads of these agencies themselves face allegations of corruption.

Recommendations

In response to the problems identified in the present document, Georgia should create an independent anti-corruption agency – a multi-functional independent public agency that will bring together the instruments of both fighting and preventing corruption, as well as all the major anti-corruption functions. Most importantly, this agency should be immune from any undue interference in its activities.

The legislative package necessary for creating the independent body has already been initiated in the Parliament,⁵⁹ and it meets all the challenges facing the current anti-corruption model:

- **The multi-functional (single agency) model**⁶⁰

The agency will bring together the major anti-corruption instruments and functions under one umbrella. It will be responsible for:

1. Impartial and effective investigation of corruption crimes, including cases of high-level corruption;

⁵⁹ Draft Law on the National Anti-Corruption Agency, 07-3/158/10, accessible [here](#).

⁶⁰ OECD (2013), Specialised Anti-Corruption Institutions: Review of Models: Second Edition, Paris, accessible [here](#).

2. Introduction of an effective system of monitoring the financing of political parties and election campaigns;
3. Monitoring of asset declarations of public officials;
4. Prevention of corruption in the public service and supervision of the enforcement of the anti-corruption legislation in practice.

It is important to note that the concept of the anti-corruption agency does not imply the abolition of the institutional infrastructure that exists today; rather, it provides for uniting the major anti-corruption departments that are currently scattered across various institutions (the Anti-Corruption Agency – the State Security Service; the Political Finance Monitoring Department – the State Audit Office; and the Department of Monitoring of Asset declarations – the Civil Service Bureau).

- **Independence, accountability, transparency**

The agency will be an independent state body created on the basis of law. It will be headed by a chairperson, who will be elected by the Parliament of Georgia – by a two-thirds majority – for a period of five years. The procedure of election of the chairperson of the agency will be protected from the influences of a single party, which is an extremely important lever for ensuring the independence of this body. It should also be noted that one of the criteria for qualifying as the chairperson of the agency is a minimum of ten years of professional experience.

The agency will be accountable to the Parliament, to which it will annually submit a report on the situation of the fight against corruption in the country and the activities carried out by it. Its activities will be audited by the State Audit Office.

In addition, it is important that it will only be possible to reduce the budget of the agency with the preliminary consent of the chairperson of the agency.

The creation of the National Anti-Corruption Agency will be an important step forward both for the fulfilment of the goals of the AA and meeting the requirements necessary for granting the status of EU candidate country.

Annex
to the policy brief titled
Georgia in Need of an Independent Anti-Corruption Agency
December 1, 2022

The purpose of this annex is to inform the reader of the November 2022 policy brief titled ‘Georgia in Need of an Independent Anti-Corruption Agency’ of the important changes that have occurred in Georgia in terms of rearrangement of anti-corruption institutional functions following the preparation of the document.

Namely, as part of Georgia’s efforts to fulfill the 12 Priorities issued by the European Commission as prerequisites for granting the EU membership candidate status to Georgia, legislative changes have been adopted on December 1, 2022 that envision setting up a new institution – Anti-Corruption Bureau.

The reform is aimed at fulfillment of Priority #4 of the European Commission, which requires Georgia to: *“Strengthen the independence of its Anti-Corruption Agency, bringing together all key anti-corruption functions, in particular to rigorously address high-level corruption cases.”*

The reform envisions bringing together under the new Bureau almost all anti-corruption functions currently scattered in various institutions or functions that are not being currently fulfilled by any institution:

- Development of anti-corruption policy documents and coordination and supervision over their enforcement – currently under Government Administration.
- Management of the system of public official asset declarations and monitoring thereof – currently under the Civil Service Bureau.
- Monitoring of political party finance – currently under the State Audit Office.
- Preparation of initiatives to prevent, identify and resolve conflicts of interest – currently without a responsible institution.
- Preparation of initiatives for improving whistleblower protection – currently without a responsible institution.
- Anti-corruption awareness-raising – currently without a responsible institution.

While the convergence of the above anti-corruption functions is a positive step forward, the reform does not include strong guarantees for independence of the new institution, the head of which shall be appointed by the Prime Minister from a selection of candidates selected by a 7 member commission composed of representatives of each branch of government, the Prosecutor’s Office, the Public Defender and single member representing civil society.

More importantly, the key anti-corruption function of investigation of high-level corruption shall remain unchanged under the Prosecutor’s Office and the State Security Service.

It must therefore be stated that, while the new institution does partially satisfy some of the changes proposed as part of the policy brief, i.e. bringing together scattered anti-corruption functions, the key issue of the need to establish an independent anti-corruption investigative institution for the purpose of specifically addressing high-level corruption, advocated through the policy brief, remain relevant.