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Support to the Anti-corruption Strategy of Georgia (GEPAC)

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2nd Narrative Progress Report

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The views expressed in this technical report
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of the Council of Europe or of the donor
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1 Summary description

GEPAC - "Support to the Anti-corruption Strategy of Georgia" - started on 1 September 2007. The present report summarises the activities carried out during the second reporting period, from 1 March 2008 to 31 August 2008.

1.1 Project Country and Institution(s)

The project country is Georgia.

The main project partner on the Georgian side is the Chancellery of the Government of Georgia¹, appointed as the main counterpart institution in July 2008; this was a result of the initial main counterpart institution, the State Ministry on Reforms Coordination, having been abolished in February 2008.

Project beneficiaries also include:

- the General Prosecutor's Office (Output 4 and 5)
- the Ministry of Interior (Output 4 and 5)

1.2 Contracting Authority

Ministry for Development Co-operation of the Kingdom of the Netherlands.

1.3 Implementing Organisation

The Council of Europe is responsible for the implementation of the project and the use of the project funds under the contract with the Ministry for Development Co-operation of the Kingdom of the Netherlands. Within the General Secretariat of the Council of Europe in Strasbourg, the Economic Crime Division (Technical Co-operation Department, Directorate General of Human Rights and Legal Affairs) is responsible for overall management and supervision of the project. A Local Project Team composed of three Long-term National Advisers and one Local Project Officer, based in the premises of the State Chancellery in Tbilisi, is supporting the implementation of the project.

1.4 Project Objective

The overall objective of GEPAC is to contribute to fostering democracy and the rule of law through the prevention and control of corruption in Georgia, in accordance with relevant European and other international standards, including GRECO recommendations.

2 The Project

2.1 Current state of affairs in the relevant sector

Georgia is a member of the Group of States against Corruption (GRECO) since 16 September 1999, and has signed and ratified the Civil Law and the Criminal Law Convention on Corruption of the Council of Europe. The UN Convention against Corruption (UNCAC) has neither been signed nor ratified.

Furthermore, Georgia is a party to the Council of Europe's mechanisms monitoring compliance with international standards in the field of money laundering, MONEYVAL.

In January 2005, the Government of Georgia initiated work on a new anti-corruption strategy and sought the support of the Council of Europe, which was

¹ See page 9, Article 3.1, Paragraph 2

provided under a joint programme of the Council of Europe and the European Commission.

The "National Anti-corruption Strategy of Georgia" was prepared by a working group led by the National Security Council in May/July 2005 and adopted by the Decree of the President of Georgia n°550 of 24 June 2005.

The "Action Plan for the Anti-corruption Strategy (2005-2006)" was drafted by a working group led by Kakha Bendukidze, then State Minister for Reforms Coordination and adopted by the Decree of the Government of Georgia n°377 of 12 September 2005. This was approved by the Decree of the President of Georgia n°155 on 28 March 2006. Until its abolishment in March 2008, the State Minister for Reforms Coordination was empowered with supervising the implementation of the Action Plan.

A new draft of the Anti-corruption Strategy was also elaborated by the Office of the State Minister on Reforms Coordination in 2007 but has not been adopted yet.

In addition, Georgia continues to be an active member country in the Anti-corruption Network (ACN) for Eastern Europe and Central Asia, coordinated by the OECD Anti-Corruption Division, and participates in the ACN's Istanbul Action Plan. In this framework, Georgia has been providing its Progress Reporting on the Monitoring of the National Actions to Implement Recommendations endorsed during Reviews of Legal and Institutional Frameworks for the Fight against Corruption. The 7th General Meeting of the ACN took place in Tbilisi on 25-27 June 2008 where Georgian Government emphasized on the reforms that took place in licensing, reforming health care sector, and in improving the investment climate in general in the country. The reform that took place in the Ministry of Interior, in particular the reform in the patrol police and the ongoing reform in the criminal police and criminal justice matters were also discussed.

According to recent surveys and studies, corruption and conflicts of interest are reported to be widespread and integrity to be weak in most State and public bodies. People believe that corruption – in different forms as bribes, corrupt lobbying, trading in influence, abuse of office, and other – is a common practice in everyday life². For that reason, anti-corruption measures have been high on the agenda of the Georgian Government for the past years. GEPAC was therefore launched to provide necessary expertise and to contribute to the actual implementation of relevant reforms during 2007, 2008, and 2009. It aims at strengthening the Georgian institutions' capacities in their anti-corruption efforts, through the implementation of the Anti-corruption Strategy and Action Plan, and in promoting technical co-operation among different law-enforcement and prevention services.

2.2 Project Objective

GEPAC aims at strengthening national capacities in support of the implementation of Georgia's Anti-corruption Strategy and Action Plan, in compliance with relevant European and international standards. In order to achieve this objective, the project works in five complementary directions:

- Strengthening the capacities of the anti-corruption policy institutions in order to manage, co-ordinate and monitor the implementation of the Anti-corruption Action Plan;
- Co-ordinating and monitoring the implementation of the Anti-corruption Action Plan through reviewing the Anti-corruption Strategy and up-dating the Action Plan;
- Elaborating and improving primary and secondary legislation concerning criminalisation and prevention of corruption;

² In 2007, Georgia ranked 79 in Transparency International's Corruption Perception Index; an improvement compared to previous years, but still among the lowest of the 47 Council of Europe Member States.

- Strengthening the capacities of the prosecution to investigate and prosecute high-level corruption; and
- Introducing pilot activities to enhance integrity and institutional capacities as tools for the prevention of corruption.

2.3 Expected Results and Methodology

The expected results of the project are to update the existing Anti-corruption Strategy and Action Plan so that they reflect and include policy actions to implement all GRECO recommendations made in the report of the Second Round of Evaluation and in the OECD/ACN Monitoring Reports; to elaborate anti-corruption and economic crime-related draft amendments which comply with relevant international and European standards and/or best practices; to increase the capacity of the prosecution to investigate corruption cases; and to establish corruption-prevention plans.

Moreover, the project aims at supporting the establishment, as requested by the Georgian authorities, of a specialised anti-corruption body/structure responsible for the Coordination of national efforts in combating and preventing corruption.

These objectives are pursued through close co-operation with all relevant stakeholders, the identification of international and national experts, through organisation of tailored activities such as Round tables, workshops and study visits for practitioners; preparation and finalisation of feasibility studies and surveys, and harmonising legal texts in accordance with the Council of Europe's Conventions on Corruption and the United Nations' Convention against Corruption (UNCAC).

2.4 Summary of Project Outputs

Overall objective	To contribute to democracy and the rule of law through the prevention and control of corruption in Georgia in accordance with European and other international standards as well as GRECO recommendations
Project objective	To support the implementation of Georgia's Anti-corruption Strategy and Action Plan
Output 1	Capacity of the Office of the State Minister on Reforms Coordination (and Contact Points in co-operating institutions/Working Party) to manage, coordinate and monitor the implementation of the Anti-Corruption Plan reinforced
Activity 1.1	Inception Phase (2 months): Finalise Workplan of activities with all counterparts; conduct the recruitment of staff and long-term advisers; (commissioning, interviews, and contracting).
Activity 1.2	Organise a Start-up conference with participation of all relevant stakeholders (Tbilisi)
Activity 1.3	Provide equipment required for efficient running of the State Minister on Reforms Coordination
Activity 1.4	Advise and train the Staff at the State Minister on Reforms Coordination and Contact Points (Working Party members) on operational issues
Activity 1.5	Organise at least 2 study visits for the Staff at the State Minister on Reforms Coordination and relevant Contact Points (Working Party members)
Output 2	Anti-corruption Strategy Reviewed and Action Plan Updated
Activity 2.1	Assist and advise the Staff of the State Minister on Reforms Coordination to further elaborate and update the Anti-corruption Strategy and Action Plan in line with GRECO recommendations and other international commitments and obligations
Activity 2.2	Organise two corruption perception and attitude surveys on corruption levels
Activity 2.3	Organise a National Conference to review and overall monitor the implementation of the updated Anti-corruption Strategy and the Action Plan

Output 3	At least 6 draft amendments and regulations elaborated in co-operation with the Staff of the State Minister on Reforms Coordination and relevant partner institutions (Working Party)
Activity 3.1	Draft amendments related to the accession to international legal instruments against corruption, including those pertaining to criminalisation of corruption
Activity 3.2	Contribute to elaborate amendments/implementing tools pertaining to the reform of the system of financing of political parties and electoral campaigns
Activity 3.3	Provide training on issues related to the newly enacted anti-corruption legislation
Output 4	Capacities of the Prosecution to investigate and prosecute high level corruption strengthened
Activity 4.1	2 in-country training sessions for the staff of units specialised in investigation and prosecution of high level corruption (case studies, proactive and multidisciplinary approach)
Activity 4.2	1 in-country training session for the staff of units specialised in investigation and prosecution of high level corruption related cases
Activity 4.3	Up to 2 study visits for 6 prosecutors and 6 police officers from the specialised services
Activity 4.4	International conference on investigation and prosecution of high level corruption (Tbilisi)
Output 5	Integrity and institutional capacity for preventing corruption strengthened
Activity 5.1	Organise trainings for prosecutors/law enforcement agents on: <ul style="list-style-type: none"> - prevention of corruption within the prosecutorial and law enforcement agencies (case study) - on the implementation of the Code of Ethics

2.5 Nature of Inputs during the reported period

The following types of activities are proposed within the project:

Expert advise - provided by the Long-term Adviser within his competence and experience or, as necessary, by Short-term Advisers selected according to their specific field of competence, through direct conversation with individual officials or groups of officials on the issues specified in the Workplan and wherever necessary.

Expert opinions/Technical papers - will be provided in writing, as necessary, to comment on the pieces of legislation or their drafts or other documents, by independent experts from the Council of Europe Member States, via the CoE Secretariat.

Round tables - allowing stakeholders/professional groups and individuals to look at ways in which their own policies can be reformed. They will also be used to contribute specialist knowledge to a broader debate on a given issue.

Workshops - allow a particular task to be undertaken involving multiple co-operating parties. Experts put their knowledge at the disposal of practitioners and officials. Workshops can also be used to provide specific advanced training.

Training courses - allow participants to acquire new knowledge and/or professional skills through interaction with a qualified trainer. Elements of self-education can be included.

Translations - make important texts and information accessible in local languages and can be used as a tool in training activities and seminars.

3 Overall Achievements

3.1 Overview of activities

The number of activities carried out as part of the project during the reporting period has been substantially lower than initially foreseen in the Workplan (Annex 1) and the Calendar of activities (Annex 2). The main reason for the delay has been the protracted lack of a counterpart institution, and the institutional restructuring following the parliamentary election of 21 May 2008.

The political situation following the President's announcement of 8 November 2007 of early presidential elections - which were held on 5 January 2008 - and the plebiscite of 23 November 2007 to hold parliamentary elections in May 2008 have influenced the implementation of project activities not only for the first, but also for the second reporting period (March-August 2008). As a result of the Presidential elections of January this year, some institutional restructuring within the Government took place. The main counterpart of the project, the Ministry on Reforms Coordination, was abolished in February 2008. The former Minister on Reforms Coordination, Mr Kakha Bendukidze, continued to follow the implementation of the project non-officially until the end of July 2008, when the State Chancellery was appointed as GEPAC's main counterpart institution. In his letter dated 30 July 2008, the Prime Minister of Georgia, Lado Gurgenzidze, informed the Council of Europe that the implementation of the project will be ensured, under his personal supervision, by the State Chancellery. According to his letter (Annex 3), the Chancellery will also be responsible for the elaboration and coordination of anti-corruption policies, the implementation of the National Anti-corruption Strategy and Action Plan, as well as of the implementation of the GRECO recommendations.

The lack of a counterpart institution and the tense political situation before the parliamentary elections impeded the implementation of the two major Outputs of the project - Output 1 (Capacity of the Office of the State Minister on Reforms Coordination to manage, co-ordinate and monitor the implementation of the Anti-corruption Plan reinforced) and Output 2, related to the analysis and up-date of the Anti-corruption Strategy and Action Plan. At the 1st Steering Group meeting (SGM), held on 22 April 2008 in Tbilisi, it was decided to put on hold several activities related to the up-dating of the Strategy until an institution responsible for the implementation of the Action Plan is appointed. Days after the appointment of the State Chancellery as the project counterpart, an open conflict broke out between Georgia and Russia.

It is important to underline that the review of the Anti-corruption Strategy and the up-dating of the Action Plan have significant importance for future anti-corruption efforts in Georgia. Moreover, the Government support is crucial in progressing towards sustainable solutions on how to reach the above mentioned goals.

Several other activities (mainly workshops and Round tables) were organised upon request of other beneficiary institutions (Ministry of Interior and Prosecutor's Office). As a result, Outputs 3, 4 and 5 have suffered much less, or only marginal delays in the implementation of the activities. At the 1st SGM, both the Ministry of Interior and Prosecutor's Office asked the Council of Europe to cancel Activity 5.1 related to the elaboration of an integrity assessment methodology for the prosecution/law enforcement agencies and requested more training to be provided to strengthen these institutions' integrity and institutional capacity for preventing corruption. Therefore, it was agreed at the SGM to adapt activities under Output 5 according to the beneficiaries' needs.

The Project Team supported the Georgian Government in the drafting of the law establishing a specialised anti-corruption body of Georgia. Nevertheless, the Project Team is waiting for clearer instructions as to whether this is still a priority of the Government or not.

The following activities were carried out during the reporting period:

Output	Description of activity	Status	Date
Output 1			
Activity 1.3	Delivery of IT equipment and office furniture for the Project Implementation Unit	Completed	March 2008 Strasbourg/ Tbilisi
Activity 1.4 (A)	Round table Discussion for Contact Points on tools of reporting, co-operation with partner institutions and monitoring the implementation of AC measures in line with the new AC Action Plan	Not completed (on hold)	June 2008 Tbilisi
Activity 1.4 (B)	Creation and continuous update of a special webpage on anti-corruption activities within the website of the Ministry on Reforms Coordination (as part of the communication process and coordination with partner institutions) and creation of Project's web page within the Web site of the Economic Crime Division ³	Project web page within the CoE web site - completed Corruption web page within the counterpart institution's web site - not completed	March 2008 Strasbourg March 2008 Tbilisi
Activity 1.5	Study visit for the main counterpart institution and relevant staff from cooperating institutions	Not completed (on hold)	Scheduled for June 2008
Activity 1.6	Conduction of feasibility study and possible models for a specialised anti-corruption structure	Not completed	Scheduled for June 2008
Activity 1.7	Round table Discussion on possible models of the future specialised Anti-corruption Structure of Georgia	Completed	6 March 2008 Tbilisi
Activity 1.7	Drafting of the legal framework of the future specialised Anti-corruption Structure of Georgia and several discussions with the office of the State Chancellery of Georgia	Completed	May/June 2008 Tbilisi
Activity 1.8	Workshop on the Elaboration of financial and human resources of the future specialised Anti-corruption Structure of Georgia	Not completed	Scheduled for May 2008 Tbilisi
Output 2			
Activity 2.1	Assessment and inventory of the Anti-corruption Strategy and Action	Not completed	Scheduled for June 2008, Tbilisi
Activity 2.2	Round table Discussion on conducting surveys on corruption: features and elements	Completed	16-17 July 2008 Baku, Azerbaijan
Output 3			
Activity 3.1	3 Workshops for local authorities on Free Access to Public Information	Completed	30 June 2008, Signaghi 2 July 2008, Kutaisi 3 July 2008, Batumi
Activity 3.3	Training for Prosecutors on the implementation of the	Completed	February 2008 Tbilisi

³ <http://www.coe.int/economiccrime> (Corruption)

	amendments on the Criminal Law of Georgia related to liability of legal persons		
Activity 3.4	Round table Discussion on drafting of the legal framework of the future specialised AC structure (several discussions were held with the Head of the State Chancellery)	Partially Completed	July 2008 Tbilisi
Output 4			
Activity 4.1	Assessment of needs for the In-country multi-disciplinary training for the staff of units specialised in investigation and prosecution of high-level corruption (prosecutors/law enforcement officers) (case studies, pro-active and multidisciplinary approach)	Completed	July 2008, Tbilisi/ Strasbourg
Output 5			
Activity 5.1	Round table Discussion on the elaboration of risk/integrity assessment for the Prosecutor's Office and Ministry of Interior	Completed	4-5 March 2008, Tbilisi
Activity 5.2	Two Workshops for Prosecutor's on the Code of Ethics	Completed	20-21 April 2008 Tbilisi

4 Activities implemented during the reporting period

4.1 Output 1

Capacity of the Office of the State Minister on Reforms Coordination and Contact Points in co-operating institutions to manage, coordinate and monitor the implementation of the Anti-corruption Plan reinforced

4.1.1 Activity 1.3

Delivery of IT equipment and office furniture for the office of the local Project Team (April/May 2008, Strasbourg/Tbilisi)

The IT equipment was delivered to the office of the Project Team at the premises of the State Chancellery in Tbilisi at the beginning of April 2008. Three different offers for IT equipment were presented to the Council of Europe Secretariat by the Project Team in February 2008. After examination of the offers and consultation with the Council of Europe Directorate of Internet Technologies, the Council of Europe contracted a local service provider (Orient Logic) to purchase and deliver the IT equipment in accordance with its procurement rules.

The contracting of Service Provider for the office furniture was finalised in April due to the delayed allocation of office space. The contract was assigned to the local company LTD Gelsor. The office furniture was delivered according to the contract with the Service Provider at the beginning of May 2008.

4.1.2 Activity 1.4 (A)

Second Round table Discussion for Contact Points on tools of reporting, co-operation with partner institutions and monitoring the implementation of AC measures in line with the new AC Action Plan

At the 1st Steering Group Meeting, held on 22 April in Tbilisi, it was decided that several activities related to the implementation of the Anti-corruption Strategy and Action Plan will be postponed until a body responsible for monitoring the

implementation of the Strategy and Action Plan is appointed. In addition, at the First RTD on tools of reporting and monitoring the implementation of AC measures (28 January 2008, Tbilisi) participants decided that there are additional important issues regarding the Anti-corruption Strategy and Action Plan themselves that need to be addressed before turning to issues of reporting, coordination, and implementation. Therefore, this activity is still on hold.

4.1.3 Activity 1.4 (B)

Creation and update of a special webpage on anti-corruption activities within the website of the Ministry on Reforms Coordination and creation of Project's web page within the website of the Economic Crime Division

The web page dedicated to the GEPAC project and other corruption-related information ceased to exist due to the abolishment of the Ministry on Reforms Coordination in March 2008. By the time of writing, the webpage has not yet been hosted elsewhere.

However, a special webpage, dedicated to the implementation of the project, was created on the webpage of the Economic Crime Division of the Council of Europe: www.coe.int/gepac.

The web page is up-dated regularly and provides information on the implementation of the project activities.

4.1.4 Activity 1.7

Round table discussion on possible models of the future specialised Anti-corruption structure of Georgia (6 March 2008, Tbilisi)

The Round table Discussion on "Possible models of a specialised Anti-corruption structure of Georgia", held in Tbilisi on 6 March 2008, aimed at presenting the international standards applied to different models of anti-corruption services, to discuss and assess the institution's needs and receive clear message from high-level public officials which model of anti-corruption structure/body would be the most appropriate for Georgia.

For the purposes of the Round table, the Council of Europe expert presented background on specialised anti-corruption services and set out questions that need to be addressed before deciding to create such a structure, focusing on the needs/functions that are not currently met by existing institutions. The premise of this approach is that it is important to first review the needs and determine whether or to what extent existing institutions can be strengthened to meet those needs before embarking on the creation of a new structure. The Round table also considered two possible models of anti-corruption structures prepared by the GEPAC project team.

The results of the Round table discussion can be summarised as follows:

Law enforcement (repressive) functions are reasonably effectively carried out by existing law enforcement bodies, although further strengthening is needed, and the question of sufficient specialisation for the fight against corruption (in line with international obligations) needs to be reviewed. It is unclear whether a satisfactory level of specialisation has been achieved, as it is likewise unclear whether there exists a law enforcement-based strategy for the fight against corruption.

Scrutiny of asset declarations of public officials is insufficiently addressed by the existing Information Bureau of Property and Financial Position of Ranking Officials, while at the same time the President has suggested that there is a need for additional focus on preventing and prosecuting corruption of high officials. A draft law addressing the question (to replace/update the existing Law on Corruption

and Conflict of Interests in Public Service), currently under consideration by the parliament, apparently proposes some improvements.

Other unmet needs:

- A (permanent or long-term) body responsible for updating and monitoring the implementation of the Anti-corruption Strategy and Action Plan;
- A body, or bodies, to undertake other preventive functions, such as the development of sectoral policies against corruption, including integrity plans, and numerous other possible measures.

Participants agreed that instead of creating a new anti-corruption body, it would be more appropriate to assess and analyse the functioning of the existing structures and possibly redefine their functions and increase their capacities. Participants underlined the necessity to focus on the specific tasks that are not currently being performed adequately by the existing anti-corruption structures.

Even though a constructive discussion took place with representatives from key institutions, no decision makers were present at the Round table, though they had confirmed their participation. The reason cited by the Government was that no political decision regarding the establishment of the future AC structure had been taken. The fact that the afternoon session with high-level officials was cancelled opens questions as to the adequacy of the present political context for the initiation of such a process.

About 15 participants from the Ministry of Interior, the General Prosecutor's Office, the Ministry of Justice, the National Security Council, the Embassy of the Kingdom of the Netherlands and civil society representatives were present at the discussion (List of participants available upon request).

4.1.5 Activity 1.7

Drafting of the legal framework of the future specialised Anti-corruption Structure of Georgia (May-July 2008, Tbilisi)

After a difficult period in Georgia in October - November 2007, when several high-level politicians were accused of committing corruption offences by the General Prosecutor's Office, the President of Georgia stressed the need to establish a new anti-corruption body. According to the statement, the independence and importance of this body will be also strengthened by the reporting obligation to the President and Head of the Parliament of Georgia. The new structure was supposed to be responsible for monitoring of the actions of high-level politicians and persons being exposed to a high risk of corruption (such as the head of the tax authority, head of the customs authority, police, etc).

During the GEPAC Start-up event (26 October 2007) and the 1st SGM (22 April 2008), Mr Kakha Bendukidze, Head of State Chancellery of Georgia, confirmed the Georgian government's initiative to create a special anti-corruption structure. Accordingly, the project team was asked by the Government of Georgia to prepare the draft law on the establishment of the new anti-corruption structure of Georgia.

The draft law (Annex 4) was prepared by the GEPAC team in June and July 2008. Several discussions were held with Mr Bendukidze on various issues stated in the draft law.

The draft law on the Anti-corruption Bureau of Georgia defines functions, legal status, authority and main objectives of the Anti-corruption Bureau.

According to the draft law, the Bureau is the legal entity of public law which is an independent investigative agency and has special authorities. It is independent from other state agencies and organisations and accountable only to the President and the Parliament of Georgia when performing its activities.

According to article 7 of the draft law, the bureau is investigating the following crimes of the high-level officials: active and passive bribery; trading in influence; illegal acquisition of gifts; violation of the rules in providing financial and asset declarations (for public officials) or intentional provision of false and incomplete information.

As mentioned above, the GEPAC team has prepared and translated the draft law in June 2008. To initiate the draft law in the parliament for adoption, the draft law must be agreed with other ministries and the Government of Georgia, which might result in some changes in the document. Before the draft is sent to the Parliament, an expert opinion on the draft will be provided with the support of the Council of Europe. After the draft is agreed and all the recommendations of the institutions and independent experts evaluated and incorporated, the Government should pass the law to the Parliament for adoption, and consequently, it should then be signed by the President and published.

At present, the establishment of this structure has been postponed as the Government had to focus on other issues related to the current situation in the country.

4.2 Output 2

Anti-corruption Strategy reviewed and Action Plan updated

4.2.1 Activity 2.1

1st analysis and recommendations on the Anti-corruption Strategy and Action Plan (June 2008, Tbilisi)

The Anti-corruption Strategy and Action Plan had neither been reviewed nor updated by the time of writing. At the 1st Steering Group Meeting in April 2008, Mr Vakhtang Lejava, First Deputy Minister of Economic Development, said, the review and up-date of the Anti-corruption Strategy and Action Plan could only be done after the appointment of a body responsible for the monitoring of the Strategy and Action Plan. Georgian authorities pointed out that any strategic decision on that issue would be taken after the parliamentary elections and the new Government set up.

The Council of Europe has nevertheless prepared, together with Council of Europe experts, a possible action plan for review and up-dating of the Strategy and the Action Plan. Specific actions and timelines should be finalised in view of Council of Europe support in the process; participants/stakeholders need also to be further defined.

Suggested Action Plan for review and updating of the Anti-corruption Strategy (prepared in March 2008) to be discussed with Georgian counterparts:

Actions	Timeline (in weeks)							
	1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16
1. Announce the process of updating the national Anti-corruption Strategy; set clear deadlines for receiving comments and organizing public discussions (e.g. 1 month to receive written comments; 1.5 months for public discussion)								
1.a. Invite all interested to participants to submit suggestions for updating Anti-corruption Strategy and action plan								
1.b. Invite all state agencies to								

review their obligations under the existing Strategy and action plan and to submit proposals for new Strategy and action plan								
2. Provide responsible individuals from state agencies with (minimum) training/guidance on formulating Anti-corruption policies and action-plans								
3. Review submitted proposals/suggestions								
4. Organize public discussion of proposals for updating Anti-corruption Strategy and action plan in view of appropriateness of proposed measures and feasibility of timelines								
5. Hold consultations with state agencies on ministerial/sectoral Anti-corruption policies that are to be incorporated in updated national Strategy and action plan								
5.a. Hold consultations with state agencies on mechanisms for reporting and coordination								
6. Draft updated national Anti-corruption Strategy and action plan, providing justifications for measures included and proposals rejected								
7. (optional) Second public consultation on draft Anti-corruption Strategy								
8. Submit draft Strategy and action plan for official approval								
9. Design templates for reporting on implementation of Anti-corruption Strategy								
10. Hold trainings for responsible staff within state agencies on reporting on implementation of Anti-corruption Strategy								

4.2.2 Activity 2.2

Round table Discussion on conducting surveys of corruption: features and elements (16-17 July 2008, Baku, Azerbaijan)

The meeting aimed at presenting different survey methodologies, best practices from Georgia and Azerbaijan and also provided discussion on specific countries' needs.

Two different questionnaires, provided by the Government of Georgia and aimed at assessing the quality of public services in Georgia, were reviewed and up-dated in accordance with the current country needs. The Round table brought together representatives of the Commission on Combating Corruption of Azerbaijan, USAID Azerbaijan, the Anti-Corruption Network of NGOs of Azerbaijan, Transparency International Azerbaijan, as well members of the GEPAC Project Team ((List of participants available upon request).

The first day of the meeting was dedicated to the discussion of different types and modalities of corruption surveys, as well as a presentation of best practices and experience from both countries. Participants shared also their specific needs in terms of conducting corruption surveys and raised different questions related to the practical organisation of a survey.

Quentin Reed, Long-term Adviser of the AZPAC Project, underlined the importance to decide in advance what a particular survey should achieve before designing and conducting it at considerable expense, to determine carefully the target group/s, as well as the pitfalls and the dangers when designing and conducting a survey and how they can be addressed.

The objective of the second day of the Round table was to discuss the commissioning of two surveys on corruption and quality of public services in Georgia, one for citizens (Household Survey) and the other for public officials (Survey of Public Officials) in the framework of the GEPAC Project. Two different questionnaires were reviewed and up-dated according to the needs of the Georgian Government. The questionnaires were developed in 2006 by the World Bank upon request of the former Ministry on Reforms Coordination of Georgia (former main counterpart of GEPAC). The purpose of the surveys is to provide the Government of Georgia (GoG) and the Georgian public with information on the quality of public services the latter receive, on the integrity of the institutions providing such services and governing institutions in general, and on corruption in these institutions in particular. The results should serve to provide information both on the impact of completed or on-going reforms, and also provide information on the basis of which reforms should be modified or other reforms pursued.

The objectives of the Household Survey are to obtain information on the following:

- Citizens' perceptions of the integrity (trustworthiness) of public institutions, including levels of corruption;
- Citizens' perceptions of the integrity (trustworthiness) of various public service providers, and their experience of corruption when accessing public services, with particular attention devoted to the judicial system, education, healthcare;
- Citizens perceptions of the likely effectiveness of various possible public sector reforms to reduce corruption.

The objectives of the Survey of Public Officials are the following:

- To obtain information on the perceptions and experience of public officials of various aspects of the institutions in which they work, in particular the following:
 - Personnel management;
 - Budget management;
 - Procurement management;
 - Public service delivery;
 - Information management and communication;
 - Policy consistency and resource sufficiency;
 - Organizational purpose, performance and integrity.
- Perceptions and experience of public officials of corruption;
- Perceptions of public officials of the likely effectiveness of various possible public sector reforms to reduce corruption.

The implementation of both surveys was foreseen to take place by the end of 2008 or early 2009. Nevertheless, the timing should be reviewed and adjusted due to the situation in Georgia.

4.3 Output 3

At least 6 draft amendments and regulations elaborated in co-operation with the Office of the State Minister on Reforms Coordination and relevant partner institutions

4.3.1 Activity 3.1

Three Workshops on Free Access to Public Information for Local Authorities (30 June 2008, Signagi, 2 July 2008, Kutaisi, 3 July 2008, Batumi)

The Council of Europe organised, in the framework of the GEPAC Project, three regional workshops on Public Access to Information: in Signagi (30 June 2008), Kutaisi (2 July 2008) and Batumi (3 July 2008). The workshops were organised with the co-operation of the National Association of Local Authorities in Georgia which provided two local experts who participated in the discussions as resource persons and facilitators. More than 40 representatives (List of participants available upon request) of local authorities participated at the workshops.

The aim of the meetings was to present the legal and practical framework/solutions for efficient and lawful dissemination of public information to representatives of local authorities. An interactive methodology was applied at the meetings in the form of discussions and work in groups. Participants undertook practical exercises, namely discussion on freedom of information (FOI) request and making a decision on providing information, and discussion of an administrative complaint and making a decision on providing information.

According to the General Administrative Code of Georgia "public information is received, processed, written or sent information as an official document (among them drawing, prototype, plan, outline, photo, electronic information, video and audio recordings), so preserved at public institution, also information regarding the activities by public institution or employee".

Requests for public information may be performed only in writing. Otherwise, a public official is not obliged to provide the requested information. In relation with that, participants stressed the problem of relations with media, which often request information orally. As consequence, municipalities cannot prove what kind of information was given away by them.

According to the Georgian legislation, a public institution is obliged to provide public information in an immediate manner. In some cases it might be difficult for public official to meet this requirement. For such situations, the law allows 10-day period if the preconditions for the provision of information are fulfilled.

As for the refusal on providing information, it is to be explained and justified, and the applicant has to be immediately informed within a 3 day period after the decision is made. A refusal to provide information has to meet the requirements/limitations set by the Constitution of Georgia and the General Administrative Code of Georgia from both procedural and materials standpoints.

The fee which has to be paid by citizens for the information received was also discussed. According to the law citizens are charged for the information received. The amount is usually very low and includes the cost of copies, the information storage medium etc. It was pointed out that this requirement is hard to fulfil due to technical problems (usually the amount is so low that municipalities prefer not to charge the citizens to avoid some financial procedures). Participants suggested that the law should be changed, setting up a minimum tariff.

Finally, the procedures applying to administrative complaints were discussed. The Council of Europe expert, Tamar Gurshiani (Georgian Young Lawyer's Association), explained in detail how these complaints should be dealt with according to the law. Therefore, a compilation of the main legal provisions on access to public information and issues discussed at the workshops was prepared and submitted to the Council of Europe Secretariat by Ms Gurshiani (Annex 5).

4.3.2 Activity 3.3

Training for Prosecutors on the implementation of the amendments on the Criminal Code of Georgia related to liability of legal persons (8 July 2008, Tbilisi)

After the ratification of the CoE Criminal Law Convention on Corruption and the requirement of GRECO to amend the provisions on corporate criminal liability in line with the Convention, the Parliament of Georgia passed amendments in the Criminal Code of Georgian establishing the criminal liability of legal persons for corruption-related offences (such as commercial bribery and legalisation of illegally obtained funds) and other heavy crimes conducted on behalf of legal persons (such as trafficking). This amendment has entered into force on 11 April 2008, therefore the Prosecutor's Office of Georgia would need a training on the implementation of those amendments in practice.

The aim of the training was to train prosecutors on how to implement the respective amendments related to criminal liability of legal persons for corruption-related offences.

In its 2nd Round Evaluation Report on Georgia, issued in December 2006, GRECO recommends that the Georgian Government undertake the following steps as regards legal persons⁴:

1. To take appropriate measures to promote the wider use of disqualification sanctions in respect of persons acting in a leading position in a legal person (for instance, by providing training on this issue to judges and prosecutors), and to establish a suitable mechanism for the enforcement of such disqualification sanctions.
2. To amend the provision on corporate liability in the Criminal Code to ensure that legal persons can be held liable in case where lack of supervision or control by a natural person has made possible the commission of active bribery, money laundering or trading in influence and to provide appropriate training on criminal liability of legal persons to all officials concerned with a view to ensure that full use of these provisions is made in case of active bribery, money laundering or trading in influence.
3. To revise the existing legal provisions on accounting offences and sanctions to ensure that the creation or use of invoices or other accounting documents containing false or incomplete information or unlawfully omitting to make records of payments, in order to commit, conceal or disguise corruption and trading in influence, are liable to criminal or other sanctions.

The activity brought together representatives of the General Prosecutor's Office of Georgia, as well as representatives from several regional prosecutorial services. More than 40 prosecutors (List of participants available upon request) from the several regional prosecutorial services were present at the training.

Mr Georgi Rupchev, Council of Europe expert, explained the international standards applicable to liability of legal persons and provided guidelines and expertise for their implementation (Annex 6).

The following chapters were reviewed and explained to the participants by Mr Ucha Gogochia, representative from the Ministry of Justice of Georgia:

1. Chapter VI of the CC related to "Unfinished Crime" – an old provision of the CC of Georgia which was not amended yet.

⁴ See Theme III of the Second Evaluation Report on Georgia, adopted by GRECO at its 31st Plenary Meeting, 4-8 December 2006

2. Article 194 (related to the legalisation of illegal assets) and 194¹ (use, obtain, possess and alienation of property obtained through legalisation of illegal assets) of the CC, both adopted on 11 April 2008, N 5953
3. Article 186 (which deliberate obtaining or alienation of the property gained through illegal way), also amended on 11 April 2008, N 5953
4. Article 202¹ of the CC, also amended in April this year, which prohibits the persons working in the Financial Monitoring Unit to disclose the information on cases that were sent to the relevant organs.
5. Article 331¹ (related to terrorism financing) of the CC, also amended in April 2008.

According to the amendments introduced to the Parliament of Georgia, legal person can be held liable when the crime is committed not only by the persons working on leading positions in the legal person but also persons working on lower positions in the company. Mr Rupchev underlined that this amendment is essential in the proper implementation of the chapters related to the liability of legal persons and it would allow increasing the range of the persons liable for crime.

Another main issue raised by the participants was the difficulty to identify a physical person who committed a crime on behalf of the legal person. Mr Rupchev underlined that it is essential to initiate an investigation even if at the beginning of the procedure the physical person is still unknown.

4.3.3 Activity 3.4

Working meetings on drafting of the legal framework of the future specialised Anti-corruption structure of Georgia (June 2008, Tbilisi)

Several working meetings (12, 17, and 24 June 2008) in order to discuss the provisions of the draft law on the future specialised anti-corruption structure were held by the Project Team with Mr Kakha Bendukidze, Head of the State Chancellery.

Consequently, the draft law was modified several times according to the remarks of Mr Bendukidze. He asked the Project Team to re-define the functions of the bureau, which should be solely an investigative body focusing on investigation of corruption, committed by high-level officials listed in the "Law on Corruption and Conflict of Interest in the Public Service".

The Council of Europe has started the contracting procedure of two international experts in order to review the draft and provide an external expert opinion, but the procedure has been cancelled as no clear indication regarding the establishment of the Anti-corruption Structure has been sent to the Secretariat from the State Chancellery.

4.4 Output 4

Capacities for the Prosecution to investigate and prosecute high level corruption strengthened

4.4.1 Activity 4.1

Assessment of needs of the Ministry of Interior and Prosecutor's Office and preparation of training programme (July 2008, Tbilisi/Strasbourg)

The Project Team in Tbilisi held discussions with representatives of the Ministry of Interior and the Prosecutor's Office in order to identify their needs for training related to investigation and prosecution of corruption cases.

The Council of Europe Secretariat prepared, together with the Basel Institute for Governance, a one-week training programme which has to be further discussed and approved by the Georgian authorities before implementing it. Having in mind

the actual situation in Georgia, the Council of Europe decided to postpone the discussions on that topic.

4.4.2 Activity 4.3

Preparation of a Study visit for representatives of specialised units (prosecution/law enforcement) to European partner institution (June-July 2008)

The Council of Europe together with the Project Team in Tbilisi and counterpart institutions prepared a study visit for representatives of specialised units (prosecution/law enforcement) to the Department of Internal Investigations of the Ministry of Interior of Hamburg, Germany, and the Croatian Prosecutor's Office Specialised in countering Organised Crime and Corruption (USKOK). The study visit was supposed to take place in the week of 22 September. Due to the conflict which broke out in Georgia in August 2008, it was agreed to postpone the study visit. Both Ministry of Interior of Hamburg and USKOK informed the Council of Europe that they are ready to agree on another, more suitable and convenient date for their Georgian partners.

The purpose of the study visit is to provide first-hand experience to complement the theory and help Georgian officials to examine possible changes to their own procedures and approaches, and also to initiate the basis for launching co-operation and networking with other Council of Europe Member States. The aim of the visit is to study different models of preventive and law-enforcement anti-corruption bodies in Germany and Croatia, including organisation and functioning of specialised bodies, legal issues, specialisation of police, prosecutors and judges.

4.5 Output 5

Integrity and institutional capacity for preventing corruption strengthened

4.5.1 Activity 5.1

Round table discussion on the elaboration of risk/integrity assessment for the Ministry of Interior and the Prosecutor's Office (4-5 March 2008, Tbilisi)

During the Round table, held on 4 March 2008 in Tbilisi, the existing methodology on risk assessment was presented to representatives of the Ministry of Interior (MoI) and Prosecutor's Office. The Round table was followed by bilateral meetings with both institutions that took place on 5 March 2008.

The Round table on 4 March brought together representatives of the MoI and Prosecutor's Office, as well as the representatives of civil society (List of participants available upon request). The Council of Europe's experts, Mr Roman Prah and Ms Sandra Blagojevic from the Commission for the Prevention of Corruption of Slovenia, presented the methodology on risk/integrity assessment and shared experience and results from other countries, where this methodology was implemented (e.g. Slovenia, Moldova). The discussion was focused on the following issues: assessment and analysis of the irregularities in functioning of the institutions; implementation of policies and measures that are effective and promotion of awareness raising and integrity building.

On 5 March, bilateral meetings were held with Ms Ekaterine Zguladze, Deputy Minister of Interior, and Ms Tina Goletiani, Head of Legal Department of the Prosecutor's Office. The methodology which could be implemented as well as the possible benefits for the institution where such methodology is to be conducted was presented to both institutions in separate meetings.

Both the Ministry of Interior and the Prosecutor's Office seemed quite reluctant concerning the implementation of risk assessment plans. One of the reasons, as

they explained, is that they did not know the methodology and they did not expect that it would be a long-term process lasting around 10 months. The lack of human and financial resources was identified as a key concern.

However, it is clear that the present political context could probably be the main reason that impedes the implementation of the risk assessment. In particular, the Deputy Minister of Interior stressed that the up-coming parliamentary election next May and the increasing tensions with Abkhazia and South Ossetia could undermine the authorities' ability to engage effectively in the implementation of the pilot project on integrity assessment.

The methodology was nevertheless submitted to the Council of Europe and to the respective ministries in the form of a Technical Paper (Annex 7) for further consideration. However, this activity was cancelled from the Workplan and replaced with training for prosecution/law enforcement agents on mechanisms for prevention of corruption.

4.5.2 Activity 5.2

Two Workshops on the Code of Ethics for Prosecutors (20-21 April 2008, Tbilisi)

The purpose of the workshop was to raise awareness of chief/senior managing prosecutors in the correct interpretation and application of the key articles of the Code of Ethics for Prosecutors; to discuss possible future developments for the Code in the criminal justice reform context; and to ensure a common understanding of the importance of the Code as an enforceable document.

The workshop was divided into two groups of prosecutors, as the number of participants was very important – in total more than 50 prosecutors participated in the workshops (List of participants available upon request).

The experts familiarised prosecutors with different provisions in the Code of Ethics and explained how these provisions should be interpreted in the daily work. Several problematic situations were also discussed.

Mr Sam Makkan, Council of Europe expert, provided an introduction to international instruments related to the conduct of prosecutors (Annex 8) and assisted local experts in international/UK experience with regard to issues discussed at the workshop. Mr Malkhaz Ghughunishvili, expert from Georgia, focused on current problems and practical implementation of the existing Code, as well as suggested improvements/developments in the context of the exercise of prosecution powers in criminal proceedings, the role of the Prosecution Council and a more detailed format of the Code of Ethics (Annex 9). Mr Giorgi Jokhadze, national expert, addressed issues pertinent to ongoing reforms of the criminal justice system (new "adversarial" Code of Criminal Procedure, "public prosecution" schemes, discretionary prosecution), as well as discussing related internal instructions/guidelines that build upon provisions of the Code in greater detail (Annex 9).

The last session aimed at further expanding the regulatory scope of the Code by proposing stronger and more detailed standards for prosecutorial conduct. These included both challenges under the current legislation (whether to introduce a detailed model of responsibility for misuse of prosecution powers in criminal procedure, or whether to shift the current sole exercise of disciplinary authority by the Inspector General's Office to the publicly represented Prosecution Council) and the challenges that will inevitably arise under the new Code of Criminal Procedure and current reform processes (whether there should be detailed ethical constraints on the prosecutor's discretionary powers to charge, whether to move to models of "public prosecution" currently implemented in several regions of Georgia as a pilot project, or to alter the structure and format of the Code altogether to reflect the more adversarial system of the new Code of Criminal

Procedure). Although discussions on these matters have provoked few and mostly negative responses from the prosecutors, who would understandably resist additional ethical "checks" on their current authority, a common consensus is that the Code is in need of further development.

As a result, even despite prosecutors' opposition to immediate developments of the Code of Ethics that will further structure and strengthen their ethical standards, they have been encouraged to think about these possibilities and there is a common understanding that ethical standards for prosecutors will be inevitably higher with a transition to a more adversarial context.

The Prosecutor's Office informed the Project Team that further training on that issue may be requested in the coming months.

4.6 Other activities

4.6.1 First Steering Group Meeting

The 1st GEPAC Steering Group Meeting took place at the Council of Europe Information Office in Tbilisi on 22 April 2008. The aim of the meeting was to review the progress made during the first six months of implementation of the project and to discuss the current institutional priorities in view of the revision of the Workplan adopted in October 2007.

The following issues were discussed:

1. Report on implemented activities for the first 6 months and results;
2. Nomination of the main counterpart institution of the project to be responsible for the monitoring of the Anti-corruption Strategy and Action Plan;
3. Up-date on the Anti-corruption Strategy and Anti-corruption Action Plan;
4. The current priorities of the Government, including the establishment of a specialised Anti-corruption Structure;
5. Revision of the Project Workplan based on the current institutional needs;
6. Role of National Long-term Advisers in the project.

Invitees:

1. Ms Janet Alberda, Deputy Head of Mission, Embassy of the Netherlands
2. Mr Kakha Bendukidze, Head of State Chancellery
3. Mr Vakhtang Lejava, First Deputy Minister, Ministry of Economic Development
4. Ms Ekaterine Zguladze, Deputy Minister, Ministry of Interior (MoI)
5. Ms Natia Gvazava, Head of International Relations Department, MoI
6. Ms Mariam Gotsiridze, Legal Adviser, Office of the Prosecutor General
7. Ms Ardita Abdiu, Corruption and Fraud Unit, Council of Europe (CoE)
8. Ms Tanya Peshovska, GEPAC Project Officer, CoE
9. Ms Tamara Katsitadze, GEPAC Local Project Officer, CoE
10. Mr Levan Khetsuriani, GEPAC Team Leader/ CoE Consultant

Taking into account the institutional restructuring after the presidential and parliamentary elections in January and May 2008, the Georgian authorities underlined the difficulty to mobilise representatives from counterpart institutions in order to implement activities according to the Workplan. As a result, the Project Workplan was slightly up-dated and adapted to the current institutional needs and priorities. The following changes were proposed and agreed:

Activity 1.6, 1.7 and 1.8 – Specialised Anti-corruption Structure of Georgia

Mr Kakha Bendukidze, Head of the State Chancellery, re-confirmed the importance of the elaboration of a specialised anti-corruption structure of Georgia. The implementation of this activity was delayed because of the political

restructuring in the country, but Mr Bendukidze informed the Council of Europe and the Embassy of the Netherlands that the establishment of this body could be continued after the parliamentary elections in May 2008.

Activity 2.1 – Review and up-date of the Anti-corruption Strategy and Action Plan

As Mr Vakhtang Lejava, First Deputy Minister of Economic Development pointed out, the review and up-date of the Anti-corruption Strategy and Action Plan can only be done after the appointment of a body responsible for the monitoring of the Strategy and Action Plan. Georgian authorities pointed out that any strategic decision on that issue would be taken after the parliamentary elections and the new Government set-up.

Activity 2.2 – Corruption perception and attitude surveys

It was agreed to start with the preparation of the corruption perception and attitude surveys in May/June 2008. Mr Vakhtang Lejava underlined the importance for Georgia to conduct such surveys in order to show the Government's determination to identify the problematic areas in the fight against corruption.

Activity 5.1 – Pilot Activity on the elaboration of integrity assessments for prosecution/law enforcement

Although a Round table on the methodology of risk assessment and bi-lateral meetings with the Ministry of Interior and the Prosecutor's Office were held on 4 and 5 March 2008, Ms Eka Zguladze, Deputy Minister of Interior, and Ms Mariam Gotsiridze, Legal Adviser at the Prosecutor's Office, asked to cancel this activity from the Workplan. They mentioned that both institutions could not mobilise the adequate human resources necessary to implement this activity. In order to fulfil the Output's objectives, both institutions requested more training to be provided to strengthen their integrity and institutional capacity for preventing corruption.

Following the Government's wish, the Council of Europe decided to postpone certain activities as the project implementation requires political stability and constant networking and support from the beneficiary institutions, which now need to be confirmed by the Georgian authorities. Ms Janet Alberda, Deputy Head of Mission, Embassy of the Netherlands in Tbilisi, stressed the fact that the Project will continue to support Georgian authorities in the same way, but the project objectives and Outputs have to remain the same. While the Workplan has been agreed during the Start-up event and has not been altered so far, the calendar of activities has since been adjusted to take into account the political situation in the country and to foresee a more realistic schedule for the implementation of activities.

The representative of the Georgian authorities highlighted the fact that future GEPAC activities need to take into account the GRECO recommendations addressed to Georgia. Therefore, assistance in legal reform, implementation of UNCAC, institutional support for implementation of the Anti-corruption Strategy and the proposal for the establishing of a specialised anti-corruption body should be the main pillars on which the forthcoming activities need to be focused.

4.6.2 Coordination meeting Council of Europe - Embassy of the Netherlands

A coordination meeting between the Council of Europe Secretariat and the Embassy of the Kingdom of the Netherlands was held on 8 July 2008 in Tbilisi. The following issues were discussed:

- the absence of a Project counterpart institution;
- the delay in the implementation of certain outputs and especially Output 1 (Capacity of the Office of the State Minister on Reforms Coordination to manage, coordinate and monitor the implementation of the Anti-corruption

- plan reinforced) and Output 2 (Anti-corruption Strategy reviewed and Action Plan Updated) directly affected by the lack of a counterpart institution;
- the status of expenditure and the planning of activities until the end of 2008;
- issues related to staff.

The following decisions were taken:

- to slow down to a minimum project activities until a counterpart institution is appointed by the Government of Georgia;
- to reduce the local staff of the project as the implementation of activities has been very slow;
- to hold a Steering Group Meeting by 15 October 2008, in order to review the situation and to decide on further steps.

The possibility of an extension of the project was also briefly discussed. The donor did not oppose this idea if there would be enough grounds for smooth implementation of the project activities which will enable Georgian authorities to strengthen their anti-corruption efforts.

The Council of Europe suggested appointing of international expert who would be closely following the implementation of the project and would be advising the local project team as well as the counterpart institution on how to achieve the project's goals. The donor has also supported this idea.

5 Strategic Overview and Conclusion

Since November 2007, the project has been operating against the background of a difficult political situation. The political situation in late 2007 and the institutional restructuring in 2008, followed by an open conflict between Russia and Georgia, provoked serious delays in the implementation of project activities. The Project team put all its efforts together with the Georgian institutions to follow the Workplan and Calendar of activities, but the difficult situation in the country had a strong impact on project implementation. While some activities were carried out under Output 3, 4 and 5, no or very little progress has been made under the main Outputs 1 and 2 which aim at reviewing and up-dating the Anti-corruption Strategy and at up-dating the Anti-corruption Action Plan.

Following the Presidential elections on 5 January 2008 and the Parliamentary elections on 21 May 2008, important institutional restructuring took place in Georgia. In this connection, the main counterpart institution of the project, the Ministry on Reforms Coordination, was abolished in early February 2008. The State Minister on Reforms Coordination, Mr Kakha Bendukidze, was appointed on 1 February 2008 Head of the State Chancellery by Decree N°29 of the Prime Minister of Georgia. After several communications between the Council of Europe and the Permanent Representation of Georgia to the Council of Europe, the Prime Minister of Georgia, Lado Gurgенidze, decided to appoint the State Chancellery as the main counterpart institution of GEPAC Project in July 2008.

The fact that the project operated without a main partner, responsible for coordination, reporting on, and up-dating of the national Anti-corruption Strategy and Action Plan, for 6 months created difficulties in the coordination and organisation of activities. It became clear that without a key partner, committed to the project and its objectives, the implementation of the project is not possible. It is hoped that appointment of the new project counterpart institution, the State Chancellery, will help remedy this situation.

The Council of Europe is very much prepared to continue assisting Georgian authorities in their fight against corruption through this project.

In spite of this difficult context, the project team continued as best as possible, with the implementation of the following activities foreseen in the project Workplan:

- Draft law on the future specialised Anti-corruption bureau of Georgia elaborated together with the State Chancellery. Nevertheless, there is still no clear indication whether the establishment of such a structure is still a priority for the Government;
- Two Questionnaires aimed at assessing the quality of public services in Georgia were reviewed and up-dated in accordance with the current country needs (Household Survey and Survey of Public Officials are to be conducted);
- Several trainings and workshops were organised upon request of the Georgian authorities.

Given the current situation in Georgia, the Council of Europe proposed a second Steering Group Meeting (SGM) to take place at the beginning of October 2008 in Tbilisi. The SGM will bring together representatives of the Embassy of the Kingdom of the Netherlands in Tbilisi, the Georgian authorities, and of the Council of Europe, to review the progress made during the second six months period and adopt effective measures to ensure the project implementation.

Better coordination with the local project team, as well as with the Georgian authorities is needed. At this stage, it is important to adopt all appropriate measures to enhance the effectiveness of the project and give the national counterparts' institutions necessary time to decide whether project goals still coincide with their priorities.

It is very important for the successful implementation of the project that unmet needs be discussed with Georgian decision-makers in view of Georgia's international obligations and the fact that fighting corruption is a long-term effort involving both repression (law enforcement) and prevention. Government support is crucial in progressing toward sustainable solutions for existing unmet needs with regard to Georgia's fight against corruption.

6 Planned activities for September 2008-February 2009

Output	Description of activity	Status	Date
Output 1			
Activity 1.4 (A)	Round table Discussion for Contact Points on tools of reporting, co-operation with partner institutions and monitoring the implementation of anti-corruption measures in line with the new Anti-corruption Action Plan (2 RTD to be organised)	Planned	2008-2009
Activity 1.4 (B)	Update of the webpage on anti-corruption activities within the website of the Ministry on Reforms Co-ordination and of the Project's web page within the Web site of the Economic Crime Division	On-going	2008-2009
Activity 1.5	Study visit for up to 8 members of the State Chancellery and relevant staff from cooperating institutions (proposed countries - Slovenia and France)		
Activity 1.6	RTD on the final concept of AC Body	Planned	2008-2009
Activity 1.7	Expert opinion on the draft law to be provided followed by RTD on the final draft before submission to the Parliament	Planned	2008-2009

Activity 1.8	Workshop on the AC Specialised Body	Planned	2008-2009
Output 2			
Activity 2.1	Analysis and recommendations on the Anti-corruption Strategy and Action Plan (2 RTD to be organised)	Planned	2008-2009
Activity 2.2	Contracting of Research Company and Workshop on the finalisation of the Survey	Planned	2008-2009
Output 3			
Activity 3.1	Workshop on new draft anti-corruption legislation	Planned	2008-2009
Activity 3.2	Training on Financing of Political Parties	Planned	2008-2009
Activity 3.3	Two Trainings with relevant target groups on issues related to on newly enacted legislation	Planned	2008-2009
Activity 3.4	RTD on AC Specialised Body (3 RTD planned)	Planned	2008-2009
Output 4			
Activity 4.1	Multi-disciplinary training for prosecutors/law enforcement officers on use of SIMS and criminal law procedures when investigating and prosecuting high-level corruption cases	Planned	2008-2009
Activity 4.3	Up to 2 study visits for representatives of specialised units (prosecution and law enforcement) to European counterpart institutions	Planned	2008-2009
Activity 4.4	International conference on investigation and prosecution of high-level corruption	Planned	2008-2009
Output 5			
Activity 5.1	Multi-disciplinary training for prosecutors/law enforcement officers on prevention of corruption (case studies)	Planned	2008-2009
Activity 5.2	Training for prosecutors/police officers on the Code of Conduct	Planned	2008-2009

7 Annexes

Annex 1: GEPAC Workplan of activities

Annex 2: GEPAC up-dated Calendar of activities

Annex 3: Letter from Lado Gurgenzidze, Prime Minister of Georgia to Terry Davis, Secretary General of the Council of Europe

Annex 4: Draft law on the future specialised Anti-corruption Bureau of Georgia

Annex 5: Summary of the Legal Framework on Access to Public Information in Georgia, Tamar Gurchiani

Annex 6: Outcomes of the Training on the implementation of the amendments to the CC of Georgia related to the liability of legal persons, Giorgi Rupchev

Annex 7: Technical Paper: The Integrity Plan as Risk Management Plan, Roman Prah and Sandra Blagojevic

Annex 8: Presentation on International Standards on Ethics for Prosecutors, Shamshuddin Makkan

Annex 9: Outcomes of the Workshop for Prosecutors on the Code of Ethics, Malkhaz Ghughunishvili, and Giorgi Jokhadze

Annex 1:

COUNCIL OF EUROPE

**Support to the Anti-corruption Strategy of Georgia
(GEPAC)**

CoE Project No. 2007/DGI/VC/779

Workplan of activities
(version of 22 April 2008)

The main project partner from the Georgian side is the Office of the State Minister on Reforms Coordination, which plays the key role in the national anti-corruption effort.

Project beneficiaries also include:

- the General Prosecutor's Office (Output 4 and 5)
- the Ministry of Interior (Output 4 and 5)

The project operates at the national level through co-operation with the national partner institution (Working Party) and beneficiaries, and at the international level through promoting international cooperation, networking, and exchange of information.

Overall objective	To contribute to democracy and the rule of law through the prevention and control of corruption in Georgia in accordance with European and other international standards, as well as GRECO recommendations		
Indicators	<ul style="list-style-type: none"> Level of implementation of the of the Council of Europe Criminal Law Convention on Corruption and level of ratification of the Additional protocol and other international relevant Conventions (UNCAC); Level of compliance with the GRECO recommendations. 		
Project objective	To support the implementation of Georgia's Anti-Corruption Strategy and Action Plan		
Indicators	Level of implementation of the measures of Georgia's Anti-Corruption Action Plan addressed through the Project.		
Assumptions	Continuing commitment of the Georgian government to the implementation of the Georgia's Anti-Corruption Action Plan		
Output 1	Capacity of the Office of the State Minister on Reforms Coordination (and Contact Points in cooperating institutions) to manage, coordinate and monitor the implementation of the Anti-Corruption Action Plan reinforced		
Indicators	<p>By month 3:</p> <ul style="list-style-type: none"> Inception Phase report, and Workplan providing generic activities that will be adjusted in the course of the implementation of the project (as per priorities and circumstances of the government) is approved; Staff and long-term consultants are recruited and ready to operate. <p>By month 8:</p> <ul style="list-style-type: none"> Office of the State Minister on Reforms Coordination provided with computer equipment; First monitoring report on the implementation of the Action Plan prepared by the Office and submitted to the Prime Minister; Contact points designated in each cooperating institution become operational. <p>By month 12:</p> <ul style="list-style-type: none"> Contact points reporting regularly on progress in their respective institution. <p>By month 24:</p> <ul style="list-style-type: none"> Support and advice on policy design for the establishment of a specialised anti-corruption structure/unit has been provided. 		
Assumptions	The Georgian government provides the Office of the State Minister on Reforms Coordination with the necessary resources and competencies. Co-operating institutions nominate their contact points and give them the appropriate competencies.		
Level	Description	Action	Time/Venue
Activity 1.1	Inception Phase (2 months): finalisation of Workplan of activities with all counterparts; conduct recruitment of staff and long-term advisers; (commissioning, interviews, and contracting)	Workplan preparatory meeting Commissioning of long-term experts Recruitment/interviews of local project officer	1 September -30 October 2007, Strasbourg and Tbilisi
		CoE Inputs	Local Inputs
		Expertise Contractual arrangements Administrative arrangements	Expertise Office space Administrative arrangements Support from the Office of Minister on Reforms Coordination

Activity 1.2	Organisation of start-up conference with participation of all relevant stakeholders	Start-up conference	26 October 2007, Tbilisi	Secretariat support Administrative arrangements	Organisational support Workplan discussions with respective institutions
Activity 1.3	Provision of equipment for PIU use (see item 3.2 in the budget); and/or the Office of the State Minister on Reforms Coordination (item 3.1 of the budget) to be carried out during the Inception Phase and in the course of the implementation of the project subject to needs and priorities	Assessment of needs Procurement (incl. tendering, contracts and delivery of equipment) Transfer of property to the PIU	Starting by the end of November 2007	Administrative arrangements Inventory of transferred equipment (countersigned by recipients)	Logistical support for tender procedures Assessment and IT specification
Activity 1.4	Advice to and training of respective institutional Contact Points (Working Party members) on operational issues, including interaction with cooperating institutions, reporting and feedback templates and procedures in line with the new Anti-Corruption Action Plan	4 RTD on tools of reporting, co-operation and monitoring the implementation of anti-corruption measures	1 st RTD January 2007, Tbilisi 2 nd RTD June 2008, Tbilisi 3 rd RTD November 2008, Tbilisi 4 th RTD April 2009, Tbilisi	Administrative Arrangements 1 International expert	Logistical support 4 National short-term experts Logistical support 4 National short-term experts Logistical support 4 National short-term experts Logistical support 4 National short-term experts
Activity 1.5	Organisation of 2 study visits	Design, creation and continuous update of a special webpage on anti-corruption activities on the Office of the State Minister on Reforms Coordination's website	November 2008 and onwards	Documentation and information gathering	Domain permission Documentation and information gathering Up-loading of documentation and information Short term IT expert
		2 Study visits for up to	May 2008	Administrative	Logistical support

	for the Office of the State Minister on Reforms Coordination and relevant staff from cooperating institutions	8 staff members each to countries that are yet to be determined	May 2009	arrangements Coordination with relevant institutions for visiting Administrative arrangements Coordination with relevant institutions for visiting	Coordination with relevant institutions delegating staff to participate in study visits Logistical support Coordination with relevant institutions delegating staff to participate in study visits
Activity 1.6	Conduction of feasibility study and possible models for a specialised anti-corruption structure	Preparation and finalisation of the feasibility study Experts' RTD on the final draft of the study	December 2007, desk-study and Tbilisi February 2008, Tbilisi	Administrative arrangements 1 International expert Administrative arrangements 1 International experts	Logistical support 3 National experts Logistical support 5 National experts + counterparts from relevant institutions
Activity 1.7	Elaboration of a concept on the nature, legal and institutional framework of future specialised anti-corruption structure of Georgia	Elaboration of outlines of 2 possible options on future specialised anti-corruption structure Discussion on possible options during stakeholder /experts' RTD Finalisation of the concept and submission to the government for endorsement	February 2008, desk-study and Tbilisi March 2008, Tbilisi End March/early April 2008, Tbilisi	Administrative arrangements 1 International expert Administrative arrangements 1 International expert Administrative arrangements 1 International expert	Logistical support Coordination with stakeholder institutions 3 National experts Logistical support Coordination with stakeholder institutions 3 National experts Logistical support Coordination with stakeholder institutions 3 National experts
Activity 1.8	Provision of needs assessment (human and financial resources) of the future specialised anti-corruption structure of Georgia	Elaboration of budget and human resources breakdown according to the final concept for future specialised anti-	Mid-April 2008, desk review, Tbilisi	Administrative arrangements 1 International expert	Coordination and information exchange between Ministry of State on Reforms Coordination, Ministry of Finance, Ministry

		corruption structure				of Justice, Ministry of Interior and Presidential Cabinet and Parliamentary Commissions
		Workshop	End-April 2008	Administrative arrangements 1 International expert	Logistical support 3 National experts	
Output 2	Anti-corruption Strategy reviewed and Action Plan updated					
Indicators	<p>By month 19</p> <ul style="list-style-type: none"> Anti-corruption Strategy and Action Plan are further elaborated/updated and reflect all GRECO recommendations issued during the Second Round Evaluation Report and OECD/ACN Monitoring Reports; <p>By month 24</p> <ul style="list-style-type: none"> the results of corruption perception and attitude survey available; and the National Anti-corruption Conference is organised by the Office of the State Minister on Reforms Coordination and Action Plan implementation is monitored and reviewed. 					
Assumptions	All relevant institutions and stake holders participate in the process of reviewing					
Level	Description	Action	Time/Venue	CoE Inputs	Local Inputs	
Activity 2.1	Assist and advice the staff of the Office of State Minister on Reforms Coordination to further elaborate and update the Anti-Corruption Strategy and Action Plan in line with GRECO recommendations and other international commitments and obligations with respect to specific anti-corruption measures	Assessment and inventory of the implementation of the Anti-Corruption Strategy (2005)	1 st half of 2008, Tbilisi	Administrative arrangements 2 International experts	Logistical support 4 National experts	
		1 st analysis and recommendations for the update and improvement of the Action Plan	May 2008, desk-review, Tbilisi	Administrative arrangements 1 International expert	Logistical support Coordination among relevant stakeholder institutions 2 National experts	
		2 nd analysis and recommendations for the update and improvement of the Action Plan	May 2009, desk-review, Tbilisi	Administrative arrangements 1 International expert	Logistical support Coordination among relevant stakeholder institutions 2 National experts	
		Drafting of a new Anti-corruption Strategy	2 nd half of 2008, Tbilisi	Administrative arrangements	Logistical support Coordination among relevant	

				1 International expert	stakeholder institutions 2 National experts
Activity 2.2	Organise two corruption perception and attitude surveys on corruption levels	<p>Drafting of the revised Anti-Corruption Action Plan</p> <p>Identification of the focus and concept of the 1st survey in 2 workshops</p> <p>Designing of the survey methodology</p> <p>Designing the ToRs for the Survey(s) provider</p> <p>Contracting of the survey provider</p> <p>Presentation of survey findings to relevant stakeholders</p> <p>Identification of the focus and concept of the 2nd survey in 2 workshops</p> <p>Designing of the survey methodology</p> <p>Designing the ToRs for the Survey(s) provider</p> <p>Contracting of the survey provider</p> <p>Presentation of survey findings to relevant stakeholders</p>	<p>June 2008</p> <p>1 WS in March 2008</p> <p>2 WS in May 2008, Georgia-wide</p> <p>1 WS in February 2009</p> <p>2 WS in April 2009, Georgia-wide</p>	<p>Administrative arrangements 1 International expert</p> <p>Administrative Arrangements with the survey provider following a tender organised locally</p> <p>2 International experts</p> <p>Administrative Arrangements with the survey provider following a tender organised locally</p> <p>2 International experts</p>	<p>Logistical support Coordination among relevant stakeholder institutions 2 National experts</p> <p>Coordination with the survey provider and institutions</p> <p>Identification of service provider through a tender</p> <p>2 National experts</p> <p>Coordination with the survey provider and institutions</p> <p>Identification of service provider through a tender</p> <p>2 National experts</p>

Activity 2.3	Organise a National Conference to review and overall monitor the implementation of the updated Anti-corruption Strategy and the Action Plan	Involvement of relevant representatives from institutions and municipalities; Results from assessment and Inventory of Implementation of the Anti-corruption Strategy (2005) be discussed in addition introducing the New Strategy and Action Plan;	December 2008, Tbilisi	Administrative Arrangements 1 International expert	Administrative Arrangements 2 National experts
Output 3	At least 6 draft amendments and regulations elaborated in cooperation with the Office of the State Minister on Reforms Coordination and relevant partner institutions				
Indicators	By month 23 at least 6 draft amendments elaborated which comply with International and European standards and / or best practices and submitted to the government of Georgia				
Assumptions	Draft laws are submitted to the relevant Ministries				
Activity 3.1	Draft amendments to bring Georgian legislation in line with international standards and best practices	Drafting of legal texts in accordance with UN Convention against Corruption Presentation and discussion of new draft legislation in 6 workshops	Tbilisi, throughout the project duration March, June, September, December 2008, March, May 2009 Tbilisi, throughout the project duration	2 International Experts 2 International Experts	Identification of areas in need for improvements 6 Local Experts 6 Local Experts
Activity 3.2	Contribute to the implementation and training on monitoring of financing of political parties and electoral	2 Trainings for relevant stakeholders on existing legal provisions with regard	Tbilisi October 2008	Administrative arrangements 1 International expert	Logistical support Coordination with Parliamentary Committee, Ministry of Justice and

	campaigns	to the financing of political parties and electoral campaigns	May 2009	1 International expert	Election Commission 2 National experts Logistical support Coordination with Parliamentary Committee, Ministry of Justice and Election Commission 2 National experts
Activity 3.3	Provide training on issues related to the newly enacted anti-corruption legislation	2x3 Training sessions with relevant target groups on legislation issues (February, June, September, December 2008/ March, June 2009) Preparation of manuals and/or formalised comments on new legislation	Tbilisi, throughout the project duration and upon needs assessment and responding to requests from the respective institutions (February, June and October 2008; January, April and July 2009)	6 international experts	Identification of areas of concern Coordination of the different potential participating institutions and participants 6 National experts
Activity 3.4	Assistance in drafting of the legal framework of the future specialised anti-corruption structure of Georgia	4 Drafting RTDs 1 Inter-institutional workshop		2 international Expert	3 National Experts
Output 4	Capacities of the Prosecution to investigate and prosecute high level corruption strengthened				
Indicators	<ul style="list-style-type: none"> ▪ By month 22 at least 4 training events held ▪ Number of investigations/prosecutions of high-level corruption increased 				
Assumptions	The Prosecution and the Ministry of Interior allocate the necessary human resources				
Level	Description	Action	Time/Venue	CoE Inputs	Local Inputs
Activity 4.1	2 in-country training sessions for the staff of units specialised in investigation and	Assessment of needs for each specialised unit at the	June 2008, Tbilisi	Administrative arrangements Questionnaire for	Logistical support Consulting of relevant

	prosecution of high-level corruption (case studies, proactive and multidisciplinary approach)	prosecutorial services and the Ministry of Interior, assessment of needs of the specialised future anti-corruption structure (depending on its competencies)	September 2008, Tbilisi	Administrative arrangements 2 International experts (with prosecution/law enforcement profile)	information/documentation of previous or ongoing technical assistance projects 1 National expert
Activity 4.2	Workshop on criminal justice and proceedings against corruption-related offences	2-day workshop for representatives of the judiciary on criminal justice and proceedings against corruption-related offences: on	April 2009, Tbilisi (tbc)	Administrative arrangements 1 International expert (with judicial background)	Logistical support 2 National experts (with prosecutorial and judicial background, respectively)
	Multi-disciplinary training for 30 prosecutors/law enforcement officers on use of special investigative techniques and criminal law procedures when investigating and prosecuting high-level corruption cases.	September 2008, Tbilisi	Administrative arrangements 2 International experts (with prosecution/law enforcement profile)	Logistical support 2 National experts (with prosecution/law enforcement profile)	
	Multi-disciplinary training for 30 prosecutors/law enforcement officers on use of special investigative techniques and criminal law procedures when investigating and prosecuting high-level corruption and anti-money laundering cases.	June 2009, regions (i.e. outside Tbilisi)	Administrative arrangements 2 International experts (with prosecution/law enforcement profile)	Logistical support 2 National experts (with prosecution/law enforcement profile)	

		legislation and practice/proceedings				
Activity 4.3	Up to 2 study visits for representatives of specialised units (prosecution and law enforcement) to European counterpart institutions	Organisation and coordination of study visit for 6/8 prosecutors to counterpart prosecutorial services	October 2008 (destination tbc)	Administrative arrangements Coordination with relevant institutions for visiting	Logistical support Coordination with relevant institutions delegating staff to participate in study visits	
		Organisation and coordination of study visit for 6/8 police officers to counterpart police services	March 2009 (destination tbc)	Administrative arrangements Coordination with relevant institutions for visiting	Logistical support Coordination with relevant institutions delegating staff to participate in study visits	
Activity 4.4	International conference on investigation and prosecution of high-level corruption	International conference (regional participation) on investigation and prosecution of high-level corruption cases, sharing of best practices and experiences	November 2008, Tbilisi	Administrative arrangements 3 International experts	Logistical support Coordination at national and regional level with relevant institutions on participation 3 National experts	
Output 5	Integrity and institutional capacity for preventing corruption strengthened General Prosecutor's Office					
Indicators	<ul style="list-style-type: none"> By month 24 trained staff within prosecutorial and law enforcement services. Manual of training distributed and disseminated to all relevant prosecutorial and law enforcement services. 					
Assumptions	Plans and codes elaborated are formalised, published and implemented in practice.					
Level	Description	Action	Time/Venue	CoE Inputs	Local Inputs	
Activity 5.1¹	2 multi-disciplinary trainings for prosecutors/law enforcement agents: - criminalisation of corruption; - prevention of corruption within the prosecutorial and	Assessment of needs for each specialised unit at the prosecutorial services and the Ministry of Interior and conducting	September 2008- April 2009	Administrative arrangements 2 International experts per training	Logistical support Institutional Coordination and Support 1/2 National experts per	

¹ This activity has been revised/changed in view of proposals made at the 1st Steering Group meeting (22 April 2008)

	law enforcement agencies - - case study	of trainings.			training
Activity 5.2	Training on Codes of Conduct for prosecutors and police officers	<p>1 Training for prosecutors on the Code of Conduct</p> <p>1 Training for law enforcement on the Code of Conduct</p>	<p>February 2008, Tbilisi</p> <p>October 2008, Tbilisi</p>	<p>Administrative arrangements 1 International expert</p> <p>Administrative arrangements 1 International expert</p>	<p>Logistical support Institutional Coordination and Support 2 National experts</p> <p>Logistical support Institutional Coordination and Support 2 National experts</p>

Annex 2:

COUNCIL OF EUROPE

**Support to the Anti-corruption Strategy of Georgia
(GEPAC)**

CoE Project No. 2007/DGI/VC/779

Calendar of activities
(version of 22 September 2008)

CALENDAR AND DURATION OF ACTION

The duration of the project is 24 months (implementation). It will be preceded by an inception phase of 2 months during which a detailed Workplan will be prepared, staff recruited and start-up event organised, and followed by a wrap up/reporting phase.

Description	Months / 1st Year (2007-2008)												Months / 2nd Year (2008-2009)													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	x	
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	
Output 1: Capacity of the Office of the State Chancellery (and Contact Points in cooperating institutions) to manage, coordinate and monitor the Implementation of the AC Action Plan reinforced																										
Activity 1.1 Inception Phase (2 months): Finalisation of Workplan of activities with all counterparts (16-19.10, SXB); conduct recruitment of staff and long-term advisers (26.10, Tbilisi); (commissioning, interviews, and contracting)	Inception Phase Workplan meeting 16.10.07	Start-up event 26.10.07																								
Activity 1.2 Organisation of start-up conference with participation of all relevant stakeholders (26.10, Tbilisi, Georgia)		Start-up event 26.10.07																								
Activity 1.3 Assessment of needs and procurement of equipment for PIU use and/or the Office of the main counterpart to be carried out in the course of the implementation of the project (subject to needs and priorities)				Assessment of needs	Purchasing/Contract for Equipment		Delivery of equipment																			
Activity 1.4 A 4 RT for Contact Points on, tools of reporting, co-operation and monitoring the implementation of AC					RTD 1 28.01					RTD 2 (on hold)					RTD 3				RTD 4							

Description	Months / 1st Year (2007-2008)												Months / 2nd Year (2008-2009)												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Activity 1.4 B	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009
measures in line with the new AC Action Plan					√																				x
Design, creation and continuous update of a special webpage on anti-corruption activities on the main counterpart institution website (starting as of 12.2007)				GEPA web page on CoE web + AC page on Ministry	GEPA web page on CoE web + AC page on Ministry	Up-date			Up-date (on hold)								Up-date							Up-date	
Activity 1.5										SV1 (on hold)											SV2				
2 study visits for up to 8 staff members of the main counterpart institution + relevant staff from cooperating institutions																									
Activity 1.6																									
Conduction of feasibility study on the final concept / final model of a specialised anti-corruption structure of Georgia																									
Activity 1.7																									
Elaboration of a concept of 2 possible options on the nature, legal and institutional framework of future specialised AC Structure				Draft paper with president's and gov's proposals			RTD on draft paper and possible model's			drafting of the legal framework of the future AC structure															
Draft law to be prepared in May by the PIU: purpose, structure and financial resources (3 different options/models).							06.03																		
Activity 1.8																									
Elaboration of financial and human resources of the future specialised anti-corruption structure																									
Output																									
AC Strategy reviewed and																									

Months / 2nd Year (2008-2009)

Months / 1st Year (2007-2008)

Description	Months / 2nd Year (2008-2009)												Months / 1st Year (2007-2008)											
	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
Activity 2.1																								
Activity 2.2																								
Activity 2.3																								
Output 3:																								
Activity 3.1																								

Months / 1st Year (2007-2008)

Months / 2nd Year (2008-2009)

Description	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	x
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009
Activity 3.2 2 trainings with relevant stakeholders on existing provisions with regard to the financing of political parties and electoral campaigns											Batum ✓														
Activity 3.3 Up to 6 trainings with relevant target groups on issues related to newly enacted anti-corruption legislation						T1 22.02 Tbilisi ✓					T2 8.07 Tbilisi ✓						T4 2 days			T5 2 days			T6 2 days		
Activity 3.4 1 inter-institutional WS + 4 RT on drafting of the legal framework of the future specialised AC structure										1 RTD						3 RTD			4 RTD			Inter-institutional WS			
Output 4: Capacities of the Prosecution to investigate and prosecute high level corruption strengthened																									
Activity 4.1 2 in-country multi-disciplinary trainings for the staff of units specialised in investigation and prosecution of high-level corruption (prosecutors / law enforcement officers) (case studies, pro-active and multidisciplinary approach)																							T2		
Activity 4.2 Workshop on criminal justice and proceedings against corruption-related offences																					WS 2 days				
Activity 4.3 2 study visits for representatives of specialised units (prosecution / law enforcement) to European counterpart institutions																									
Activity International conference with																									

Description	Months / 1st Year (2007-2008)												Months / 2nd Year (2008-2009)													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	x	
	Sept 2007	Oct 2007	Nov 2007	Dec 2007	Jan 2008	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sept 2008	Oct 2008	Nov 2008	Dec 2008	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	
4.4 regional participation on investigation and prosecution of high- corruption, best practices and experiences																										
Output 5: integrity and institutional capacity for preventing corruption at the General Prosecutor's Office																										
Activity 5.1 2 multi-disciplinary trainings for prosecutors/law enforcement agents: - criminalisation of corruption; - prevention of corruption within the prosecutorial and law enforcement agencies - - case study						RTD on risk asses sment methodology 4-5.03 ✓ (cauce last activit y)														T2						
Activity 5.2 1 training for prosecutors and 1 for police officers on the Code of Conduct							2 trainin gs for prose cutors on the Code of Ethics 20-21 April ✓																			

Annex 3:



საქართველოს
პრემიერ-მინისტრო

Tbilisi, 30 July, 2008

Mr. Terry DAVIS
Secretary General
Council of Europe
F-67075 STRASBOURG
CEDEX

Dear Mr. Davis,

In response to the letter of Mr Philippe Boillat, Director General of Human Rights and Legal Affairs of 7 July 2008 (DG-HL/PB/AS/TP/252-08) addressed to Mr Zurab Tchiaberashvili, Permanent Representative of Georgia to the Council of Europe, I would like to inform you that elaboration and coordination of anti-corruption policies as well as implementation of the National Anti-corruption Strategy and Action Plan will be conducted under my personal supervision by the Chancellery of the Government of Georgia (the Chancellery).

Following the reorganization in the Government of Georgia in January-February 2008 and abolition of the post of the State Minister on Reforms Coordination, the Chancellery will take over the responsibilities of the Office of the State Minister on Reforms Coordination in this regard.

The Chancellery will be responsible for representing Georgia in international anti-corruption organizations/initiatives, including the Council of Europe Group of States Against Corruption (GRECO) and for coordination of the implementation of GRECO recommendations for Georgia. The Chancellery under my supervision will act as a main counterpart for the Council of Europe Project "Support to the anti-corruption strategy of Georgia".

Official procedures with regard to this decision will be finalised within the period of two weeks.

I very much hope that our cooperation will rest on the achievements and progress made in the last years and will continue to demonstrate visible results in fighting corruption and in adopting the best anti-corruption practices.

Sincerely Yours

Lado Gurgenzidze
Prime Minister

CC: Mr Philippe Boillat, Director General, Directorate General of Human Rights and Legal Affairs
Mr Zurab Tchiaberashvili, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Georgia to the Council of Europe

Annex 4:



Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
August 2008

Support to the Anti-corruption Strategy of Georgia (GEPAC)

CoE project No. 2007/DGI/VC/779

Draft Law on the Anti-corruption Bureau of Georgia

Prepared by:

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GEPAC National Advisers

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Chapter I

General Provisions

Article 1

“The law on Anticorruption Bureau of Georgia” defines functions, legal status, authority and main objectives of the Anticorruption Bureau of Georgia (hereafter the Bureau).

Article 2

The Bureau is a legal entity of public law which is an independent investigative agency and has special authority. It is independent from other state agencies and organisations and accountable only to the President when performing its activities. The Bureau is co-ordinated by the President.

Article 3

The Bureau shall be established for the purpose of investigating, revealing and preventing of corruption crimes committed by high-level public officials.

Article 4

The Bureau shall carry out its functions in accordance with the Constitution of Georgia, international agreements, the present law, other laws and normative acts of Georgia.

Article 5

Expenditure accounting related to the organisation and activities of the Bureau shall be envisaged by a separate article of the law on the State Budget of Georgia. The head of the Bureau shall submit a draft expenditure concerning the Bureau’s activities in accordance with the legislation of Georgia.

Chapter II

Functions and Authority of the Bureau

Article 6

1. The Bureau shall investigate crimes committed by the following high-level public officials:
 - a) Members of the Supreme Representative Bodies of the Autonomous Republics of Adjara and Abkhazia;
 - b) Leaders and their deputies of Executive Power of the Autonomous Republics of Adjara and Abkhazia;
 - c) Ministers of Georgia and his/her deputies;
 - d) The Head of the Georgian State Chancellor’s Office and his/her deputy;
 - e) The Chairman of the Parliament and his/her deputy; chairmen of committees; leader of majorities and minorities; chairmen of fractions; heads of investigating and other ad-hoc short-term committees; deputy chairmen of committees and fractions;
 - f) Chairmen of the Chamber of Control of Georgia and his/her deputy, members of the Presidium, heads of department, heads of regional and city bureaus, chairmen of the Chamber of Control of the Autonomous Republics of Adjara and Abkhazia;
 - g) The President of the National Bank of Georgia and members of the Council;
 - h) Members of the Energy and Water Supply Regulatory Commission;
 - i) Members of the Communications Regulatory Commission;

- j) Head and his/her deputy and secretary of the Central Election Commission of Georgia;
 - k) Governors and his/her deputies;
 - l) Head and his/her deputies of executive body of regions and cities (Tbilisi, Batumi, Sokhumi, Kutaisi and Tskhinvali)
 - m) Judges;
 - n) The Deputy Prosecutor General; the Heads of the Departments and Divisions of the Office of the Prosecutor General and persons equal to; Prosecutors of Autonomous Republics of Adjara as well as District and City prosecutors;
 - o) Other persons elected or appointed according to the Constitution of Georgia.
2. The Bureau shall monitor the fulfilment of requirements of "the Law on Conflict of Interests and Corruption within the Public Service of Georgia";
1. The Bureau shall perform the following functions:
- a) Investigation of corruption crimes committed by the high-level public officials listed in article 2 of "the Law on Conflict of Interests and Corruption within the Public Service of Georgia" except for those in the subparagraphs a) and b) of that article.
 - b) Identification and analysis of the reasons for the crimes mentioned above and development of corresponding recommendations.
 - c) Support to the establishment of a common state anticorruption policy;
 - d) Develop a national anticorruption strategy of Georgia;
 - e) Develop an action plan for the national anticorruption strategy and monitor its fulfilment;
 - f) Analyse anticorruption normative acts and submit recommendations to the parliament for the purpose of refining of anticorruption legislation;
 - g) Co-ordination of co-operation among different public agencies for the purpose of fulfilling of recommendations of international organisations in the area of anticorruption;
 - h) Monitor the fulfilment of requirements of "the Law on Conflict of Interests and Corruption within the Public Service of Georgia";
 - i) Inform the public about anticorruption activities.
2. The Bureau shall submit recommendations on issues concerning the ratification of anticorruption agreements to the President of Georgia.
3. The Bureau shall Study and analyse the anticorruption environment, fulfil corresponding normative acts and submit reports to the President and the Parliament of Georgia.
4. The Bureau shall study and generalise foreign countries' experience in the field of the fight against corruption. Within its competence, the Bureau shall co-operate with its foreign counterpart agencies and international organisations.

Article 7

1. The Bureau shall investigate crimes stipulated by the Criminal Code of Georgia committed by high-level public officials envisaged by paragraph 1 of article 6 of the present law:
- a) Accepting a bribe;
 - b) Giving a bribe;
 - c) Trading in influence;
 - d) Accepting illegal gifts;
 - e) Not producing asset declarations or submitting incomplete or false data.

2. The Bureau is authorised to carry out a full preliminary investigation and prosecution, in accordance with the legislation;
3. In order to conduct a complete investigation, the Bureau applies operative activities envisaged by the "Law of Georgia on Operative/Investigative Activities";
4. The Prosecutor General of Georgia directly performs the procedural supervision of investigative activities of the Bureau, as well as represents a public prosecutor at court;
5. The Bureau is authorised to request and receive documents and any other kind of informative files which are necessary for the Bureau to fulfil its functions from state and other institutions as well as from individuals, including public officials;
6. In accordance with the legislation of Georgia, and for the purpose of fulfilling its functions, the Bureau checks on activities of public institutions and at all times access to any public agency;
7. In order to fulfill its functions, the Bureau co-operates with prosecutors and other investigative authorities envisaged by legislation. Prosecutors and other investigative authorities are obliged to co-operate with the Bureau and assist it in performing its duties;
8. If criminal proceedings initiated by the Bureau are beyond its authority, the Bureau shall convey the case to the corresponding agency which, in accordance with the legislation of Georgia, is in charge of investigating the case. If criminal proceedings initiated by other agencies fall under the authority of the Bureau, the agency is obliged to convey the case to the Bureau for investigation;
9. If some specific investigative activities can not be carried out with the resources and means of the Bureau, the Bureau applies to the corresponding authorities for assistance. The corresponding authorities are obliged to respond to the request as needed;
10. An officer of the Bureau, when fulfilling his/her duty, is authorised to apply compulsory physical measures, special resources, and use authorised weapons.

Article 8

1. The Bureau is managed by the Head of the Bureau;
2. The structural entity of the Bureau is a department and in order to provide technical assistance to the Bureau, the apparatus of the Bureau shall be established;
3. The structure, personnel and regulation of the Bureau shall be determined by the statute of the Bureau. The statute submitted by the head of the Bureau shall be approved by the President of Georgia;
4. Restrictions on double employment or other similar restrictions and obligations provided in the law of Georgia "On Conflict of Interests and Corruption in Public Service" are applied to the Head of the Bureau as well as to all other Bureau official.

Article 9

1. The officials of the Bureau are:
 - a) The Head of the Bureau;

- b) The Deputy Head of the Bureau;
 - c) The Head of the Department;
 - d) The Head of the Apparatus.
2. Public servants of the Bureau are:
- a) Investigators;
 - b) Other Employees of the Bureau.

Chapter III

The Head of the Bureau

Article 10

1. The Bureau is managed and supervised by the Head of the Bureau, which shall be appointed and dismissed by the President of Georgia;
2. Any person may be a candidate for the position of the Head of the Bureau that is university educated and has the appropriate professional experience;
3. Along with the restrictions listed in the "Law on Conflict of Interests and Corruption within the Public Service of Georgia", the Head of the Bureau may not take part in the operations of political organisations (parties) and their associations;
4. The Head of the Bureau has a deputy which shall be appointed and dismissed by the President of Georgia on the recommendation of the Head of the Bureau.
5. The restrictions for the Head of the Bureau envisaged by this law shall apply to the Deputy Head and the Bureau officials as well.

Article 11

1. The Head of the Bureau:
 - a) Supervises and co-ordinates the operations of the Bureau, organises and manages issues and cases which are within the authority of the Bureau;
 - b) Is in charge of organisational co-ordination of the Investigative Department and investigators of the Bureau, monitors whether the investigators meet the terms considered by the legislation and supervises activities of other employees;
 - c) Makes decisions on carrying out operative-investigative activities, co-ordinates operative-investigative activities for disclosing and preventing crimes, as well as for identifying and arresting criminals;
 - d) Within his/her competence is authorised to carry out preliminary investigations;
 - e) Appoints and dismisses employees of the department;
 - f) Within his/her competence issues individual administrative legal acts;
 - g) Handles funds of the Bureau and is responsible for their use;
 - h) Within his/her authority, enters into agreements with relevant Georgian institutions' foreign services;
 - i) Submits the statute of the Bureau for approval to the President of Georgia;
 - j) Approves internal normative acts regulating the operations of the Bureau;
 - k) Approves the staff and amount of salary for the officials of the Bureau;
 - l) Appoints and dismisses the officials of the Bureau;

- m) Reports to the President and Parliament of Georgia on operations of the Bureau not less than once every six months, in March and October;
 - n) Nominates a candidate for the Deputy Head of the Bureau for the President's approval;
 - o) Approves the budget of the Bureau;
 - p) Resolves questions related to promotion and disciplinary measures;
 - q) Reviews complaints received from physical and legal persons;
 - r) Fulfils other authorities considered by this law and other normative acts of Georgia.
2. In the absence of the Head of the Bureau, his/her duties shall be performed by his/her deputy.

Article IV

The Structural Entities of the Bureau

Article 12

The Bureau consists of an Investigative Department and the Apparatus of the Bureau.

Article 13

1. The functions of the Investigative Department are as follows:
- a) Prevention and investigation of the crimes which are within the competence of the Bureau;
 - b) Reveal and eliminate corruption crimes and respond correspondingly to them, identification of persons involved in the crimes and carrying out measures considered by the legislation;
 - c) Exploring and analysing the factors and reasons contributing and promoting corruption crimes as well as developing recommendations in this respect.
2. The Investigative Department receives information and correspondence on crimes and correspondingly responds to them, discloses committed crimes and carries out complete and exhaustive investigations;
3. The Investigative Department conducts all the investigative and procedural activities considered by the Criminal Procedure Code of Georgia. It is also authorised to apply to the court and request the order of a judge in cases foreseen by the legislation;
4. In order to reveal, disclose and eliminate corruption crimes, the Investigative Department carries out operative-investigative activities, and, in accordance with the legislation, can apply physical coercion. When carrying out operative activities, the Investigative Department is guided by the "Law on Operative-Investigative Activities".
5. For fighting corruption crimes, the Investigative Department co-operates with other law enforcement bodies of Georgia and foreign countries, as well as with International organisations.

Article 14

1. When the Investigative Department receives information on committed crimes listed in the article 7 of this law, the investigator of the Investigative Department is obliged to commence a preliminary investigation.
2. The investigator starts a preliminary investigation based on the information about corruption crimes committed by high officials listed in the article 6 of this law.

3. Grounds for starting a preliminary investigation may be information obtained directly by the Investigative Department, as well as information received from individuals, legal persons, officials of governmental or self-government authorities, operative-investigative bodies, persons confessing to having committed a crime or information learned from mass media.
4. In the course of the investigation, indictment and conviction, the investigator is guided by the provisions stipulated by the Criminal Procedural Code of Georgia.
5. The investigator, within his/her competence:
 - a) Conducts a preliminary investigation and all investigative activities considered by the Criminal Procedure Code of Georgia;
 - b) It is authorized to apply all measures of coercion stipulated by the Criminal Procedure Code of Georgia;
 - c) Produces a Court resolution on conviction as an accused to the person in accordance with the rules considered by the Criminal Procedure Code of Georgia;
 - d) If necessary, the investigator demands an inspection of the office and to be provided with all the necessary documentation for the investigation.
6. The investigator, in order to fulfil his/her task envisaged by the law within his/her competence, is obliged to:
 - a) Conduct a full, exhaustive and objective investigation of the crime, reveal evidences as well as aggravating and mitigating factors of the crime;
 - b) Make decisions concerning criminal cases in accordance with the rules considered by the legislation;
 - c) Fulfil written directives related to investigative activities of the judge and prosecutor;
 - d) Fulfil other obligations envisaged by the legislation.

Article 15

1. For technical assistance to the operation of the Apparatus, the Bureau shall be established.

The Apparatus is in charge of the following activities:

- a) Review of the priorities of the Bureau's activities;
- b) Generalise results of activities of the Bureau, review effectiveness of its operation, develop recommendations for the purpose of improving activities of the Bureau;
- c) Review the draft budget of the Bureau and develop recommendations related to logistics and financial issues;
- d) Review employment and management-related issues, and submit recommendations on awarding officials and staff of the Bureau and imposing disciplinary measures;
- e) Develop recommendations regarding changes and amendments to this law, as well as to other normative acts;
- f) Review periodical reports on the operation of the Bureau for submitting it to the President of Georgia;
- g) Review other issues related to the activities of the Bureau.

Chapter V

Legal and Social Guarantees of Bureau Officials and Employees

Article 16

The Head of the Bureau may not be charged with criminal liability without the consent of the Parliament of Georgia, he/she may not be arrested (including administrative arrest), searched, brought in by force; nor may his/her residential or office premises or personal or official vehicles be searched or viewed. Such criminal procedural restrictions shall not apply to the Head of the Bureau if he/she is caught committing a criminal offence, in which event the Parliament of Georgia shall be informed immediately. If the parliament does not authorise his/her arrest, he/she shall be released immediately. The parliament takes the decision on this issue within 14 days.

Article 17

An employee of the Investigating Department of the Bureau may not be charged with criminal liability without the consent of the Parliament of Georgia, he/she may not be arrested (including administrative arrest), searched, brought in by force; nor may his/her residential or office premises or personal or official vehicles be searched or viewed. Such criminal procedural restrictions shall not apply to the employee if he/she is caught committing a criminal offence, in which event the Head of the Bureau shall be informed immediately. If the Head does not authorise his/her arrest he/she shall be released immediately.

Article 18

1. A Bureau official is a representative of a Government authority in the performance of his/her duties and is protected by the state. No one is authorised to intervene in his/her activities except for cases considered by the legislation.
2. Offending or insulting, resisting or endangering a Bureau official, or any action interfering with his/her performance of duties shall be punished as provided by the legislation.

Article 19

1. The state is obliged to establish adequate working and living conditions for the Bureau officials and provide him/her with independence. The state shall provide the Bureau officials with social guarantees;
2. The salary of the Bureau officials consists of a monthly salary, and bonuses. The amount of the salary is determined by a decree of the President of Georgia;
3. Upon reaching retirement age, a Bureau official will be paid a lifetime pension which equals the whole amount of his/her salary, and which can change in accordance with the salary of acting officials.

Article 20

1. Bureau officials and employees are subject to the compulsory State insurance scheme which is provided by the state budget;
2. Any loss and damages caused to the property of a Bureau official, employee or their family as a result of the professional actions of a Bureau official or employee shall be compensated in full from the State Budget;
3. A Bureau official who uses his/her private or official vehicle when performing his/her official duties shall be provided with fuel by the Bureau according to

the rules approved by the Head of the Bureau;

4. In accordance with the legislation of Georgia and within the frame of resources assigned from the state budget, a Bureau employee may be granted additional bonuses and social guarantees which are not specified in this law.

Chapter VI

Financial Sources of the Bureau

Financial sources of the Bureau are the following:

- a) Allocated funds from the state budget;
- b) Grants;
- c) Other financial sources permitted by the legislation of Georgia.

Chapter VII

Transitional Provisions

Article 21

1. Activities concerning the organisation of establishing the Bureau shall be accomplished till ...;
2. According to the legislation of Georgia, within two months, the Ministry of Economical Development of Georgia shall provide the Bureau with necessary premises and buildings for the purpose of fulfilling its functions;
3. The President and the Parliament of Georgia shall bring into line all normative acts, adopted or approved before the law on the "Anti-corruption Bureau of Georgia" enters into force, with this law;
4. The President of Georgia shall approve the statute of the Bureau and the amount of the salary for the Bureau employees.

Article 22

1. This Law shall come into effect on ...

The President of Georgia



Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
August 2008

Support to the Anti-corruption Strategy of Georgia (GEPAC)

CoE project No. 2007/DGI/VC/779

Summary of the Legal Framework on Access to Public Information in Georgia

30 June 2008, Signagi
2 July 2008, Kutaisi
3 July 2008, Batumi

Prepared by:

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Introduction

The Council of Europe organised, in the framework of GEPAC, three regional workshops on Public Access to Information in Signagi (30 June 2008), Kutaisi (2 July 2008) and Batumi (3 July 2008), Georgia. The aim of the meetings was to present the legal and practical framework/solutions for efficient and lawful dissemination of public information to representatives of local authorities. An interactive methodology was applied at the meetings in the form of discussions and work in groups. Participants undertook practical exercises, namely discussion on freedom of information (FOI) request and making a decision on providing information, and discussion of an administrative complaint and making a decision on providing information.

1 Procedures for Providing Public Information

According to the General Administrative Code of Georgia "public information is received, processed, written or sent information as an official document (among them drawing, prototype, plan, outline, photo, electronic information, video and audio recordings), so preserved at public institution, also information regarding the activities by public institution or employee".

The person responsible for accessibility of public information has obligations under legally effective procedures of information and providing information within established terms which are to be adopted by all public institutions. Such a function may be implemented by the person appointed at a different staff unit, e.g. the head of chancellery, a public relations' employee etc. Though having taken into consideration the growing demand on public information, participants recommend appointing an independent person for performing the mentioned function.

Requests for public information may be performed only in writing. Otherwise, a public official is not obliged to provide the requested information. The law also establishes obligatory requisites of a written statement (Article 78 of GAC):

- The name of the administrative body being applied to by the applicant;
- The name and address of the applicant;
- The request;
- The date of submitting the statement and the applicant's signature;
- If available, the list of documents attached to the statement.

The administrative body is obliged to accept and register the request, put a registration date and number on it, even if it does not meet the set requirements. If requested by an applicant, it (the request) is to be immediately sent or its registration be confirmed, on the basis of what the term on providing public information is assessed.

The law does not oblige an applicant to state the purpose of requesting information.

As for the form of providing public information, it depends on the type of information requested by an applicant: obtaining a copy of the document, getting access to the original document, receiving a drawing etc.

It should also be noted that, if requested by an applicant, a public institution is obliged to prove the authenticity of a copy to the original.

According to the Georgian legislation, a public institution is obliged to provide public information in an immediate manner. In some cases it might be difficult for public official to meet this requirement. For such situations, the law allows 10-day period if the preconditions for the provision of information are fulfilled:

- Collection and procession of information out of its structural subdivision or other institutions being in different location;
- Collection and procession of certain documents of essential volume irrelevant to each other;
- Consultation with its structural subdivision or other public institution being in another settled point.

In case of the above listed three cases apply, an employee of a public institution is obliged to notify an applicant immediately about necessity of 10 day period for providing the necessary information.

While requesting information, administrative bodies have been given the major burden of obligations by the legislator. If "other administrative body is entitled to

make a decision under requested statement, then an administrative body is obliged to send the statement and its attached documents to authorised administrative body no later than the fifth day". But the information is to be delivered to an applicant on delivery within 2 days (Article 80 of GAC). The statement may be returned to the applicant only if the administrative body is not able to identify the authorised administrative body, or the issue is to be decided by court. In such a case, the applicant is to be informed about all of the mentioned issues within a period of 5 days.

As for the refusal on providing information, it is to be explained/justified, and the applicant has to be immediately informed (within a 3-day period after the decision is made). A refusal to provide information has to meet the requirements/limitations set by the Constitution of Georgia and the General Administrative Code of Georgia from both procedural and materials standpoints.

2 Fee for Duplicating Public Information

The Georgian Law "About Fee on Duplicating Public Information" also states that "the fee for duplicating public information is obligatory to be paid to the Georgian budget by a person requesting public information for duplication via proper body".

The fee-payers are physical and legal persons interested in obtaining public information. The mentioned fee will be paid by an administrative body, if the amount of the fee required for duplicating public information is more than 50 GEL (Article 4 of Law "About Fee on Duplicating Public Information").

A fee on "Duplicating Public Information" is not due:

- While copying information on a disk or a compact-disk ;
- While duplicating personal data on physical persons at a public institution (Article 7 of Law "About Tax on Duplication Public Information").

It is not allowed to establish any payments while providing public information, besides the fee set under the law "About Fee on Duplicating Public Information".

As for the amount of the fee, the law "About Fee on Duplicating Public Information" considers the exact amount for duplicating public information:

- 4 and 5 format paper – one page – 0,05 GEL;
- Printing on laser printer – one page – 0,10 GEL;
- Writing information on compact-disk – 1 disk – 2.65 GEL
- Writing information on diskette – 1 diskette – 1,3 GEL
- Writing information on an applicant's video cassette – 1 hour 2,75 GEL;
- Writing information on an applicant's audio cassette – 1 hour 0,50 GEL.

3 Protection of Personal Data

Personal data is information enabling a person's identification. The law also defines the concept of personal privacy. It is not allowed for a public institution to divulge personal data deemed to be of personal nature. Information deemed to be of personal nature may be divulged in precisely defined cases, only. Namely, if there is a consent of the person, or a well-grounded court decision.

The given rule does not include information related to officials (also candidates nominated for this post). The list of officials is defined in the Georgian law "About Conflict of Interests and Corruption in Public Office".

The legislation establishes two grounds for considering personal data for personal privacy purposes:

1. Decision of a person about whom the information is given;
2. Cases considered under the law.

In the first case, the person provides a written statement by his/her will to cover his/her personal information at a public institution. It can be performed by submitting a statement by him/her, or via signing a statement approved by a public institution and etc.

As for the case foreseen by the law, for example, the law "about Protection of Patients' Rights" considers that the information about a patient's health may be delivered only to this patient. Also, the law directly notes that the information may be provided without a patient's advance consent only if the information is requested for purposes of education. At the same time, the patient is to remain anonymous and the possibility of his/her identification should be ruled out.

It is not allowed to collect, process, and save personal information related to the person's religion, sexual relation, ethnicity, political or ideological issues.

It is important that the person should not be refused getting information regarding his/her personality. Moreover, while requesting his/her personal data, he/she is free from fees considered under the law.

While collecting and processing personal data, a public institution is obliged to notify the person about whom the data is being collected. The person should be informed about the fact of collecting his/her personal data, the purposes and juridical basis of the procedure should also be explained to him/her. It should also be clarified to the person whether it is obligatory or voluntary to deliver personal information.

Information may be acquired from other sources only if some concrete information may not be gained from a person whose information is being collected. If the personal information is acquired via other sources, a concrete person (whose personal data is being collected by the institution) is to be informed about the sources and content of that information.

It is important that a person receives an explanation of the legal basis on providing his/her identification information to others, so a public institution is obliged to inform the person about those third persons to whom this person's personal data may be delivered.

One of the important requirements for procession of personal data is the right of making amendments to the data. A public institution has to annul the data defined under the law after the request of a person or a court decision. Public institution should also annul incorrect, unreliable, incomplete and not related to the case data. In certain cases, data may not be annulled, but substituted with correct, reliable, timely and complete data. A decision on making amendments is to be made by a public institution within a 10 day period. All of the above mentioned procedures by all means are to be recorded in the public institution's records. Namely, the institution is obliged to keep amended data according to the period of their application together with the proper data during their existence, but no less than for a 5-year period.

4 Discussion of an Administrative Claim in case of not providing information

According to the amendments made to the General Administrative Code and Administrative Procedural Code of Georgia approved on 28 December 2007, any person interested making a case about the violation of the requirements and provisions of the freedom of information legislation is obliged to present an

administrative claim to the same administrative body having adopted the act, if there is a superior official. Otherwise administrative claim is to be presented to the superior administrative body.

Only after submitting and discussing an administrative complaint, the right to submit a claim to the court is established.

An administrative complaint is to be submitted within a one month period after the decision of denial on providing public information has been made. If the administrative body does not respond, then the term of making a complaint will be counted from the date when action had to be accomplished.

Regarding the terms of discussing a complaint and making a decision about it by an administrative body, this has to be done in a period of one month period. However, a public institution has the discretion, in particular where it concerns decision-making on complex issues, to extend this period for up to an additional one month period, with an obligation to notify the person who issued to the complaint.

While discussing an administrative complaint, it is very important to follow the rules of administrative proceedings, in order to ensure protection of personal interests by an interested person before an administrative body. First of all, an administrative body has to make a written decision within a 5 day period after registration of the complaint on admitting an administrative complaint. If the administrative complaint does not meet obligatory requisites set under the law, an administrative body has to underline the flaws in the complaint and set a term for improving them. During the proceedings, an administrative body is obliged to investigate completely all factual and legal circumstances.

During investigating the circumstances, an administrative body has to give the author of an administrative complaint the possibility to present additional materials and opinions. Also, an administrative body has to hold a verbal hearing in addition to the cases considered under the law (an administrative body is entitled to discuss and decide an administrative complaint without a verbal hearing if the basis for refusing a discussion of an administrative complaint exists and all of the parties involved in administrative proceedings agree on the discussion of the issue without any verbal hearing). An administrative body has to record minutes of the meeting during the verbal hearing and if requested by an interested person, to present a copy of the minutes.

An administrative body is entitled to make one of the given decisions after the end of the administrative proceedings on discussing an administrative complaint:

- To satisfy the request considered in an administrative complaint;
- To refuse to satisfy the request considered in an administrative complaint;
- To partially satisfy the request considered in an administrative complaint.

The administrative body issues an individual legal-administrative act regarding an administrative complaint.

5 Reports on Freedom of Information as of 10 December

According to an Article 49 of the General Administrative Code, every year on December 10 any public institution is obliged to present a report to the President and the Parliament of Georgia on meeting requirements of freedom of information.

The report is to be presented by all public institutions, such as:

- All state or local self-government and administrative bodies or institutions;
- Any public legal entity (besides political and religious union);
- Any other body providing public judicial authorities on the basis of legislation;
- Private Law legal persons being financed from the state or local budget, within the frameworks of the given financing.

The report presented by a public institution is to completely reflect the situation on meeting the requirements on freedom of information at the institution presenting the report.

The law foresees obligation on presenting quite a detailed report.

Namely it is to include:

- The amount of requests on providing public information and amendments to public information entered in a public institution. Amount of decisions made on meeting requirements or their refusal;
- Information on the public employee making decisions regarding meeting the requirements or their refusal;
- Information on making decision on closing personal sessions by collective public institutions and the amount of such decisions;
- On the collection, procession, preservation and delivery to others of personal data by public database and public institutions;
- On the amount of violations of law requirements and disciplinary actions towards the responsible person related to the issue on transparency of public information by a public employee;
- On those legislative acts being applied by a public institution while refusing to provide public information or closing of collegial public institution session;
- On submitting a complaint regarding the decision made on a refusal to provide public information;
- On making a complaint regarding the expenses for the procession and disclosure of information by a public institution, also decisions made on the refusal on disclosing information or closed session of collegial public institution among them related to the amount paid for the benefit of the party.

The current practice confirms the fact that the reports are not presented in the way to satisfy requirements of the law. According to the presented reports, no realistic picture emerges on how protected and well-realised the right on freedom of information is in the country. That is why it is essential for the reports foreseen under law not only to be composed of statistical figures, but also to consider certain analysis related to each definite issue.



Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
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Support to the Anti-corruption Strategy of Georgia (GEPAC)

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Outcomes of the Training on the Implementation of the Amendments to the Criminal Code of Georgia related to the Liability of Legal Persons

8 July 2008, Tbilisi, Georgia

Prepared by:

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Introduction

Following an invitation on 30 June 2008 from the Head of the Technical Co-operation Department (Directorate of Co-operation, Directorate General of Human Rights and Legal Affairs, Council of Europe), the CoE expert took part in a training for prosecutors on the implementation of the amendments to the Criminal Code of Georgia related to liability of legal persons, held in Tbilisi on 8 July 2008 within the project "Support to the anti-corruption strategy of Georgia" (GEPAC).

The training took place in the Prosecutor's Office Training Centre in Tbilisi. More than thirty prosecutors from Tbilisi and different regions of Georgia participated in the training.

The purpose of the training was to examine the amendments of 2006 to the Georgian Criminal Code related to the liability of legal persons and to discuss the methods of their implementation.

Before the training, the Economic Crime Division (GEPAC Project) prepared a Background Paper including the relevant extracts from the CoE Criminal Law Convention on Corruption (ETS 173), GRECO Second Round Evaluation Report on Georgia and Criminal Code of Georgia.

1 Presentation of international standards in the field of liability of legal persons and the relevant provisions of the Criminal Code of Georgia

In the beginning of the training the CoE expert made a presentation of the international standards and best practices in the field of liability of legal persons and the relevant provisions of the Georgian Criminal Code (CC).

The presentation reflected the level of compliance of the provisions of the Georgian Criminal Code with the standards of the international instruments adopted by the Council of Europe, United Nations, European Union and Organisation for Economic Co-operation and Development (OECD).¹ Besides that, references were made to the best practices and national legislation of some member-states of the Group of States against Corruption (GRECO).

In the beginning of the presentation, the CoE expert provided information on the different approaches concerning the nature of the liability of legal persons for criminal offences (criminal, administrative or civil liability) and the scope of corporate liability in relation to the crimes (reference to the specific provisions of the Special Part of the Criminal Code-Art.107.2 CC).

Following the above introductory remarks, the CoE expert gave a presentation of the international standards (especially Art.18 and Art.19, paragraph 2 of the CoE Convention) concerning: (i) the definition of legal person; (ii) the conditions for establishing liability; (iii) the link between proceedings against legal and natural persons; and (iv) the sanctions applicable to legal persons.

Within the presentation of the international standards and national best practices, the CoE expert made references to the relevant provisions of the Georgian Criminal Code (Art 107.1-107.7) in order to determine their level of compliance with the international requirements and to clarify the exact scope of the provisions.

In particular, the following problems were considered by the CoE expert during his presentation:

(i) in relation to the scope of definition of legal person (Art.107.1, paragraph 1 of the CC):

- the exceptions provided by the CoE Convention concerning the state, public bodies exercising state authority and public international organisations;
- the inclusion of public enterprises and non-governmental organisations in the scope of the provision.

(ii) in relation to the conditions for establishing liability (Art.107.1, paragraphs 3 and 4 CC):

- the connection between the criminal offence and the legal person (on behalf of, through or for the benefit of the legal person);
- the leading position of the natural person who commits the criminal offence (differentiation between the identification theory and vicarious theory);

¹ The Council of Europe Criminal Law Convention on Corruption (CoE Convention), the United Nations Convention against Corruption (UN Convention), the United Nations Convention against Transnational Organised Crime (UN Convention on Organised Crime), the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention), the Second Protocol to the Convention on the Protection of the European Communities' Financial Interests (Second Protocol) and the Recommendation No.R(88) 18 of the Committee of Ministers to Member States of the Council of Europe concerning the Liability of Enterprises having Legal Personality for Offences Committed in the Exercise of their Activities (CoE Recommendation No.R(88) 18).

- the lack of supervision or control ("due diligence" concept) under the CoE Convention (Art.18, paragraph 2) and some national practices - US, France, Italy (the concept is not covered by the Georgian legislation and this shortcoming is subject to a recommendation of GRECO²).

(iii) in relation to the link between proceedings against legal and natural persons (Art.107.1, paragraphs 5 to 7 CC):

- the principle that the liability of legal person does not exclude individual liability of the physical perpetrator (mandatory requirement established by the CoE Convention, UN Convention and Second Protocol reflected by Art.107.1, paragraph 7 CC); and

- the principle that the legal person should be liable even where a natural person who committed the crime can not be identified or prosecuted (optional requirement reflected by Art.107.1, paragraphs 5 CC). With respect to the latter standard, the CoE expert provided information about the reasons for its adoption by the OECD Working Group on Bribery.

(iv) in relation to the sanctions applicable to legal persons and confiscation (Art.107.3-107.7 CC):

- the international standard for application of effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions;

- the concerns expressed by GRECO concerning the lack of proportionality (see the observations in the Second Round Evaluation Report on Georgia³): (a) because of the very high minimum fine applicable to legal persons – Art.107.6, paragraph 1 CC; and (b) where liquidation or deprivation of license must be applied in case of recidivism within three years– Art.107.6, paragraphs 3 and 5 CC;

- the possibility to confiscate proceeds of crime or property the value of which corresponds to such proceeds under Art.52 CC.

2 Issues related to the implementation of the relevant legislation

During the discussion following the CoE expert's presentation, several issues were clarified in relation to the provisions of the Georgian Criminal Code, including:

- the exact scope of the definition of legal persons (Art.107.1, paragraph 1 of the CC);

- the circle of persons who could be physical perpetrators of the criminal offence (Art.107.1, paragraphs 3 and 4 CC);

- the problem of proportionality of the fines imposed against legal persons under the Criminal Code (Art.107.6, paragraph 1 CC); and

- the possibility to confiscate proceeds of crime or property the value of which corresponds to such proceeds (Art.52 CC).

In addition, the representative of the Ministry of Justice (Mr. Ucha Gogokhia) informed that the Georgian authorities have started the preparation of amendments to the Criminal Code in order to cover the cases where the lack of supervision or control by a natural person in a leading position within the legal person has made possible the commission of the criminal offence by a natural person under its authority and, thus, to address the recommendation of GRECO.

During the general discussion following the presentation of the expert from the Georgian Ministry of Justice (this presentation dealt also with the amendments to the Georgian Criminal Procedure Code concerning the liability of legal persons⁴)

² GRECO Second Round Evaluation Report on Georgia, paragraph 90

³ GRECO Second Round Evaluation Report on Georgia, paragraph 90

⁴ Art.54 of the Georgian Criminal Procedure Code contains provisions concerning: the initiation of the criminal proceedings against legal person; the circumstances to be proved/identified; the

and in reply to the questions raised by the participants, the CoE expert provided additional information and explanations concerning:

- the applicability of the provisions of the Criminal Code on corporate liability in relation to cases where the criminal offence has been committed by a Georgian citizen abroad (examples related to the implementation of the provisions on the bribery of foreign public officials in international business transactions);

- the practical difficulties related to the implementation of the standard under which the corporate liability should be established even where the physical perpetrator could not be identified (Art.107.1, paragraph 5 CC); and

- the possibility to implement administrative sanctions in cases which are not covered by the provisions of the Criminal Code, i.e. in the cases where the offence constitutes breach of the administrative regulation but not a criminal offence.

3 Conclusions and remarks

The Georgian authorities can be commended for their efforts to address the issues relevant to the corporate liability in conformity with the international standards and the recommendations of GRECO, as well as to provide appropriate training for prosecutors on the implementation of the criminal liability of legal persons.

However, the following circumstances would require further training in order to introduce the provisions on the criminal liability to all prosecutors and judges who could deal with such cases:

- the fact that the criminal liability of legal persons constitutes a new concept affecting the fundamental principles of the criminal law and the need of clarification of the possibility to apply traditional criminal law institutes to the corporations;

- the adoption of some high standards concerning the establishment of the corporate liability (Art.107.1, paragraph 5 CC) which could lead to difficulties in the implementation of the respective provisions;

- the need to establish appropriate practice concerning the application of the system of sanctions in order to guarantee the principle of proportionality (concerning this problem it could be also advisable to consider the possibility for further legislative amendments in compliance with the observation of GRECO);

- the forthcoming amendments to the Georgian Criminal Code aimed at introducing the concept of lack of supervision and control as a condition for establishing liability of legal persons (in compliance with the recommendation of GRECO).

For the purpose of future expertise and reporting (e.g. the situation report to GRECO within the established compliance procedure) it is strongly advisable to ensure translation into English of all the relevant domestic legal provisions, including Art.29 and Art.30 of the Civil Code (definition of legal person) and Art.54 of the Criminal Procedure Code (amendments in relation to the procedural aspects of the liability of legal persons), as well as to ensure correct translation of the provisions of the Criminal Code (for example, Art.52 CC was only partly translated into English). It should be noted that the lack of translation of all relevant legislative texts could significantly impede the expertise and evaluation of the legislation by international experts.

participation of a legal counsel; and the grounds for ending prosecution. It also provides for publication of the judgment imposing a sanction against the legal person.

Besides that, for the purpose of the forthcoming trainings, it could be recommended to ensure translation into Georgian of extracts from the relevant international instruments and explanatory reports dealing with corporate liability.⁵ Such texts would be very useful for the proper interpretation of the domestic legislation which has been adopted in compliance with the international standards.

⁵ E.g. Explanatory Report on the CoE Criminal Law Convention on Corruption, paragraphs 31 and 84-94.



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Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
April 2008

Support to the Anti-corruption Strategy of Georgia (GEPAC)

CoE Project No. 2007/DGI/VC/779

Technical Paper: The Integrity Plan as Risk Assessment Plan

Prepared for the Ministry of Interior and Prosecutor's Office of Georgia as
Explanatory Paper regarding the implamantation of Intergrity Plans

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1 The integrity plan methodology

The integrity plan is one of better modern methods for creating legal, ethical and professional work quality in various governmental and nongovernmental organisations.

The integrity plan consists of, particularly:

- analysis of the institution's vulnerability to corruption;
- description of the operational and decision making process with ascertainment of vulnerable activities;
- preventative measures for decreasing possibility of corruption occurrence; and
- other parts of the plan, determined in the guidelines.

The essence of the integrity plan is to re-establish and/or to improve the institutional integrity. The integrity plan is important for prevention of the integrity derogation, which is caused by breaking of rules, and is important for preventing misconducts in forms of nepotism, clientilism, unjustified use of work resources, etc. For this reason, the integrity plan is an instrument for increasing awareness about weak points of the institution's operation, respectively about vulnerability and exposure of institutions' operations, whose goal is to prevent and to warn about possibilities of corruption. The integrity plan studies the system's ability to resist violations that become corruption and it studies prevention of existing preventative mechanisms, without special supervision or only by a routine check. Beside this, it examines under standardisation, over standardisation, and concrete internal acts' execution in practice. As it has been mentioned earlier, the integrity plan contains legal measures, for example, execution of omitted internal acts for a sensitive area, and existing measures, for example, setting up of physical or electronic rooms' protection, its equipment, and employees.

The essence of the integrity plan is a systematic effort to estimate ability and vulnerability of the defence mechanisms, which fight against corruption and are built into structure, procedures and rules of the organisation and its regulations. Assessors investigate and estimate risky areas; when they are found, the assessors develop anti-measures that protect the area from corruption. Based on vulnerable or weak discovered areas, the assessors submit a report about the integrity level in the institution and recommend possibilities for improvements, which are accepted by the institutional leadership according to their judgement. Therefore, the integrity plan is a project work.

The integrity plan assesses everything from the system's ability to resist to the procedures that could mean integrity breaking inside the organisation. Consequently the integrity plan represents a natural preventative measure and proactive operation. It does not check an individual's integrity, like the integrity tests; the entire system is assessed, everyone employed and everyone who cooperates with the institution. The integrity plan is part of generalised social network of values, norms and (legal) measures that protect against corruption.

It is necessary to picture the use of the integrity plan in institutions as constant learning. Initially, it could be a limited estimation of certain areas most jeopardised and exposed, but in the continuation the plan could be expanded and improved. In such way, throughout few years it could include similar assessment in other parts of the organisation. Beside this, the plan could include the assessment of first established "security" measures and modernisation of those based on the achieved experiences.

2 Goals of the integrity plan

The integrity plan's goal is to:

- estimate the institution's vulnerability;

- assess the job positions where corruption is possible;
- increase the workplace's resistance toward corruption;
- increase the awareness level of employees;
- continually implementation of improvements-preventions;
- establish a control mechanism;
- awareness, education of employees.

3 Purpose of the integrity plan

In relation with the international efforts in the field of establishing of anti-corruption mechanisms, preventive standards are getting increasingly more valuable and valid. The assessment of institutions' integrity is one of them. Main purpose of the project is to assess vulnerabilities within national institutions (implementing integrity plans), to recommend possibilities for decreasing vulnerabilities in the beneficiary institutions, and to establish proper monitoring mechanisms.

Based on what was mentioned previously, additional purpose of the project is also to use 'train the trainers' methodology and thus train members of the (nominated) working groups in national institutions, who could then be trainers within their own institutions and persons 'in charge' of the integrity plans.

Under the project's condition experts and beneficiary parts have will attempt in at least four missions to achieve its task – implementation of the integrity plans in selected institutional unit.

4 Objectives of integrity plan project

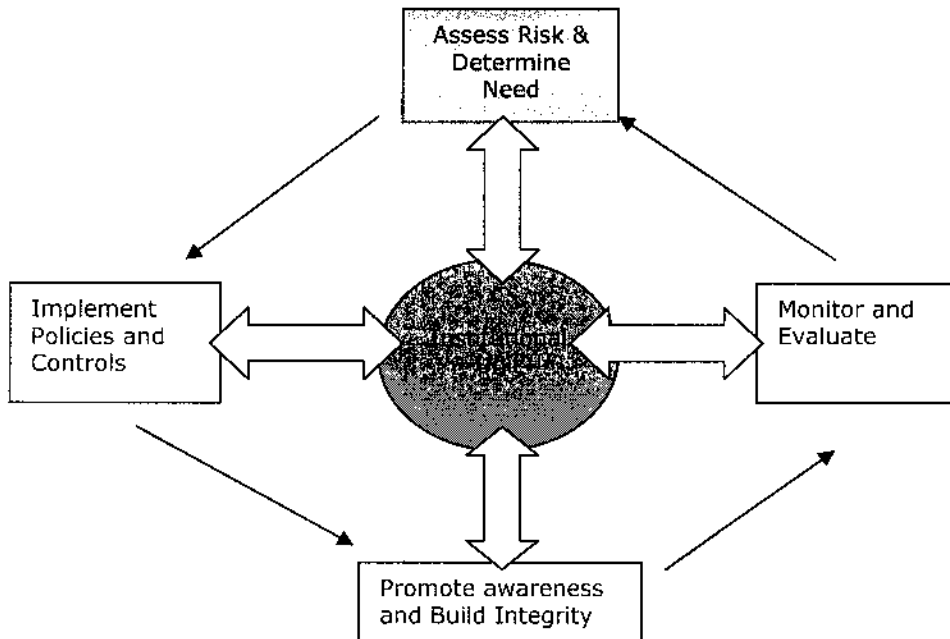
The primary purpose and main objectives of the risk assessment project in Georgia is to arrive at a broad understanding of the state of integrity and capacity within the national institutions across Georgia (at later stage of project). For that purpose, the pilot study will analyse vulnerabilities in selected institutional units and recommend strategies for improvements. The CoE experts will work together with working group of selected unit. The working groups will consist up to 5 members, depending on the size of the unit.

The report will present statistics and data drawn from the assessments, including interviews held with specific groups, implementing questionnaires, etc. Respondents will be asked set of questions specifically designed to ascertain their experience and perceptions on a specific day. The results will be presented in narrative and graphic form.

Drawing on and analysing the data, and paying particular attention to the vulnerabilities and problems identified, the report will present key findings relating to the perceptions and experience of the target groups. Based on the latter, the report will include chapter on detailed strategies/measures for improvement aimed at increasing integrity level, preventative mechanisms, generally curbing corruption within selected unit, and increasing its transparency.

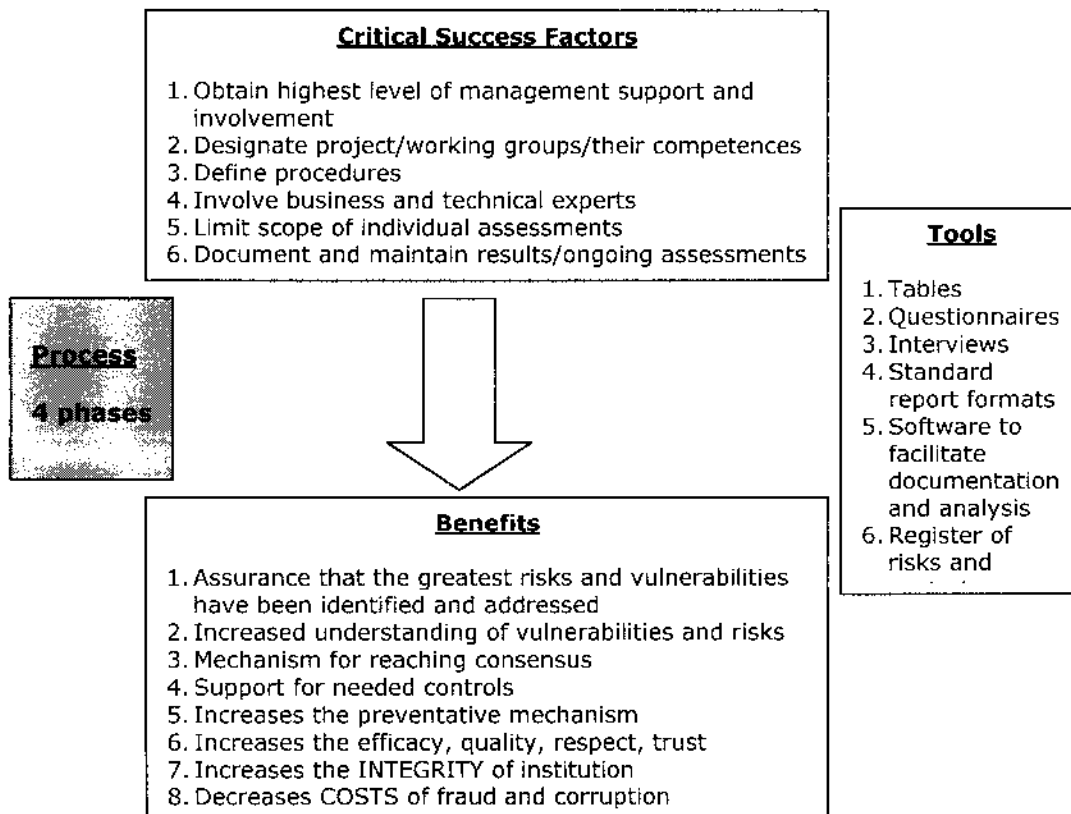
4.1 The integrity plan = risk management plan (the methodology process)

The integrity plans are strategic tool for prevention of corruption, and risk assessment as being part of it represents the systematic approach for analysis of vulnerabilities in institutions. It also combines the system of effectiveness of rules and regulations in practice (RIA model) and the system of quality. It is one of the fundamentals of the Slovenian national strategy in the fight against corruption. The Prevention of the Corruption Act in the Republic of Slovenia (2004) defines the integrity plan as "measures of legal and practical nature, which eliminate and prevent the possibilities for the occurrence and development of corruption in a body."



Although all elements of the integrity = risk management cycle are important, risk assessments provide the foundation for other elements of the cycle. In particular, risk assessments provide a basis for establishing appropriate policies and selecting cost-effective techniques to implement these policies. Since risks and threats change over time, it is important that institutions periodically reassess risks and reconsider the appropriateness and effectiveness of the policies and controls they have selected. This continuing cycle of activity, including risk assessment, is illustrated in the following depiction of the integrity plan = the risk management cycle presented above.

Risk Assessment Practices and Related Benefits



4.1.1 Phases of the integrity plan implementation for the pilot project within one selected unit

It consists of four phases: the preparation phase, identification of threats and vulnerable activities, identification of existing preventative measures and controls and evaluation of those, report development and an action plan for responding to recommendations resulting from the vulnerability assessment (introduction of new measures and controls).

The project/working group consists of:

- Up to 5 people depending on the size of unit;
- Individuals have specialised knowledge of the institution's assets and operations;
- Team members are employees;
- Unit's leadership selects the project group;
- The project groups would have to be available for each phase' implementation 3 days maximum.

The use of project group enhances the quality and efficiency of the risk assessment, in particular ensuring that tools were used effectively, terms and methods are applied consistently thus institutionalising the process, end preventing institutions from 'reinventing the wheel'.

Steps and individuals involved according to phases

The preparation phase Step Individuals involved

<p>The preparation phase</p> <ul style="list-style-type: none"> ○ The leadership of unit accepts the project/risk assessment plan ○ It nominates the project/working group ○ leader of the pr. group coordinates activities with the experts ○ The project group develops a risk assessment execution plan (covers legal background, assessment objectives and methodology based on the guidelines designed), specifying key tasks and their carriers, a timetable and deadlines for tasks' execution ○ The project group collects all necessary documentation (information about the legal framework of the organisation, about organisational structure and functions, about the work processes, list of functions, job descriptions, and members of staff, business plans, audit reports...)
<p>Top leadership, the project/working group, and the experts</p>

Identification of threats and vulnerable activities

Step Individual involved

<p>Identification of threats and vulnerable activities phase</p> <ul style="list-style-type: none"> ○ Collecting, analysing, and creating of threats and vulnerabilities (history of system threats, data from intelligence agencies, mass media, reports from audit comments, security requirements) ○ Filling out the questionnaires (carefully designed) - analysis ○ Conducting interviews – analysis ○ Setting up of the severity and probability levels for all threats and vulnerabilities ('risk index') = list of potential vulnerabilities ○ Development of the list of the control mechanism
<p>Project / working group</p>

Identification of existing preventative measures and controls and evaluation of those

Steps Individuals involved

<p>Identification and evaluation of existing preventative measures and controls phase</p> <ul style="list-style-type: none"> ○ Reviewing documentation collected during the preparation phase - analysis ○ Review of the internal rules and standards ○ Critical analysis of the existing situation and existing preventative mechanisms - current control and planned control mechanisms list ○ Application to the computer programme
--

Report development and an action plan for responding to recommendations resulting from the vulnerability assessment (introduction of new measures and controls)

Steps Individuals involved

<p>Report development and an action plan for responding to recommendations resulting from the vulnerability assessment phase</p>
<p>Project / working group</p>
<ul style="list-style-type: none"> ○ Improvement recommendations ○ Improvement priorities, deadlines and assignment of the responsibility for the implementation of the recommendation, maintenance requirements ○ The leadership adopts the integrity plan = risk management plan and follows its implementation ○ Final report development ○ Set up of monitoring system
<p>Top leadership, the project/working group, and the experts</p>

4.2 Final report contents

After the project group develops and recommends improvements/corrective actions, it prepares the exit briefing in a form of the final report, which is distributed to the institution in question.

The report highlights the most risky/vulnerable activities, with the priority of correction/improvement, type of improvement, deadlines, and who/what job position is to oversee its implementation.

The institutional unit monitors the implementation of the previously approved improvement recommendations and creates a progress monitoring (does risk management contribute to achieving outcomes). Additionally, it creates a mechanism that quantitatively assesses risks in institutional unit. Once this is achieved, it publishes the register of risks and vulnerabilities, recommendations to the higher levels of decision making bodies through its reports, and the general integrity level in the unit.

The expected results are to arrive at a broad understanding of the state of integrity and capacity within the institutional unit. Additionally, through the implementation of methodology the experts and project group will be able to statistically analyse the most exposed areas.

5 Conclusions

If we summarise the most important findings in relation to the suppression of corruption, we can conclude that foundation for elimination of corruption is prevention. Repressive measures of the prosecution bodies so far have not been successful with corruption. Thus, the positive results are achievable with the preventative measures firstly; repression merely removes consequences after they have been made. Hence, the saying "better preventing than curing" in the area of fighting corruption by all means stands.

Strong and serious societal action of promoting anticorruption behaviour is urgent. Besides the increase of public awareness on threats of corruption, the zero tolerance to corruption must be established as well. The prevention, detection, and persecution of corruption is possible only with the great support of political will, therefore, it is crucial to determine the rules of behaviour and with the strong political support it will present them to the public in such a way that it will become daily routine. It is important to establish the transparency system in order for everyone to recognise corruption. Civil society and media are in any case the best control of authority; we all know that corruption has tiny chances for success in a society sensitive to its occurrence and because each deviation of individuals gets attention and consequently also society's negative attitude. Furthermore, it is vital to increase efficacy in the area of detecting and criminal prosecution of corruption, because not compromising and consistent sanctioning of illegal acts also preventatively influences future potential perpetrators.

The objective of each efficient strategy against corruption is the creation and establishment of an environment for preventing corruption respectively modelling of a national system of organisational integrity. For this reason, each organisation should have their own anticorruption program, which will base on acknowledgement of their own vulnerable and exposed activities, thus the integrity plan. This will enable them to choose the appropriate combination of preventative measures based on their needs and which will support efficacy and quality of the organisation's activity, encourage professional behaviour, etc., in the areas most vulnerable to corruption.

The central role of the integrity plan is especially to increase the awareness of weak points of an organisation's operation, its vulnerability and exposed activity that cause risks for development of corruption. The purpose of the execution of the integrity plan is to assess the ability of a system to resist violations, which could mean integrity derogation. It is a systematic estimation of weakness and vulnerability within individual procedures, rules, and organisational processes. If and when the assessors find these areas, their task is to develop measures, which will protect risky areas from possibility of corruption. Cases that are detected with the integrity plan can and should be used for studying of successfulness of preventative measures and their improvement.

Annex 8:



Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
April 2008

Support to the Anti-Corruption Strategy of Georgia (GEPAC)

CoE Project No. 2007/DGI/VC/779

Presentation on International Standards on Ethics for Prosecutors

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Introduction

Most criminal jurisdictions in the world aspire to have at the core of their systems international norms and standards based on the principles of the rule of law, respect for human rights, good governance and the attainment of a fair trial. Giving proper consideration to these values is an essential feature of any prosecutor in any country. Prosecutors are not alone in this aspiration. All those who are interested in seeing justice being done will want to espouse these standards and values. These values and standards are derived from:

- International and regional bodies;
- Domestic law; and
- Rules and guidelines prescribed by the various relevant professional agencies.

As criminal justice systems evolve and develop, we are likely to see greater attention paid to the implementation of these standards.

1 International and Regional Standards

A starting point to explain the international standards may well be the ***Universal Declaration of Human Rights*** (1948). From it flow many of the international instruments and conventions, codes of practice rules, principles, guidelines and standards.

The ***International Covenant on Civil and Political Rights*** (1966) contains guarantees of, inter alia, freedom from arbitrary arrest and detention, the right to a fair and public trial and appeal, and the presumption of innocence. These are the day-to-day issues that we as prosecutors and/or investigators around the globe have to deal with. These become second nature to us, but to those that still do not enjoy these international standards and protection, these values take on a significant and substantial meaning.

Most of the international instruments concern regulating the conduct of those in the judicial system. Arguably, there is no other institution that a citizen can turn to when faced by the power and the might of the state being used against him or her. Who else can the citizen turn to other than an independent and fair judicial system and the presumption of innocence? International standards that exist relate to investigators, prosecutors, public servants, the lawyers, the judiciary and the penal institutions (prisons).

This is so because it is the law enforcement agencies and the judicial process which possess the capacity to violate a citizen's human rights. Public authorities, generally, have this capacity to violate human rights. It is with that in mind, perhaps, that there is much scrutiny of the law enforcement agencies within the criminal justice systems around the world.

At the centre of the many international and regional instruments lie the value and the aspiration for the rule of law, protection of human rights, right to a fair trial, etc. Whilst it is true that the capacity for law enforcement agencies to violate human rights is great, so, too is the capacity through them that human rights, rule of law, fair trial can be achieved and protected. This is so because the lawyers, prosecutors, investigators, the judiciary and the prisons are in such a position –and free from the external pressures and other undue influences.

In 1994, the UN General Assembly prepared a plan of action for the UN Decade for Human Rights Education (1995-2004), in which it called for governments to give special attention to "*the training of police, prison officials, lawyers, judges ... and other groups which are in a particular position to effect the realisation of human rights.*"

To illustrate what I am saying let me point out, briefly, some of the international instruments. The independence of the judiciary and the legal profession are addressed in:

- *The Basic Principles on the Independence of the Judiciary* (1985),
- *Basic Principles on the Role of Lawyers* (1990),
- *Guidelines on the Role of Prosecutors [Havana Guidelines]* (1990),
- The International Bar Association's *Standards for the Independence of the Legal Profession* (1990)
- *Beijing Statement of Principles of the Independence of the Judiciary* (1995) – a regional document

Human rights provisions relevant to the activities of law enforcement officials are found in

- *The Standard Minimum Rules for the Treatment of Prisoners* (1977),
- *Code of Conduct for Law Enforcement Officials* (1979),
- *Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* (1982),

- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984),
- UN Standard Minimum Rules for the Administration of Juvenile Justice [Beijing Rules] (1985),
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988),
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990),
- UN Standard Minimum Rules for Non-Custodial Measures [Tokyo Rules] (1990) and Guidelines for the Prevention of Juvenile Delinquency [Riyadh Guidelines] (1990).

Provisions concerning human rights and the administration of justice which relate to particular sectors of the community (including juveniles, women, indigenous peoples, people with disabilities, immigrants and asylum seekers) are found in:

- *The Convention on the Elimination of All Forms of Racial Discrimination* (1965), *Declaration on the Rights of Disabled Persons* (1975),
- *Convention on the Elimination of All Forms of Discrimination Against Women* (1982),
- *Declaration on the Human Rights of Individuals who are not Nationals of the Countries in which they Live* (1985),
- *ILO Convention No 169 on Indigenous and Tribal Peoples* (1989), *Convention on the Rights of the Child* (1989),
- *UN Rules for the Protection of Juveniles Deprived of their Liberty* (1990)

Many ethical codes around the world are based on the **Bangalore Principles** (1988).

The *Vienna Declaration and Programme of Action* of 1993 noted that:

"The administration of justice, including law enforcement and prosecutorial agencies and, specially an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realisation of human rights and indispensable to the processes of democracy and sustainable development."

Criminal justice should attract the best lawyers in the country. The prosecution service should attract the best lawyers in the country because criminal law is such an important branch of the law. It is where citizens have an expectation of a fair trial when faced with the might of the state against them, where the rule of law becomes alive and free from the day-to-day politics. It is where even where alleged wrong doers can expect to be treated with fairness and free from arbitrary treatment.

Recently (reported in *The Times* of 15th April 2008) the British Court of Appeal ruled that it would be against international obligations and a violation of someone's human rights to send them to a country where they would not receive a fair trial under article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), even in circumstances where the government had said they wanted to send the person out of the jurisdiction. The case involved the man Abu Qatadar, a Jordanian who had been convicted in Jordan in his absence for serious offences, and who would have faced the Jordanian system, which would not, or could not, have given him the protection of the fair trial provisions in article 6. This case is an example of how the independence of the lawyers and the judiciary stand between an individual and the power of the state.

Therefore, all the international standards are designed to mirror the just rule of law, protection of human rights etc. Domestic laws applying the just rule of law are consistent with these standards. The Codes of Professional Conduct or Code s of Ethics and other guidelines given to prosecutors by prosecuting agencies also mirror the basic values expressed in such instruments – consistently with the just rule of law as we understand it.

The reasons for our modern directions are complex. In large part, however, they are motivated by a general acceptance of the inherent dignity of the human person and the rights that are attached to preserve that dignity. There may also be pragmatic considerations: we often hear that the best evidence in a prosecution is a confession; but we should qualify that to mean only a voluntary confession – because an involuntary confession, one resulting from torture or other pressure to confess, will be inherently unreliable. (People make false confessions simply to escape from torture.)

Evidence that is otherwise unlawfully obtained may also be unreliable and broader public interest considerations also make it desirable that its use be discouraged.

2 The background - the Standards of the International Association of Prosecutors

The International Association of Prosecutors (IAP) was born in 1995 and has grown ever since. It is based in The Hague. They have many individual and organisational members from many different countries. They hold annual conferences and produce publications and research papers relevant to prosecutors.

The IAP has adopted ***Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors*** ("the Standards"). This is a combination of principles based in the values we have discussed already and practical considerations. They are directed towards ensuring conduct that will more effectively maintain the rule of law (more appropriately, the just rule of law) in all societies. In addition to the philosophical and jurisprudential arguments supporting the rule of law, there is a very practical basis for enforcing it. Without the rule of law various forms of oppression or anarchy may be allowed to prevail with unfortunate consequences for us all. The threat exists to various degrees, but to some degree in all societies.

A significant early development for the Association was the promulgation of the Standards. They have been formulated by practising prosecutors from every continent. It is intended that eventually, all prosecution services in the world will buy into them and observe the Standards – which will be the benchmarks to aspire for and be assessed according to the extent to which they implement them in practice. There is therefore a practical aspect to this exercise.

The Standards compliment the **UN Guidelines on the Role of Prosecutors of 1990 – the Havana Guidelines**. It is important to note that Standards are the minimum standards to be achieved by all prosecutors. They are not the ceiling but the floor. They should be seen as the starting point rather than the finishing line.

The Standards are promulgated in accordance with the Object of the IAP to:

"... promote and enhance those standards and principles which are generally recognised internationally as necessary for the proper and independent prosecution of offences."

It is also important to note that the Standards are short. This feature in the structure and drafting of the Standards illustrate that they are a distillation of the principles considered important by the prosecutors of the world. They are free from detailed rules and guidelines. They paint a simple outline and leave you to responsibly fill in the detail. I have read the Georgian Prosecutorial Code of Ethics. I recognise many of the international minimum standards – with other details filled in to meet the particular needs of the Georgian system. That is exactly what the international standards are designed to do – they allow national systems to adopt and import into domestic practice the international principles, values and standards.

3 The Standards

I propose to refer to only some of the issues included in the Standards. You may read and consider them in full in your own time. They are a useful reminder of how we should go about our business.

Professional conduct - Article 1

Article 1 sets out a number of forms of conduct for prosecutors. Importantly, you will note that paragraph (f) refers expressly to the prosecutor's protection of an accused person's right to a fair trial. Also, importantly, you will note that paragraph (g) requires the prosecutor to uphold the concept of human dignity and human rights. That is in many ways our day-to-day business – it is why we do what we do and lies at the heart of all our work. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights both require that trials be fair – to both sides. Indeed, Chapter 1, article 1 (2) (c) (d) of the Georgian Prosecutorial Code of Ethics recognises the values of human rights and a fair trial (human rights repeated in Chapter 2 article 5). I am aware that prosecutor colleagues in Georgia will be familiar with the substantive provisions of the ECHR and in particular with the fair trial provisions contained in article 6. You have all been trained in the Convention rights.

Fairness in many situations will be a matter of judgment, but this Article obliges us to pursue it. We must do so with due regard to the human rights of those involved. We must do so always in a way that is in the public interest.

Independence - Article 2

Article 2 establishes the independence of the prosecutor, but it is qualified. The degree of independence of prosecutorial decision making, from government and other influences, varies considerably across the globe – therefore, the article recognises this. In some jurisdictions the prosecuting authority is completely independent of government in its decision-making and a separate Code guides the decision-making. In others, it is bound up in the political functioning of government; and there are all shades in between. In Australia and the UK there is a very high degree of practical independence, particularly in prosecutorial decision-making. This article is capable of dealing with all shades of independence. (Where it is qualified, however, there is an obligation to ensure that any interference with that independence is open and accountable.) Your independence is recognised in Chapter 2 article 7 of the Georgian Prosecutorial Code of Ethics. Article 7 is an example of how international standards can be adopted and adapted to suit the needs and interests of the Georgian practice and circumstances.

Impartiality - Article 3

Article 3 requires impartiality in the way in which prosecutors carry out their functions. A combination of provisions in this article requires [paragraph (e), together with Articles 1 (f) and 4.3 (d)] the prosecution to disclose to the accused in a timely manner all material within its knowledge that may be relevant to the issues to be tried, whether that material favours an outcome for the prosecution or for the defence. This is a vitally important requirement especially in common law systems – and an important feature of article 6 of the ECHR and the principle of equality of arms. Some jurisdictions now put pressure on the defence to make some measure of disclosure by way of legal provisions (UK for example). This depends very much on the prosecution making full disclosure in the first place. The requirement to be independent and impartial is reflected in Chapter 1 article 1 (2) (d) and Chapter 3 article 9 of the Georgian Prosecutorial Code of Ethics.

Role in criminal proceedings - Article 4

This is a more specific provision affecting the conduct of proceedings by prosecutors and requires us to do certain things. It recognises the divergent

practices that exist in different legal systems. For example, some are involved in the investigation of crime while some have no investigatory role at all. In all circumstances the Article imposes upon us obligations to act objectively, impartially and professionally.

Article 4.2 (d) requires us to know when we have a viable case. That, in turn, requires us to have procedures in place for the continual screening of cases – continually assessing the strength of the evidence and the probability of conviction in due course. In other words, the discretionary prosecutions – which some of you will remember from the training that I delivered some time ago now.

Victims and witnesses are increasingly having a much greater say (quite rightly so) in the cases that involve them. **Article 4.3 (b)** refers to victims of crime. Further guidance may be had from the *UN Declaration of Basic Principles of Justice for Victims of Crime* (1985). Their needs and interests have been marginalised for too long in some systems.

Article 4.3 (h) addresses the decision to prosecute, itself, and the alternatives that may be available. Diversionary schemes are becoming more popular as the costs and delays inherent in criminal trial proceedings increase and ideas of restorative justice take hold. Again, you will recall that in the training that I provided to you I was leading you to accept that there may be alternative ways of dealing with a criminal case – one way is to diversion, particularly for youth offenders.

Co-operation - Article 5

IAP itself counsels its members to co-operate with other colleagues as appropriate in the international sphere. Cooperation is a major aim. An inter-agency approach can yield major benefits in the attainment of effective and efficient delivery of justice.

Empowerment - Article 6

(rather evocatively entitled "Empowerment") This is reference to what we as prosecutors get out of prosecuting and in part to what the state should do for us in terms of creating the conditions for us to fulfil our obligations under the Code of ethics, protection for us and our families when appropriate. The issue of resourcing is implied in this article.

4 Conclusion

The IAP Standards are for all of us. Prosecutors around the globe have detailed guidelines and policy documents assisting the decision making in the prosecution process. We must all ensure that such documents as you have in Georgia reflect the standards, duties and rights contained in the IAP Standards. You must ensure that the Code of ethics that you have is a real and meaningful Code. It is right that the Code you have is reflective of the international Standards of conduct that we have been discussing - but it is also important that we train our people and widely publicise the Code. Then we should ask the relevant authorities to create the right conditions to facilitate the enforcement of the standards. We might also want to think about helping other agencies that do not presently embrace the standards to do so and find ways of making the Code and the standards a reality in Georgia. We should use these standards and the Code of Ethics to ensure that we have an even better prosecution service for the future in Georgia.

Annex 9:



Economic Crime Division
Directorate of Co-operation
Directorate General of Human Rights and Legal Affairs
May 2008

Support to the Anti-Corruption Strategy of Georgia (GEPAC)

CoE Project No. 2007/DG1/VC/779

Outcomes of the Workshop on the Code of Ethics for Prosecutors

20-21 April 2008, Tbilisi

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The views expressed in this document are those of the authors and do not necessarily reflect official positions of the Council of Europe.

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Introduction

Purpose of the meeting

The purpose of the workshop was to raise awareness of chief/senior managing prosecutors in the correct interpretation and application of the key articles of the Code of Ethics for Prosecutors; to discuss possible future developments for the Code in the criminal justice reform context; and to ensure common understanding of importance of the Code as an enforceable document.

Initial planning and division of tasks

At the preliminary discussions about the training/workshop event, an agreement was reached to conduct the workshop in a more interactive manner, relying mostly on discussions rather than delivering simple training on issues related to prosecutor's ethics. Ultimately, a mix of training/discussion was chosen as an optimal format and the issues were divided among the experts: the international expert, Mr. **Sam Makkan**, provided an introduction to international instruments related to the conduct of prosecutors and assisted local experts in international/UK experience with regard to issues discussed at the workshop; the local expert, Mr. **Malkhaz Ghughunishvili**, focused on current problems and practical implementation of the existing Code, as well as suggested improvements/developments in the context of the exercise of prosecution powers in criminal proceedings, the role of the Prosecution Council and a more detailed format of the Code of Ethics; the second local expert, Mr. **Giorgi Jokhadze**, addressed issues pertinent to ongoing reforms of the criminal justice system (new "adversarial" Code of Criminal Procedure, "public prosecution" schemes, discretionary prosecution), as well as discussed related internal instructions/guidelines that build upon provisions of the Code in greater detail.

1 Output 1: International experience

The major reason for focusing on international instruments and practices for the conduct of prosecutors is two-fold. One is to send the message that, besides the national Code of Ethics, the prosecutors of other countries do agree to some common, global standards of ethical behaviour that reflect general consensus on human rights and the rule of law; and secondly, to enhance understanding and correct interpretation of those articles of the Georgian Code of Ethics that directly reflect international standards, by providing comparative analysis of the two. Such a solution is natural since many provisions of the Code of Ethics are directly influenced by international standards on the conduct of prosecutors (the UN Guidelines on the Role of Prosecutors, in particular) and use the same language at times.

As a result, prosecutors have a better understanding of the international standards applicable to the prosecutor's conduct, which in turn enables them to reference these standards in proposing changes to the current Code of Ethics (some of those are deliberately left out of the current version of the Code).

2 Output 2: Correct interpretation and application of key provisions of the Code

Since prosecutors at the workshop represented the senior management of the respective prosecutor's offices and departments and, therefore, are at the "frontline" of implementing standards reflected in the Code of Ethics for Prosecutors, an important issue was to ensure the correct understanding of the Code that has been in force for almost 2 years. Besides general explanations as to the ideas behind many articles, discussions pursued two major directions of the Code: professional conduct at work (independence, collegiality, legal assistance, inappropriate conduct on official duty, just to name a few) and professional relations with the wider public (conduct in court, public statements, drunk driving, etc.). Specific cases were referenced as an illustration of the application of these provisions, aiming to enhance prosecutors' understanding of the restrictions that these provisions impose on them. References and extensive explanations were also given on other internal instructions and guidelines of the Prosecution Service (Bail Instruction, Human Rights Investigation, Court Appearance, etc.), which serve to expand and elaborate on rather brief provisions of the Code and are enforceable through daily case control schemes.

As a result, senior prosecutors have a better understanding of the legal and institutional framework that governs their daily performance, are able to correctly interpret the limits of their authority and have better defined expectations related to the enforceability of the Code and internal instructions.

3 Output 3: Proposed amendments and developments for the Code of Ethics

The last session aimed at further expanding the regulatory scope of the Code by proposing stronger and more detailed standards for prosecutorial conduct. These included both challenges under the current legislation (whether to introduce a detailed model of responsibility for misuse of prosecution powers in the criminal procedure, or whether to shift the current sole exercise of disciplinary authority by the Inspector General's Office to the publicly-represented Prosecution Council) and the challenges that will inevitably arise under the new Code of Criminal Procedure and current reform processes (whether there should be detailed ethical constraints on the prosecutor's discretionary powers to charge, whether to move to models of "public prosecution" currently implemented in several regions of Georgia as a pilot project, or to alter the structure and format of the Code altogether to reflect a more adversarial system of the new Code of Criminal Procedure). Although discussions on these matters have provoked few and mostly

negative responses from the prosecutors, who would understandably resist additional ethical “checks” on their current authority, a common consensus is that the Code is in need of further development.

As a result, even despite prosecutors’ opposition to immediate developments of the Code of Ethics that will further structure and strengthen their ethical standards, they have been encouraged to think about these possibilities and there is a common understanding that ethical standards for prosecutors will be inevitably higher with a transition to the more adversarial context.

4 Conclusion

The general outcomes of the workshop generally fell within initial expectations, as long as prosecutors have generally a better understanding of the Code of Ethics and were reminded of its enforceability, however, participants were not particularly active in discussions and were generally against amending the Code in its current version. Nevertheless, there is a general consensus that the Code should evolve towards higher standards of prosecutorial conduct, especially in the light of the ongoing reform towards a more adversarial system of criminal justice.

