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EU/CoE Partnership for Good Governance
Regional Project “Fight against Corruption and Fostering Good Governance/Fight against
Money-Laundering” (PGG-REG)

TECHNICAL PAPER

Assessment of Independence and Effectiveness of Specialised Anti-Corruption Bodies in the
Eastern Partnership region

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The European Union and Council of Europe Partnership for Good Governance Program (hereinafter: PGG) is a cooperation program for Eastern Partnership Countries funded by the European Union and Council of Europe and implemented by the Council of Europe.

PGG builds on the two organisations policy priorities in the context of Eastern Partnership and on the CoE expertise in standard-setting, monitoring and cooperation methodologies. It aims to improve implementation of key recommendations of relevant Council of Europe monitoring and advisory bodies in the areas indicated in the Statement of Intent signed on 1 April 2014 by the Secretary General of the Council of Europe and the European Union Commissioner for Enlargement and European Neighbourhood Policy.

This technical paper is prepared within the Output 1, Activity 1.1 “Develop an analysis of operational effectiveness and organisational standing of specialised anti-corruption bodies for 6 EaP countries” of the EU/CoE PGG Regional Project “Fight against Corruption and Fostering Good Governance/Fight against money-laundering”.

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Disclaimer:

This Technical Paper has been prepared within the framework of the CoE/EU Partnership for Good Governance: Project “Fight against Corruption and Fostering Good Governance/Fight against money-laundering”, financed by the European Union and the Council of Europe.

The views and opinions presented herein are those of the authors and should not be taken as to reflect the official position of the European Union and/or the Council of Europe.

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ABBREVIATIONS

AC	Anti-Corruption
ACPO	Anti-Corruption Prosecutor's Office of Republic of Moldova
CCC	Commission on Combating Corruption of Azerbaijan
CEHRO	The Commission on Ethics of High-Ranking Officials of Republic of Armenia
EaP	Eastern Partnership
ECHR	European Court of Human Rights
EPAC	European Partners against Corruption
NAC	National Anti-corruption Centre of Moldova
NACP	National Agency for Corruption Prevention of Ukraine
NGO	Non-Governmental Organisations
NIA	National Integrity Authority of Moldova
OECD	Organisation for Economic Co-operation and Development
SSSG	State Security Service of Georgia
UNCAC	UN Convention Against Corruption
UNDP	United Nations Development Program

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1 EXECUTIVE SUMMARY

This Technical Paper provides a preliminary assessment of the formal independence and operational effectiveness of specialised anti-corruption (AC) bodies in the EaP region (Azerbaijan, Armenia, Belarus, Moldova, Georgia, and Ukraine – hereinafter EaP countries). The assessment is intended to establish a baseline picture of AC bodies, which would serve as a basis for further more in-depth analysis.

Anti-corruption efforts have become an important and major component of governance in all Eastern Partnership countries. However, the nature of these anti-corruption efforts varies significantly. EaP countries have applied different institutional solutions based on their particular circumstances and conditions. Moreover, they embarked on anti-corruption efforts at different historical moments and in ways that reflected specific country circumstances. For these reasons experience with tackling corruption varies both in quantity and nature.

The number of anti-corruption institutions in the countries under assessment varies from 1 to 4, and there are significant differences in the mandates and powers of these institutions. Although in some countries mandates and/or powers of AC bodies are to some extent duplicated or unclearly delineated, this is not a major problem in most countries. In certain countries there is no body with overall responsibility for coordinating anti-corruption policy.

The preliminary analysis conducted for this assessment (see Section 3 for the assessment methodology) indicates that there are significant differences in their levels of formal independence and operational effectiveness.

The results indicate that formal independence is not always correlated with effectiveness. Regarding **independence**, in most countries some changes or fine-tuning of legislation would be desirable –in particular reform of systems of selection and dismissal of management of anti-corruption bodies in order to minimise the risk of political interference.

Concerning **effectiveness**, although some anti-corruption bodies ideally need more or better remunerated human resources, and/or equipment in general resourcing is no longer a major problem. However, full access to information needed from other institutions and entities, improvements in training, along with enhanced transparency, publicity and inclusion of civil society would be desirable.

Going beyond these technical and formal aspects of the set-up of AC bodies, the information collected during this assessment indicates strongly that the biggest threat to the effective functioning of such bodies is actual or potential political pressure and interference. This may be brought to bear not only through formal channels (such as restrictions of funding, dismissal of management) but also through less formal ones such as personal, political party or other structures and networks that shape the context in which institutions exist.