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# FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in  
central governments (top executive functions) and  
law enforcement agencies

## EVALUATION REPORT

# GEORGIA



Adopted by GRECO  
at its 96<sup>th</sup> Plenary Meeting (Strasbourg, 18-22 March 2024)



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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## **I. EXECUTIVE SUMMARY**

1. This report evaluates the effectiveness of the framework in place in Georgia to prevent corruption amongst persons with top executive functions (the Prime Minister, ministers and deputy ministers, advisers to the Prime Minister and to ministers, as well as the Head of the Administration of the Government, his/her deputies, and the Parliamentary Secretary of the Government, hereafter PTEFs) and law enforcement agencies (LEAs). It aims at supporting the country in strengthening transparency, integrity, and accountability in public life, in line with GRECO standards.

2. To fulfil the twelve priorities set by the European Union Commission in order to be granted candidate status, Georgia amended on 30 November 2022 the Law “On Combatting Corruption” establishing the Anti-Corruption Bureau. However, some pitfalls in the new setting have already been identified and concerns have been expressed as to the independence of the new body. The legal framework of the Anti-Corruption Bureau therefore needs to be revised in order to provide it with increased operational independence and the Bureau needs to be equipped with adequate financial and personnel resources to effectively operate.

3. There is currently no specific strategy to prevent corruption and promote integrity amongst PTEFs. National Anti-Corruption Strategies and related Action Plans were regularly adopted in the past, but no new national Anti-Corruption Strategy and Action Plan has been developed since 2020. While a Code of Ethics and Conduct applies to public servants employed in the civil service, there is no general code of conduct applicable to the Prime Minister, ministers and their deputies or specifically to PTEFs. Lobbying regulations exist on paper but are not enforced. There is a fairly comprehensive system of asset and financial interests declaration and these declarations are made public online. However, there has been no risk-based approach in the process of selection of declarations to be monitored in recent years and the process did not result in the imposition of criminal sanctions so far. As of September 2023, the Anti-Corruption Bureau took over the task of collecting and monitoring asset declarations.

4. An anti-corruption policy including all PTEFs should be adopted, based on a prior risk assessment, and be made public. In order to prevent risks of conflicts of interest in the Executive, integrity checks should be carried out as part of appointment procedures. For the purpose of greater transparency and owing to their role in the decision-making process, the names and functions of all advisers in Government should be made public and easily accessible online. More generally, clear guidance regarding conflicts of interest and other integrity related matters should be developed in a code of conduct for PTEFs, accompanied by proper monitoring and enforcement mechanism. In connection with these standards, systematic and regular briefing and training of PTEFs should be organised. Rules on how PTEFs engage in contacts with lobbyists and other third parties who seek to influence Governmental decision-making should also be introduced.

5. Moreover, there should be more stringent rules on gifts and other benefits, with a clear threshold on acceptable gifts, expressed in a monetary value and applicable to all PTEFs. Post-employment restrictions rules should apply across the board to all PTEFs and an effective reporting, monitoring and enforcement mechanism regarding these rules should be established. Declarations of asset of PTEFs should be subject to regular substantive checks,

including a risk-based approach, given their role in decision-making at the very top of the Executive, and effective, proportionate and dissuasive sanctions should be applied when the rules are violated. Finally, there is a complex system of investigation of corruption offences in Georgia. This results in the prosecution of high-level officials being seen as not sufficiently effective. The independence and effectiveness of criminal investigations and prosecutions of PTEFs suspected of having committed corruption related offences should be ensured in practice.

6. As regards access to information, there has been a sharp decrease in transparency in recent years and frequent violations of the right to freedom of information have been reported. There is also a clear lack of proactive disclosure of public documents by the Executive. Further steps are needed to ensure a timely access to information, as well as to enhance proactive transparency. In this field, an independent oversight mechanism, vested with adequate powers and resources, should guarantee the effective implementation of the legislation.

7. As regards law enforcement, the report focuses on the Patrol Police, the Central Criminal Police and the Border Police, under the system of the Ministry of Internal Affairs of Georgia, as the bodies performing core law enforcement functions under the national laws and regulations of Georgia. There is room for improvement on the corruption prevention front, and although Georgia is in the process of establishing new risk management mechanisms, which will also apply to LEAs, there is currently no dedicated operational anti-corruption strategy in place for the police nor comprehensive corruption-risk mapping or risk assessment for the individual law enforcement agencies.

8. Additional action is also needed to ensure that background checks/vetting are carried out at regular intervals throughout a police officer's career and more frequently for those who have access to sensitive information in the performance of their duties. Mandatory integrity training for police officers needs to also be ensured throughout a police officer's career and the Police Code of Ethics needs to be updated and supplemented with enough guidance for police behaviour in their daily practice. There is also currently no procedure in place for police officers to seek confidential advice on ethical and integrity issues, which needs to be addressed, and the framework for oversight and accountability of the police would benefit from clear guidelines, protocols and/or manuals on their operation and coordination. Finally, whistleblower protection measures need to be adopted and implemented in the police and dedicated external reporting channels need to be developed as well as targeted training and awareness-raising at all levels of the police force.

## II. INTRODUCTION AND METHODOLOGY

9. Georgia joined GRECO in September 1999 and has been evaluated within the framework of GRECO's First (in October 2000), Second (in July 2006), Third (in December 2010) and Fourth (in June 2016) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website ([www.coe.int/greco](http://www.coe.int/greco)). This Fifth Evaluation Round was launched on 1 January 2017.<sup>1</sup>

10. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Georgia to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In-keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Georgia, who determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Georgia shall report back on the action taken in response to GRECO's recommendations.

11. To prepare this report, a GRECO evaluation team (hereafter: the GET), carried out an on-site visit to Tbilisi, Georgia from 19 to 23 June 2023, and reference was made to the responses by Georgia to the Evaluation Questionnaire (Greco(2016)19), as well as other information received, including from civil society. The GET was composed of Ms Mari-Liis SÖÖT, Head of Analysis Division, Criminal Policy Department, Ministry of Justice (Estonia), Mr Richard HAGEDOORN, Coordinating Policy Officer, Directorate-General for the Police and Safety Regions, Ministry of Justice and Security (Netherlands), Mr Adnan DLAKIĆ, Expert Adviser for Combatting Corruption, Ministry of Security, Department for Combatting Organised Crime and Corruption (Bosnia and Herzegovina) and Ms Catherine BRUNO, Assistant Director, Office of Integrity and Compliance, Chief Compliance Officer, Acting Deputy Designated Agency Ethics Official, Federal Bureau of Investigation (USA). The GET was supported by Ms Tanja GERWIEN and Ms Anne WEBER from GRECO's Secretariat.

12. The GET met with the Parliamentary Secretary of the Administration of the President of Georgia, the Adviser to the President, the Parliamentary Secretary of the Administration of the Government, the Deputy Head of the Cabinet of the Chairman of Parliament, the Adviser to the Chairman of Parliament, the First Deputy Head of the Public Defender and interviewed representatives of the Inter-Agency Anti-Corruption Council, the General Prosecutor's Office, the Anti-Corruption Agency of the State Security Service, the Special Investigation Service, the Ministry of Internal Affairs, the State Internal Control Department of the Ministry of Finance, the General Inspectorate of the Ministry of Justice, the Financial Monitoring Service, the State Audit Office, the Civil Service Bureau and the Anti-Corruption Bureau. The GET also met with representatives of non-governmental organisations, the media, as well as academia. Furthermore, it exchanged views with members of the EU Delegation in Georgia and the UN Resident Coordinator.

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<sup>1</sup> More information on the methodology is contained in the Evaluation Questionnaire, which is available on GRECO's [website](http://www.coe.int/greco).

### III. CONTEXT

13. Georgia is one of the founding members of GRECO, having been a member since 1999. Since then, it has been subject to four evaluation rounds focusing on different topics linked to the prevention of and fight against corruption. In summary, 72% of the recommendations were satisfactorily implemented in the First Evaluation Round, 92.8% in the Second Evaluation Round, and 60% in the Third Evaluation Round.<sup>2</sup> As regards the Fourth Evaluation Round dealing with corruption prevention in respect of parliamentarians, judges and prosecutors, the compliance procedure under that round is still on-going.

14. According to the Corruption Perceptions Index (CPI) for 2023, published by Transparency International (TI), Georgia was ranked 49 out of 180 countries and had a score of 53, which is three points down since 2022 (out of a total score of 100 – where 0 corresponds to countries where there is a high level of corruption and 100 to countries with a low level of corruption).

15. Georgia's fight against corruption seems to be stagnating according to TI's analysis,<sup>3</sup> stating that Georgia's score has not improved significantly since 2012, which is an indication that Georgia has not been taking any effective steps against corruption over the last 10 years. It found that Georgia's ranking resulted from a low level of petty corruption, but that at the same time, elite corruption and the lack of political will to fight it remain a challenge. TI's monitoring has identified dozens of cases of alleged high-level corruption that were not investigated and found that the increase in the number of such cases pointed to high-level corruption in which officials in Georgia systematically use political power to appropriate Georgia's wealth and undermine, among others, political opposition, media and civil society.

16. The public trust in institutions is reportedly declining.<sup>4</sup> At the same time, there have been signs of disengagement with international organisations on the topic of the fight against corruption: the Government of Georgia has recently opted out of participating in the 5<sup>th</sup> monitoring round of the OECD's Anti-Corruption Network for Eastern Europe and Central Asia (OECD/ACN), as the authorities considered the updated evaluation method inequitable and lacking in recognition of different levels of compliance, and was late in its reporting obligations within the framework of the Open Government Partnership (OGP) process. It has failed to deliver an OGP action plan for two consecutive cycles (2021-2023 and 2022-2024). On 29 December 2023, the Government of Georgia approved the OGP 5<sup>th</sup> Action Plan for 2024-2025<sup>5</sup> through decree. The Action Plan encompasses 10 commitments undertaken by the Government and aims "to improve access to information and transparency, enhance mechanisms to ensure government accountability to the public and increase engagement capabilities."

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<sup>2</sup> These figures provide a snapshot of the situation regarding the implementation of GRECO's recommendations at the time of formal closure of the compliance procedures. The country may therefore have implemented the remaining recommendations after the formal closure of the compliance procedure. For update, please check the GRECO website: <https://www.coe.int/en/web/greco/evaluations/georgia>.

<sup>3</sup> <https://transparency.ge/en/post/corruption-perception-index-2022-georgia-has-stagnated-fight-against-corruption-last-10-years>

<sup>4</sup> The European Bank for Reconstruction and Development noted for instance that "low and declining public trust in most government institutions suggests a need for continued governance reform": <https://www.ebrd.com/georgia-country-diagnostic.pdf>.

<sup>5</sup> See <https://www.opengovpartnership.org/documents/georgia-action-plan-2023-2025-december/>

17. The European Commission, in its Opinion of 17 June 2022 on Georgia’s application for membership of the EU,<sup>6</sup> noted that Georgia had taken important steps with respect to the fight against corruption but that more needed to be done to strengthen the anti-corruption processes and their effectiveness. It focused, in particular, on the need for Georgia to step up its fight against high-level corruption and eliminate vested interests, including those of oligarchs. It reached the conclusion that, although Georgia is a European State committed to respecting and promoting the values on which the EU is founded, Georgia would only be granted candidate status once it had fulfilled twelve priorities. These include the establishment of an independent anti-corruption agency bringing together all key anti-corruption functions, notably to rigorously address high-level corruption cases and to implement the commitment to “de-oligarchisation” by eliminating the excessive influence of vested interests in economic, political and public life.

18. To fulfil the twelve priorities set by the EU Commission, Georgia amended on 30 November 2022 the Law “On Combatting Corruption” establishing the Anti-Corruption Bureau. Georgia has also drafted a Law on “de-oligarchisation,” which was the subject of an opinion by the European Commission for Democracy through Law (the Venice Commission).<sup>7</sup> In November 2023, the European Commission recommended to grant candidate status to Georgia, noting that it has made some progress in the fight against corruption. In December 2023, the European Council granted candidate status to Georgia, on the understanding that the relevant steps set out in the Commission’s recommendation of November 2023 are taken.

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<sup>6</sup> [https://neighbourhood-enlargement.ec.europa.eu/opinion-georgias-application-membership-european-union\\_en](https://neighbourhood-enlargement.ec.europa.eu/opinion-georgias-application-membership-european-union_en)

<sup>7</sup> Venice Commission, Final Opinion on the draft Law “On de-oligarchisation”, adopted at the 135<sup>th</sup> Plenary Session, 9-10 June 2023, [CDL-AD\(2023\)017](#). On 27 November 2023, the Government adopted an Action Plan for “Avoiding the Excessive Influence of Vested Interests in Economic, Political and Public Life in Georgia (De-oligarchisation)” by Resolution 465.



#### **IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)**

##### **System of government and top executive functions**

###### *System of government*

19. Georgia is a democratic republic with a parliamentary system of government and a President as a Head of State. Following the 2010 amendments to the 1995 Constitution, which entered into force in November 2013, the President's powers were reduced in favour of the Government – headed by the Prime Minister – and of Parliament. The legislative power is vested in a unicameral Parliament, consisting of 150 members, elected for four-year terms through universal, equal and direct suffrage by secret ballot, in a mixed electoral system.<sup>8</sup>

###### *The President*

20. According to Article 49 of the Constitution, the President is the Head of the State and the guarantor of the country's unity and national independence. S/he is the Supreme Commander-in-Chief of the Defence Forces and represents Georgia in foreign relations. S/he is elected by direct vote for a six-year term, renewable only once.<sup>9</sup> The President may be removed from office only by way of impeachment. At least one-third of the Members of Parliament (hereinafter: MPs) have the right to raise the issue of dismissal of the President on the basis of a violation of the Constitution or the presence of signs of a crime in her/his action.

21. The powers and responsibilities of the President are determined by Article 52 of the Constitution, which provides, *inter alia*, that, with the consent of the Government, s/he exercises representative powers in foreign relations, negotiates with other states and international organisations, concludes international treaties, and accepts the accreditation of ambassadors and other diplomatic representatives of other states and international organisations. S/he also pardons convicts, calls the elections of Parliament and local self-government bodies in accordance with the Constitution and the procedures established by organic law and, upon nomination by the Government, appoints and dismisses the Chief of the Defence Forces of Georgia, appoints one member of the High Council of Justice as well as three members of the Constitutional Court, and participates in the appointment of the Chairperson and members of the Central Election Commission of Georgia. The President also has the right to call a referendum on issues defined in the Constitution and law, at the request of Parliament, Government or no less than 200 000 voters, within 30 days after such a request is received. A legal act of the President requires the countersignature of the Prime Minister, with some exceptions (Article 53 of the Constitution). Finally, the President delivers annual remarks at Parliament to review important issues concerning the country, including issues related to accountability, transparency, and good governance.

22. A law passed by Parliament must be submitted to the President within 10 days. The President must then sign and enact the law or return it to Parliament with justified remarks within two weeks (Article 46 of the Constitution). The President's veto may, however, be overruled by Parliament.

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<sup>8</sup> For more information see [4<sup>th</sup> Round Evaluation Report](#) on Georgia, paragraph 19.

<sup>9</sup> As of 2024, a 300-member electoral college will elect the President by open ballot, without debate, for a term of five years.

23. GRECO has agreed that a Head of State would be covered in the Fifth Evaluation Round under “central governments (top executive functions)” when s/he actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decision on government expenditure, and taking decisions on the appointment of individuals to top executive functions.

24. In the light of the above, the President’s role in Georgia is that of guarantor of the functioning of democratic institutions. The President does not lead nor define the internal and foreign policy of the state, which is set by the Government. S/he does not appoint or dismiss ministers, his/her consent is not required for the state budget and most of his/her acts and decisions need to be countersigned by the Prime Minister. The functions of the Head of State in Georgia thus appear to be mostly of a ceremonial nature, and s/he neither actively nor regularly participates in executive functions. Therefore, the GET does not consider that the President falls within the ambit of this evaluation round. That said, the GET believes that the President of Georgia may play an important role in providing democratic oversight and in contributing to efforts aimed at preventing corruption and promoting integrity, notably on the basis of the recommendations made in this report.

#### *The Government*

25. The Government is the supreme body of the executive that implements the domestic and foreign policies of the country (Article 54 of the Constitution). It consists of a Prime Minister and ministers. The Government is accountable and responsible to Parliament. It has the right of legislative initiative and may adopt ordinances and decrees on the basis and for the execution of the Constitution and other legislative acts. The Government also develops and submits to Parliament the draft State budget, ensures its implementation following its adoption, and submits a report on its execution to Parliament.

26. The candidate for Prime Minister is presented by the political party with the best results in the parliamentary elections, which, in turn, submits the Government programme to Parliament in order to receive a vote of confidence. A majority of the total number of MPs is required to pass a vote of confidence. Within two days following the successful confidence vote in the Government, the President appoints the Prime Minister.

27. The Prime Minister is the head of the Government. S/he defines the main directions and organises Government activities, coordinates and controls the activities of ministers, and signs the legal acts of the Government (Article 55 of the Constitution). S/he represents Georgia in foreign relations and concludes international treaties on behalf of Georgia. The Prime Minister appoints and dismisses ministers. S/he may assign the duties of the first Vice Prime Minister to one of the ministers and the duties of Vice Prime Minister to one or more ministers. A minister may have a First Deputy and other Deputies. The Prime Minister is accountable for the activities of the Government before Parliament. S/he has to submit an annual report on the implementation of the Government Programme to Parliament and also has to report on the implementation of particular parts of the Government Programme at the request of Parliament. Currently, the duties of the first Vice Prime Minister are assigned to the Minister of Economy and Sustainable Development; the duties of the Vice Prime Minister are assigned to two ministers: the Minister of Culture and Sports and the Minister of Defence. The

GET considers that the Prime Minister, ministers and deputy ministers fall in the category of persons with top executive functions (PTEFs) and are regarded as such for the purpose of this report.

28. At present, the Government is comprised of eleven ministers<sup>10</sup> (including one woman, the Minister of Culture and Sports) and also includes a State Minister for Reconciliation and Civil Equality, who is currently a woman. This composition is not in line with the Committee of Ministers' [Recommendation Rec\(2003\)3 on balanced participation of women and men in political and public decision making](#), according to which a balanced participation of women and men is taken to mean that the representation of either women or men in any decision-making body in political or public life should not fall below 40%. The GET therefore encourages the authorities to increase their efforts towards better gender balance in government in the future.

29. The authority of the Government may be terminated by a declaration of no confidence by Parliament.<sup>11</sup> A vote of no confidence in the Government is to be held if the motion is proposed by more than one-third of the total number of MPs. Together with a no confidence motion, the initiators have to nominate a candidate for the office of Prime Minister, who in turn proposes a new composition of the Government to Parliament. A Government programme is to be presented to Parliament together with the composition of the Government. If Parliament passes a vote of confidence in a new Government by a majority of the total number of MPs no earlier than seven days and no later than 14 days after proposing the motion, a vote of no confidence is considered passed. Within two days after a vote of confidence in the new Government, the President of Georgia appoints a Prime Minister, who then appoints ministers within two days of his/her appointment. If the President does not appoint the Prime Minister within the established time frame, the Prime Minister is considered appointed. The authority of the previous Government terminates once a new Prime Minister is appointed. If Parliament does not pass a vote of no confidence in the Government, the same MPs may not propose a vote of no confidence within the next six months.

30. In addition, at least one-third of the total number of MPs have the right to raise the issue of the removal from office through impeachment of a Government member.<sup>12</sup> A written request on raising the issue of removal from office through impeachment must include a) the description of an action which, in the opinion of the initiators of the issue, constitutes a ground for impeachment; b) the provisions of the Constitution which, in the opinion of the initiators of the issue, have been violated by an official, and/or an article/articles of the Criminal Code, when the crime provided for therein has been committed by an official; and c) evidence which, in the opinion of the initiators of the issue, confirms the merits of a constitutional submission.

31. The initiators of the issue of the removal of an official from office through impeachment have to submit a constitutional submission for an opinion to the Constitutional Court of Georgia within seven days after raising such issue. If the Constitutional Court confirms

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<sup>10</sup> Minister of Education, Science and Youth, Minister of Environmental Protection and Agriculture, Minister of Economy and Sustainable Development, Minister of Defence, Minister of Justice, Minister of Culture and Sports, Minister of IDPs from the Occupied Territories, Labour, Health and Social Protection, Minister of Regional Development and Infrastructure, Minister of Foreign Affairs, Minister of Finance, Minister of Internal Affairs.

<sup>11</sup> Article 57 of the Constitution.

<sup>12</sup> Article 178 of the Rules of Procedure of Parliament.

the violation of the Constitution by an official, as referred to in Article 178(1) of the Rules of Procedure of Parliament, or the presence of the elements of a crime in his/her actions, Parliament shall, within two weeks after receiving the opinion of the Court, consider and vote at a plenary sitting on the issue of the removal of the official from office through impeachment. A member of the Government is considered removed from office through impeachment if the decision is supported by a majority of the total number of MPs.<sup>13</sup>

32. While ministers and deputy ministers are obliged to submit a declaration of assets and financial interests after taking office and to declare any conflict of interest before being appointed (Article 14 and Article 134(2) of the Law on Combatting Corruption, see paragraph 107, below), the GET observes that there is no formalised check upon appointment, including unambiguous integrity criteria (pertaining notably to potential conflicts of interest linked to their interests and/or those of their dependents, liabilities, secondary activities, links with lobbyists or third parties seeking to influence decision-making, etc.).<sup>14</sup> The GET considers that integrity checks should be carried out when persons are being considered by the Prime Minister for a ministerial post and by a minister for a post of deputy minister. Such integrity checks would play an important part in preventing corruption by providing an opportunity to identify conflicts of interest of persons contemplated for a particular ministerial portfolio. This preliminary check could be done for example by the Prime Minister's services based on asset declarations already available, as potential ministers will often already be public officials required to submit them, and/or interviews with the Prime Minister's services to identify possible risks of conflicts of interest. Therefore, **GRECO recommends laying down rules requiring that integrity checks take place prior to the appointment of ministers and deputy ministers in order to identify and manage possible risks of conflicts of interest before joining government.**

#### *Other persons exercising top executive functions*

33. In addition to ministers and deputy ministers, there are different categories of political appointees. The day-to-day activities of the Administration of the Government are headed by the Head of the Administration of the Government, who is appointed and dismissed by the Prime Minister. The Head of the Administration of the Government has Deputies, who are appointed and dismissed by the Prime Minister, on the recommendation of the Head of the Administration of the Government. The latter and his/her deputies are considered to be public officials within the meaning of the Law on Combatting Corruption. Their role is political in nature and therefore postholders are considered PTEFs.

34. The Parliamentary Secretary of the Government is appointed and dismissed by the Prime Minister in agreement with the Government. S/he is accountable to the Government and subordinated to the Head of the Administration of the Government. S/he is a full-fledged representative of the Government in Parliament. In particular, the Parliamentary Secretary of the Government is in charge of the relations between Government and Parliament, of coordinating the ministries' activities in the field of developing draft laws, and of submitting draft laws prepared at the initiative of the Government to the parliamentary committees and plenary sessions for consideration as well as international treaties and agreements for

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<sup>13</sup> Article 180 of the Rules of Procedure of Parliament.

<sup>14</sup> Ministers and their deputies have to submit the following documents to the Prime Minister before their appointment: CV, copy of identity card, copy of diploma, drug test certificate issued by the National Bureau of Forensic Examination and a report on conviction.

ratification, denunciation and cancellation. The Parliamentary Secretary is closely associated to the decision-making process and contributes to it on a regular basis. Therefore, the GET concludes that s/he is a PTEF covered by the report.

35. The Prime Minister and each minister may also be assisted by Advisers. The Prime Minister has three advisers employed under an administrative contract: 1) the Adviser to the Prime Minister for the protection of human rights; 2) the Adviser to the Prime Minister on Defence and Security; and 3) the Special Adviser to the Prime Minister on Foreign Investments.

36. The task of advisers is to help a public official in the exercise of his/her powers by providing sectoral/field-specific advice, as well as intellectual-technical assistance and/or performing organisational-managerial functions. Advisers are employed under an administrative contract and are public servants. The requirements and restrictions established by the Law on Public Service apply to them upon taking office. An adviser exercises his/her official authority in compliance with the principle of political neutrality, in order to ensure the protection of the principle of impartiality of the public service. S/he is obliged to carry out his/her activities in a transparent and open manner; to ensure the release of public information to the interested person and/or facilitate its release in the manner established by the law; to protect from disclosure of personal data, state, commercial and professional secrets, which became known to him/her during the performance of official duties; and to use the information obtained during the performance of official duties only for the purpose specified by law. Article 78(2) the Law on Public Service states that, as a rule, persons are recruited for public service on the basis of an administrative contract without a competition. Advisers are subordinated to the official who selected them, and the duration of their contract may not exceed the term of office of that official.

37. The GET notes that the status of advisers combines two aspects. On the one hand, there are no specific rules that apply to their recruitment other than the basic requirements set by the Law on Public Service.<sup>15</sup> They are discretionarily selected and employed by the Prime Minister and ministers, and they have functions closely related to these officials' political functions. On the other hand, they enjoy the status of a public servant, who is obliged to respect the principle of political neutrality. The GET holds the view that the combination of the political nature of the appointment of advisers and their role in providing expert advice to the Prime Minister and ministers justify that they be considered as closely involved in decision-making and therefore are PTEFs.

38. The GET observes that no integrity checks are carried out prior to the appointment by the Prime Minister and ministers of advisers to provide expertise for the purpose of decision-making. Such integrity checks are, however, crucial to avert any conflict of interest before appointment. Similarly, the Head of the Administration of the Government, his/her deputies, and the Parliamentary Secretary of the Government, who are also not recruited by competition, are not subject to any integrity checks prior to their appointment, even though

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<sup>15</sup> Under Article 27(2) of the Law on Public Service, a person shall not be recruited as an officer if: a) s/he has a previous conviction for committing an intentional crime; b) s/he has been dismissed from public service for disciplinary misconduct and one year has not expired from the dismissal of the officer for the disciplinary misconduct; c) at the time of recruitment for public service, s/he fails to submit a drug test certificate; d) a court has deprived him/her of the right to occupy the relevant position in public service; e) a court has recognised him/her as a beneficiary of support, unless otherwise determined under a court decision.

they hold a pivotal role in leading the Government's activities and in the decision-making process.

39. In addition, the GET notes that there is no exhaustive list of advisers employed within the Government, as there is no obligation to proactively disclose their names and functions. In principle, this information is only communicated upon request under the Law on Freedom of Information, which does not make for easy access, especially as interlocutors met on site expressed difficulties in obtaining information from the Executive. In its 2021 report on access to public information in Georgia, the Institute for Development of Freedom of Information (IDFI) underlined that information related to advisers had proved to be one of the most challenging to receive,<sup>16</sup> among the requests sent by IDFI to public institutions over the years. Personal data contained in the requested documents was often cited as the basis for refusal to provide the given information.<sup>17</sup> For the purpose of greater transparency and owing to their role in the decision-making process, the GET is of the view that the Prime Minister as well as each ministry should clearly indicate all employed advisers and their area of competence.

40. In view of the above, **GRECO recommends that (i) advisers to the Prime Minister and to ministers, as well as the Head of the Administration of the Government, his/her deputies, and the Parliamentary Secretary of the Government, undergo integrity checks as part of their recruitment in order to identify and manage possible conflicts of interest; and (ii) the names and functions of all advisers in Government be made public and easily accessible online.**

#### *Remuneration of persons with top executive functions*

41. The rules and conditions for the payment of the salary of the executive officials as well as the upper-limit coefficient of the official salary are determined by the Law on Remuneration in Public Institutions. Official salaries are calculated by multiplying the basic amount by the appropriate coefficient determined within the limits of a respective upper limit coefficient set by the Law on Remuneration in Public Institutions (Annex no. 3) and have to be indicated in the relevant staff records of the respective public institution. The basic amount of salaries is determined by the Law on the State Budget of Georgia for 2024 (GEL 1330 in 2024; approximately EUR 461).<sup>18</sup>

42. The salaries of advisers are included in the staff list of the institution and depend on the advisers' functions and duties. According to the Law on Remuneration in Public Institutions, it should not exceed the official salary calculated in accordance with the maximum coefficient established for the position of the head of the department of a public institution.

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<sup>16</sup> IDFI, [Access to Public Information in Georgia 2021](#), p. 19.

<sup>17</sup> On 11 February 2021, the Public Defender (Ombudsman) of Georgia issued a recommendation to the Ministry of Economy and Sustainable Development, concluding that the information requested by IDFI from the Ministry (biographical data of the persons employed as advisers to the Minister and Deputy Ministers in 2018-2020, as well as copies of their contracts), while containing personal data, was of public interest and, consequently, should be disclosed. See: [Based on the IDFI's application, the Public Defender of Georgia addressed the Ministry of Economy and Sustainable Development with a recommendation to release public information](#), 17 February 2021.

<sup>18</sup> The average monthly gross salary in 2022 amounted to 1543 Georgian Lari (GEL; approximately EUR 535) and in the second quarter of 2023 to GEL 1804.5 (approximately EUR 627) according to the National Statistics Office of Georgia: [Wages - National Statistics Office of Georgia \(geostat.ge\)](#)  
Conversion rate at the end of February 2024 (1 Georgian Lari (GEL)=0.35 EUR).

Positions	Coefficient established in Annex 10 to the Law “On Remuneration in Public Institutions”	Official monthly average salary in GEL
Prime Minister	4.25	4675 (EUR 1621) <sup>19</sup>
Minister	6.25	8312.5 (EUR 2882)
First deputy of the Minister	7.50	9975 (EUR 3459)
Deputy of the Minister	7.25	9642.5 (EUR 3343)

Positions	Official monthly average salary in GEL
Head of the Administration of the Government	9975 (EUR 3459)
Deputy Head of the Administration of the Government	9310 (EUR 3228)
Parliamentary Secretary of the Government	9310 (EUR 3228)
Minister’s Adviser	5755 (EUR 1995)

43. By decision of the Government, funds for representational expenses may be set up for the Prime Minister and ministers. The concrete amounts and procedure for using these funds is determined by the Government. Furthermore, executive officials may use a personal vehicle, which appears on the balance sheet of the relevant institution and is transferred to a specific person for official use on a temporary basis. After leaving the position, the vehicle remains on the institution’s balance sheet and the relevant person is no longer authorised to use this vehicle.

44. Family members (parents, spouse, minor and/or disabled child(ren)) of former high political officials of Georgia, whose powers were terminated due to resignation or death, enjoy social security guarantees, based on the Law of Georgia on Guarantees of Social Protection of Family Members of Former Higher Political Officials of Georgia.

### **Anticorruption and integrity policy, regulatory and institutional framework**

#### *Anticorruption and integrity policy*

45. There is currently no specific strategy to prevent corruption and promote integrity amongst PTEFs. While national anti-corruption strategies and related action plans were regularly adopted in the past, no new national anti-corruption strategy and action plan has been developed since 2020. The 2019-2020 anti-corruption action plan expired on 31 December 2020.

46. One of the main tasks of the newly established Anti-Corruption Bureau (hereinafter: ACB, see also paragraph 59, below) is to develop a national anti-corruption strategy and a draft action plan for its implementation, and to submit them to the Government for approval (Article 20<sup>15</sup> of the Law on Combatting Corruption). Such an anti-corruption strategy and action plan are to include a methodology and procedures for assessing corruption risks in

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<sup>19</sup> By decision of the Prime Minister not to increase his salary, despite an increase in the basic salary [salaries as of January 2024].

appropriate bodies and organisations. During the on-site visit, the GET learned that the ACB had started working on the development of the strategy and the implementing action plan.

47. As regards risk management mechanisms, the Anti-Corruption Council (see below) approved a methodology in December 2019 for assessing corruption risks,<sup>20</sup> which provides for a systematic assessment of corruption risks based on uniform principles. The document is intended for public authorities and is aimed at identifying both individual and organisational risks and risk factors, as well as determining the probability of a risk to materialise and the impact it might have. The GET was informed that the ACB had started updating this methodology in cooperation with European experts. The methodology is to become a guiding document setting a uniform standard for all state and municipal bodies. The ACB is to elaborate the anti-corruption policy documents mentioned above on the basis of the results of corruption-risk assessments provided by the relevant state bodies and on a number of sector-specific research.

48. First steps have already been taken to implement the risk assessment methodology in practice. In particular, in the Action Plan for 2023-2024 of the Public Administration Reform Strategy for 2023-2026, pilot agencies and municipalities were identified to carry out risk assessment, which is to be preceded by training of representatives of these agencies in relation to risk assessment. In addition, risk assessments by government agencies are to be conducted at reasonable intervals and the risk assessment results document is to be continually updated. Internal audit departments of each ministry are to manage the risk evaluation process annually.

49. This risk assessment methodology is piloted in six central ministries, namely the Ministry of Finance, the Ministry of Internal Affairs, the Ministry of Education, Science and Youth, the Ministry for IDPs from the Occupied Territories of Georgia, Labour, Health and Social Protection, the Ministry of Environment Protection and Agriculture and the Ministry of Culture and Sports. In this context, a risk management manual has been developed, mid-level executives of the pilot ministries have been trained, registers of operational risks have been developed for sectoral structural units of pilot ministries, and persons responsible for coordinating the risk management – “risk officers”<sup>21</sup> – have been selected and trained in the pilot ministries.

50. The GET takes note of the ongoing work of the ACB concerning the development of a national anti-corruption strategy and the update of a methodology to assess corruption risks. It considers that a holistic approach to risks faced by PTEFs, specifically tackling integrity challenges they are facing, should be an integral part of the ongoing work. This should be addressed by adopting a devoted anti-corruption policy covering all PTEFs. Such a document should be developed in consultation with civil society and be made public. It should also be based on a risk assessment specifically targeting persons with top executive functions and include particular steps to mitigate risks identified in respect of them. The GET is of the opinion

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<sup>20</sup> The Corruption Risk Assessment Methodology was drafted by the former Secretariat of the Anti-Corruption Council (Analytical Department of the Ministry of Justice of Georgia) with the support of the EU technical assistance project “Support to Public Administration Reform of Georgia” and is available online at: <https://archive.justice.gov.ge/Ministry/Department/1576>

<sup>21</sup> The role of “risk officers” is notably to develop and coordinate the risk management policy and internal control activities throughout the institution, to conduct meetings and workshops in the institution in order to raise awareness about risk management, and to gather information related to risk management, prepare and present reports to the management.



that, since the ACB will be responsible for evaluating the results of the implementation of the future anti-corruption strategy, it would also appear important that the ACB regularly issues public reports and recommendations to the executive, based on a comprehensive analysis of the state of implementation of the new anti-corruption policy. On this basis, the policy should be reviewed and updated at regular intervals. Such reviews should involve meaningful public consultations and be transparent.

51. Therefore, **GRECO recommends that (i) an anti-corruption policy including all persons with top executive functions be adopted, based on a prior risk assessment, and be made public; (ii) the Anti-Corruption Bureau regularly reports to the public on the implementation of such anti-corruption policy, including the identification of corresponding remedial measures, and the policy be subsequently revised or adopted afresh.**

#### *Legal framework and ethical principles/rules of conduct*

52. The [Law on Public Service](#) and the [Law on Combatting Corruption](#)<sup>22</sup> (hereinafter: LCC) are the two main legislative acts of Georgia dealing with integrity related matters of persons with top executive functions and public servants in general.

53. For the purposes of the LCC, the term “public official” covers notably the President of Georgia, members of the Government and their deputies, the Head of the Administration of the Government and his/her deputy, the Parliamentary Secretary of the Government, the Head of the Administration of the President and his/her deputy, the Parliamentary Secretary to the President, the Head of a primary structural unit of a ministry, his/her deputy and persons equivalent to them, and the Head of a secondary structural unit and persons equivalent to them (Article 2(1) LCC). In addition, the LCC applies to persons recruited for public service on the basis of agreements under public law (administrative contracts),<sup>23</sup> and consequently covers advisers to public officials.

54. Conflict of interest-related matters are regulated by the LCC. The LCC outlines the restrictions on actions related to using official power or opportunities, disclosing information, receiving fees or any other benefits for providing services or publishing the information created or obtained in the public sector (Chapter II). Furthermore, incompatibility of duties and disclosing an economic interest is also outlined, restricting public servants to perform any kind of paid work (except for academic, pedagogical, creative activities and activities in the reserve of defence forces) or to hold another position in any public or private institutions, as well as obliging public officials to disclose interest by submitting an asset declaration (Chapters III and IV). Moreover, the Law provides a succinct framework on general standards of conduct for public servants (Chapter III<sup>1</sup>). The general rules of conduct determined by this Chapter aim to establish general principles regulating the conduct of public servants when exercising official powers.

55. On the basis of these rules, a general Code of Ethics and Conduct for the Civil Service was adopted on 20 April 2017 through Decree no. 200 of the Government of Georgia “on

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<sup>22</sup> Following amendments adopted in November 2022, the title of the Law on Conflict of Interest and Corruption in Public Service (LCI) was changed to Law on Combatting Corruption.

<sup>23</sup> For the purposes of the LCC, public servants are state servants, professional public servants and persons recruited for public service on the basis of agreements under public law, which are defined in the Law on Public Service (Article 2<sup>1</sup>(1) LCC).

defining Ethics and General Rules of Conduct in Civil Service” (hereinafter: the Code of Ethics). The Decree defines a number of general principles (loyalty, legality, political and religious neutrality, good faith) and contains provisions on conflicts of interest and gifts, as well as standards of professional conduct. According to Article 2 of the Decree, the general rules of conduct apply to public servants employed in the civil service and to labour contract employees (except for conflict of interest and gift regulations defined by Articles 9 and 10). The Code of Ethics thus applies to advisers as they are employed under administrative contracts and are public servants. However, the Code of Ethics does not apply to “state political officials” and “political officials”. As a consequence, it does not apply to the Prime Minister, ministers and their deputies, but covers the Head of the Administration of the Government, his/her deputies and the Parliamentary Secretary of the Government.

56. Violation of the Code of Ethics is ground for disciplinary proceedings against the public servant concerned. Each public institution is responsible for enforcing ethical norms, most often through its internal audit department, general inspection service, or human resources department. In 2022, 52 cases of disregarding or violating the ethical norms and general rules of conduct that aim at discrediting a civil servant and a public institution, committed at or outside the workplace, were revealed and subject to disciplinary liability – including two at ministries’ level.

57. The GET notes that there is no general code of conduct applicable to public officials or specifically to PTEFs. While the Code of Ethics applies to public servants employed in the civil service and thus covers advisers, no separate code of conduct for ministers or other PTEFs in general exists. The GET also observes that there is low awareness about the content of the Code of Ethics, thus hindering its impact,<sup>24</sup> although a commentary with illustrations was adopted in 2018.<sup>25</sup> In addition, the Code is written in general terms and is not tailored to specific positions that are more exposed to corruption. As for the LCC, it contains a number of integrity-related rules of relevance and covers all PTEFs, with some exceptions for certain provisions. Overall, there is therefore a lack of clarity as to which provisions apply to whom.

58. Therefore, the GET considers it urgent that a code of conduct that applies specifically to PTEFs be developed. Such a code should be the reference document for ethical standards for PTEFs and should cover all pertinent issues (conflicts of interest, incompatibilities, gifts, contacts with lobbyists and third parties, post-employment restrictions, asset declarations, confidential information, etc.). It should be accompanied by detailed guidance containing explanations of the ethical principles, including illustrations and/or examples, in order to facilitate their understanding and application in practice. Moreover, in order to ensure its effective implementation, sanctions incurred in case of breach should be specified. Finally, such a code should be made known to the public in order to show what standards PTEFs are expected to respect and be held accountable for. Consequently, **GRECO recommends that (i) a code of conduct for persons with top executive functions be adopted, published and complemented with clear guidance regarding conflicts of interest and other integrity-related matters (such as gifts, contacts with third parties, outside activities, contracts with state authorities, the handling of confidential information and post-employment restrictions); and (ii) such a code be coupled with a credible and effective mechanism of supervision and sanctions.**

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<sup>24</sup> See [Handbook on Open Local Government and Public Ethics in Georgia](#), Council of Europe, January 2022, p. 16.

<sup>25</sup> Available in Georgian at: <http://www.csb.gov.ge/media/2797/ethiks-comm.pdf>

## *Institutional framework*

59. Following amendments to the LCC, adopted on 30 November 2022, the Anti-Corruption Bureau was established as an independent legal entity under public law (Article 20<sup>12</sup> of the LCC).<sup>26</sup> The overall objective of the ACB is to facilitate the fight against corruption. To achieve this goal, the ACB is to develop proposals for formulating a general anti-corruption policy, develop a national anti-corruption strategy and a draft action plan for its implementation, and coordinate the activities of relevant bodies, organisations and officials to implement these documents.

60. In addition, the ACB has been tasked with developing relevant proposals for the prevention, detection, and suppression of conflicts of interest in public institutions; controlling asset declarations by public officials; monitoring the financing of political parties; researching and analysing existing international standards and experiences in the field of fighting corruption; and raising awareness of the population on the issues of combatting corruption. It can also issue relevant recommendations to improve the protection of whistleblowers. The ACB may request the necessary information from relevant entities, cooperate with local and international organisations, carry out relevant visits inside Georgia and abroad, and create appropriate working groups. If a case of corruption is identified, the ACB is authorised to refer the information to the competent investigative body for the further process of the case. The ACB does not have any investigative powers in case of criminal misconduct.

61. The ACB is accountable to Parliament and to the Inter-Agency Anti-Corruption Council (see below). Once a year, and no later than 31 March, the ACB must submit to Parliament an annual report on issues falling within its authority and, on its own initiative or upon the request of the Anti-Corruption Council, submit periodic reports to the Anti-Corruption Council. The ACB has its own budgetary funds and financial resources. The budget of the ACB is determined annually by the Law on the State Budget for the corresponding year. The ACB is to be staffed with 86 permanent staff members and 50 persons employed on an employment agreement, divided among 14 departments.<sup>27</sup> As of 1 March 2024, in addition to the Head of the ACB and two Deputies, there were 60 persons employed at the ACB, including legal analysts, administrative and financial managers, accountants, procurement specialists, persons in charge of logistics, IT specialists etc.

62. The ACB is headed by the Head of the ACB, who is appointed by the Prime Minister. Candidates for the post of head of the ACB are selected through a competition. The vacancy has to be advertised publicly. A competition commission<sup>28</sup> for the selection of candidates for

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<sup>26</sup> Strengthening the independence of the Anti-Corruption Agency and rigorously addressing cases of high-level corruption is one of the [recommendations](#) given to Georgia by the European Commission for granting the status of an EU candidate country.

<sup>27</sup> Administration Department; Legal Department; Analytical Department; Anti-Corruption Policy Department; International Relations Department; Department for the Monitoring of the Property Status of Public Officials; Department for Ensuring the Declaration of Property Status of Public Officials; Department for the Monitoring of the Political Financing; Department for Whistleblowing, Conflict of Interests and Risk Assessment; Department for the Technological Development; Quality Assurance Department; Centre for Anti-Corruption Education; Unit for the Finances and Logistics; Unit for the Strategic Communications.

<sup>28</sup> The competition commission is composed of seven members and includes representatives of the Parliament of Georgia, the Government, the Supreme Court and the General Prosecutor's Office, as well as the Public Defender of Georgia or a representative of the Public Defender of Georgia and a representative of non-entrepreneurial (non-commercial) legal entities with respective knowledge and experience, selected by the Public Defender of Georgia through an open competition.

the position of head of the ACB nominates these candidates (no less than two and no more than five candidates) to the Prime Minister, for the appointment of one of them to the position of head of the ACB.<sup>29</sup> The term of office of the Head of the Bureau is six years. The Head of the ACB has a first Deputy and a Deputy, appointed and dismissed by him/her. Grounds for the early termination of the powers of the Head of the ACB are in the LCC (Article 20<sup>19</sup>).

63. As a result of the amendments to the LCC, the Inter-Agency Anti-Corruption Council, which was set up in 2008, continues functioning, although with a different mandate. It is composed of officials from the executive branch, the legislature and the judiciary, as well as several representatives of the business sector and civil society organisations. Its Secretariat was transferred from the Analytical Department of the Ministry of Justice to the Administration of the Government in March 2021. The Anti-Corruption Council did not convene in 2020 and 2021 and its last meeting reportedly dates from 2019. While the Anti-Corruption Council used to be presented as the key coordinator on anti-corruption issues, its main function is now “to facilitate the implementation of a unified state policy in the area of the fight against corruption” (Article 20<sup>22</sup> of the LCC). For that purpose, it can request periodic reports from the ACB, develop relevant proposals and issue recommendations for the implementation of a general anti-corruption policy, a national anti-corruption strategy and action plan, and give recommendations to the ACB on how to improve its activities. The ACB is to actively cooperate with the members of the Anti-Corruption Council. Overall, the Anti-Corruption Council’s role is thus merely that of an advisory body, providing recommendations and support to the ACB.

64. Another body responsible for promoting integrity and preventing corruption is the Civil Service Bureau (hereinafter: the CSB), which is to participate in the implementation of state programmes for preventing corruption in the public service, in close coordination with the ACB. Until September 2023, the mandate of the CSB was notably to collect and monitor asset and interest declarations completed by public officials. Its main task is to enhance the adherence of public servants to ethical norms, promote integrity in the civil service, and prepare recommendations in this respect. Additionally, within its awareness-raising campaigns, the CSB is responsible for conducting trainings and meetings on ethics, whistleblower protection, and anti-corruption prevention mechanisms. The CSB is accountable to the Prime Minister and the Public Service Council and submits reports on the results of its activities to them. The CSB’s activities are controlled by the Government. The funding sources of the CSB include funds from the state budget, income generated as a result of delivered services or imposed duties, and grants. As of the 1<sup>st</sup> of September 2023, two departments of the CSB (the Department for Monitoring the Property Status Declarations of Public Officials the Declaration Monitoring Department and the Department for Ensuring the Declaration of the Property Status of Public Officials the Asset and Interest Declaration Department) were transferred to the ACB. Employees from these departments are progressively transferred, with their agreement, to the ACB and reappointed to the same position, with the same salary.

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<sup>29</sup> A citizen of Georgia who has no criminal record and has higher education in law, at least 5 years of work experience in the system of justice and law enforcement bodies or the area of human rights, as well as a high professional and moral reputation, may be appointed to the position of Head of the Anti-Corruption Bureau (Article 20<sup>16</sup>). Mr Razhden Kuprashvili, former Director of the Legal Aid Service, was appointed Head of the Anti-Corruption Bureau by the Prime Minister of Georgia in February 2023: <https://www.gov.ge/en/news/353280?page=1&year=2023>

65. In addition, the Anti-Corruption Agency of the State Security Service of Georgia (SSSG), established on 1 August 2015, is tasked with investigating corruption offences (see also paragraph 158, below). According to the Statute of the Anti-Corruption Agency (Department) of the SSSG, the objectives of the Agency are to combat malfeasance, corruption crimes and investigate criminal cases within its competence; to carry out measures aimed at prevention, detection and suppression of corruption; to conduct operative-searching activities as provided by the legislation; to take appropriate measures against individuals committing corruption-related offences; and to conduct preventive measures in order to avoid and suppress crimes and other offenses.

66. Lastly, the Financial Monitoring Service is the Georgian Financial Intelligence Unit (FIU), whose main role is to facilitate the prevention, detection and suppression of money laundering, financing of terrorism and proliferation of weapons of mass destruction.

67. From the outset, the GET notes that there is no lack of bodies dealing with anti-corruption issues in Georgia. In this context, the establishment of the ACB, whose task is *inter alia* to coordinate the activities of relevant bodies, is a promising development. However, it still needs to build a track-record and ensure that its action does not duplicate, but rather ensures holistic coordination with, and adds value to, other structures already in place in the anti-corruption arena. At the time of the visit, the ACB was in an ongoing process of recruiting staff and setting up its organisational structure and functions. As of September 2023, it took over the task of collecting and monitoring asset declarations (previously done by the CSB and addressed later in this report in paragraph 147) and monitoring of political parties financing (previously done by the State Audit Office). The GET considers that it is therefore premature to assess the role that the ACB will play in the current anti-corruption institutional framework.

68. Yet, the GET already sees some pitfalls in the new setting. First, the GET notes that concerns have been expressed as to the independence of the ACB, as its Head is nominated by the Prime Minister. For the GET, this requires further attention, especially given the functions devoted to the ACB to prevent conflicts of interest and to monitor asset declarations, including with respect to PTEFs. These tasks are particularly important for corruption prevention purposes, and further recommendations are made in this regard later in this report (paragraph 114 and paragraph 154). The GET also notes that the Venice Commission, in an Opinion adopted in December 2023,<sup>30</sup> recommended some further amendments to strengthen the independence of the ACB, e.g. with respect to the appointment and dismissal of the Head of the ACB, the powers of the ACB and the role of the Anti-Corruption Council. This calls for a revision of the applicable legislative framework. The ACB will also need to prove its value and assert its credibility, which will largely depend on its concrete work. In order to do so, the ACB needs to be equipped with adequate financial and personnel resources to effectively operate.

69. Consequently, **GRECO recommends that (i) the legal framework of the Anti-Corruption Bureau be revised in order to provide it with increased operational independence; and (ii) the Anti-Corruption Bureau be provided with adequate financial and human resources to perform its tasks effectively notably with respect to persons with top executive functions.**

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<sup>30</sup> Georgia - Opinion on the provisions of the Law on the fight against Corruption concerning the Anti-Corruption Bureau, adopted by the Venice Commission at its 137<sup>th</sup> Plenary Session (Venice, 15-16 December 2023), [CDL-AD\(2023\)046](#).

## Awareness

70. Since the amendments to the LCC made in 2022, the ACB became the body responsible for making recommendations on conflicts of interest to public officials. Moreover, the human resources department of each public institution has to inform employees about the principles of integrity and ethics. An additional mechanism for raising awareness about integrity and ethics principles is the integrity awareness guidelines developed by a number of ministries. For instance, the Building Integrity Awareness Strategy and Action Plan for its implementation have been developed by the Ministry of Defence, to ensure that the personnel of the Ministry is provided with relevant information, knowledge and experience to strengthen its integrity competence, professional development and involvement in the reforming process, as well as minimise risks of corruption.

71. As a general rule, informing executive officers on risk factors, integrity and ethics principles, rules of conduct and relevant legislation is carried out by structural units within their competence, e.g. the internal audit, monitoring and inspection departments, which are mandated to generate information on the risk factors and risks related to dishonest actions (fraud), corruption, conflicts of interest and violation of the rules of conduct.

72. In addition, the CSB continues to work towards raising awareness on ethics and conscientious conduct in the civil service. For this purpose, the CSB has developed a digital learning course on ethics in the civil service, comprising learning and examination modules on the concepts provided by the Code of Ethics, as well as conflicts of interest topics. A guide to assisting appointed state and political officials in fulfilling their obligations imposed by the law and to highlight their role in public administration has also been prepared. The CSB regularly issues written recommendations, as well as telephone consultations, on various issues within the framework of the Law on Public Service, the LCC and the Law on Remuneration in Public Institutions. During the visit, it was explained to the GET that ministers and deputy ministers may refer to the CSB for advice on specific matters, although the GET was told that, in practice, no minister or deputy minister had ever turned to the CSB for advice.

73. The Anti-Corruption Agency of the State Security Service of Georgia (SSSG) has also increased its efforts in the operational-investigative, preventive and analytical directions. The Corruption Prevention Unit was established in 2020 within the Anti-Corruption Agency of the SSSG. One of the key priorities of the SSSG is to carry out preventive measures within its competence, *inter alia*, by conducting awareness-raising meetings with public officials on corruption as a serious criminal offence. Public servants, in particular employees of the Anti-Corruption Agency of the SSSG, the Department of Criminal Prosecution for Corruption Crimes of the General Prosecutor's Office and the Ministry of Justice, regularly undergo trainings offered by international partners, including on the topic "Integrity in Public Service" within the framework of the European Union project "Support for Public Administration Reform in Georgia".

74. The GET welcomes the range of awareness activities on ethics and integrity issues that have been developed by the CSB and other institutions in Georgia. However, it notes that these activities only target civil servants. The GET was told that there are no systematic briefings or training on integrity issues organised for members of the Government and their advisers, neither when they are taking up their functions nor while in office. During the on-

site visit, the GET was informed that the ACB was developing a training centre and training syllabuses, which are to include specific trainings for high public officials. Until today, there is however no system for continuous training for these officials. The GET considers that all PTEFs should be systematically briefed/trained upon taking their posts about integrity standards applying to them and the conduct expected of them in terms of conflicts of interests, declaration duties, contacts with third parties, gifts, etc. This would be facilitated by the adoption of a code of conduct for PTEFs, as recommended earlier in the report (see paragraph 58).

75. Furthermore, interlocutors met on-site were not clear about the effective possibility for PTEFs to get individual advice in confidence, and it was not made clear which institution (human resources, internal audit or inspection department, the CSB or more recently the ACB) should be seized first. It appears that there is a confusion about who is responsible for providing advice, in particular to ministers and their advisers, as there is not a single body that seems to be competent, but several.

76. The GET considers that there needs to be a dedicated mechanism for PTEFs, which would promote and raise their awareness on integrity matters, including by providing confidential counselling whenever necessary, as well as inception and in-service training. The GET stresses that these activities are important to strengthen integrity in decision making and inform PTEFs on how to deal with ethical dilemmas in their daily activities. Therefore, **GRECO recommends (i) developing mechanisms to promote and raise awareness on integrity matters among all persons with top executive functions, including through integrity training at regular intervals; and (ii) developing centralised confidential counselling to provide these persons with advice on integrity, conflicts of interest and corruption prevention.**

### **Transparency and oversight of executive activities of central government**

#### *Access to information*

77. In accordance with the Rules of Procedure of the Government,<sup>31</sup> governmental meetings are usually closed. In cases provided for by law, as well as by a decision of the Government, a meeting of the Government may be announced publicly. Decrees adopted by the Government, with the exception of cases provided for by law, must be posted on the Government's website no later than three working days after their adoption. After a governmental meeting, a briefing is to be held regarding the decisions taken at the governmental meeting, which is broadcast live through the official Facebook page of the Government. In addition, information about the meetings of the Government and the agenda of meetings are posted on the website of the Government.<sup>32</sup> The OGP Action Plan 2024-2025 stresses in this regard that "the minutes of government meetings are not publicly available, diminishing public awareness regarding decisions made during these sessions. To enhance the transparency of government activities, increase public accountability, and keep citizens well-informed, the agenda of each meeting will be published before its commencement, and the minutes of the session will be proactively made available on the official government website following its conclusion."

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<sup>31</sup> "Rules of Procedure of the Government of Georgia" approved by the Ordinance no. 77 of the Government of Georgia of 14 February 2018.

<sup>32</sup> <https://www.gov.ge/>

78. Georgia has signed, but not ratified, the Council of Europe [Convention on Access to Official Documents](#) (CETS no. 205, also known as the Tromsø Convention), and the GET invites it to do so.

79. Article 18.2 of the Constitution provides for the right of the public to request and receive information from public authorities in accordance with procedures established by law – unless the information/document contains commercial or professional secrets or state secrets in accordance with the law, as necessary in a democratic society to ensure national security or public safety or to protect the interests of legal proceedings. The General Administrative Code contains a [Law on Freedom of Information](#) in its Chapter III (Articles 27-50), which outlines procedures for requesting information from a public authority (both central and municipal).

80. The Code provides that everyone is entitled to request public information regardless of its physical form and storage condition, and applicants do not have to specify the reasons for their request. An applicant has the option of being allowed to view the original of the information required or to ask for a copy. Requests for information should be made in writing, including via electronic means. Fees for the provision of public information are expressly prohibited by law, except for covering the actual costs of producing copies. Public institutions are obliged to provide the requested information immediately or no later than 10 working days from the application.<sup>33</sup> Applicants must be notified of the refusal to disclose information immediately and must be given, within three days of the refusal, a written explanation of the reason for denial and information on the available appeals procedures. In the appeal procedures, aimed at challenging the denial decision of a public institution, the burden of proof lies with the public institutions. Furthermore, a public institution has to ensure proactive publication of public information, in the manner and under conditions determined by the relevant subordinate normative act.<sup>34</sup>

81. According to statistics provided by the authorities, a total of 238 requests for public information were registered by the Executive in 2022, compared to 163 in 2021. Among these requests, 53 were satisfied, 66 were referred to the relevant public authority (in accordance with Article 80 of the General Administrative Code), and 119 were still being processed. The inquiries received related to a large extent to legislative initiatives, Orders of the Prime Minister, Resolutions and Decrees of the Government, as well as to different expenses and the remuneration of the staff of the Administration of the Government. The Institute for Development of Freedom of Information reports for its part that, in 2022, its standard requests were left unanswered by all ministries, resulting in a response rate ranging from only 0% to 40%,<sup>35</sup> with the Ministry of Culture, Sports and Youth having the lowest score.

82. The GET notes that there is no dedicated independent body to supervise the implementation of the right to access public information and receive complaints. Any decision regarding access to public information is subject to appeal before a court. There is also no sanction foreseen for unlawful refusal to provide information, except the right to claim

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<sup>33</sup> Article 40 of the General Administrative Code.

<sup>34</sup> Article 28(2) of the General Administrative Code.

<sup>35</sup> IDFI, [Access to Public Information in Georgia 2022](#), p. 7. Among the central public institutions, the highest rate of access to public information was observed for the Administration of the President of Georgia (95.36%) while the indicator for the Administration of the Government was only 18.31%. IDFI notes that, in 2022, results for all ministries significantly worsened in the access to information rating compared to the previous year.



property and moral damages before a court if the requested public information has not been issued. Within its mandate, the Public Defender (Ombudsman) of Georgia can receive complaints relating to freedom of information.<sup>36</sup> However, it has been pointed out that the procedure is lengthy, and the decision issued not binding.

83. The GET finds it positive that the right of the public to request and receive information from public authorities is enshrined in the Constitution. However, it is concerned that access to information is strongly hampered in practice. Non-governmental interlocutors were unanimous in recognising that there has been a sharp decrease in transparency in recent years and frequent violations of the right to freedom of information have been reported. This is all the more worrying in a context marked by vilification of journalists,<sup>37</sup> including those investigating high-level corruption.

84. The GET further notes that there is an uneven practice of disclosing public information within the Executive. In the course of the on-site visit, representatives of civil society shared the view that access to information varies from one institution to another, with some ministries being rather open, while others, citing the Ministry of Culture,<sup>38</sup> are rarely, if ever, responding to information requests. Moreover, there is a clear lack of proactive disclosure of public documents by the Executive. Several interlocutors underlined that, although there is a list of documents which should be automatically published once adopted,<sup>39</sup> this is not the case in practice. This ranges from the failure to publish decisions concerning commercial fishing licenses, to decrees approving the sale of state property and contracts in public procurement. That said, the GET heard on-site that the authorities often refer to technical problems to justify the failure to publish information on their website, as required by law. The GET is pleased to note that this matter has been taken up by the authorities, who committed in the OGP Action Plan 2024-2025 to enhance the standard for the proactive publication of public information.

85. Concerns were also expressed about the long delays in the authorities' response to requests for access to information – or the absence of any response, the authorities' frequent use of personal data protection rules as a shield to avoid transparency requirements and the lack of a specific body empowered to supervise compliance with the legislation. As a consequence, those seeking information have to turn to the courts to get their request for information honoured. This can take up to four years, which means that responses to most information requests become irrelevant by the time they reach the applicant.

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<sup>36</sup> [The Situation in Human Rights and Freedoms in Georgia 2022](#), Report by the Public Defender of Georgia, p. 125. In 2022, the Office of the Public Defender registered 39 applications regarding the violation of the right to access public information. The report underlines that the absence of an effective supervisory institution for the realization of the right to access public information has been a significant challenge for years, with declining statistics of cases filed in court regarding the provision of public information indicating a failed mechanism of judicial control (p. 126).

<sup>37</sup> See RSF – Reporters without Borders, [Index 2023](#): “The environment is becoming increasingly hostile for independent and opposition media and the country saw an unprecedented number of physical assaults on journalists in 2021.”

<sup>38</sup> The GET was told that the Ministry of Culture had for instance no website for two years.

<sup>39</sup> See Decree No. 219 of the Government of 26 August 2013 “On Requesting Public Information in Electronic Form and Publishing It Proactively”. This Decree was developed as part of an OGP Action Plan commitment and established a list of public information that must be proactively published on the websites of public agencies at defined time intervals.

86. The GET stresses that access to information must be timely; this is particularly true for corruption prevention purposes. The GET believes that there is some scope for improving the implementation of the applicable legislation in Georgia, notably to ensure that the exceptions under the law are applied less frequently in practice. It notes in this respect that Georgia committed - in the framework of the OGP<sup>40</sup> - to adopt a special law on freedom of information aimed at addressing some of the above shortcomings as well as consolidating the existing legal norms in a single legal act, but the process has stalled. While this commitment has not been renewed, the GET is of the view that further steps are needed to ensure the proactive disclosure of information and improve the implementation of the right to access to information, for instance by providing the Public Defender with the power to issue binding decisions and adequate resources to oversee the implementation of the legislation effectively. In light of the above, **GRECO recommends (i) that further measures be taken to ensure a timely access to information, as well as to enhance proactive transparency; and (ii) to ensure that an independent oversight mechanism, vested with adequate powers and resources, guarantees the effective implementation of the freedom of information legislation.**

#### *Transparency of the law-making process*

87. In accordance with the Rules of Procedure of the Government, draft laws must be published for public information on the website of the Legislative Herald of Georgia<sup>41</sup> before being submitted to Parliament. Within two weeks, interested persons have the opportunity to familiarise themselves with the text prepared at the initiative of the Government<sup>42</sup> and express their opinion, by sharing notes directly on the website or by sending them to the Government administration. The authorities state that, if something is changed compared to the initial text of the initiative, taking into account the opinions/notes of the interested parties, a corresponding entry will be made in one of the fields of the explanatory card of the draft law. The legislative initiative may only be sent to Parliament after passing through this procedure. The Rules of Procedure of the Government define the exceptional cases in which a draft law may not be published. Specific rules apply to the consideration of draft Constitutional laws, which includes organising public meetings in different administrative-territorial units of Georgia. The Decree no. 629 of the Government of 20 December 2019 “On the approval of the procedure for development, monitoring and evaluation of policy documents” provides further guidance and instructions for conducting public consultations.

88. In the process of preparing draft laws, ministries and other departments that are part of the executive branch have to identify thematically interested parties and organise working meetings. In addition, at the stage of submitting the initiative to the state authorities, the structural unit responsible for the preparation and examination of legislative acts must send the draft laws to interested bodies for consideration and presentation of the corresponding position. If during the study of an issue, the need to agree with another interested agency(ies) (including an official/structural subdivision of the government administration) has been identified, the Parliamentary Secretary of the Government will ensure that the draft law is forwarded to the interested agency(ies). Interested bodies may be both state and various non-state or independent structures, for instance the Business Ombudsman, who, in turn,

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<sup>40</sup> Open Government Partnership [Action Plan of Georgia 2014-2015](#).

<sup>41</sup> See [www.matsne.gov.ge](http://www.matsne.gov.ge)

<sup>42</sup> Over the period 2020-2022, a total of 492 legislative initiatives were registered at Parliament, out of which 211 were initiated by the Government (42.88%). 86 draft laws (out of 492) were considered through the accelerated procedure.

coordinates the issue with the business sector, the Public Defender's Office, the Personal Data Protection Service, etc. In addition, persons registered as lobbyists (see below) have the right to be present during the consideration of a draft normative act in the executive authority and to submit comments and opinions in writing.

89. Once the Government transmits a draft law to Parliament, parliamentary committees start discussing the draft law. The competent committee is to invite all stakeholders to participate in the discussions (NGOs, academic circles, etc.). They have an opportunity to express their opinions on the draft law. The draft law is to be adopted after three readings.

90. The GET takes note of the Rules of Procedure providing that public consultation is foreseen for draft legislation prepared by the Executive. The GET found no evidence of specific gaps in the regulation. However, the GET recalls that a number of concerns related to the transparency of the law-making process were pointed out in GRECO's Fourth Round Evaluation Report on Georgia, dealing more specifically with the parliamentary legislative process. Serious doubts were raised as to the effectiveness of the comment and consultation procedures, the short deadline for public comments on draft laws before the first committee hearing, and the lack of clear rules on the organisation of public consultations with relevant stakeholders during the legislative drafting process. GRECO recommended further enhancing the transparency of the legislative process, including by further ensuring that draft legislation, amendments to such drafts and information on committee work (including on agendas and outcome of meetings) are published in a visible and timely manner, and by establishing a uniform regulatory framework for the public consultation procedure in order to increase its effectiveness. In its last Compliance Report,<sup>43</sup> GRECO concluded that this recommendation had been partly complied with, as the authorities have not established a uniform regulatory framework for public consultations during the legislative drafting process, i.e. there is no obligation for Parliament to consult the public on certain pieces of legislation initiated by the Government or Parliament. The GET encourages the authorities to step up their efforts in this regard in order to allow for effective and meaningful consultations in practice in respect of draft legislation, notably originating from the Government.

### *Third parties and lobbyists*

91. There are no specific prohibitions, restrictions or transparency regulations as regards PTEFs' contacts with third parties and lobbyists who might try to influence their decisions.

92. Lobbying in Georgia is regulated by the Law on Lobbying.<sup>44</sup> Pursuant to Article 2 of this Law, a "lobbying activity" is the influence exercised by a person registered as a lobbyist on a representative or executive body for the purposes of introducing legislative changes that are permitted by the legislation of Georgia. The term "executive body" covers the President of Georgia, the Government as well as an executive authority; "a legislative change" is the adoption of a normative act, or the modification or disapproval of a draft normative act.

93. The Law on Lobbying requires professional lobbyists to register but does not place any obligations on PTEFs themselves. Under Article 5 of this Law, the Head of the Administration of the President of Georgia and the Head of the Administration of the

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<sup>43</sup> Fourth Round [Addendum to the Second Compliance Report](#), adopted on 17 June 2022, para. 11.

<sup>44</sup> Law of Georgia on Lobbying, 30 September 1998, available at: <https://matsne.gov.ge/en/document/view/13552?publication=7>

Government are responsible for the registration of a person as a lobbyist within the executive and the maintenance of the register. They have to decide on the registration of a person as a lobbyist within 15 working days from the submission of the documents provided for in the Law. If no decision is made within this timeframe, a person is deemed to have been registered as a lobbyist. A decision on the registration of, or on the refusal to register, a person as a lobbyist has to be notified to the lobbyist and the head of the appropriate structure (structural sub-unit) within three days from making such decision. The legal status of a lobbyist may be withdrawn by a decision of the official authority which registered the lobbyist. Such register is not public, but any interested person has the possibility to introduce a freedom of information request to have access to it.

94. The Law on Lobbying also defines in detail the rights and responsibilities of a lobbyist. A registered lobbyist is entitled to enter and move around an administrative building of an appropriate representative or executive body, or of the Administration of the President, within the regime established for public servants of such body. S/he is also entitled to attend all stages of a public hearing concerning a draft normative act. During the public hearing, s/he may be given time to contribute to the debate. A lobbyist is entitled to present his/her written comments and opinions on a draft normative act. Such comments and opinions are to be attached to the draft normative act. Finally, a lobbyist is obliged to present a monthly report with information on any money transferred to him/her for the purposes provided for by an assignment, and other tangible and intangible assets transferred, as well as on the costs incurred for the performance of an assignment, indicating the purpose, date and conditions of incurring such costs. The report has to be submitted to the official authority which registered the person as a lobbyist.

95. The GET notes that, while rights and responsibilities of a lobbyist are defined in the legislation, the onus is on the lobbyists to comply with the legislation. Ministries reportedly publish information about some meetings held by ministers on their webpages, yet there is no reporting or disclosure requirements applicable to PTEFs. Furthermore, the GET was informed during the on-site visit that the register of lobbyists maintained at the level of the Government had zero entry, which casts doubt about its effectiveness in practice. Overall, the GET is concerned by the lack of transparency as regards the involvement of third parties, including lobbyists, particularly from the business sector, in the government's decision-making. The GET would like to stress the importance of regulating lobbying activities to avoid undue influence over the PTEFs. Therefore, **GRECO recommends that (i) rules be introduced on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.**

#### *Control mechanisms*

96. The State Audit Office (SAO) is the supreme audit institution of Georgia. The SAO is independent<sup>45</sup> operationally, financially, functionally and organisationally. It independently designs an annual audit plan. The SAO is accountable to Parliament.

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<sup>45</sup> The SAO's independence is guaranteed by the Constitution (Article 69, para. 3 and para. 6) and the Organic Law on the State Audit Office (Article 3). See <https://sao.ge/en/>

97. The SAO is headed by the Auditor General, who appoints his/her Deputies. The Auditor General is elected for a term of five years by a majority of the MPs upon his/her nomination by the Chairperson of Parliament. The same candidate may be nominated only twice for the position of the Auditor General. His/her independence, including appointment, terms of employment, removal, dismissal and immunity is guaranteed by the Constitution (Articles 48 and 69, paragraph 2) and the Organic Law on the State Audit Office.

98. The SAO is mandated to examine the efficient spending of public funds including all public procurements (goods and services) and corresponding agreements. The SAO evaluates completeness and correctness of financial statements of public agencies (whether all funds are represented in the financial statement without any material misstatement) and the legality and reasonableness of the activities of public agencies.

99. To deliver its mandate, the SAO conducts financial, compliance and performance audits. Financial audits involve examining and evaluating reports and financial statements of the Government. Compliance audits consist in evaluating and reporting on the legality and reasonableness of the activities of an auditee and in practice mainly focus on public procurement, remuneration, asset management and capital project management. Performance audits involve examining, evaluating and reporting on the economy, efficiency and effectiveness of the activities and/or programmes/projects carried out by an auditee. The SAO has the right to request all necessary information, records or any document for the purpose of conducting audits, enter the auditee's premises unimpeded, conduct an inventory, seal storage spaces, archives and cash registers and receive explanations about the issues that are subject to examination. The SAO submits all audit reports and recommendations to the Chairman of Parliament and to the Committee on Finance and Budget. Moreover, the SAO sends to Parliament twice a year the list of the most significant audit reports. Audit reports are scrutinised by the permanent Audit Group, which is established specifically for reviewing audit reports under the Committee on Finance and Budget. The Audit Group is obliged to convene a session at least once a month. All sessions are broadcasted publicly. Lastly, the Auditor General presents every year to Parliament the SAO's annual performance report, which includes the analysis of individual audit reports, systemic and common findings/recommendations and trends.

100. Annual working plans of the SAO are based on the risk methodology, often based on the previous findings and study of various kinds of information. While the SAO does not make specific audits on corruption risks of high-level officials, it can transfer cases to the Prosecutor's Office if it identifies signs of crime. The main corruption related findings so far concern procurement and management of state property, mainly at municipal level. The GET notes that the SAO has been key in highlighting irregularities in public spending or misuse of public resources and that the level of implementation of its recommendations is on the rise.

101. By virtue of the Law on "Public Internal Financial Control", the Ministry of Defence established an Internal Audit Department in 2014, which is responsible for evaluating and improving governance, risk management and control processes. Its work includes the assessment of corruption risks, risk management and control processes as well as the development of recommendations for improvement.

102. Members of Parliament have the right to address a question to the Government or a member of the Government.<sup>46</sup> A timely and complete answer to the question is obligatory. Each body or official who has been addressed with a question is obliged to submit to Parliament a complete written answer within 10 days after receiving the question. A group of at least seven MPs and a faction also have the right to address a question to the Government or a member of the Government through the procedure of interpellation.<sup>47</sup> The addressee is obliged to answer the question personally at a plenary session of Parliament, as well as submit the answer to the question in writing. In 2022, as per the interpellation procedure, the Prime Minister, as well as six ministers, addressed Parliament. Furthermore, in accordance with Article 153 of the Rules of Procedure of Parliament, 12 ministers submitted reports to Parliament in 2021, and 12 ministers did so in 2022, all within the framework of the minister's hour.<sup>48</sup> The GET was told that no interpellation on corruption grounds were addressed to members of Government in recent years.

103. In addition, the Constitution and the Rules of Procedure of Parliament establish that, in the presence of a specific basis, a temporary investigative commission may be created in Parliament to inquire into facts of a violation of the legislation of Georgia by state bodies and officials. The bases for creating a temporary investigative commission<sup>49</sup> include information on the illegal acts or corruption offences of state bodies and officials that threaten state security, sovereignty, territorial integrity, or the political, economic or other interests of Georgia; and information on the illegal spending of the State Budget and municipal budgets. A temporary investigative commission is accountable to Parliament. It may only be created to examine a particular issue and has to be abolished in the manner prescribed by the Rules of Procedure once the issue has been examined.

104. While it is beyond the scope of the GET's mandate under the present evaluation to make a recommendation in this respect, the GET encourages the authorities to find ways to strengthen the role of Parliament in holding ministers accountable through inquiries, interpellations, establishment of investigative commissions etc. MPs should be in a position to carry out effective oversight over the Executive, as this is one of the most important pillars in keeping PTEFs accountable.

105. Control of public administration is exercised by the Public Defender (Ombudsman), in conformity with the Law on the Public Defender of Georgia of 16 May 1996. The Public Defender is elected by the Parliament and reports to it bi-annually. The Public Defender's office can lodge investigations *ex officio* or on the basis of complaints by individuals and non-governmental organisations regarding violations of human rights and freedoms enshrined in the Constitution, the laws and international treaties of Georgia, by public authorities (at the national and local level), public or private organisations, institutions, enterprises, public servants and officials as well as legal persons. On the basis of his/her investigations, the Public

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<sup>46</sup> Article 43 of the Constitution and Article 148 of the Rules of Procedure of the Parliament.

<sup>47</sup> Article 149 of the Rules of Procedure.

<sup>48</sup> Article 153 of the Rules of Procedure provides for a ministerial hour: once a year, certain members of the Government (except for the Prime Minister) have to report at the plenary session of the Parliament on the relevant directions for the implementation of the government programme.

<sup>49</sup> According to the Constitution of Georgia, a temporary investigative commission may be formed on the initiative of 30 MPs. The decision to establish the commission is then taken by the majority of votes of those present at the plenary session, which must be at least 50 MPs. See also Article 62 of the [Rules of Procedure](#) of the Parliament and *Why is it Important to Create a Temporary Investigative Commission?*, <https://civil.ge/archives/538939>, 28 April 2023.

Defender can *inter alia* propose improvements to legislation, issue non-binding recommendations to rectify situations in which human rights and freedoms have found to be violated, propose to initiate disciplinary or administrative measures, address recommendations to relevant judicial bodies to examine the legality of court decisions, inform the media, or appeal to the President and/or Parliament.

### **Conflicts of interest**

106. Article 3(3) of the LCC defines conflict of interest in public institutions as the “conflict of property or other private interests of a public servant with the interests of a public institution.” The latter is to be understood as “an institution performing state services and public services provided for by the Law of Georgia on Public Service, as well as national regulatory bodies” (Article 2<sup>2</sup>).

107. The LCC regulates a broad array of issues relevant to conflicts of interest. It establishes basic principles of prevention, discovery and elimination of conflicts of interest, including the incompatibility of certain permanently existing occupations with public office, the restrictions on private employment for officials, the acceptance of gifts (see below for specific details under each particular heading). The LCC also sets out the conditions and mechanism for the submission of asset declarations by officials and for the monitoring of submitted declarations.

108. Article 11 of LCC provides that a public servant has to abstain from decision-making/ may not participate in a specific matter in case of conflict of interest.<sup>50</sup> However, the requirement to declare *ad hoc* conflicts of interest and to refrain from decision making in such situations is explicitly not applicable to the Prime Minister, even though the general rules of conduct for public servants in Chapter III<sup>1</sup> of the LCC require public servants to pay attention to any existing or possible conflict of interest, to take measures to prevent them and to declare them before being appointed or elected to the respective position or after being appointed or elected as soon as s/he becomes aware of the fact (Article 13<sup>4</sup>(2)). Public servants are obliged to disclose, within one month from their appointment or election and then by 1 February of each following year, whether any persons related to him/her are employed at the same public institution where the public servant works for (Article 13<sup>4</sup>(3)). A written statement, containing identification data of the related person and the information indicating the relationship between them, is to be submitted to and registered with the human resources management unit of the respective public institution. Article 8 of the General Administrative Code of Georgia also states that no official may participate in administrative proceedings if s/he has a personal interest in the proceedings, and/or if there are other circumstances that may affect the resolution of the case.

109. Assets and interests of public officials are disclosed in one single form. One of the procedures for identifying conflicts of interest is thus the monitoring of asset and interest

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<sup>50</sup> A public servant whose duty within a collegial body is to make decisions, with respect to which he/she has property or other interests, shall inform the other members of the body or his/her immediate supervisor of this fact and shall refuse to participate in the decision-making. A public servant whose duty is to individually make decisions, with respect to which he/she has property or other interests, shall seek self-recusal and inform in writing his/her immediate supervisor (superior body) of this fact, who will either make an appropriate decision or assign this duty to another official. However, a public servant may sign a decision on the basis of the written consent of his/her immediate supervisor (superior body) and this shall be indicated in the respective decision.

declarations, which until September 2023 was performed by the CSB. Where a conflict of interest was identified by the CSB during its monitoring, the CSB had to inform the superior official, or the person directly concerned if s/he did not have a superior. The authorities indicate that 70 cases of conflicts of interest were revealed in 2022, compared to 47 in 2021, based on the monitoring of public officials' declarations. There is however no indication as to the type of conflict of interest disclosed, the status of the person concerned, and measures adopted, or sanction imposed in this regard. Since September 2023, it is within the ACB's mandate to develop proposals on the prevention, discovery, and elimination of conflict of interest in a public institution. Given the relatively recent establishment of the ACB, there is yet no practice in this respect. Out of the 223 asset declarations of officials controlled so far, the ACB indicated that it had identified 23 cases of conflict of interest.

110. Finally, Article 9 of the Code of Ethics states that a civil servant should avoid the circumstances that may be deemed as direct or indirect influence of private interest over his/her service activities, while Article 25 of that Code spells out that a civil servant occupying a managerial position has to identify areas that may trigger a conflict of interests and try to come up with mechanisms that ensure the mitigation of such risks and/or their effective management.

111. If a public servant violates the above-mentioned provisions, intentionally or through negligence, s/he shall be subject to disciplinary liability, unless this violation constitutes a crime or an administrative offence. If a disciplinary measure has been imposed and the public servant concerned commits another offence within three years, s/he shall be dismissed from office. The Code of Administrative Offences only sanctions the violation of the conditions and procedures for avoiding conflict of interests in public procurements (Article 159), with a fine of GEL 1500 (approx. EUR 520).

112. While there are certain general rules on conflicts of interest in the LCC, the GET notes that the definition of such conflicts remains rather abstract. The GET recalls that the notion of conflict of interest should cover both actual, potential and perceived conflicts. In the GET's view, there is a crucial need for the definition to be supplemented by targeted guidance to PTEFs about what constitutes actual or potential conflicts of interest, the risks they create and the ways in which they can be managed. Accordingly, both the recommended Code of Conduct and guidance (paragraph 58), as well as training and counselling (paragraph 76), should pay particular attention to conflict-of-interest prevention.

113. As for the management of conflicts of interest, the GET notes that no rules are established other than the self-recusal of the public official when a decision-making is involved.<sup>51</sup> The current provision on self-recusal – which does not cover the Prime Minister – also seems to have a limited effect in practice. The GET has been informed that no self-recusal was exercised by public servants over the period 2016-2020.<sup>52</sup> The law should provide for alternative ways for conflict-of-interest resolution, covering all possible situations, as well as appropriate sanctions for violations of conflicts of interest rules. Lastly, no information, or statistics were provided to the GET showing the recording of conflict-of-interest situations,

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<sup>51</sup> See OECD report on Georgia, [Pilot 5th Round of Monitoring Under the Istanbul Anti-Corruption Action Plan](#), 30 May 2022, which points out that the LCC does not provide for a range of resolution methods applicable to different situations other than decision-making (p. 23).

<sup>52</sup> *Transparency International Georgia*, [Evaluation of Enforcement of the Law on Conflict of Interest and Corruption in Public Institutions \(2016-2020\)](#), 7 December 2021, p. 9.



complaints against such behaviour, disciplinary investigations opened, or sanctions applied, in order to assess the situation in this respect. For the sake of transparency, the public should be informed about situations of conflict of interest and their solutions.

114. In view of the above, **GRECO recommends that (i) clear rules for the resolution of conflicts of interest be developed and effective, proportionate and dissuasive sanctions be imposed in case of breach; and (ii) conflict-of-interest situations and measures taken for their resolution be adequately registered and disclosed.**

### **Prohibition or restriction of certain activities**

#### *Incompatibilities, outside activities and financial interests*

115. In accordance with the Constitution and the Rules of Procedure of Parliament, the position of Prime Minister and ministers, as well as any other public servants, is incompatible with the position of a Member of Parliament.

116. In addition, Article 13 of the LCC contains several provisions on incompatibilities for public servants and regulates their outside activities. More particularly, a public servant, except for the President of Georgia, a MP and a member of the Government, may not perform any kind of paid work (except for academic, pedagogical, creative activities and activities in the reserve of defence forces). Public servants may also not hold another position in any public institution (except for the reserve of defence forces) or legal entity under private law, be a member of a representative body of any level or perform any kind of paid work or hold a position in a body or institution abroad. Moreover, a public servant may not hold a position in any enterprise, be a permanent head of a business entity, or a member of a controlling, a supervisory or an auditing body, and may not carry out entrepreneurial activities, but only hold stocks or a share in an enterprise.

117. Article 13 also states that a member of the Government may not hold any other office except in a (political) party, and receive remuneration for any other activity, except for academic and pedagogical activities.

118. Some incompatibilities also apply to the officials' family members. Hence, an official or his/her family member may not hold a position or perform any kind of work in an enterprise/company registered in Georgia, the control of entrepreneurial activities of which falls within the powers of this official or his/her office and may not hold stocks or a capital share in an enterprise/company, the control of activities of which falls within the powers of this official or his/her office. An official's close relative may not be appointed as an officer on the basis of an agreement under public law or an employment agreement to a position that is under official supervision of that official (except when appointed through a competition).

119. Article 13(14) of the LCC provides that an official or his/her family member must resign from an incompatible position or terminate incompatible activities within 10 days of the appointment of this official. The official must submit documents certifying the elimination of his/her incompatibility or his/her family member to the superior official (body), under whose immediate subordination s/he is, and to the human resources management unit. Prohibited incompatibility is punished with dismissal of the official concerned.

120. Regarding financial interests, public servants are required, for the term of their office, to transfer, under a trust agreement, to other persons for management a capital share (block of stocks) of an enterprise of the business entity owned by them.

#### *Contracts with state authorities*

121. According to Article 10 of the LCC, a public servant may not, based on his/her personal interests, purchase property of a public institution entrusted to him/her; enter into transactions with a public institution in which s/he works, apart from the exceptions determined by law; enter into a transaction, as a public servant, with his/her business entity, political party or other public institution; enter into a property transaction with his/her family member or close relative as a public servant. A transaction concluded in violation of this provision shall be void. Besides, the general legislation on public procurement is applicable in this context.

122. Under Article 8 of the Code of Ethics, a civil servant who moved from the private sector to the civil service does not position the private interests of business or his/her former partners higher than the public interests during the elaboration of policy or other kind of regulations, conclusion of contracts or taking other kind of decisions under his/her job duties. Article 9 states that in case of conflict of interest or/and possible emergence thereof, a civil servant does not participate on behalf of the public institution in the process of contract drafting or/and conducting negotiations with another institution/organisation.

#### *Gifts*

123. Under Article 5 of the LCC, a gift is defined as “property transferred or services provided to a public servant or his/her family members free of charge or under beneficial conditions, partial or full release from obligations, which represents an exception from general rules.” Certain items specified by this Article are not considered to be gifts, e.g. grants, scholarships, rewards and bonuses awarded by the state or an international organisation; diplomatic gifts which are given to a public servant during an official or working visit according to the protocol procedure and the market value of which does not exceed GEL 300 (approximately EUR 104); property transferred to a public servant or his/her family member free of charge or under beneficial conditions, with partial or full release from obligations of property owners, or service provided under beneficial conditions, which is not an exception to general rules.

124. According to the LCC, the total value of gifts received by a public servant in the course of one year must not exceed 15% of the amount of one year’s salary, whereas the value of a single gift received must not exceed 5%, unless these gifts are received from the same source. As for gifts received by family members, the total value of gifts received by each individual family member separately must not exceed GEL 1000 (approximately EUR 347), while the value of a single gift received must not exceed GEL 500 (approximately EUR 173). In accordance with Article 4 of the LCC, a person’s spouse, minor child, stepchild, or a person permanently residing with him/her are “family members” in the meaning of that Law.

125. If the public servant or his/her family member ascertains after receiving a gift that its value exceeds the limits under the LCC and/or it was impossible to refuse the gift due to certain reasons (a gift received by mail, a gift given publicly), s/he has to, within three working

days after receiving the gift, submit to the CSB (to the ACB as of September 2023) information on the name of the received gift, its assessed or exact value/amount and the identity of the grantor, or transfer the gift prohibited to the National Agency of State Property within the Ministry of Economy and Sustainable Development (Article 5<sup>2</sup> LCC).

126. In addition, Article 13<sup>5</sup> of the LCC spells out the principle that public servants may not accept any gift or service that may affect the performance of their official duties. If it is uncertain whether a public servant has the right to accept an offered gift or benefit and/or service, s/he has to declare it. If a public servant is offered a benefit prohibited under the LCC, s/he is to a) refuse to accept such benefit and notify, in writing, his/her immediate supervisor and the ACB, of the offer within three working days; b) try to identify the person who has made the offer; c) limit communication with that person and try to determine the basis for such offer; d) transfer the gift to the National Agency of State Property of the Ministry of Economy and Sustainable Development within three working days after acceptance if it is impossible to refuse or return the gift. According to Article 340 of the Criminal Code, “acceptance by an official or a person equal thereto of gifts prohibited by law” is a criminal offence and is subject to a fine or community service for a term of 100 to 300 hours, or deprivation of the right to hold an office or carry out activities for up to three years, or house arrest for a term of six months to two years and/or imprisonment for up to two years.

127. Public officials are obliged to include in their asset declarations any gift that they or members of their family receive if its value exceeds GEL 500 (approximately EUR 173). They should indicate the identity of the person receiving the gift, the person presenting the gift, the relationship between them, the type of gift as well as its market value.

128. Article 10 of the Code of Ethics contains more detailed provisions on gifts for civil servants. It notably states that a civil servant may accept a gift that is allowed by the Law and avoid accepting a gift that may have an impact on the performance of his/her official duties or may cause doubt with regard to his/her good faith and places him/her under an obligation to the gift giver.

129. The GET notes that the LCC contains specific rules on gifts applicable to PTEFs, including a prohibition on accepting gifts above a certain value. In the GET’s views, some of these rules are not straightforward, particularly when it comes to the threshold above which gifts must be refused (e.g. 5% of the amount of one year’s salary in case of a single gift), which needs to be calculated on a case-by-case basis and may vary considerably depending on the salary of the person concerned. Moreover, there is no disciplinary or administrative liability in case of failure to comply with the rules on gifts. In this context, the GET considers that the future code of conduct for PTEFs (see paragraph 58) should specifically address the acceptance and reporting of gifts and other benefits received by PTEFs and be accompanied by guidance, including practical examples, as well as the imposition of sanctions for violations of the rules on gifts.

130. In addition, a clear threshold on acceptable gifts should be established, expressed in a monetary value and applicable to all PTEFs. The GET also notes that the current threshold for permissible gifts appears to be quite high: for instance, a minister with a monthly salary of GEL 8312 (EUR 2882) could, over one year, receive gifts up to 15% of his/her annual salary, that is approximately GEL 14 961 (EUR 5187). This amount does not seem reasonable compared to the average gross monthly salary in Georgia (GEL 1804.5 (EUR 626)) or thresholds

adopted in other member states. The GET is of the opinion that gifts should be prohibited from a lower threshold. In this respect, the GET points out that other GRECO member states often use low value thresholds (for instance EUR 50) in order to establish strict limits on gifts and other benefits.

131. In the course of the on-site visit, the GET was told that there is no public register of gifts and, in particular, no regularly updated list of gifts received by ministers and other PTEFs accessible for public scrutiny. The authorities referred to only two instances of gifts received and declared to the CSB as exceeding the limit allowed by law, concerning respectively the President of Georgia (in 2018) and the Service Agency of the Ministry of Finance (in 2021). The GET deduces that no gift was declared by members of the Government in recent years, despite expensive gifts being reported in the media. Since September 2023, the ACB is in charge of registering information on gifts received by public servants or members of their family. The GET understands that this covers inadmissible gifts received by PTEFs (notably those exceeding the above threshold), in accordance with the LCC. Overall, the situation calls for increased transparency, in a way that the public is made aware of gifts received by PTEFs and from whom at regular intervals. Therefore, **GRECO recommends establishing more stringent rules on gifts and other benefits for persons with top executive functions by (i) lowering the thresholds for accepting, declaring and recording gifts, with a fixed monetary value; and (ii) ensuring that gifts registers are accessible to the public.**

#### *Misuse of public resources*

132. According to Article 13<sup>2</sup>(4) of the LCC, public servants are to observe the principle of economic efficiency and effectiveness when performing official duties, and they must not misuse official resources to prevent their embezzlement.

133. Article 18 of the Code of Ethics also provides that civil servants should attempt to spend administrative resources at their minimum rate and use administrative resources in line with the needs of the employing public institution.

#### *Misuse of confidential information*

134. According to Article 8 of the LCC, public servants may not disclose or use, for unofficial purposes, information containing official secrets or any other confidential information, the public availability of which is restricted under the legislation of Georgia and of which they have become aware in the course of official duties.

135. According to Article 11 of the General Administrative Code, a public servant participating in administrative proceedings may not disclose or use, for unofficial purposes, secret information received or created during the course of administrative proceedings. Liability for disclosing or using such information shall arise in the manner laid down by law. Similarly, according to Article 13<sup>3</sup> of the LCC, public servants have to take the measures necessary to ensure confidentiality of information containing state secrets or relating to the reputation of public service, or obtained in the line of official duty, or containing personal data and other information (subject to Article 50(4) of the Criminal Procedure Code). This requirement is applicable even after the term of office ends. Breach of confidentiality is a criminal offence.

## *Post-employment restrictions*

136. A dismissed public servant may not, within one year after dismissal, start working in a public institution or carry out activities in an enterprise which has been under his/her systematic official supervision during the past three years. Moreover, within this period, s/he may also not receive income from such public institution or enterprise (Article 13(10) LCC). The LCC defines the ‘control of an enterprise’ as “the power of a person (body) to check activities of a specific enterprise (entrepreneur) personally or through a person under his/her/its official supervision<sup>53</sup> or to establish any restriction or exemption in entrepreneurial activities of an enterprise (entrepreneur), or to issue a licence, certificate or other types of permission related to entrepreneurial activities” (Article 6). The GET observes that the prohibition for PTEFs on being employed by a public institution or a private enterprise for one year after leaving office only applies to an institution or enterprise which has been under the “systematic official supervision” of the person concerned. There is however little guidance on how this concept is to be interpreted and no examples have been made available regarding its implementation in practice.

137. In order to avoid the misuse of personal connections of the former position acquired during their tenure and/or a disproportionate change in the property status after leaving office, an official has to complete and submit an asset declaration within two months after his/her dismissal (if s/he has failed to submit the declaration within the calendar year of his/her dismissal), and within the respective month of completion of the previous declaration in the year following the dismissal, unless s/he is appointed to another position.<sup>54</sup>

138. The GET considers that post-employment restrictions applicable to PTEFs ought to be strengthened and the phenomenon of PTEFs leaving office to work in the private sector (i.e. “revolving doors”) better regulated, in particular with the aim of preventing conflicts of interest and potential misuse of information. The GET is of the view that the scope of the current rules is too narrow and largely ineffective. This should be remedied so that rules apply to employment in the public and private sectors whenever there are risks of conflicting interests.

139. Moreover, existing rules should be broadened to cover lobbying the Executive straight after leaving office. This should be read in conjunction with the lack of practical rules on contacts of PTEFs and lobbyists and other third parties (see paragraph 95). The one-year “cooling-off” period also appears to be too short to be effective in respect of PTEFs. Lastly, the GET heard concerns about the absence of enforcement of post-employment restrictions. Other than submitting a declaration of assets and interest within one year from the date of leaving office<sup>55</sup> (see also paragraph 142, below), PTEFs do not have any other obligation to report taking up employment upon the expiry of that time-limit. The GET was also not made aware of any sanction being imposed on PTEFs for breaches of the post-employment restrictions. The GET considers that the system would benefit from a dedicated mechanism

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<sup>53</sup> For the purposes of the LCC, a ‘person under official supervision of an official’ means a person, with respect to whose administrative act issued or action performed the official is authorised to: a) give written directions to eliminate faults in an issued administrative act or action performed; b) suspend execution of an administrative act or performance of an action; c) terminate an administrative act.

<sup>54</sup> Article 14(3) LCC.

<sup>55</sup> Within two months if s/he has failed to submit the declaration the year before. Information related to paid work performed in the period before the first appointment and/or the period after dismissal (dates and place of employment, remuneration) is however not made public and thus not subject to scrutiny.

from which PTEFs should gain approval or advice before taking up new employment in the public or other sectors upon leaving office.

140. Consequently, **GRECO recommends that post-employment restrictions be strengthened, in particular by (i) broadening the scope of the rules in respect of persons with top executive functions and expressly prevent lobbying activities towards the government for a lapse of time after they leave government; and (ii) establishing an effective reporting, monitoring and enforcement mechanism regarding these rules.**

### **Declaration of assets, income, liabilities and interests**

#### *Declaration requirements*

141. The obligation to declare financial interests is regulated by Chapter IV of the LCC (Declaring and publishing Economic Interests - Articles 14 to 19). More than 6000 officials are obliged to submit annual asset declarations online. In accordance with the LCC, officials are to submit asset declarations to the Anti-Corruption Bureau (to the Civil Service Bureau until September 2023) through a unified electronic form a) within two months of their appointment/election, b) during their term of office, once a year and c) within one year after their term of office ends. According to the LCC, all PTEFs are obliged to submit annual asset declarations. However, advisers have to submit such declarations only in case they hold an administrative position, i.e. are employed under an administrative contract and have organisational-managerial functions.

142. Besides personal details, asset declarations must contain information about the person and his/her family members (the person's spouse, minor child, stepchild, or a person permanently residing with him/her) on: immovable property; movable property (except for cash, securities, bank deposits, etc.) valued at more than GEL 10 000 (EUR 3467); securities; account and/or deposit in a banking and/or credit institution of Georgia or other country; cash amounting to more than GEL 10 000 (EUR 3467); any income within a reporting period, the amount of which exceeds GEL 3000 (EUR 1040) in each case, and/or expenses the amount of which exceeds GEL 5000 (EUR 1733) in each case; income received from the performance of work within a reporting period (excluding income tax); any agreement concluded, valued at more than GEL 10000 (EUR 3467) (including trust agreements, irrespective of their value); any gift valued at more than GEL 500 (EUR 173), received within the reporting period; and direct participation or indirect participation in an enterprise/company's activities in Georgia or abroad.

143. The information contained in the declaration is kept on the registry of the CSB (from September 2023 – the ACB) and is published online<sup>56</sup> except for the secret field of the declaration (i.e. the type of property and the identity of the person and/or his/her family members related to the property, the connection of the person and/or his/her family members to the property, market value and/or amount of the property). All declarations (except the declarations of those officials whose positions are assigned security classification markings according to the Law on State Secrets) are public and are published on the official webpage within 48 hours after the submission. A detailed search function is provided on the webpage where they are published. Detailed search includes searching by name and/or

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<sup>56</sup> On the website <https://declaration.acb.gov.ge/>

surname of declarant, organisation, year of submission of declaration, and any keyword (e.g. car model, property type, etc.). Information from a declaration is accessible for any interested person and does not require any prior authorisation for publication. Any person may also, for a fee, request to receive a copy of a completed official's asset declaration and review it, except for the personal number, address of the place of permanent residence and telephone number, as well as information related to paid work carried out by an official prior to a first appointment and/or the period after dismissal<sup>57</sup> and the secret field of the declaration.

144. The GET notes with satisfaction that there is a fairly comprehensive system of asset and financial interests declaration in Georgia and that these declarations are made public online. In the GET's view, the system could be further refined to explicitly cover all PTEFs, including advisers who do not hold an administrative position but are nevertheless associated with a minister's decision-making. The GET also notes that PTEFs are not obliged to declare the assets of close relatives (other than spouse, minor child or stepchild) if they are not permanently living with that person.<sup>58</sup> According to several interlocutors met by the GET, this loophole is used to circumvent declaration requirements, for instance by transferring assets to a partner who is purposely not registered at the same address. The law does not make it clear whether asset declarations should also include financial information on family members irrespective of their official registration address, as argued by the authorities. The GET is of the view that there is no clear common understanding about such an interpretation of the law. It considers that any possible doubts in this important area need to be removed by way of clear and explicit guidance.

145. As for the publicity, the GET observes that all declarations are published as .pdf document and are available in an open-data format. Yet, the published declarations of PTEFs do not offer a complete picture of potential conflicts of interest as they do not include some relevant information related to their activities before being appointed as well as during the period after leaving office, such as the place of employment and remuneration. In its 2022 report, the OECD underlined that this restriction "appears excessive and not justified as it does not allow meaningful public scrutiny of asset declarations, in particular concerning possible conflicts of interest."<sup>59</sup> The GET considers that, for transparency and accountability purposes, the current system needs to be revised so as to include such information in the asset declarations made public.

146. In view of the above, **GRECO recommends (i) extending the system of asset declarations to all persons with top executive functions, including all advisers to the Prime Minister and ministers; (ii) clarifying the notion of family members whose financial information should be included in such declarations; and (iii) broadening the scope of information made public in asset declarations submitted by persons with top executive functions to include paid work in the reporting period prior to appointment and following the end of the mandate.**

#### *Review mechanisms*

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<sup>57</sup> Article 19(1) LCC.

<sup>58</sup> According to Article 4 LCC, the term "family member" covers a person's spouse, minor child, stepchild, or a person permanently residing with him/her.

<sup>59</sup> See OECD report on Georgia, [Pilot 5th Round of Monitoring Under the Istanbul Anti-Corruption Action Plan](#), 30 May 2022, p. 35.

147. Until September 2023, the CSB was responsible for the monitoring of asset declarations and for the verification of the accuracy of the information contained therein. Within the CSB, a dedicated structural unit – the Asset Declaration Monitoring Department – had been established in 2017 and had an exclusive mandate and responsibility to verify asset declarations.<sup>60</sup> At the time of the on-site visit, there were eight approved in-staff positions in the department and seven in-staff employees worked in that department. Since September 2023, this task has moved to the ACB, more specifically to its Department for ensuring the declaration of assets of public officials and its Department for the monitoring of the declaration of assets of public officials. The GET was informed that the staff working previously within the CSB was transferred to the ACB in September 2023 and that, building on the work carried out by the CSB so far, the methodology of asset declarations verification was to remain the same, with some improvements foreseen.

148. As was the case before, the grounds for initiating the monitoring of an official's asset declaration are a) a random selection by the Unified Electronic Declaration System; b) a reasoned written application; and c) declarations selected by a standing Commission on the basis of specific risk factors (positions of state-political officials, particular risk of corruption, high public interest and violations revealed as a result of the monitoring).<sup>61</sup> Asset declarations subject to annual examination are to be selected at the beginning of each calendar year. Until 2023, the CSB used to verify approximately 10% of all declarations each year, including 5% randomly selected by the Unified Electronic Declaration System and 5% selected by an independent Commission, composed of five members (three NGO representatives and two representatives of academia), on the basis of the abovementioned risk factors. The total number of declarations monitored could vary from year to year, depending on the number of reasoned written applications to be considered.

149. Since the obligation to monitor declarations came into effect in 2017 until 2022, the CSB conducted monitoring of 2084 declarations (see table below). During this period, the independent Commission composed of representatives of NGOs and academia was formed only once, in 2018, reportedly due to a lack of candidates to be nominated as NGO representatives in that commission. As a result, there has been no risk-based approach in the process of selection of declarations to be monitored in recent years. The authorities indicated that an independent commission was however established on 15 December 2022 and selected the officials to be monitored in 2023 on the basis of corruption risk factors. It has met three times and selected 317 declarations to be checked, including all PTEFs. Another 317 officials were selected randomly by the Unified Electronic Declaration System. Additionally, 92 declarations were selected on the basis of substantiated statements from citizens (6 were excluded from the final monitoring).

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<sup>60</sup> The Council of Europe has supported the CSB's efforts in improving the existing asset declaration and verification system (PGG II project). See [Civil Service Bureau to further improve the verification regime of asset declarations submitted by public officials in Georgia](#), 13 October 2022.

<sup>61</sup> Article 18<sup>1</sup>(2) and 18<sup>1</sup>(3) LCC.



	2023		2022		2021		2020		2019		2018	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Number of declarations submitted to the Civil Service Bureau	1649	5332	1471	5408	1313	4935	1303	4971	1393	5405	1479	6107
Number of public officials who were fined for the late submission of declaration	6	69	3	58	6	29	2	7	2	9	3	21
Number of declarations monitored by the Civil Service Bureau	130	590	73	304	62	241	74	275	108	499	71	377
Number of public officials who were fined as a result of declaration monitoring	29	185	22	114	23	110	34	143	33	221	49	298
Number of public officials who were warned as a result of declaration monitoring	1	4	6	39	4	28	7	22	15	60	9	22
Number of declarations forwarded to law enforcement authority as a result of declaration monitoring	0	0	0	0	1	0	1	0	1	1	1	0

*Statistics are from the Anti-Corruption Bureau as of 1 September 2023.*

150. Declarations are monitored by verifying the accuracy of data in completed declarations in the electronic databases administered by public institutions, by verifying the evidence submitted by the official to the ACB and/or other written evidence, and through the assistance provided by administrative bodies (Article 18<sup>1</sup>(9) of the LCC). The Government of Georgia is to provide instructions on the monitoring of official's asset declarations subject to examination. In case violations are detected, the following course of action is taken: a) the ACB may issue a warning for non-substantial violations; b) in cases of administrative violations, the ACB is authorised to fine the official directly, with an administrative fine<sup>62</sup> (in case of an unintended offence of the rules of filling the asset declaration); c) the ACB may refer the case to law enforcement bodies if there are elements of a criminal misconduct. Failure to submit an asset declaration within the time limit provided for in the LCC is subject to a fine of GEL 1000 (approx. EUR 347).

151. The official's asset declaration is assessed negatively if the information and documents requested by the ACB are not submitted or are incomplete or incorrect. If incomplete or

<sup>62</sup> In the case of detecting incomplete or incorrect data in the declaration, an official shall be fined in the amount of 20 % of his/her official salary, but not less than GEL 500 (EUR 173), and a person who has been dismissed shall be fined in the amount of 20 % of the last official salary received during the holding of office, but not less than GEL 500 (EUR 173), for which an individual administrative act – a decree – shall be issued (Article 20(1<sup>1</sup>) LCC).

incorrect data are entered into the official's asset declaration wilfully and there appears to be essential elements of an offence, the ACB is to forward the respective declaration and materials of the proceedings to the relevant law enforcement body for further response. Under Article 355 of the Criminal Code, failure to submit an asset declaration after an administrative sanction has been imposed for such an act, or intentional entry of incomplete or incorrect information therein, is punished by a fine or corrective labour from 120 to 200 hours, with deprivation of the right to carry out activities for up to three years.

152. According to statistics provided by the CSB, one minister was fined in 2021, two deputy ministers received a warning (one in 2021 and one in 2022) and a total of five deputy ministers were fined in the last three years (three in 2020, one in 2021 and one in 2022). In addition, a total of 17 cases have been forwarded to the Prosecutor's Office for criminal prosecution since 2017: 11 cases as a consequence of the declaration monitoring findings (7 cases in 2017, 1 in 2018, 1 in 2019, 1 in 2020, 1 in 2021, and 0 in 2022) and six cases as a result of the failure to submit the declaration (one declarant failed to submit the declaration twice). During the on-site visit, the Prosecutor's Office indicated that seven of these cases were being investigated. Interlocutors however reported that no criminal sanction was imposed on PTEFs in relation to the monitoring of asset declarations in the past five years. It has been pointed out that, in most of the cases where fines for incorrect or incomplete information were imposed, the CSB considered that there was a technical error or that something was "missed out", i.e. that the mistake was not intentional. Since intention is required for a criminal offense of incomplete or incorrect declaration, this would explain the low level of cases transferred to the Prosecutor's Office over the past years.

153. The GET acknowledges that the verification of asset declarations has significantly developed in recent years. While this is commendable, the system suffers from several weaknesses that would need to be addressed to ensure its full effectiveness. First, there has been no risk-based approach in the process of selection of declarations to be monitored between 2019 and 2022, since the commission in charge of this selection did not convene. The GET believes that the selection of declarations to be checked on the basis of specific risk factors should not rely exclusively on the setting up of a commission for that purpose. In particular, there should be a possibility to control a declaration *ex officio*, on the basis of reasonable suspicion. Second, it appears that the monitoring of asset declarations does not allow to uncover conflict of interest cases or unexplained wealth. The verification is limited to the effective submission of such declarations and to the accuracy of the information submitted (through cross-checks with government registers), without any substantive checks being carried out.<sup>63</sup> For the GET, the declarations of PTEFs should systematically, and at regular intervals, be assessed in depth given their role in decision making at the very top of the Executive. This is essential for the prevention of conflicts of interest and the preservation of public trust in the integrity of public officials. Lastly, the absence of effective, and ultimately deterrent and dissuasive, sanctions was seen as a crucial weakness in the existing system by many of the GET's interlocutors. Sanctions to date have consisted of administrative fines amounting to a percentage of the salary. While criminal sanctions, including debarment, are provided for in law, they have never been applied in practice.

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<sup>63</sup> The GET was informed after the on-site visit that a package of legislative amendments had been submitted to Parliament to ensure the full monitoring of the asset declarations of public officials, which implies the granting of additional powers to the ACB. The declaration will not be published until this verification has been completed and for which a one-month deadline has been set.

154. The GET is aware of the fact that this evaluation takes place at a pivotal moment, during the transition from one body to another. Yet, it hopes that this transition will not be to the detriment of the monitoring performed, but on the contrary provide an opportunity to address the shortcomings which have been identified. This goes hand in hand with adequate financial and human resources for the ACB to perform its tasks effectively, as recommended above (see paragraph 69). **GRECO recommends that declarations submitted by persons with top executive functions be subject to regular substantive checks, including a risk-based approach, and that effective, proportionate and dissuasive sanctions are applied when the rules are violated.**

### **Accountability and enforcement mechanisms**

#### *Criminal proceedings and immunities*

155. According to the Constitution, only the President of Georgia enjoys immunity. Other officials in the Executive are not subject to immunity or special criminal procedures other than those applicable to ordinary citizens. The immunity does not protect the Prime Minister nor other members of the Government from criminal prosecution.

156. There is no dedicated body for the investigation of corruption offences in Georgia, with competencies in this area being separated between the Prosecutor's Office and the State Security Service of Georgia (SSSG).

157. According to Article 15(2i) of the Organic Law on the Prosecutor's Office, the Prosecutor General conducts criminal prosecutions where a crime has been committed by the President, the Prime Minister or any other member of the Government. Investigation and prosecution are the responsibility of the Department of Criminal Prosecution of Corruption Crimes of the Prosecution Service of Georgia (PSG).

158. According to Order no. 3 of 23 August 2019 of the General Prosecutor of Georgia on "Defining the Investigative and Territorial Investigative Jurisdiction of Criminal Cases", the Anti-Corruption Agency of the SSSG exercises investigative jurisdiction over the following articles of the Criminal Code: Article 332 (Abuse of official powers), Article 333 (Exceeding official powers), Article 334 (Unlawful discharge of the accused from criminal liability), Article 337 (Illegal participation in entrepreneurial activities), Article 338 (Bribe-taking), Article 339 (Bribe-giving), Article 3391 (Trading in influence), Article 340 (Accepting gifts prohibited by law), Article 341 (Forgery by an official) and Article 342 (Neglect of official duty), if these crimes are detected by the SSSG and do not fall within the investigative jurisdiction of investigators of the Prosecutor's Office, the General Inspection of the Ministry of Justice<sup>64</sup> or the Special Investigation Service of Georgia.

159. Over the last five years (2018-2023), seven high-level officials, including a former Defence Minister, a former Minister of Justice and a former Deputy Minister of Economic Development, were convicted on grounds of corruption or related misconduct. The GET notes that relatively few PTEFs have been prosecuted for corruption offences, especially as

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<sup>64</sup> The General Inspection is competent to investigate corruption offences only if committed by the employees of the Ministry of Justice, except for the Minister of Justice.

compared with allegations of corruption reported widely by civil society<sup>65</sup> or in the media, and that all have been prosecuted after leaving office. Several interlocutors mentioned cases of alleged corruption of PTEFs that were not pursued by the Prosecutor's Office as well as cases which were reportedly investigated but then dragged on for years, raising suspicions of politicisation. The Prosecutor's Office indicated that these cases are closely looked into and that those showing signs of a crime were followed up with criminal investigations, while the ones with no such signs did not result in criminal investigations.

160. The GET observes that there is a complex system of investigation of corruption offences in Georgia. During the on-site visit, the GET discussed various situations to understand how the system works in practice. Concretely, the PSG has exclusive competence to investigate corruption committed by specific public officials (subject-based investigative competence), including the President, the Prime Minister or any other member of the Government. In that case, the Unit of Criminal Prosecution of Corruption Crimes of the PSG is in charge and the SSSG is obliged to immediately refer the case to the PSG. As to the investigation of corruption offences involving other officials, the PSG and the SSSG Anti-Corruption Agency are both competent to investigate, but it is a conditional, incentive-based competence. This means that the agency detecting corruption is eventually competent to investigate it. While the general perception is that petty corruption in the country is addressed, interlocutors met on-site were particularly concerned that the current system does not lead to effective investigation and prosecution of high-level officials suspected of having committed corruption related offences.

161. In this context, the GET wishes to stress how important it is to ensure a high degree of specialisation for corruption offences committed at the highest level of the State. At the same time, the existence of different mechanisms should not result in unclear responsibilities and, as a consequence, hamper their capabilities to perform pro-active investigations and effective prosecutions of corruption related offences. Irrespective of the system chosen by one State on the organisation of the prosecution office, whether the prosecutors are functionally independent or hierarchically subordinated to the executive power, the long-standing viewpoint of GRECO, based on international standards, is to insist that safeguards should be taken for corruption investigations and prosecutions to be carried out without any improper external or internal influence.<sup>66</sup> Thus, **GRECO recommends ensuring the independence and effectiveness in practice of criminal investigations and prosecutions of persons with top executive functions suspected of having committed corruption related offences in order to guarantee the integrity of prosecutions.**

162. Another aspect which was discussed during the visit was the lack of detailed statistics on corruption-related offences concerning PTEFs. The authorities referred to the statistics contained in the annual reports of the PSG and the SSSG, as well as to information on the articles of the Criminal Code published on the website of the National Statistics Office of

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<sup>65</sup> Transparency International Georgia regularly updates a list of cases of alleged high-level corruption that, in its opinion, were not properly investigated: <https://transparency.ge/en/blog/alleged-cases-high-level-corruption-periodically-updated-list>.

<sup>66</sup> In the context of the execution of the ECtHR judgment [in the case of Merabishvili v. Georgia](#) (Application no. 72508/13), the Committee of Ministers of the Council of Europe has underlined the need for measures to strengthen the external independence of the prosecutor's office and internal independence of individual prosecutors. Violations found in that case (Article 18 taken in conjunction with Article 5 ECHR) tend to indicate serious issues with the criminal justice system, and in such cases, it is the Committee's practice to call for reinforced guarantees to protect the prosecuting authorities and the judiciary from political pressure.

Georgia.<sup>67</sup> However, there is no statistics broken down by the position of the individual concerned, the type of offense or the penalty imposed. In the GET's view, this is a lacuna for corruption prevention purposes at the level of PTEFs. The GET considers transparency an essential tool for upholding public trust, reassuring citizens of the corrective action taken when breaches occur and dispelling any possible misconception of self-protection at the highest levels of power. Moreover, keeping detailed criminal records would help identify deviant behaviour within the Executive and better signal those instances for risk management purposes. GRECO encourages the authorities to regularly publish statistics on the detection, investigation and prosecution of corruption-related offences concerning persons with top executive functions, while respecting the anonymity of the persons concerned.

#### *Non-criminal enforcement mechanisms*

163. As indicated above, the ACB may initiate administrative proceedings in case of failure to submit assets declarations or in case of incomplete or inaccurate information contained therein. Besides political accountability under parliamentary and public scrutiny, there are no other non-criminal enforcement proceedings applying directly to PTEFs. As indicated above, the practical enforcement of the LCC is almost non-existent. The GET refers back to the recommendation issued in paragraph 58, according to which a future code of conduct for PTEFs needs to be accompanied by an effective mechanism of supervision and sanction, in order to ensure the credibility of the system.

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<sup>67</sup> <https://www.geostat.ge/en/modules/categories/679/unified-report-on-criminal-justice-statistics>

## V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

### Organisation and accountability of law enforcement/police authorities

#### *Overview of various law enforcement authorities*

164. The Ministry of Internal Affairs (hereinafter: MIA) is considered to be the supreme law enforcement agency in Georgia.<sup>68</sup> It is the national authority for public safety, law and order, protection of human rights and freedoms, prevention of crime and any other offences, traffic safety, state border and maritime protection, illegal immigration and emergency situations, as set out in Article 3 of Government Ordinance no. 37 on Approval of the Regulations of the MIA of 13 December 2013.

165. Law enforcement agencies in Georgia therefore fall under the jurisdiction of the MIA and operate through the following entities:

- 20 Structural subunits<sup>69</sup>, which are departments of the MIA and include the Patrol Police and the Central Criminal Police. They are funded by the State budget.
- 12 Territorial agencies/bodies, which are police departments that represent the MIA at the regional level and have investigative and operative powers. They are also funded by the State budget.
- 2 State sub-agencies, which are executive entities governed by the MIA and include the Border Police of Georgia and the Emergency Situations Management Agency. They are also funded by the State budget.
- 5 Legal entities under public law (hereinafter: LEPLs), which are entities that ensure the effective functioning of the MIA and include the Academy, the Security Police Department and the Healthcare Service etc.<sup>70</sup> They are financed mainly by the state budget and by other funding permitted by the legislation of Georgia.

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<sup>68</sup> In 2015, an important governmental reform was carried out in the fields of law enforcement and national security. The reform had the aim of reducing the MIA's accumulated powers following its merger with the Ministry of State Security in 2004, of increasing the effectiveness in both law enforcement and national security as well as of providing safeguards for an effective democratic oversight. This led to the separation of national security bodies from the MIA and the creation of a new agency under which these bodies were brought together. This agency is the State Security Service of Georgia (SSSG), which is a part of the system of special-purpose institutions with executive authority, under the Government.

<sup>69</sup> Administration of the Ministry (Department), Legal Department, General Inspection (Department), Economic Department, Logistics Department, Human Resources Management Department, Forensic-Criminalistics Department, Information Analytical Department, **Central Criminal Police Department, Patrol Police Department**, Special Tasks Department, Facilities Protection Department, Strategic Pipelines Protection Department, International Relations Department, Temporary Detention Department, Strategic Communications Department, Internal Audit Department, Operative Department, Migration Department and the Human Rights Protection and Investigation Quality Monitoring Department.

<sup>70</sup> Academy of the Ministry of Internal Affairs of Georgia, Security Police Department, Healthcare Service of the Ministry of Internal Affairs, Legal entity of public law – Service Agency of the Ministry of Internal Affairs of Georgia, Legal entity of public law under the Ministry of Internal Affairs of Georgia – Public, Safety Command Center 112, LEPL State Reserves and Civilian Security Services Agency under the MIA subordinate state agency the Emergency Situations Management Agency.

166. The MIA, along with its structural units responsible for police functions, is headed by the Minister of Internal Affairs of Georgia.

167. A police officer is a public servant who serves at the MIA, an employee of the state sub-agency – Border Police of Georgia or an employee of a LEPL within the MIA, who are conferred a special rank and have taken the oath of a police officer.

168. The law enforcement agencies (hereinafter: LEAs) that are identified as bodies performing core law enforcement functions, subject to national laws and regulations of Georgia, are the Patrol Police (a structural subunit of the MIA), the Central Criminal Police (also a structural subunit of the MIA) and the Border Police (a state sub-agency). These bodies will be the subject of this report.

169. For the purposes of this report, the common features of the Patrol Police, the Central Criminal Police and the Border Police are grouped together, but a detailed assessment is provided whenever necessary, to highlight any differences or respective arrangements within each law enforcement agency – whether those differences are achievements or challenges ahead. Therefore, the term (i) “law enforcement agencies – LEAs/Police force/Police” has been used to refer to the Patrol Police, the Central Criminal Police and the Border Police without any distinction, and the term (ii) “law enforcement officers – LEOs/Police officers” has been used to denote officers of the Patrol Police, the Central Criminal Police and the Border Police.

#### *Organisation and accountability of selected law enforcement authorities*

170. The Patrol Police and the Central Criminal Police are both structural subunits of the MIA and are overseen by the Patrol Police Department and the Central Criminal Police Department, respectively – whereas the Border Police is a subordinate state agency of the MIA. Police officers working for these law enforcement agencies are public servants who serve at the MIA or employees of the state sub-agency – Border Police of Georgia who are conferred a special rank and who have taken the oath of a police officer.<sup>71</sup>

171. The Patrol Police maintains peace, public order and carries out its functions in cooperation with civil society.<sup>72</sup> It notably provides for road safety throughout the country and the safety of public gatherings (on foot or in a vehicle) and investigates crimes related to traffic accidents. It also ensures the protection of the state border and the border regime at border crossing points, as well as the fight against illegal migration.

172. The Patrol Police is overseen by the Patrol Police Department. It has 10 divisions at the regional level and provides operations throughout the territory of Georgia.<sup>73</sup> It is headed by a Department Director, who is appointed/dismissed by the Minister of Internal Affairs of Georgia. Jurisdiction over any criminal cases is determined by the PSG and investigators at the Patrol Police will have to follow the instructions of a prosecutor in respect of criminal cases. If

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<sup>71</sup> Article 4(3) of the Law on the Police.

<sup>72</sup> <https://police.ge/en/ministry/structure-and-offices/patrol-police-department>

<sup>73</sup> Articles 4-6, Order no. 53 of the Minister of Internal Affairs of Georgia on Approval of the Regulations of the Patrol Police Department of the MIA of 25 April 2018.

an investigator does not agree with the instruction received, s/he may submit this opinion in writing to a superior prosecutor, whose decision is final (Article 37, Criminal Procedure Code).

173. There are 4 318 police officers working for the Patrol Police in Georgia of which 19% are women and 81% are men. Among the positions of deputy head of department and above, 95% are men and 5% are women (statistics for 2022). The authorities indicated that there has been a one percent increase since 2021 in the number of women working in the Patrol Police.

174. The Central Criminal Police fights particularly serious crimes across the territory of Georgia. This includes the fight, prevention and detection of organised crime, trafficking, illegal immigration, drug crimes, as well as cybercrime.

175. The Central Criminal Police Department oversees the Central Criminal Police and ensures cooperation with international and regional organisations operating within the field of law enforcement. This includes cooperation with the International Criminal Police Organisation (INTERPOL), with EU member states through the European Union Agency for Law Enforcement Cooperation (EUROPOL), to exchange operative information within the framework of international cooperation and the fight against crime on a regional as well as international scale.<sup>74</sup> It has a Department Director appointed/dismissed by the Minister of Internal Affairs of Georgia. Investigators at the Central Criminal Police will have to follow the instructions of a prosecutor in respect of criminal cases, same as for the Patrol Police above.

176. There are 360 police officers working for the Central Criminal Police of which 16% are women and 84% are men. Among the managerial positions in the Central Criminal Police Department, 96% are men, and 4% are women (statistics for 2022).

177. The Border Police<sup>75</sup> is a special service and LEA, which prevents, detects and investigates illegal actions on the state border, maritime space, ports and throughout the territory of Georgia (except for border crossing points – which fall under the jurisdiction of the Patrol Police). It has three internal departments: the Land Border Defence Department, the Special Aviation Main Office and the Coast Guard. The head of the Border Police is appointed/dismissed by the Prime Minister of Georgia upon the recommendation of the Minister of Internal Affairs of Georgia. Same as for the Patrol Police and the Central Criminal above, investigators at the Border Police will have to follow the instructions of a prosecutor in respect of criminal cases.

178. There are 3 525 police officers working for the Border Police of which 12% are women and 88% are men. Among the positions of deputy head of department and above, 96% are men, while 4% are women (statistics for 2022).

179. The above-mentioned figures show a strong discrepancy between the percentage of women and men in LEA. The GET underlines the importance of promoting gender balance in the police, as it contributes to avoiding groupthink and in turn corruption. **GRECO recommends that further measures be introduced to increase the representation of women in the Patrol Police, Central Criminal Police and Border Police, at all levels, particularly at the managerial level.**

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<sup>74</sup> Article 4 and Article 5, Order no. 71 of the Minister of Internal Affairs of Georgia on Approval of the Regulations of the Central Criminal Police Department of the MIA of 16 August 2019.

<sup>75</sup> <https://bpg.gov.ge/en/ge/>



## *Access to information*

180. Access to information for the police falls under the principle of access to public information provided by the Constitution, the [General Administrative Code](#), the Law on the Police and other legislation (for details on access to public information, see the first part of this report on PTEFs). This includes providing information on police activity to state bodies, civic organisations and interested persons, as determined by law, as well as to mass media. Exceptions to this principle are provided for by law and include state, professional or commercial secrets, personal data and investigation materials.

181. The MIA has a website on which public information may be accessed<sup>76</sup> or information may be obtained by either submitting a request for information to the LEA in question or by sending an email to [police@mia.gov.ge](mailto:police@mia.gov.ge). The requested information must be provided either immediately or within a period not exceeding 10 working days.<sup>77</sup> If the request for information is only partially fulfilled or not met at all, an appeal may be made to the superior governing body overseeing the decision-making process and, lastly, it can be challenged before a court of law.

182. The Strategic Communications Department of the MIA is in charge of keeping the public informed through various communication channels (MIA's website, social networks: Facebook/Meta,<sup>78</sup> Twitter/X, YouTube) about daily activities of the MIA including infrastructural projects, reforms, structural and legislative changes. It carries out communication campaigns to raise public awareness on various issues falling within the MIA's remit. Regularly updated information is provided to TV stations and news agencies. One of the main communication channels of the MIA's Strategic Communications Department is the police website.<sup>79</sup> In addition, during the period of 10 December 2022 to 10 December 2023, the MIA provided 73 180 public information requests, which represented 97% of all requests; 1% of these requests were referred to another agency for response, while some requests were under review during the data analysis period.

183. Interlocutors met by the GET during its on-site visit, including journalists, were finding their work rendered increasingly difficult as access to public information on the police is often denied or made deliberately difficult to obtain. Those who request information are often told to go to court to get access – however, once the court has granted access, the information is often no longer relevant. Also, if a case becomes part of a criminal investigation, the flow of information regarding the development of the case ends because there is no legal obligation to reveal what is under investigation. The GET considers that the existing framework on access to policing information needs further reflection on how it can be implemented more efficiently so as to further maintain the general trust in the police force without jeopardising the police's work. To that end, **GRECO recommends that the existing framework on access to policing information be reviewed to make information more readily available while preserving the integrity of ongoing investigations.**

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<sup>76</sup> <https://police.ge/en/home>

<sup>77</sup> Article 40, General Administrative Code.

<sup>78</sup> <https://www.facebook.com/MIAofGeorgia>

<sup>79</sup> <https://police.ge/en/home>

### *Public trust in law enforcement authorities*

184. The Strategic Communications Department of the MIA does not conduct surveys on public trust in LEAs. It does, however, take into consideration the results of surveys conducted by international organisations when planning short and long-term activities, as well as public relations campaigns.

185. During its on-site visit, the GET noted a general view that there was little to no corruption in LEAs. This view is corroborated by the Caucasus Barometer of 2021 on Georgia,<sup>80</sup> which measures public trust in the police and for which respondents were asked whether they trust or distrust Georgia's police. The following results were gathered: 9% of the respondents fully distrust the police, 13% rather distrust the police, 34% neither trust nor distrust the police, 33% rather trust the police, 9% fully trust the police, 2% do not know and 1% did not reply. The GET recognises the efforts in dealing with petty corruption (e.g. bribe-seeking traffic stops), but also stresses the importance of continued efforts in combatting corruption once and for all in law enforcement agencies.

186. Notwithstanding the above, issues pertaining to the police in Georgia relate to police violence and police accountability, as shown by European Court of Human Rights judgments.<sup>81</sup> In these cases the lack of effective investigations into allegations of violations of the right to life and of ill-treatment or excessive use of force by the police during arrest and/or custody as well as a failure of the authorities to carry out effective investigations into assaults and homicides, has been raised (see paragraph 261, below).

### *Trade unions and professional organisations*

187. In Georgia, despite the fact that the Constitution<sup>82</sup> recognises the right of everyone to join trade unions in accordance with organic law and the right of employers and employees to join associations or unions, there are no professional unions/associations in the structure of the MIA. There are therefore no trade unions nor professional organisations for police officers in Georgia. The GET did not hear any concerns on site about the lack of trade unions.

## **Anticorruption and integrity policy**

### *Risk management measures for corruption prone areas*

188. The Law "on Public Service" and the LCC that apply to PTEFs above, also apply to LEAs. In addition, Order no. 995 of the Minister of Internal Affairs on the Approval of the Procedure for the Performance of Service of the MIA of 31 December 2013 (hereinafter: Order no. 995) and the Law on the Police provide standards of good faith and inspection mechanisms within the MIA.

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<sup>80</sup> <https://caucasusbarometer.org/en/cb2021ge/TRUPOLI/>

<sup>81</sup> ECtHR, Case of *Dzerkorashvili and Others v. Georgia*, Application no. 70572/16, 2 March 2023; Case of *Kvirikashvili v. Georgia*, Application no. 34720/16, 28 April 2022; Case of *Pertaia v. Georgia*, Application no. 44888/16, 13 January 2022; Case of *Aghdgomelashvili and Japaridze v. Georgia*, Application no. 7224/11, 8 October 2020; Case of *Arkania v. Georgia*, Application no. 2625/12, 25 June 2020; Case of *Kekelidze v. Georgia*, Application no. 2316/09, 17 January 2019; Case of *Mikiashvili Georgia*, Application no. 18996/06, 9 October 2012; Case of *Tsintsabadze v. Georgia*, Application no. 35403/06, 15 February 2011 (non-exhaustive list).

<sup>82</sup> Article 26(2) of the Constitution.

189. There is also the important and well-developed task of the Internal Audit of the MIA that carries out risk assessments (including the preparation of relevant questionnaires) for all activities under the MIA – which should be taken into consideration in the development of future anti-corruption measures for the MIA (see paragraphs 249-253, below).

190. The GET notes, however, that there is no dedicated operational anti-corruption strategy in place for the police and no comprehensive corruption-risk mapping or risk assessment for the individual LEAs. The GET also notes that the reports of ill-treatment of persons in police custody as well as allegations of high-level corruption in the police (see above, paragraphs 159-160, which also apply to the police) seem not yet to be addressed adequately. There is therefore an urgent need for a dedicated anti-corruption strategy for the police, which could assist the authorities in identifying and targeting specific risk areas within the police more effectively. It is also important that existing training for the police be broadened to include the newly identified risk areas.

191. During the on-site visit, the GET was informed that the authorities of Georgia are in the process of establishing new risk management mechanisms, which will also apply to LEAs. A corruption risk assessment methodology has already been developed and the process of setting up bodies for, amongst others, the implementation of measures has started and conducting regular risk assessments is planned as is the continued updating of risk assessment result documents and risk registers. In this context and to ensure important areas are covered, **GRECO recommends that (i) an operational anti-corruption strategy be established on the basis of risk assessments that should be coupled with an action plan(s) for the law enforcement agencies and (ii) that dedicated regular training on risk management be improved and continued for law enforcement officers in the Patrol Police, the Central Criminal Police and the Border Police.**

#### *Handling undercover operations and contacts with informants and witnesses*

192. Covert investigative actions are regulated by the [Criminal Procedure Code](#)<sup>83</sup> and the [Law “On Operative Investigatory Activities”](#). The Criminal Procedure Code sets out under which circumstances covert investigative actions may be used to investigate crime (Chapter XVI<sup>1</sup>). To that end, covert investigative actions may only be carried out if there is a motion by the prosecutor which refers to circumstances that confirm that an investigation has been initiated and/or criminal proceedings are being conducted as a result of an intentionally serious and/or particularly serious crime or any of the crimes provided for in selected articles of the Criminal Code (these include organ trafficking, aggravated sexual assault, violation of human equality, racial discrimination, false imprisonment, disclosure of state secrets etc.). The [Law “On Operative Investigatory Activities”](#) provides a list of which agencies may conduct operative and investigative activities – this list may only be changed through an amendment to this Law. The list provides for seven agencies or bodies which may carry out this activity (within the scope of their powers): (1) operational agencies and investigation units of the MIA (this includes the Patrol Police, the Central Criminal Police and the Border Police); (2) authorised units of the State Security Service; (3) operational agencies of the Special State Protection Service; (4) operational agencies and investigation units of the Ministry of Finance; (5) operative units of the state sub-agency within the Ministry of Justice – the Special

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<sup>83</sup> Version of 29 November 2022, which does not include the changes introduced during 2023 regarding Article 152(2), Article 310(e<sup>1</sup>), Article 136(3<sup>1</sup>), Article 80(6<sup>1</sup>) and Article 53(3)) and the secret normative acts of the MIA.

Penitentiary Service; (6) operative, investigative and intelligence subunits of the Ministry of Defence; (7) operational agencies of the Intelligence Service; (8) investigators of the Prosecutor's Office; (9) investigators and employees of an appropriate unit of the Ministry of Justice and (10) investigators of an appropriate unit of the Special Investigation Service and employees of the Special Investigation Service performing operative and investigative activities.

193. Furthermore, relations with third parties are regulated by the [Law “On Operative Investigatory Activities”](#), Chapter IV of which regulates citizens' assistance to the bodies implementing operational-search activities. This Law also deals with the involvement of individuals in the preparation or conduct of operational-search activities, contractual relationships, the concept of a secret employee (confidant), guarantees of legal and social protection of citizens assisting the bodies implementing operational-search activities, and others. In addition, issues of relations with third parties are regulated by secret orders of the Minister of Internal Affairs.

#### *Code of ethics*

194. The Georgian [Police Code of Ethics](#) was approved by Order no. 999 of 31 December 2013 of the Minister of Internal Affairs on the Approval of the Code of Ethics for the Georgian Police and Instructions on Conduct of Certain Servants of the MIA. This Order consolidates conduct instructions for individuals employed by the MIA's diverse subunits and has approved the following seven annexes:

- Annex 1: The Police Code of Ethics;
- Annex 2: Conduct instructions for the Patrol Police;
- Annex 3: Conduct instructions for Patrol Inspectors (border controllers) of the Patrol Police Department;
- Annex 4: Conduct instructions for employees of temporary detention centre;
- Annex 5: Conduct instructions for Border Guards;
- Annex 6: Guidelines for MIA employees during elections;
- Annex 7: Conduct instructions for employees of the Migration Department of the MIA.

195. The Police Code of Ethics applies to all individuals holding the rank of police officer, irrespective of their specific MIA unit and regardless of their location (within or outside the territory of Georgia). Due to the specific nature of certain roles, conduct instructions tailored to the requirements of particular fields are approved through an order. Additional regulations governing the conduct of employees of the MIA may be established by other legal acts. For instance, Order no. 1310 of the Minister of Internal Affairs of Georgia of 15 December 2005 on the Rules of Patrolling by the Office of the Patrol Police of the MIA outlines the rules of patrolling and communication with third parties for the patrol police personnel.

196. In case of disciplinary breaches, the General Inspection takes disciplinary action against the police officer concerned and has done so for one police officer for misconduct committed abroad (2022). Sanctions for the violation of the Code are provided under Chapter 8 of the Code which, however, merely sets out that “The violation of norms determined by the Ethics Code shall entail liability in accordance with the procedure established by an order of the Minister of Internal Affairs of Georgia”.

197. Under the Police Code of Ethics, police officers are obliged to inform their management about any inappropriate or illegal behaviour on the part of colleagues. Appropriate action is then taken in accordance with established rules, i.e. the case is sent to the General Inspection (paragraph 2.12. Code of Ethics of the Police). LEOs are also under an obligation to observe general rules of ethics and conduct as defined by the LCC (this is provided for in Article 77 paragraph 3 of the Law on Public Service).

198. The GET welcomes the existence of a specific Code of Ethics for the police and that it addresses the various police forces. Annexes to this Code provide additional instructions for specific units where the MIA sees a greater integrity risk, notably during specific periods such as elections. The GET, however, finds this Code slightly too general as it does not provide enough guidance for police behaviour in their daily practice. For example, in all Annexes (3-7) to the Police Code of Ethics, reference is made to gifts, but no reference is made to the conduct to adopt when receiving gifts (more on gifts, see paragraphs 239-240, below). Conflicts of interest are not mentioned in the Code, a LEO would therefore have to turn to the LCC to find guidance. The same applies to a slew of other topics (misuse of public resources, sanctions for violations of the Code, etc.). When information is scattered, the likelihood of it being ignored is high, creating a possible knowledge gap. A manual with tailored examples for each of the three main LEAs would be needed. Therefore, **GRECO recommends that (i) the Police Code of Ethics be updated to cover in detail all relevant integrity matters (such as conflicts of interest, gifts, misuse of public resources) and (ii) be supplemented by a manual or handbook illustrating all issues and risk areas with relevant concrete examples and that (iii) clear sanctions be introduced for the different types of violations of the Code with an enforcement/oversight mechanism.**

#### *Training, awareness on integrity and advice*

199. Training of law enforcement officers is provided by the Professional Training Division of the Academy, which is a LEPL under the MIA and is financed by the state budget. Training on ethics and integrity matters are an integral part of the mandatory training programmes for new recruits.

200. Law enforcement officers receive on-going training on ethics, prevention of corruption, conflicts of interest and related issues. However, this on-going training does not seem to be mandatory. The topics covered in the training are: the importance of the Code of Ethics of the Georgian Police and how it applies to the Police's main activities; general rules of behaviour; public relations and relations with colleagues; use of force and firearms; treatment of detained persons and liability in case of a violation of the Code of Ethics; official crimes; abuse of power; acting *ultra vires* official powers; bribes (offering/accepting); trading in influence; acceptance of gifts prohibited by law; official fraud and indifference at the workplace. The topics of ethics and corruption are an essential and integrated part of training programmes, such as the special basic professional training programmes for border guards of the Land Border Protection Department of the Border Police; the special basic training of police officers; the electronic programme/training for persons joining or having joined the police force and the special training on the same topic for junior lieutenants with special ranks.

201. Over the past five years, attendance at the Academy for these training courses were as follows:

Year	No. of participants in training courses*
2018	1012
2019	733
2020	1060
2021	408
2022	2396

\*There is no disaggregated data for the Patrol Police, the Central Criminal Police and the Border Police

202. Several training events were organised in 2021 by the Swedish International Development Cooperation Agency (SIDA) and led by experts from the Swedish National Financial Management Authority (ESV). These include a pilot project for the implementation of the financial management and control system, which consisted of a training course on risk management issues for, among others, the heads of the primary structural units of the MIA, the managers of the subunits responsible for policy development and various managers of economic services, together with the representatives of other Ministries. Another risk-management training was later scheduled and conducted directly for the employees of the MIA (including the heads of the Patrol Police, Central Criminal Police and the Border Police).<sup>84</sup>

203. The GET welcomes that ongoing integrity training courses are available and conducted to enhance the knowledge of service personnel and police officers. Additional action is needed, however, to ensure that the integrity training for police officers be made mandatory at regular intervals throughout their career, especially for more senior officers, as well as for police officers working in sensitive/vulnerable sectors, which is currently not the case. This is all the more necessary in view of the preceding recommendation that the Police Code of Ethics be updated and supplemented with guidance. Therefore, **GRECO recommends that periodic and targeted mandatory integrity training is ensured for mid-level and high-level/senior police officers, as well as for police officers working in sensitive/vulnerable sectors.**

204. Finally, there is no procedure in place for police officers to seek confidential advice on ethical and integrity issues other than by turning to their superiors. Although it should be part of a superior's function to set the right tone and lead by example within the police force, s/he should however not have a direct role in confidential counselling, as this could deter requests for advice being made by lower-ranking staff. The GET considers that police officers should be provided with dedicated confidential advice, and more generally, awareness-raising initiatives on ethical dilemmas they may encounter on a day-to-day basis during the course of their duties.

205. A more institutionalised approach should be introduced in this area in the form of an adequately trained and easily accessible person of trust, who is independent of the LEO's chain of command, to whom any police officer could turn in confidence to obtain support/information on integrity measures. The GET therefore considers that, in addition to the availability of superior officers to provide advice upon request, an expert body or independent persons (who may be law enforcement officers) should be responsible for providing confidential advice to police officers, should they face any ethical dilemmas. In addition, consideration might be given to having such persons trained by the new Anti-Corruption Bureau and that they could act as designated recipients of disclosures of police misconduct for future whistleblower protection purposes (see below, paragraph 282).

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<sup>84</sup> Participants included, *inter alia*, representatives of the Central Criminal Police Department and Patrol Police Department.

Therefore, GRECO recommends that (i) a system of confidential counsellors be established and that (ii) the Anti-Corruption Bureau establish in-house training for confidential counsellors, who will then act as “external” counsellors for, *inter alia*, the Patrol Police, the Central Criminal Police and the Border Police; and that (iii) the Anti-Corruption Bureau organise tailored awareness-raising initiatives on ethical dilemmas that could be encountered by, *inter alia*, the Patrol Police, the Central Criminal Police and the Border Police.

### **Recruitment, career and conditions of service**

#### *Recruitment requirements and appointment procedure*

206. The recruitment procedure of LEOs is regulated by the Law on the Police and the regulations governing service within the MIA. The recruitment process to the Police is dealt with by the Human Resources Department of the MIA and a special commission that examines the health status, physical fitness, education and professional aptitude of candidates.<sup>85</sup> The MIA’s process of recruitment is standardised across all units falling under the MIA’s jurisdiction (e.g. Patrol Police and Central Criminal Police), including subordinate state agencies (e.g. Border Police) and LEPLs.

207. The Minister of Internal Affairs is the person authorised to officially appoint, promote and dismiss a candidate in the MIA (this applies to structural subunits such as the Patrol Police and the Central Criminal Police). The right to appoint or dismiss a candidate for a vacant position in State sub-agencies of the MIA such as the Border Police (except for the heads of these State sub-agencies, whose candidacies are submitted to the Prime Minister of Georgia by the Minister of Internal Affairs), are the heads of these State sub-agencies themselves.

208. For the recruitment to a certain position in the police (i.e. district inspector, detective (analyst), law enforcement officer, investigator, patrol inspector, Border Guard patrol inspector and tourist security inspector) within units of, *inter alia*, the Patrol Police Department, the Central Criminal Police Department and the Border Police, a special training and an adapted educational programme at the Academy of the MIA must have been followed by the candidate. This requirement applies only after the candidate has successfully completed all stages of the competitive selection process for the respective position.

209. In this respect, Order no. 995 sets out the requirements for hiring and/or appointing employees within the MIA to relevant positions. Notably, recruitment to the police through a special competition. The Order also provides that a person may be appointed to a vacant position without a special competition, where s/he has already been accepted into the police force (serves in the MIA or is registered in the staff reserve) and has the appropriate special or military rank.

210. There are two types of special competitions in the MIA system: the special open competition and the special internal competition. The special open competition is held for persons eligible for the vacant position provided for by the employee status with a special

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<sup>85</sup> During the interview, a candidate is evaluated on the basis of the following five criteria: (1) general personality characteristics/emotional stability, (2) education, (3) motivation, (4) awareness regarding the service, and (5) logical and argumentative reasoning ability. The aim is to provide an evaluation of candidates based on equal, fair and objective criteria.

rank. Any person who meets the requirements established by the legislation of Georgia has the right to participate in a special open competition. For the purpose of organisational development, the MIA is authorised to announce a special internal competition for a vacant position. All MIA employees, including LEOs, have the right to participate in special internal competitions. A special competition commission renders a decision that is of a recommendatory nature and is issued to the person authorised to be appointed to a vacant position within the MIA. These commissions are approved by orders of the Minister. There are 21 such commissions.<sup>86</sup> The decision on appointment is therefore not rendered by only one unit, but by an entire procedure conducted on a commission basis.

211. Article 38 of the Law on the Police sets out the restrictions which prevent a candidate from being appointed to a vacant position. These include, *inter alia*, persons convicted of a crime or subject to criminal prosecution, persons recognised by a court of law as having limited competences and state of health issues.

212. Candidate police officers, just as anyone else recruited by the MIA, are subject to a special inspection. This involves verifying information regarding a candidate for admission to the MIA, including their educational background and past activities. The purpose of this special inspection is to identify circumstances which could prevent the proper performance of official duties; to determine personal and professional integrity as well as work-related and moral reputation; and to determine the compatibility of past activities with the position of a police officer.<sup>87</sup> The law provides that recruitments and appointments are confirmed by a legal act that may be issued through an electronic document management system. The legal act is considered to be delivered from the moment it is sent by this system to the person concerned.

213. A probationary period is provided for under Article 76 of Order no. 995, for persons nominated by a special competition commission to a vacant position after they are appointed by the Minister or a duly authorised official.

214. The GET considers that, while the recruitment process at the entry level appears to be adequate, background checks/vetting should be carried out at regular intervals throughout a police officer's career and more frequently for those who have access to sensitive information in the performance of their duties. At the same time, the GET underlines that integrity vetting as construed by GRECO is about possible conflicts of interest linked to a person's individual circumstances that may affect policing in general and not only access to documents of a confidential nature. Therefore, the GET considers that vetting within this meaning should be put in place to gauge the vulnerability to corruption of members of the LEAs, not only upon recruitment, but also on a regular basis thereafter. The GET emphasises that personal circumstances are likely to change over time and, in some cases, make a person more vulnerable to possible corruption risks (financial problems arising, family situation, etc.). **GRECO recommends introducing regular background checks relating to integrity during a police officer's career, at all levels, particularly at the managerial level, and more frequently depending on their exposure to corruption risks and the required security levels.**

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<sup>86</sup> The Special Competition Commission of the MIA, the Unified Special Competition Commission, the Special Competition Commission of the Patrol Police Department, the Special Competition Commissions of territorial agencies (11 commissions), the Special Competition Commissions of LEPLs (five commissions) and the Special Competition Commissions of subordinate state agencies (two commissions).

<sup>87</sup> Article 371 of the Law of Georgia on Police; Article 2 ("i") and Article 75(5) of the Order.



*Performance evaluation and promotion to a higher rank, transfers, rotation and termination of service*

215. An employee of the MIA, including a police officer, may be subjected to an attestation, the purpose of which is to periodically assess professional behaviour, qualifications, capacities and personal qualities with the requirements of the position held. This is regulated by Article 54 of the Regulations approved by Order no. 995, which provides that a periodic evaluation of an employee's professional skills, qualifications, capabilities and personal qualities may be carried out to assess their conformity with the requirements of their position. A decision on carrying out an attestation is either made by the Minister on his/her own initiative or on request by the head of the relevant structural subunit, territorial agency or LEPL and is carried out only in specific cases. The latter include instances in which it might be necessary to assess the professional skills, qualifications, capabilities and personal qualities of employees working in a specific unit with the requirements of the position. This situation may arise as a result of evaluations conducted by the immediate supervisor or, for instance, from assessments carried out by the Internal Audit Department.

216. An attestation may only be carried out once a year per police officer. It may include checking his/her physical fitness level, his/her level of knowledge of relevant laws that regulate his/her activities, in the form of an interview or testing as well as an interview.

217. If, as a result of an attestation, the conclusion is reached that the police officer does not meet the requirements of the position held, the Attestation Commission addresses the Minister, or another authorised person, with a recommendation to dismiss the police officer.<sup>88</sup>

218. An evaluation of good faith of the person employed in the MIA, including police officers, is carried out by the direct supervisor and, if necessary, by the monitoring services employed within the unit and the General Inspection.

219. Any candidate police officer seeking a promotion to a position in an operational unit has to follow an appropriate course to that effect at the Academy of the MIA. This is a requirement that was introduced on 1 September 2018 by Order no. 995. The police officer may then be nominated either by the head of unit or by self-nomination, if applicable. The Academy is responsible for implementing the educational programme aimed at the official promotion of employees of the MIA. This training programme is designed to enhance the qualifications and to promote employees, *inter alia*, of the Central Criminal Police Departments and the Patrol Police Department of the MIA.

220. Candidates seeking a promotion and enrolling in the training programme must also have successfully passed a professional selection test conducted by the Academy, have obtained a positive assessment by their supervisors as well as a positive conclusion by the General Inspection. The latter carries out checks to ensure that a candidate is not under investigation for a crime or the subject of an official inspection. This is regulated by Order no. 995. The GET did not hear any concerns on site about promotions or about a lack of transparency in the process.

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<sup>88</sup> Article 54 of Order no. 995 of the Minister of Internal Affairs on Approval of the Procedure for Passing the Service in the MIA of 31 December 2013.

221. Transfers of police officers are regulated by the Law on the Police, the General Administrative Code and by orders of the Minister. A police officer may be transferred to a position equivalent to his/her position if there is an official necessity to do so. This decision is made by the Minister of Internal Affairs or a duly authorised person and with the consent of the police officer concerned. A transfer may take place without the consent of the police officer concerned, but only for a period that does not exceed two years, after which s/he returns to the position s/he held before the transfer or a similar position, if the original position cannot be returned to. If the police officer refuses the offered position, s/he will be dismissed. The same rules apply to transfers as apply to the appointment of a candidate. In accordance with the General Administrative Code, the person is notified of the individual legal act concerning him/her and if necessary, s/he has the right to appeal the legal act in a court of law.

222. There is no specific rotation system for police officers in place. Rotation seems to be covered by secondments, which are regulated by Order no. 995, according to which an employee may move to another territorial location and/or another structural unit, territorial agency, sub-departmental institution or LEPL, for a maximum period of six months. There is, however, no specific mention of rotation, including what this implies, i.e. an institutional system for the rotation of LEOs applied to identified areas considered particularly exposed to corruption.

223. The GET, during its on-site visit, noted the lack of difference made between the notion of rotation and those of transfer and secondment. Although transfers and secondments are provided for by law, this is not the case for rotation. It is therefore important that a system of rotation be introduced as a risk control measure and that it be used on a regular basis by the authorities, notably for staff working in areas that are prone to corruption and identified as risk areas. For this reason, **GRECO recommends that an institutional system of rotation be put in place for police officers, which could be applied, as appropriate, in areas considered particularly exposed to corruption risks.**

224. Termination of service occurs where disciplinary misconduct has been established, allowing the Minister of Internal Affairs to dismiss the employee concerned (this includes staff of the Patrol Police, the Central Criminal Police or the Border Police) – on the basis of the conclusion reached by the General Inspection (one of the 20 substructural subunits of the MIA).

225. An employee of the MIA (including police officers) may be dismissed from or leave their position *inter alia* for the following reasons: resignation, restructuring, end of years of service, disciplinary offense or a legally binding court decision; change in citizenship; health condition; recognised as missing or as dead; or death.

#### *Salaries and benefits*

226. According to the Law on the Police, the salary of a police officer consists of the official salary and the salary established for their rank. In addition to this, the police officer may be given a salary supplement and compensation. The monthly salary rate and the allowance for the number of years of service are determined by Order no. 4 of the Minister of Internal Affairs on Approval of the Criteria to be met for Receiving Additional Compensation (Salary Supplement) by the Employees of the MIA with Military or Special Rank and the Rules for

Defining Remuneration of the Employees of the Mandatory Military Service of 26 January 2018.

**Statistics on the Salaries of MIA Employees**

**Central Criminal Police Department**

Position	2024			
	Official Salary rate (employees with the rank of police officer)	Rank and Hierarchy	Salary as per coefficient (employees without the rank of police officer/officers with civil status)	
Director of the Department	GEL 6974 (~EUR 2380.09)	1-1	5.00	GEL 6650 (~EUR 2269.51)
Deputy Director of the Department	GEL 6534 (~EUR 2229.93)	2-2	4.50	GEL 5985 (~EUR 2042.56)
Head of Division	Ranging from: GEL 3383 (~EUR 1154.55) to GEL 4868 (~EUR 1661.35)	Ranging from: 2-3 to 3-4	Ranging from: 2.50 to 3.10	Ranging from: GEL 3325 (~EUR 1134.76) to GEL 4123 (~EUR 1407.10)
Deputy Head of Division	Ranging from: GEL 3053 (~EUR 1041.93) to GEL 4433 (~EUR 1512.90)	Ranging from: 2-3 to 3-4	Ranging from: 2.30 to 3.10	Ranging from: GEL 3059 (EUR 1043.98) to GEL 4123 (~EUR 1407.10)
Head of Unit	Ranging from: GEL 2068 (~EUR 705.77) to GEL 3163 (~EUR 1079.47)	Ranging from: 3-4 to 3-5	Ranging from: 1.60 to 2.30	Ranging from: GEL 2128 (~EUR 726.24) to GEL 3059 (~EUR 1043.98)
Deputy Head of Unit	Ranging from: GEL 2437 (~EUR 831.70) to GEL 2728 (~EUR 931.01)	Ranging from: 3-4 to 3-5	Ranging from: 1.80 to 2.10	Ranging from: GEL 2394 (~EUR 817.03) to GEL 2793 (~EUR 953.20)
Inspector of Especially Important Cases	Ranging from: GEL 1942 (~EUR 662.77) to GEL 2074 (~EUR 707.82)	3-4	1.50	GEL 1995 (~EUR 680.85)
Senior Inspector	Ranging from: GEL 1678 (~EUR 572.67) to GEL 1705 (~EUR 581.88)	3-5	1.30	GEL 1729 (~EUR 590.07)

**Border Police**

Position	2024			
	Official Salary rate (employees with the rank of police officer)	Rank and Hierarchy	Salary as per coefficient (employees without the rank of police officer/officers with civil status)	
Head of Border Police	GEL 7260 (~EUR 2477.70)			
Deputy Head of the Border Police	GEL 6974 (~EUR 2380.09)			
Director of the Department	GEL 6534 (~EUR 2229.93)	1-1	4.50	GEL 5985 (~EUR 2042.56)
Deputy Director of the Department	Ranging from: GEL 4092 (~EUR 1396.52) to GEL 6100 (~EUR 2081.81)	Ranging from: 2-2 to 2-3	Ranging from: 3.10 to 4.50	Ranging from: GEL 4123 (~EUR 1407.10) to GEL 5985 (~EUR 2042.56)
Head of Division	Ranging from: GEL 3817 (~EUR 1302.67) to GEL 4719 (~EUR 1610.50)	Ranging from: 2-3 to 3-4	Ranging from: 2.80 to 3.10	Ranging from: GEL 3724 (~EUR 1270.93) to GEL 4123 (~EUR 1407.10)
Deputy Head of Division	Ranging from: GEL 2334 (~EUR 796.55) to GEL 4323 (~EUR 1475.36)	Ranging from: 2-3 to 3-4	Ranging from: 2.40 to 3.10	Ranging from: GEL 3192 (~EUR 1089.37) to GEL 4123 (~EUR 1407.10)
Head of Unit	Ranging from: GEL 1832 (~EUR 625.22) to GEL 3036 (~EUR 1036.13)	Ranging from: 3-4 - 3-5	Ranging from: 1.40 to 2.50	Ranging from: GEL 1862 (~EUR 635.47) to GEL 3325 (~EUR 1134.76)
Deputy Head of Unit	GEL 1584 (~EUR 540.59)	3-6	1.20	GEL 1596 (~EUR 544.69)

Inspector of Especially Important Cases	Ranging from: GEL 1760 (~EUR 600.65) to GEL 2904 (~EUR 991.08)	Ranging from: 3-4 to 3-5	Ranging from: 1.30 to 2.20	Ranging from: GEL 1729 (~EUR 590.07) to GEL 2926 (~EUR 998.59)
Senior Inspector	Ranging from: GEL 1678 (~EUR 572.67) to GEL 2030 (~EUR 692.80)	Ranging from: 3-4 to 3-5	Ranging from: 1.30 to 1.50	Ranging from: GEL 1729 (~EUR 590.07) to GEL 1995 (~EUR 680.85)

### Patrol Police Department

Position	2024			
	Official Salary rate (employees with the rank of police officer)	Rank and Hierarchy	Salary as per coefficient (employees without the rank of police officer/officers with civil status)	
Director of the Department	GEL 6974 (~EUR 2380.09)	1-1	5.00	GEL 6650 (~EUR 2269.51)
Deputy Director of the Department	GEL 6391 (~EUR 2181.12)	2-2	4.50	GEL 5985 (~EUR 2042.56)
Head of Division	Ranging from: GEL 3597 (~EUR 1227.59) to GEL 5594 (~EUR 1909.12)	Ranging from: 2-3 to 3-4	Ranging from: 2.60 to 3.50	Ranging from: GEL 3458 (~EUR 1180.15) to GEL 4655 (~EUR 1588.66)
Deputy Head of Division	Ranging from: GEL 3311 (~EUR 1129.98) to GEL 4180 (~EUR 1426.55)	Ranging from: 2-3 to 3-4	Ranging from: 2.50 to 3.10	Ranging from: GEL 3325 (~EUR 1134.76) to GEL 4123 (~EUR 1407.10)
Head of Unit	Ranging from: GEL 2079 (~EUR 709.52) to GEL 2871 (~EUR 979.82)	Ranging from: 3-4 to 3-5	Ranging from: 1.60 to 2.20	Ranging from: GEL 2128 (~EUR 726.24) to GEL 2926 (~EUR 998.59)
Inspector of Especially Important Cases	Ranging from: GEL 2008 (~EUR 685.29) to GEL 2585 (~EUR 882.21)	Ranging from: 3-4 to 3-5	Ranging from: 1.50 to 1.80	Ranging from: GEL 1995 (~EUR 680.85) to GEL 2394 (~EUR 817.03)
Senior Inspector	Ranging from: GEL 1865 (~EUR 636.49) to GEL 2255 (~EUR 769.59)	3-5	Ranging from: 1.40 to 1.60	Ranging from: GEL 1862 (~EUR 635.46) to GEL 2128 (~EUR 726.24)

227. Allowances are also given to police officers in certain cases, which include when they ensure the protection of public safety and security during the winter/summer holiday season; during business trips/visits across the country or while working along the conflict zones throughout the territory of Georgia. The salary of a police officer depends on the position held and increases with the rank and years of service, as follows: 1-2 years = 5%; 2-5 years = 10%; 5-10 years = 15% and 10 years and more = 20%.

228. The state provides mandatory state health and life insurance for police officers. Furthermore, employees of the MIA (including police officers) and their families may receive financial assistance in certain cases, such as where a police officer sustains an injury while carrying out official duties, s/he is eligible to receive a one-time financial assistance ranging from GEL 2000 to 7000 (approximately EUR 693 to 2427). Or in the event of the death of a police officer while on duty, their family (heirs) will be granted a one-time financial assistance in the amount of GEL 15 000 (approximately EUR 5201).

229. Among the social benefits enjoyed by police officers is the housing project, which aims to provide housing for employees of the MIA (including police officers) under preferential conditions and is co-financed by the MIA. It is governed by Order no. 1/373 of the Minister of Internal Affairs, which established a review commission to oversee the transfer of real estate ownership to employees of the MIA.

230. The procedure for issuing the above-mentioned social benefits is regulated by open orders,<sup>89</sup> and their use is monitored by both the Audit Department of the MIA and the State Audit Office.<sup>90</sup>

### **Conflicts of interest, prohibitions and restrictions**

#### *General rules and procedures*

231. Once recruited, a police officer will have undergone checks to ensure that there is no conflict of interest in accordance with, notably, the Law on the Police and Order no. 995, which guide the Human Resources Management Department of the MIA in the recruitment process. In addition, Order no. 999, which contains the Police Code of Ethics, provides further guidance on these issues. It largely repeats what is provided in the Law on the Police and Order no. 995 with respect to general principles, referring to the protection of human rights and fundamental freedoms. It sets out the general rules of conduct for police officers, including non-disclosure of confidential information, the duty to respond to violations of the Code of Ethics by a colleague (i.e. notify higher officials and relevant bodies on corruption detected), the duty not to use their status for personal interests/gains and the duty not to misuse official information and personal data for personal interests/gains or those of close relatives.

232. The GET noted that, although conflicts of interest are explained in the LCC, the definition basically amounts to “A public servant may not offer or receive any benefit related to the position that he/she holds in state service and/or public service, except as provided for by the legislation of Georgia”. This could benefit from further details, all the more so as the Police Code of Ethics does not provide any more information on conflicts of interest (see above, paragraph 198). It is therefore very unlikely that police officers fully understand what a conflict of interest is, especially when it comes to decision-making and financial interests. There also seems to be no specific training on conflicts of interest for police officers, nor a clear procedure for reporting conflicts of interest. The GET refers back to the recommendation issued in paragraph 198, according to which the Police Code of Ethics needs to be updated and supplemented with guidance. In this context, a clear definition of what constitutes a conflict of interest should be included, along with a procedure for reporting and managing conflicts of interest. The same applies to the recommendation in paragraph 203 on mandatory integrity training for all police officers, which should include dedicated training on conflicts of interest.

#### *Incompatibilities and outside activities*

233. Issues of incompatibility of duties are regulated by the Constitution, organic law, the LCC and other normative acts, notably the Law on the Police.

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<sup>89</sup> These orders are available to the public at the web address <https://matsne.gov.ge>

<sup>90</sup> Including the Law of Georgia on Remuneration in Public Institutions; Law of Georgia on Police; Order no. 997 of the Minister of Internal Affairs of Georgia on Approval of the Rules for Determining the Social Protection and Material Security of the Employees of the MIA of 31 December 2013; Order N4 of the Minister of Internal Affairs on Approval of the Criteria to be Met for Receiving Additional Compensation (Salary Supplement) by the Employees of the MIA with Military or Special Rank and the Rules for Defining Remuneration of the Employees of the Mandatory Military Service of 26 January 2018; Order no. 995 of the Minister of Internal Affairs of Georgia on Approval of the Procedure for Passing the Service in the MIA of 31 December 2013.

234. According to Article 36 (4) of the Law on the Police, a police officer may not perform any paid work, except for scientific, pedagogical or creative work, hold a position at any other budgetary organisation or perform any paid work in a company, established with an over 50% state participation in shares or hold a position in a body or institution of a foreign country.

#### *Post-employment restrictions*

235. Provisions on post-employment limitations and restrictions that apply to LEOs are provided for in Article 13 (10) of the LCC (see paragraph 136, above) and Order no. 995.

236. The GET noted that the authorities were of the opinion that incompatibilities and outside activities along with post-employment restrictions were well regulated and understood. However, the GET noted that there seemed to be no agency or body that acts as a control mechanism for the implementation of these post-employment restrictions for former LEOs, which raises the question of the follow-up to such cases. There are also no statistics on the compliance with post-employment restrictions. In the light of this situation, the GET considers that, as for PTEFs (see paragraph 140, above), the introduction of such a mechanism would be important in overseeing the compliance of LEOs with post-employment rules. There is also a need to impose proportionate, dissuasive and effective sanctions in case of violations. Therefore, **GRECO recommends that (i) an effective supervision mechanism be established to implement the rules on post-employment restrictions in respect of law enforcement officers and (ii) the supervision mechanism be given the powers to impose adequate sanctions in case of breaches of the rules on post-employment restrictions.**

#### *Recusal and routine withdrawal*

237. According to Article 11(2) of the LCC, a public servant (this includes police officers) “whose duty is to individually make decisions with respect to which s/he has property or other interests,” must recuse himself/herself and inform their immediate superior in writing. In addition, Order no. 999, which includes the Police Code of Ethics, provides that a police officer must refuse any kind of illegal offer and must not use his/her position to obtain socio-economic or other benefits.

238. The Criminal Procedure Code sets out, under Chapter VIII, the circumstances under which an investigator should be excluded (or recuse himself/herself) from criminal proceedings. This is done by making a statement to this effect to the prosecutor in charge of the criminal proceedings. Self-recusal is also recognised by the General Administrative Code, which sets out the circumstances under which the participation of an official in an administrative body should be excluded from administrative proceedings. In this situation, the official concerned is under the obligation of informing his/her superior about the situation.

#### *Gifts*

239. Police officers, as public servants, are subject to the same rules as PTEFs above under the LCC, which includes provisions on gifts defined by Article 5 (1) of the LCC (see paragraph 123, above).

240. The GET heard no complaints with respect to the receipt of gifts by LEOs, but found that the total value of the gifts that may be accepted very high as compared to other member

states (see comments on gifts for PTEFs above). There also seems to be no obligation to declare all gifts and other advantages for police officers. There is no register for gifts specifically for LEOs, but high-ranking officers have to declare gifts in their asset declarations. Therefore, **GRECO recommends that (i) a gift register for police officers be established; and (ii) clear rules on the acceptance and declaration of gifts by police officers be introduced and subject to adequate supervision and enforcement.**

*Misuse of public resources*

241. The misuse of public resources is covered by the Law on the Police within the context of the internal control of activities of a police officer and other employees of the MIA. This comes under the jurisdiction of the General Inspection Department of the MIA (see paragraph 248, below), which controls the activities of the police and other employees of the MIA with respect to financial-economic activities and examines the legality and expediency of the management of material and financial resources by the divisions within the MIA.

242. In the period of 2018 to 2022, 12 LEOs were convicted of embezzlement using their official position. Data on the misuse of public resources for the three LEAs between 2018 and 2022 is as follows:

Year	Patrol Police	Border Police	Central Criminal Police	Regional Criminal Police	Total (general) per year	Total Male	Total Female
2018	0	1	0	4	5	5	0
2019	0	3	0	1	4	3	1
2020	0	0	1	1	2	2	0
2021	0	0	0	0	0	0	0
2022	0	0	0	1	1	1	0
<b>Total for 2018-2022</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>7</b>	<b>12</b>	<b>11</b>	<b>1</b>

*Misuse of confidential information*

243. The disclosure of confidential information is regulated by the Police Code of Ethics. The Code provides that a police officer’s duty is to refrain from disclosing information, documents or personal data, which could harm the interests of third parties, except in cases stipulated by law. Police officers must also ensure that the details of a case under their jurisdiction are not accessible to unauthorised individuals and should avoid having confidential conversations in the presence of others. When discussing work-related matters with friends and family, police officers must exercise moderation and caution. Moreover, police officers must not exploit official information and personal data for their personal gain and/or for the benefit of close associate.

244. From 2018 to 1<sup>st</sup> May 2023, the General Inspection imposed disciplinary measures for violations related to personal data on a total of 90 employees of the MIA. The breakdown of the penalties imposed during the period of 2018 to 2023 are as follows:

Type of penalty	Number of penalties*
Note	5
Reprimand	14
Severe reprimand	54
Dismissal	12
Demotion	1
Recommendation card in lieu of a fine	2
Removal from office	2
<b>TOTAL</b>	<b>90</b>

\* There is no disaggregate data for the Patrol Police, the Central Criminal Police and the Border Police

## **Declaration of assets, income, liabilities and interests**

245. The heads of the Patrol Police, Central Criminal Police and Border Police (i.e. the heads of the structural subunits of the MIA and the heads of the subordinate state agencies of the MIA) are subject to the same financial declaration regime as PTEFs, notably Chapter IV of the LCC on declaring and publishing economic interests (see above for PTEFs).<sup>91</sup> This means that, according to the LCC, not all MIA employees (including police officers) are obliged to submit a declaration on property status. The concerns raised and the comments made under PTEFs regarding the financial declarations regime also apply here (see paragraphs 141-146).

246. The GET notes that officers in high-risk areas (not necessarily in the highest/top leading positions in an LEA) are not necessarily subject to asset declaration obligations. The GET encourages the authorities to examine this issue as they carry out the risk assessment and develop a targeted anti-corruption policy (and tools) recommended before (paragraph 191).

## **Oversight and enforcement**

### *Internal oversight mechanisms*

247. Several structures are responsible for internal oversight within the MIA and these are the General Inspection Department, the Disciplinary Misconduct Monitoring Service and the Internal Audit of the MIA.

248. The General Inspection Department provides internal oversight of structural units with law enforcement functions and along with the Internal Monitoring Service of the Border Police, oversees and ensures the compliance by the Border Police, the Patrol Police and the Central Criminal Police with the legislation of Georgia. It detects and responds to ethics violations, breaches of disciplinary norms, irregular performance of official duties and specific illegal actions in the MIA system and identifies conflicts of interests and incompatibilities in respect of the employees of the MIA. The General Inspection Department is a structural subunit of the MIA and is directly accountable to the Minister of Internal Affairs.<sup>92</sup>

<sup>91</sup> See Article 2 of the LCC and Decree no. 178 of 29 March 2019 "On the procedure for submitting the declaration of property status of an official and the approval of the official register of the officials for whom it is mandatory to fill in the declaration on property status".

<sup>92</sup> Paragraphs 2 and 4 of Article 1 of Order no. 123 of the Minister of Internal Affairs of Georgia on Approval of the Regulations of the General Inspection (Department) of the MIA of 23 February 2015.



249. The Internal Audit of the MIA ensures the implementation of assurance activities.<sup>93</sup> It carries out objective assessments of governance processes, risk management and applies objective control in conducting audits and preparing independent reports. It carries out consulting activities within the MIA system, which includes improving governance processes and risk management. It develops systematic approaches and issues relevant recommendations and evaluates the effectiveness of the activities implemented by introducing improvements to the financial management and control system and monitors the implementation of its recommendations.<sup>94</sup>

250. Within the process of strategic planning, the internal audit environment (hereinafter: the environment) is defined, where risk identification and assessment are carried out. The environment may include all subunits, processes, programmes, functions, areas in the MIA system, which, from the point of view of the Internal Audit Department, are essentially exposed to certain risks or represent critically important factors in the process of achieving the goals and objectives of the MIA. After defining the environment, risks related to a specific object are identified, evaluated, analysed and classified. Based on the pre-selected indicators, risks are ranked into three levels: high, medium and low category risks (according to the probability and level of impact). The risks are then rated, categorised and measured. Finally, the results are reflected in the strategic and annual plans, which are approved by the Minister of Internal Affairs. Plans are updated annually.

251. Corruption risks may exist in all spheres of activity, therefore, before starting a specific audit, a “Fraud Questionnaire” is drawn up. Before formulating the questionnaire, an assessment of the corruption risks specific to this field and the effectiveness of control mechanisms is carried out. The questions are aimed at the audit team evaluating the impact of existing controls and their effectiveness.

252. Over the past four years, the Internal Audit Department has conducted compliance audits of financial management and control system implementation, within the framework of which the effectiveness of risk management tools is evaluated. This has led to a notable increase in the police officers’ understanding of risk management and risk assessment methods. As a result of the risk identification efforts made, control mechanisms have been refined and improved, leading to a reduction in corruption risks. This positive outcome is a reflection of ongoing efforts to strengthen risk management practices.

253. In line with these developments, the Border Management and Coordination Division has been established within the Information-Analytical Department of the MIA. This division is responsible for various functions, including the implementation and periodic review of a comprehensive system for the analysis of the situation and risks at the border. This analysis is conducted in coordination with other analytical units involved in the border management process. Coordination of activities among analytical units involved in border management to assess border risks and develop relevant analytical products and the examination and analysis of the situation, threats, and risk factors at the state border, border strip and zone, maritime zone, and border regions.

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<sup>93</sup> Paragraph 2 of the Article 2 of Order no.749 of the Minister of Internal Affairs of Georgia on Approval of the Regulations.

<sup>94</sup> Article 2.2 of Order no.749 of the Minister of Internal Affairs of Georgia on Approval of the Regulations of the Internal Audit Department of the MIA of 30 September 2015.

## *External oversight mechanisms*

254. External oversight of the MIA is carried out by Parliament, the Personal Data Protection Service, the Special Investigation Service, the Public Defender, the PSG, the State Audit Office and through the accountability of the MIA to Government. However, for the LEAs, the most relevant structures are the following:

255. The Special Investigation Service (SIS), which is an independent state body, accountable only to Parliament,<sup>95</sup> investigates certain crimes defined by the legislation of Georgia, notably violent crimes and cases of ill-treatment committed by LEOs. Criminal cases under the mandate of the SIS are determined by the Law of Georgia “On Special Investigation Service”. Under this Law, the SIS has a mandate and operational procedures for notifications/applications and complaints related to alleged police misconduct (Article 19, Law on the Special Investigative Service).

256. In its Annual Activity Report of 2022<sup>96</sup>, the SIS noted that with respect to statistics of crimes (ill-treatment) under Article 19, paragraph 1, subparagraphs a and b of the Law of Georgia “On Special Investigation Service”<sup>97</sup>, criminal prosecution was initiated against three employees of the MIA (one detective-investigator and one neighbourhood police inspector-investigator of the Central Criminal Police and one Patrol Police officer). As regards statistics of crimes under Article 19, paragraph 1, subparagraph c of the Law<sup>98</sup> with respect to the LEAs covered in this report (i.e. Border Police, Patrol Police and Central Criminal Police), criminal prosecution was initiated against three employees from the Border Police (3 out of 17 persons i.e. 18%), three employees of the Patrol Police (also 3 out of 17 persons, i.e. 18%) and one employee of the Central Criminal Police (one out of 17 persons, i.e. 6%).

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<sup>95</sup> Articles 2, 11, 12 and 19, Law on Special Investigation Service.

<sup>96</sup> [Reports | sis.gov.ge](https://sis.gov.ge/Reports)

<sup>97</sup> Article 19 – Criminal cases within the jurisdiction of the Special Investigation Service

1. Investigative jurisdiction of the Special Investigation Service shall apply to:

a) a crime provided for by Articles 144<sup>1</sup>–144<sup>3</sup> [torture, threat of torture, degrading or inhuman treatment], Article 332(3)(b) and (c) [abuse of official powers], Article 333(3)(b) and (c) [exceeding official powers], Article 335 [duress] and/or Article 378(2) [interference with or disorganisation of the activities of a penitentiary facility or liberty restriction facility]

of the Criminal Code of Georgia if it has been committed by a representative of a law enforcement body, or by an officer or a person equal to him/her;

b) another crime committed by a representative of a law enforcement body, an officer or a person equal to them, which has caused the death of a person and at the moment of committing it, this person was in the temporary detention cell or in penitentiary institution or in any other place, where he/she was forbidden to leave the place against his/her will by a representative of a law enforcement body, an officer or a person equal to him/her, and/or this person was otherwise under the efficient control of the state.

<sup>98</sup> Article 19 – Criminal cases within the jurisdiction of the Special Investigation Service

1. Investigative jurisdiction of the Special Investigation Service shall apply to:

[...]

c) a crime provided for by Articles 108 [murder], 109 [murder under aggravated circumstances], 111 [Intentional murder in a state of sudden, strong emotional excitement], 113-118 [murder exceeding the limits of self-defence, measures required for seizing the offender, incitement to suicide, negligent manslaughter, intentional infliction of grave injury, intentional less grave bodily injury], 120-124 [intentional grave or less grave bodily injury caused in a state of sudden emotional excitement, exceeding the limits of self-defence, exceeding the measures required for seizing the offender, through negligence], 126 [violence], 126<sup>1</sup> [domestic violence], 137-139 [rape, violent act of sexual nature, coercion into sexual intercourse or any other act of sexual nature], 143-144 [unlawful imprisonment, human trafficking, child trafficking, abuse of services of a victim of (a person affected by) human trafficking, taking a hostage] and 150-151<sup>1</sup> [coercion, forced marriage] of the Criminal Code of Georgia if it has been committed by a representative of a law enforcement body (except for a prosecutor).

257. The Anti-Corruption Agency of the State Security Service investigates corruption offences (see paragraphs 65 and 73, above). In the period from 1 August 2015 to June 2023, five LEOs were prosecuted for corruption-related offences investigated by the Anti-Corruption Agency (three in 2016; one in 2017 and one in 2020).

258. The Public Defender monitors the protection of human rights on the territory of Georgia and under its jurisdiction and acts independently. Any interference/influence in his/her activities are prohibited and punishable by law. The Public Defender is authorised to check, among other things, the state of protection of human rights and freedoms in the MIA (which includes police officers), their violations, both on the basis of an application that was submitted and/or a complaint received, as well as on its own initiative<sup>99</sup>. In addition, the Public Defender is considered to be the National Preventive Mechanism under the Optional Protocol of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In order to perform his/her functions, a special preventive group is established, which regularly checks, among other things, the condition of arrested, imprisoned or otherwise detained persons and convicted persons and their treatment, in order to protect them from torture and other cruel, inhuman or degrading treatment or punishment.

259. After receiving an application and/or complaint, the Public Defender makes a decision independently to start an examination.<sup>100</sup> If there is confirmation of a human rights violation, the Public Defender issues a recommendation to the MIA. The Public Defender is also authorised to submit proposals to the relevant authorities for disciplinary or administrative responsibility of persons whose actions caused a violation of human rights and freedoms. If, according to the assessment of the Public Defender, there are signs of a crime in the actions of an official, the Public Defender may submit a proposal to the relevant investigative body with the request to initiate an investigation and/or criminal prosecution.<sup>101</sup>

260. In the Report of the National Prevention Mechanism for 2021<sup>102</sup> and 2022<sup>103</sup>, the Public Defender considered that the situation regarding police treatment of detainees had not changed significantly since 2017. Both reports noted a deterioration in the treatment of administratively detained persons although the number of cases of bodily harm during and after arrest had decreased. According to the reports, a main challenge remained the use and abuse of force by the police during detention, physical and psychological violence after arrest and incomplete documentation of bodily injuries. This led to the Public Defender and Special Preventive Group to the conclusion that it was particularly important to establish strict control over the activities of police officers and increase their accountability – to indicate clearly that human rights violations will not go unpunished. However, the same reports acknowledged that the problems with documentation of injuries may be due, in part, to lack of specificity in forms the officers were required to complete. In addition, the protocols for arrest were sometimes improperly filled in, indicating the use of violence without specifying that there had been disobedience or resistance to a police officer that is likely to have led to the use of force. The forms were subsequently changed to provide clarity on how to document injuries, however the problem persists.

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<sup>99</sup> Article 12, Organic Law on the Public Defender.

<sup>100</sup> Article 17.1, Organic Law on the Public Defender.

<sup>101</sup> Article 21 (sub-paragraphs “b”, “c” and “d”) Organic Law on the Public Defender.

<sup>102</sup> [The Report of the National Preventive Mechanism 2021 \(ombudsman.ge\)](https://www.ombudsman.ge/).

<sup>103</sup> <https://www.ombudsman.ge/eng/saparlamento-angarishebi>

261. The GET notes that police ill-treatment is a major problem in Georgia, which is being addressed. The Council of Europe’s Department of the Execution of Judgments has carried out a mission to Georgia in June 2023 to discuss, with the authorities, cases pending before the Committee of Ministers of the Council of Europe in which it focused, among others, on the progress made and outstanding measures in cases concerning ill-treatment by law enforcement officers (*Tsintsabadze* group).<sup>104</sup> The Council of Europe’s Committee for the Prevention of Torture (CPT) has also raised the issue and has noted efforts made to combat police ill-treatment in Georgia by the further development of training curricula in the MIA Academy and the installation of compulsory body cameras for Patrol Police officers and in their vehicles with an extended period of footage preservation. The CPT also welcomed the setting up of a new Human Rights Department at the MIA, which is to reinforce internal monitoring mechanisms, but points to the need for including ongoing training and of a firm zero-tolerance of ill-treatment to all police staff. The Council of Europe’s Cooperation in Police and Deprivation of Liberty Unit in the Directorate General of Human Rights and Rule of Law has an on-going project entitled “Human Rights Compliant Policing in Georgia”. It was designed in close cooperation with the Georgian authorities to support them in enhancing monitoring and discharging policing responsibilities in an effective and accountable manner through greater compliance with human rights standards. This project aims to support the development of policies and regulatory measures through the MIA to address the shortcomings in policing identified by the European Court of Human Rights, the European Committee for the Prevention of Torture (CPT) and the Public Defender’s Office of Georgia.

262. The Prosecution Service of Georgia (PSG) investigates crimes committed by police officers, which are not investigated by the Special Investigation Service.<sup>105</sup> It is the key corruption investigation and prosecution authority.

263. The investigation itself is carried out by a law enforcement agency under the MIA within the scope of their competences<sup>106</sup> – however, the investigation is conducted under the PSG’s procedural leadership.<sup>107</sup> The Prosecutor is therefore authorised to give mandatory instructions to the employee/investigator of the law enforcement agency during the investigation.<sup>108</sup> The decision of the investigator may be appealed to the PSG, who has the right to decide the appeal and to cancel the decision of the investigator.<sup>109</sup>

264. The PSG also supervises the part of the activities of the police and other criminal intelligence bodies that fall under the prosecutorial competence in the Law on Criminal Intelligence Activities. The PSG has a special Anti-Corruption Unit (PSG Anti-Corruption Unit) to investigate and prosecute the most serious crimes of corruption, to conduct a nationwide analysis of the effectiveness of law enforcement responses to corruption, to coordinate and oversee corruption cases across the country and to elaborate a policy of recommendations for combatting corruption.

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<sup>104</sup> <https://www.coe.int/en/web/execution/-/mission-to-georgia-takes-stock-of-progress-and-remaining-challenges-in-the-execution-of-judgments-of-the-european-court>

<sup>105</sup> Paragraph 2 of the Annex Approved by Order N3 of the Prosecutor General of Georgia on Determination of Investigative and Territorial Jurisdiction of Criminal Cases of 23 August 2019.

<sup>106</sup> Article 34.1, Criminal Procedure Code.

<sup>107</sup> Article 32, Criminal Procedure Code.

<sup>108</sup> Article 33.6(c) and Article 37.3, Criminal Procedure Code.

<sup>109</sup> Article 38.15, Article 33.6(h) and Article 33.6(f), Criminal Procedure Code.

265. The State Audit Office checks the reports of the MIA (which cover police activities), the functioning of internal control and internal audit (financial audit), the legality and aim of its activities (compliance audit), as well as the economy, efficiency and effectiveness of the use and management of public resources (performance audit). A report is prepared on the results of the audit, which contains identified deficiencies within the scope of the audit and provides recommendations to address them. The State Audit Office monitors the implementation of the recommendations issued within the framework of the audit.<sup>110</sup>

#### *Remedy procedures for the general public*

266. Procedures available to the general public with respect to actions taken by police officers are mainly regulated by the Law on the Police and the Administrative Procedure Code as well as other legislation.<sup>111</sup>

267. The Law on the Police provides that any person, who believes that his/her rights and freedoms have been violated by the police, has the right to appeal to a superior officer of the police officer concerned, the Prosecutor's Office or to a court of law. An appeal to an administrative body with respect to a preventive measure taken by the police in the form of an individual administrative legal act or an administrative act may be brought, if there is a superior official to the one who has carried out the measure concerned. The decision rendered on appeal may be reviewed by a court of law in line with administrative legal proceedings. Police measures carried out on the basis of norms regulating administrative offences or by criminal law may be appealed in accordance with the relevant legislation (Chapter IX, Law on Police). This is in addition to the external oversight mechanisms seen above open to the general public i.e. the Public Defender, SIS and the Prosecution Service.

268. The GET was informed that it was difficult for the general public to know where/to whom to turn when they have a complaint against the police. The overall complaints system has so many different entry points that there seems to be a lack of cohesion and a lack of structured coordination between the competent authorities. There are no standardised procedures to be followed, since each authority follows its own internal procedures when dealing with complaints and may start its own investigation e.g. General Inspection of the MIA, SIS, the PSG. This in turn hampers the effectiveness of the system.

269. The GET is therefore of the view that the framework for oversight and accountability of the various LEAs would benefit from clear guidelines, protocols and/or manuals on their operation and coordination. To that end, **GRECO recommends streamlining the oversight and accountability of the police force by (i) considering centralising the lodging of corruption complaints through one entry point, with clear guidelines on how referrals are made, (ii) establishing an effective system of coordination and cooperation regarding the complaints mechanism for the police force through clear protocols, which are made known to the public; and (iii) ensuring that feedback is given on the course of the case, and statistics on complaints and their outcomes published in order to provide an appropriate level of transparency at each stage of the process.**

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<sup>110</sup> Articles 4 and 24, Organic Law on State Audit Office.

<sup>111</sup> Other legislation includes: Law of Georgia on the Special Investigation Service (<https://matsne.gov.ge/en/document/view/4276790?publication=9>); the Criminal Procedure Code of Georgia (CPCG) can be added to the list; the CPCG is relevant when there are public allegations concerning potential crime (<https://matsne.gov.ge/en/document/view/90034?publication=151>).

## **Reporting obligations and whistleblower protection**

### *General framework for whistleblower protection in Georgia*

270. The rules and procedures for the protection of whistleblowers are regulated in general for the public sector by the LCC Chapter V<sup>1</sup>, with the exception of the MIA, the Ministry of Defence and the State Security Service which, according to Article 20<sup>11</sup> of the LCC, are regulated by special legislation.<sup>112</sup> During its on-site visit, the GET was informed that, since no special legislation on whistleblowers has been developed yet, the general norms established by the LCC apply to the regulation of whistleblower issues in the MIA system (including LEAs). This means that the LCC's whistleblower provisions apply to both PTEFs and LEAs affected by this report.

271. The LCC defines a whistleblower as a person who makes a disclosure in good faith to prevent, discover or eliminate violations by a public servant (disclosed person) of the legislation of Georgia or the general rules of ethics and conduct, which prejudice or may prejudice public interest and the reputation of a respective public institution. The whistleblower's identity is not revealed unless s/he consents in writing.

### *Internal, external and public disclosure*

272. The LCC provides for internal, external reporting and public disclosure channels for the public sector. The LCC's whistleblower protection provisions do not cover private sector disclosures/reporting.

273. Disclosures may be made in writing, orally, electronically, by telephone, fax, through the website administered by the Anti-Corruption Bureau since 1 September 2023<sup>113</sup> or by other means. Disclosures may also be anonymous. The website is to be used as an internal reporting channel to submit a report to a specific public institution (the website lists approximately 181 institutions). Internal reports may be made to "*a body in charge of the review of whistleblower applications*", which is a structural division in charge of internal control and/or official inspection of the respective public institution. The LCC regulates internal reporting channels separately if the disclosure concerns an employee of the internal control or inspection division of the public institution concerned, is a head of such a division or is a head of the public institution concerned.

274. According to the Police Code of Ethics, a police officer is under the obligation to inform management about any inappropriate/illegal behaviour by his/her colleague, who will then take appropriate action according to the established rules (the case is sent to the General Inspection). Under Article 376 of the Criminal Code, failure to report a serious or particularly serious crime constitutes a crime and is punished accordingly.

275. External reporting channels may be used, such as to an investigator, a prosecutor and/or the Public Defender. A report about the head of a public institution is made to a superior official. There are no preconditions for external disclosures.

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<sup>112</sup> The Code of Ethics for the Employees of the State Security Service of Georgia includes an Annex that contains whistleblower protection provisions that are similar to those in Chapter V<sup>1</sup> of the LCC.

<sup>113</sup> [www.acb.gov.ge](http://www.acb.gov.ge)

276. As for public disclosures (disclosures to the public or mass media), these may be made after the body in charge of reviewing whistleblower applications, an investigator, a prosecutor, or the Public Defender “*makes a relevant decision*”.

#### *Procedure for whistleblowers’ applications*

277. Whistleblower applications must be considered by the body in charge of their review within a month following their submission, as determined by law or by an official administrative procedure provided by the General Administrative Code. The body in charge of the review of whistleblowers’ applications is defined as being a structural division in charge of internal control and/or official inspection of a respective public institution. If a whistleblower’s application provides grounds for administrative, civil or criminal liability, then the body in charge of reviewing whistleblower applications applies to the relevant competent bodies.

278. The decision of the body in charge of the review of whistleblowers’ applications is considered an individual administrative act. It is rendered in writing and contains a description of the factual circumstances of the disclosure, a list and description of the investigated evidence, the standing of the person disclosed and the reasoning of the decision. This decision may not be based on circumstances, facts, evidence or arguments that have not been investigated or examined during the consideration of the whistleblower’s application. The decision is communicated to the whistleblower and the disclosed person within 15 working days after it has been rendered. In the case of an anonymous disclosure, the decision is communicated only to the disclosed person. The procedure for the decision’s entry into force, execution and appeal is regulated by the administrative legislation of Georgia.

279. A person may not consider a whistleblower’s application concerning themselves or if s/he has a direct or indirect personal interest in the result of the decision, or if there are other circumstances which cast doubt on his/her impartiality (Article 20<sup>8</sup> of the LCC, lack of self-interest).

280. The GET notes that several possibilities are in place for whistleblowers and that anonymity is guaranteed. However, in the GET’s view, the whistleblower protection context in Georgia is in need of clarification. To start with, there is no special legislation devoted to the protection of whistleblowers in place. Also, identifying which body/ies protect whistleblowers and what kind of protection mechanism whistleblowers may rely on is missing (or is not clear). With respect to the procedures to follow to obtain whistleblower protection, the general reference to “protection guarantees” in Article 20<sup>5</sup> of the LCC is not helpful. It is also not clear how the information disclosed by a whistleblower is guaranteed to be followed up on. Furthermore, it is not clear why special legislation for whistleblowers is needed specifically for the MIA, the Ministry of Defence and the State Security Service (Article 20<sup>11</sup>). It should be noted that Council of Europe Recommendation [CM/\(2014\)7](#) specifically addresses the coverage of persons working in the national security sector, and it does not allow for a modified whistleblower scheme for these persons. It is rather the category of information that they handle which may be subject to a modified scheme. The GET is aware that the new Anti-Corruption Bureau will be looking into preparing appropriate proposals on improving whistleblower protection, issuing appropriate recommendations and implementing other appropriate activities related to this area in accordance with the law. Consideration should be given to clarifying and streamlining this system.

281. In addition, the GET notes that there seems to be no other protection for whistleblowers than witness protection in the context of criminal proceedings in terms of the assurances granted i.e. identity change, protection/safety measures, relocation etc.,<sup>114</sup> and protection from reprisal. The GET reiterates that the issue of whistleblower protection is not exhausted with witness protection in criminal proceedings and guarantees in disciplinary proceedings.

282. The GET considers that an adapted system needs to be introduced for whistleblower protection and that special legislation on whistleblowers needs to be prepared and adopted. This includes developing specific operational arrangements and institutionalised mechanisms to provide full coverage to police officers who signal suspicions of corruption or misconduct in good faith from the start of the disclosure to the end of the procedure. Attention is drawn to the experience gained in other jurisdictions in setting up a “safe” reporting environment – for instance, by introducing dedicated reporting lines, designating persons of trust, developing tailored guidance, introducing measures to raise awareness etc. It is also important that among the future tasks of the Anti-Corruption Bureau with respect to its role in the protection of whistleblowers, it ensures external oversight as well as monitors and collects data on whistleblower protection. Therefore, **GRECO recommends (i) adopting and implementing whistleblower protection measures in the police; (ii) developing dedicated external reporting channels at the Anti-Corruption Bureau and ensuring that it performs efficient monitoring and data collection on whistleblower protection; (iii) conducting targeted training and awareness-raising activities for all levels of hierarchy and chains of command in law enforcement agencies.**

### **Enforcement and sanctions**

#### *General*

283. Notifications to the MIA on misconduct and possible crimes of its employees (including police officers) are received in writing, through the 112 Call Centre or through the Hotline 126 of MIA’s General Inspection. According to the nature of the notification received, an official inspection may be started, after which, if there are indications of a crime having been committed, the information is sent to the PSG, which begins an investigation. Information regarding the hotline of the General Inspection of the MIA is accessible to everyone in the MIA’s administrative buildings.

284. In case of a “corruption offence” – which is an action that exhibits signs of corruption and is subject to *disciplinary, administrative or criminal* liability (Article 3 paragraph 2 of the LCC) – the PSG is notified, which then decides on whether or not to start an investigation.

285. Over the period of 2018-2022, 36 LEOs were convicted of corruption offences. These offences had no connection with organised crime.

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<sup>114</sup> Criminal Procedure Code, Chapter IX, procedure for applying special measures of protection participants in criminal proceedings and Article 372, Criminal Code.



Table: Law enforcement officers convicted for corruption offences between 2018 and 2022

Year	Male	Female	Total for both genders
2018	10	0	10
2019	8	3	11
2020	6	1	7
2021	6	0	6
2022	2	0	2
<b>Total for 2018-2022</b>	<b>32</b>	<b>4</b>	<b>36</b>

### *Disciplinary procedure*

286. Where misconduct of an employee of the MIA (this covers the Patrol Police, the Central Criminal Police and the Border Police) has been identified, an official check is carried out by the General Inspection Department on the matter. If the misconduct is identified as disciplinary misconduct, then a disciplinary penalty is applied.<sup>115</sup>

287. In addition to the General Inspection Department, some units (including the Patrol Police and the Central Criminal Police) included in the MIA system have a Disciplinary Misconduct Monitoring Service.<sup>116</sup> The latter is not authorised to investigate but draws up a report on disciplinary misconduct within the structural subunits, territorial agencies, LEPLs and subordinate state agencies (i.e. the Border Police) of the MIA. Where a violation is identified by the monitoring services, the information is sent to the MIA's General Inspection Department, where disciplinary issues are dealt with.

288. Under the MIA system, which applies to police officers, the basis of disciplinary responsibility and incentives, the types of penalties, the procedure for applying and removing disciplinary penalties for employees is defined by Order no. 989 of the Minister of Internal Affairs of Georgia on Approval of the Disciplinary Regulations of the Employees of the MIA of 31 December 2013. According to Article 3 of this Order, the types of disciplinary sanctions that may be applied to a police officer are as follows: (1) warning, (2) reprimand, (3) severe reprimand, (4) confiscation of the badge of the MIA, (5) demotion to a lower post, (6) demotion of a special or military rank by one level, (7) dismissal.

### *Criminal procedures*

289. LEOs do not enjoy any immunity. The investigation of a crime committed by an officer of the MIA, his/her arrest, investigative/procedural actions (e.g. search/seizure) and other criminal justice mechanisms are therefore carried out in line with the general applicable rules.

290. If there are signs of a crime in the action of a police officer (applies to all employees of the MIA), the General Inspection Department immediately transfers the relevant material to the PSG for further inspection, such as initiating an investigation. The PSG has exclusive

<sup>115</sup> Articles 3 and 4 of Order no. 989 of the Minister of Internal Affairs of Georgia on Approval of the Disciplinary Regulations of the Employees of the MIA of 31 December 2013.

<sup>116</sup> Article 13 ("h") of the Regulations Approved by Order no. 588 of the Minister of Internal Affairs of Georgia on Approval of the Regulations of the Migration Department of the MIA of 6 August 2014; Article 9 of the Regulations Approved by the Order no. 1006 of the Minister of Internal Affairs of Georgia on Approval of the Regulations of the Temporary Detention Department of the MIA of 31 December 2015; paragraph 2 ("a") of Article 12 of Order no. 53 of the Minister of Internal Affairs of Georgia on Approval of the Regulations of the Patrol Police Department of the MIA of 25 April 2018.

investigative competence over corruption cases committed by police officers. For specific criminal offenses (e.g. acts of violence committed by a police officer), if identified, the material is transferred to a specialised investigative service. The matter of hierarchical authority in these instances is regulated by Order no. 3 of the Prosecutor General, of 23 August 2019.

291. Over the period of 2018-2022, a total of 13 employees of the MIA were the subject of criminal proceedings for corruption-related offences by the General Inspection Department of the MIA. Of these 13 employees, 12 were men and one was a woman. This includes, for the LEAs covered in this report (i.e. Border Police, Patrol Police and Central Criminal Police), two employees of the Central Criminal Police Department and one employee of the Border Police (the rest consisted of three employees from the Security Police Department of the MIA, two employees of the Service Agency and five employees of the territorial police departments). There was no confirmation of any connection to organised crime in these specific cases.

292. The GET notes that clear efforts have been made in Georgia to strengthen corruption risk management practices. However, although there is a compilation of “data on sanctions applied” to corruption offences, which could help identify vulnerabilities to be addressed within the LEAs, it needs to be further developed. Notably, consideration should be given to disaggregating data into the different types of *disciplinary violations* and *crimes committed*, not just the *sanctions applied*, which would facilitate identifying risk areas. Therefore, **GRECO recommends that the data gathered on disciplinary violations and crimes committed by police officers and sanctions applied as a result be disaggregated for each law enforcement agency.**

## **VI. RECOMMENDATIONS AND FOLLOW-UP**

293. In view of the findings of the present report, GRECO addresses the following recommendations to Georgia:

*Regarding central governments (top executive functions)*

- i. laying down rules requiring that integrity checks take place prior to the appointment of ministers and deputy ministers in order to identify and manage possible risks of conflicts of interest before joining government (paragraph 32);**
- ii. that (i) advisers to the Prime Minister and to ministers, as well as the Head of the Administration of the Government, his/her deputies, and the Parliamentary Secretary of the Government, undergo integrity checks as part of their recruitment in order to identify and manage possible conflicts of interest; and (ii) the names and functions of all advisers in Government be made public and easily accessible online (paragraph 40);**
- iii. that (i) an anti-corruption policy including all persons with top executive functions be adopted, based on a prior risk assessment, and be made public; (ii) the Anti-Corruption Bureau regularly reports to the public on the implementation of such anti-corruption policy, including the identification of corresponding remedial measures, and the policy be subsequently revised or adopted afresh (paragraph 51);**
- iv. that (i) a code of conduct for persons with top executive functions be adopted, published and complemented with clear guidance regarding conflicts of interest and other integrity-related matters (such as gifts, contacts with third parties, outside activities, contracts with state authorities, the handling of confidential information and post-employment restrictions); and (ii) such a code be coupled with a credible and effective mechanism of supervision and sanctions (paragraph 58);**
- v. that (i) the legal framework of the Anti-Corruption Bureau be revised in order to provide it with increased operational independence; and (ii) the Anti-Corruption Bureau be provided with adequate financial and human resources to perform its tasks effectively notably with respect to persons with top executive functions (paragraph 69);**
- vi. (i) developing mechanisms to promote and raise awareness on integrity matters among all persons with top executive functions, including through integrity training at regular intervals; and (ii) developing centralised confidential counselling to provide these persons with advice on integrity, conflicts of interest and corruption prevention (paragraph 76);**
- vii. (i) that further measures be taken to ensure a timely access to information, as well as to enhance proactive transparency; and (ii) to ensure that an independent oversight mechanism, vested with adequate powers and resources, guarantees the effective implementation of the freedom of information legislation (paragraph 86);**

- viii.that (i) rules be introduced on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion (paragraph 95);
- ix. that (i) clear rules for the resolution of conflicts of interest be developed and effective, proportionate and dissuasive sanctions be imposed in case of breach; and (ii) conflict-of-interest situations and measures taken for their resolution be adequately registered and disclosed (paragraph 114);
- x. establishing more stringent rules on gifts and other benefits for persons with top executive functions by (i) lowering the thresholds for accepting, declaring and recording gifts, with a fixed monetary value; and (ii) ensuring that gifts registers are accessible to the public (paragraph 131);
- xi. that post-employment restrictions be strengthened, in particular by (i) broadening the scope of the rules in respect of persons with top executive functions and expressly prevent lobbying activities towards the government for a lapse of time after they leave government; and (ii) establishing an effective reporting, monitoring and enforcement mechanism regarding these rules (paragraph 140);
- xii. (i) extending the system of asset declarations to all persons with top executive functions, including all advisers to the Prime Minister and ministers; (ii) clarifying the notion of family members whose financial information should be included in such declarations; and (iii) broadening the scope of information made public in asset declarations submitted by persons with top executive functions to include paid work in the reporting period prior to appointment and following the end of the mandate (paragraph 146);
- xiii.that declarations submitted by persons with top executive functions be subject to regular substantive checks, including a risk-based approach, and that effective, proportionate and dissuasive sanctions are applied when the rules are violated (paragraph 154);
- xiv.ensuring the independence and effectiveness in practice of criminal investigations and prosecutions of persons with top executive functions suspected of having committed corruption related offences in order to guarantee the integrity of prosecutions (paragraph 161);

*Regarding law enforcement agencies*

- xv. that further measures be introduced to increase the representation of women in the Patrol Police, Central Criminal Police and Border Police, at all levels, particularly at the managerial level (paragraph 179);

- xvi. that the existing framework on access to policing information be reviewed to make information more readily available while preserving the integrity of ongoing investigations (paragraph 183);
- xvii. that (i) an operational anti-corruption strategy be established on the basis of risk assessments that should be coupled with an action plan(s) for the law enforcement agencies and (ii) that dedicated regular training on risk management be improved and continued for law enforcement officers in the Patrol Police, the Central Criminal Police and the Border Police (paragraph 191);
- xviii. that (i) the Police Code of Ethics be updated to cover in detail all relevant integrity matters (such as conflicts of interest, gifts, misuse of public resources) and (ii) be supplemented by a manual or handbook illustrating all issues and risk areas with relevant concrete examples and that (iii) clear sanctions be introduced for the different types of violations of the Code with an enforcement/oversight mechanism (paragraph 198);
- xix. that periodic and targeted mandatory integrity training is ensured for mid-level and high-level/senior police officers, as well as for police officers working in sensitive/vulnerable sectors (paragraph 203);
- xx. that (i) a system of confidential counsellors be established and that (ii) the Anti-Corruption Bureau establish in-house training for confidential counsellors, who will then act as “external” counsellors for, *inter alia*, the Patrol Police, the Central Criminal Police and the Border Police; and that (iii) the Anti-Corruption Bureau organise tailored awareness-raising initiatives on ethical dilemmas that could be encountered by, *inter alia*, the Patrol Police, the Central Criminal Police and the Border Police (paragraph 205);
- xxi. introducing regular background checks relating to integrity during a police officer’s career, at all levels, particularly at the managerial level, and more frequently depending on their exposure to corruption risks and the required security levels (paragraph 214);
- xxii. that an institutional system of rotation be put in place for police officers, which could be applied, as appropriate, in areas considered particularly exposed to corruption risks (paragraph 223);
- xxiii. that (i) an effective supervision mechanism be established to implement the rules on post-employment restrictions in respect of law enforcement officers and (ii) the supervision mechanism be given the powers to impose adequate sanctions in case of breaches of the rules on post-employment restrictions (paragraph 236);
- xxiv. that (i) a gift register for police officers be established; and (ii) clear rules on the acceptance and declaration of gifts by police officers be introduced and subject to adequate supervision and enforcement (paragraph 240);
- xxv. streamlining the oversight and accountability of the police force by (i) considering centralising the lodging of corruption complaints through one entry point, with clear

**guidelines on how referrals are made, (ii) establishing an effective system of coordination and cooperation regarding the complaints mechanism for the police force through clear protocols, which are made known to the public; and (iii) ensuring that feedback is given on the course of the case, and statistics on complaints and their outcomes published in order to provide an appropriate level of transparency at each stage of the process (paragraph 269);**

**xxvi. (i) adopting and implementing whistleblower protection measures in the police; (ii) developing dedicated external reporting channels at the Anti-Corruption Bureau and ensuring that it performs efficient monitoring and data collection on whistleblower protection; (iii) conducting targeted training and awareness-raising activities for all levels of hierarchy and chains of command in law enforcement agencies (paragraph 282);**

**xxvii. that the data gathered on disciplinary violations and crimes committed by police officers and sanctions applied as a result be disaggregated for each law enforcement agency (paragraph 292).**

294. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Georgia to submit a report on the measures taken to implement the above-mentioned recommendations by 30 September 2025. The measures will be assessed by GRECO through its specific compliance procedure.

295. GRECO invites the authorities of Georgia to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

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## About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: [www.coe.int/greco](http://www.coe.int/greco).