

Response to the Correspondence from the United Nations Office of High Commissioner for Human Rights

on

Best Practices and Challenges regarding Incorporation of Human Rights in Anti-Corruption Policy in compliance with Human Rights Council Resolution 41/9

During the last decade, Georgia has made a breakthrough in terms of fighting corruption and becoming as one of the least corrupt countries in the world. The government of Georgia implemented a number of efficient measures and achieved impressive results, significantly reducing the level of corruption in the country.

Since corruption causes a detrimental impact on the enjoyment of human rights, fight against corruption implies protection of human rights by ensuring transparency and enhancing citizens' participation in public affairs. **In this regard, the national Anti-Corruption Strategy and Action Plan of Georgia can be considered as a good example of integrating human rights component into the fight against corruption.** Anticorruption policy of Georgia is a part of the agenda of the government of Georgia to implement **the SDG 16 that serves to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.**

Georgia committed to **strengthen civil society in general** and to ensure citizens' opportunities to influence government decisions that affect their daily lives. **Civic participation in the policy planning process is well established under the Inter-Agency Coordination Council (ACC) to fight against corruption.** It consists of different actors, including high-level governmental representatives, members of Parliament, self-governing and regulatory bodies, local and international NGOs, international organizations, donors and business associations. The ACC coordination mechanism allows civil society to be involved in the development of strategic documents as well as to participate in the monitoring and evaluation of the implementation of anticorruption policy documents. Therefore, national anticorruption policy encourages the **inclusion of human rights approach in a policy-making process.**

It is essential to note, that reforms devised within the **anticorruption policy framework correspond to the objective of the National Human Rights Strategy of Georgia for 2014-2020**, aiming to strengthen the involvement of citizens in social and political affairs and to improve the accountability of the public sector. The national Anti-Corruption Strategy of Georgia and the Action Plan gave rise to a number of reforms **intending to establish efficient prevention of corruption in the public sector and to reinforce human rights.** Namely, Georgia has strengthened the anticorruption institutional and legislative framework. For instance, in order to **incorporate international standards for whistleblower protection** into national legal framework, the

amendments were introduced to the Law of Georgia on Conflict of Interest and Corruption in Public Service.

Pursuant to the Law, any person that inform an application reviewing body, police, prosecutor or/and public defender about the infractions of the law or if applicable, rules of Code of Ethics by the civil servant, which caused or may cause harm to public interests or reputation of public institutions can enjoy the special protection foreseen by law.

In order to ensure the **practical use and implementation of the provisions on whistleblowing, since 2015 the Civil Service Bureau carried out an extensive program to raise awareness of civil servants on the whistleblower protection regulations and their rights**. Additionally, the software, so called “Red Button” was developed on the official webpage of the Civil Service Bureau, that is an electronic appeal mechanism allowing for the confidential appeal in case of a doubt over misconduct committed by a civil servant. The appeal will be processed by the Civil Service Bureau in a confidential manner and then will be automatically forwarded to the appropriate public entity.

Moreover, in order to improve public scrutiny of public expenses and **respecting citizens’ right to information**, Georgia created an online platform - “Budget Monitor”. The “Budget Monitor” is a tool for financial oversight, which is considered as one of the prominent reforms in Georgia. “Budget Monitor” even won the World Summit Award in 2017. In particular, Supreme Audit Office, which represents an independent institution responsible for supporting the Parliament in conducting oversight over government, created a web-portal for citizens, allowing them to monitor expenditure of public finances. The functions of the SAO include conducting external audits of the public sector, monitoring party financing, and providing recommendations to the Parliament. The web portal not only enables access of citizens to audit information, but also allows them to send information to the State Audit Office in case they notice any deficiencies.

Anticorruption policy created a foundation and ensured the development of the **online state procurement system and online asset declarations system along with its monitoring mechanism for the asset declarations of public officials**. Besides, anticorruption policy framework supported to digitalize public services by creating E-Treasury and E-Budget programs and a web portal, www.data.gov.ge , increasing the accessibility to open data, supporting the development of e-services and e-applications, and stimulating business activities.

Improved accessibility to public services has been identified as one of the priorities of the Government of Georgia. The government continued building Public Service Halls (PSHs) and Community Centers (CCs) – Georgian innovation hub of public services, operating in major cities across the country, ensures fast, efficient and comfortable delivery of up to 430 public services on a one-stop-shop basis including to the inhabitants of small towns and villages of Georgia. Furthermore, the e-Governance component ensures that the digital exclusion of rural and remote areas is reduced through the development of necessary technological solutions, coupled with development of necessary skills and capacities within the local government units.

Furthermore, the government of Georgia with the strong commitment from the Ministry of Justice and the High Council of Justice carried out **four waves of reforms to ensure that the judicial institutions became more democratic, open and transparent**. Representatives of the civil society and academia replaced members of the Parliament sitting in the Council, civil society became able to attend open meetings and state its position on subjects under discussion. Besides, TV cameras were allowed at the courtrooms, guaranteeing the non-interference with judicial decisions. A principle of automatic and electronic distribution of cases has been introduced; every court decision is to be published on the official High Council of Justice web page etc. **The reforms carry the main goal to ensure that a right to a fair trial is guaranteed and the judicial system is immune from corruption.**

Moreover, Georgia devised steps to **prevent corruption in a private sector and to enhance human rights protection** by establishing a more credible business sector. Anti-Corruption Strategy and Action Plan devoted a separate section to **business integrity in compliance with the Organization for Economic Co-operation and Development (OECD), Anti-Corruption Network (ACN) recommendations**. Business integrity measures are focused on strengthening accountability in the private sector. Having a business sector free from corruption is a vital part for anticorruption policy implementation and reinforcing human rights. For this purpose, **business ombudsman plays a crucial role for establishing a collective action** for including business associations, SMEs and international donors in the matters of business integrity.

For further integrating human rights into the anticorruption policy documents, it is envisaged to take further steps:

- For strengthening effective ***access to judicial decisions and public information***, Georgia is developing innovative IT solutions in a new court webpage to create a comprehensive search system for court decisions, which will enable citizens to search for decision using various key words and to conduct the advanced search.
- The government of Georgia is committed to develop mandatory ***Regulatory Impact Assessments***, under which the consultations with the public is an inseparable part of the analysis which creates a basis for the decision on policy planning and/or legislative reform will be made.
- It is planned to further ***improve public service delivery*** in order to remove obstacles for the persons with disabilities.

Undoubtedly, the fight against corruption is a constant process; therefore, in order to ensure that human rights are duly presented in the anticorruption policy, the government of Georgia will work towards:

- Strengthening partnerships with other countries and international organizations in order to enhance **cooperation against corruption and to raise awareness about detrimental effects of corruption;**
- **Integrating corruption prevention into the National Human Rights Strategy and its Action Plan;**

- Enhancing **civil society's participation** in the process of anticorruption policy-making, thus ensuring that their interests are incorporated into the anticorruption policy documents;
- Including a **gender component in the anticorruption policy** documents and government's strategic priorities;