



**Institute for Development  
of Freedom of Information**

**Comments on 2020 Voluntary National Review of SDG  
Implementation in Georgia**

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## Preface

According to the UN Secretary-General [SDG Progress Report 2020](#), the latest data illustrates the continued unevenness of progress and significant improvements are required in many areas of SDGs. The report stresses that SDGs will play a crucial role in the process of truly transformative recovery from COVID-19. Thus, states have to take more robust effective measures in order to fully nationalize SDGs and ensure their implementation in practice. Georgia is not an exception. Even though a number of important steps were taken in the process of SDGs nationalization during 2015-2018, progress has been significantly slow since then. Awareness on SDGs is still low among the wider public, CSOs as well as the business sector. No significant awards raising activities have been conducted by the government since the end of 2018. This also materializes in the situation, when effective, fruitful cooperation with non-state actors in the process of SDGs implementation is made implausible. Relevant stakeholders and the wider society at large will only be able to ensure their fruitful cooperation with the government if they have relevant knowledge and information on the process of SDGs nationalization. Thus, the lack of awareness on SDGs puts the whole process of SDGs implementation in Georgia under the question mark.

Even though impotent changes were made to the system of SDGs institutionalization in Georgia significant problems remain.

In this document, IDFI would like to draw the attention of the government towards the problems and challenges in the direction of SDGs implementation in the country. The problematic areas highlighted by IDFI in this document are of crucial importance since no relevant emphasis are made on them in the draft VNR report.

### Institutional Setup of SDGs

On January 23<sup>rd</sup>, 2020 new Rules of Operation of the Interagency Council (the Council) on Sustainable Development Goals (SDGs) was adopted by the decree of the Prime Minister of Georgia. The decree introduced a number of new regulations linked with the operation and the composition of the Council. The new rules included a number of positive changes and reflected some of the recommendations that have been regularly highlighted by the Institute for Development Freedom of Information (IDFI) before. Namely, the positive changes were introduced in such directions as the new mandate of the Council and its separation from the Public Administration Reform Council, the inclusion of mayors/deputy mayors and ombudsman representatives in the composition of the Council and obligation to publish the composition of working groups online.

However, challenges still remain in such directions as working group composition procedures, transparency of the Council and working groups' activities, the participation of the private/business sector in the process of SDGs nationalization and awareness-raising on SDGs.

**The Council Composition** - For years IDFI has been stressing the need of involving representatives of legislative and local self-government in the process of SDGs implementation. Although the new rules include mayors and deputy mayors as the voting members of the Council, the problem still remains. Namely, there are no representatives of the central or local legislative branch among the Council voting members. According to the Rules of Operation

chairpersons of the Parliamentary committees are entitled to attend the Council meetings, however, they have no voting rights.

**Process of Working Groups' Composition** - IDFI has been highlighting that the lack of clear criteria and procedures describing the process of working group composition from the representatives CSOs, private sector and other relevant stakeholders were problematic. Although the new Rules of Operation developed relevant criteria entitling interested parties to participate in the working group meetings, the wording of the selection criteria is problematic. According to the rules, a prospective working group member must have at least 5 years of experience working in a relevant area and necessary resources ensuring his/her regular participation in the working group meetings. The wording of the text gives a wide scope of interpretation and causes risks of taking subjective decisions on the topic of the working group membership.

**Transparency and Accountability of the Council Activities** – The new Rules of Operation does not include any provisions on publishing meeting agendas and minutes. IDFI finds that publishing this information is crucial for ensuring that the wider public is proactively informed about the activities of the Council and its working groups.

### Awareness-Rising on SDGs

Awareness rising on SDGs is not indicated as one of the mandates of the SDGs Council. Instead, the rules of the working groups indicate that their members can conduct activities with the aim of awareness raising. Taking into consideration the low level of public awareness on SDGs in Georgia, it is crucial that the mentioned constitutes one of the main mandates of the Council and it is clearly reflected in the Rules of Operation of the SDGs Council.

The Decree of the Prime Minister on the Rules of Operation of the SDGs Council does not include any implications regarding the involvement of the private/business sector in the process of SDGs implementation. The Decree only refers to the possibility of inviting representatives of NGOs, non-commercial legal entities, experts and international organizations to the Council meetings. The same is true in case of the regulations on working group compositions. In practice, a limited number of private/business sector representatives are the members of the Council working groups. The existing practice needs to be reflected in the Rules of Operation of the SDGs Council. It should grant the private/business sector formal possibility to be included in the composition of working groups. The said is highly important, taking into consideration that implementation of SDGs, particularly those united under the social-economic cluster would be impossible without the contribution of the business sector.

According to the draft VNR report, the new changes in the operation of the Council were driven by the spirit of the **whole of society approach**. However, the implementation of the approach in practice will remain questionable as long as relevant emphases on the cooperation with the private/business sector are absent from the rules of operation.

The lack of importance given to awareness-raising on SDGs constitutes the area of particular concern. The new Rules of Operation must include the topic as one of the declared goals of the Council. Problems are observed in this direction on the practical level as well. The Council and GoG should prioritize the importance of raising awareness on SDGs in Georgia and take relevant proactive measures to reach out

to the wider society. This will also ensure that the **whole of society approach** is implemented in practice. The meaningful participation of the wider society, business sector and CSOs in the process of SDGs implementation will only be possible if they have relevant knowledge on the SDGs and the process of their implementation in Georgia.

## Linkages of SDGs with other Policy Documents

As indicated in the VNR according to the MAPS (Mainstreaming, Acceleration and Policy Support for the 2030 Agenda) study the Integration of nationalized SDGs into Georgia's development planning is very high. However, according to the [Report of the State Audit Service](#), SDGs, their targets and indicators are fragmentally scattered through various strategic documents, medium-term ministry action plans, priority documents of municipalities and the state budget. Thus the process is hectic and complicates the process of integrating SDGs in national policy documents.

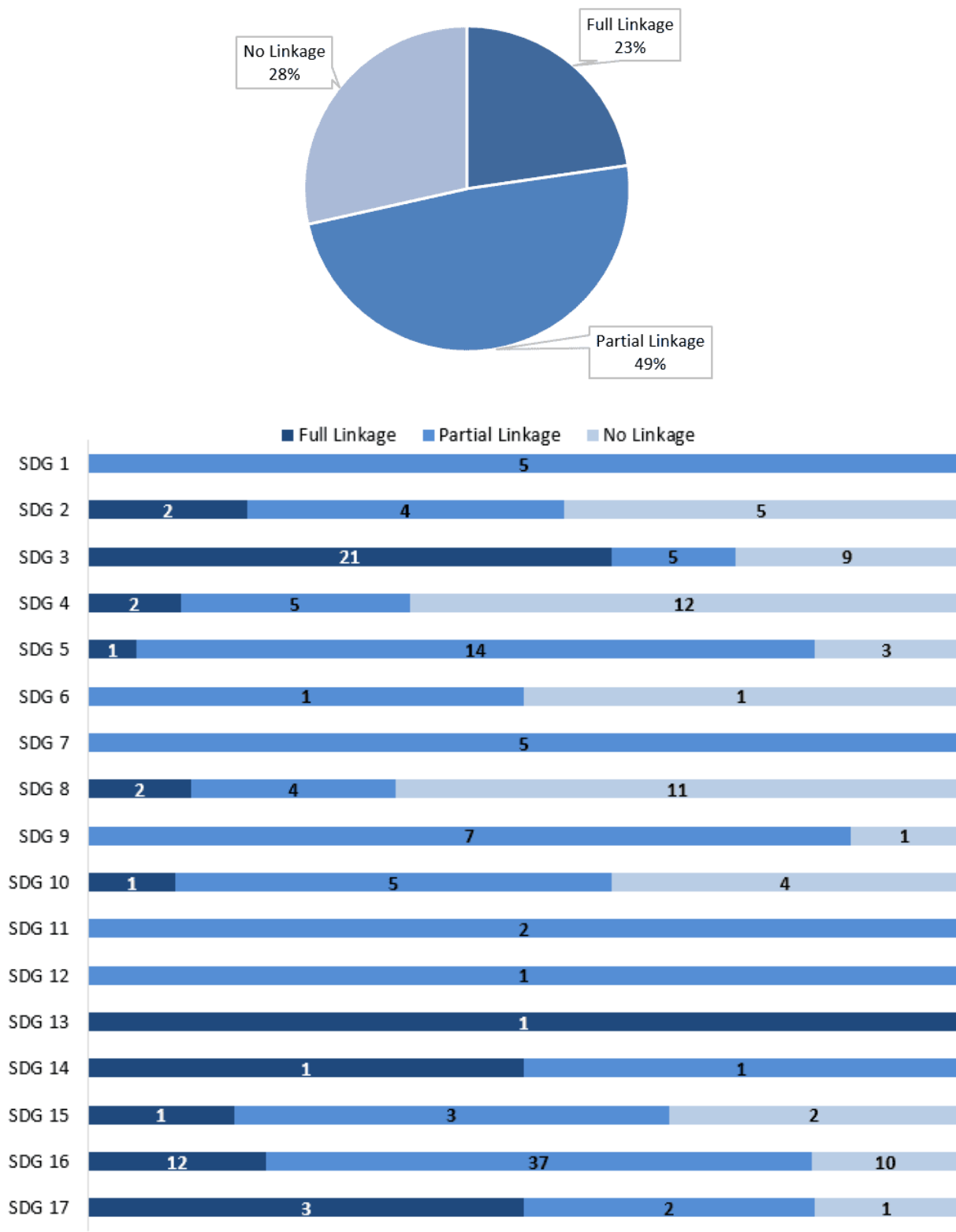
The VNR draft report stresses that SDGs need to be deeply integrated into the national policy process. In light of this, it is crucial to highlight that the MAPS study evaluated the extent of SDGs integration *at the level of SDG targets only*. IDFI finds that to evaluate the genuine level of SDGs integration in national policy documents it is vital to conduct the evaluation on the *level of SDGs target indicators*. For this purpose, IDFI conducted [analysis](#) aiming at ascertaining to what extent existing national policy documents contained obligations in line with SDG indicators. In doing so IDFI studied over 70 strategic documents and ascertained to what extent they included the indicators of nationalized SDGs. As compared to the evaluation conducted within the auspices of the MAPS mission the main advantage of the analysis conducted by IDFI is that instead of evaluating linkages at the level of the SDG targets, it goes into more detail and evaluates linkages at the level of the SDG target indicators. Moreover, during the research process, IDFI analyzed dozens of policy documents, which were not studied by the MAPS mission (find the table on the following [link](#)).

In order to evaluate the level of SDGs integration in the national public policy system of Georgia IDFI referred to the guiding principles elaborated by the United Nations Development Programme (UNDP), based on which three possible options of linkages were identified: Full linkage; Partial linkage and No Linkage.

Based on the study it was ascertained that almost half of SDGs indicators are only partially reflected in national policy documents, 28% of the indicators are not reflected in any strategies or action plans and only 23% of them are fully covered by national policy documents.

For the successful implementation of the Agenda 2030, it is crucial that all nationalized target indicators are fully reflected in relevant state strategies and action plans.

### Linkages of Indicators with National Policy Documents



## Public Participation in Policy Development

According to the draft VNR report, the Administration of Government (AoG) worked with the line ministries, government agencies, civil society and its international partners to establish a new Policy Planning and Coordination System in Georgia and refers to the Decree of the Government No. 629 On the Approval of the Rules of Procedure for Development, Monitoring and Evaluation of Policy Documents. Undoubtedly, the relevant process of well-regulated policy development is crucial for the effective implementation of SDGs. However, IDFI finds that the decree fails to introduce the regulations on citizen participation in the policy development process which would be in line with the best international practice.

On May 29th, 2019 Open Governance Permanent Parliamentary Council created a thematic inquiry working group for studying existing practice and legislation of citizen participation in the process of public policy development in Georgia. The Working Group conducted hearings with the representatives of ministries and AoG and received information on the practice of citizen participation in the decision-making process and relevant regulations. The Working Group studied existing legislation and the best international practice on the topic. After analyzing the information received during the thematic inquiry the Working Group prepared the [final report](#), which includes the main findings and relevant recommendations based on the best international practice.

One of the main recommendations of the thematic inquiry was developing a common standard of citizen participation in the process of public policy development, which would be mandatory to follow from the early stages of policy development, that is, i.e. when making decisions on the necessity of elaborating a policy document and/or when determining its main directions.

Several months after completion of the thematic inquiry, on December 20th, 2019 the Government of Georgia adopted the Decree on the Rules of Development, Monitoring and Evaluation of Public Policy Documents. Among the other topics, the decree includes the description of public policy development stages and the regulations of ensuring the participation of relevant stakeholders in the process. The rules will come into force from January 1st, 2021. Even though the document should be seen as a positive step forward, it does not reflect high standards of citizen participation. Namely, the rules only set it mandatory to ensure citizen participation in policy development after the draft of a policy document is elaborated, while at relatively early stages the said only has a voluntary character.

Thus it is clear, that the recommendations of the Parliamentary Thematic Inquiry are not fully taken into consideration. IDFI finds that the new rules will only be effective if citizen participation in the process of policy development is held mandatory from the early stages of policy development.

Moreover, IDFI disagrees with the statement of the VNR, according to which the new Policy Planning and Coordination System in Georgia was developed in coordination with CSOs. During the parliamentary thematic inquiry hearings, the representatives of AoG precisely stressed that the draft version was not publicly available. Thus neither IDFI nor the wider public had the possibility to participate in the process of developing the decree.

## Justice System

Georgia has been undertaking the judicial reform over the past decade, with the most recent Fourth Wave of the reform wrapped up in summer 2019. According to the draft VNR report, the fourth wave reform has been evaluated positively, including for increasing the transparency of the disciplinary proceedings against judges. Georgia has developed the Judicial Strategy and its Action Plan which entailed improving policies and practices of selection/appointment of judges, promotion and training/education of judges, and support for the independence of the High School of Justice.

IDFI finds that despite the judiciary reforms implemented in recent years, important gaps and challenges still remain, which indicate the need for comprehensive reform in a number of directions.

**Selection and appointment of judges** - rules and practice of appointing judges have a significant effect on judicial independence and impartiality as well as on the degree of trust of the population towards the judiciary. Current rules of selection and appointment of judges do not meet the requirements of objectivity, validity, merit-based principle and transparency, which indicates the need for effective reform in this direction.

One of the most important components of the selection and appointment of judges is the institutional arrangement of the High School of Justice. Improvement of the legal framework for the High School of Justice is particularly relevant in the sense that the fundamental reform of the selection and appointment procedures of judges without ensuring the real independence of this body is impossible. IDFI believes that a comprehensive revision of legislation is necessary to implement the fundamental reform of the High School of Justice.

**System of the Liability of Judges** - The disciplinary procedure of the liability of judges significantly determines the fairness, objectivity and efficiency of the disciplinary liability system. However, in case of its improper use, it contains the potential danger of turning into the means for exerting pressure on individual judges.

The efforts undertaken in this direction are insufficient to eradicate certain shortcomings of the disciplinary process. Problems remain in such directions as the publication of an independent inspector's decisions (without identification data) and the publication of Council's decisions on bringing a disciplinary charge against a judge in accordance with confidentiality requirements. Moreover, relevant steps have to be taken in order to strengthen the guarantees of independence of an independent inspector.

**Transparency of the Judicial System** – The principle of transparency presupposes both the public process of decision-making and the publicity and accessibility of the decisions, as a result of the said process. In addition to the transparency of judicial acts adopted by the court, it is important to ensure openness about the steps taken to administer the judiciary.

To ensure transparency of the judiciary first and foremost, it is crucial that the regulations of personal data protection in court decisions are in line with the appropriate constitutional standards.<sup>1</sup> An automatic system of case publication should be developed. In addition, further improvement should be implemented in regards to the new search engine of court decisions,

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<sup>1</sup> Media Development Foundation” and “Institute for Development of Information Freedom” v. Parliament of Georgia, the decision of the Constitutional Court of Georgia of June 7, 2019 N1/4/693,857.



including by gradual uploading of all decisions. Relevant steps should be taken in order to strengthen the planning and implementation of awareness-raising activities among the public and representatives of various professions with regard to the publicity of pending cases.

## Fighting Against Corruption

The VNR report highlights the achievements of Georgia in regards to eliminating all forms of corruption and refers to the Control of Corruption Index by the World Bank as well as the Corruption Perception Index of Transparency International. The report also stresses that the progress has not been consistent and that the full elimination of corruption requires a systematic, and consistent approach.

IDFI agrees with the findings of the VNR according to which the progress of fighting corruption has not been consistent. Moreover in the recent years country has shown regress in this direction. In 2019-2020 Georgia was mentioned in the rankings of several international organizations. All of them indicated that the state of fighting against corruption in the country has worsened with high-level corruption being mentioned as one of the causes.

According to 2019 [Business Bribery Risk Index](#) by Trace International, Georgia was ranked 27th among 200 countries with the risk score of 26 out of 100. The index is substantially the same as in last year's Bribery Risk Matrix but is worsened compared to 2017, when Georgia was ranked 25th among 200 countries with the risk score of 23 out of 100. According to these data, business bribery risk has increased by 3 points in the last three years, while Georgia's international ranking has been worsened by two places.

According to 2019 Rule of Law index by [World Justice Project](#) (WJP) in terms of absence corruption, Georgia's score has decreased in the last three years and the country has moved one step backward in the international ranking.

According to 2019 [Corruption Perception Index](#) by Transparency International, Georgia was ranked 44th out of 180 countries with a score of 56. The index is worsened compared to the previous year as in 2018, Georgia was on the 41st place with the score 58.

According to 2019 [Economic Freedom Index](#) of the Heritage Foundation, with a score of 75.9 Georgia was ranked 16th among 180 countries and 8th in the region of Europe. In 2018, Georgia had the same position in the rating but the overall score has decreased by 0.3 points in 2019.

The independence of state agencies tasked with combating corruption is one of the most important standards set by international treaties, conventions, guidelines and recommendations. Independence of these agencies can ensure the effectiveness of combating corruption, accountability, a high level of transparency, and, therefore, a high level of public trust. The [Analysis](#) of the practice of combating corruption in Georgia shows that the independence of the agencies fighting against corruption is most challenging. IDFI has been highlighting the deficiencies in the existing Anti-Corruption system for a long time in various formats.

## Conclusion

Today, when the progress of SDGs implementation is slow on a global scale, it is crucial to fully realize the importance of already existing platforms such as the Open Governance Partnership (OGP). Georgia should take more initiatives to reflect specific challenges linked with SDGs in the OGP strategy and action plans. At the same time, the authorities should internalize the role of civil society organizations in the implementation process of the SDGs and ensure close cooperation with them based on multi-sectoral initiatives.

Even though the new Rules of Operation introduced a number of positive changes, concerns still remain regarding the transparency and accountability of the Council activities. In addition, it is highly important that the rules reflect the priority of close cooperation with the private sector in the process of SDGs implementation.

The lack of political will to engage relevant stakeholders in the process of SDGs nationalization has materialized in the situation when during the 2019 no working group meeting has been organized. This is particularly problematic as compared to 2018 when all working group meetings were duly organized with the participation of all relevant stakeholders and the minutes of the meetings were publicly available for anyone interested.

Moreover, in order to evaluate the genuine level of SDGs integration in national policy documents, it is vital to conduct the evaluation on the *level of SDGs target indicators*.

In regards to the judiciary system in Georgia, regardless of significant reforms implemented in this direction during the last years, the state still needs to address the problems endangering the availability of independent, efficient and unbiased judiciary in the county.

More robust measures should be taken in the direction of fighting against corruption. The recent trend when the state of fighting against corruption in Georgia has been worsening should immediately be addressed.

Effective implementation of SDGs in Georgia will be impossible in the situation when relevant emphasis is not made on the importance of cooperation with the wider public, as well as publicity and awareness rising on SDGs. Moreover, no significant progress is plausible in the direction of peace, justice and strong institutions, unless the challenges in the direction of the judiciary and fighting against corruption are fully internalized and duly addressed by the state.