

The Venice Commission's Contribution to Anti-Corruption Measures: Case Study of Albania, Georgia, and Ukraine

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ABSTRACT

This study presents a comprehensive overview of the role of the Venice Commission in providing constitutional recommendations for Albania, Georgia, and Ukraine in their fight against corruption, as well as the measures taken by their governments to establish anti-corruption structures. The inclusion of these countries is motivated by the European Union's (EU) regulations and requirements for accession, which require significant progress in combating corruption and strengthening the rule of law as key criteria for membership. The Commission has been involved in providing recommendations and assistance to improve their legal frameworks and institutions in the fight against corruption, and its opinions carry significant weight as they are based on international standards and best practices in the field of constitutional law.

By analyzing the Venice Commission's work in Albania, Georgia, and Ukraine, one can understand the unique context and circumstances of each country and identify effective strategies for combating corruption and promoting good governance. This information can be useful for academics, and anti-corruption advocates who seek to comprehend the challenges and opportunities associated with corruption in Albania, Georgia, and Ukraine. This paper explores the Commission's role and impact in these countries and assesses the effectiveness of its interventions in promoting good governance and transparency. One key finding of this study is the importance of political will in effectively combating corruption. The findings suggest that the Venice Commission has played a crucial role in supporting anti-corruption efforts in Albania, Georgia, and Ukraine, but more needs to be done to address the root causes of corruption and strengthen the rule of law in these countries.

Keywords: Albania constitution, corruption, Georgia Constitution, Ukraine Constitution, Venice Commission.

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I. INTRODUCTION

Corruption is a multifaceted phenomenon that has attracted the significant attention of scholars and policymakers all around the world. It is often defined as the abuse of power for personal benefit. According to Klitgaard (1988), corruption is the abuse of public authority for personal benefit. Moreover, he argues that corruption is a political and social problem that can undermine the legitimacy of democratic institutions. However, as Warren (2004) pointed out, government involvement in corruption is not essential for corruption to be political. Similarly, Transparency International, a non-governmental organization that is devoted to combating corruption globally, defines corruption as the abuse of power for private gain and emphasizes its negative impact on economic development, trust among the public, and the rule of law (TI, 2021). According to Freedom House (2021), numerous countries in Europe have struggled to combat corruption due to inadequate institutional frameworks, a lack of transparency, and the prevalence of informal networks. In this context, the Venice Commission has supported anti-corruption efforts in the region in a very significant way. It is important to note that corruption has far-reaching implications for the functioning of democratic institutions, the rule of law, economic development, and social welfare. It undermines public trust in government and has negative impacts on the effectiveness of public policies and services. The European Union has recognized the need to address corruption in its member states and has established frameworks and measures to support anti-corruption efforts, including through the work of the Venice Commission. According to De Graaf (2007), the majority of literature focuses more on the culture and structure of the organization where corruption occurs than it does on the causes and background of corruption. In order to understand more about the causes, special attention should be paid to this perspective

in the future.

The European Commission for Democracy through Law, also known as the Venice Commission, is an important advisory body of the Council of Europe that consists of independent experts in the area of constitutional law. The main objective of this body is to provide legal assistance to its member states and promote the values of democracy, human rights, and the rule of law (Venice Commission, 2023). The opinions provided by the Venice Commission are not legally binding; rather, they are regarded as soft law, whose purpose is to provide guidance and recommendations to member states in their efforts to strengthen their legal frameworks and institutions. Its recommendations have helped shape the anti-corruption strategies of many countries in Europe, including Albania, Georgia, and Ukraine. However, the effect of the recommendations of the Venice Commission on anti-corruption efforts in these countries is not simple. While there has been some progress in terms of legislative reforms and institutional building, corruption remains a challenge. According to Mungiu-Pippidi (2013) combating corruption necessitates not only institutional and legal reforms but also a shift in societal values and attitudes toward corruption.

Albania, Georgia, and Ukraine have the potential to become members of the European Union, and they are expected to implement a range of political, economic, and social reforms in order to meet the EU's criteria for membership. According to the opinions on the EU membership application, each of these countries has made suggestions on anti-corruption measures. The European Commission advises Albania to strengthen its political will, implement further structured efforts, provide adequate resources and skills, and obtain an increased amount of high-level officials' convictions, as these are crucial to tackling a culture of impunity (European Commission-Albania, 2022). In its 2022 report, the European Commission has called for Georgia to strengthen the independence of its anti-corruption agency and consolidate all key anti-corruption functions, particularly to address high-level corruption cases more effectively (European Commission-Georgia, 2022). The European Commission's recommendations for Ukraine on corruption include strengthening anti-corruption institutions' independence, effectiveness, and capacity; improving transparency and accountability in public institutions and the judiciary; and increasing the number of successful investigations, prosecutions, and convictions in high-level corruption cases (European Commission-Ukraine, 2020). The European Commission has in all cases emphasized the need to implement measures in compliance with the Venice Commission's recommendations and European standards.

II. METHODOLOGY

Albania, Georgia, and Ukraine have been working closely with the EU and international organizations such as the Venice Commission to strengthen their legal frameworks and improve their anti-corruption efforts. The research question that will follow this paper is: what is the role of the Venice Commission in Albania, Georgia, and Ukraine in providing legal assistance and recommendations, and how has the Commission impacted anti-corruption efforts in these countries?

This research is important and relevant for several reasons. Firstly, corruption remains a significant challenge in many countries, particularly in Eastern Europe, and the Venice Commission plays a crucial role in supporting anti-corruption efforts in these countries. Secondly, understanding the impact of the Venice Commission's work can help identify effective strategies for tackling corruption and promoting good governance. Thirdly, as Albania, Georgia, and Ukraine are all countries that want EU membership, their efforts to combat corruption and implement reforms are closely monitored by the EU. Therefore, analyzing the role of the Venice Commission in these countries can provide insights into the EU's expectations and requirements for accession.

The study uses a qualitative approach, analyzing reports from the Venice Commission, academic literature, news reports, and country-specific documents. This research will involve a case study analysis of constitutional amendments in Albania, Georgia, and Ukraine, with a specific focus on the role and impact of the Venice Commission on anti-corruption measures. It focuses on document analysis and then analyzing the data to draw insights and conclusions about the cases. The analysis will be conducted to identify similarities and differences across the cases, which will help to draw broader conclusions about effective strategies for combating corruption and promoting good governance.

III. ALBANIA

Albania has struggled with corruption in various areas, such as public procurement, political campaign finance, and the judiciary. Upon conducting an analysis of the corruption situation in Albania, it can be observed that it has been a persistent problem throughout the country's history. The European Commission's report on Albania's advancement towards EU accession in 2001 observed that corruption was prevalent and had penetrated every aspect of society and the economy (European Commission, 2001). According to a report that was published in 2007 (by the Albanian Center for Economic Research (ACER),

one of the most significant challenges that the country was confronted with was corruption (Albanian Center for Economic Research, 2007). According to a survey by the UN Office on Drugs and Crime, the majority of Albanians consider corruption to be the country's second-biggest issue, after unemployment (United Nations Office on Drugs and Crime, 2011). Upon analyzing the statistical data spanning from 2012 to 2022 as provided by (Transparency International, 2022), it can be observed that the year 2013 recorded the lowest Corruption Perceptions Index (CPI) of 31/100, indicating a significant prevalence of corruption. In contrast, the year 2016 recorded the highest CPI of 39/100, indicating a significant improvement. According to the 2022 statistics, Albania's corruption index stands at 36 out of 100, placing it in the 110th position among 180 countries. These statistics suggest that corruption is still a prevalent problem in Albania, despite some improvements in recent years.

Albania has undergone several constitutional amendments over the years. The most substantial constitutional amendment to occur in Albania since its adoption in 1998 took place in 2016. In 2015, Albania's Ad Hoc Committee on Justice System Reform sought the Venice Commission's opinion on suggested amendments to the country's constitution (Venice Commission, 2015). A series of constitutional reforms were proposed with the aim of addressing the widespread issue of corruption within the judiciary system and bringing the nation closer to alignment with the European Union. The Venice Commission provided recommendations on various aspects of the proposed constitutional changes, including the establishment of an independent anti-corruption agency, and strengthening the judiciary's independence. It is considered that, in light of the previous experience in Montenegro (Venice Commission, 2014), the establishment of such a unique structure might have a beneficial impact on the fight against corruption (Venice Commission, 2015). The Venice Commission made certain to make a number of recommendations on the structure, which led to the implementation of certain adjustments and reforms.

Since then, Albania has established the National Bureau of Investigation as well as the Special Prosecution Office for Corruption and Organized Crime, both of which represent some of the country's advancements in the fight against corruption. The SPAK Courts, also known as the Special Courts against Corruption and Organized Crime (in Albanian: Gjykatat e Posaçme kundër Korrupsionit dhe Krimin të Organizuar), constitute a fundamental element of the new structure, which aims to strengthen the integrity and autonomy of the authorities responsible for resolving cases of corruption (Gunjic, 2022). The impact of the Commission's work through opinions and *amicus curiae* at various courts demonstrates that the Commission's role in establishing European standards is definitely increasing (Mehmetaj, 2019).

In light of the fact that the level of corruption in the Albanian judiciary was extremely high and the situation required immediate and radical action, the Venice Commission raised the question of whether this broad consensus on the existence of corruption provides a sufficient basis for re-evaluating all sitting judges (including here also the honest ones), regardless of the specific circumstances of each individual judge (Venice Commission, 2015). Considering the political aspect, this remained in the hands of the Albanian government to be evaluated. The facts demonstrate that the temporary re-evaluation of judges was deemed essential for everyone in order to ensure the rule of law, the independence of the justice system, and a return of the public's trust in the institutions of Albania (Kuvendi i Republikës së Shqipërisë, 2016). The President of the Constitutional Court of Albania requested an *amicus curiae* brief from the Venice Commission in 2016 regarding the conformity of Law No. 24/2016 on the Transitional Re-Evaluation of Judges and Prosecutors in the Republic of Albania with international standards, including the European Convention on Human Rights. The Venice Commission's opinion on the conformity of this law with international standards is relevant because it provides guidance on ensuring that the vetting process is conducted in a fair and impartial manner without violating the rights of those being evaluated. It is worth noting that the Venice Commission has always stressed the significance of the vetting procedure in protecting Albania from the negative impacts of corruption. This procedure plays an important role in ensuring that the judiciary is made up of judges who are capable, independent, and not suspected of misconduct or other unlawful activities.

One of the issues raised was whether the participation of judges of the Constitutional Court, who were themselves subject to the vetting procedure, in the examination of the constitutionality of the Vetting Law may be considered a conflict of interest which requires their disqualification (Venice Commission, 2016). The Venice Commission emphasized in the same report that, according to the Constitution and the Vetting Law, all constitutional judges will be subject to the Vetting Law, which mandates the re-evaluation of all judges in Albania, including those of the Constitutional Court. Therefore, the potential conflict of interest may affect the position of all the constitutional judges sitting on the Constitutional Court, and the disqualification of the constitutional judges due to the existence of a conflict of interest would eliminate the possibility of judicial review of the Vetting Law based on its constitutionality. This situation could be considered an "*extraordinary circumstance*" by the Constitutional Court, requiring a departure from the principle of disqualification in order to prevent the denial of justice.

In 2018, the Speaker of the Parliament of Albania requested the opinion of the Venice Commission on constitutional amendments to the vetting process, including the assessment of the relations of the senior public officials with organized crime that had been submitted to the Parliament by the joint initiative of the

parliamentary groups of the Democratic Party and the Socialist Movement for Integration (Venice Commission, 2018). The Commission stressed that the vetting proposal lacked legal clarity and certainty. Additionally, the Commission emphasized the need for appropriate mechanisms to be put in place to deal with inappropriate contacts between politicians and criminal elements and stressed the importance of these mechanisms being in line with existing standards and practices.

The Commission wondered why secretaries and undersecretaries of state, department directors, and deputy directors, who hold decision-making positions and are politically appointed, would remain outside the scope of the proposed integrity control (Venice Commission, 2018). The significance of the Venice Commission's concern regarding the exclusion of politically appointed decision-makers from the proposed integrity control in Albania is that it highlights potential shortcomings in the country's anti-corruption efforts. It suggests that the vetting process, while necessary, may not be comprehensive enough to effectively address corruption in Albanian institutions if it excludes certain decision-makers. Despite acknowledging the necessity of the vetting process, the Commission also emphasized the need for safeguards in this process and considered the vetting to be only an extraordinary and temporary measure (Venice Commission, 2020). While the vetting process is necessary to identify and remove corrupt judges and prosecutors, it must be carried out in a fair and impartial manner with adequate safeguards to protect the rights of those being evaluated. If the vetting process is not conducted in a transparent and fair manner, it can undermine public trust in the judiciary and lead to further corruption.

One factor that contributes to the success of the Venice Commission's recommendations in Albania is the political will of the government to implement them. For instance, in 2011, the Venice Commission and OSCE/ODIHR recommended changes to the electoral code, recalling that the stability of the electoral legislation is crucial for public trust in the electoral process (Venice Commission & OSCE/ODIHR, 2011). The Albanian government demonstrated political will by establishing these changes, which the Venice Commission praised as a step forward toward improving the country's democratic processes. The lack of political will, on the other hand, has been a significant barrier to the success of the Venice Commission's recommendations. For instance, the Venice Commission has repeatedly recommended changes to the Albanian justice system to improve its independence and efficiency, but these recommendations have been largely ignored due to the opposition of political elites who stand to lose power or influence if the changes are implemented. Mention should also be made here of the time when the President of the Republic exceeded his constitutional competencies by canceling and postponing the local elections beyond the electoral mandate of the local authorities without an adequate explanation and legal basis (Venice Commission, 2019).

A major obstacle for Albania in combating corruption is the lack of accountability for high-level officials involved in corruption (Exit News, 2019). Addressing this issue is crucial for building public trust and confidence in the country's anti-corruption efforts. These cases often involve politicians and officials who hold significant power and influence, which can make it difficult to hold them accountable for their actions. Additionally, there should be a commitment from political leaders to prioritize anti-corruption efforts and hold themselves and their colleagues accountable for any corrupt actions. This could be accomplished by establishing a code of conduct for politicians and officials, increasing the transparency of government operations, and enforcing anti-corruption laws more strictly. Education and awareness-raising campaigns could also play a role in changing the country's corruption-related culture and attitudes.

IV. GEORGIA

Georgia has a complex history of corruption, which can be traced back to the period of the Soviet era when corruption was pervasive and rooted within the system. After gaining independence in 1991, Georgia encountered difficulties in its efforts to establish democratic institutions and address issues of corruption, which continued to pose a significant challenge to the country's development. Corruption has been a significant issue, particularly in law enforcement and the judiciary. An examination of the statistical data for the years 2012 through 2022, sourced from (Transparency International, 2022), reveals that the year 2013 showed the lowest corruption perceptions index of 49/100, signifying a notable level of corruption. On the other hand, it can be observed that in the year 2018, the CPI reached its peak at 58/100, which suggests an important improvement in this aspect over the years before that. Based on the statistical data for the year 2022, Georgia's corruption index is currently at 55 out of 100, positioning it at the 45th rank among 180 countries. This ranking suggests a positive trend towards improvement, demonstrating steady progress in anti-corruption efforts.

The first constitution of Georgia was adopted in 1995. It provided a strong foundation for democratic governance and the rule of law and was instrumental in establishing the country's sovereignty and territorial integrity. The most significant amendment occurred in 2010 with the transformation of the country from a Presidential to a Parliamentary Republic. In July 2009, the State Constitutional Commission (SCC)

Chairman invited the Venice Commission to assist in the process and assess the proposed amendments. The commission stated that the proposed constitutional amendments provided several important improvements, and by encouraging this new positive change for Georgia (Venice Commission, 2010).

In 2016, the Venice Commission published an opinion on the draft amendments to the Georgian Constitution, which recommended several changes to strengthen the independence of the judiciary and improve the system of checks and balances. These changes involved a reduction in the President's power in appointing judges and the creation of an independent body to oversee the appointment of judges and the administration of the courts (Venice Commission, 2016). While the report does not explicitly refer to corruption, it is very clear that these recommendations of the Commission are closely related to anti-corruption measures. The significance of judicial independence in the fight against corruption lies in its ability to guarantee that judges are able to render unbiased judgments without any external intervention or pressure from other branches of government or external sources. The 2016 constitutional amendments, as suggested by the Venice Commission, sought to enhance the independence of the judiciary in Georgia by reducing the powers of the President in appointing judges and establishing an independent body to oversee the appointment of judges and the administration of the courts. This, in turn, helps to reduce the risk of corruption in the judiciary system and promote the rule of law.

In March 2019, the Chairperson of the Parliament of Georgia submitted a request for an urgent opinion from the Venice Commission regarding the process of choosing and appointing judges to the Supreme Court of Georgia. The Venice Commission recommended that candidates for the position of the Judge of the Supreme Court of Georgia should submit the asset declaration of not only themselves but also their spouses and children (Venice Commission, 2019). This measure is intended to enhance transparency and accountability in the appointment of judges to the Supreme Court of Georgia. Requiring asset declarations from candidates not only for themselves but also for their spouses and children, it becomes more difficult for corrupt individuals to use their family members to hide assets or engage in illicit financial activities. In another opinion report on the concept of the legislative amendments to the Criminal Procedure Code concerning the relationship between the prosecution and the investigators, the Venice Commission suggested that instructions by the prosecutor to the investigative authorities should in principle be in writing (Venice Commission, 2019). The requirement for written instructions and reasoning by prosecutors also ensures transparency and accountability in the decision-making process, making it more difficult for corruption to occur.

Georgia has also made progress in addressing high-level corruption, with several high-profile cases resulting in the convictions of senior officials and businesspeople. As an illustration, the ex-mayor of Tbilisi received a prison sentence for embezzlement and money laundering and had a second conviction in 2020 on similar charges (Reuters, 2020). Currently, the Commission has published its opinion on the draft law "On De-oligarchisation." The Venice Commission has suggested that limiting the influence of "oligarchs" in political, economic, and public life is a priority for achieving a democratic system governed by the rule of law, and it provides recommendations on how to achieve this while respecting human rights and the rule of law (Venice Commission, 2023).

V. UKRAINE

Ukraine has faced significant corruption challenges in various sectors, including law enforcement, public procurement, and the judiciary. Upon examination of (Transparency International, 2022) statistics from 2012 to 2022, it appears that Ukraine's corruption perceptions index reached its lowest point in 2013, registering a score of 25 out of 100. This score is clearly indicative of a high level of corruption. Additionally, it can be observed that the CPI attained its highest point of 33/100 in 2020, showing progress but continuing to be an issue. In 2021, there was a decrease of 32/100 in the ranking of Ukraine, which has since been restored to 33/100 as per the 2022 statistics. As of this ranking, Ukraine is ranked 122 out of 180 countries, making it among the most corrupt countries in Europe.

Since obtaining independence from the Soviet Union in 1991, Ukraine's constitution has witnessed several amendments. Since 1996, when the first Ukrainian constitution was adopted, it has undergone numerous revisions and amendments. The most significant changes occurred in 2004, during the so-called "Orange Revolution" (Karpyak, 2013) and again in 2014, following the Euromaidan protests and the ousting of President Yanukovich (Open Society Foundations, 2019). The changes made to the Ukrainian Constitution in 2014 aimed to strengthen democracy by reducing the powers of the presidency and increasing the powers of the parliament and the prime minister.

In 2005, the Venice Commission issued a report on the Orange Revolution-era constitutional amendments passed by the Ukrainian parliament in 2004. The report highlighted that the amendments were passed with limited consultation and discussion between political forces and were criticized by internal and external bodies for their lack of transparency and inclusiveness (Paul, 2010). The Venice Commission has

expressed in this report concerns about certain aspects of the legal framework in Ukraine that could potentially enhance corruption. In particular, the Commission has criticized the extension of power given to the Procuracy, which goes against European standards and Ukrainian commitments made when acceding to the Council of Europe (Venice Commission, 2005).

The Venice Commission criticized the Constitutional Court of Ukraine's decision to declare unconstitutional constitutional amendments that changed the country's political system from parliamentary to parliamentary-presidential after six years, citing concerns over democratic legitimacy and the rule of law (Venice Commission, 2010). The statement mentioned earlier also emphasizes the fact that the President of Ukraine, after the aforementioned conclusion, possesses a higher level of power than what was initially expected by voters during the election. Once again revealing how urgently a true and comprehensive constitutional reform was needed in Ukraine.

The Venice Commission provided a positive assessment of the 2014 constitutional amendments made in Ukraine. In its report from 2014, the Venice Commission highlighted the significance of the State Bureau of Investigation as a new institution that had been established in accordance with the new Code of Criminal Procedure of Ukraine to take over the investigative and anti-corruption tasks formerly performed by the Public Prosecutor's Office (Venice Commission, 2014). In the same report, it was emphasized that the activity of the State Bureau of Investigation must be based on the law and not on what is politically expedient. If the Bureau's actions are motivated by political expediency rather than the rule of law, selective or arbitrary execution of the law could happen, undermining the integrity and credibility of the justice system. This can erode the public's trust in the government and give corrupt actors opportunities to act with impunity.

The Venice Commission welcomed during 2017 the President of Ukraine's statements that there is an urgent need for an independent and "efficient special anticorruption judicial body" (Venice Commission, 2017), and re-mentioned it as a successful model of an anticorruption mechanism in another 2019 report (Venice Commission, 2019). In February 2019, the Verkhovna Rada voted to amend the constitution to include EU and NATO membership as one of Ukraine's strategic goals (RFE/RL's Ukrainian Service, 2019). In a letter to the Speaker of the Verkhovna Rada from October 2020, the President of the Venice Commission and the President of the Group of States against Corruption (GRECO) expressed their shared concerns about the situation in Ukraine (Council of Europe, 2020). In that letter, they emphasized the need to root out corruption at all levels of government, but especially in the judicial system. In another report of the Venice Commission (2020), requested by the President of Ukraine for the Decision No. 13-r/2020 of October 27, 2020, it was emphasized that the Constitutional Court of Ukraine (CCU) was accused of not respecting its own procedures and that some judges of the CCU carried out judicial functions while there was a possible conflict of interest that could have resulted in objectively justified fears regarding their impartiality (Venice Commission, 2020).

According to the Commission and the Directorate General of Human Rights and Rule of Law (DGI), this decision may have critical adverse effects on the functioning of anti-corruption bodies, which is extremely concerning. Nonetheless, the Constitutional Court's status as the "gatekeeper of the Constitution" must be respected by both Parliament and the Executive. The fight against corruption is an essential element in a state governed by the rule of law, but so is respect for the Constitution and constitutional justice. The recommendations put forth suggest implementing measures to address the issue of false declarations, such as reinstating criminal liability and restoring the National Agency on Corruption Prevention's (NACP) powers to verify declarations for most public officials, while also introducing safeguards for judges and establishing a supervisory mechanism for the NACP's activities concerning judges (Venice Commission, 2020). The president of the Venice Commission also reacted at the "Democracy in Action" conference by saying that compromised judges must be punished and, if necessary, dismissed (Buccicchio, 2021).

The Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe jointly issued an urgent opinion on May 20, 2021, supporting the proposed amendments to the Code of Administrative Offenses and the Criminal Code that aim to hold public officials accountable for inaccurate asset declarations. They supported the reinstatement of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years in case of inaccurate declaration of assets (Venice Commission, 2021). On June 3, 2021, during the approval of draft law No. 4651, the parliament changed "deprivation" to "restriction" of freedom and removed the obligation to reveal civil workers relatives' property. According to Movchan *et al.* (2021) analyses, the Venice Commission, the EU Advisory Mission in Ukraine, and G7 ambassadors were concerned about the decision.

In 2022, the Commission criticized Article 64 of the Draft Law on Local Referendum for its lack of details on the powers and responsibilities of the Local Referendum Territorial Commission and the National Agency on Corruption Prevention in overseeing campaign finances, which was previously noted in the 2019 ODIHR Election Observation Mission Final Report (Venice Commission, 2022). Currently, the Verkhovna Rada has asked the Constitutional Court of Ukraine (CCU) to provide an opinion on a draft law

that would amend Articles 85 and 106 of the Ukrainian Constitution to clarify the procedure for appointing and dismissing the director of the National Anti-Corruption Bureau of Ukraine and the director of the State Bureau of Investigation (Venice Commission, 2023).

Despite the challenges, the Venice Commission's involvement in Ukraine has contributed to significant progress in anti-corruption efforts in the country. The establishment of the High Anti-Corruption Court and the National Anti-Corruption Bureau, both of which were created with the support of the Venice Commission, has resulted in high-profile convictions of corrupt officials, including former government ministers and high-ranking officials. Mentioning here that in 2017, Ukraine's former Ecology Minister M. Zlochevsky was arrested on corruption charges (Ukrinform, 2020); in 2020, O. Onyshchenko, a former member of the Ukrainian parliament, was accused of corruption and money laundering (Blooms, 2021); in 2023, a senior Ukrainian government official was arrested by the Ukrainian National Anti-Corruption Bureau on suspicion of embezzlement (RFE/RL's Ukrainian Service, 2023); and many other cases.

VI. CONCLUSIONS

As an independent expert body of the Council of Europe, the Venice Commission's role is crucial in providing objective analysis and recommendations to help these countries strengthen their anti-corruption efforts. The Venice Commission's recommendations can also carry significant weight and help to build international support and credibility for their anti-corruption efforts. In general, the work done by the Venice Commission in Albania, Georgia, and Ukraine has been extremely important in the promotion of good governance, openness, and accountability, as well as in the battle against corruption. To respond to the research question of this paper, the Venice Commission provides recommendations and assistance to improve legal frameworks and institutions in Albania, Georgia, and Ukraine, playing a crucial role in supporting anti-corruption efforts and promoting good governance, but further efforts are necessary to address the root causes of corruption and strengthen the rule of law in these countries.

Albania has a persistent issue with corruption, with statistics indicating significant prevalence in the past. The establishment of the National Bureau of Investigation and the Special Prosecution Office for Corruption and Organized Crime have represented significant advancements in Albania's fight against corruption. In the case of Albania, the Commission provided opinions and recommendations on draft constitutional amendments aimed at enabling the vetting of politicians and other public officials, as well as the qualification assessment of judges and prosecutors. The Commission emphasized the need for appropriate mechanisms to be put in place to deal with inappropriate contacts between politicians and criminal elements and stressed the importance of these mechanisms being in line with existing standards and practices.

Since 1991, the Ukrainian Constitution has undergone numerous revisions and amendments, with the most significant changes occurring in 2004 and 2014. The Venice Commission has expressed concerns about certain aspects of the legal framework in Ukraine that could potentially enhance corruption. The analysis highlights that Ukraine has faced significant challenges related to corruption, and although progress has been made, corruption continues to be a problem. The changes made to the Ukrainian Constitution have aimed to strengthen democracy, but some of these changes have been criticized for their lack of transparency and inclusiveness. The Venice Commission has emphasized the need for true and comprehensive constitutional reform in Ukraine, as well as the importance of rooting out corruption at all levels of government, especially in the judicial system. The recommendations include implementing measures to address the issue of false declarations, reinstating criminal liability, restoring the NACP's powers, introducing safeguards for judges, and establishing a supervisory mechanism for the NACP's activities concerning judges.

The Venice Commission has played a significant role in supporting Georgia's anti-corruption measures by providing recommendations on strengthening the independence of the judiciary, increasing transparency and accountability in the appointment of judges, and limiting the influence of oligarchs. It has helped to strengthen the country's legal framework, promote transparency and accountability, and support the fight against corruption. Although corruption is still present in Georgia, the country has made significant progress in fighting corruption compared to other countries in the region, such as Albania and Ukraine.

In spite of the Venice Commission's recommendations, corruption continues to be a persistent issue in Albania, Georgia, and Ukraine, despite some progress being made in their anti-corruption efforts. It's important to note that implementing these recommendations is not a straightforward process and may require significant changes to legal and institutional frameworks. The sustainability of the changes made will depend on continued political will and efforts to address corruption effectively. Therefore, these countries need to prioritize anti-corruption efforts and strengthen their commitment to reforms in order to make meaningful progress in the fight against corruption.

VII. RECOMMENDATIONS

- 1) Countries should continue to work with the Venice Commission to develop and implement legal and institutional reforms aimed at preventing and combating corruption.
- 2) Governments should work to improve transparency and accountability in their operations and engage with civil society and the media to build public trust in government institutions. This may involve measures such as increasing public access to information and improving public participation in decision-making processes.
- 3) Countries should prioritize efforts to investigate and prosecute high-level corruption cases and to ensure that those responsible for corruption are held accountable.
- 4) The Venice Commission should continue to advocate for the strengthening of anti-corruption institutions and the independence and effectiveness of the judiciary system.

CONFLICT OF INTEREST

As the authors of this paper, we declare that we have no personal, financial, or other interests that could potentially influence or bias the research or its results. As a result, no conflicts of interest can be declared for this research paper. We affirm that this research was conducted objectively and impartially and that all findings and conclusions presented in the paper are solely based on the research results.

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