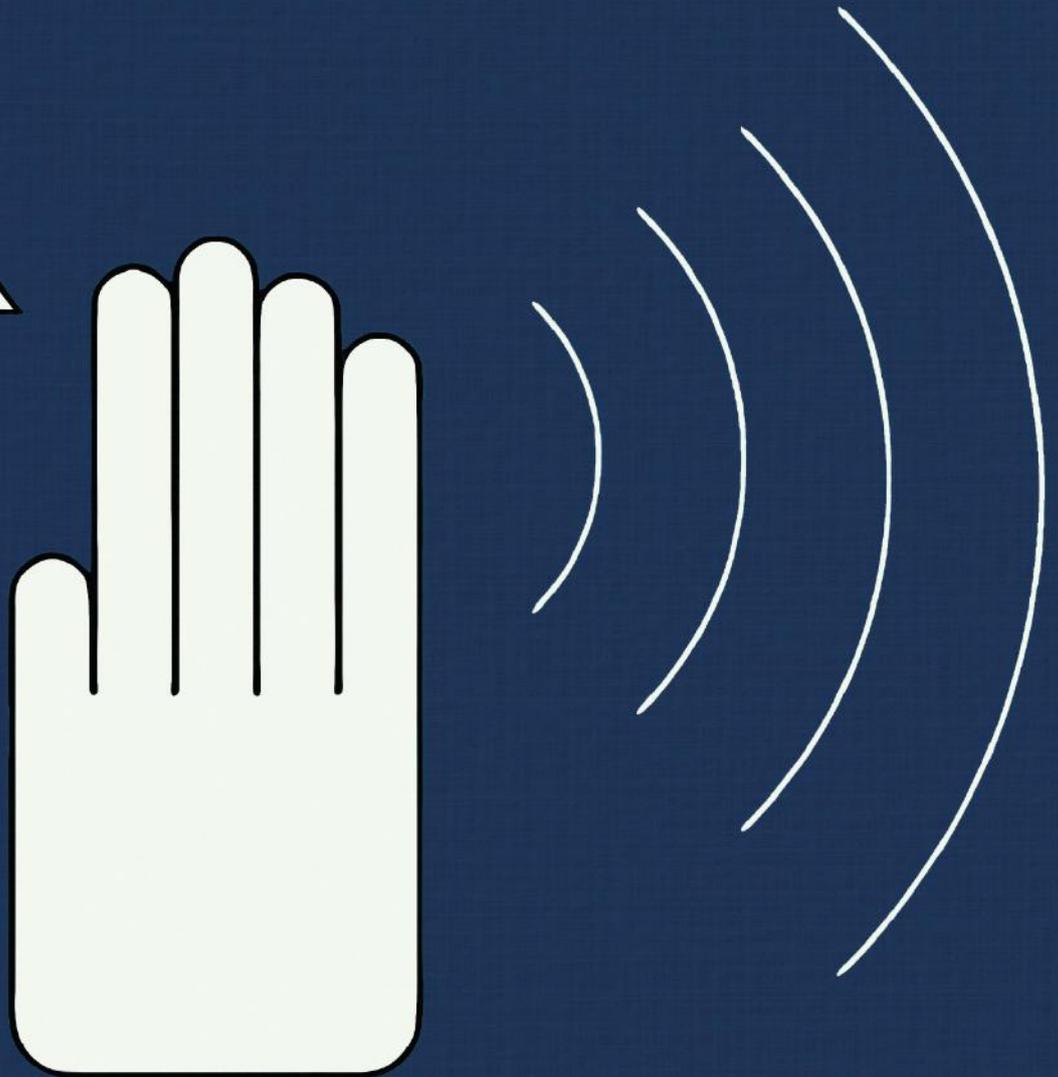




IDFI

Institute for Development
of Freedom of Information



CHALLENGES OF WHISTLEBLOWING IN GEORGIA

Legislation and Practice



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Sverige

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CHALLENGES OF WHISTLEBLOWING IN GEORGIA



Legislation and Practice

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TABLE OF CONTENTS

MAIN FINDINGS	6
INTRODUCTION	9
METHODOLOGY	11
INTERNATIONAL STANDARDS AND NATIONAL LEGISLATION ON WHISTLEBLOWING	13
ANALYSIS OF NATIONAL PRACTICE OF WHISTLEBLOWING	20
Whistleblowing Data Production	21
Internal Whistleblowing Mechanisms and Civil Service Awareness	27
Application of whistleblowing Mechanism in the Civil Service	31
Attitude of Civil Servants to the Whistleblowing Mechanism	35
CONCLUSION AND RECOMMENDATIONS	39



MAIN FINDINGS



Findings of legislative analysis:

- Legislation on whistleblowing does not cover the private sector, leaving both the private sector as well as the activity of establishments that do not belong to civil service, but exercise delegated public authority and, therefore, may harm the public interest, beyond control.
- Legislation does not provide for unconditional public whistleblowing (even as an exception) and a whistleblower is obliged to submit a disclosure statement to a relevant institution in the first place. The law does not allow public disclosure, even as an exception, in cases where the whistleblower has a reason to believe that a breach could pose an imminent or obvious threat to the public interest.
- A common standard for internal whistleblowing procedure does not exist in Georgia. In addition, the legislation does not include an obligation for public agencies to develop internal whistleblowing mechanism and procedures.
- Whistleblower protection in Georgia is not regulated by an independent legislative act that would emphasize the importance of this institution and improve the coordination of the process.
- The law enforcement agencies are not subject to the general legislation on whistleblowing and special legislation is still to be developed.

Public data analysis findings:

- Majority of public institutions do not record disclosure statements and/or do not release information related to them.
- The agencies that record disclosure statements process different types of data, since a unified methodology of whistleblowing data processing does not exist, so there is no unified data on whistleblowing mechanism application in the country for a comprehensive analysis of the practice (sex, rank of a whistleblower and person disclosed, form of response to disclosure etc.).
- The rate of use of the electronic whistleblowing platform (www.mkhileba.ge) by whistleblowers is minimal.

Quantitative survey findings:

- The survey on the whistleblowing mechanism among civil services show that the awareness of civil servants in this regard is quite low.
- Most public agencies do not have their own codes of ethics, and a majority of civil servants do not know whether any internal acts in their agency regulate whistleblowing matters.
- Awareness of civil servants about the internal mechanisms of whistleblowing is low, and a significant part indicates that such a mechanism does not exist in their agency at all.
- The results of the quantitative survey indicate that civil servants almost never use the electronic whistleblowing platform (www.mkhileba.gov.ge).



- According to the results of the quantitative survey, a large proportion of civil servants do not respond to violations of ethical norms, which is significantly due to the low level of civil servants' awareness of response mechanisms, as well as their attitude towards the effectiveness and reliability of existing mechanisms.
- According to the quantitative survey, the majority of respondents believe that effective whistleblowing mechanism is needed to fight corruption, and a large proportion expresses a positive attitude towards the institution of whistleblowing.
- Slightly over a half of the civil servants stated that they would respond appropriately in practice if they became aware of a breach of ethics in the agency.
- Most of the surveyed civil servants are not aware of the attitude of the management of their agency towards the whistleblowing institution.

Qualitative survey findings:

- The analysis of in-depth interviews revealed that a lack of awareness on whistleblowing, a sense of insecurity, and a distrust of the authorities coupled with the belief that the whistleblower confidentiality will not be fully protected may constitute the obstacles to the efficiency of the whistleblowing mechanism.
- Respondents state that political will, awareness raising, guarantees of whistleblower's protection, and strengthening confidence in the mechanism efficiency are necessary for its effectiveness.
- The civil servants who took part in the qualitative survey expressed a feeling that the management of the agency is forgiving towards violations of ethical norms committed by high-ranking employees and in case of disclosure, they might create a problem for the whistleblower.
- The civil servants who took part in the qualitative survey point out that the attitude within the agency is a hindering factor to the active application of the whistleblowing mechanism.
- The civil servants pointed out in the framework of the in-depth interviews that state agencies need to better inform employees on the whistleblowing mechanism and whistleblower protection guarantees.



INTRODUCTION

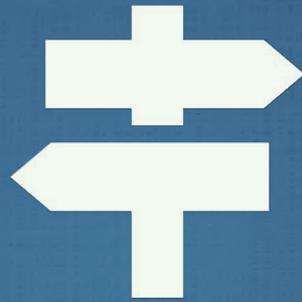


The whistleblowing institution has been in place in Georgia since 2009 and is regulated by the Law of Georgia on Conflict of Interest and Corruption in Public Service. In 2015, reforms of the whistleblowing institution and whistleblower protection were carried out and an electronic *platform* was created that also allows for anonymous disclosure. The platform is administered by the Civil Service Bureau, limited to sending incoming whistleblower statements to a relevant agency. Despite the reforms, the effectiveness of the whistleblowing mechanism, including the electronic platform, has been lacking - the number of whistleblowing cases is very low. According to a survey conducted by Transparency International - Georgia, in half of the public institutions the whistleblowing mechanism was not introduced at all: in 18 of the 36 public institutions studied over the past five years, no cases of whistleblowing were reported, despite the fact that no less than six of these institutions were sent at least one whistleblowing statement via the electronic whistleblowing platform.¹

The whistleblowing institution is one of the most important components of ethics and good faith standards enforcement in practice and plays a major role in the fight against corruption. The whistleblower takes responsibility for the common and public good, which is why he or she may be seen as a "alarmist" who tattles another person or institution. Accordingly, constant work on the development of the whistleblowing institution and its strengthening is essential for the effective functioning of this mechanism and, consequently, for the effective fight against corruption.

The aim of IDFI's research is to determine the reason for the low number of cases of whistleblowing in Georgian public institutions, to identify gaps, and to elaborate specific recommendations for their elimination through the analysis of the legislation and study of the practice.

¹ *The dysfunctional whistleblowing mechanism in the Georgian public service*, Transparency International - Georgia (2020), available at the [website](#).



METHODOLOGY



Given the motivation and purpose of the research, it aims to answer the following key questions:

1. How aware are civil servants of the whistleblowing institution and its importance?
2. How well-designed and detailed is the whistleblowing procedure?
3. How adequate is the whistleblower protection mechanism?

Quantitative and qualitative methods were used in the study. The analysis of international standards, legislation, statistical information, and other secondary data sources on whistleblowing, as well as a quantitative survey of civil servants were carried out in order to identify existing problems. Using in-depth interviews, current practice was studied comprehensively and a number of problems were identified.

The study reviews the national legislation governing the whistleblowing institution; findings of other surveys on this topic are also considered. The document analyzes the recommendations and standards of the Council of Europe, the Organization for Economic Co-operation and Development (OECD), and the European Union regarding the whistleblowing institution, as well as the practice of developed countries.

The study analyzed statistics on whistleblowing from the last four years facts, broken down by agencies and years. IDFI addressed 232 public agencies to study the practice of using the whistleblowing mechanism in the public sector (the Government Administration, the Parliament of Georgia, the President Administration, 10 ministries and the State Minister's Office, 124 city halls/assemblies, 94 legal entities of public law, and other independent institutes) requesting statistical information on whistleblowing statements received in 2017-2020. 72 of 232 public agencies did not respond to the inquiry.

A quantitative survey on the mechanisms of whistleblowing in the public service and the attitudes of civil servants towards them was conducted through a pre-designed questionnaire. 291 civil servants participated in the survey. The questionnaire was elaborated as a part of the quantitative survey aimed at determining the sex, age, education, and place of residence of the respondents, which helped us to assess the impact of demographic indicators on the results of the survey. At the same time, the questionnaire was used to study the awareness and attitudes of civil servants to the whistleblowing institution and the internal mechanisms of disclosure in public agencies.

In-depth interviews were conducted with 20 civil servants. Theoretical generalization of the survey analysis and findings is possible for the purposes of the study, but they certainly cannot be generalized across the entire public sector. Qualitative survey was used to supplement and refine the findings obtained from public information and quantitative surveys. The in-depth interviews with the civil servants were conducted with the following key issues in mind:

- What kind of information do the civil servants have on the whistleblowing institution and protection mechanisms.
- What legislative or practical factors contribute to the lack of whistleblowing instances.
- How the whistleblowing statements are received and responded to by the agency.
- What is the impact of the attitude towards the institution of whistleblowing within the agency/department on the number of whistleblowing cases.
- What type of awareness-raising activities were carried out in the agency/department in regards to the whistleblowing institution.



INTERNATIONAL STANDARDS AND NATIONAL LEGISLATION ON WHISTLEBLOWING



The importance of the legal regulation of the whistleblowing institution is recognized by all relevant international legal acts.² Georgia is a party to several of them (UN Convention against Corruption, Council of Europe Civil and Criminal Law Conventions on Corruption). Creating comprehensive and effective mechanisms to protect those who disseminate information in the public interest is a recommendation of both the United Nations and the Council of Europe,³ as well as the Organization for Economic Co-operation and Development (OECD)⁴.

Georgia was one of the first countries in the region to regulate whistleblower protection at the legislative level.⁵ The whistleblowing institution has been operating in Georgia since 2009 and is regulated by the Law of Georgia on Conflict of Interest and Corruption in Public Service. As a result of the reform implemented in this area in 2014-2015, the legislative norms for the protection of whistleblowing and whistleblowers have improved significantly, although the effectiveness of the mechanism has not yet been achieved.

In order to identify possible gaps in Georgian legislation, it is important to review international standards and the compliance of national legislation with them in the following areas:

- Persons protected by law;
- Scope of actions subject to disclosure;
- Whistleblowing form and procedure;
- Guarantees of whistleblower protection;
- Compensation for damages to the whistleblower;
- Legal regulation of whistleblowing.

Persons protected by law - According to international standards, in defining a whistleblower, the legislation should provide a broad, comprehensive definition of the whistleblower.⁶ According to the definition of the Council of Europe, a whistleblower can be a person working in either the public or private sectors, irrespective of whether they are paid or not, as well as individuals whose work-based relationship has ended and, possibly, where it is yet to begin, in cases where information concerning a threat or harm to the public interest has been acquired during the recruitment process or other pre-contractual negotiation stage.⁷ According to the OECD, it is important that the term whistleblower be explicitly defined and include every person employed in both public and private sectors who carry out activities relevant to an organization's mandate, whether they be temporary or permanent employees, contractors, or volunteers.⁸ A similar approach is set out by the EU legislation.⁹

2 *UN Convention* Against Corruption, Article 8, 13, 33; Council of Europe *Civil Law Convention* on Corruption, Article 9; Council of Europe *Criminal Law Convention* on Corruption, Article 22; *Inter-American Convention* against Corruption, Article III(8); *African Union Convention* on preventing and combating corruption, Article 5(6).

3 Council of Europe, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014.

4 OECD, *1998 Recommendation* on Improving Ethical Conduct in the Public Service, Including Principles for Managing Ethics in the Public Service; OECD, *2003 Recommendation* on Guidelines for Managing Conflict of Interest in the Public Service; OECD, *2009 Recommendation* of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions; OECD, *Committing to Effective Whistleblower Protection*, 2016.

5 OECD, Anti-corruption reforms in *Georgia*, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan, 2016, p. 37.

6 Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p. 11 - 14; OECD, *Committing to Effective Whistleblower Protection*, 2016, p. 41; Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p. 11 - 14.

7 CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014.

8 OECD, *Committing to Effective Whistleblower Protection*, 2016, p. 41 - 43; OECD, *G20 Anti-Corruption Action Plan* Protection of Whistleblowers, 2011, p. 31.

9 EU, *Directive 2019/1937* of the European Parliament and of the Council on the Protection of Persons Who Report Breaches of Union Law, 23 October 2019, Article 4.



Unlike international legal instruments, the Law of Georgia on Conflict of Interest and Corruption in Public Service does not specify who can be a whistleblower. The decree of the Government of Georgia on General Code of Ethics and Conduct for Public Service defines a whistleblower as a person who provides information about a breach of the law or the rules of ethics and conduct by a civil servant that has harmed or could harm public interest or the reputation of the relevant public institution to the internal audit and/or service inspection structural unit of a public agency, investigator, prosecutor and/or Public Defender of Georgia, as well as to the civil society or mass media, as they decide.¹⁰ Thus, neither the law nor the bylaw specifically lists who can be a whistleblower and does not specify whether a whistleblower must be a civil servant, although the fact of disclosure must be related to civil service.

Scope of actions subject to disclosure - According to international standards, it is essential that the law, as was the case with a whistleblower, provides a broad definition of whistleblowing in order to cover as wide a range of malpractice as possible.¹¹ This encourages whistleblowing, since it becomes clear for a person that a specific action is a reportable wrongdoing.¹² Naturally, it may be difficult to define all actions subject to disclosure in the legislation. However, it is necessary to strike a balance between overly general and overly detailed definitions.¹³ According to the Council of Europe, whistleblowing constitutes public disclosure of information (to civil society or media) regarding a threat or harm to the public interest in the context of their work-based relationship, whether it be in the public or private sector.¹⁴ According to the best practice, the protected disclosures may include a violation of law, rule or regulation, mismanagement, waste of funds, abuse of authority, danger to public health or safety and/or corruptive crime.¹⁵

The Georgian legislation defines whistleblowing as informing a body reviewing statements, investigator, prosecutor or/and Public Defender of Georgia by a person (a whistleblower) on a breach of the Georgian legislation or the rules of ethics and conduct by a civil servant that has harmed or could harm the public interest or the reputation of the relevant public institution.¹⁶ Revealing a wrongdoing mentioned above to the civil society or mass media by a whistleblower after the decision of the body reviewing the statements, the investigator, the prosecutor, or the Public Defender of Georgia is also considered to be whistleblowing.¹⁷ As we can see, contrary to international standards, Georgian legislation on whistleblowing does not cover the private sector, leaving both the private sector as well as activity of establishments that do not belong to civil service but exercise delegated public authority and, therefore, may harm the public interest, beyond its control (e.g. : State Ltd., NNLE).¹⁸

10 The **decree #200** of April 20, 2017 of the Government of Georgia on General Code of Ethics and Conduct for Civil Service, Article 3 (k).

11 Transparency International, **A Best Practice Guide for Whistleblowing Legislation**, 2018, p. 7 - 10;

12 United Nations Office on Drugs and Crime (UNODC), **Resource Guide** on Good Practice in the Protection of Reporting Persons, 2015, p. 22.

13 OECD, **Committing to Effective Whistleblower Protection**, 2016, p. 44 - 49.

14 CoE, Protection of Whistleblowers, **Recommendation** CM/Rec (2014)7 and Explanatory Memorandum, 30 April 2014.

15 OECD, **G20 Anti-Corruption Action Plan Protection of Whistleblowers**, 2011, p. 7, 30.

16 **Law of Georgia** "on Conflict of Interest and Corruption in Public Service", 1997, Article 20¹.

17 **Law of Georgia** "on Conflict of Interest and Corruption in Public Service", 1997, Article 20¹.

18 The practice of the European Court of Human Rights also highlights the importance of the public interest and extends the criteria for verifying the proportionality of a whistleblower to freedom of expression in the civil service to private sector disclosures. See: EctHR, **Guja v. Moldova**, Judgement, 14277/04, 12/02.2008, para. 85 - 88; EctHR, **Heinisch v. Germany**, Judgement, 28274/08, 21/07/2011, para. 71. CoE, Thematic **Factsheet**, Whistleblowers and Their Freedom to Impart Information, 2017, p. 1.



Interestingly, in an in-depth interview, one of the respondents noted that the weakest point of Georgian legislation on the institution of whistleblowing is the lack of sanctions in the event of harassment of a whistleblower, in addition to the non-inclusion of the private sector and institutions that, although not public, exercise delegated public authority in the whistleblowing mechanism.

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.

Whistleblowing form and procedure - The legislation on whistleblowing should establish a clear and flexible procedure for the disclosure of wrongdoings, thereby ensuring the effectiveness of the whistleblowing institution. According to international standards, whistleblowing channels can be a disclosure of information within an organization (for example, a person or a body authorized to process a whistleblowing statement), outside an organization (for example, law enforcement bodies, public defender), or publicly (for example, non-governmental organizations, media).¹⁹ According to the Council of Europe, it is important to have several channels of reporting available, so that in each case it is possible to determine which channel is the most appropriate.²⁰ The possibility of public disclosure without any preconditions is supported by international organizations where the whistleblower has reason to believe that the breach may pose an imminent or obvious threat to the public interest; In case of using other channels of disclosure, there is a risk of revenge, non-investigation of the disclosed action; the risk that the anonymity/confidentiality of the whistleblower will not be protected, etc.²¹ According to the best practice of developed countries, the creation of an internal disclosure mechanism is mandatory for both public and private organizations and countries impose sanctions on the agencies²² that do not set it up.²³

Georgian legislation does not meet international standards in this regard either, as the law allows for public whistleblowing only after a decision has been made by the body reviewing the statement.²⁴ There is no uniform standard for internal disclosure procedures in Georgia. In addition, the legislation does not indicate the need for public agencies to establish an internal disclosure mechanism and to develop a clear procedure. Thus, the whistleblowing complaint is not separated from other types of complaints (both substantively

19 Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, Principles 15, 16, 17; CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014, Principle 14; EU, *Directive 2019/1937* of the European Parliament and of the Council on the Protection of Persons Who Report Breaches of Union Law, 23 October 2019.

20 CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014, Principle 14.

21 EU, *Directive 2019/1937* of the European Parliament and of the Council on the Protection of Persons Who Report Breaches of Union Law, 23 October 2019, Article 15(1)(b); Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, Principle 17; OECD, *Committing to Effective Whistleblower Protection*, 2016, p. 53.

22 E.g. Italy imposes monetary sanctions on public institutions that do not establish internal disclosure mechanisms, while in France such sanctions apply to private organizations too.

23 Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p.32 - 33.

24 *Law of Georgia* "on Conflict of Interest and Corruption in Public Service", 1997, Article 20¹.



and procedurally)²⁵ in Georgia, which is an obstacle to the effectiveness of the whistleblowing mechanism. The inefficiency of the reporting channels in Georgia has been pointed out by both international and local organizations for years. The OECD, in the framework of the 4th round of monitoring report, recommended Georgia to evaluate the effectiveness of reporting channels and the follow-up by law enforcement bodies to identify what requires further improvement.²⁶ According to the organization's recent progress report, the effectiveness of the reporting channels has not been evaluated in Georgia.²⁷

It is important that the law establishes special procedures for whistleblowing issues related to state security or secrecy, etc.²⁸ The Law of Georgia on Conflict of Interest and Corruption in Public Service indicates that the issues of disclosure in the system of the Ministry of Defense of Georgia, the Ministry of Internal Affairs of Georgia, and the State Security Service of Georgia are regulated by special legislation;²⁹ however, this legislation has not been developed for these institutions yet.

Guarantees of whistleblower protection - According to international standards, the unconditional guarantees and minimum requirements for the protection of whistleblowers are vital to respect their confidentiality and provide protection from retaliation.³⁰ The possibility of anonymous disclosure is important, as for the protection from retaliation, this is broadly defined and implies protection of the whistleblower from any "revenge" such as dismissal, suspension, demotion, loss of promotion opportunities, punitive transfers and reductions in or deductions of wages, harassment or other punitive or discriminatory treatment.³¹ It is important that the whistleblower be protected from both direct and indirect retaliation, the latter meaning protecting not only the whistleblower but also his/her relatives from the above-mentioned illegal acts.³² In the event of any such action taken after the occurrence of whistleblowing, the employer bears the burden of proving that the application of said measures was not related to the fact of disclosure.³³

According to European standards, protection mechanisms should be applied to the whistleblower regardless of whether the truth of the fact disclosed by him/her is proven or whether the public interest he/she protects is sufficiently important, given that the whistleblower believed in the truth of the fact and its importance to the public interest.³⁴

Georgian law recognizes anonymous disclosure and protects the confidentiality of whistleblowers.³⁵ According to the Law of Georgia on Conflict of Interest and Corruption in Public Service, the body reviewing the statement is obliged not to disclose the identity of the whistleblower unless it has obtained the written consent of the whistleblower to reveal his/her identity. The law prohibits intimidation, harassment, coercion,

25 Transparency International - Georgia, the Dysfunctional *Whistleblowing Mechanism* in the Georgian Public Service, 2020.

26 OECD, Anti-corruption reforms in *Georgia*, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan, 2016, Recommendation 10.

27 OECD, 4th round of monitoring of the Istanbul Anti-Corruption Action Plan, Georgia, *Progress Update Report*, 2019, p. 47 - 48.

28 Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, Principle 19; CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014, Principle 5.

29 *Law of Georgia* "on Conflict of Interest and Corruption in Public Service", 1997, Article 20¹.

30 Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p. 20.

31 CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014, Principle 21; EU, *Directive 2019/1937* of the European Parliament and of the Council on the Protection of Persons Who Report Breaches of Union Law, 23 October 2019, Article 19.

32 CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014, Principle 21.

33 Ibid.

34 CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014, Principle 22.

35 *Law of Georgia* "on Conflict of Interest and Corruption in Public Service", 1997, Article 20³. Anonymous disclosure is possible through the electronic platform for whistleblowing www.mkhileba.gov.ge.



humiliation, persecution, pressure, moral or material harm, the use of violence or threats of violence, discriminatory treatment or other unlawful acts as well as initiation of administrative or civil proceedings or criminal prosecution.³⁶ The law recognizes the presumption of innocence of the whistleblower and guarantees the whistleblower protection regardless of whether the information disclosed is true or false.

To the question during an in-depth interview on what is the weakest point of the Georgian legislation on the whistleblowing institution, one of the respondents points out that the legislation does not contain sufficiently specific norms on protection mechanisms; how, by what measures will whistleblowers be protected.

Female, second rank civil servant, age category 29-39, work experience in civil service 6-10 years.

Compensation for damages to the whistleblower - It is important that the issue of restitution and compensation for the whistleblower in case of persecution be regulated at the legislative level. International practice indicates compensation for any loss, tangible or intangible. The whistleblower should be provided with compensation for any direct, indirect, or future consequences of any punitive action, lost income, suffering etc.³⁷

Georgian legislation does not provide for remedies for damages to the whistleblower, and therefore there is no provision for compensation, which may be one of the impediments to the effective implementation of the institution of whistleblowing in practice.

Legal regulation of whistleblowing - Given the importance and complexity of the issue, it is important that regulations on whistleblowing be laid out in a separate legislative act, which will ensure the establishment of a unified system for the protection of whistleblowers and comprehensive regulation of the issue.³⁸ Whistleblowing and whistleblower protection is regulated by a separate law in countries such as Australia, Belgium, Canada, Hungary, Ireland, Great Britain, etc.³⁹

The issue of whistleblower protection in Georgia is not regulated by an independent legislative act and is covered by the Law of Georgia on Conflict of Interest and Corruption in Public Service and Government Decree #220. The Civil Service Bureau drafted a law on the protection of whistleblowers in 2012, which should have significantly strengthened the whistleblower protection mechanisms.⁴⁰ However, the initiative

³⁶ Ibid, Article 20⁴.

³⁷ Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p. 50 - 54; CoE, *Resolution 1729 (2010)* on Protection of „Whistle-Blowers“, Article 6.2.5.; EU, *Directive 2019/1937* of the European Parliament and of the Council on the Protection of Persons Who Report Breaches of Union Law, 23 October 2019, Article 21(8).

³⁸ OECD, *G20 Anti-Corruption Action Plan* Protection of Whistleblowers, 2011, p. 7, 30; Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p. 66.

³⁹ Information available at: <https://www.whistleblowers.org/whistleblower-laws-around-the-world/>.

⁴⁰ Civil Service Bureau *comments*, „the Recommendations of the Civil Society Organizations regarding Georgian Government’s Action Plan for Open Government Partnership“, 2013, p. 2.



did not develop, and instead of adopting an independent legislative act, an amendment was made to the Law of Georgia on Conflict of Interest and Corruption in Public Service.

International organizations point to the need for periodic review of the legislation for whistleblower protection.⁴¹ To ensure that existing mechanisms meet established goals, the states should regularly review the effectiveness of the whistleblower protection system and make corresponding amendments to legislation. In terms of evaluating the effectiveness of the system, it is important to collect relevant data and information. In order to evaluate the effectiveness of the legislation, processing basic information such as the number of cases of whistleblowing and the consequences of responding to disclosures is vital.⁴² However, the practice shows that in Georgia unified statistics on cases of whistleblowing are not produced and response to them is not analyzed.⁴³

The legal regulation of whistleblowing mechanism was considered flawed in an in-depth interview. To the question of what is the weakest point of the Georgian legislation on whistleblowing institution, one of the respondent answered that it is the absence of separate independent legislative regulation.

Female, third rank civil servant, age category 21-28, work experience in civil service 0-5 years.

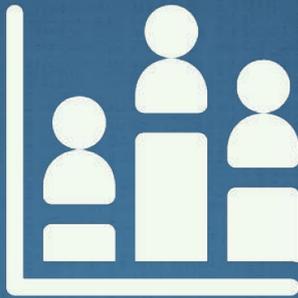
An analysis of international standards and best practices reveals that the national legislation regulating whistleblowing still has a number of shortcomings and does not fully meet international requirements or recommendations. The local civil society has been discussing the challenges of the legislation for years.⁴⁴ Even though, as a result of the reforms implemented in this area, the legislative norms for whistleblowing and protection of whistleblowers have been improved significantly, it is obvious that certain gaps still remain. Nevertheless, no legislative amendments have been implemented in the last five years for legal enhancement of the whistleblowing mechanism.

41 CoE, Protection of Whistleblowers, *Recommendation* CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014, Principle 29, para. 94; OECD, *G20 Anti-Corruption Action Plan* Protection of Whistleblowers, 2011, Principle 6; Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p. 68; EU, *Directive 2019/1937* of the European Parliament and of the Council on the Protection of Persons Who Report Breaches of Union Law, 23 October 2019, Article 14, 27(2).

42 OECD, *Committing to Effective Whistleblower Protection*, 2016, p. 99 - 100.

43 Transparency International - Georgia, the Dysfunctional *Whistleblowing Mechanism* in the Georgian Public Service, 2020.

44 Institute for Development of Freedom of Information (IDFI), *Whistleblowers in Civil Service: International Practice and Georgia*, 2013; IDFI, *Brief Assessment* of Whistle-blower Legislation in Georgia, 2014; IDFI, Whistleblower Protection as a Significant *Challenge* to the Open Government Partnership (OGP), 2014; IDFI, Preventing Corruption in Civil Service - *Brief Overview* of the National Anti-Corruption Strategy and Action Plan, 2016; Transparency International - Georgia, *Whistleblower Protection* - International Practices and Recommendations for Georgia, 2015; Transparency International - Georgia, the Dysfunctional *Whistleblowing Mechanism* in the Georgian Public Service, 2020.



ANALYSIS OF THE NATIONAL PRACTICE OF WHISTLEBLOWING



The analysis of practice in conjunction with legislation is significant for evaluating the whistleblowing institution, as the practice might not comply with the legislative requirements and additional regulations or other interventions might be required. In order to study the practice, IDFI analyzed the production and processing of whistleblowing data by public institutions and the results of quantitative survey and in-depth interviews with civil servants. This chapter presents the results of the analysis of the public data, quantitative surveys, and in-depth interviews with respect to the use of the whistleblowing in practice.

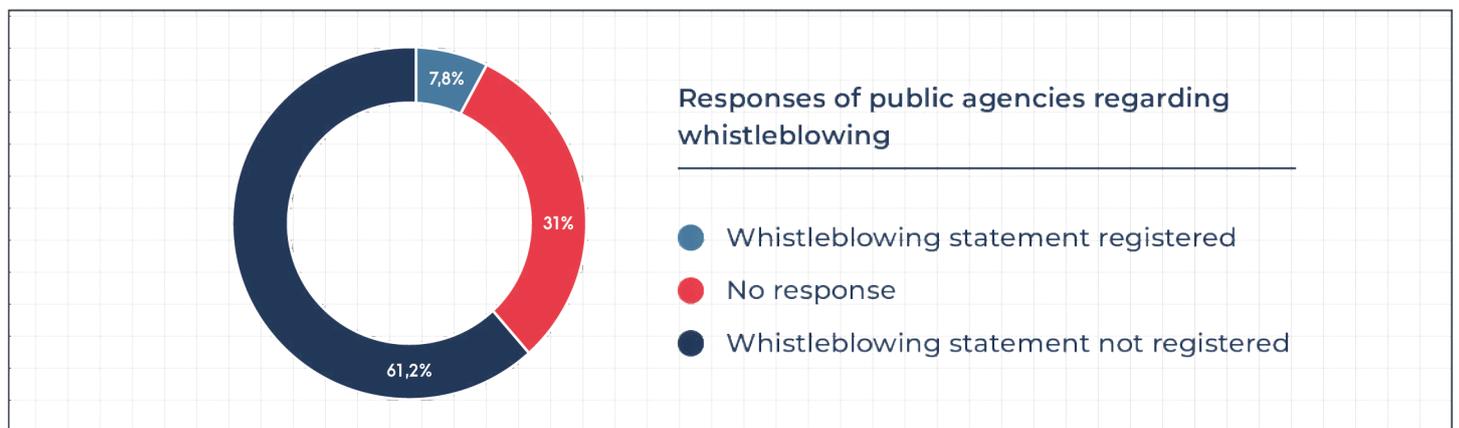
WHISTLEBLOWING DATA PRODUCTION

IDFI addressed 232 public agencies to study the practice of using the whistleblowing mechanism in the public sector (the Government Administration, the Parliament of Georgia, the President Administration, 10 ministries and state minister office, 124 city halls/assemblies, 94 legal entities of public law and other independent institutes), requesting statistical information on whistleblowing statements received in 2017-2020.

Of the 232 public institutions, 142 explained to IDFI that their agency had not received a whistleblowing statement in the last four years, and 72 agencies did not respond to IDFI’s request for public information. **Only 18 agencies were observed to have registered at least one disclosure statement in 2017-2020.**

IDFI requested additional information from the Ministry of Internal Affairs, the Prosecutor’s Office, the State Security Service and Public Defender’s Office on statistical data of the disclosure statements received and response indicator based on the Article 20¹ of the Law of Georgia on Conflict of Interest and Corruption in Public Service. In addition, IDFI requested information from the Civil Service Bureau about the whistleblowing statements sent to the agencies from www.mkhileba.ge.

The responses received upon the request for public information give us grounds to conclude that most of the public agencies do not record disclosure statements and/or do not issue information related to it. Agencies that record disclosure statements process different types of data since there is no unified methodology of whistleblowing data processing, due to which the data could not be analyzed comprehensively in the research framework based on criteria such as sex, position in the agency, etc. of a whistleblower/person disclosed. The results of the requests for public information also indicate that the rate of use of www.mkhileba.ge by civil servants is minimal.





Of the 18 public agencies with recorded whistleblowing statements, the highest number of reports was registered in the system of the Ministry of Internal Affairs in four years, accounting for 98.8% of the whistleblowing applications registered in all 18 agencies. Out of the other 17 public agencies, where a total of 426 whistleblowing statements were registered, the highest number of reports was registered at the Revenue Service and the Levan Samkharauli National Forensics Bureau, while the least number of whistleblowing statements was registered at the Kutaisi Municipal Assembly, the Parliament, the Ministry of Foreign Affairs, city halls of Khobi and Marneuli municipalities.⁴⁵



PUBLIC AGENCIES WITH WHISTLEBLOWING REPORTS RECORDED					Total
	2017	2018	2019	2020	
Ministry of Internal Affairs	7916	9890	9756	8096	35,658
Revenue Service	33	60	43	45	181
Levan Samkharauli National Forensics Bureau	42	24	37	28	131
Ministry of Environmental Protection and Agriculture of Georgia	5	14	7	1	27
Batumi Municipality City Hall	12	4	7	2	25
Department of Environmental Supervision	0	1	8	3	12
Sachkhere Municipality City Hall	0	3	2	5	10
Veterans' Cases State Department	3	2	3	1	9
Emergency Situations Coordination and Urgent Assistance Center	1	1	2	2	6
Zugdidi Municipality City Hall	1	1	1	2	5
Ministry of Education, Science, Culture and Sport of Georgia	3	1	0	0	4
National Environmental Agency	0	1	3	0	4
Tbilisi Municipality City Hall	0	0	0	4	4
Kutaisi Municipal Assembly	0	0	3	0	3
Parliament of Georgia	0	0	2	0	2
Ministry of Foreign Affairs of Georgia	1	0	0	0	1
Khobi Municipality City Hall	0	1	0	0	1
Marneuli Municipality City Hall	1				1

⁴⁵ The chart does not reflect the disclosure statements recorded in the system of the Ministry of Internal Affairs, the number of which is 98.8% of the total amount.



No drastic change is observed in the rates of disclosures in public agencies over the last four years. In the 18 public agencies where the facts of whistleblowing have been recorded, the highest rate of disclosure statements was recorded in 2018.⁴⁶

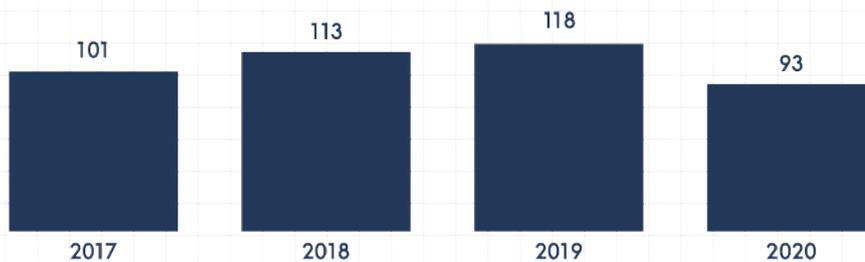
One of the respondents notes during the in-depth interview that the reason for the low number of whistleblowing occurrences is the lack of information about the mechanism itself as well as the fear that the person will lose the job in case of disclosing and the overall problem with the mentality that someone may be upset if tattled on.

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.

Another respondent points out that a civil servant might not know what the breach of the code of ethics is and which actions shall be disclosed, and this can be the reason of the lack of whistleblowing complaints.

Female, third rank civil servant, age category 21-28, work experience in civil service 0-5 years.

Whistleblowing statements received by the public agencies



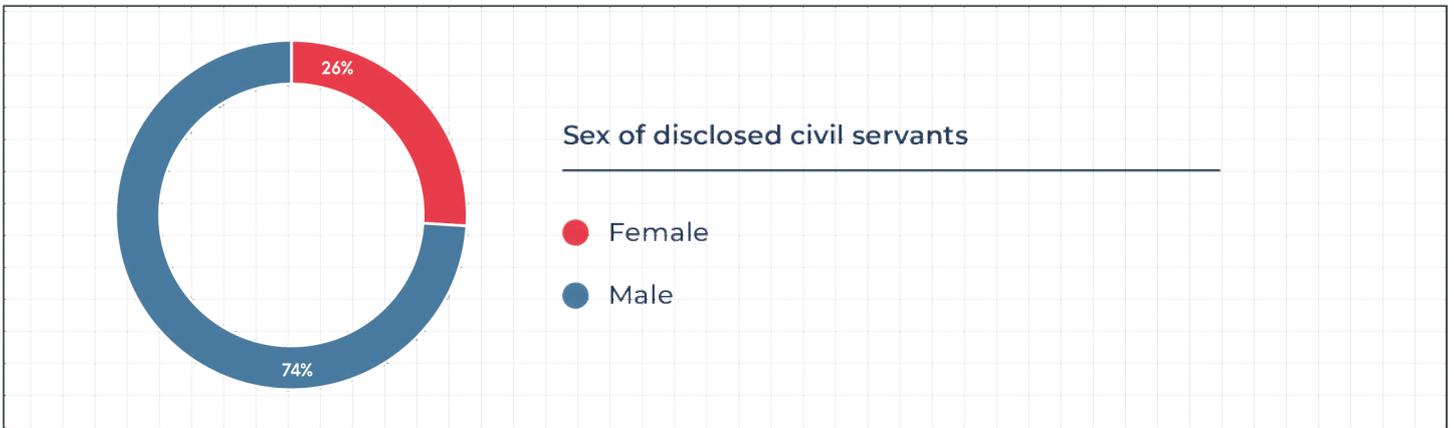
Out of 426 whistleblowing statements received by the 17 public agencies⁴⁷ during a four-year period, the position of the disclosed person was only registered in 63 cases. Of the 63 disclosed persons registered, the majority held non-managerial positions.

⁴⁶ Information was received from most public agencies in November, so in 2020, 10-month data is processed.

⁴⁷ This does not include the 18th state agency - MIA, where 98.8% of the total number of whistleblower statements were recorded, however, demographic data were not provided, such as age, sex, position, etc. of whistleblower/person disclosed.



Out of 426 whistleblowing statements received by the 17 public agencies⁴⁸ during the four-year period, the sex of the disclosed person was only registered in 65 cases. A majority of the 65 disclosed persons registered were male.



As for the whistleblowers, out of 426 whistleblowing statements received by the 17 public agencies⁴⁹ during the four-year period, the sex of the whistleblower was only registered in 60 cases and majority of them were male (40 males to 20 females).



48 This does not include the 18th state agency - MIA, where 98.8% of the total number of whistleblower statements were recorded, however, demographic data were not provided, such as age, sex, position, etc. of whistleblower/person disclosed.

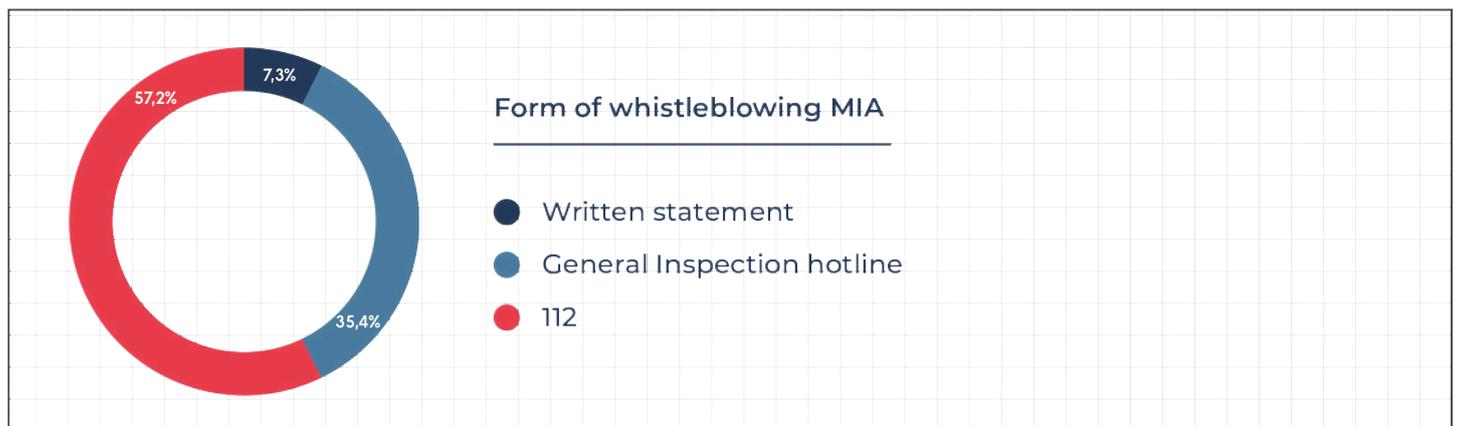
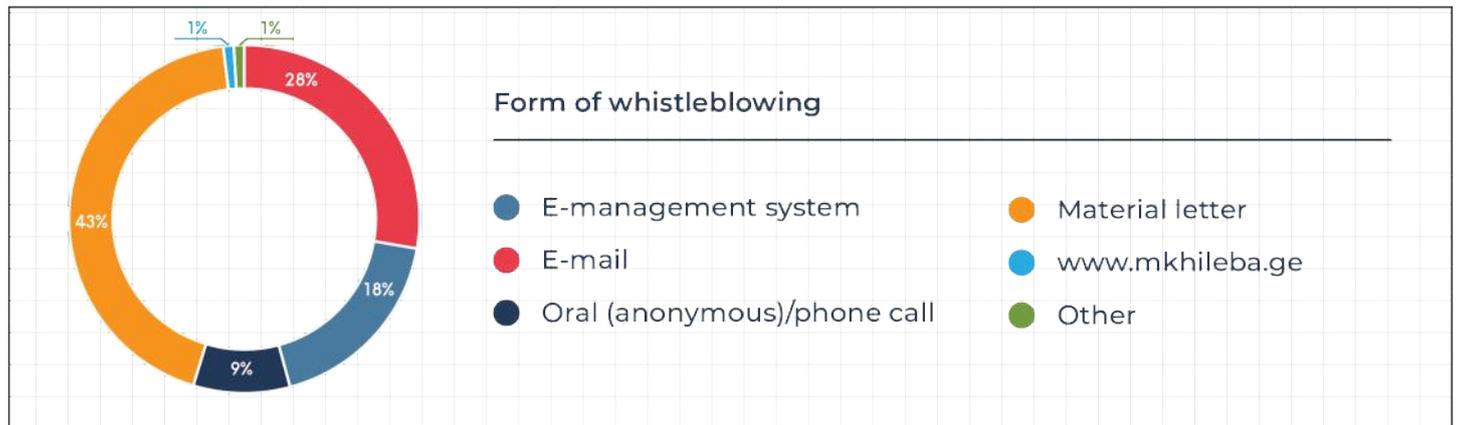
49 This does not include the 18th state agency - MIA, where 98.8% of the total number of whistleblower statements were recorded, however, demographic data were not provided, such as age, sex, position, etc. of whistleblower/person disclosed.



Most of the whistleblowing that occurred in 17 public agencies during the last four years was submitted in the form of material letters, a large part of them using the internal document management system of the agency. Only an insignificant number of whistleblowers used the electronic platform (www.mkhileba.ge). As for the Ministry of Internal Affairs, the majority of statements was registered through the LEPL Public Safety Command Center 112.

A number of respondents noted during the in-depth interviews that awareness-raising is essential for encouraging the use of the whistleblowing institution. In addition, it is desirable to upload information about the whistleblowing mechanism in the internal document management system and make it mandatory for all employees to get acquainted with it.

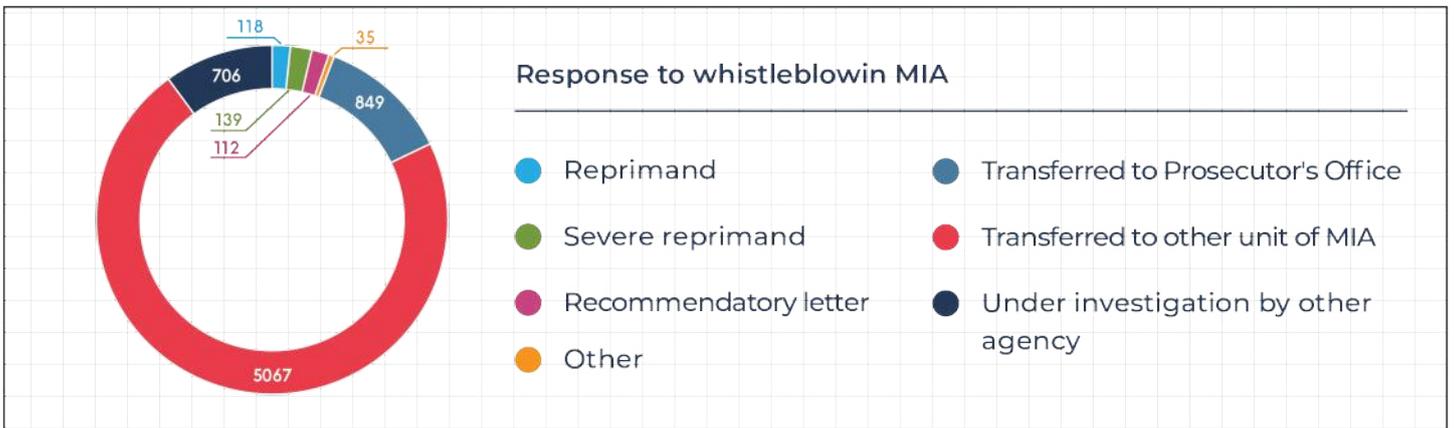
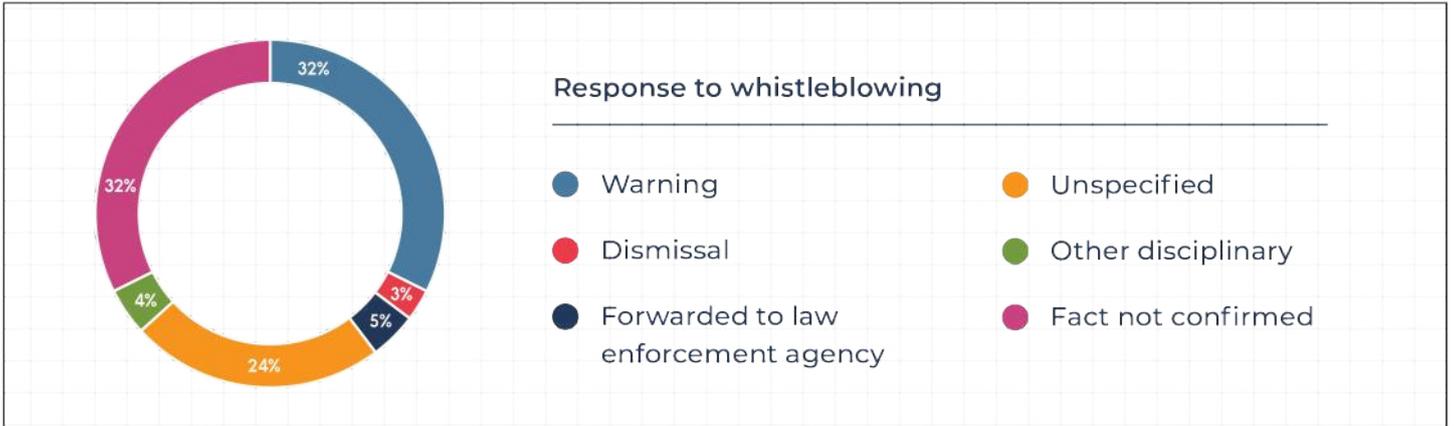
Female, fourth rank civil servant, age category 29-39, work experience in civil service 0-5 years



In terms of the response to whistleblowing in 17 public agencies in the last four years, in most cases the person disclosed received a warning. In a significant number of whistleblowing cases, the public agency stated that the wrongdoing was not confirmed. Public agencies did not specify the form of response to most of the whistleblowing statements. As for the MIA, the form of response to 80% of the whistleblowing



statements is not specified, while the most common form of response is transfer of the statement to another structural unit.



During these four years, the Prosecutor’s Office received statements based on Article 20¹ of the Law of Georgia on Conflict of Interest and Corruption in Public Service in 2017 only. Out of seven statements received, five were sent to the “respective department” of the Prosecutor’s Office, while in the case of the two remaining statements, “identification of the criminal acts was impossible”. According to the information provided by the State Security Agency, the agency does not register whistleblowing statements separately and only the unified data of the service inspection is available. The Public Defender's Office has not received a whistleblowing statement during this period.

As for the practice of using www.mkhlieba.ge by civil servants, according to the information provided by the Civil Service Bureau, during the four-year period the most statements were submitted in 2017 (107 statements), and the least - in 2019 (23 statements).

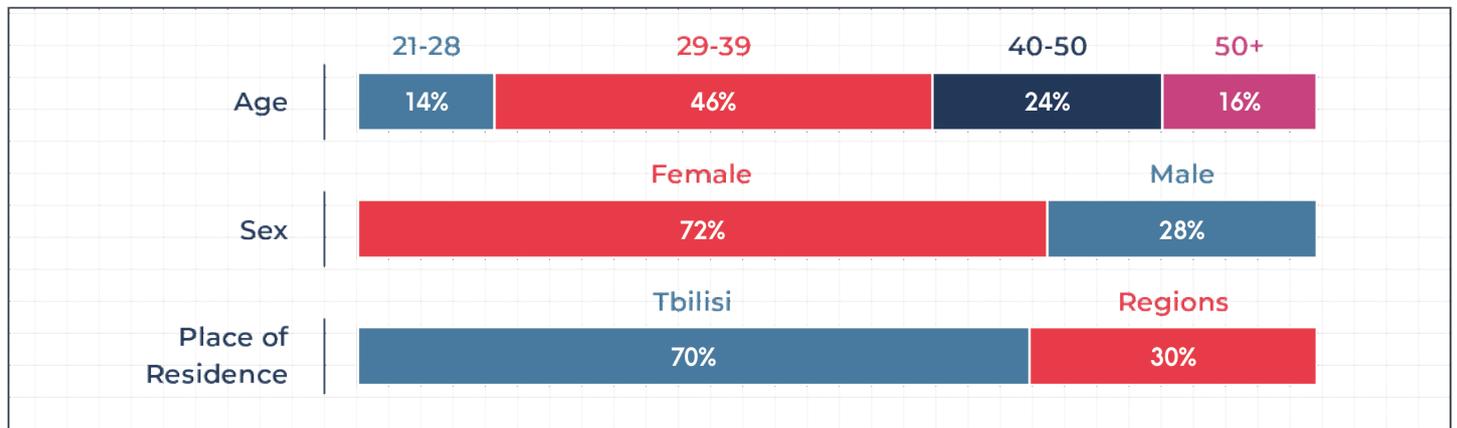




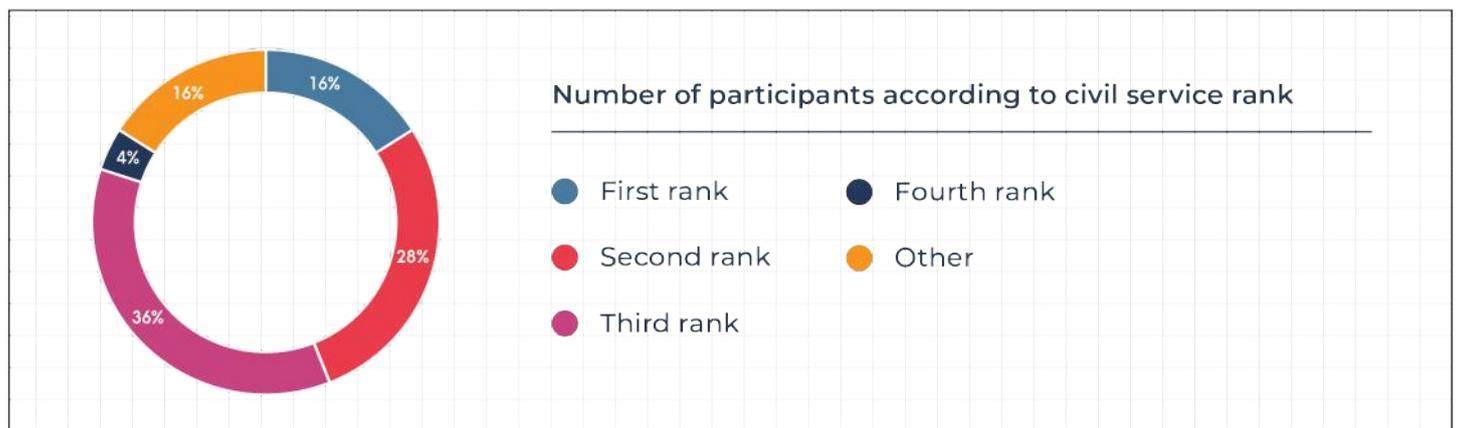
During the period covered by the study, a total of 261 statements were submitted to 84 public agencies through www.mkhileba.ge, of which the largest number of statements were submitted to the Ministry of Education, Science, Culture and Sport of Georgia (19 statements), Sachkhere Municipality City Hall (15 statements), Prosecutor’s Office of Georgia (14 statements), Ministry of Economy and Sustainable Development of Georgia (10 statements), Ministry of Environment Protection and Agriculture of Georgia (10 statements), and Ministry of Internal Affairs of Georgia (10 statements).

INTERNAL WHISTLEBLOWING MECHANISMS AND CIVIL SERVICE AWARENESS

According to the results of the survey, the majority of civil servants surveyed (46%) belonged to the 29-39 age group, 72% were female, and 70% were residents of Tbilisi.



According to the results of the survey, 16% of the respondents were first rank civil servants, 28% - second rank civil servants, 36% - third rank civil servants, 4% - fourth rank civil servants, and the remaining 16% indicated the category "Other".

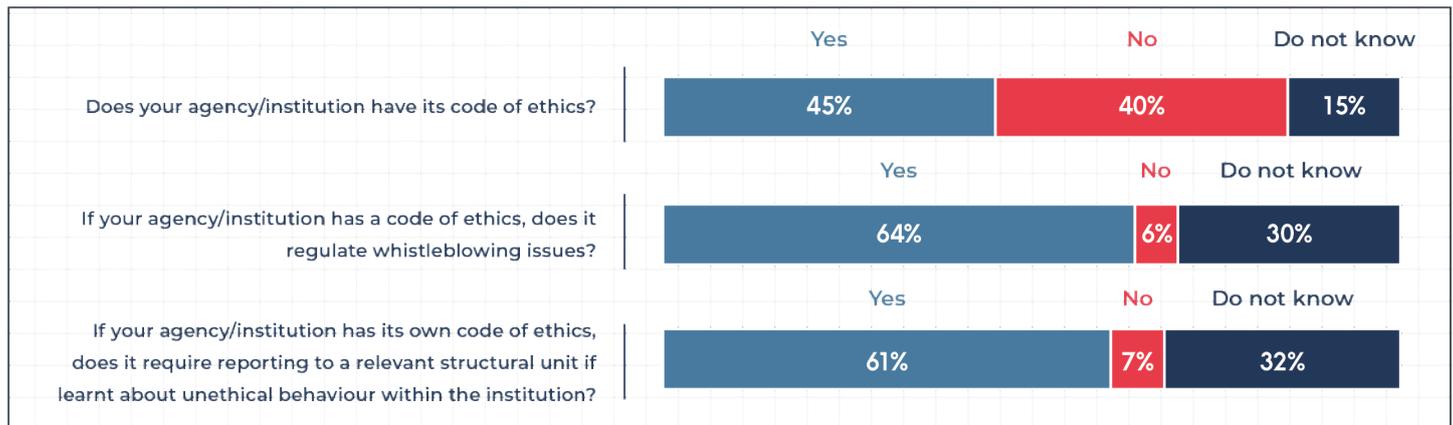


The majority of respondents (29%) had between 11 and 15 years of overall work experience. Most of the respondents (27%) had civil service experience ranging between 6 to 10 years, and a majority of interviewees (39%) had up to 5 years of work experience in the public institution where they were employed at the time of the survey.



The results of a survey on the whistleblowing mechanism in the civil service show that the awareness of civil servants in this regard is quite low. For example, a significant number of respondents, 15%, did not even know if their agency had its own code of ethics. The results of the quantitative survey were also confirmed by in-depth interviews, where most of the respondents had only a general awareness of the whistleblowing institution, one respondent had a comprehensive knowledge, and several knew almost nothing.

Quantitative survey results showed that most public agencies do not have their own code of ethics.⁵⁰ Of the respondents who confirmed the existence of a code of ethics in their respective agency, 30% did not know whether the code of ethics regulated disclosure issues, and 32% did not know whether the code of ethics required reporting of unethical behavior to the relevant structural unit.



Almost half of the respondents who indicated that their agency did not have a code of ethics failed to indicate any other legal act regulating whistleblowing in their agency. In the rest of the cases, for the most part, the following legal acts were named:

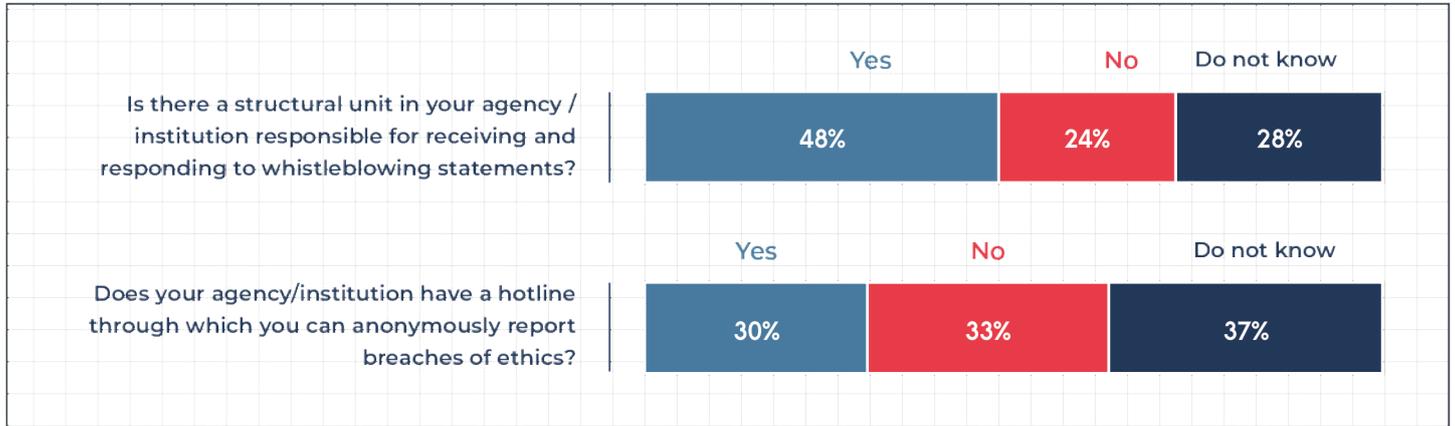
- Law on Conflict of Interest and Corruption in Public Service;
- Decree of the Government of Georgia on General Code of Ethics and Conduct for Civil Service;
- Law of Georgia on Civil Service;
- Local Self-Government Code;
- Internal rules of an institution.

48% of respondents indicated that there is a structural unit in their agency that is responsible for receiving and responding to disclosure statements. 24% indicated that there was no relevant structural unit in their

⁵⁰ 45% noted that their agency had its own code of ethics, 40% noted that the agency did not have it.



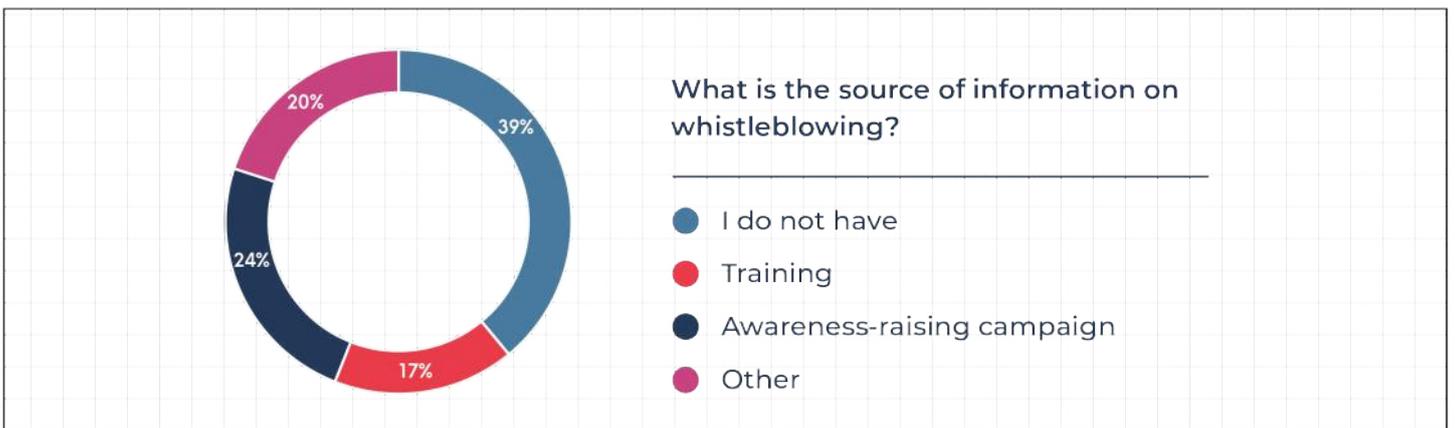
agency, while 28% did not have the information. Respondents' awareness about the existence of a hotline in a public institution, through which anonymous disclosure of breach of ethical norms is possible, is even lower. Specifically, in 37% of cases the respondents did not know, 30% confirmed the existence of a relevant hotline, and 33% indicated that the agency did not have this kind of a disclosure mechanism.

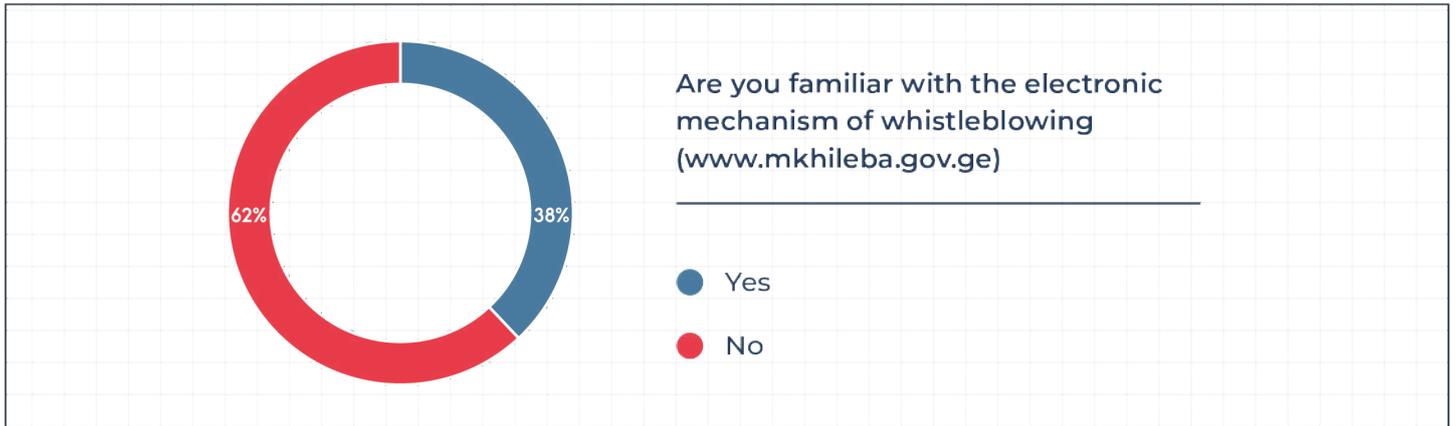


To the question on how the whistleblowing statement is received and responded to in the agency, a respondent of the in-depth survey answers: "I do not know. There might even be internal procedures?"

Male, second rank civil servant, age category 29-39, work experience in civil service 6-10 years.

To the question about the sources of civil servants' information about the whistleblowing institution during the quantitative survey, 39% of the respondents stated that they did not have any information, 24% named an awareness-raising campaign as a source of information, 20% - relevant training, and 17% named other sources on their own initiative during the survey, mostly related to their work process and legislation.





It is noteworthy that 62% of the respondents were not aware of the electronic whistleblowing mechanism (www.mkhileba.gov.ge).

According to the respondent of the in-depth interview, civil service should have an obligation to keep all employees informed about the whistleblowing mechanism. She notes: "When I found out about the site [mkhileba.gov.ge](http://www.mkhileba.gov.ge), I was very surprised. I am sure very few people around me know about this institution".

Female, third rank civil servant, age category 21-28, work experience in civil service 0-5 years

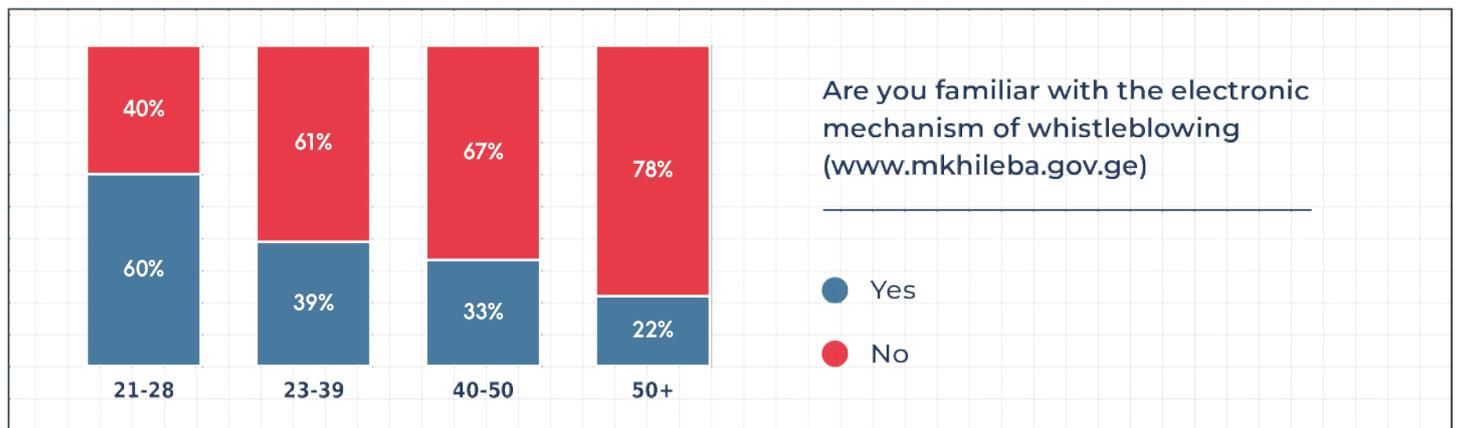
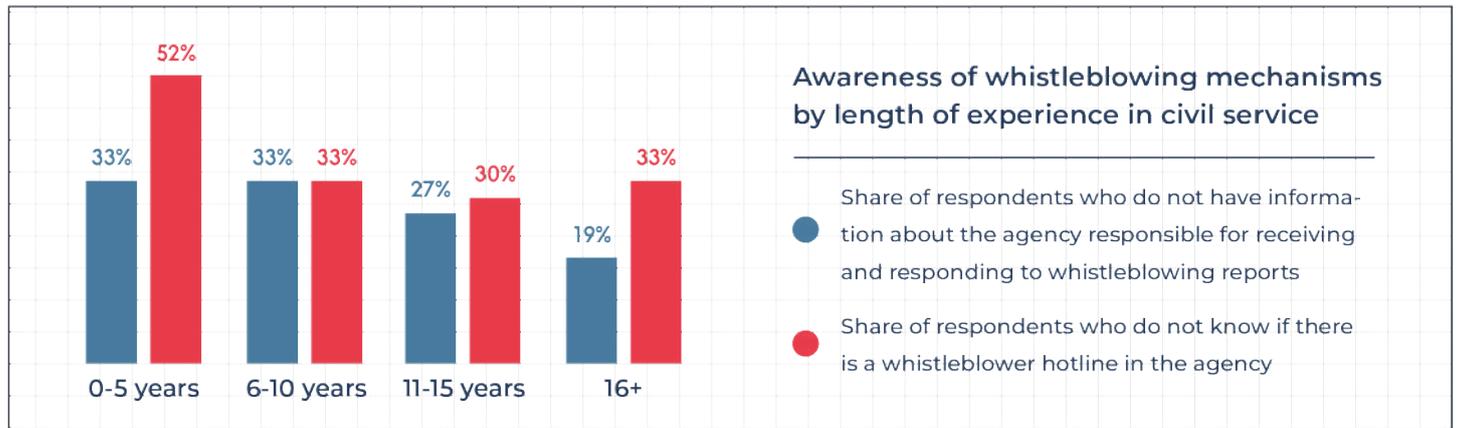
According to the results of the quantitative survey, the work experience of civil servants has an influence on the awareness of the whistleblowing mechanism. For example, 33% of respondents whose experience in civil service ranged from 0 to 5 years did not know about the structural unit responsible for receiving and responding to whistleblowing reports in their agency. This rate is lower with the increase of years of service and decreases to 19% for those with more than 15 years of experience. 52% of respondents with less than five years of experience in civil service does not know whether their agency has a hotline through which it is possible to anonymously report breaches of ethics. This indicator ranges from 27% to 33% for civil servants with work experience of six years or longer.

To the question during the in-depth interview on how the respondent would have acted if he had become aware of a breach of ethics in his office, the respondent stated that he would first examine the information and then make a decision on how effective the use of the whistleblowing mechanism would be. According to him: "A civil servant must be 100% sure of the guarantees of protection of his/her rights and confidentiality."

Male, second rank civil servant, age category 29-39, work experience in civil service 6-10 years.

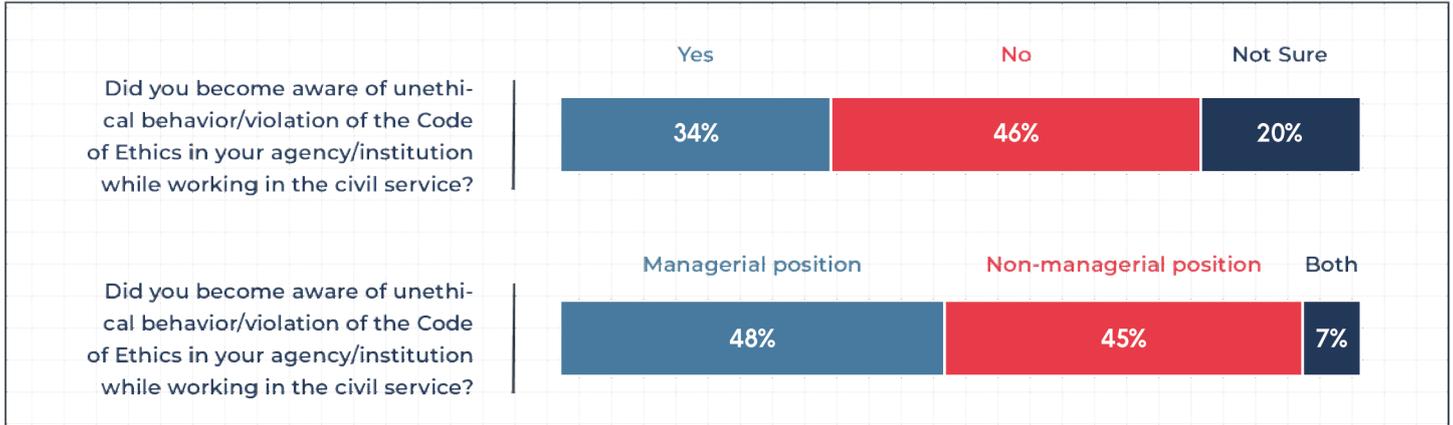


Duration of experience in public service does not to have a significant impact on the level of awareness of the electronic platform of whistleblowing (mkhileba.gov.ge). Additionally, as the age of civil servants increases, the awareness of this mechanism decreases significantly. For example, 60% of respondents in the 21-28 age group knew about mkhileba.gov.ge, while only 22% of those over the age of 50 were aware of it.



APPLICATION OF THE WHISTLEBLOWING MECHANISM IN THE CIVIL SERVICE

In order to study the practice of responding to cases of unethical behavior in the civil service, the electronic questionnaire included questions about such facts known to the respondents and the actions taken by them. Only 34% of respondents confirmed that they had become aware of unethical behavior/breach of ethics while working in public service. 46% of civil servants stated that they had not witnessed a similar incident, while 20% were not sure whether a specific action constituted unethical behavior. 48% of those surveyed who were aware of facts of ethical violations indicated that the person of unethical conduct was employed in a managerial position, while 46% indicated that a person breaching norms of ethics worked in a non-managerial position. 7% of respondents named civil servants in both managerial and non-managerial positions as violators of ethics.

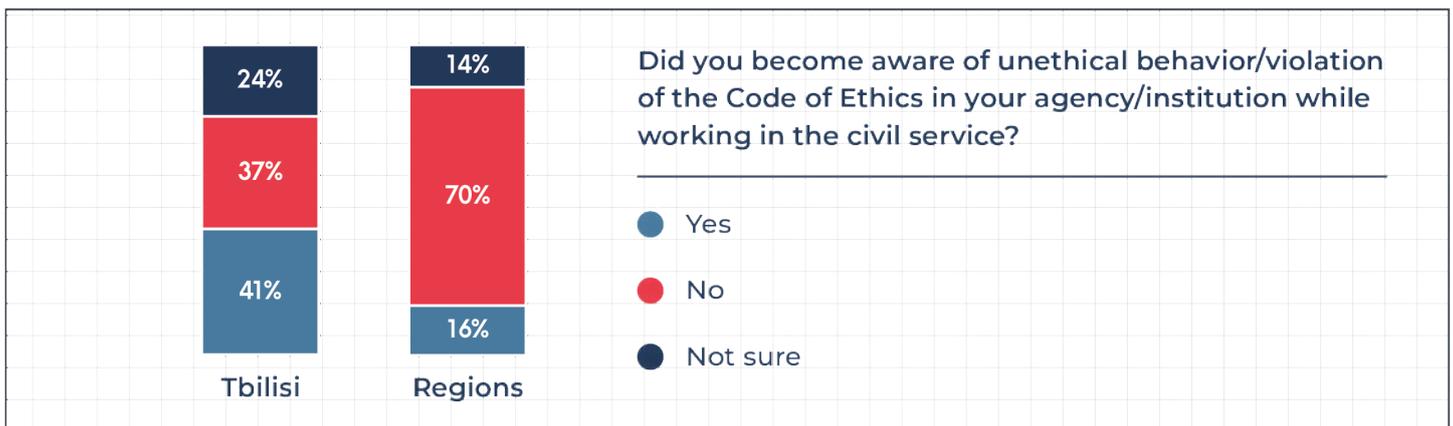


It is interesting to compare this data with the data recorded by public institutions, according to which 68% of the whistleblowing statements made in the last four years were addressed at persons employed in non-managerial positions. It can be assumed that even though violations of ethical norms by managers are more common, civil servants are less likely to use the whistleblowing mechanism against high-ranking officials.

One of the respondents of the in-depth interview mentioned that the management of the agency is forgiving towards high-ranking employees and, instead of responding to the revelations against them, they might create a problem for the whistleblower. The respondent also notes the **absence of an independent body reviewing the statements as a problem** and explains: "Even the red button integrated on the site simply divides which general inspection the case will be sent to and if the statement is returned to where the case took place, the attitude towards the offender will be familiar, and that's all".

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.

In the framework of the quantitative survey, different approaches to the practice of whistleblowing in the public service were observed according to the place of residence, sex, and ranks of the respondents. For example, 70% of respondents living in the regions indicated that they were not aware of unethical behavior in their agency, which is twice the rate of respondents living in Tbilisi (37%). At the same time, 43% of female respondents and 54% of male respondents were not aware of any ethical violations at their institution.





In the framework of the quantitative survey, in cases of violation of ethical norms named by high-ranking civil servants, the violators were persons employed in non-managerial positions; and in cases of breaching norms of ethics known to low-ranking respondents, participants were mainly persons employed in managerial positions.



According to the results of the quantitative survey, 29% of the civil servants who became aware of a specific fact of violation of ethical norms did not respond at all. In the case of 25% of respondents, the response was limited to speaking to the person who violated the norm of ethics.

To the question on how she would act if she were informed of a breach of ethics within the agency, one respondent answered that she would not use the whistleblowing mechanism, stating: "I do not know whom the information goes to and what the response will be in case of whistleblowing. It is very bad that the awareness on the mechanism is low. I know there is some site but little information is available. I do not know if the statements submitted are analyzed or what is going on."

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.

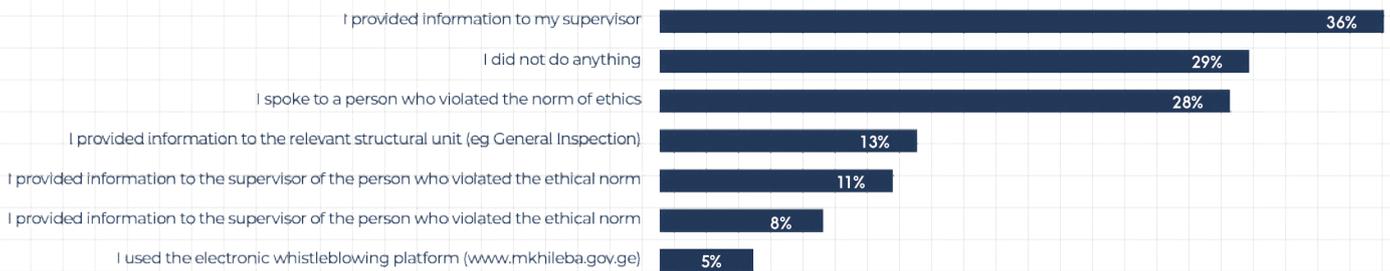


The results of a quantitative survey show that the most common form of response (36%) to a violation of the norms of ethics is the provision of relevant information to one's own supervisor. 13% of respondents provided information to the relevant structural unit (e.g., General Inspection), 11% provided information to the supervisor of the person who violated the ethical norm, 8% - to the head of the agency and only 5% used the electronic platform for whistleblowing (www.mkhileba.gov.ge).

During the in-depth interview, one of the respondents noted that she likes that whistleblowing exists, "however, I do not have information about many cases, and I would like to have more information and be more involved in absorbing this information, so that when we come across a wrongdoing, we know what to do and how to do it. I think the bureau should also work more in this direction."

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.

In case you became aware of violation of the Code of Ethics in your agency/institution, how did you act?





ATTITUDE OF CIVIL SERVANTS TOWARDS THE WHISTLEBLOWING MECHANISM

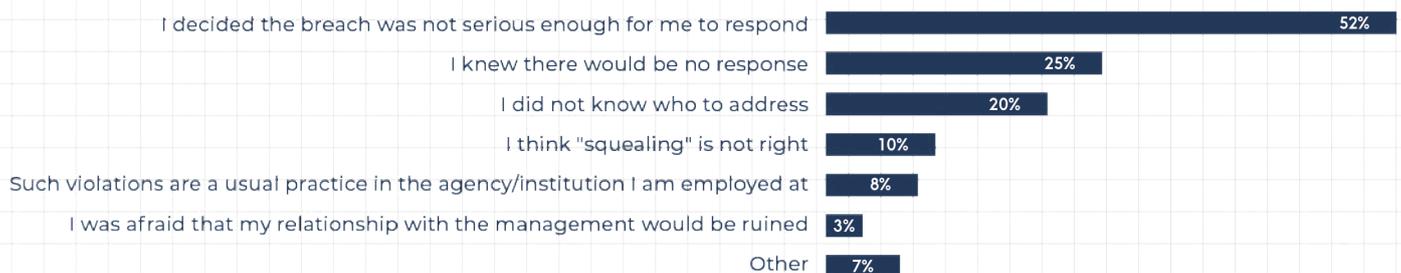
An analysis of the practice of responding to cases of breaches of norms of ethics in the civil service shows that in many cases, civil servants do not use relevant disclosure mechanisms. This practice is significantly affected by the attitude of civil servants towards the existing mechanisms and specific instances. For example, 52% of respondents who did not respond to a fact of violation of norms of ethics said they knew the violation was not serious enough to warrant a response. Among 25% of the surveyed civil servants, the reason was the feeling that the fact would not be met with a proper response. Respondents with similar responses left comments like: **“There is no point, because the “boss” is always right in this structure and if a subordinate is not satisfied, they are threatened with dismissal”**. This comment to some extent expresses a fear of the management in the event of whistleblowing. However, according to the survey results, only 3% of respondents indicated the fear of ruining their relationship with management as a reason for leaving specific violations without a response.

During the in-depth interview, one of the respondents noted that the establishment of an independent body to investigate disclosure facts is important for the effectiveness of the whistleblowing institution. In addition, in her opinion, the introduction of financial incentives will also have a positive impact when a certain part of the good that survives a significant fraud or corruption case is awarded to the whistleblower. According to the respondent, the possibility of creating an anonymous account on the electronic portal can also be effective, so that after disclosure it is possible to establish contact with the whistleblower for additional information and feedback without disclosing his/her identity.

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.

20% of the civil servants participating in the quantitative survey named not knowing who to address the complaint to as a reason for leaving ethical violation without a response; 10% thought that "tattling is wrong"; and 8% believed that this kind of violation was an accepted practice in the office. 7% of respondents named different reasons for their inaction. For example, various respondents indicated that they were not ready for a similar situation, a specific fact did not directly concern them, other individuals took action and involvement was no longer necessary, and so on.

In case you became aware of violation of the Code of Ethics in your agency/institution and you did not do anything, what was the reason?





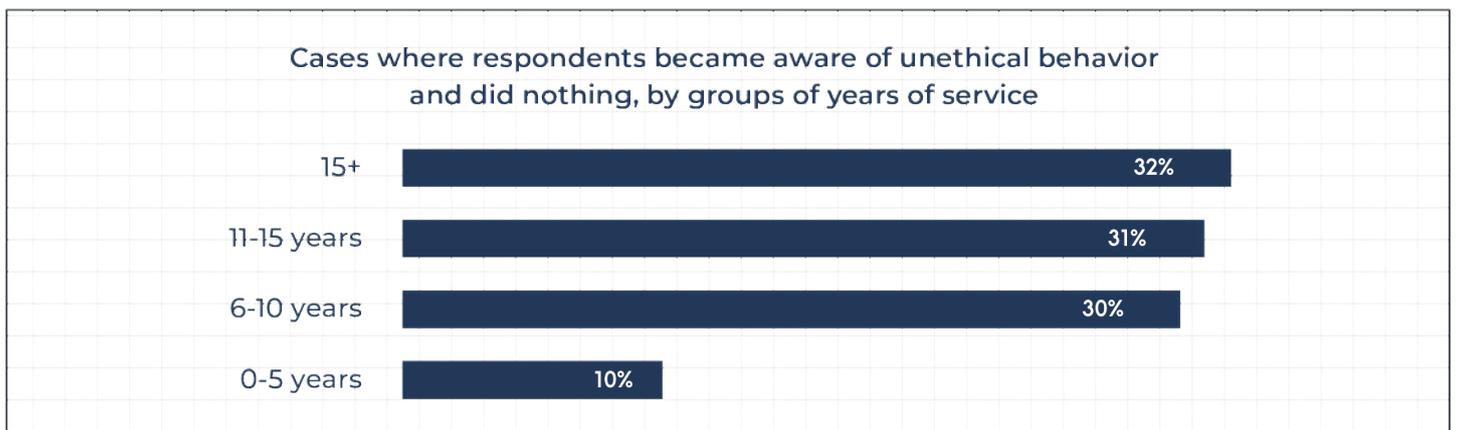
During the in-depth interview, one of the respondents noted that awareness-raising on the whistleblowing application needs to be conducted. Additionally, the name of the mechanism should be changed, because it causes negative attitudes.

Female, third rank civil servant, age category 29-39, work experience in civil service 0-5 years

Another respondent noted that the challenge of the mechanism is the absence of monitoring and weak enforcement and that a unified coordinating body is essential.

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.

According to the results of the survey, the years of service in the public institution where they were employed at the time of the survey has an impact on the attitude of public servants towards whistleblowing. For example, the number of cases where respondents became aware of breaches of ethics and did nothing increases with the years of service. Specifically, only 10% of those with 0-5 years of work experience in a particular agency indicated that when they became aware of the violation, they did nothing; 30% of civil servants with 6-10 years of work experience in the agency stated the same; 31% of persons with 10-15 years of experience and 32% of those with over 15 years of work experience had the same response. Based on this data, we can conclude that in the initial stage of employment in a public agency, civil servants respond more actively to the facts of violations than after years of work.

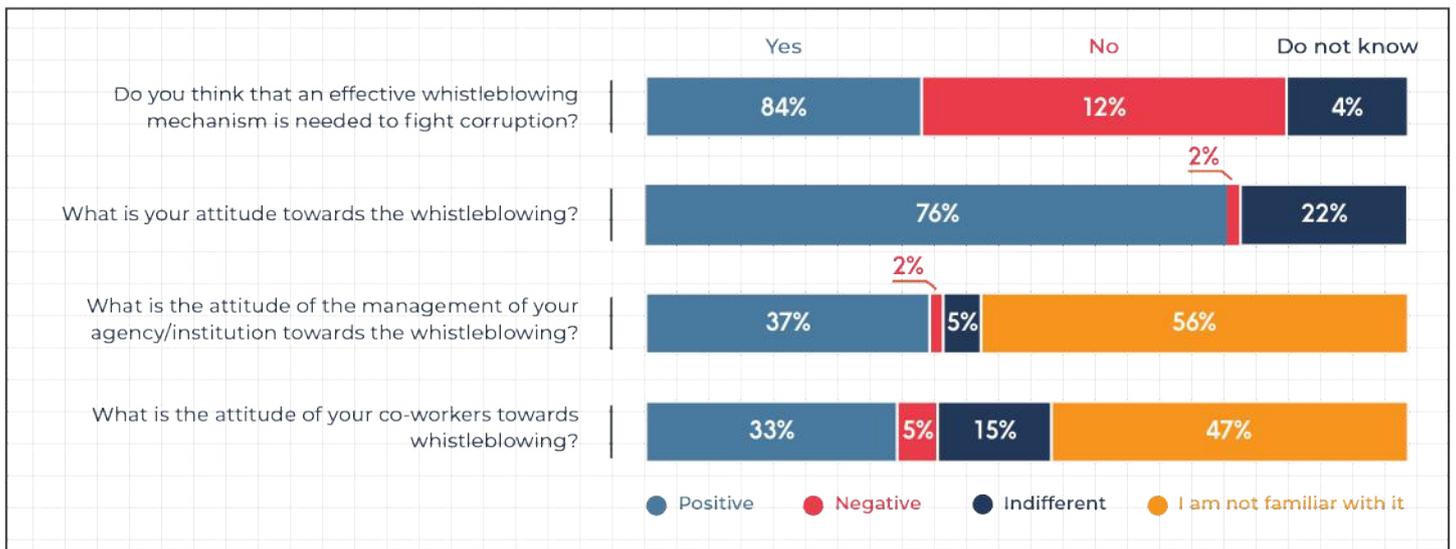


According to the results of the quantitative survey, 84% of respondents believe that effective whistleblowing mechanisms are needed to fight corruption. In addition, 76% express a positive attitude towards the institution of disclosure. However, about half of the respondents were not aware of the attitude of the management and their colleagues towards the institution of whistleblowing, which indicates the passivity of public agencies in promoting this mechanism.

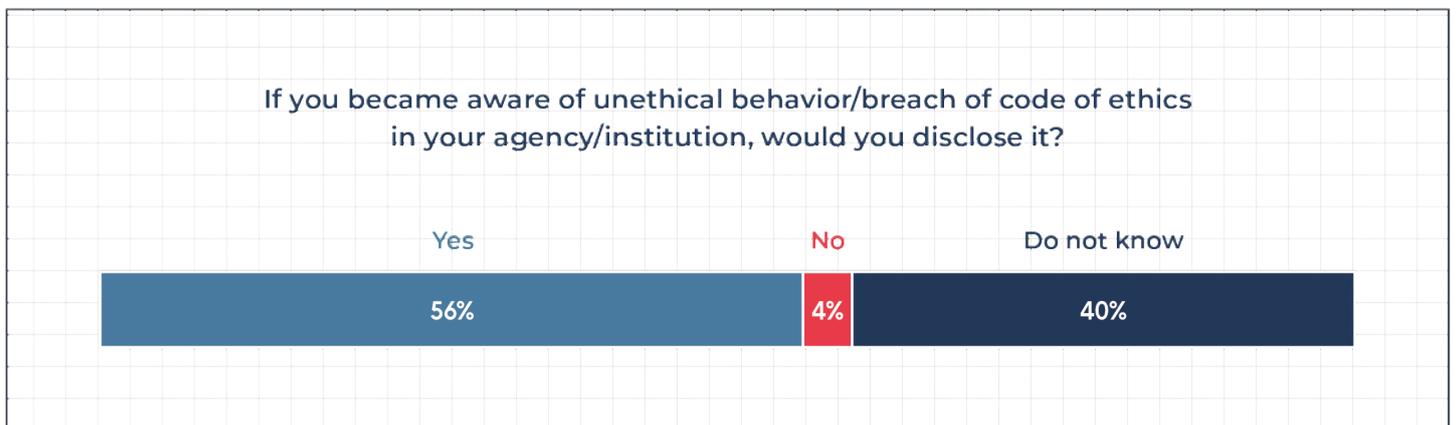


During the in-depth interview, one of the respondents noted that “the attitude towards the institution of whistleblowing within the agency/department causes the whistleblowing institution to fail to work, and the application of this mechanism is considered unpopular and wrong”.

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.



Despite the positive attitude of the majority of respondents (76%) towards the whistleblowing institution, only 56% indicated that they would respond appropriately in practice if they became aware of a breach of the code of ethics in their agency.





During the in-depth interview, one of the respondents noted that in order to encourage the use of the whistleblowing mechanism, it is essential to ensure an adequate response to the instances of disclosure, which guarantees an equal approach and increases confidence in said mechanism.

Female, third rank civil servant, age category 29-39, work experience in civil service 6-10 years.



CONCLUSION AND RECOMMENDATIONS



The research found that the Georgian legislation on the whistleblowing institution has undergone significant amendments, but it does not fully comply with international standards; it still has shortcomings, which hinders the effective implementation of the whistleblowing mechanisms in practice.

The study also found that civil servants' awareness of mechanisms of whistleblowing and whistleblower protection guarantees was low. The electronic portal of disclosures www.mkhileba.ge is in fact dysfunctional.

Research indicates that the reasons for the failure of the whistleblowing institution may be a lack of political will in the country, passivity of public institutions, distrust of the mechanism, among others. This once again emphasizes the need to establish an independent anti-corruption agency, one of the functions of which will be to review, respond to, and monitor whistleblowing statements.

Disclosure data is not recorded and processed in the country according to the common standard, with most public institutions not recording data at all and/or not issuing such data.

Effective steps need to be taken to address the gaps and challenges identified by the research, namely:

- **Revision of the Georgian legislation on whistleblowing to bring it in line with international standards, including regulation of the issue by a separate legislative act, establishment of a coordinating body (independent anti-corruption agency/state inspector), removal of the barrier for public disclosure, establishment of a unified standard of internal mechanisms and procedures, development of special legislation for law enforcement agencies.**
- **Application of the legislative norms on whistleblowing to the private sector.**
- **Study of the need for the establishment of an independent anti-corruption agency by the Government of Georgia through active consultation with civil society and field experts.**
- **Adoption of the rule and methodology for registration of whistleblowing statements for public agencies by the Government of Georgia.**
- **Raising awareness of whistleblowing mechanisms among civil servants, including the electronic platform, as well as whistleblower protection mechanisms by the Government of Georgia, the Civil Service Bureau, and relevant public institutions through training, information clips, brochures, and other awareness-raising activities.**
- **Study of the whistleblowing institution issue for its promotion by the Government of Georgia, including in order to impose sanctions in case of harassment of the whistleblower, to determine the rule of compensation for the damage caused to the whistleblower, and to define possible cases of rewarding the whistleblower.**
- **Encouragement of the use of the electronic portal of whistleblowing by the Civil Service Bureau, regular update and analysis of the data on the portal, proactive publication of the processed data, possibility of creating an electronic account of an anonymous whistleblower, introduction of mandatory feedback on disclosure statements (including anonymous) submitted through the electronic portal, providing hotline for consultation etc.**
- **Adoption of codes of ethics by public agencies, inclusion of issues related to whistleblowing in them, elaboration of disclosure response procedures, and ensuring employee awareness of these.**
- **Clear expression of the attitude towards the institution of whistleblowing by the management of public institutions, and ensuring constant encouragement of disclosure among the employees.**

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