

INTEGRITY IN CIVIL SERVICE



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LEGAL FRAMEWORK

The legislation does not oblige public institutions to develop codes of ethics and practical tools (i.e. explanatory manuals) for their implementation.

The existing ethical norms do not apply to senior officials who themselves are required to set an example for the public sector and to establish standards of integrity.

The legislation on the whistleblowing mechanism is not sufficiently detailed with a number of issues going unregulated, leaving the private sector and law enforcement agencies out of control.

The legislation does not set a single standard for internal whistleblowing procedures and does not oblige public institutions to establish internal whistleblowing channels and/or ensure their effectiveness.

There is no special legal regulation regarding the compensation for the damage caused to the whistleblower, which would make the issue clearer and more understandable for the whistleblower.

There is no special legal regulation regarding compensation for damage caused to the whistleblower.

DOCUMENTS DEFINING ETHICS AND INTEGRITY

Most public institutions explained to the IDFI that they had not adopted an integrity policy document, a code of ethics, and/or practical tools for their implementation.

According to the information received from public institutions, only 23 agencies have rules on the ethics and conduct of employees regulated by internal legal documents.

Of the ministries that provided information to the IDFI, codes of ethics for civil servants employed in the agency were approved only by four relevant ministries (Finance, Foreign Affairs, Defense, and Internal Affairs).

Among local self-governments, documents on ethics had been approved by only three mayor's offices and four municipal councils.

The codes of ethics in the Georgian public sector in most cases are not exhaustive, tailored to the specifics and needs of the institution, or of a template character.

ENFORCEMENT AND WHISTLEBLOWING MECHANISMS

Some public institutions do not have a mechanism in place to enforce ethical norms (i.e. a supervisory structural unit).

Sixty-one public institutions clarified that they do not have internal mechanisms in place to enforce ethical norms, while 47 agencies refrained from verifying this information.

The Internal Audit Service was most often defined as the agency responsible for enforcing ethical norms. In some cases, this function was combined with administrative and human resource management services.

Most public institutions did not have an independent body or structural unit in place to advise public servants on ethics if necessary.

According to information received from public institutions, violations of ethical norms had been registered in only 40 public institutions during the last three years.

In the last three years, more than 10 cases of violation of ethical norms had been registered across nine public institutions.

Most of the public institutions (87 agencies) explained to the IDFI that they did not have internal channels for whistleblowing. Overall, 80 agencies did not provide more specific details on the issue, while 52 public agencies confirmed to the IDFI the functioning of internal disclosure channels.

In some of the institutions where internal channels were operating, the existence of proper whistleblowing mechanisms was still not guaranteed.

In 2019-2021, only six agencies registered whistleblowing reports through their internal channels.

AWARENESS AND ATTITUDE OF PUBLIC SERVANTS

Regular training on ethics, integrity, and whistleblowing is not provided in most public institutions.

Overall, 14% of respondents did not know whether their agency had its own code of ethics. Meanwhile, 30% did not know if their agency had an explanatory guide for such a code.

In total, 42% of respondents stated that their agency had its own code of ethics despite the fact that according to an analysis of public information only a small number of public institutions actually have this kind of document.

Of the respondents who confirmed the existence of a code of ethics in their agency, 23% did not know whether the code of ethics regulated issues related to whistleblowing.

Meanwhile, 26% of respondents stated that they had no information about a whistleblowing mechanism at all.

Overall, 27% of respondents did not know if there was a structural unit in their facility that was responsible for receiving and responding to whistleblowing reports.

In total, 30% of respondents believed that the whistleblowing mechanism in their agency was gender-sensitive, 32% thought it was not sensitive, and the largest share (38%) did not know.

Overall, 19% of public servants who became aware of a specific breach of ethics did not act on it.

Elsewhere, 24% of the respondents who did not act on the violations of ethical norms, stated that the violation to them was not serious enough.

In total, 53% of respondents expressed a positive attitude towards the whistleblowing mechanism.

A large proportion of the surveyed public servants positively assessed the integrity in their institution.

INTRODUCTION



The integrity of the public service represents a cornerstone of good governance. Indeed, the EU's enlargement criteria have emphasized that countries need to create a strong national public administration where possible to effectively transpose, introduce, and implement the principles of good governance.¹ International standards of integrity for public servants cover principles of honesty, fairness, transparency, accountability, impartiality, prudent use of state resources, and non-discrimination. Each of these principles is essential to the proper functioning of the public service and to gaining the confidence of the public. In order to put the above principles into practice, it is necessary to have a sound legal framework, in line with international standards consistent implementation thereof.

The main tools for introducing principles of integrity in the public service are ethical documents and the relevant tools for their implementation in practice, the provision of sound disciplinary and oversight mechanisms, awareness-raising, and the introduction and promotion of whistleblowing mechanisms.

The study, conducted by the IDFI, aims to examine current trends and practices in the protection of integrity and whistleblowing in the public service, as well as key attitudes and perceptions of public servants about issues of integrity and ethics.

¹ European Commission, [Enlargement Strategy and Main Challenges 2014 – 15](#); SIGMA (2018), [Toolkit for the preparation, implementation, monitoring, reporting and evaluation of public administration reform and sector strategies: guidance for SIGMA partners](#).



This study is based on a combined methodology of desk research and qualitative as well as quantitative surveys.

Prior to the collection of empirical research data, the international practice of protecting integrity and whistleblowers and the existing mechanisms in Georgia were studied.

An online survey technique was used as part of the quantitative research. The relevant questionnaire was developed based on desk research and consisted mainly of closed-ended questions. Civil servants² employed at central and local levels were selected as the target groups for the quantitative research. Meanwhile, it was initially determined that quantitative research would be representative, making it possible to generalize the data for the entire civil service. Accordingly, a survey based on the prepared sample would have 95% reliability and a 5% error rate. A probabilistic sampling approach was used as the respondent sampling methodology, with cluster sampling being the specific method. An electronic questionnaire was distributed in public institutions with the assistance of the Civil Service Bureau. At the data collection stage, despite repeated reminders from HR representatives, the response rate was quite low. Instead of the 370 completed questionnaires sought from the sample, only 219 were received. Accordingly, the reliability rate of the obtained results is equal to 85%. However, in accordance with the application of the proportional approach defined in the sampling methodology, the low response rate among the sampling units significantly reduces the reliability of the data when interpreting the results across agencies. Moreover, the collected data were purified and a multivariate approach to data analysis was used.

The information collected in the qualitative research was used to process the information collected as a result of the quantitative research, which allows the information beyond the quantitative indicators to be explained. The qualitative research used focus groups and in-depth interviews with the assistance of a discussion guide developed on the basis of desk and quantitative research.

A qualitative sampling method was used to select respondents for the qualitative research, allowing for in-depth information collection about the research target groups. The study entailed the conducting of six in-depth interviews with civil servants and one focus group with civil society representatives, while qualitative data were processed based on thematic analysis.

² The target group did not include the Ministry of Interior Affairs and the Administration of the Government of Georgia.





INTERNATIONAL STANDARDS FOR INTEGRITY AND WHISTLEBLOWING IN PUBLIC SERVICE AND NATIONAL LEGISLATION



Integrity in the public service is the cornerstone of good governance. In order to ensure the effectiveness of any integrity system, it is first important to establish a clear definition of 'integrity.' According to the United Nations (UN), the integrity of the civil service relates to the honesty, trustworthiness, and moral principles demonstrated by public servants in the performance of their duties.³ According to the Organization for Economic Co-operation and Development (OECD), integrity means ensuring consistent compliance with common ethical values, principles, and norms, in order to protect the public interest and to put this above private interests.⁴ Simply put, integrity means behaving in the right way with the right purpose and the right means, and in order to determine what is "right" here⁵ it is unequivocally important to set clear standards of behavior.

International standards of integrity for public servants relate to the principles of honesty, fairness, transparency, accountability, impartiality, prudent use of state resources, and non-discrimination. With regard to integrity and the prevention of corruption, international organizations have developed special tools (guidelines, legal acts, recommendations, etc.),⁶ within which the standards of ensuring integrity in the public service have been strengthened, including ensuring career development and systematic training of public servants on ethical issues, the existence of internal control mechanisms in institutions, the functioning of the institution of whistleblowing, and ensuring the protection of whistleblowers.

To guarantee high standards of integrity in the public service, the existence of the following components is vital:⁷

-  High standards of conduct at the legislative level emphasizing the public interest and the importance of upholding the values of the public service;
-  A regulatory framework and strategies that reinforce the values and standards of integrity;
-  Clear and proportionate procedures for managing and preventing breaches of integrity standards; and
-  Raising awareness of the values and standards of the public service through internal and external tools.

³ UN Economic and Social Council, [principles of effective governance for sustainable development](#), 2018.

⁴ OECD, [recommendation of the Council on Public Integrity](#), 2017.

⁵ Heywood, P, Marquette, H, Peiffer, C & Zuniga, N 2017 „[Integrity and Integrity Management in Public Life](#)“, the University of Birmingham.

⁶ [Recommendation No. R \(2000\) 10 of the Committee of Ministers to Member states on codes of conduct for public officials](#); 1998 [Recommendation of the OECD Council on Improving Ethical Conduct in the Public Service, Including Principles for Managing Ethics in the Public Service](#); The OECD [Recommendation on Public Integrity](#).

⁷ OECD Public Integrity [Handbook](#), 2020.

In order to ensure standards of integrity in the public service in accordance with these components, it is important to focus on mechanisms such as:

- Codes of ethics and conduct;
- Policies managing conflicts of interest;
- Declarations of interest and property; and
- The properly-functioning institution of whistleblowing.

Creating an ethical environment is crucial in the establishment of a conscientious, accountable, and transparent public service system, which implies the creation of a professional standard for the implementation of fundamental principles and values. In addition to general legislation governing ethics and conduct according to international standards, importance should be attached to the existence of **codes of ethics and conduct**,⁸ which should offer clear, simple, and logically-structured mechanisms tailored to the specific needs of an institution.⁹ Typically, a code of conduct defines relevant standards and prohibited actions, while a code of ethics sets out the principles that govern conduct and influence decision-making. Given the importance of both, in many cases, an intermediate mechanism is used at the national level, within which the combination of these two instruments results in the development of the necessary framework enabling the core values of the public service and decision-making to be upheld.¹⁰

Issues related to the integrity, ethics, and conduct of the civil service in Georgia are regulated at the legislative level by the Law of Georgia “On Civil Service”¹¹ in conjunction with the Decree of the Government of Georgia “On Defining General Rules of Ethics and Conduct in Public Institutions” (Government Resolution on General Ethics and Conduct)¹² and the Law of Georgia “On Conflict of Interest and Corruption in Public Service.”¹³ The latter, together with the general principles of ethics and rules of conduct, establishes the basic principles on conflicts of interest, prevention, detection, and suppression of corruption in public institutions, the liability of persons who have committed corruption offenses, the conditions and mechanisms for submitting and monitoring declarations of assets of officials, as well as the basic rules related to the protection of whistleblowers. In addition, the Civil Service Bureau has developed a commentary¹⁴ on the government decree, serving as an important practical tool for the implementation of the decree, as it is full of examples and assessments adapted to real environments and situations.

⁸ UN General Assembly International Code of Conduct for Public Officials; Recommendation No. R (2000) 10 of the Committee of Ministers to Member states on codes of conduct for public officials; UN Convention against Corruption, Article 8(2); African Union Convention on preventing and combating corruption, Article 7.

⁹ OECD Public Integrity Handbook, 2020; Transparency International, Public Sector Integrity – Topic Guide, 2015.

¹⁰ OECD Public Integrity Handbook, 2020.

¹¹ Law of Georgia on Civil Service, October 27 2015.

¹² Decree №200 of the Government of Georgia on Defining General Rules of Ethics and Conduct in Public Institutions, 20 April 2017.

¹³ Law of Georgia on Conflict of Interest and Corruption in Public Institutions, 1997.

¹⁴ Civil Service Bureau, Comments on the Resolution of the Government of Georgia on Defining General Rules of Ethics and Conduct in Public Institutions, 2018. An important tool is also the practical guide on general rules of ethics and conduct in public service developed by the Civil Service Bureau.

The Decree of the Government of Georgia “On General Rules of Ethics and Conduct,” while regulating various issues, suffers from a low level of awareness, which reduces its effectiveness.¹⁵ Furthermore, the document is general in nature and, therefore, fails to provide the required individual approach for all institutions, which is why it is important for each public institution to have its own code of ethics, along with an appropriate explanatory guide. Unfortunately, most public institutions in Georgia do not have codes of ethics tailored to their specific needs,¹⁶ even though such codes of ethics, along with explanatory guides and the awareness of public servants, are the most important preconditions for ensuring an environment with a high level integrity and accountability.¹⁷ Various methods can be used to provide information to public servants, including the transfer of relevant materials and the introduction of special sections on the given institution’s intranet.¹⁸ It is no less important for the management to set an example of ethical behavior for public servants, as even an exemplary code of ethics would be ineffective without managerial staff promoting it.¹⁹

A comprehensive and sound integrity system involves the application of ethical principles and standards at all levels of government, especially for high-ranking officials who have the authority to present an example for the public sector and to set standards of integrity.²⁰ Indeed, it is good practice to have a separate code of ethics/conduct for senior officials.²¹ According to the Council of Europe’s Group of States against Corruption (GRECO), it is important that such a tool includes guidance on all relevant issues, including conflicts of interest, prohibited gifts, and declarations. At the same time, it is essential that this mechanism be accompanied by a practical tool for its implementation (for example, a guide) that reinforces specific practical examples of integrity in the work of senior officials.²²

In order to ensure a high degree of effectiveness and integrity in a code of ethics, it is necessary, on the one hand, to have proper enforcement mechanisms in place, including appropriate oversight, clearly outlining the grounds and procedures for disciplinary liability, and applying appropriate disciplinary measures if necessary,²³ and, on the other hand, to inform public servants and the general public about it. Moreover, it is important to have procedural guarantees in place to ensure the independence and impartiality of the body or bodies responsible for disciplinary proceedings.²⁴

¹⁵ Council of Europe, [Handbook on Transparency and Citizen Involvement](#), 2020, p. 16.

¹⁶ IDFI, [Challenges Facing the Institution of Whistleblowers in Georgia – Legislation and Practice](#), 2021.

¹⁷ OECD Public Integrity [Handbook](#), 2020.

¹⁸ OECD Public Integrity [Handbook](#), 2020.

¹⁹ OECD Public Integrity [Handbook](#), 2020.

²⁰ GRECO, Fifth Evaluation Round - Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation Report, [Latvia](#), 2018, paragraph. 55.

²¹ GRECO, Fifth Evaluation Round - Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation Reports, for instance, [Belgium](#), paragraph. 41 – 45, [Croatia](#), paragraph. 40 – 41, [Estonia](#), paragraph. 55 – 63, [the Netherlands](#), paragraph. 40 – 43, [Poland](#), paragraph. 33, [Spain](#), paragraph 54, [Germany](#), paragraph. 40 – 43.

²² *Ibid.*

²³ GRECO, Fifth Evaluation Round - Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation Reports, for instance, [Belgium](#), paragraph. 45, [Croatia](#), paragraph. 41, [the Netherlands](#), paragraph 43, [Germany](#), paragraph 43.

²⁴ OECD Public Integrity [Handbook](#), 2020.

One factor contributing to the effective implementation of a code of ethics in practice to ensure integrity is the designation of an independent body or structural unit that provides appropriate advice to public servants when needed.²⁵ Within a public institution, this might include the human resources management service, which should play an important role in establishing a high degree of integrity in the public service. Another proven method is to assign an ethics officer (or similar title) who, if necessary, provides confidential advice to the public servant and educate them about relevant standards, share practical information, and help them to make good decisions.

In the context of the protection of the public interest, which is central to the principle of integrity, it is also important to **clearly regulate the issue of conflicts of interest**. This could be done directly by adopting a separate law, as well as by regulating the issue of incompatibility of interests through other normative acts, including the strengthening of the code of ethics. However, in addition to generalized legislation, it is important that the issue of incompatibility of interests be included in the standards of conduct tailored to the specific needs of the given institution.²⁶

Effective oversight of compliance with ethical standards is of particular importance when it comes to ensuring integrity in the public service. In this regard, the whistleblowing mechanism is an important component of enforcement in the practice of ethics and integrity standards. In fact, the importance and regulatory role of this mechanism in terms of promoting public service accountability and integrity is recognized not only by international legal acts,²⁷ but also by soft law.²⁸ It is considered good practice²⁹ to regulate whistleblowing regulations in a separate legislative act,³⁰ in Georgia this issue is regulated within the framework of the Law of Georgia on Conflict of Interest and Corruption in Public Service and Resolution #200 of the Government on General Rules of Ethics and Conduct in a Public Institution. In order to improve the law on whistleblowers, an attempt was made to regulate this issue through an independent legislative act.³¹ The draft law, however, was not adopted, and instead amendments were made to the Law of Georgia on Conflict of Interest and Corruption in Public Service to include norms related to whistleblowers and whistleblowing.

²⁵ Transparency International, Public Sector Integrity – Topic Guide, 2015.

²⁶ Transparency International, Public Sector Integrity – Topic Guide, 2015; GRECO, Fourth Round Evaluation Round - Corruption prevention in respect of members of parliament, judges and prosecutors, Evaluation Reports, For instance, Turkey, paragraph 57, Slovenia, paragraph 44, Sweden, paragraph 46, Cyprus, paragraph 52.

²⁷ 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).

²⁸ 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; Council of Europe, Protection of Whistleblowers, Recommendation CM/Rec(2014)7 and Explanatory Memorandum, 30 April 2014.

²⁹ OECD, G20 Anti-Corruption Action Plan Protection of Whistleblowers, 2011, 83. 7, 30; Transparency International, A Best Practice Guide for Whistleblowing Legislation, 2018, 83. 66.

³⁰ For Instance, the UK, Ireland, Canada, Belgium, Australia, etc. information available: <https://www.whistleblowers.org/whistleblower-laws-around-the-world/>.

³¹ Comments of the Civil Service Bureau, "Recommendations of Civil Society Organizations on the Georgian Government's Open Government Partnership Action Plan", 2013, p. 2.

It may be challenging for the institution of whistleblowing to work effectively, as Georgian law does not meet international standards in this regard. Specifically, it is not detailed enough and leaves a number of issues unregulated. Specifically, the national law does not clearly define who can be a whistleblower,³² despite the fact that it is of the utmost importance that the definition of a whistleblower be made as comprehensive as possible at the legislative level.³³ According to the Council of Europe, a whistleblower can be a person employed in the private or public sector, regardless of whether they receive remuneration, as well as a person whose employment contract has expired, or a person who has not yet started working, even though the information that they disclose becomes known to them during the hiring process.³⁴ The OECD³⁵ and the European Union³⁶ also support a relatively broad definition. Nevertheless, the legislation in Georgia does not specify whether it is necessary for a whistleblower to be a public servant.

Georgian law does not take a sufficiently detailed approach to the definition of whistleblowing, which is unequivocally important in encouraging the use of the mechanism, as having an exhaustive list of actions that qualify for whistleblowing³⁷ makes it easier for any potential whistleblower to know when to act.³⁸ Contrary to international standards however,³⁹ the national law leaves the private sector and the activities of an institution not belonging to the public service but exercises delegated public authority and, consequently, may be of a public interest (e.g. State Ltds, NNLEs) that goes beyond its control.⁴⁰ According to the law, the issue of whistleblowing in law enforcement agencies should be regulated by special legislation, which is an accepted method in international practice as well.⁴² However, despite a reference in the law, similar legislation has not yet been developed to target these agencies and they remain beyond regulation.

³² IDFI, *Challenges Facing the Institution of Whistleblowers in Georgia – Legislation and Practice*, 2021.

³³ 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.

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

³⁴ OECD, *Committing to Effective Whistleblower Protection*, 2016, p. 41 – 43; OECD, *G20 Anti-Corruption Action Plan Protection of Whistleblowers*, 2011, p. 31.

³⁵ OECD, *Committing to Effective Whistleblower Protection*, 2016, p. 41 – 43; OECD, *G20 Anti-Corruption Action Plan Protection of Whistleblowers*, 2011, p. 31.

³⁶ 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.

³⁷ Such a list could include: breaches of law and/or ethics, including mismanagement, misuse of finances, abuse of power, endangering public health and safety, and/or corruption offenses.

³⁸ Transparency International, *A Best Practice Guide for Whistleblowing Legislation*, 2018, p. 7 – 10; United Nations Office on Drugs and Crime (UNODC), *Resource Guide on Good Practice in the Protection of Reporting Persons*, 2015, p. 22; OECD, *Committing to Effective Whistleblower Protection*, 2016, p. 44 – 49.

³⁹ CoE, *Protection of Whistleblowers, Recommendation CM/Rec(2014)7* and Explanatory Memorandum, 30 April 2014.

⁴⁰ The importance of public interest in the matter is also addressed by the European Court of Human Rights, which extends the criteria for examining the proportionality of restrictions on the freedom of expression of a whistleblower in the public sector to cases of public whistleblowing. See: EctHR, *Guja v. Moldova*, Judgement, 14277/04, 12/02.2008, paragraph 85 – 88; EctHR, *Heinisch v. Germany*, Judgement, 28274/08, 21/07/2011, paragraph 71. CoE, Thematic *Factsheet*, *Whistleblowers and Their Freedom to Impart Information*, 2017, p. 1.

⁴¹ Law of Georgia on Conflict of Interest and Corruption in Public Institutions, 1997, Article 20¹¹.

⁴² 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.

There is no single standard for internal whistleblowing procedures in Georgia. Moreover, the legislation does not codify the obligation of public authorities to establish an internal whistleblowing mechanism and to write a clear procedure for whistleblowers, which in practice creates problems in separating whistleblowing complaints from other types of complaint⁴³ and hinders the effective functioning of the whistleblowing mechanism.⁴⁴ Moreover, a whistleblower cannot decide for themselves which channel for whistleblowing (within the organization or outside the organization⁴⁵) would be most appropriate,⁴⁶ which is an important element of the effectiveness and efficiency of the whistleblowing mechanism. The Georgian legislation allows for public whistleblowing only after a decision has been made by the body⁴⁷ reviewing the complaint.⁴⁸

Guarantees for the protection of the rights of whistleblowers are regulated relatively well at the legislative level: Georgian law recognizes anonymous whistleblowing, protects the confidentiality of whistleblowers,⁴⁹ and codifies the requirement to protect whistleblowers from retaliation (both direct and indirect⁵⁰), which are considered unconditional guarantees of whistleblower protection according to international standards.⁵¹ In the event that the whistleblower is not protected and is harmed, however international standards require that the whistleblower be compensated for the consequences of retaliatory action.⁵² In Georgia, this is regulated only by general legislation, and special legislation does not prescribe compensation, which would make the issue clearer and more understandable.

⁴³ Transparency International Georgia, [The mechanism of whistleblowing](#) in the Georgian public service is largely dysfunctional, 2020.

⁴⁴ According to the best practice of developed countries, the creation of an internal whistleblowing mechanism is mandatory not only for public but also for private organizations. Countries impose sanctions on institutions that do not set it up. For example, Italy imposes monetary sanctions on public institutions that do not set up internal whistleblowing mechanisms, while in France such sanctions also apply to private organizations. See.: Transparency International, [A Best Practice Guide for Whistleblowing Legislation](#), 2018, p.32 – 33.

⁴⁵ 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.

⁴⁶ CoE, Protection of Whistleblowers, [Recommendation CM/Rec\(2014\)7](#) and Explanatory Memorandum, 30 April 2014, Principle 14.

⁴⁷ Relevant public institution, law enforcement agency, or Public Defender.

⁴⁸ Law of Georgia on Conflict of Interest and Corruption in Public Institutions, 1997, Article 20¹.

⁴⁹ Law of Georgia on Conflict of Interest and Corruption in Public Institutions, 1997, Article 20³. Additionally, it should be noted that the electronic whistleblowing platform www.mkhileba.gov.ge allows anonymous whistleblowing.

⁵⁰ CoE, Protection of Whistleblowers, [Recommendation CM/Rec\(2014\)7](#) and Explanatory Memorandum, 30 April 2014, პრინციპი 21.

⁵¹ Transparency International, [A Best Practice Guide for Whistleblowing Legislation](#), 2018, p. 20; 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.

⁵² Transparency International, [A Best Practice Guide for Whistleblowing Legislation](#), 2018, pp. 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).

There is no doubt that the introduction of high standards of integrity in practice is essential for the smooth functioning of any service. As it turns out, in this regard, special importance is attached to creating a conscientious and ethical environment at the institutional level, which simplifies the definition of ethics/codes of conduct/standards/rules of integrity tailored to the needs of an institution, monitoring their implementation, ensuring proper enforcement, and raising the awareness of each public servant as well as the general public. In this context, it is noteworthy that most public institutions in Georgia do not have their own code of ethics. At the same time, a large proportion of civil servants do not respond to violations of ethical norms, which is in large part due to the low level of awareness among public servants regarding response mechanisms, as well as their attitude towards the effectiveness and credibility of existing mechanisms.⁵³

It is noteworthy that the level of awareness of public servants is also low regarding the whistleblowing mechanism. Furthermore, there is a feeling among civil servants that an institution's management is forgiving of ethical violations committed by high-ranking officials, and when someone engages in whistleblowing, such officials may create problems for the whistleblower,⁵⁴ which, to some extent, indicates that the mechanism is ineffective. Indeed, although Georgia was one of the first countries in the region to regulate the issue of whistleblowing at the legislative level, the effectiveness of the mechanism has not been secured in practice. Moreover, the national legislation governing whistleblowing still has a number of shortcomings and does not fully meet international standards.

⁵³ IDFI, [Challenges Facing the Institution of Whistleblowers in Georgia – Legislation and Practice 2021](#).

⁵⁴ *Ibid.*

ANALYSIS OF RESPONSES TO PUBLIC INFORMATION REQUESTS REGARDING ETHICS AND WHISTLEBLOWING



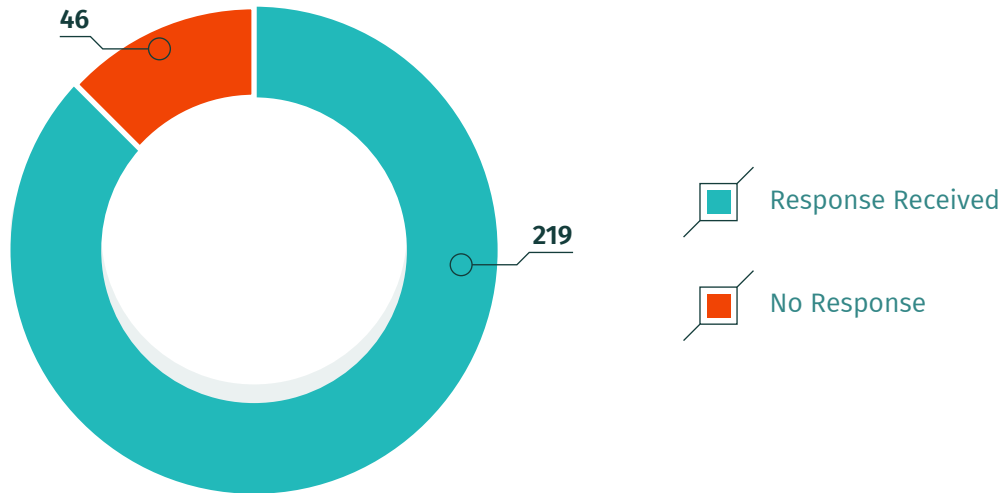
Letters requesting public information were sent to public institutions in order to identify challenges with regard to the issues of integrity and whistleblowing in the public service. Specifically, the IDFI requested the following information from public institutions:

- An integrity policy document adopted by the institution and a code of ethics, as well as practical tools for their implementation and the provision of opportunities for staff to familiarize themselves with them;
- Internal mechanisms for the enforcement of ethical norms;
- Statistics on violations of ethical norms;
- Internal channels of whistleblowing and statistics on whistleblower reports received in this way; and
- Activities to raise staff awareness on issues of ethics and whistleblowing.

Letters requesting public information were sent to 265 public institutions including: the Parliament of Georgia; the Administration of the Government; the Administration of the President; 12 ministries and the Office of the State Minister; 74 LEPLs and agencies subordinated to a ministry; 64 city halls; 64 city councils; nine governor administrations; nine representative and executive bodies of autonomous republics; and 30 independent LEPLs, regulatory commissions, and other agencies.

As part of the study, the IDFI received a response to public information requests from 219 agencies out of the 265 that received such a request. Unfortunately, the IDFI's requests were left unanswered by a number of agencies, which deserve special attention as of their practice in matters of integrity and whistleblowing. Among the agencies not to respond were: the Ministry of Culture and Sports and the Special Penitentiary Service.

RESPONSES TO PUBLIC INFORMATION REQUEST LETTERS FROM 265 PUBLIC INSTITUTIONS

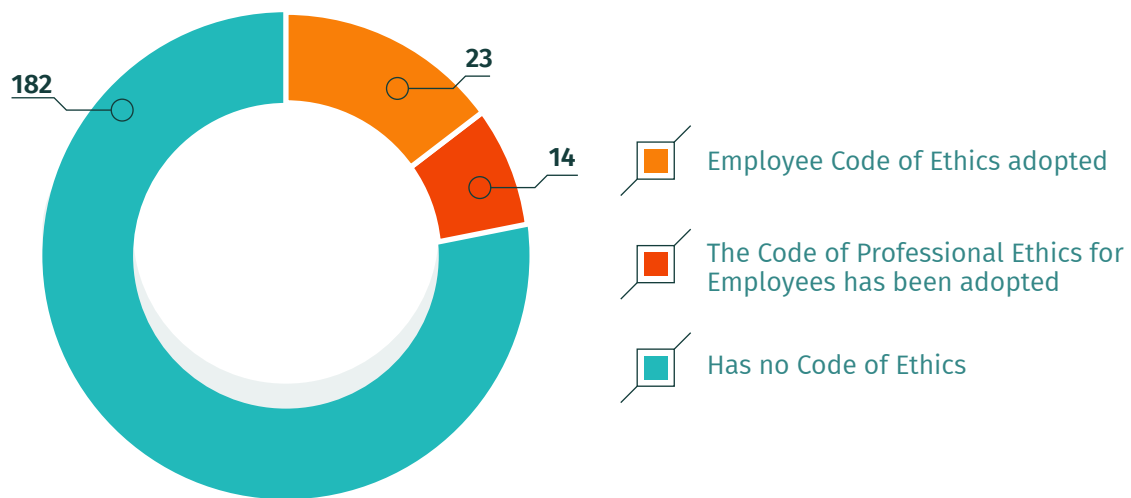


INTEGRITY NORMS AND PRACTICAL TOOLS

In response to a request for information on the integrity policy document, code of ethics, and practical tools (e.g. comments or handbooks) adopted by the public institution, most of the institutions explained to the IDFI that they had not adopted such documents and that they were instead guided by existing legislation. More specifically, public institutions mostly refer to the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions, Resolution #200 of the Government of Georgia dated April 20, 2017, on General Rules of Ethics and Conduct in a Public Institution, and the general rules of conduct established by internal regulations.

According to information received from public institutions, only 23 agencies have general rules of ethics and conduct for employees regulated by internal legal documents. Meanwhile, employees of 14 agencies are guided by various codes of professional ethics. These documents are of a disparate nature and differ in terms of the specifics of the activities of the institutions, as well as in content and scope of application.

CODES OF ETHICS ADOPTED BY PUBLIC INSTITUTIONS



Of the ministries that provided the requested information to the IDFI, a code of ethics was adopted only at the Ministries of Finance, Foreign Affairs, Defense, and Internal Affairs. According to the Ministry of Economy and Sustainable Development, general rules of ethics and conduct, norms, and instruments for their implementation, control mechanisms, various instruments of integrity, and liability for violations are provided in its "Employee Manual" and internal regulations approved by the Minister. Unfortunately, the Ministry did not provide the Employee Manual to the IDFI.

The Ministry of Internal Affairs has adopted a code of ethics for the police and issued instructions for the behavior of certain employees of the Ministry. Meanwhile, the Ministry of Defense has adopted a code of ethics for military servicemen, but not for the civil servants employed in the Ministry. In the Ministry of Finance, a code of ethics has been adopted for the civil servants of the Central Office, and in the Ministry of Foreign Affairs it has been adopted for the entire system.

As stated in the international standards section, codes of ethics and conduct should be clear, simple, logically structured, and tailored to the specific needs of the institution in question. The analysis of the codes of ethics adopted by the ministries has revealed that none of them meet the above standards. In the case of the Ministry of Finance and the Ministry of Foreign Affairs, the documents are of a generic nature and do not provide more information than is contained in the general legislation (Law of Georgia on Conflict of Interest and Corruption in Public Service and the governmental decree); they either do not mention them at all, or only provide a general reference to issues such as prohibited gifts and the terms and conditions for receiving them, and conflicts of interest management. None of them include practical examples or instructions tailored to the specifics of a particular agency, and none provide information on practical tools for their implementation (e.g. comments or guidance documents). These issues are discussed relatively comprehensively in the Code of Ethics of the Ministry of Foreign Affairs, although in this case practical examples tailored to the specifics of a particular agency are also not used and no information on practical tools for enforcement was provided.

In the case of the Ministry of Internal Affairs and the Ministry of Defense, the codes of ethics for both police and military personnel apply to a specific professional group of people and not to public servants employed in the central office. They set the rules of conduct, such as workplace attire, work time allocation, gun control, and treatment of detainees. The Ministry of Defense document also contains information on basic ethical principles and values. However, none of the ministries provided information on the existence of a practical guiding document covering in detail various ethical cases and practical examples.

In the case of representative bodies (namely the Parliament of Georgia, and the Supreme Councils of the Autonomous Republic of Adjara and the Autonomous Republic of Abkhazia), codes of ethics for members of parliament and members of councils, which do not apply to regular public servants of the administration, have been adopted. The codes of ethics of both the Parliament and of the Councils prescribe procedures to be followed in the event of receiving a permissible gift and the norms of conflicts of interest. In this case too, however, no information on the practical instrument of enforcement is provided (e.g. explanatory comments or handbooks).

Among local self-governments, ethics documents have been approved by only three city halls and four municipal councils. Among them, in Baghdati and Vani municipalities, the municipal council decree defines the rules of conduct and ethics of the civil servants of the local self-government, which apply to public servants of both the city hall and the council, administrative and contracted employees, and officials. Among the codes of ethics in the municipalities, the codes of ethics adopted by the Baghdati and Vani councils are of particular interest, since they address all of the key issues required (gifts, whistleblowing, conflicts of interest, accountability, etc.). It should also be noted that in a code of ethics, it is important to provide comprehensive definitions and provisions instead of mere references to other legislative acts, which is the case in all the codes of ethics studied, including the codes of ethics for Baghdati and Vani municipalities. As for the other municipalities where codes of ethics have been adopted, they are mainly of a generic nature and do not cover all important issues in detail. Meanwhile, in no case was information provided on the tools for implementing codes of ethics in practice. Among the municipalities to have not developed codes of ethics, Oni Municipality City Hall indicated a plan to write ethics norms in the near future, while Kutaisi City Council noted that work on a code of ethics was already underway.

Employees of eight institutions are guided by various codes of professional ethics. For example, the State Audit Office has a code of ethics for auditors, while lawyers in the Legal Aid Service Bureau act in accordance with the Code of Professional Ethics of Lawyers approved by the General Assembly of the Georgian Bar Association. LEPL Georgian National Museum is guided by the International Council of Museums (ICOM) Code of Museum Ethics, which sets minimum standards for professional practice for museums and their staff. The National Center for Disease Control and Public Health has approved a Code of Ethics for Laboratory Activities, which is administered by the Lugar Public Health Research Center and Zonal Laboratories. The code of ethics for professionals engaged in public procurement has been adopted under the initiative of the State Procurement Agency. Finally, the Chamber of Notaries has developed a Code of Ethics for Notaries.

Within the State Inspector's Office, only a code of ethics for staff of the investigative department is currently in force. Elsewhere, there is no common code of ethics in the Revenue Service, and while codes of ethics for individual departments (namely customs, audit, service, and tax monitoring) have been approved, they were not provided by the agency and could not be obtained using open sources.

The analysis of the codes of ethics in the Georgian public sector has revealed that, instead of defining various terms or regulating corresponding issues, they often contain references to the Law on Conflict of Interest and Corruption in Public Service, which is not in line with the general purpose of a code of ethics, which should be to provide detailed information on all relevant issues. In addition, none of the agencies provided information on the mechanisms for practical implementation of ethical norms, which would help employees to better understand the content of the norms and to more easily apply them in their professional activities by following specific examples and explanations.

In the absence of a code of ethics, some agencies indicated the existence of internal regulations setting out certain rules of conduct at the workplace (work and leisure time, holidays, attendance records, etc.), but they did not set out the basic principles of ethics (gifts, compatibilities, etc.) and therefore failed to properly serve the purpose of ensuring integrity in an institution.

Some of the municipalities referred to strategies and action plans on transparency and integrity. While these are generally welcome, in order to implement rules on integrity or ethics, it is necessary to go further and fulfill certain obligations, which include adopting codes of ethics and developing corresponding guides, implementing mechanisms, and other measures.

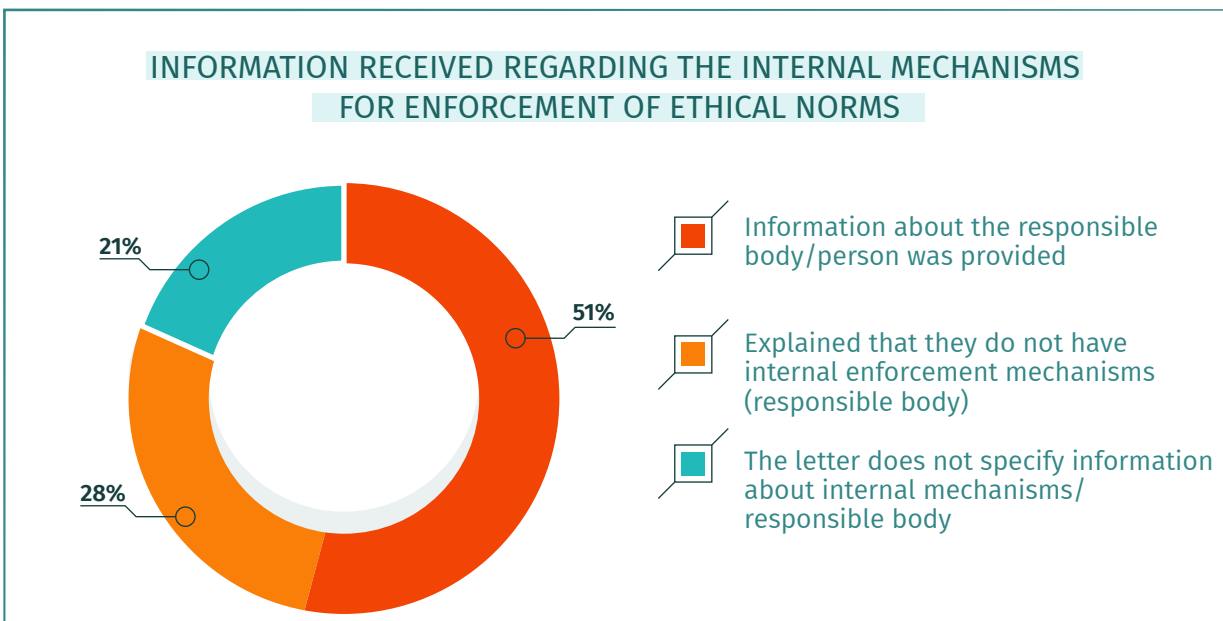
As mentioned previously, as part of the study, the IDFI also requested information from public institutions regarding practical tools (e.g. comments or guidelines) for implementing codes of ethics to have been adopted. Explanations regarding the existence of such documents were only provided by certain agencies. In particular, according to the explanation given by the Prosecutor's Office of Georgia, comments on the Code of Ethics of the Prosecutor's Office had been developed, but this document was not provided to the IDFI. In the case of the State Audit Office, a guideline on professional ethics support measures had been developed (but was also not provided), setting out management and control measures of the Office aimed at promoting its values and principles, and determining what action(s) should be considered professional and ethical. According to the State Audit Office, a manual on its code of ethics is currently being developed. In the case of the Ministry of Economy and Sustainable Development of Georgia, the tools for the practical implementation of the general rules on ethics and work conduct are laid out in the "Employee Guide" which was also not provided.

ENFORCEMENT MECHANISMS

Out of 219 public institutions that replied in some form to the requests sent by the IDFI during the survey, 111 of them provided information on the structural units responsible for enforcing ethical norms, relevant disciplinary commissions, and/or officials. Sixty-one agencies clarified that they did not have internal mechanisms and a separate structural unit in place to enforce ethical norms. Forty-seven agencies did not provide any information, and it is unlikely that these agencies would have an internal enforcement mechanism in place.

Among the 111 replying public institutions, 97 have a structural unit responsible to enforce ethical norms. In other cases, the public institutions indicated there was a specific position the function of which was to monitor compliance with ethics, or they referred to independent disciplinary and ethics commissions established under the Law on Civil Service. For example, according to the Georgian National Competition Agency, it has monitoring managers, whose responsibilities include monitoring ethics compliance. According to the Ministry of Regional Development and Infrastructure, as well as the Presidential Administration and the Office of the Parliament, none of them had a specific structural unit in place responsible for overseeing the implementation of ethical norms, but a special commission had instead been set up for cases of ethical violations.

The internal audit unit is most often defined as being responsible for enforcing ethical norms. Moreover, cases where a similar oversight function is assigned to the internal audit service or the general inspection service of the ministry to which an agency is subordinated are frequent. In some cases, the function of overseeing the implementation of ethical norms is combined with administrative and human resource management services. For example, inspection and disciplinary proceedings in Batumi City Hall are carried out by the human resources unit within administration. In addition, in the National Center for Disease Control and Public Health, where there is no general inspection service, the enforcement of ethical norms is supervised by the legal and human resources management and case management units of the Center.



Municipal councils were prominent among the public institutions to have confirmed in writing to the IDFI that they did not have internal mechanisms in place to enforce ethical norms, or those to have refrained from specifying an answer. Out of 64 municipal councils, only six explained that there was a relevant commission in place to address internal enforcement of ethical norms.

“We currently have no internal enforcement mechanism of ethical norms. At this stage, managers demonstrate ethical conduct themselves.”

Excerpt from the information provided by Tkibuli Municipality

In order to implement ethical norms in practice and to ensure integrity, it is essential that each institution has in place an appropriate structural unit, the functions and responsibilities of which clearly include the supervision of the implementation of ethical norms and relevant procedures. It is important that this service be staffed with relevant human resources properly trained in ethics and disciplinary procedures.

STATISTICS OF VIOLATIONS OF NORMS OF ETHICS

According to the information received, violations of ethical norms had been registered in only 40 public institutions over the course of the last three years. In other cases, either no data were provided, or it was clarified that there had been no breaches of ethics in the last three years. For instance, among the central public institutions, the Administration of the Government, the Ministry of Justice, and the Ministry of Regional Development and Infrastructure explained to the IDFI that no violations of ethics had been reported in their institutions in the last three years.

The State Security Service presented unified statistics of disciplinary sanctions imposed by the General Inspection for violations and disciplinary offenses committed by employees (343 cases in total), and clarified that statistics on the violation of ethical norms were not recorded separately. The same can be said for the Ministry of Internal Affairs, which provided statistics on response to violations by the General Inspection and inspection units of the legal entities, although how many of them were directly related to breaches of ethics was not specified.

Responses to Violations by the General Inspection of the Ministry of Internal Affairs and the Inspection Units of Subordinate Agencies in 2019-2021

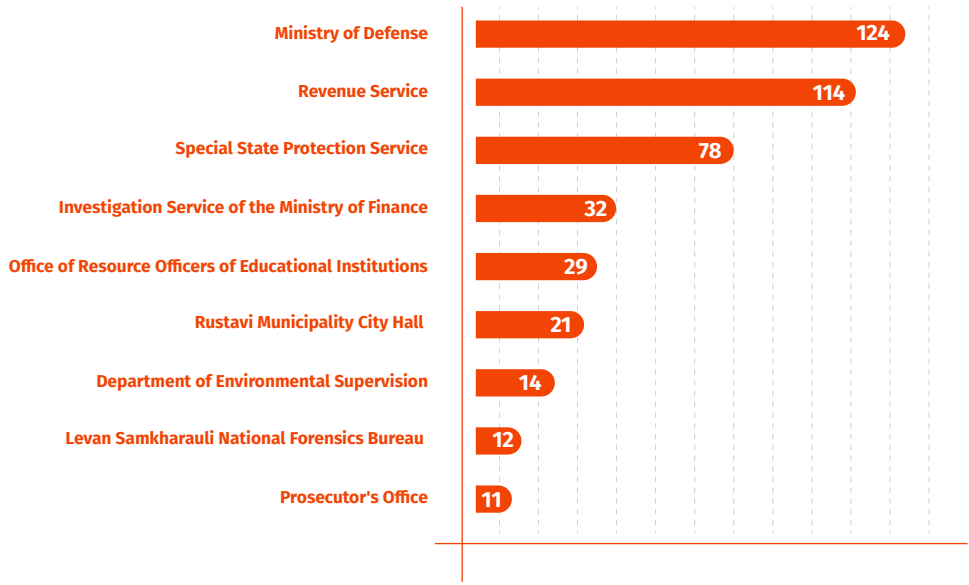
Public Institution		Response to Violations					
		Severe Reprimand	Reprimand	Warning	Dismissal	Demotion	Recommendation card
Ministry of Internal Affairs*	General Inspection of the Ministry	903	894	1717	340	13	
Security Police Department	Inspection Unit	22	70	568			321
Service Agency	Inspection Unit	13	7	28	1		50
LEPL 112	Inspection Unit		346 Disciplinary penalties				468

Note*: The Ministry of Internal Affairs provided data for 2018-2020

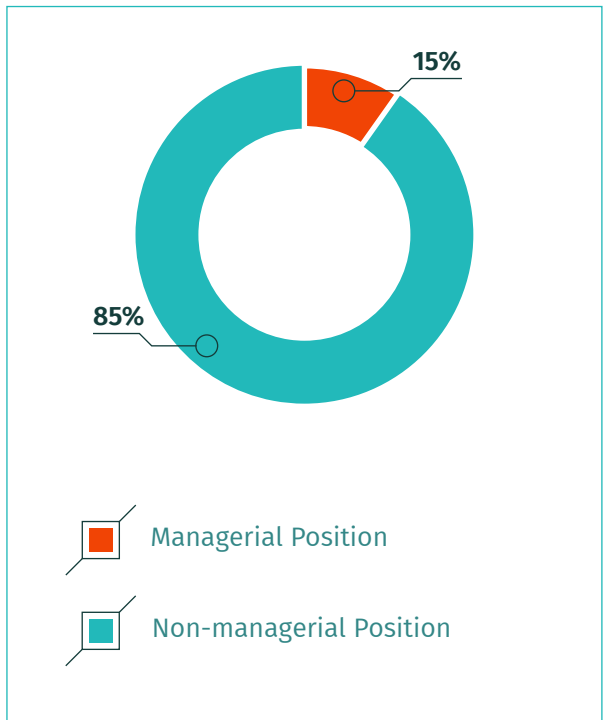
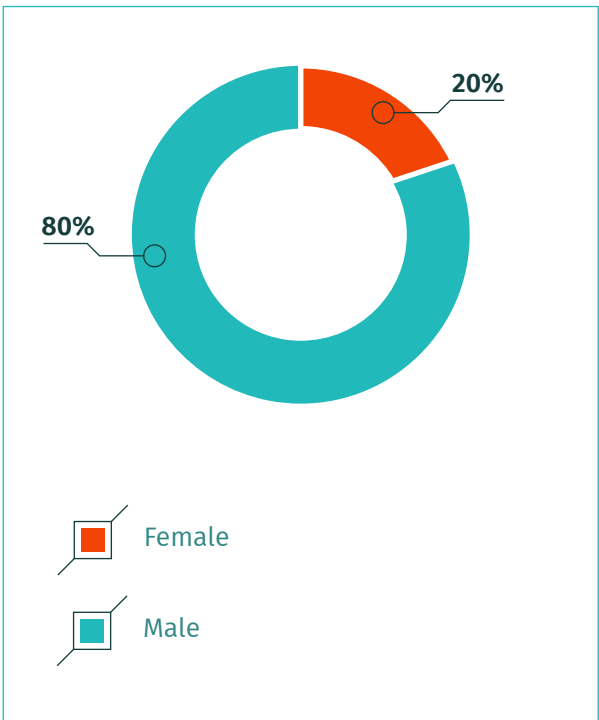
In the 40 public institutions where cases of violation of ethical norms were registered, a total of 497 cases were registered in 2019-2021. The largest shares of registered cases were in law enforcement agencies and state supervision agencies. For example, in 2019-2021, 124 cases of violation of ethical norms were registered in the Ministry of Defense, 114 cases were registered in the Revenue Service, 78 cases were registered in the Special State Protection Service, and 32 cases were registered in the Investigation Service of the Ministry of Finance. A high rate of breaches of ethics was observed in Rustavi City Hall (21 cases) as well, which may be related to the existence of a code of ethics in this body and its corresponding enforcement mechanisms.

In the last three years, more than 10 cases of violation of ethical norms have been registered in only nine public institutions, with the highest number of cases detected in other institutions being six. For example, six cases of violation of ethical norms were registered in the Ministry of Health over the last three years, four cases in the Ministry of Education and Science, two cases in the Ministry of Foreign Affairs, and one case in the Parliament.

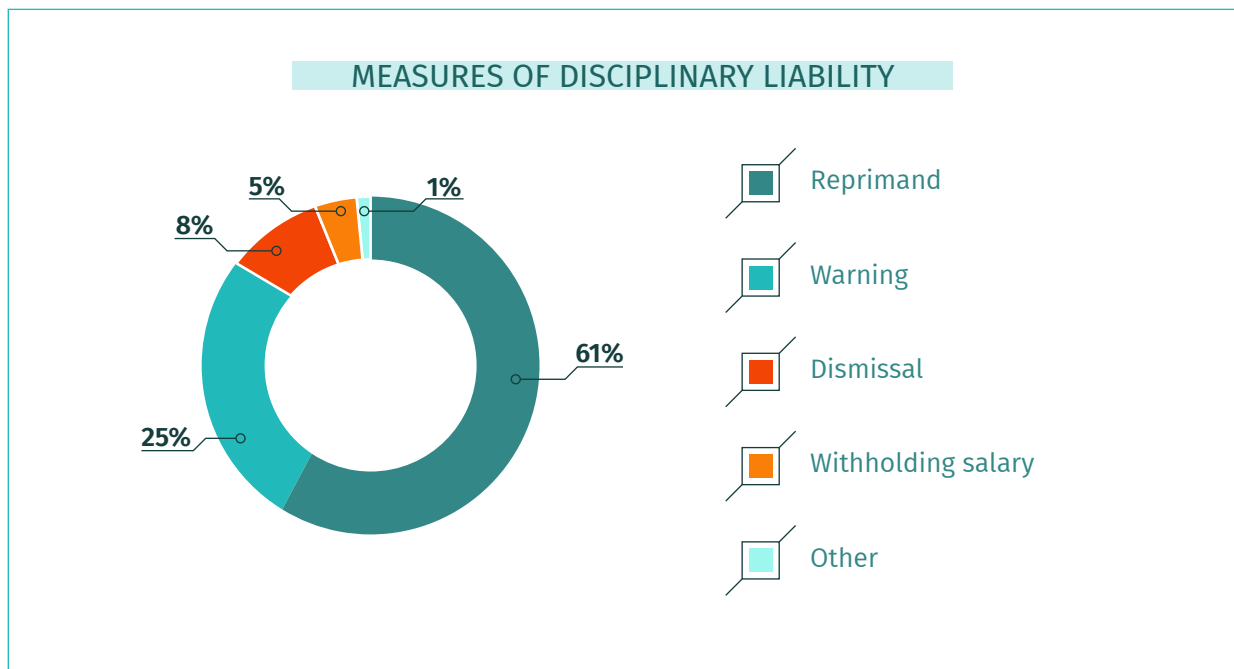
VIOLATIONS OF NORMS OF ETHICS



Of the cases reported by public institutions, 80% of violations of ethical norms were committed by men, and 85% of offenders held non-managerial positions.



For 61% of those who violated ethical norms a reprimand was issued as a disciplinary measure, while 25% received a warning, 8% were fired, and 5% were subject had a certain amount of remuneration withheld for various periods of time.



In either the absence of codes of ethics or with generic codes and weak oversight institutions in place, these statistics indicate that the monitoring of ethics is not being carried out properly. Therefore, it is important for public institutions to grasp the importance of establishing an ethical and accountable environment, and to take necessary measures to ensure this. It is essential that all public institutions properly record cases of violations of ethical norms and constantly publish this information. It is also important to disclose specific cases in a generalized form and to include them in their guidance documents and trainings.

INTERNAL CHANNELS FOR WHISTLEBLOWING

The analysis of the responses to information requests about the internal channels for whistleblowers in public institutions and the whistleblowing statements received through them showed that there were varying perceptions of public institutions regarding their internal channels of disclosure.

Most of the public institutions (87 agencies) clarified to the IDFI that there were no functioning internal channels for whistleblowing within them. Among these institutions, some LEPLs cited a lack of legislative requirement to do so as the main reason. For example, the LEPL Public Service Hall and the National Agency for Public Registry clarified that the law on Conflict of Interest and Corruption in Public Service does not apply to LEPL employees (other than the heads and their deputies), and therefore no

whistleblowing mechanisms had been put in place. The information provided by 80 agencies did not specify whether they had internal channels of whistleblowing. The Ministry of Defense informed the IDFI that it had started working on a regulatory act related to whistleblowing, but it did not specify whether there were any internal channels of whistleblowing in the Ministry already.

Fifty-two public institutions confirmed to the IDFI they had internal channels of whistleblowing already functioning. Among these, 16 agencies explained that they were guided by the Law on Conflict of Interest and Corruption in Public Service, although they did not specifically name the forms and mechanisms of internal channels. Meanwhile, 36 public institutions specified their internal channels of whistleblowing, including e-mail, hotline, written statement, and internal document management system. Some agencies also pointed to the electronic portal <https://mkhileba.gov.ge/> as their internal channel of disclosure.

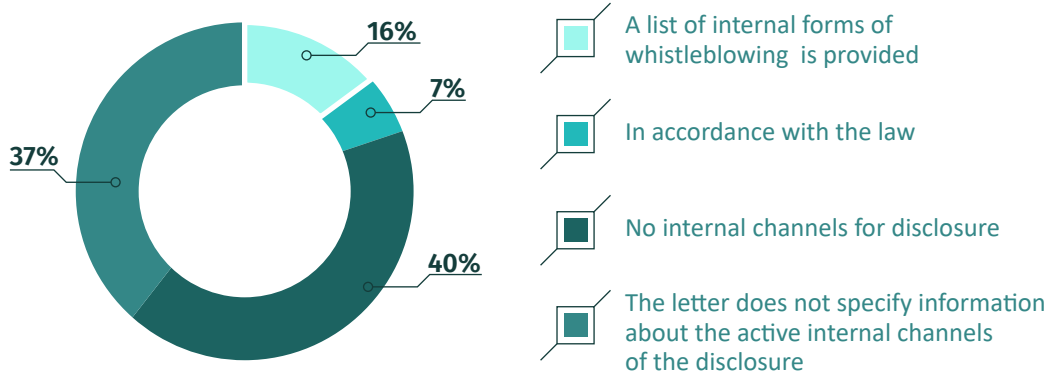
It should be noted that in some of the institutions where internal channels operated, the existence of proper whistleblowing mechanisms was still not ensured. For example, according to the Prosecutor's Office of Georgia, disclosure statements were received through various channels, including hotline, e-mail, and the chancellery. However, the prosecutor's office does not record whistleblowing statements.

Only some explanations provided by agencies painted a clear picture of the operation of the internal channels of whistleblowing in the respective agencies. For example, in the State Audit Office, the internal whistleblowing channel operates in the form of a grievance box located in the office, where employees have the opportunity to submit relevant information anonymously. In the case of the National Bank of Georgia, employees may submit appeals to a specially-created e-mail address (ethicsoffice@nbg.gov.ge), which is accessible only to members of the ethics commission. Moreover, the Bank plans to introduce an anonymous platform for communication with the ethics commission. Elsewhere, the Energy and Water Regulatory Commission has an e-mail address specially designed to address cases of sexual harassment: harassment@gnerc.org.

"We would like to additionally note the fact that, within the Office, internal channels for disclosure are functioning in the form of advice and complaints boxes placed within the office, where employees can anonymously submit the appropriate information. At this stage no complaints have been detected. To protect whistleblowers, these boxes are placed in the building in such a place where it would be impossible to identify the person through a video recording."

Excerpt from a letter from the State Audit Office regarding internal disclosure mechanisms

INFORMATION RECEIVED REGARDING THE INTERNAL CHANNELS OF WHISTLEBLOWING



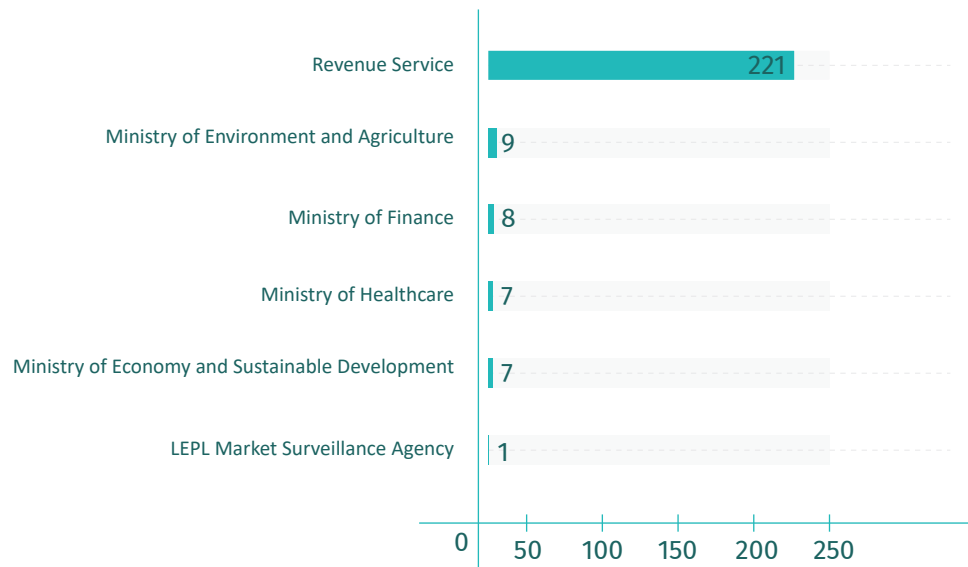
In response to a request for statistical data on internal channels for whistleblowers in public institutions and the whistleblowing statements received in this way, the Ministry of Internal Affairs provided the IDFI with general statistics on referrals to the General Inspection for 2021 (January-November). Specifically, according to the information provided, 5498 appeals were made to the General Inspection during the mentioned period, including 3251 through LEPL 112, 1962 through the hotline of the General Inspection, and 285 in form of a written report. Among the mentioned appeals, 1082 were met with an appropriate reaction, among which the majority (655 cases) were sent to the relevant units of the Ministry, while 186 cases were transferred to the State Inspector's Office, and 25 went to the Prosecutor's Office.

REPORTS AND PENALTIES FOR THE GENERAL INSPECTION OF THE MINISTRY OF INTERNAL AFFAIRS OF 2021 (JANUARY-NOVEMBER)

Referrals		Penalties	
Reports	285	Warning	42
Hotline	1962	Reprimand	12
112	3251	Severe Reprimand	10
		Dismissal	3
		Recommendation Card	56
		Resignation	1
		Case Transferred to the Prosecutor's Office	25
		Case Transferred to the State Inspector's Service	186
		Case Directed to the Appropriate Division of the Ministry	655
		Investigation Conducted in Other Institutions	92

In 2019-2021, only six agencies registered whistleblowing statements received through internal channels for whistleblowers. Among them, the highest number of statements (221) was recorded in the Revenue Service. As explained by the Revenue Service, all possible channels of whistleblowing defined by the Law of Georgia on Conflict of Interest and Corruption in Public Institutions are available within the Service. Out of the mentioned 221 statements, whistleblowing was carried out anonymously in only two cases. Disciplinary action was taken against the accused in 102 cases, and in 119 cases the proceedings were terminated due to the absence of any misconduct. As for the other four agencies, the Ministry of Environmental Protection and Agriculture had nine cases of whistleblowing, the Ministry of Finance had eight, and the Ministry of Labor, Health and Social Defense and the Ministry of Economy and Sustainable Development each had seven.

WHISTLEBLOWING STATEMENTS RECEIVED THROUGH THE INTERNAL CHANNELS OF PUBLIC INSTITUTIONS



Note*: The Ministry of Economy and Sustainable Development provided data for 2018-2020

As the existence of well-functioning whistleblowing mechanisms is crucial to ensuring a fair environment and integrity in the public sector, it is important that all institutions have internal channels for whistleblowers (including anonymous channels) and that they actively inform staff about them to encourage whistleblowing, a practice which plays a vital role in combating corruption. At the same time, it is essential that agencies properly record whistleblowing statements, respond appropriately, and proactively publish information about them.

AWARENESS-RAISING ACTIVITIES

In the last three years, employees of 38 public institutions participated in relevant activities to raise awareness regarding integrity policies, ethics, and procedures, as well as internal channels of whistleblowing and whistleblower protection mechanisms. An additional 14 agencies informed the IDFI that their staff had participated in various activities related to the issues of ethics and whistleblowing over the past three years, although neither the names of the events nor the numbers of participants were specified. For example, according to the Administration of the President of Georgia, raising awareness of ethical norms in the Administration takes place within the framework of basic professional development programs for employees of various ranks. According to the Ministry of Labor, Health and Social Defense, the staff of the Ministry actively participates in the trainings organized by the Civil Service Bureau on ethical issues, although the details of the mentioned events and the number of attendees were not specified.

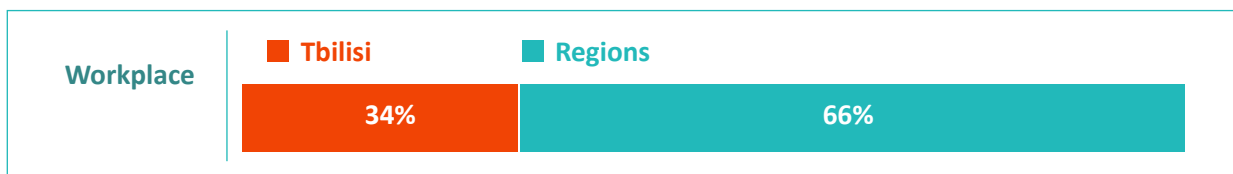
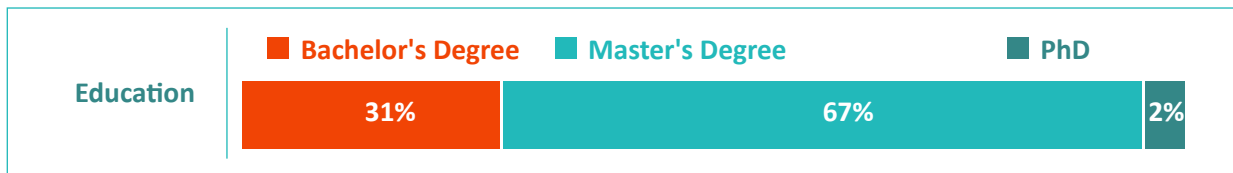
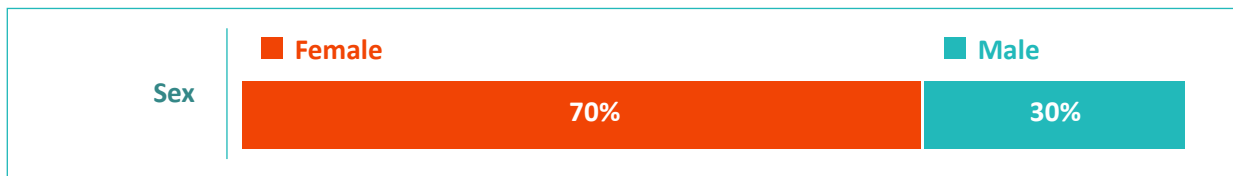
According to the information provided by the Ministry of Internal Affairs, 12,279 employees of the Ministry had participated in the Code of Ethics training course at the MIA Academy between as of 20 December 2021. The other 37 public institutions provided the IDFI with the information on 97 events held over the past three years, which were attended by a total of 9,066 employees. Among these, 25 events were attended by 5676 employees of the Ministry of Defense, of which 3780 servicemen participated in military exercises as part of their preparations for NATO peacekeeping missions, while the Sergeant Academy courses on ethical issues were attended by 1150 military servicemen, and 43 employees of the Ministry participated in nine different training programs related to integrity issues abroad. After the Ministry of Defense, the largest number of participants in awareness-raising activities on ethics were from the Central Election Commission. According to the Commission, working meetings were held with the heads of the election commissions on the following issues: general rules of conduct of district election commission members; and professional ethics. In terms of the number of employees who took part in such activities, the top five agencies also included the Special State Protection Service, the State Inspector's Office, and the Prosecutor's Office.

Working constantly on employees' awareness of ethics and whistleblowing issues is one of the main preconditions for the enforcement of ethical norms in the public sector, all with the purpose of ensuring an environment of integrity. Therefore, it is necessary for all institutions to have in place a plan, according to which awareness-raising measures on these issues are implemented periodically.

RESULTS OF THE QUANTITATIVE AND QUALITATIVE SURVEY

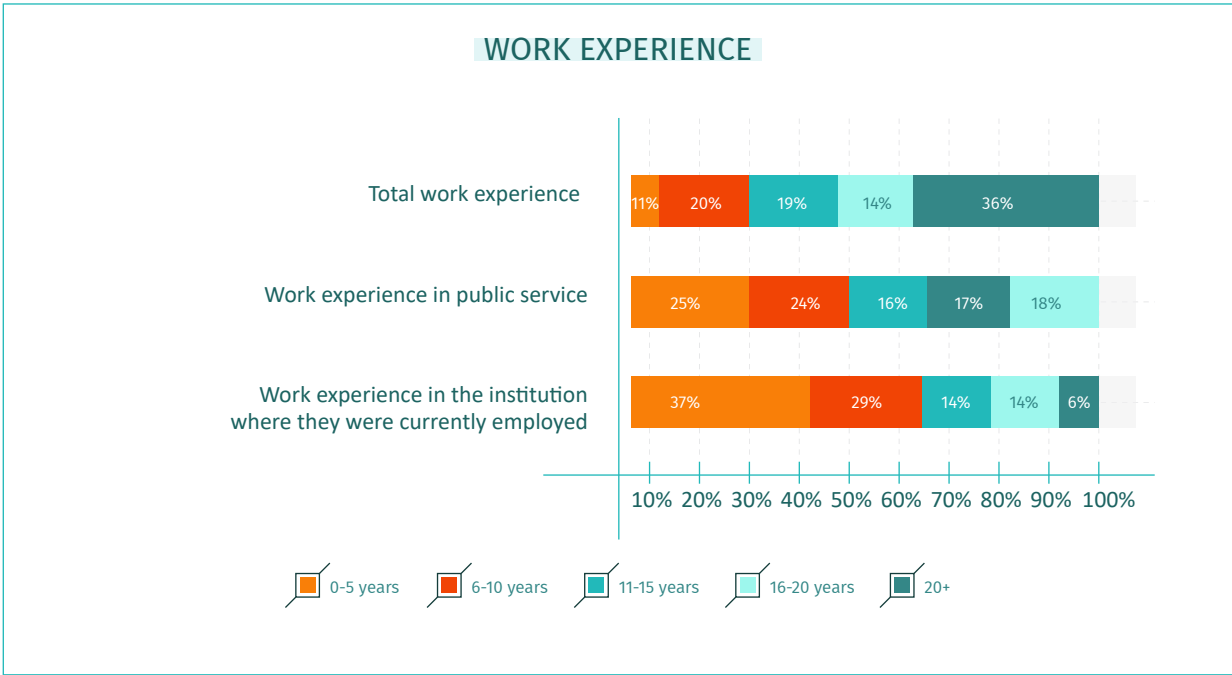
The quantitative survey on integrity and whistleblowing in the public service was conducted for public servants employed in public institutions of four types (ministries, agencies affiliated with ministries (LEPLs/NNLEs), municipal city halls, and councils). 242 public servants took part in the surveys, of which 59 were employed in ministries, 40 were in ministry LEPLs/NNLEs, 92 were in city halls, and 51 were in municipal councils.

According to the results of the surveys, 35% of the participating public servants belonged to the 29-39 age group, 70% were female, and 67% had a master’s degree, while the workplace of 66% of them was located outside Tbilisi.



According to the results of the survey, 14% of the respondents represented public servants of I rank, 33% were public servants of II rank, 40% were public servants of III rank, 1% were public servants of IV rank, and the remaining 12% were marked as “Other.”

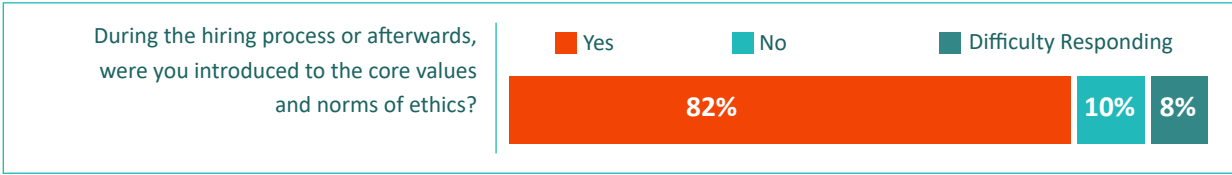
Of respondents, 36% had a total of over 20 years of work experience, while 25% had up to five years of work experience in the public service. Furthermore, 37% of respondents had work experience of up to five years within the institution where they were employed at the time of the survey.



AWARENESS OF PUBLIC SERVANTS REGARDING THE ISSUES OF INTEGRITY AND WHISTLEBLOWING

One of the primary goals of the survey was to identify the level of awareness of public servants on the topics of integrity and whistleblowing. The corresponding questionnaire included questions designed to evaluate how informed public servants were regarding the core values and ethical norms of the public service, internal documents regulating ethics and conduct, whistleblowing and corresponding implementation mechanisms, and other issues.

According to the results of the survey, 82% of respondents were introduced to the core values and ethical norms of the public service at the time of being hired or at a later date. Overall, 10% noted that no such introductory procedure had taken place, while 8% said that they had had difficulty in responding to the question. The lowest indicator in terms of awareness of core values and ethical norms of the public service was found among the employees of ministries (76%). A noteworthy result from the survey was that more male respondents (88%) indicated that such a procedure had been provided than female respondents (79%).



SURVEY RESULTS BY TYPE OF PUBLIC INSTITUTION

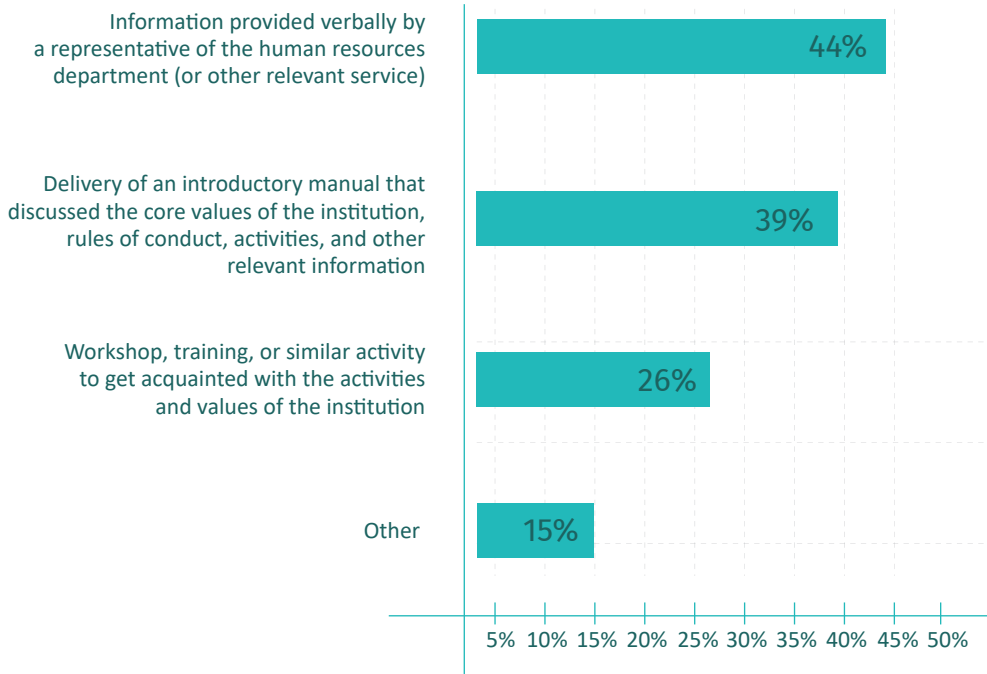
	Yes	No	Difficulty in Responding
Ministry	76%	12%	12%
Ministry LEPL/NNLE	90%	5%	5%
City Hall	79%	11%	10%
Municipal Council	84%	12%	4%

SURVEY RESULTS BY GENDER

	Yes	No	Difficulty in Responding
Female	79%	12%	9%
Male	88%	5%	7%

Introduction to core values and ethical norms upon beginning employment in the public service had come in the form of verbal delivery of information by a representative of the human resources department or other relevant services of the institution for 44% of respondents. Meanwhile, 39% had been introduced to such information through an introductory guidebook, and 26% had learned it through a workshop, training, or similar activity.

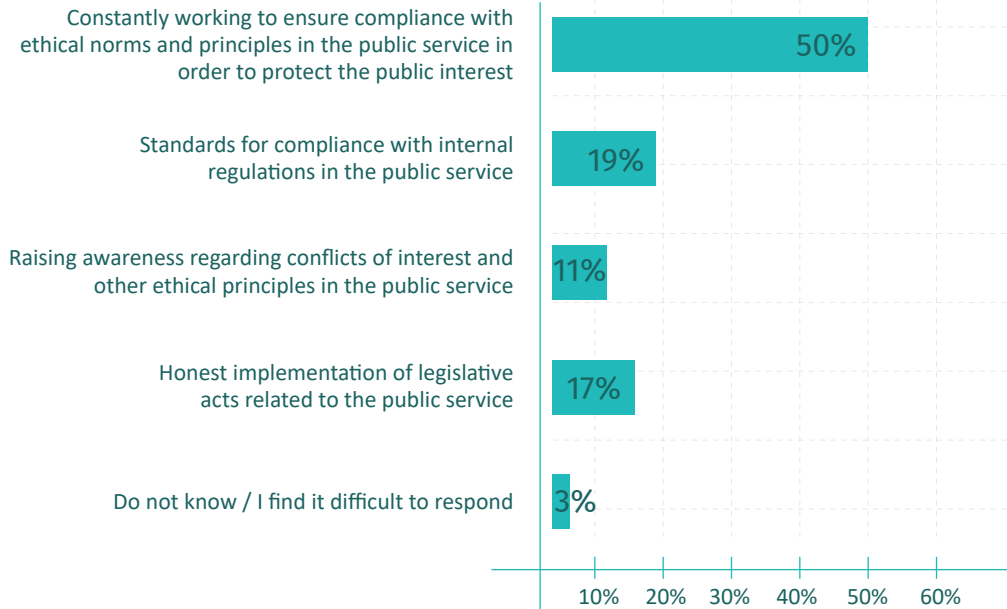
HOW WERE YOU INTRODUCED TO THE CORE VALUES AND NORMS OF ETHICS WHEN YOU BEGINNING EMPLOYMENT IN PUBLIC SERVICE?



The respondents in the qualitative study indicate that they obtain information on public service and ethical norms when participating in recruitment competition. In certain cases they read internal procedures after being recruited and with the guidance of human resource unites.

The majority of respondents correctly indicated that the most appropriate definition of integrity in public service is *Constantly working to ensure compliance with ethical norms and principles in the public service in order to protect the public interest.*

WHICH OF THESE BEST SUITS THE DEFINITION OF INTEGRITY IN PUBLIC SERVICE?

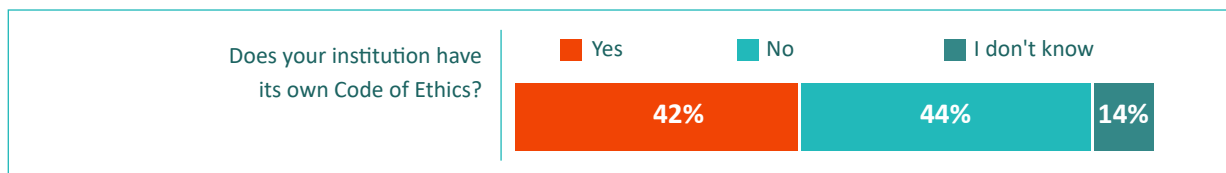


In the qualitative survey, respondents mainly defined integrity as entailing: acting in accordance with the law for the public interest; freedom from nepotism; and fairness and impartiality.



"I would consider integrity in the public service to be fair behavior in the first place, making impartial decisions, and acting in the public interest. Integrity is the observance of internal regulations, implementation of legislative acts, and constant care for compliance with ethical norms and principles."

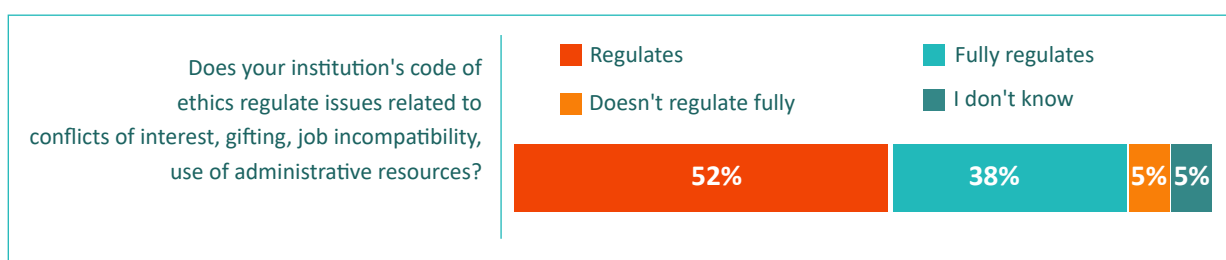
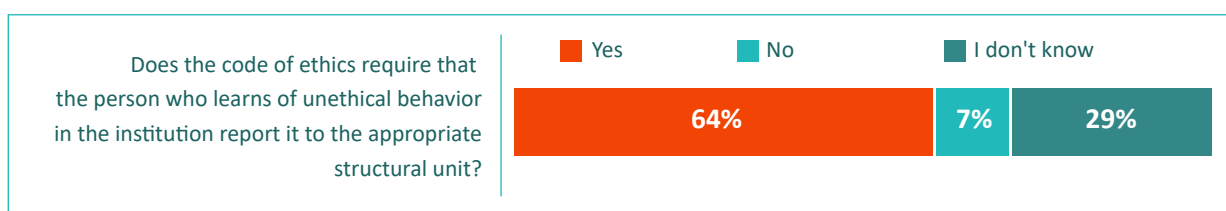
Despite the fact that most people who participated in the survey said they had been introduced to the core values and ethical norms of the public service during the work process, the results of the survey show that the overall level of awareness among public servants in this regard is quite low. For instance, a fairly significant number of respondents (14%) did not even know if their institution had its own code of ethics. At the same time, 42% of respondents confirmed that their institution had its own code of ethics, when the official responses received by IDFI from public institutions identified only a small number of public institutions that had adopted such a document.

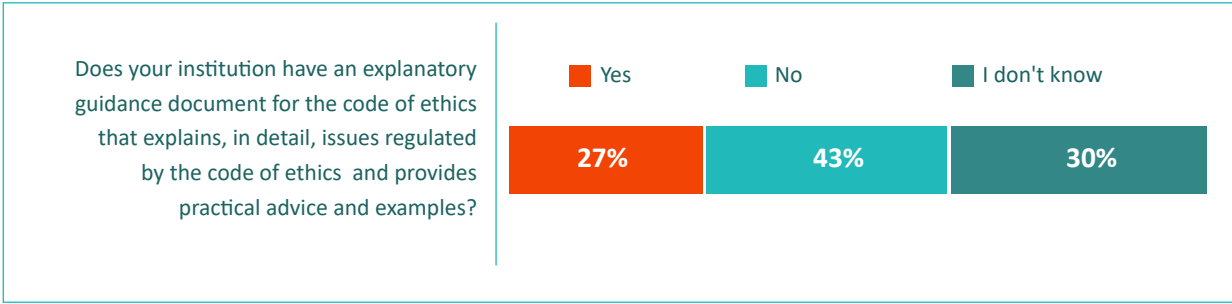


SURVEY RESULTS BY TYPE OF PUBLIC INSTITUTION

	Yes	No	I had difficulty in responding
Ministry	23%	71%	6%
Ministry LEPL/NNLE	75%	10%	15%
City Hall	33%	52%	15%
Municipal Council	23%	71%	6%

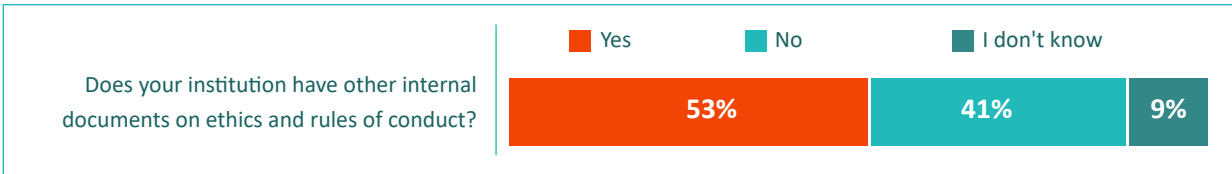
Of the respondents who confirmed the existence of a code of ethics in their institution, 23% did not know whether the code regulated whistleblowing issues, and 29% did not know whether the code required the reporting of unethical behavior to the relevant structural unit. In addition, 30% of respondents did not know whether their institution had an explanatory manual for its code of ethics with detailed explanations of the issues regulated and practical advice and examples. The existence of this kind of explanatory document for codes of ethics was confirmed by 27% of respondents, while only a few responses received from public institutions confirmed the existence of a similar type of document.



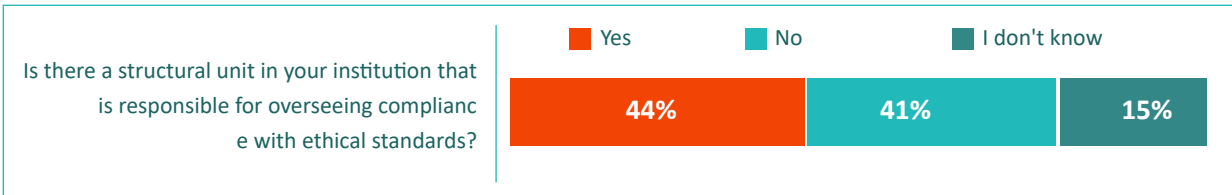


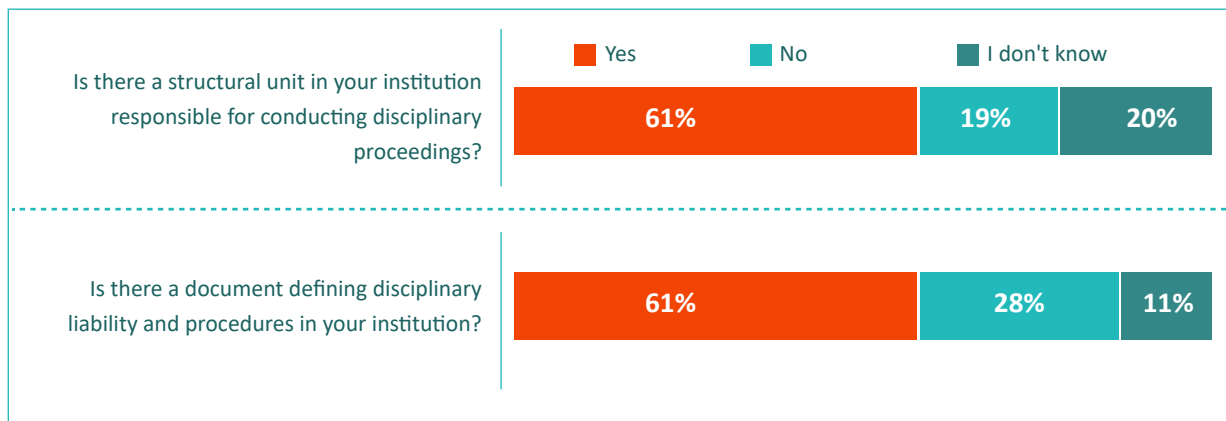
In total, 9% of the respondents who indicated that their institution had not adopted a code of ethics were not aware of another internal document that regulated rules on ethics and conduct at their institution.

Meanwhile, 41% of the respondents confirmed that their institutions did not have such a type of internal document. For respondents who would have picked such an option, the questionnaire also included a question asking if they could name any legislative act that regulated issues related to ethics, integrity, and whistleblowing in their institution. Nearly half of the respondents (49%) did not name such an act or limited themselves to a generic response stating that these issues were regulated by Georgian law. Overall, 37% named the rules of procedure of their institution as the regulating act, while 15% named the decree of the Government of Georgia on General Rules of Ethics and Conduct in Public Institutions.



According to the survey results, only 44% of respondents confirmed that their institution had a structural unit responsible for overseeing compliance with the ethical norms. At the same time, 61% stated that their institution had a structural unit responsible for conducting disciplinary proceedings. Overall, 25% of respondents did not have any information on expected disciplinary liability and procedures following violations of ethical norms of the public service.



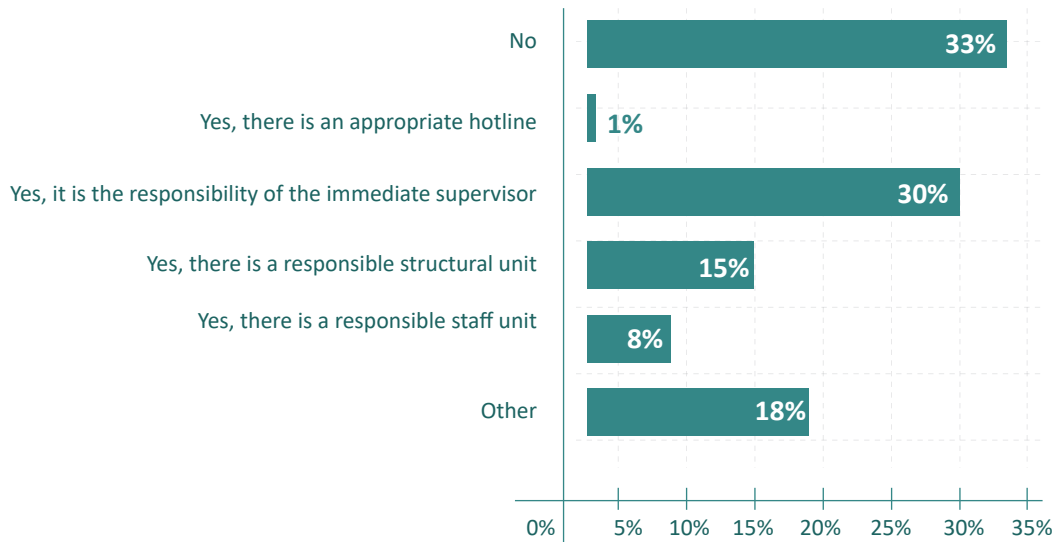


In the qualitative survey, the respondents mainly referred to the departments of the General Inspection as supervisory structural units, however they had a vague idea of the functions of the department and of the disciplinary procedures. At the same time, they generally believed that there were various shortcomings in this regard and considered it important that they be corrected.

"I think a lot needs to be fixed. First of all, the responsible persons / structural units do not have the relevant experience and qualifications, in some places the relevant structural unit is not established at all. There are no separate functions as to who will be responsible for detection: who for investigation, and who for consultation. In general, there is a problem with detection and statistics, they are characterized by low rates and are questionable, this is because we have ethical public servants or the mechanism simply does not work."

The lack of appropriate mechanisms for raising awareness about the topics of integrity and ethics within public institutions is among the principal challenges associated with the overall level of awareness of public servants on these issues. For instance, 33% of respondents stated that their institution did not have a mechanism for referring, advising, or consulting for public servants in cases of ethical problems/dilemmas related to their work activities. Meanwhile, 30% stated that such activities fell under the responsibilities of their supervisor, 15% explained that their institution had a corresponding structural unit responsible, while 8% claimed that there was a responsible staff unit. Elsewhere, 1% of respondents explained that their institution had a hotline operating to assist with these and similar issues.

IS THERE A MECHANISM FOR REFERRING, ADVISING, OR CONSULTING FOR PUBLIC SERVANTS IN CASES OF ETHICAL PROBLEMS/DILEMMAS RELATED TO THEIR WORK ACTIVITIES?

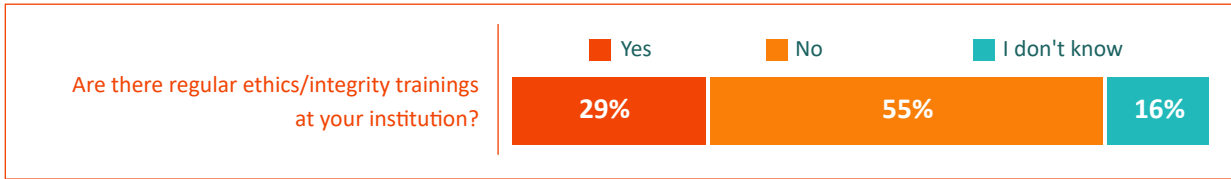


The qualitative research has shown that public servants see the need to raise awareness of ethical norms in light of the fact that relevant trainings are not conducted apart from those offered to newly-appointed employees by the Civil Service Bureau.



"One of the shortcomings is the lack of information, and there is a need to raise awareness through various mechanisms - everyone should know well what is required, what principles they have to follow in terms of ethics and integrity. They must grasp how to deal with specific dilemmas."

Only 29% of the respondents confirmed that their institution held regular trainings on ethics and integrity. According to 55% of respondents, trainings were not held in their institution, while 16% did not know whether such trainings were held. The provision of regular trainings was confirmed by 52% of civil servants employed in the agencies subordinated to the ministries, but by only 15% of the respondents employed in municipal councils.



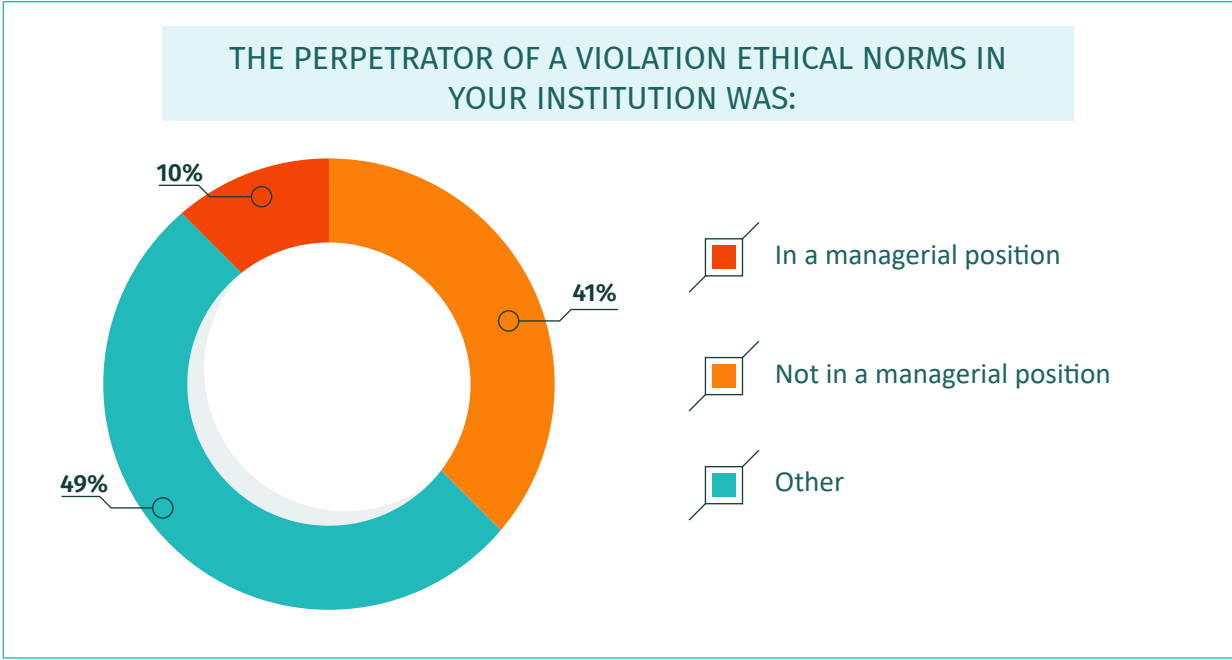
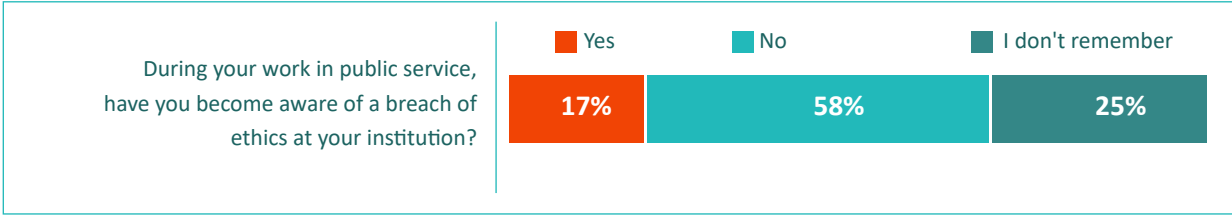
**SURVEY RESULTS BY TYPE OF PUBLIC INSTITUTION:
ARE THERE REGULAR ETHICS/INTEGRITY TRAININGS AT YOUR INSTITUTION?**

	Yes	No	I don't know
Ministry	25%	51%	24%
Ministry LEPL/NNLE	52%	30%	18%
City Hall	29%	57%	14%
Municipal Council	15%	79%	6%

Many qualitative research participants pointed out that the importance of training was not large in a context where public servants realize their misconduct and look for ways to avoid application of the norms.

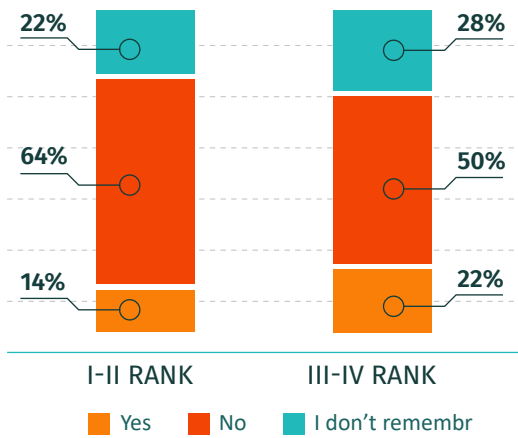
”There is no point in discussing this in the context of, for example, employees of municipal bodies taking mass leave during the pre-election period to be involved in election campaigning. The problem is at another level: if there is no example of ethical behavior and integrity from the leadership, the existence of codes of ethics and training will not change anything. ”

In total, 17% of respondents stated that, while working in the public service, they had become aware of violations of ethics and cases of unethical behavior in their institution. Overall, 58% of public servants stated that they had not witnessed such occurrences, while 25% could not remember. Meanwhile, 41% of those surveyed who were aware of violations of ethical norms indicated that the perpetrator of the unethical behavior was employed in a managerial position, while 46% indicated that the person employed in a non-managerial position had violated ethical norms. Finally, 10% of the respondents marked “Other” for the category of perpetrator.

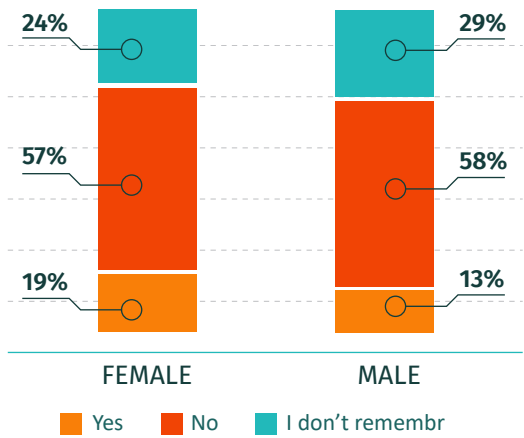


In the course of the quantitative survey, approaches to the practice of whistleblowing in the public service differed by gender and by rank of respondents. For example, 14% of the I-II rank respondents indicated that they had become aware of unethical behavior in their institutions, which was 8 percentage points less than among III-IV rank respondents (22%). At the same time, violations of ethical norms in their institutions were known to 19% of female respondents and 13% of male respondents.

HAVE YOU BECOME AWARE OF VIOLATIONS OF THE CODE OF ETHICS OR UNETHICAL BEHAVIOR IN YOUR INSTITUTION/AGENCY?



HAVE YOU BECOME AWARE OF VIOLATIONS OF THE CODE OF ETHICS OR UNETHICAL BEHAVIOR IN YOUR INSTITUTION/AGENCY?



The qualitative research showed that there appears to be an unspoken agreement that certain types of ethics violations are accepted practice and responding to them would be unacceptable. At the same time, there are friendship and collegiality factors that prevent civil servants from responding to violations. However, responding to significant violations of ethical norms was considered important.

"If I see that the employee's actions are not detrimental to the image of the institution, then I will not do anything, but if it affects the activities, I will definitely do it. I do not know how I would act on a particular case - I will probably try to solve the issue directly with him/her first and then I will address the supervisor. It is Georgia and it is a region anyway."

The results of the qualitative survey also indicated that public servants may also be hindered by the factor of potential job loss when making a decision to respond to a breach.

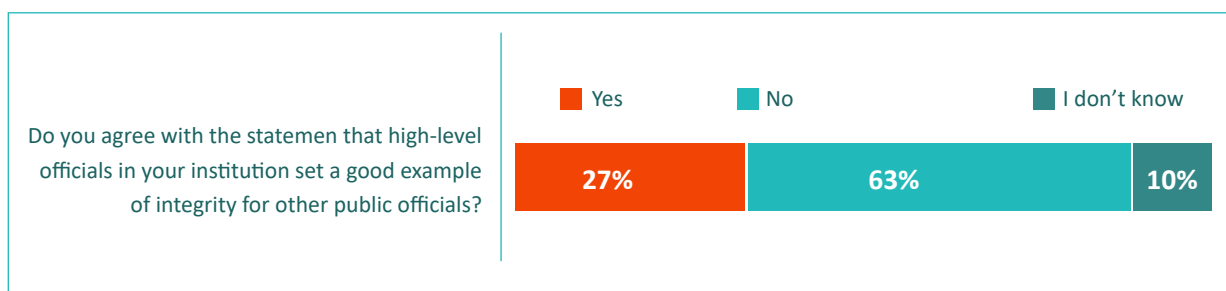
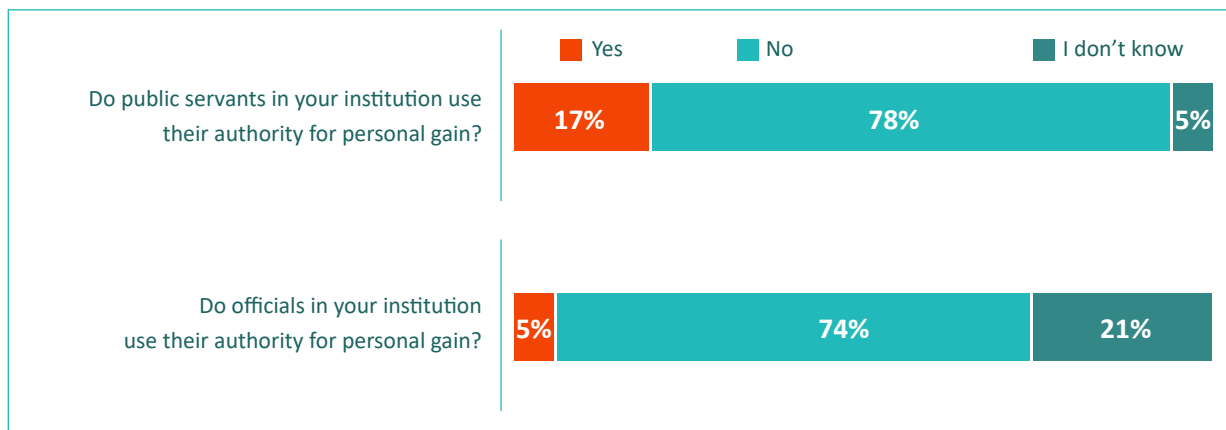
"If I had information about a criminal offense, a serious violation, such as a corrupt deal, of course, I would have to provide this information somewhere. I would use some internal mechanism and then I would probably have to resign, because in a small country like Georgia, issues cannot remain confidential, no matter what is written in the law."

According to the results of the quantitative survey, 19% of public servants who had become aware of instances of violation of ethical norms did not act on it at all. Meanwhile, 29% reacted merely by having a conversation with the perpetrator of the violation.

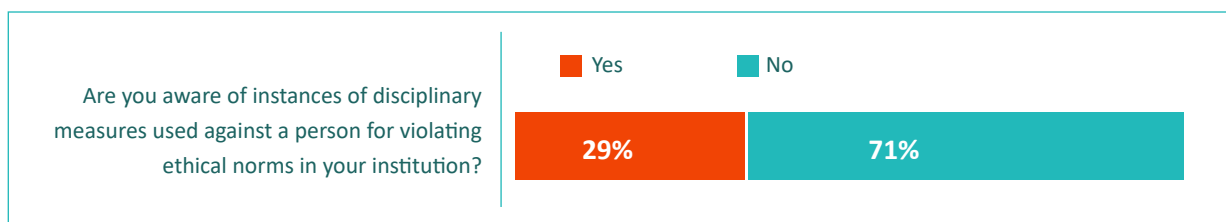
The results of the quantitative survey indicate that the most frequent form of response to violations of norms of ethics (39%) was providing corresponding information to one’s supervisors. Meanwhile, 7% of respondents provided information directly to the head of the institution, 5% gave it to the appropriate structural unit (for instance, the General Inspection), and 2% provided the information to the supervisor of the person who had violated the norms. It should be highlighted that none of the respondents had utilized the electronic platform for whistleblowing (www.mkhileba.gov.ge).



Analysis of the results according to individual questions shows that public servants were more reluctant to respond to critical questions about officials while filling out the electronic questionnaire. For example, 17% of the respondents agreed with the notion that public servants at their institution had been using their authority for personal gain, 78% disagreed, while 5% did not know if such misuse of power was taking place. To a question of identical content concerning public officials, on the other hand, only 5% responded with a “Yes”, 74% - with a “No”, while 21% indicated that they were not aware to what extend officials at their institution used their authority for personal gain. At the same time, 90% fully agreed or agreed that high-ranking officials of their institution set a positive example of integrity for other public officials.

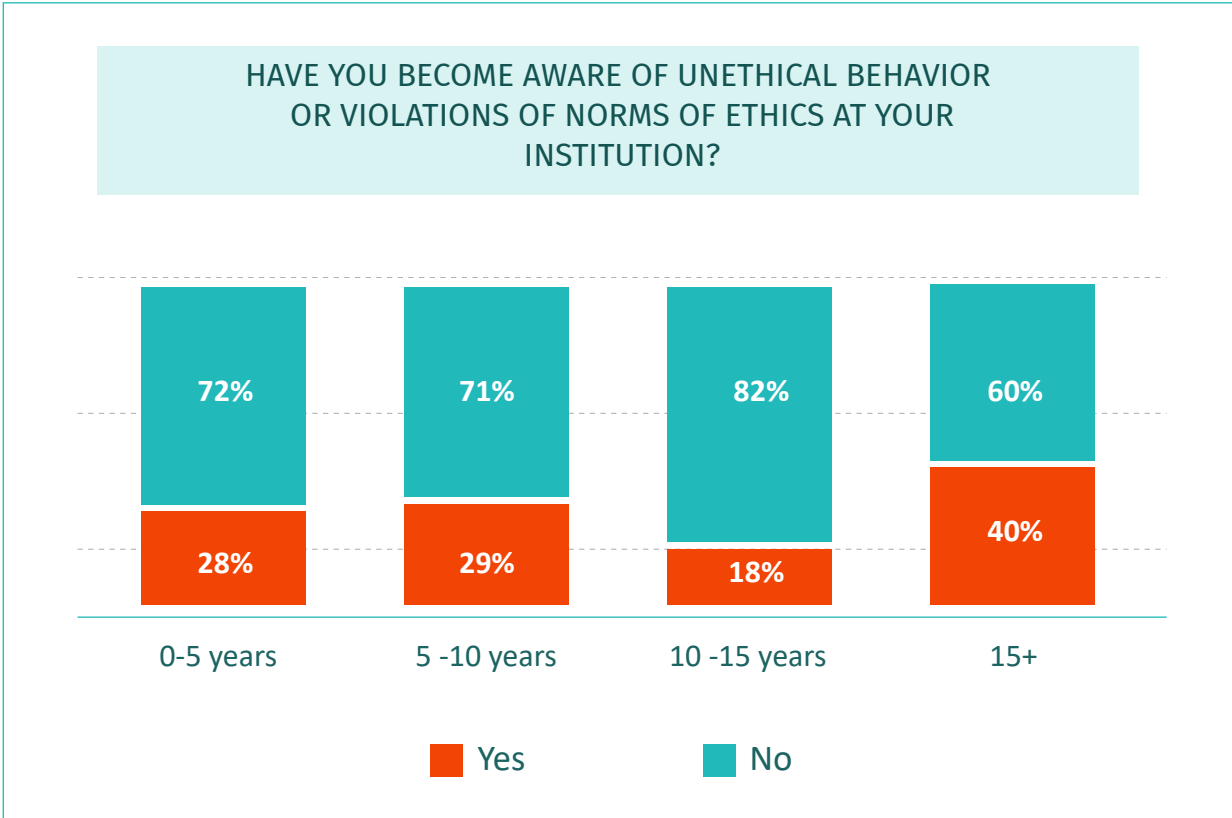


Certain results of the survey raise concerns regarding the effectiveness of the implementation of ethical norms in the public service. Overall, 71% of the respondents were not aware of any instances of disciplinary action being taken against a person for violating ethical norms in their institution. Even for public servants whose work experience in their department exceeded 15 years, only 40% had information about disciplinary action of this kind.



Respondents of the qualitative survey also generally refrained from talking about violations by senior officials, however some noted that they should set examples of ethical behavior.

"I think the most common corruption deals will be with procurement and the transfer of real estate in the municipalities."



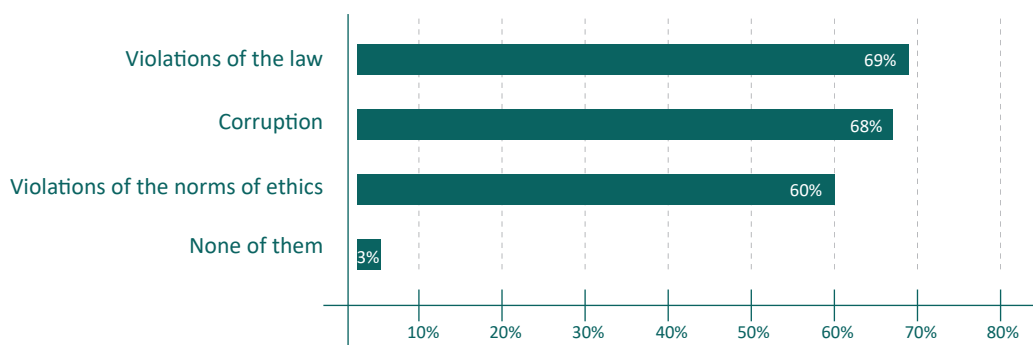
According to the results of the quantitative survey, significant problems had been observed with respect to the level of awareness among public servants regarding the institution of whistleblowing. When asked about sources of information for public servants regarding whistleblowing, 26% of respondents said they had no such information at all, 25% named relevant training as a source of information, 19% cited the Civil Service Bureau, and 15% mentioned their own work activities. A lack of awareness regarding the institution and mechanisms of whistleblowing was also revealed in the qualitative research. Some participants in the qualitative survey also noted that the introduction of a whistleblowing mechanism was merely a formality to meet certain international commitments and that ensuring its effectiveness was not a priority for the authorities.

The majority (69%) of the participating public servants believed that violations of the law were subject to whistleblowing, 68% stated corruption, and 60% stated violations of ethical norms.

CAN YOU RECALL HOW YOU ACQUIRED INFORMATION REGARDING THE EXISTENCE OF THE WHISLEBLOWING INSTITUTION?

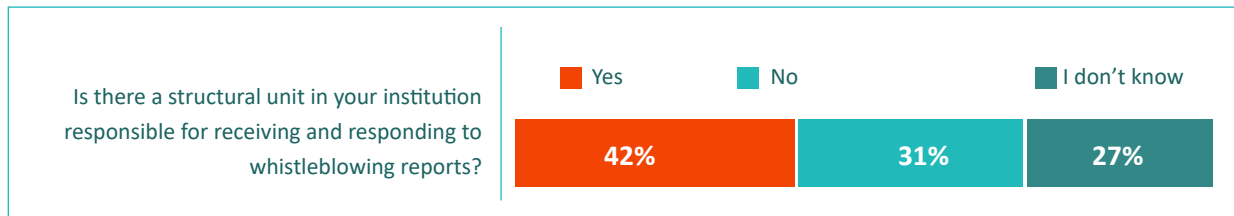


IN YOUR OPINION, AMONG THE FOLLOWING, WHICH COULD BE SUBJECT TO WHISLEBLOWING IN PUBLIC SERVICE?



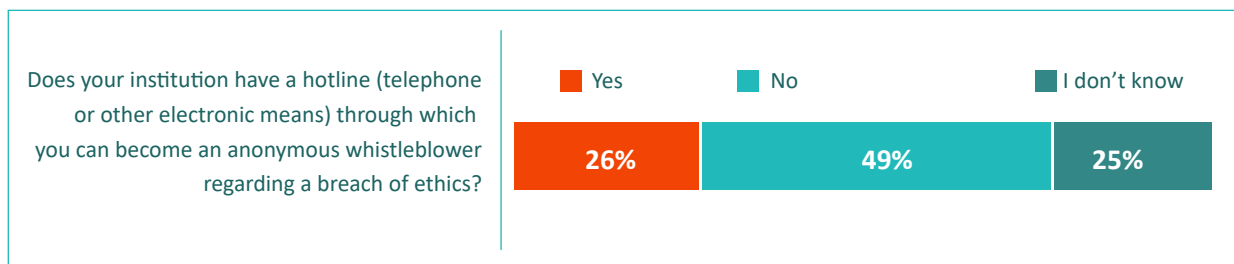
Overall, 27% of respondents were not aware whether their institution had a structural unit responsible for receiving and reacting to whistleblowing reports. The awareness level of respondents regarding the existence of a hotline that would allow one to anonymously report violations of ethical norms in an institution was also low. Specifically, for 25% such information was unknown, 26% confirmed the existence of a relevant hotline, while 49% stated that this kind of whistleblowing mechanism did not exist at their institution. A similar trend was evident in the qualitative survey, in which the majority of respondents failed to indicate whether channels for whistleblowing existed in their institution and whether it was up to any department/unit to work in this direction.

A breakdown by type of public institutions showed that information on the above-mentioned whistleblowing mechanisms was most lacking in ministries and their subordinate agencies. Meanwhile, a lack of such mechanisms altogether was confirmed most often by respondents employed by municipal councils. For instance, only 15% of council employees stated that their institution had a structural unit responsible for reacting to whistleblowing complaints, and only 6% confirmed the existence of a dedicated hotline.



SURVEY RESULTS BY TYPE OF PUBLIC INSTITUTION

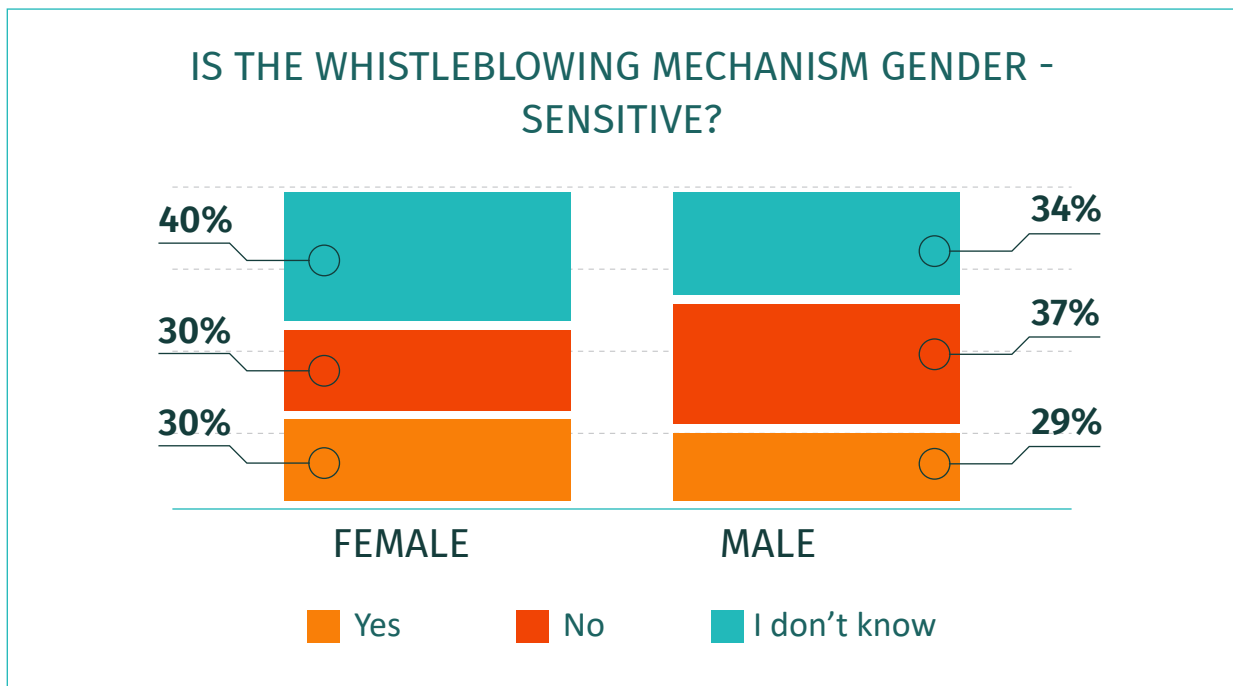
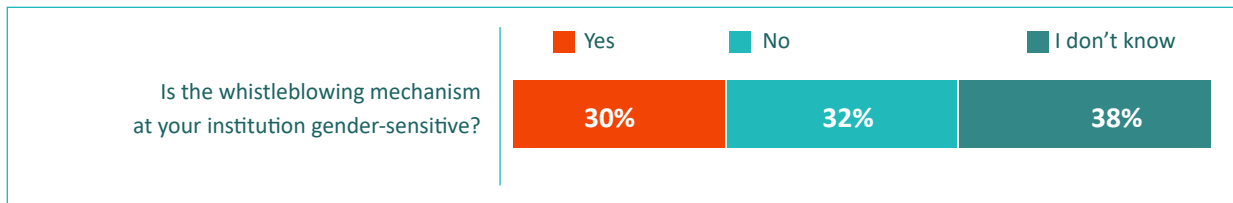
	Yes	No	I don't know
Ministry	53%	13%	34%
Ministry LEPL/NNLE	53%	10%	37%
City Hall	46%	26%	28%
Municipal Council	15%	77%	8%



SURVEY RESULTS BY TYPE OF PUBLIC INSTITUTION

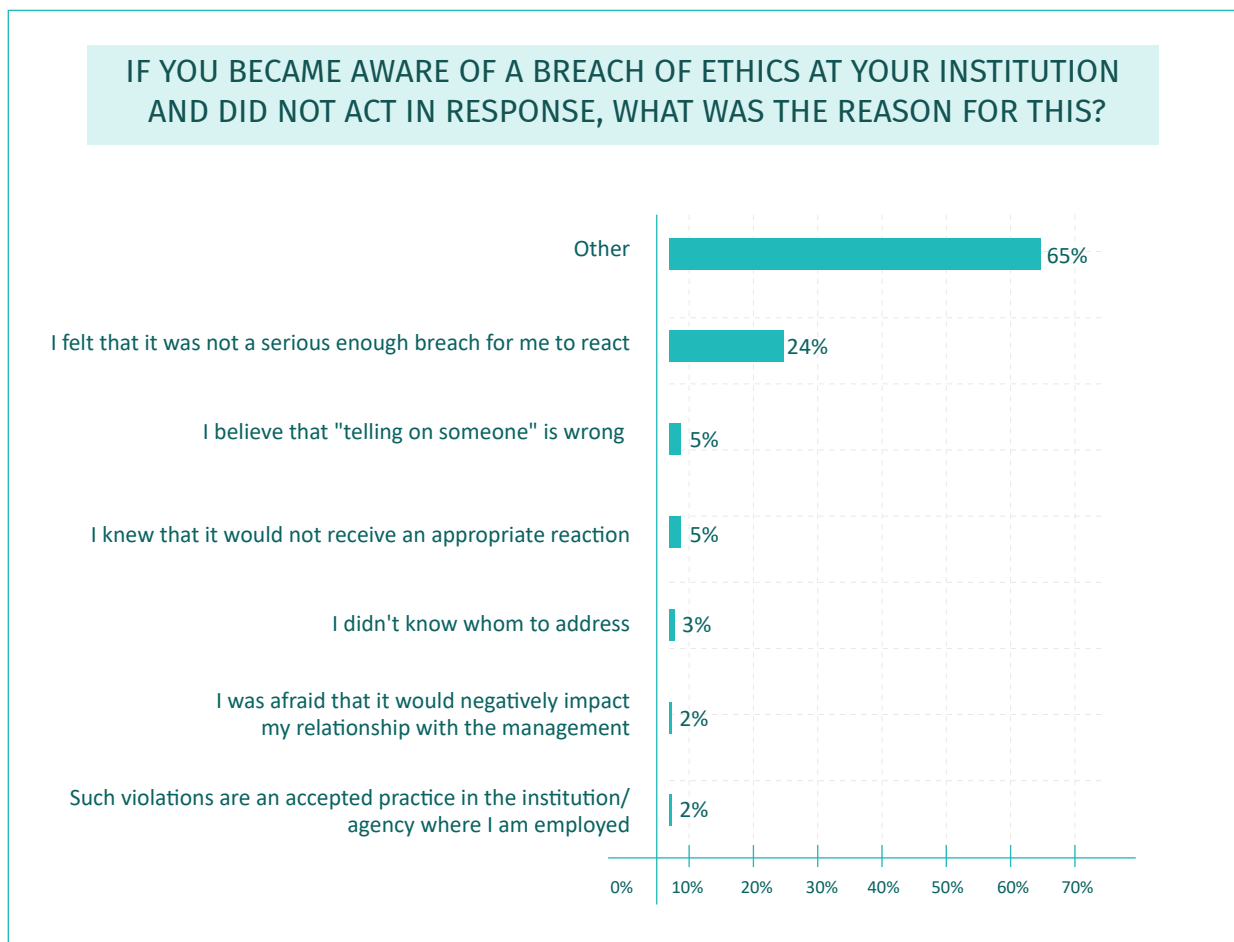
	Yes	No	I don't know
Ministry	41%	25%	34%
Ministry LEPL/NNLE	25%	40%	35%
City Hall	29%	49%	22%
Municipal Council	6%	83%	11%

In total, 30% of respondents believed that the whistleblowing mechanism in their institution was gender-sensitive, 32% thought it was not, and the largest share (38%) did not know. A larger proportion of male respondents (37%) believed that the whistleblowing mechanism was not gender-sensitive than female respondents (30%).



THE ATTITUDE OF PUBLIC SERVANTS TOWARDS INTEGRITY AND WHISTLEBLOWING MECHANISMS

An analysis of the practice of responding to ethical violations in the public service has shown that in many cases public servants do not refer to appropriate whistleblowing mechanisms. This is largely due to the attitude of public servants towards existing mechanisms and specific issues. For example, 24% of the respondents who did not react to violations of ethical norms stated that the violation had not been significant enough to warrant a response. Overall, 5% of the surveyed public servants expressed the opinion that the violations would not be handled appropriately if reported. Furthermore, 5% believed that “telling on someone is wrong.” The majority of respondents (65%) believed that the reason behind the apathy towards violations of ethical norms was something other than the reasons listed in the survey.

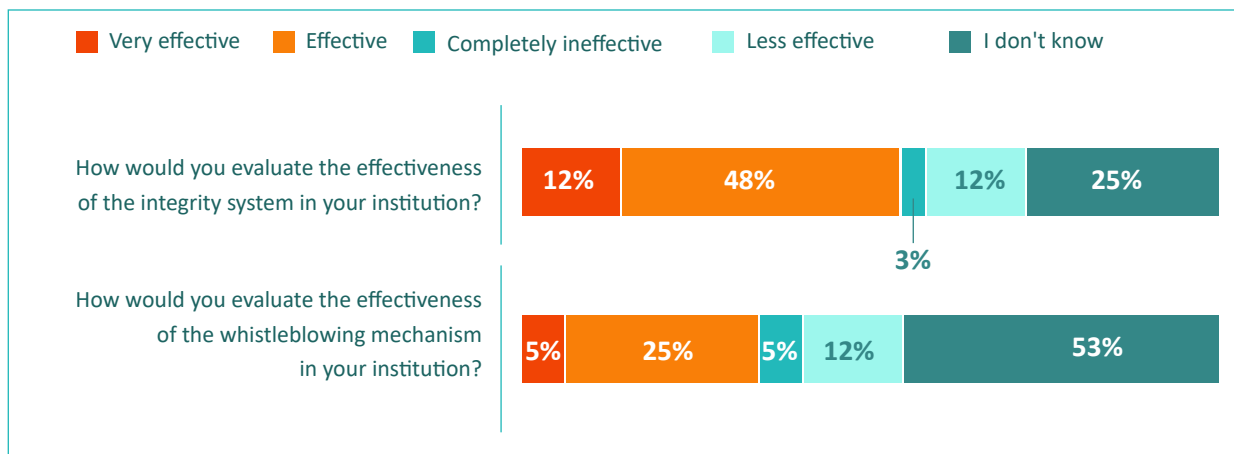


The qualitative survey showed that civil servants do not consider it necessary to expose what were deemed "minor" violations. As for the relatively "serious" violations, they believed that reporting was necessary, however they may be faced with various obstacles, such as a lack of confidentiality or collegiality.

"From this perspective, I think I would definitely use [whistleblowing], but you still do not know how you will act in a particular situation."

"You should not be silent if you are a civil servant with integrity. However, in practice, due to different circumstances, who will behave how, it is another matter."

According to the survey results, public servants are better acquainted with systems governing integrity in their public institution than with the corresponding whistleblowing mechanisms. Furthermore, the systems covering integrity were evaluated as being more effective than the whistleblowing mechanisms. For example, integrity systems were considered very effective or effective by 60% of respondents, ineffective or less effective by 15%, while the remaining 25% did not know. Only 30% of respondents rated whistleblowing mechanisms as very effective or effective, 17% marked them as ineffective or less effective, while the majority of respondents (53%) could not evaluate their effectiveness.



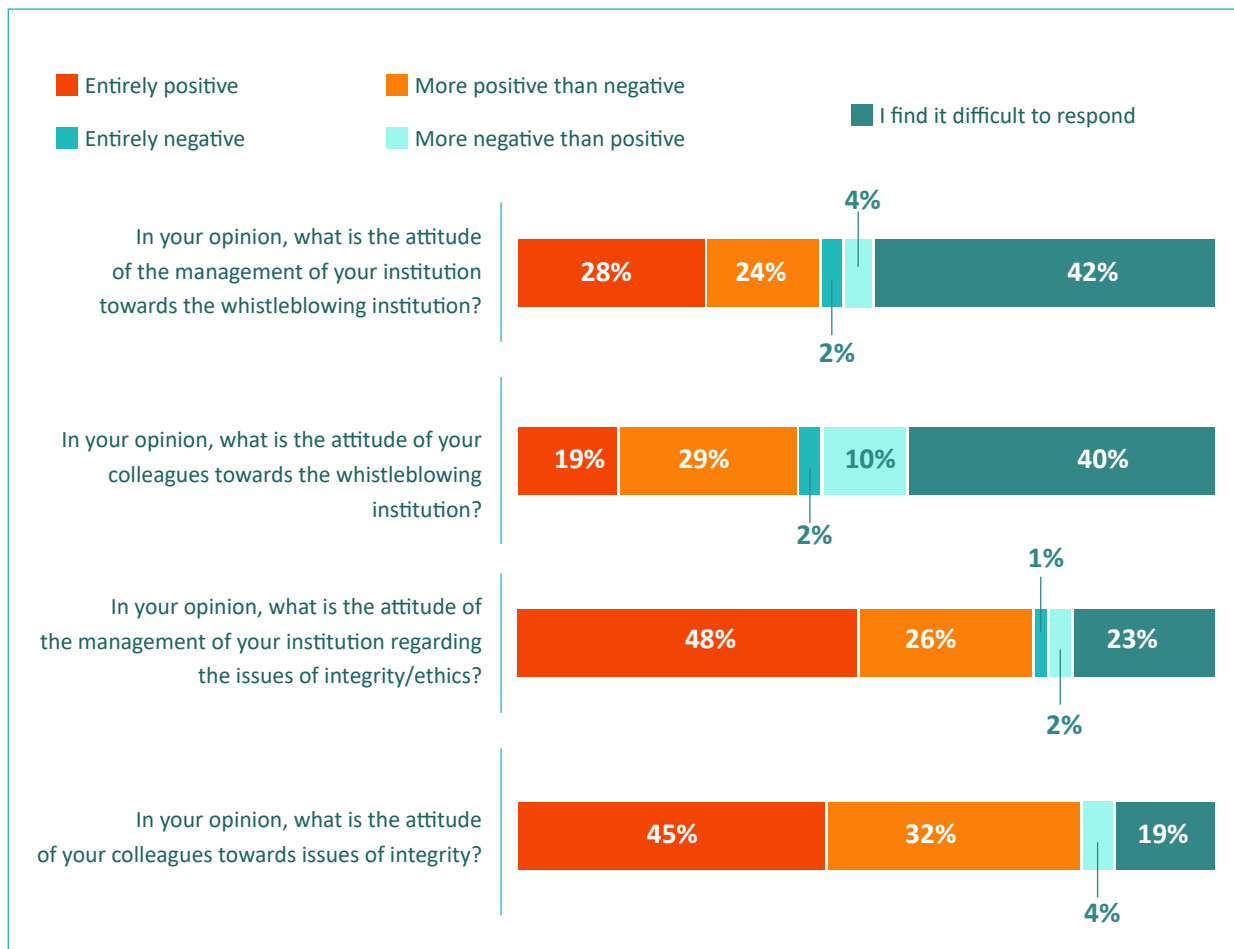
SURVEY RESULTS BY TYPE OF PUBLIC INSTITUTION (EFFECTIVENESS OF THE INTEGRITY SYSTEM)

	Very effective	Effective	Completely ineffective	Less effective	I don't know
Ministry	5%	53%	14%	8%	20%
Ministry LEPL/NNLE	32%	38%	8%	0%	22%
City Hall	12%	52%	14%	1%	21%
Municipal Council	4%	44%	12%	0%	40%

The qualitative survey findings correlated to some extent with the quantitative survey results. Respondents more or less positively assessed the environment with regard to integrity in their workplaces, however they also pointed out some challenges. In particular, according to some respondents, response to and data on violations of ethics are lacking, in addition to a low level of awareness.

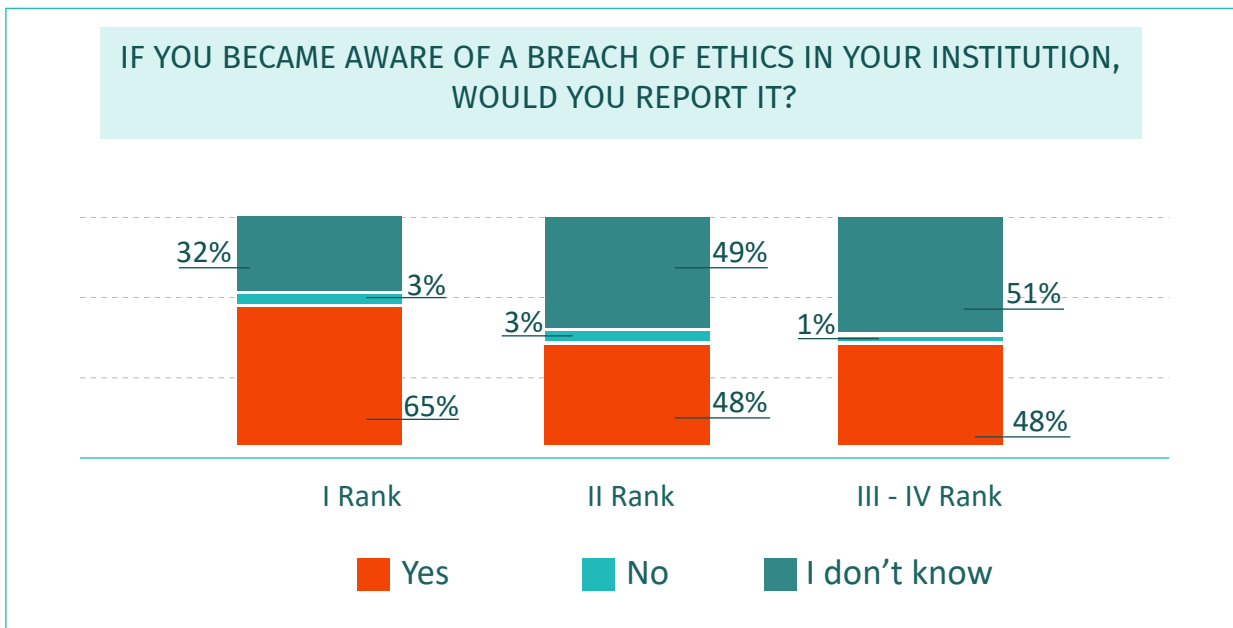
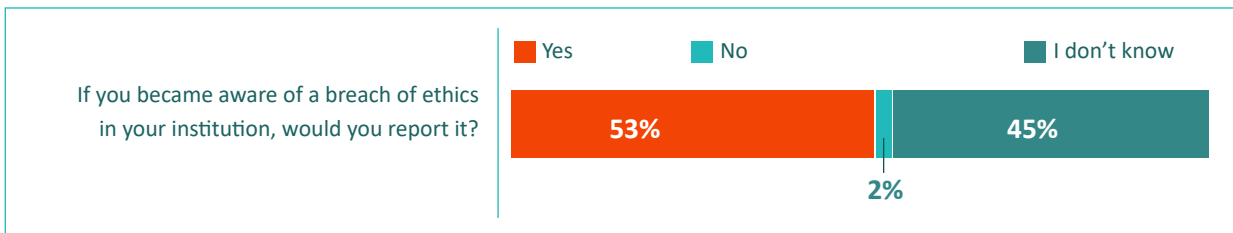
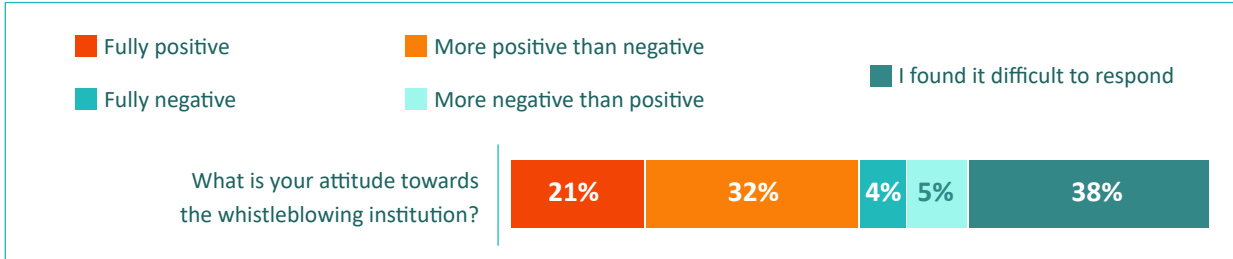
"I would evaluate it as less effective. One of the shortcomings is lack of information, there is a need to raise awareness through various mechanisms - everyone should know well what is required, what principles there are to follow in terms of ethics and integrity."

According to respondents, the attitude of the management of their institution towards whistleblowing and integrity issues was more positive than their own and/or that of their colleagues. For example, 28% of respondents thought that the attitude of the management of their institution towards whistleblowing was entirely positive, while 19% believed that the attitude of their colleagues was entirely positive.



In total, 53% of those surveyed expressed a positive attitude towards the institution of whistleblowing. Specifically, 21% noted that they trusted it completely, while 32% had more trust than distrust. Otherwise, only 4% did not trust the institution of whistleblowing, 5% had more distrust than trust, and 38% found it difficult to respond. The indicator for positive attitudes towards the institution of whistleblowing is consistent with the results of the survey regarding the practice of reacting to violations. Specifically, 53% indicated that they would respond appropriately in practice if they became aware of a breach of the code of ethics in their institution.

Analysis according to the rank of public servant showed that in the event of a breach of the code of ethics, I rank public officials were more likely to engage in whistleblowing than lower-ranking officials. In total, 65% of I rank public officials surveyed confirmed their willingness to become whistleblowers, 48% of respondents of other ranks were willing as well.



For the majority of respondents, cases of corruption perpetrated by high-ranking officials often went unnoticed. In total, 53% did not know how common such cases were, 29% believed that they were uncommon, 12% considered them to be more uncommon than common, and only 2% believed that cases of corruption were very common.

- Uncommon
- More uncommon than common
- I found it difficult to respond
- Very common
- More common than uncommon

How would you assess the frequency of high-level corruption cases in Georgian public institutions?



CONCLUSION AND RECOMMENDATIONS

The analysis of the legal framework has revealed that the legislation provides for certain mechanisms with regard to public sector integrity and whistleblowing, however these norms need to be refined and additional issues should be regulated.

Analysis of practice has indicated that most public institutions are governed by general ethics-related legislation and had not adopted an integrity policy document, a code of ethics, and practical tools for their implementation. The existing codes of ethics in most cases are not exhaustive or tailored to the specific needs of the given institution and have a generic character. In the public sector, awareness should be raised about issues of integrity, ethics, and whistleblowing, and attitudes toward these also require improvement.

Regarding the challenges identified from the research findings, the IDFI has identified the following recommendations:

IN ORDER TO IMPROVE THE LEGAL FRAMEWORK:

- Define the obligations of public institutions to develop codes of ethics and practical instruments for their implementation;
- Develop ethical norms for senior officials;
- Improve the legislation on the whistleblowing mechanism and extend it to the private sector and law enforcement agencies;
- Determine, using legislation, the unified standard of internal whistleblowing procedures and the obligation of public institutions to establish internal whistleblowing channels and ensure their effectiveness; and
- Develop special legislative norms regarding compensation for damages to the whistleblower.

REGARDING ETHICS AND INTEGRITY DOCUMENTS, PUBLIC INSTITUTIONS SHOULD ENSURE:

- Development of integrity policy documents, codes of ethics, and practical tools for their implementation;
- Implementation of an integrity risk assessment system; and
- Comprehensive regulation of relevant issues by codes of ethics, adapting to the specific needs of the institution.

REGARDING ENFORCEMENT MECHANISMS, PUBLIC INSTITUTIONS SHOULD ENSURE:

- Establishment of a mechanism to enforce ethical norms (supervisory structural unit), properly qualified staff, and constant monitoring/management of qualifications;
- Development of an effective advisory mechanism on ethics; and
- Proper recording and periodic publication of data on violations of ethics, including dissemination of example cases to follow.

PUBLIC INSTITUTIONS SHOULD ENSURE THE EFFECTIVENESS OF WHISTLEBLOWING MECHANISMS BY:

- Ensuring proper functioning of internal channels of whistleblowing (including confidentiality); and
- Recording and responding to whistleblowers, and periodically publishing statistics.

WITH THE PURPOSE OF RAISING AWARENESS OF CIVIL SERVANTS AND FORMING DESIRABLE ATTITUDES THE PUBLIC INSTITUTIONS SHOULD ENSURE:

- Implementation of regular training on ethics, integrity, and whistleblowing issues, including for senior officials;
- Provision of information to employees on existing codes of ethics or other relevant documents; and
- Informing staff about existing oversight, whistleblowing mechanisms, and disciplinary procedures.

