



CHALLENGES OF WHISTLEBLOWING IN GEORGIA

LEGISLATION AND PRACTICE



FINDINGS OF LEGISLATION ANALYSIS



Legislation on whistleblowing does not cover the private sector, leaving both the private sector as well as the activity of establishments that do not belong to civil service, but exercise delegated public authority and, therefore, may harm the public interest, beyond control.



Legislation does not provide for unconditional public whistleblowing (even as an exception) and a whistleblower is obliged to submit a disclosure statement to a relevant institution in the first place.



A common standard for internal whistleblowing procedure does not exist in Georgia. In addition, the legislation does not include an obligation for public agencies to develop internal whistleblowing mechanism and procedures.



Whistleblower protection in Georgia is not regulated by an independent legislative act that would emphasize the importance of this institution and improve the coordination of the process.



The law enforcement agencies are not subject to the general legislation on whistleblowing and special legislation is still to be developed.



PUBLIC DATA ANALYSIS FINDINGS



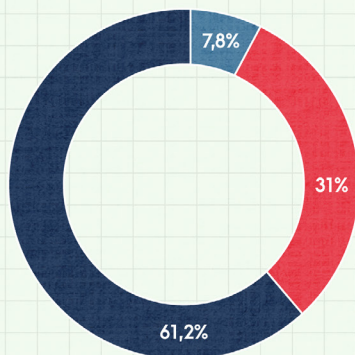
Majority of public institutions do not record disclosure statements and/or do not release information related to them.



A unified methodology of whistleblowing data processing does not exist, so there is no unified data on whistleblowing mechanism application in the country for a comprehensive analysis of the practice.



The rate of use of the electronic whistleblowing platform (www.mkhileba.ge) by whistleblowers is minimal.



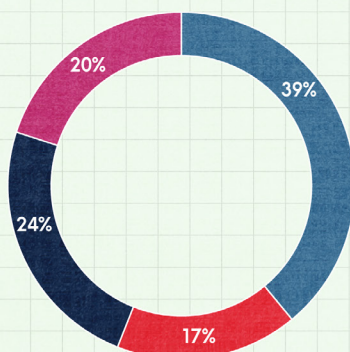
RESPONSES OF 232 PUBLIC AGENCIES REGARDING WHISTLEBLOWING

- Whistleblowing statement registered
- No response
- Whistleblowing statement not registered



QUANTITATIVE SURVEY FINDINGS

- THE AWARENESS OF CIVIL SERVANTS ON WHISTLEBLOWING MECHANISM IS QUITE LOW.
- MOST PUBLIC AGENCIES DO NOT HAVE THEIR OWN CODES OF ETHICS.
- AWARENESS OF CIVIL SERVANTS IS LOW ABOUT THE INTERNAL MECHANISMS OF WHISTLEBLOWING, WHICH DOES NOT EXIST IN MANY AGENCY AT ALL.
- THE RESULTS OF THE QUANTITATIVE SURVEY INDICATE THAT CIVIL SERVANTS ALMOST NEVER USE THE ELECTRONIC WHISTLEBLOWING PLATFORM (WWW.MKHILEBA.GOV.GE).

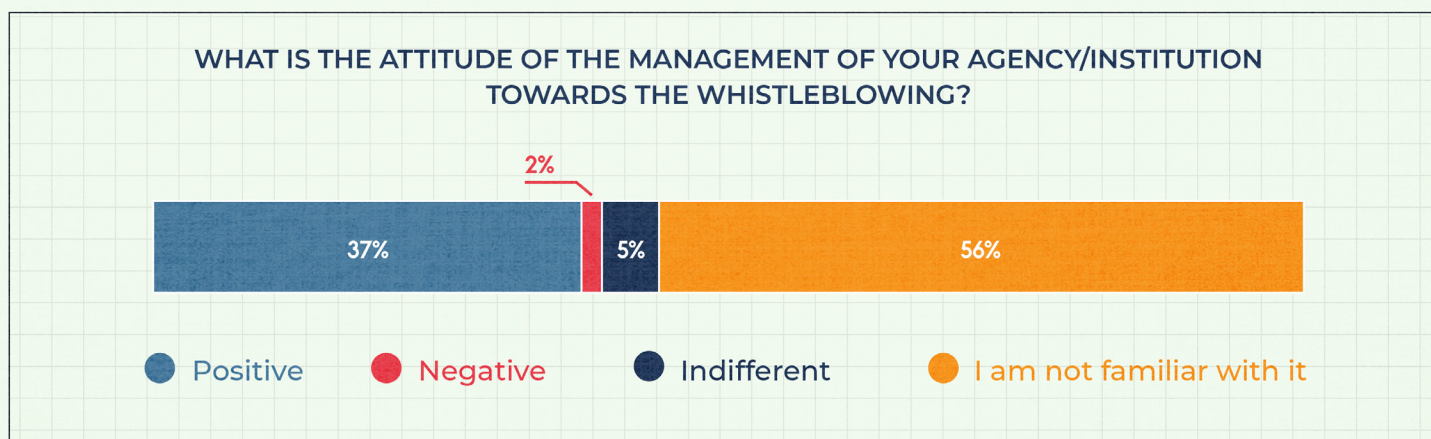


WHAT IS THE SOURCE OF INFORMATION ON WHISTLEBLOWING?


- I do not have
- Training
- Awareness-raising campaign
- Other





- A LARGE PROPORTION OF CIVIL SERVANTS DO NOT RESPOND TO VIOLATIONS OF ETHICAL NORMS.
- THE MAJORITY OF CIVIL SERVANTS BELIEVE THAT EFFECTIVE WHISTLEBLOWING MECHANISM IS NEEDED TO FIGHT CORRUPTION.
- SLIGHTLY OVER A HALF OF THE CIVIL SERVANTS STATED THAT THEY WOULD RESPOND APPROPRIATELY ON A BREACH OF ETHICS IN THE AGENCY.
- MOST OF THE CIVIL SERVANTS ARE NOT AWARE OF THE ATTITUDE OF THE MANAGEMENT OF THEIR AGENCY TOWARDS THE WHISTLEBLOWING INSTITUTION.




QUALITATIVE SURVEY FINDINGS

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The analysis of in-depth interviews revealed that a lack of awareness on whistleblowing, a sense of insecurity, and a distrust of the authorities may constitute the obstacles to the efficiency of the whistleblowing mechanism.
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The civil servants expressed a feeling that the management is forgiving towards violations of ethical norms committed by high-ranking employees.
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The civil servants point out that the attitude within their agencies is a hindering factor to the active application of the whistleblowing mechanism.
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The civil servants pointed out that public agencies need to better inform employees on the whistleblowing mechanism and whistleblower protection guarantees.



RECOMMENDATIONS

EFFECTIVE STEPS NEED TO BE TAKEN TO ADDRESS THE GAPS AND CHALLENGES IDENTIFIED BY THE STUDY, NAMELY:

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