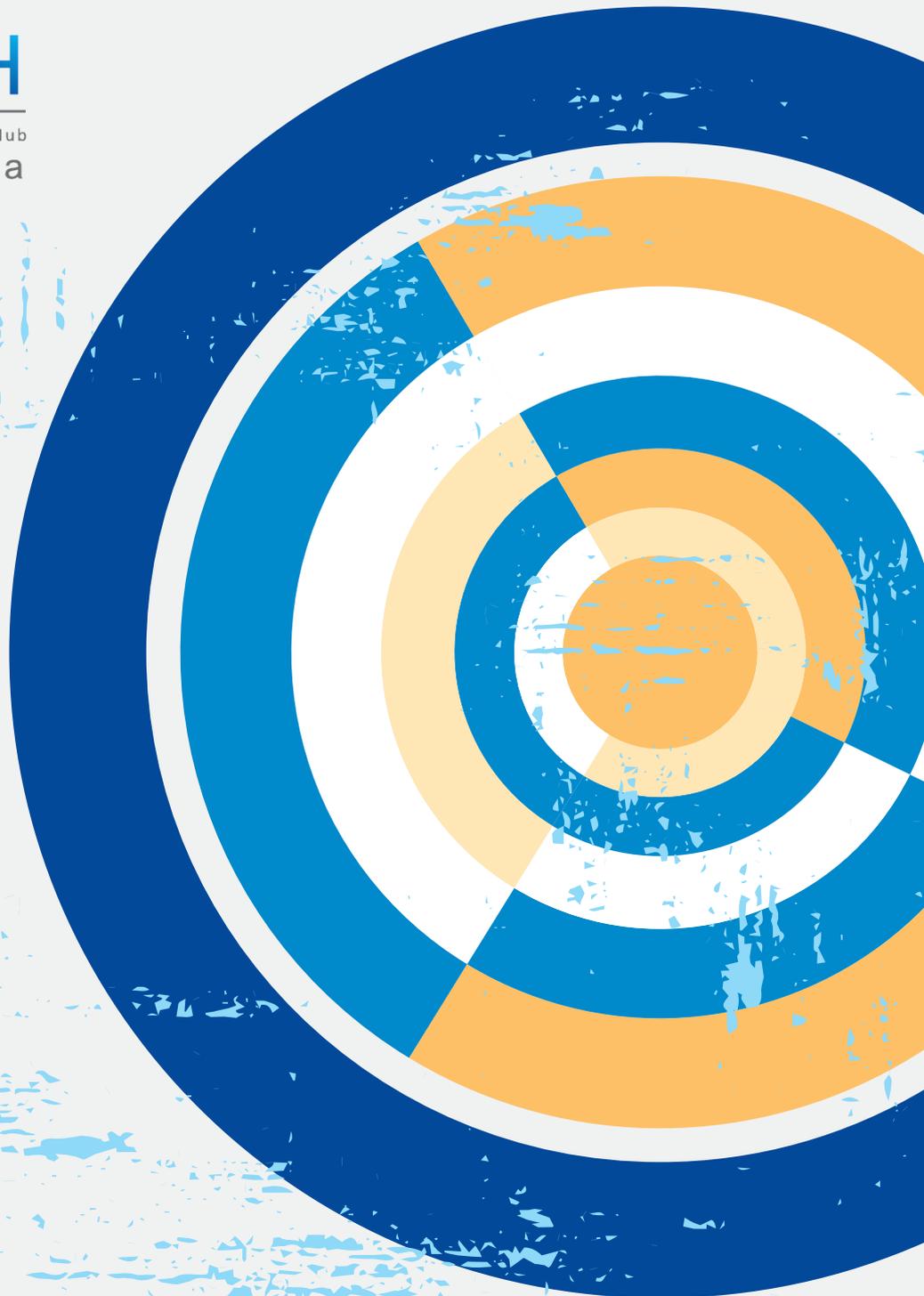




CSH
Civil Service Hub
Georgia



**ASSESSMENT OF EXISTING
PRACTICES AND RECOMMENDATIONS
OF THE WHISTLEBLOWER INSTITUTE
BY CIVIL SERVANTS**



Tbilisi, 2022

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The assessment report was prepared within the project financially supported by the Embassy of the Kingdom of Netherlands. Civil Service Hub is responsible for the content of this document, and the views expressed do not necessarily reflect the position of the Embassy.



Kingdom of the Netherlands

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CONTENTS

Introduction	5
Key findings	6
Focus and Objectives of Study	9
Research Methodology and Sampling	10
Sources of Data	12
The Ministry of Education and Science of Georgia	12
The Ministry of Justice of Georgia.....	13
The Ministry of Regional Development and Infrastructure of Georgia	13
The Ministry of Environmental Protection and Agriculture of Georgia	14
The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection of Georgia.....	14
The Ministry of Economy and Sustainable Development of Georgia	15
Awareness and relationship towards the whistleblowing institution among civil servants	16
Understanding of whistleblowing by civil servants – the essence, purpose, and importance	17
The practice of whistleblowing and the difficulties of introducing it	21
Strategies and Recommendations for the Improvement of the Practice of Whistleblowing Institute	29
Literature	31
Annexes	32
Annex #1 – Data obtained based on requested information	32
Annex #2 – Respondents participating in group discussion	44
Annex #3 – Guide to group discussion	47
Annex #4 – Criteria for the selection of municipalities	51
Annex #5: mkhileba.gov.ge – electronic form of submitting disclosure statement.....	52

INTRODUCTION

The report presents the results of a study conducted by the nongovernmental organization, Civil Service Hub, in 2022. The study was carried out with financial support from the Embassy of the Kingdom of Netherlands in Georgia. The objective of the study was to assess the practice of whistleblowing as perceived by civil servants.

The study is based on the analysis of secondary sources that allowed us to scrutinize recommendations made by experts and nongovernmental organizations concerning the whistleblowing institute; information provided by public agencies; and results of focus-group discussions. Focus-group discussions were carried out in six cycles. The sampling method was purposive to include civil servants from both central and local governments.

The report presents the key findings of the study, an analysis of the information provided by the ministries, a summary of the results of focus groups, and recommendations suggested by their participants, which are provided in the concluding part.

Established in 2021, Civil Service Hub is the first ever nongovernmental organization in Georgia with the primary goal to support the professional development of civil servants, to represent them in various policy discussions including the reforms of public administration and civil service, and to provide them with the legal advice and counseling.

Civil Service Hub is implementing a project designed to support and improve the application of the whistleblowing mechanism in the public service. The project aims to understand the existing challenges and barriers to the application of the whistleblowing institute in practice as viewed by the civil servants of national and subnational state institutions. The project will research relevant international practices to identify measures for overcoming these barriers as identified in this report. The organization will provide a set of recommendations to all stakeholders of the project on specific steps to be taken for the improved application of the whistleblowing institute based on the findings of this study and the research of international practices.

Harrie van Boxmeer – the Dutch Senior Consultant on issues of Anti-Corruption in Public Administration, who has over 30 years of international experience in combatting corruption in the public sector is leading the international research component. Mr. Van Boxmeer is also supporting the Administration of the Government of Georgia on the implementation of EU-funded Public Administration Reform and actively contributes to the development of anticorruption strategy and action plans, procedures concerning asset declarations, conflicts of interest, and whistleblowing.

The study does not cover the Ministry of Defense of Georgia, the Ministry of Internal Affairs of Georgia, and the State Security Service of Georgia due to the restrictions of the Law of Georgia on Conflict of Interest and Corruption in Public Service.

KEY FINDINGS

The key findings of the study are based on the analysis of the data provided by the ministries and the insights obtained through the focus-group discussions.

The analysis of the information requested from the ministries outlines several important areas for the future development and improvement of the whistleblowing institute:

- The ministries that provided us with the requested information **do not have internal procedural norms and standards specific to whistleblowing**. Each of them follows procedures outlined in the Law of Georgia on Conflict of Interest and Corruption in Public Service.
- None of the public agencies covered by the study has a **methodology for registering and processing disclosure statements**. Furthermore, only the webpage of the Ministry of Regional Development and Infrastructure of Georgia provides a direct link to the Civil Service Bureau's whistleblower page.
- Out of 93 disclosure cases identified by the ministries only six were submitted through the electronic platform, www.mkhileba.gov.ge
- Moreover, only six disclosures were made anonymously. In all other cases, disclosures were made via email, hotline, or as a written statement, where whistleblowers were identified.
- In comparison with the studies conducted so far, the information requested within the scope of this study has shown that whistleblowers are mainly individuals in managerial positions.
- Yet another important finding is that out of all disclosure cases, the inquiry has not established discloser in 43% of cases. The highest number of unwarranted discloser actions was recorded in the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection of Georgia (from 32 cases, the inquiry established only eight wrongdoings disclosed in statements).
- It is noteworthy, that there are twice as many male whistleblowers as females in the ministries.
- Whistleblowing by citizens comprises 35% of total cases. The number of such disclosures is especially high in the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection of Georgia (18 out of a total of 32) and the Ministry of Environmental Protection and Agriculture (13 out of total 33).

Key findings of the study based on the focus-group discussions are provided below:

- The study has proved that even representatives of specialized departments/units relevant to the whistleblowing institute find it difficult to recall any particular experience related to whistleblowing.
- Level of awareness of whistleblowing among civil servants was assessed way more optimistically by representatives of specialized departments/units relevant to the whistleblowing institute than by other members of focus groups who spoke candidly about the need to raise awareness.
- Respondents of focus groups holding managerial positions were open to the idea of developing internal procedural norms and standard operational procedures separately for the disclosure cases.
- Representatives of specialized departments/units relevant to the whistleblowing institute believe that the number of complaints filed with the internal audit service proves that the ministries and legal entities in public law (LEPL) do not experience a lack of awareness of the whistleblowing institute. However, in the absence of methodological instruments for the identification,

registration, and processing of disclosure statements, one can hardly identify what share of total complaints is a disclosure.

- In the views of civil servants in non-managerial positions at the local level, the awareness of whistleblowing is low and an intensive information campaign is required to raise awareness. **The need for an intensive information campaign to raise awareness of whistleblowing among representatives of public agencies as well as citizens was expressed by participants of all focus groups.** Moreover, particular suggestions were made to focus the information campaign primarily on the advantages and benefits of whistleblowing as that will make the role of whistleblowing easier to understand. The statistical data on disclosures needs to be regularly updated and disseminated to boost the discussion and highlight the role of whistleblowing in practice.
- A large segment of focus group respondents underlined the importance of an information campaign on whistleblowing provided within the training sessions on issues of ethics and conflicts of interest of civil servants, organized by the Civil Service Bureau in 2017-2019. They also recalled the practice of discussing relevant issues at forums organized by the Civil Service Bureau. The specialized focus group participants also mentioned a guidebook on whistleblowing, distributed by the Civil Service Bureau, which contained information about Georgian legislation and the experience of other countries. Except for the aforementioned events, activities that would further educate civil servants on the disclosure mechanism is hard to find. Some working meetings and individual clarifications provided by HR departments were also named as separate sources of information.
- Focus group discussions have confirmed that the statistical record keeping on disclosure is not done or is done sporadically. Public agencies on central and local levels keep aggregated statistical data and disclosure statements are not recorded separately. This is due to the absence of methodological instruments for identifying, registering, and processing disclosure statements.
- The study revealed that the disclosure is intersected with the breach of requirements of the law, breaches of norms on general rules of ethics and conduct, also, recruitment and dismissal issues. Many of those disclosed actions were not confirmed by the inquiry. The highest share of violations proved through the inquiry accounts for disciplinary misconduct, which raises questions about the relevance of disclosure of such actions using of a whistleblowing mechanism. Moreover, a focus group comprised of representatives of specialized departments/units relevant to the whistleblowing institute often used the term “complaint” referring to the disclosure statement when discussing the cases of whistleblowing.
- It is noteworthy that a certain share of focus group participants stated that the high number of statistical data on disclosure should not be reflected negatively on the reputation of a public institution.
- The most frequently cited problems from the list of impediments to the effective operation of the whistleblowing institute are: **The issue of maintaining anonymity; the low level of awareness of whistleblowing both among civil servants and citizens; weak whistleblower protection guarantees; lack of clarity of the legislation (ambiguity about granting a whistleblower status, limited application to state-political officials, impossibility to extend the law to the private sector, etc.); lack of information about good whistleblowing practices and positive examples where general public/society benefitted as a result of disclosure (which imply both foreign and Georgian practices); cultural restrictions whereby whistleblowing is perceived as informing on someone and hence, a reprehensible action.**
- As for the means of submitting disclosure statements, the majority of focus group participants cite written statements, emails, or hotlines. However, they rarely cite the so-called “red button”, that is, the electronic platform mkhileba.gov.ge as a mechanism of whistleblowing. Except for a specialized focus group of representatives of specialized departments/units relevant to the whistleblowing institute, the majority of other focus group participants are unaware of the electronic platform mkhileba.gov.ge, whereas those who have heard about that platform, have very little information about how to use it.

- **Representatives of specialized departments/units relevant to the whistleblowing institute, including those from local self-governments, have emphasized that information about whistleblowing should be an integral part of the adaptation program of new civil servants, and hence, awareness of the mechanism will be guaranteed.** In this regard, the emphasis was again placed on the role of the Civil Service Bureau as the entity responsible for the adaptation program. At the same time, they wished that more information was available about the whistleblowing institute and its application for long-serving civil servants.
- Focus group respondents perceived disclosure as an anonymous process and consequently, they raised questions regarding confidentiality guarantees. Except for the webpage of the Civil Service Bureau, mkhileba.gov.ge, other channels (email, disclosure statement submitted through an administrative office, hotline, etc.) requires identification and do not allow anonymous reporting. During the focus group discussions, it was revealed that the understanding of anonymity vs confidentiality should be clearly defined and differentiated.
- Respondents from central as well as local levels equated the whistleblowing institute with the audit service. **The desire to have an independent public institution that would coordinate and assist public agencies in increasing the effectiveness of whistleblowing was observed.**
- Except for a few, a large majority of focus group participants from central as well as municipal entities, regardless of their positions, agreed that the introduction of a monetary incentive system would be counterproductive and would encourage misuse of the whistleblowing mechanism. However, everyone agreed on the need for relevant supportive measures for the improvement of the effectiveness of the disclosure.
- Where a disclosed wrongdoing is not established, to avoid reputational damage to a public agency, civil servants have found it acceptable to disseminate information about the disclosure via external channels, including media, but only after internal procedures have been completed.
- **The study revealed a high degree of correlation between recommendations suggested by focus group participants and recommendations made by experts and nongovernmental organizations to date.**

FOCUS AND OBJECTIVES OF STUDY

The study aimed to identify the level of awareness of the whistleblowing institute among civil servants; also, to find out the viewpoint of civil servants towards the whistleblowing institute and existing practice, and to identify challenges in the application of this institute as well as strategies for improvement.

The objective of the study was to compare recommendations made so far by experts and nongovernmental organizations concerning the effectiveness of the application of the whistleblowing institute with recommendations proposed by civil servants; also, to identify those specific differences that will be important for better functioning of the institute (see, Table #5 in the Annex). The study inquired about the opinions of civil servants on the following topics:

Awareness and relationship towards the whistleblowing institution among civil servants

Understanding of whistleblowing by civil servants – the essence, purpose, and importance

The practice of whistleblowing and the difficulties of introducing it

Strategies and Recommendations for the Improvement of the Practice of Whistleblowing Institute

RESEARCH METHODOLOGY AND SAMPLING

This study is based on a methodological framework of qualitative research, which, in addition to desk research of secondary sources (scrutiny of recommendations for the improvement of the whistleblowing institution) and analysis of information requested from public agencies, includes the information gathering through a multiple-cycle modeling run by a focus group discussion technique for the aim of identifying shortcomings in the operation of whistleblowing institute. The methodological framework of qualitative research allows for the analysis and processing of information obtained as a result of the study.

Before the beginning of the study, a discussion plan was devised, which was reviewed and finalized after its piloting (See Annex #2). The number of participants in each cycle of the focus group was set at eight to ten persons. Focus group discussion was conducted by the discussion plan. The plan was divided into sections corresponding to important issues raised in the process of the research. Each participant was asked beforehand to sign the non-disclosure agreement on the information shared throughout the discussion.

Table #1: Specifics of study methodology

Research Methodology	Qualitative research
Technique	Focus group discussion
Research tool	Discussion plan
Sampling	Purposive sampling
Duration of interview	120 minutes
Target group	Two-tier of civil servants (central and local government representatives)
Data analysis	Thematic data processing, interpretative analysis
Period of the conducted research	First half of July, 2022

Before the commencement of the focus group discussion the participants were informed about the confidentiality of recordings of the discussions; in particular, that the project bore the responsibility for the non-disclosure of the recordings and that their personal data would not be disclosed to any third party.

The study covered the total of 45 respondents of which 14 were civil servants of managerial level

and 31 civil servants of non-managerial level. One third of the respondents were men while two thirds were women. By the length of working experience in the public sector, the respondents distributed as follows: six respondents had under three years of working experience, five respondents had from three to five years of experience while the largest group had over five years of working experience in the public sector. The study was conducted in the first half of July 2022. The communication with the participants within the discussion format was maintained by the Civil Service Hub with the support of LEPL Civil Service Bureau. Focus group discussions were held using the Zoom platform. The average duration of a focus group was two hours. The focus group discussions were recorded. To process and analyze the information gathered through focus group discussions, each audio recording was transcribed and a detailed transcript was produced. The information was processed and analyzed through interpretative analysis, by a pre-defined coding system, the results of which were reflected in the final report. The major limitation of the study was the shortage of time in the interval between the planning and the implementation, which affected the scale of the study making it relatively smaller. Furthermore, it was only partially possible to adhere to the principle of proportionality in terms of the length of work experience in the public sector. The study covered ministries and local self-government, except for the Ministry of Defense of Georgia, the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia due to a provision in Article

20 of the Law of Georgia on Conflict of Interest and Corruption in Public Service. The results of the study cannot be generalized due to the qualitative method of the research. However, the selected method enables to have a more in-depth understanding of problems and provides the basis for the thorough assessment of the management approaches.

Given the aims and objectives of the study, the target groups were made up of representatives of central and local governments. Focus group discussion envisaged a six-cycled management with an emphasis on the following target groups:

Table #2: Structure of participants of focus group discussion.

	Target ministers of the project	Local self-governments	Target groups
Focus groups	Group 1 – respondents holding managerial positions in the target ministries of the project	Group 3 - respondents holding managerial positions in municipalities	Group 5 – respondents from ministries other than the target ministries of the project
	Group 2 - respondents holding non-managerial positions in the target ministries of the project	Group 4 - respondents holding non-managerial positions in municipalities	Group 6 - respondents representing specialized departments/units relevant to whistleblowing institute
Number of participants in each cycle of focus group discussion	8-10 respondents, gender proportionality principle was observed, and the proportionality of representation of individuals with long (over five years), medium (3-5 years), and short (up to 3 years) working experience in the public sector was also followed.		

Respondents of four focus groups were representatives of the central government whereas those of two focus groups were representatives of local self-governments. The target ministries of the first and second focus groups were: the Ministry of Economy and Sustainable Development of Georgia, the Ministry of Regional Development and Infrastructure of Georgia, and the Ministry of Environmental Protection and Agriculture of Georgia.¹ The fifth focus group consisted of respondents from all ministries other than the target ministries of the project. The sixth focus group involved the respondents representing specialized departments/units relevant to the whistleblowing institution. The target municipalities of the project of the third and fourth groups were: the self-governing cities of Rustavi, Batumi, Kutaisi Poti, and Telavi, municipalities of Keda, Ozurgeti, Borjomi, Tsalenjikha, and Akhaltsikhe. The criteria for the selection of target municipalities were: a) status of a local self-government unit (4/6 proportion of self-governing cities and municipalities); b) diversity by the size of the municipality (size and population); c) geographic distribution of self-governing unit; and d) proportional selection by positive and negative assessments in the secondary sources (LSGIndex.org, IDFI, 2021, Transparency International Georgia, 2022, etc.). Also, proportionally were selected the municipalities that had and had not introduced the USAID GGI program and integrity risk assessment methodology developed with the support of Transparency International Georgian in 2021 and which had not identified anti-corruption risks.

¹ Criteria for the selection of target ministries were: the scale of ministry, high public interest towards it, accumulation of public finances during the pandemic, and likelihood of corruption in the implementation of infrastructure projects.

SOURCES OF DATA

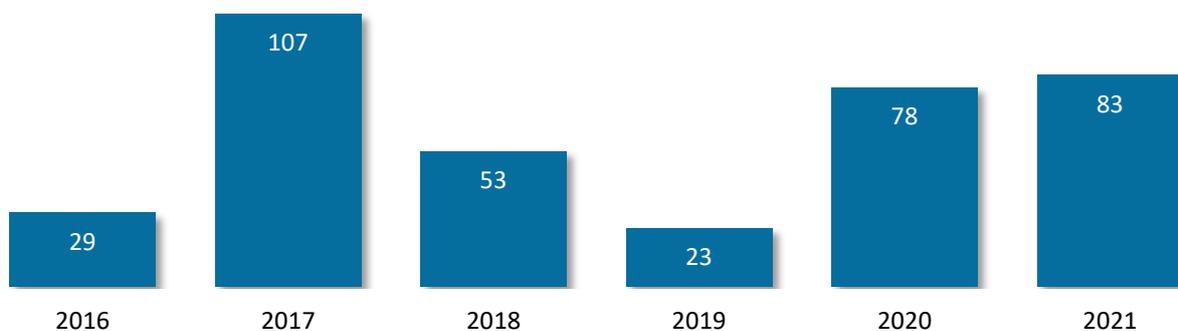
Information about disclosure statements made until the end of 2021 and during the first half of 2022 was requested from the central government. The requested information was provided by six ministries: The Ministry of Education and Science; the Ministry of Environmental Protection and Agriculture; the Ministry of Justice; the Ministry of Regional Development and Infrastructure; the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection; and the Ministry of Economy and Sustainable Development. The data was not provided by the Ministry of Culture, Sport, and Youth Affairs of Georgia.

The provided data revealed that the number of disclosure statements made throughout 2021 was 86 while the number of those made from 1 January to 30 June 2022 was significantly smaller – just 7.

At the same time, one should take into account the statistical data on disclosure statements made through the webpage of the LEPL Civil Service Bureau, www.mkhileba.ge, since 2016, which is shown in Chart #1. This data represents the sum of disclosures, broken down by years, made through www.mkhileba.ge against all public agencies. Since apart from the webpage administered by the Civil Service Bureau, disclosure can be reported in writing, verbally, electronically, by phone, fax, or other means of communication, the data shown in the chart is quite a small share of the data provided by the ministries.

Chart #1: Disclosure statement submitted through the webpage mkhileba.gov.ge.

Statistical Data on Disclosure Cases through the Webpage



Source: LEPL Civil Service Bureau, 2022

The Ministry of Education and Science of Georgia

According to information received from the Ministry of Education and Science of Georgia, the Internal Audit Department of the Ministry did not register any disclosure made against civil servants working in the Ministry over the period from 1 January 2022 to 31 June 2022. The Internal Audit Department of the Ministry of Education and Science received four disclosure statements electronically from the moment it started to keep relevant records till 21 December 2021. Two of the whistleblowers chose to remain anonymous and did not provide their contact details whereas another two whistleblowers were citizens.

Those four complaints were filed with the Ministry of Education and Science of Georgia concerning issues of incompatibility of duties, competition results, issuance of salary addition, and violation of terms of an employment contract. The Internal Audit Department considered the aforementioned correspondence and studied the issues raised in them by the procedures provided in the law. The inquiry into the disclosed actions did not establish violation in three cases; in the fourth case, the Internal Audit Department drew up a conclusion instructing a relevant entity to respond to the violation and to take it into account in its future activity.

The information received from the Ministry showed that the Internal Audit Department follows the Law of Georgia on Conflict of Interest and Corruption in Public Service and other norms provided by the legislation of Georgia. The Ministry does not have a special internal rule regulating whistleblowing procedures.

The Ministry of Justice of Georgia

According to the information provided by the Ministry of Justice of Georgia, the General Inspection of the Justice Ministry received one anonymous disclosure statement over the period between 1 January and 30 June 2022, which concerned an alleged violation of requirements of legislation by employees of a public agency. The disclosure statement was readdressed to a relevant investigative body. According to the Ministry, the General Inspection did not initiate disciplinary proceedings.

Since the records began, to 31 December 2021, the General Inspection of the Justice Ministry received a total of five disclosure statements three of which were anonymous. One of the two remaining whistleblowers was a woman and another was a man. Three of the aforementioned five disclosures concerned the breach of moral and ethical norms while the remaining two concerned the violation of legislative norms. The violation was not established in four cases whereas disciplinary misconduct was established in the fifth case and a corresponding measure was undertaken.

As inferred from the information received, the General Inspection of Justice Department does not have a special internal rule regulating whistleblowing procedures and deals with disclosure statements by applying the Law of Georgia on Conflict of Interest and Corruption in Public Service and other norms of the legislation of Georgia.

The Ministry of Regional Development and Infrastructure of Georgia

Disclosure statements registered by the Ministry of Regional Development and Infrastructure of Georgia, from the time records began, to 31 December 2021, are provided in the annex - Table #1.

The Ministry registered six disclosure statements from 2013 to 2015. These disclosures were about the breach of norms of ethics and conduct, failure to properly perform official duties, and behavior discrediting a civil servant and the institution. All the disclosures were made by known whistleblowers, except one where the disclosure was made via mass media, without identifying a particular whistleblower. In the aforementioned cases, the number of male whistleblowers was three times higher than that of women. In the case of the Ministry of Regional Development and Infrastructure, one can observe a tendency of disclosed persons tendering their resignations before any inquiry into disclosed actions was conducted and a conclusion was drawn out.

As the documentation provided by the Ministry of Regional Development and Infrastructure showed, according to its internal regulation, the Ministry commits itself to encourage whistleblowing. To strengthen the institution of whistleblowing, the Ministry's webpage is integrated with the electronic module ("Whistleblower's page"). Furthermore, disclosures can be made via a hotline of the Ministry. According to the information provided by the agency, the Ministry has not faced the need of issuing legal acts regulating internal procedures of whistleblowing. In regulating issues related to the institution of whistleblowing, Georgian legislation is applied.

The Ministry of Environmental Protection and Agriculture of Georgia

According to the Ministry, no disclosure statement was submitted to the Ministry of Environmental Protection and Agriculture over the period between 1 January and 30 June 2022. The Ministry does not have a special rule regulating the internal procedure of whistleblowing; nor does it have a methodology for registering/processing disclosure statements. The Ministry applies the Law of Georgia on Conflict of Interest and Corruption in Public Service, the Law of Georgia on Civil Service, the statute of the Audit Department of the Ministry of Environmental Protection and Agriculture, and the procedure for the prevention and response to sexual harassment within the system of the Ministry of Environmental Protection and Agriculture, which was adopted on 21 March 2021.

Disclosures registered by the Ministry of Environmental Protection and Agriculture, since the records began, to 31 December 2021, are provided in the annex - Table #2. From provided materials, 33 cases are identified as disclosures and many of them concern disciplinary misconduct. From the disclosed actions only 10 were proved through the inquiry. All facts are disclosed by identifiable whistleblowers while the most frequent forms of reporting disclosures are emails and written statements, where the number of male whistleblowers well exceed that of women.

The Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection of Georgia

As the information provided by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection shows, the Internal Audit, Monitoring, and Inspection Department of the Ministry considers disclosure statements within the powers specified in the statute of the Internal Audit, Monitoring, and Inspection Department, approved under a relevant Ministerial Decree,² by the procedures stipulated in the Law of Georgia on Conflict of Interest and Corruption in Public Service.

The statistics on whistleblowing of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health, and Social Protection are provided in the annex – Table #3. The data shows that a total of 32 disclosures were registered till the first half of 2022, with the majority of them made in 2019. The disclosure actions include breach of provisions on general norms of legislation, ethics, and conduct by civil servants and violation of legislative requirements by civil servants. Out of 32 registered disclosure statements, two were made anonymously and another two were made through the webpage mkhileba.gov.ge.

It is worth noting that more than half, 56%, of disclosure statements submitted to the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection accounts for complaints filed by citizens. The number of male whistleblowers exceeds that of women whistleblowers. It is also noteworthy that the number of whistleblowers at the managerial level exceeds the number of whistleblowers at the non-managerial level. From the total of 32 disclosed actions, only nine were established. The main response to established facts is the application of disciplinary sanctions. It should also be noted that, according to the information provided by the Ministry, none of the decisions taken on disclosure statements by the Internal Audit, Monitoring and Inspection Department or procedural issues have ever been appealed.

² The decree №01-22 of 23 March 2021 of the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection on the “Approval of the Statutes of Structural Units of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection of Georgia.”

The Ministry of Economy and Sustainable Development of Georgia

According to the information provided by the Ministry of Economy and Sustainable Development, a total of 13 disclosures were registered by the Internal Audit Department over the period between 2016 and the second half of 2022. Based on the information, it was revealed that disclosures were mainly made in the form of written statements. However, in contrast to other ministries, the share of disclosures made through mkhileba.gov.ge is notably higher and comprises 30% (4 cases) of the total number. The substance of disclosures is diverse, including the violation of internal organizational regulations as well as norms of general rules of ethics and conduct (incompatibility of duties and violation of internal regulations, shortcomings in asset declarations, discrimination, alleged offensive, and humiliating treatment). Disclosure of corruption has also been registered, though it was not established by the inquiry.

The majority of disclosed actions were proved in the Ministry of Economy and Sustainable Development, and relevant measures were undertaken (see details in the annex – Table #4). The data provided by the Ministry does not allow for a gender and age analysis of whistleblowers and disclosed persons. The share of applications filed by citizens with the Ministry of Economy and Sustainable Development is rather small. The majority of disclosures were made by representatives of the Ministry, or agencies under the ministry and many of them held non-managerial positions.

According to the provided information, the “Employee’s Guidebook” and internal regulation, approved under the decree of the Minister of Economy and Sustainable Development, set out the policy to combat discrimination and harassment against employees, general rules of ethics and conduct and tools of implementation thereof, a mechanism of control, and corresponding sanctions. These documents are available on the Ministry’s intranet and accessible to employees of the Ministry.

The Inspection Division of the Internal Audit Department of the Ministry of Economy and Sustainable Development conducts an inspection, within the powers granted to the Department, for the aim of examining and revealing misconduct in performing official duties and/or behavior incompatible with objectives within the system of the Ministry by the Law of Georgia on Civil Service, the statute of the Internal Audit Department, approved under the decree N1-1/201 of 13 April 2016 of the Minister of Economy and Sustainable Development, and other legal acts regulating the activity.

There is a hotline operating in the Department of Internal Audit of the Ministry. The Department has an email address and also and, any interested person can submit a statement to the Department, which is registered in the electronic document record and management system. Moreover, the “Employee’s Guidebook” of the Ministry regulates the mechanisms of filing, considering, and initiating proceedings of a complaint against sexual harassment and discrimination.

AWARENESS AND RELATIONSHIP TOWARDS THE WHISTLEBLOWING INSTITUTION AMONG CIVIL SERVANTS

Focus group participants holding managerial as well as non-managerial positions on central and local government levels, including representatives of the specialized group, regardless of their redistribution among six target groups at the initial stage of the study, may be divided into three civil servant categories.

1. The first category includes civil servants that directly deal with the whistleblowing institution, work in relevant units, and have sufficient information about this institution and its operation.

It should be noted that the number of such respondents was rather small even in the specialized group.

2. The second category includes civil servants that have a general idea about the whistleblowing institution, which they got from pieces of training organized by the Civil Service Bureau, and that shared their thoughts and views. This group also includes those civil servants who have received general information about the whistleblowing institution when studying at higher educational institutions.

Explanations provided by this category of civil servants are rather general. For example, *“whistleblowing institution is a mechanism that helps prevent wrongdoing or violation of norms of professional conduct and ethics by a particular person. In such case, a whistleblower may be any person, including a former civil servant as well as an incumbent civil servant... The law says that any person may be considered a whistleblower, including natural persons and citizens”* (a focus group of respondents holding non-managerial positions in municipalities; a male, with 1-3 years of working experience in public service, 08.07.2022).

3. The third category includes civil servants that had never heard of the whistleblowing institution until the focus group was held. The same category includes civil servants who had learned about internal mechanisms of whistleblowing while working in the private sector, before taking up a job in the public sector.

It should be taken into account that before taking part in the focus groups, **this particular segment of focus group participants additionally familiarized themselves with the material about whistleblowing, which the project made available to them –relevant legislation and the literature on this subject that has been published to date; this may be considered one of the significant achievements of the project in terms of promoting this issue.** It should be also noted that representatives of this group expected to receive answers to issues that were ambiguous to them from their participation in the focus group and the course of the discussion received new information and experience. Consequently, this is the group that during the focus group discussion was able to share experiences concerning the response to complaints but not the practices of disclosure.

Focus group participants also included a category of civil servants (though, very few) who considered the existing whistleblowing mechanisms as well as promoting practices thereof absolutely acceptable: *“The contribution made by the Civil Service Bureau is absolutely sufficient... should it teach us where to put full stop or comma in a statement?”*. There were also the respondents who talked about the practice of informal reporting of wrongdoings to their line managers; however, since such wrongdoings have been reported bypassing formal whistleblowing procedures, they are not registered and hence, are not reflected in overall statistics.

UNDERSTANDING OF WHISTLEBLOWING BY CIVIL SERVANTS – THE ESSENCE, PURPOSE, AND IMPORTANCE

When talking about the essence, purpose, and importance of whistleblowing, the participants of focus groups, who were familiar with the purpose of the mechanism, especially those in the focus group comprising representatives of specialized departments/units relevant to the whistleblowing institution, have underlined that *“the key point is that the problem disclosed through whistleblowing mechanism should be of public interest”* (focus group of representatives of specialized departments/units relevant to whistleblowing institution; a woman with over five years of working experience in the public sector, 01.07.2022). All focus group participants have agreed that the importance of the whistleblowing institution is rather high in responding to violations and in preventing potential violations - of legislation as well as norms of ethics and conduct to protect public interests and the reputation of a public agency. At the same time, they named the advantages of this institution, such as learning about the weaknesses of their public agencies and risks, including reputational risks faced by them.

A focus group of non-managerial representatives of the ministries has emphasized that when talking about disclosed actions, we often think of specific cases such as sexual harassment of a person, or disregard of someone’s interest. However, we do not pay much attention to the fact that the whistleblowing mechanism covers broader issues, including dishonest or ineffective use and management of public resources. According to respondents, given the public interest, the aforementioned issues could be more important. *“Unfortunately, within the public service system, a sense of responsibility for a public interest, which we serve, is often lost and this lack of statesmanlike thinking and civic responsibility leads to a situation where whistleblowing mechanism is rarely applied. Aims determined by personal rather than public interest come to the fore and that needs to be overcome”* (focus group of non-managerial representatives of the ministries; a woman with 3-5 years of working experience in the public sector, 04.07.2022). In the respondents’ view, this problem can be overcome, on the one hand, by upgrading qualification and enhancing knowledge as it would help see and accordingly evaluate violations of state importance and, on the other hand, by overcoming the impunity syndrome inherited from the Soviet period, which impedes the whistleblowing institution. According to the respondents of the same focus groups, given the impunity syndrome, a potential whistleblower might have doubts about the fairness of the response to a violation disclosed by him as well as concerns about punishment and the violation left without a response. *“This is the biggest problem, not the quality of regulations or compliance with them... If the fear that I may speak up but it may boomerang the next day does not disappear... no significant change will occur, especially where a whistleblower is a lower-level civil servant,”* said one respondent (focus group of non-managerial representatives of the ministries; a woman with over five years of working experience in the public sector, 04.07.2022). The need for changing the mentality was also underlined. In particular, *“there is a need to change attitudes and provide necessary information about the whistleblowing institution which is a supporting tool for ensuring a smooth operation of the public service. It must be instilled into the minds of people that a whistleblower makes a disclosure not because of his/her weakness, but, on the contrary, because he/she protects order and ensures a proper operation of the public service”* (focus group of non-managerial representatives of the municipalities; a man with over five years of working experience in the public sector, 08.07.2022).

The majority of respondents think that although the word “disclosure” was selected rather properly, sensitively, and adequately for the Georgian reality, the perception of the institution is still largely negative and associated with “the institution of informer” and it is highly likely that a whistleblower may be stigmatized and perceived as an unfavorable employee not only in his/her current job but in any agency where he/she may continue his/her work in future. *“If protection measures are applied against him/her, he/she would not be dismissed from the job, but he/she might be discriminated against,”* said a focus

group respondent (focus group of non-managerial representatives of the ministries; a woman with over five years of working experience in the public sector, 05.07.2022). Other respondents of focus groups also shared the same view and stressed that in the Georgian reality where, at least, 40% of civil servants know each other, it would be easy to identify a whistleblower.

A comment from one participant as to why she would not be able to use the whistleblowing mechanism was rather interesting in this regard:

“For me to make a disclosure statement and put a problem on the agenda, the problem must be of enormous scale, going beyond any limits. As to why I would not agree to use this mechanism can be explained by several factors: the first, I am not a conflicting person, in general, and do not want to enter into such a relationship with any colleague whom I will have to work with in future too; the second, I do not know how the process will end and in whose favor and therefore, I am concerned more about not to be harmed myself as it may boomerang” (focus group of non-managerial representatives of the ministries; a woman with over five years of working experience in the public sector, 05.07.2022).

Judging by the opinions of the majority of focus group representatives, the use of the whistleblowing mechanism depends on the degree and severity of wrongdoing. In public agencies with well-established organizational cultures and teamwork, the likelihood that minor wrongdoings will be ignored is high. According to one respondent, the key for her is to deal with the problem within the group by approaching her colleague and pointing out the wrongdoings to him/her rather than applying the whistleblowing mechanism.

“Let’s take me, for example; I think and still find it difficult to figure out what, and in what circumstances, may force me to use this mechanism. I cannot think of it... It is, perhaps, not in my mentality too; if I see that a person, my colleague, fails to do something properly and it is unacceptable or will hurt his/her career, I can directly address and point out to him/her” (focus group of non-managerial representatives of the municipalities; a woman with 3-5 years of working experience in the public sector, 08.07.2022).

A respondent holding a non-managerial position in a municipality has shared a similar position, saying that if internally there are no resources to handle the problem, it is unlikely that the problem can be solved by anonymous disclosure. *“A long experience of working with a colleague, lack of guarantees of whistleblower protection, as well as a threat to be labeled an informer, are those factors that work against this institution”* (focus group of non-managerial representatives of the municipalities; a woman with over five years of working experience in the public sector, 08.07.2022). However, there were different opinions too, guided by statesmanlike reasoning and a desire to act for the public benefit:

“It depends on the motive of disclosure! If it results in protecting the interests of citizens and not being used for retaliation... If disclosure is not motivated by personal interests and personal gains and if you care to improve something and as an exemplary citizen, patriot, and civil servant you sincerely want to make it better and these are the ideas that support you and your conscience is clear, then there will be no problem and you will not even need to remain anonymous” (focus group of managerial representatives of the municipalities; a woman with 1-3 years of working experience in the public sector, 07.07.2022).

A respondent from the same group talked about the lack of precedent of whistleblowing in the Georgian reality, that would overcome the stigma associated with this institution. *“Even a precedent has not been set... had it been set and had people seen the result of it, the attitude might have changed”* (focus group of non-managerial representatives of the ministries; a woman with over five years of working experience in the public sector, 05.07.2022).

A focus group of respondents holding managerial positions in the ministries underlined the protection guarantees of not only whistleblowers but of disclosed persons too. *“Rights of disclosed persons have equal weight too; it is also very important to manage the issue of the reputation of that public agency because if the alleged action indicated in a disclosure does not prove correct, we know how difficult it is to*

change the public opinion in a positive direction” (focus group of non-managerial representatives of the ministries; a woman with over five years of working experience in the public sector, 04.07.2022).

The need to separate anonymity from confidentiality in whistleblowing has also been raised during the working process in focus groups: anonymity means when we do not know who is a whistleblower and have a relevant mechanism in place for that, such as electronic portals, boxes where anyone can place information without indicating their names and surnames. Confidentiality is another case, which is required to observe in the process of whistleblowing – when a whistleblower approaches an internal audit department with a request for non-disclosing the information about him/her. About the latter, the readiness for, and practice of, full observance of confidentiality was proved in the focus groups, especially those comprising respondents from specialized departments/units. However, in the opinion of the majority of focus group participants, during the proceedings, it is impossible to fully observe confidentiality when working on evidence, because if the need arises to have a whistleblower and a disclosed person confront each other during the inquiry, identification of whistleblower will remain a problem. Consequently, as a focus group of non-managerial civil servants of the ministries noted, civil servants need to have trust in a structural unit in charge of responding to disclosures, to believe that they will observe confidentiality and fairly apply relevant measures.

As regards disclosure of persons holding state political positions, although focus group participants could not recall facts, they believe that such disclosures must not be studied by the internal audit department. *“The government administration should have a relevant service which will study violations by persons holding state political positions”* (focus group of representatives of specialized departments/units, a man holding a non-managerial position with over five years of working experience in the public service, 01.07.2022). The work in the focus groups has proved that participants lack correct information about procedures to be used in such cases and this represents a matter of concern.

Factors impeding the effective operation of the whistleblowing institution, named by respondents, are:

- **Low level of public awareness** –all focus group participants have named the low level of public awareness and conformity with social norms as one of the factors impeding the whistleblowing institution. As examples, focus group participants cited the experience and practices of various countries. They emphasized the difference between attitudes in Western cities and Georgia. *“With our mentality, no one speaks up anything until the situation becomes unbearable... No one wants to appear ‘bad’ ‘Why should I be the first who makes disclosure’ – this impedes the institution,”* said a respondent holding a non-managerial position in a ministry (focus group of representatives of the non-managerial level of the ministries, a man with over five years of working experience in the public service, 04.07.2022). Therefore, focus group participants agree to the position whereby an *“intensive information campaign is necessary to carry out both among public servants and citizens. Information should be provided everywhere - in public transport, on TV, and, through the most accessible channels to make everyone understand what whistleblowing means, and to break down the association of whistleblowing with treachery, informing, and spying; this requires huge work, including the involvement of the Church which separates judgment and disclosure and also, hampers the potential of effectiveness of this institution”* (focus group of representatives of specialized departments/units, a woman holding a non-managerial position with over five years of working experience in the public service, 01.07.2022). The municipal focus groups also expressed a desire to raise awareness of the population and of those groups that do not have access to the Internet. According to respondents, it is important to use all possible means and channels as **the spread of a greater amount of information about the mechanism of whistleblowing will increase the application of this mechanism**. The same opinion was expressed in the focus group of municipal managerial respondents, whose participant noted that *“those individuals who have information about a wrongdoing will be able to speak up about the wrongdoing whereas a person who may prove to be a wrongdoer will, of course, take into account that his/her action will not go unpunished”* (focus group of representatives of the managerial level of the municipalities, a woman with 1-3 years of working experience in the public service, 07.07.2022).

- **Absence of a common methodology of granting a status of disclosure** – the focus group discussion showed that a segment of focus group participants has questions regarding the fact that in the absence of a common systemic approach, each public agency decides, at its discretion, which of the notifications to regard as a disclosure. A segment of focus groups thinks that although the law defines a structural unit in charge of internal control or/and inspection in a public agency as the body responsible for the consideration of statements, it is desirable to have a more detailed description of the proceedings. According to explanations made in the focus group of representatives of specialized departments/units, it depends on the substance of a statement whether it is a disclosed action or a disciplinary misconduct. It is therefore desirable to introduce a common approach. *“In general, we have a very imperfect legislation and there is, perhaps, the need for separate rules and instructions... Each procedure about the whistleblowing institution must be meticulously set out... All processes must be determined stage by stage and those processes must be broken down into separate instructions to avoid such type of questions,”* said a respondent from this group (focus group of representatives of specialized departments/units, a woman holding a non-managerial position with over five years of working experience in the public service, 01.07.2022).
- **Weak whistleblower protection guarantees** – *“This is one of the barriers that prevent a potential whistleblower from disclosing the information. Protection guarantees must be strong and this institution will, consequently, work”* (focus group of representatives of specialized departments/units, a man holding a non-managerial position with over five years of working experience in the public service, 01.07.2022). Although the majority of the focus group participants agreed with that opinion, they could not recall instances from their practice when during the process of inquiry, a whistleblower asked for protection guarantees. They explained that by a tradition of settling issues informally, especially respondents holding non-managerial positions in municipalities. *“This mechanism cannot function in line with purpose and idea as intended by the legislator. Firstly, the mechanism of protection needs to be substantially improved and then, procedures should be discussed. Even if I am aware of facts, I may not speak up and address anyone, when I do not feel protected. I may try to settle it myself, informally, if I succeed. Such problems are settled by applying informal mechanisms in many public agencies, without giving it a formal appearance”* (focus group of representatives of the managerial level of the municipalities, a man with over five years of working experience in the public service, 07.07.2022). Furthermore, according to focus group participants, it is very likely that citizens are not familiar with the protection mechanism and may perceive the whistleblowing institution as a risky endeavor. The likelihood of this is higher in the regions, according to the focus group participants.
- **Lack of possibilities of protecting the anonymity of whistleblowers** – *“in case of submitting a disclosure statement by email, we cannot protect anonymity, even in the cases when email address and identity of whistleblower are changed, thereby infringing protection guarantees of whistleblower”* (focus group of representatives of specialized departments/units, a man holding a non-managerial position with over five years of working experience in the public service, 01.07.2022). One of the focus groups offered an argument in favor of non-anonymous disclosure – an issue of responsibility to a whistleblower. *“We must inform that citizen about the result of the process and this cannot happen in case of anonymous disclosure”* (focus group of representatives of the non-managerial level of the ministries, a man with 1-3 years of working experience in the public service, 04.07.2022).

THE PRACTICE OF WHISTLEBLOWING AND THE DIFFICULTIES OF INTRODUCING IT

When discussing institutional scales of whistleblowing, focus group participants expressed a desire for the whistleblowing mechanism to be universal. They also recalled similar recommendations made by experts and the nongovernmental sector about extending the regulating norms to - a) representatives of the private sector, to whom the state delegated the performance of public functions; b) non-entrepreneurial legal persons established by central and local government bodies; c) enterprises set up or/and co-founded (with 50% or more share) by central and local government bodies (Tsukhishvili 2020). In particular, respondents holding non-managerial positions in municipalities have noted that since the legislation does not apply to legal persons established with the participation of central or municipal bodies, *“this may demotivate me to use the whistleblowing mechanism when I have little protection guarantees”* (focus group of representatives of the non-managerial level of the municipalities, a woman with over five years of working experience in the public service, 08.07.2022). A segment of focus group participants talked about the need to extend the whistleblowing institution to defense and national security agencies. *“By its importance, violations of public interest that concern national security or defense issues may be most apparent in agencies of this type and therefore, I think that it is necessary to have clear mechanisms of control”* (focus group of representatives of the non-managerial level of the ministries, a woman with 1-3 years of working experience in the public service, 04.07.2022). It should be noted that the majority of focus group participants underline the need to raise the awareness of mechanisms available for guaranteeing whistleblower protection and the necessity to further approximate the mechanisms to best international practice. At the same time, they agree that there is a need to observe the principle of proportionality when it comes to the disclosure of information, classified by the state, through a whistleblowing mechanism.

A focus group of respondents holding managerial positions expressed a desire and readiness for drafting internal procedural norms and setting general standards of whistleblowing. However, the expectation for developing such common norms and standards that will be shared by all agencies is higher.

When discussing the procedure of the whistleblowing mechanism in focus groups of representatives of specialized departments/units relevant to the whistleblowing institution, it has transpired that disclosure statements are considered in the ministries by inspection and examination units of internal audit departments, and in some cases, by general inspections. Those participants of focus groups who lacked a clear idea about the functions of general inspection and internal audit departments were explained by experts involved in the project that in agencies where internal audit and general inspection are separated, statements about disclosed actions as well as disciplinary misconduct are studied by a general inspection. An audit department, when studying the issue, follows the Law of Georgia on Conflict of Interest and Corruption in Public Service. According to representatives of specialized departments/units, *“first of all, we determine whether a case conforms to the aims of this law, then we determine how concrete it is and after that, we initiate corresponding proceedings on a violation of a legislative provision of norms of ethics and conduct”* (focus group of representatives of specialized departments/units, a woman with over five years of working experience in the public service, 01.07.2022). However, focus group participants have not confirmed the existence of a methodological tool for identifying, registering, and processing statements of disclosure. During the discussion, one of the respondents recalled a fact from 2015, which resembled a disclosure by its substance, because an employee made a statement about the unethical behavior of a person of a state political position in the ministry using the electronic document record and management system. However, that case was not identified as a disclosure in the process of inquiry and proceedings.

The issue of institutional arrangement of whistleblowing was one of the topics actively discussed by focus group participants. In this regard, opinions were divided and this trend was observed in every focus group. In particular, a topic of hot discussion was whether it was acceptable to regard the whistleblowing institution as an internal business of each agency separately or if it was better to have a separate independent agency for that. Some focus group participants have deemed it relevant that disclosures made internally are considered internally by that very organization. Other respondents think that responses undertaken by the same agency could be biased and therefore, the need to have them considered outside the agency would arise, and explain it by several factors: 1) little guarantees of observing anonymity; 2) low probability that a disclosure made in an agency will be settled by the same agency; and 3) a likelihood that an issue will be settled informally. Supporters of this opinion think that *“there should be a separate organizational unit/agency oriented on responding to disclosure statements, rather than internal audit departments that would try to resolve problems informally”* (focus group of representatives of the non-managerial level of the ministries, a man with over five years of working experience in the public service, 05.07.2022). Consequently, a segment of focus group participants favors the consideration of disclosures outside an agency where those disclosures have been made. In this regard, the opinions of focus group participants coincide with recommendations about setting up an independent public agency that will coordinate the effective joint implementation of anti-corruption direction and the legislation regulating whistleblowing.

The study of problems at the municipal level has revealed the shortage of lawyers in internal audit departments. Internal audit departments of local self-governments are staffed with economists, not lawyers, and a deficiency of competence is observed in consideration of issues that go beyond the limits of internal inspection, including cases of disclosure. *“The study of cases received through the electronic system, mkhileba.gov.ge, administered by the Civil Service Bureau has revealed that the disclosure lacked arguments and substantiation, it was easy to study and we somehow dealt with it. However, a similar problem will be faced by many units on the local municipal level”* (focus group of representatives of the non-managerial level of the municipalities, a woman with 3-5 years of working experience in the public service, 08.07.2022). A participant in the focus group of representatives of the managerial level of the municipalities talked about the necessity to equip internal audit departments of self-governments with an inspection function, which will make it much easier to preventively manage some of the problems, until the situation extremely exacerbates, by using warning, reprimand and other measures provided by the law.

The study revealed that civil servants, especially those from the third group (a group of respondents holding managerial positions in municipalities), do not have a clear idea as to 1) against whom, 2) concerning what issues, 3) through what procedures and 4) what purpose a disclosure is made for. For a segment of focus group participants of non-managerial level, a disclosure is made only by high officials, and such interpretation is based on the practice existing so far. *“Violations were mainly related to employees where their supervisors applied to the internal audit department for unqualified or improper performance of jobs by their subordinates. There was not a single case where an employee provided information disclosing an action of his/her supervisor”* (a man holding a non-managerial position in a ministry, over five years of working experience in the public service, 05.07.2022. Zoom format). Representatives of the same group cannot specify whether the whistleblowing mechanism is used against a fact or an individual. Also, in their understanding, a whistleblowing mechanism is used to prevent an action subject to disclosure, i.e. for a preventive purpose, rather than to expose wrongdoing that has been committed. This is yet another proof of the need to provide more explanations about the whistleblowing institution and the use of its mechanisms.

The focus group discussions revealed that disclosure statements, in certain cases, are either not registered or registered sporadically. In such cases, public agencies of both central and local levels, keep aggregate statistics where disclosures are not accounted for separately. However, some ministries maintain the opposite practice. According to representatives of this group, students of higher educational institutions often demand that such statistics be shared. However, what both cases have in common are the absence of relevant methodological tools for identifying, registering, and processing disclosure statements. As a

rule, disclosures, by their substance, relate to violations of legislative requirements, general norms of ethics and conduct, and also, recruitment and dismissal issues. Besides, many disclosed actions are not established through inquiries. A share of proved violations accounts for disciplinary misconduct, which questions the relevance of disclosing these actions through a whistleblowing mechanism. Even more, when discussing cases of disclosure in the focus group of representatives of specialized departments/units, respondents used the term “complaint” instead of “disclosure.” As noted in the focus group of non-managerial representatives of ministries, there is a difference even in the number of cases with a status of disclosure: *“The HR department in our ministry knows what happens within the ministry itself and not in LEPLs. The audit department, however, considers all cases. Therefore, no wonder that while the HR department is aware of three cases, the audit department knows about six cases, and therefore, the data is collated for aggregate statistics”* (focus group of representatives of the non-managerial level of the ministries, a man with over five years of working experience in the public service, 04.07.2022). It is worth noting that a segment of focus group participants has insured themselves and declared in advance that if a public agency, when collecting and analyzing data, gets a high statistical indicator, it should not be viewed as a negative factor. *“We should reject an approach whereby a high statistical data is automatically interpreted as meaning the least effective agency”* (focus group of representatives of the non-managerial level of the municipalities, a man with over five years of working experience in the public service, 08.07.2022).

The study also revealed **the need to further clarify interpretations of disclosure in terms of its definition and meaning**. The majority of focus group participants are not aware of which actions can be subject to disclosure and which cannot. None of the agencies on central and local levels, participating in this study, proved to have relevant methodological tools. Consequently, quite a large number of focus group participants require that the scope of actions subject to disclosure by whistleblowers be better specified in the law and guidelines. Similar recommendations have been made by experts and the nongovernmental sector. A similar desire was also expressed in all focus groups except for the third group. They recommend that the law specifies a more concrete list of wrongdoings; or, according to a segment of focus group participants, it could be done using guidelines. It should also be taken into account that positions of civil servants about the need to have a list of wrongdoings subject to disclosure through a whistleblowing mechanism coincide with opinions about a further improvement of the whistleblowing institution, provided by experts and the nongovernmental sector so far.

One should also underline that the majority of respondents in all focus groups find it difficult to figure out whether the subject of the notification is a disclosure or a complaint. *“The subject of disclosure is so ambiguous and inaccurate that it is unclear at all who may be exposed for what”* (focus group of representatives of non-managerial level of the municipalities, a woman with 1-3 years of working experience in the public service, 08.07.2022). *“We did not even have a case of granting the status of the whistleblower to anyone and then undertaking protection measures”* (focus group of representatives of the non-managerial level of the ministries, a woman with over five years of working experience in the public service, 05.07.2022). According to the same respondent, a hotline, email, or letter to the general inspection are also means of submitting a standard complaint.

Discussion on problems of identifying actions subject to disclosure has revealed that they may confuse the whistleblowing institution with tools of quality management of public service and product delivery. *“Whistleblowing is often confused with quality management. Dissatisfaction with quality management must not be considered under the whistleblowing institution. If a citizen is unhappy about the quality of service, it does not mean that this issue is subject to disclosure through a whistleblowing mechanism... whistleblowing must not be generalized to everything”* (focus group of representatives of the managerial level of the municipalities, a woman with over five years of working experience in the public service, 07.07.2022). The control of messages in social media, concerning the sale of expired food products and response to them, was cited as an example which, according to the majority of focus group participants, must not be viewed as a disclosure. The lack of information about the subject of disclosure, in particular, the equalizing of a standard complaint with the whistleblowing institution, was proved by a position outlined in focus groups, whereby a notification about violations of civil servants such as a breach of terms

of administrative proceedings or poor quality of service delivery may be regarded as a disclosure. However, a segment of respondents has a more correct idea about the subject of disclosure and believes that the disclosure does not extent do everything and is regulated by the Law on Conflict of Interest and Corruption. Nevertheless, the need to have a scope of actions subject to disclosure better defined on the level of law was seen in all focus groups.

When discussing issues subject to disclosure, focus group participants expressed a desire to get more explanations concerning the separation of disciplinary liabilities from topics of disclosure at a future training and working meetings: *“It is desirable to know more as to what can be considered a sanction for disciplinary liability and what can be considered an issue relevant for disclosure, because it may suffice to apply a disciplinary sanction and no need to apply a whistleblowing mechanism,”* said a representative of non-managerial level from a municipality (focus group of representatives of non-managerial level of the municipalities, a woman with 3-5 years of working experience in the public service, 08.07.2022). The same opinion was shared by another respondent: *“accentuation of points of convergence, on the one hand, and differences, on the other hand, would help us evaluate and further enhance the whistleblowing institution because when working in the public sector, questions arise naturally about similarities and differences between existing sanctions of disciplinary liability and measures offered under a whistleblowing mechanism”* (focus group of representatives of non-managerial level of the municipalities, a woman with 3-5 years of working experience in the public service, 08.07.2022). Respondents in the focus group of representatives holding managerial positions in municipalities also expressed a desire to learn about a court practice concerning the issues disclosed through a whistleblowing mechanism. *“It would be beneficial if training is planned so that we learn about, at least, one case – from initiation to its completion; it would generalize our idea and we would get clearer answers to many issues”* (focus group of representatives of managerial level of the municipalities, a woman with 1-3 years of working experience in the public service, 07.07.2022). It should be underlined here that it is important for respondents, especially from municipal focus groups, to get detailed information about the entire process of a court hearing on a case of disclosure. Furthermore, a need was revealed for ensuring that in case of suspecting a violation of requirements of the Law on Conflict of Interest and Corruption, the study/inquiry into the issue is not impeded by other legislative norms; for example, not to restrict the access to information necessary for examining the suspicion because of the obligation to protect personal data. A respondent holding a managerial position in a municipality shared his personal experience of encountering such restrictions and emphasized the need for introducing uniform, complex approaches to further improve the whistleblowing institution.

Evaluations of the whistleblowing webpage, mkhileba.gov.ge by those respondents who were aware of the possibilities of this platform were largely positive. According to the majority of focus group participants, the confidentiality and anonymity of whistleblowers are better protected on this webpage. In this regard, the practice of awarding a unified code on mkhileba.gov.ge is evaluated as a positive aspect (see Annex #4). However, opposite opinions were also expressed whereby even the webpage might carry risks of breaching anonymity, and whistleblowers, fearing to be identified, might refrain from using this channel. A desire was expressed for this webpage to provide statistics broken down by years and other parameters; also, to make available the information about a public benefit obtained and violations avoided as a result of the disclosure, as it would make it easier to identify trends and determine means of relevant response to challenges. A respondent of non-managerial level from a municipal focus group also recalled a disclosure statement, uploaded onto mkhileba.gov.ge, which the municipality received with a delay. The delay was caused because the disclosure statement was wrongly sent to another municipality which resulted in *“a whistleblower repeatedly contacting me on a social network to ask why we were not responding to the statement before the statement itself was received from the Civil Service Bureau,”* (focus group of representatives of the non-managerial level of the municipalities, a woman with over five years of working experience in the public service, 08.07.2022). Therefore, a recommendation was made for the Civil Service Bureau to administer statements uploaded onto its webpage more operatively. A desire was also articulated about adding a mobile application. It should be taken into account that a segment of respondents holding managerial positions in municipalities supported the idea of integrating

mkhileba.gov.ge with the webpages of local self-governments and declared that by doing so, anonymity and confidentiality would be simultaneously protected. *“We will thus avoid flaws seen in the delivery of statements to relevant addressees when correspondence submitted through chancellery has to go through a process jeopardizing the protection of confidentiality”* (focus group of representatives of the managerial level of the municipalities, a man with 1-3 years of working experience in the public service, 07.07.2022).

The logic of the sequence of the use of internal and external channels of whistleblowing was not much observed in the focus groups. Only a few named the use of internal channels as a precondition for using external channels. A general impression was that a whistleblower could simultaneously use both channels or use external channels, first, and then, internal channels, which contradicts the sequence defined in the law. At the same time, all focus groups stressed the need to encourage the use of internal channels for the submission of statements. It should be noted that those civil servants who were familiar with the logic of the sequence of the use of whistleblowing channels, deemed it necessary to spread information about disclosure through external channels, including media, but only after the completion of internal whistleblowing procedures. This approach was justified by an attempt to avoid reputational risk and damage which may still be suffered by an agency when a disclosed action has not been proved.

When discussing channels of disclosure, especially in the focus group of representatives of specialized departments/units relevant to the whistleblowing institution, the practice introduced by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection of Georgia was emphasized as the best practice. In particular, to protect anonymity and encourage whistleblowers, there are so-called “complaints boxes” in the buildings of the Ministry and every legal entity subordinated to it. Moreover, the boxes are placed in such a way as to make it impossible to identify a whistleblower. As it transpired, similar complaints boxes are available in the Ministry of Economy too.

Focus group participants assessed the personal risks of whistleblowing and the level of those risks. Obtained results, based on the frequency of opinions expressed by focus group participants, are provided in the Table below.

Table #3: Results of the assessment of personal risks faced in the process of whistleblowing.

Risk	Explanation	High	Medium	Low
Fear of violating the rights of the whistleblower or his/her close relative	Application of intimidation, harassment, coercion, humiliation, persecution, pressure, causing moral or material damage to him/her, use of violence or threat of violence, discrimination, or other unlawful act because of disclosure.			
Fear of undertaking repressive measures against a whistleblower or his/her close relative	Initiation of disciplinary, administrative, or civil proceedings; launch of criminal persecution.			
A hierarchical structure in a public agency and a risk of souring relations with the immediate supervisor	A case where disclosure is made against the immediate supervisor. A case where disclosure is made against an employee holding a higher position.			

Risk of a whistleblower souring his/her relations with colleagues/employees	A fear of affecting relations with colleagues.			
A risk of forming an unfavorable working environment in a public agency	Lack of collegiality, distrust, refusal of mutual assistance, discriminatory environment, concealment of information, etc.			
Risk of inadequate response to a disclosure	A risk where a civil servant doubts that an inquiry into disclosed facts will be properly carried out.			
Risk of breach of whistleblower's confidentiality	A risk that a public agency will not protect the confidentiality of whistleblowers.			
Risk of indifferent attitude of a public agency to a violation	A case where a violation does not directly relate to a civil servant's activity and functions.			
A risk of settling issues informally	Informal conversation with a wrongdoer employee, with a supervisor of such employee, and achievement of informal agreement.			

As the Table shows, the highest risks include those of souring relations with the supervisor and colleagues and forming an unfavorable working environment in a public agency whereas all other risks are assessed as medium level.

A debatable issue, especially in the focus group of respondents holding managerial positions in the ministries, was the role and purpose of the HR department in the process of whistleblowing. The group argued over whether the HR department should have power over the whistleblowing process. Opinions divided. One segment of the focus group favored the involvement of the HR department in this process for the aim of providing information and explanations. Another segment deemed the involvement of this department unjustified. All in all, the majority of focus groups find this issue perplexing and have no clear understanding of the role of this department in the whistleblowing process. It is worth noting that according to the results of the study, it is precisely HR departments that, on the local level, provide information, explanations, and advice concerning whistleblowing.

Results of the survey of attitudes to potential supporting measures oriented on the improvement of the effectiveness of the whistleblowing institution, based on the frequency of opinions expressed by focus group participants, are provided in Table #4.

Table #4: Attitudes towards supporting measures.

Potential measure		Level of effectiveness		
		High	Medium	High
1	Declared will of political leadership			
2	Formulated vision about mechanisms encouraging whistleblowing			
3	Creation of a unit in charge and internal procedure			
4	Creation of institution of ethics officers (provision of advice and recommendations on issues of ethics and whistleblowing to civil servants)			
5	Awareness-raising campaigns/training			
6	Dissemination of information about good cases of whistleblowing by observing confidentiality			
7	Existence of financial incentives or award			
8	Record keeping of disclosures			

As the Table above shows, support is high for measures such as the declared will of political leadership, awareness-raising campaigns/training, dissemination of information about good cases of whistleblowing by observing confidentiality, and record keeping of disclosures, which will contribute to the improvement of the further practice of whistleblowing. Medium support is shown for a formulated vision of mechanisms encouraging whistleblowing, the creation of a unit in charge, and internal procedure. As regards the creation of the institution of ethics officers, financial incentives, and awards, these measures, according to focus group participants, will be less effective. The creation of the institution of ethics officers which will be tasked to provide advice and recommendations on issues of ethics and whistleblowing to civil servants is a measure that is not supported by all focus groups, save a few exceptions. The majority believes that due to limited human resources, this function should better be undertaken by HR departments. In light of the sensitivity of the topic, focus groups of respondents holding managerial positions in municipalities expressed an idea about integrating highly qualified psychologists in the process. Furthermore, the need to select and introduce nonmonetary incentive mechanisms was also stressed, i.e. to establish such a system that will be oriented not on punishment but on the elimination of problems and improvement of the effectiveness of the public sector.

Although the opinions of focus group participants coincided with the majority of issues, one topic proved controversial in all focus groups. It concerned a monetary incentive to encourage whistleblowing. A small segment of focus groups deemed monetary incentives acceptable for encouraging the use of the whistleblowing institution, as it was proved by best international practice. The respondents favoring monetary awards for whistleblowers argued that whistleblowers should receive monetary compensation for their psycho-emotional state and the potential threat they may face. According to them, the law should provide for the right of whistleblowers to claim compensation for material and moral damages and to this end, a rule for evaluating and issuing compensation should be defined. This opinion of civil servants echoes recommendations made by experts and the nongovernmental sector about this aspect. According

to one of the respondents: *“Despite a risk of whistleblowing to be abused, cases of using the whistleblowing mechanism are so few today that a financial award could be used as a mechanism to make circumstances of the disclosure more apparent”* (focus group of representatives of the managerial level of the municipalities, a woman with over five years of working experience in the public service, 07.07.2022).

However, the majority of focus group participants are against this form of encouragement because of the risks of abusing the whistleblowing mechanism. *“Introduction of monetary awards to whistleblowers may deteriorate relations in the public sector and encourage dishonesty”* (focus group of representatives of the non-managerial level of the ministries, a woman with over five years of working experience in the public service, 05.07.2022). Even more, a segment of focus group participants favors a severe response to the abuse of whistleblowing and punishment of such whistleblowers. According to this segment, *“the only thing that is acceptable and even necessary to do is to reflect this in an annual performance evaluation of a civil servant”* (focus group of representatives of the managerial level of the municipalities, a man with 3-5 years of working experience in the public service, 07.07.2022). Moreover, a segment of focus group participants talked about the criminal, administrative, or/and civil liability of a whistleblower who abuses whistleblowing.

According to focus group participants, personal characteristics of whistleblowers such as sex and age, are not decisive in whistleblowing. However, according to one opinion, the whistleblowing institution will be applied by women to a greater extent than men and, in terms of age, by young people than older ones. It is noteworthy that in the opinion of focus group participants, lack of qualification and detailed knowledge about the issue does not impede the use of the whistleblowing institution because, in case of disclosure of actions subject to whistleblowing, they can approach Public Defender for assistance and collection of necessary evidence. Besides, a segment of focus group representatives particularly emphasized one aspect - lack of argumentation in a whistleblower’s statements. According to them, a disclosure statement may lack proper substantiation but have objective grounds, especially when it is made by citizens who may lack the capacity and possibility to provide needed evidence and it must not be a reason for refusal to admit the statement or not inquire into a disclosed action.

STRATEGIES AND RECOMMENDATIONS FOR THE IMPROVEMENT OF THE PRACTICE OF WHISTLEBLOWING INSTITUTE

Apart from the findings of the study, several important recommendations have been obtained from the study, which is to be considered in efforts to further strengthen whistleblowing institute:

1. To resolve the challenges in the application of the whistleblowing institute is seen in the introduction of uniform standardized frameworks. Consequently, recommendations of focus group representatives concerning the improvement of the effectiveness of the whistleblowing institute should be considered in their entirety.
2. Statistical data on disclosures available today cannot be regarded as relevant in the absence of corresponding methodological tools for identification, registration, and processing of disclosure statements as well as of non-uniform management of complaints submitted to public agencies. Hence, there is a pressing need for a clear definition and identification of disclosure cases and a common management approach.
3. To increase the level of awareness of the whistleblowing institute, a strong information campaign is required. The campaign must provide specific, positive examples of whistleblowing as a mechanism of protection of public interest and highlight the public benefit gained through it. Although the majority of respondents in the specialized focus group claimed that civil servants are well aware of the whistleblowing institute, participants of all other focus groups spoke about the need for an intensive information campaign. Focus group participants believe that the information campaign will increase cases of whistleblowing both among civil servants and overall public.

One should also take into account that a degree of correlation of recommendations suggested by focus group participants with recommendations made by experts and nongovernmental sector so far is rather high (see, Annex #5). However, it must be emphasized that focus group participants formulate those recommendations independently. It is important that the study revealed the vision of civil servants about problems in the application of the disclosure mechanism and solutions to those problems identified, which should be taken into consideration at the following stages of the development.

This section of the report provides recommendations from focus group participants about the improved application of the existing whistleblower institute.

Worth noting among them are:

- **Support from top-level managers** – *“Involvement of top-level managers is important – they must send clear messages and display a positive attitude towards the whistleblower institute”* (focus group of representatives of the non-managerial level of the ministries, a woman with over five years of working experience in the public service, 05.07.2022).
- **Using positive precedents and highlighting tangible results in information campaign** – *“If we show the benefit received from disclosure mechanism, and underline that it is not an ‘informer’s job’ but on the contrary, has a positive meaning, it will boost trust towards the whistleblowing mechanism and increase a quality of referrals”* (focus group of representative of the non-managerial level of the ministries, a woman with over five years of working experience in the public service, 05.07.2022). The need for disseminating a greater amount of information about particular cases of disclosure was also stressed, as the need to discuss what measures were undertaken and what was the outcome. *“We have to show the result to enable people to see the*

real benefit it delivered. We must show whether a disclosure led to revenues to the budget, or prevented threats and in what form and scale. Information campaign should be built on demonstrating good examples” (focus group of representatives of the non-managerial level of the ministries, a man with over five years of working experience in the public service, 05.07.2022). A respondent from this focus group actively spoke about the lack of precedents of disclosure in Georgian reality and that an information campaign would help overcome the existing stigma associated with the institute.

- **Improving and clarifying legislative framework** – the majority of focus group participants, with the exception of a few, talked about the need to refine the legislative framework. According to them, the legislation must be very clear, as it is the main requirement of the rule of law. *“In the given case, the law does not specify what harming a public interest means. This is a rather abstract and indefinite notion which may be interpreted and used wrongly and therefore, it requires clarification”* (focus group of representatives of the non-managerial level of the municipalities, a man with 1-3 years of working experience in the public service, 08.07.2022). This part of the recommendation also covers the development of internal procedural norms for disclosure and the development of its standards in relevant units of both central and local governments.
- **Improving guarantees for the protection of whistleblower confidentiality and active information campaign** – the majority of focus group participants believe that activity should be stepped up in both directions and the best international practices to be introduced.
- **Providing methodological support for the identification of disclosure cases** – to eliminate the shortcomings in the process of defining disclosure cases, the majority of focus group participants favor the introduction of uniform, standardized approaches. Participants also agree on the need to define the internal procedural standard. But the demand is higher for the development of centralized norms and standards that will be shared by all agencies. This recommendation fully corresponds with recommendations made by thematic experts and the nongovernmental sector (Tsukhishvili, 2020). The regulation on the management of instances of sexual harassment was named as the best practice to consider in this regard.
- **Distinction between the matters that call for disciplinary action and the issues to be considered within the scope of whistleblowing** – when discussing issues subject to disclosure through whistleblowing, focus group participants identified the need to better define and distinguish disciplinary liability from issues of disclosure.
- **Development of a detailed guidebook/ training module available online** – *“I think, there must be a guidebook that will specify and give examples on what could be a subject to disclosure, provide particular examples and analyze cases from their initiation to completion as well as court practice review.”* (focus group of representatives of the managerial level of the municipalities, a woman with over five years of working experience in the public service, 07.07.2022). A suggestion was also made to consider the provision of information in the form of the online certified training course, similar to the online training course of the Civil Service Bureau on issues of elimination of sexual harassment, which was named as a good example.
- **The compensation for the damage sustained by a victim** – focus groups of respondents holding non-managerial positions in ministries and municipalities came up with a suggestion that in case of disclosure, a victim should be compensated for damages sustained. Thus, the topic of compensation also coincides with the recommendation of experts and the nongovernmental sector. *“If we are talking about financial incentive, it is more acceptable to compensate a victim, not a whistleblower; compensation should be allocated to a victim automatically because the agency failed to timely protect that person”* (focus group of representatives of the managerial level of the municipalities, a man with 3-5 years of working experience in the public service, 07.07.2022).
- **Further improving the whistleblower’s webpage** – to raise awareness of the online platform www.mkhileba.gov.ge through an active information campaign, which will contribute to the increase in disclosure.

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ANNEXES

Annex #1 – Data obtained based on requested information

Table #1: Disclosure statistics of the Ministry of Regional Development and Infrastructure of Georgia

	2013	2014	2015
Number of disclosure statements received	3 (Against 5 civil servants)	1 (Disclosed via mass media. A public servant holding a managerial position in the ministry was a disclosed person)	2 (Two civil servants holding the nonmanagerial positions were disclosed persons)
Means of submission of disclosure statement	A written statement by an identified whistleblower	Written statements by identified whistleblowers	Written statements by identified whistleblowers
Substance of disclosure statements	Breach of norms of ethics and conduct – 2 disclosures against three civil servants (disclosed persons); Unethical and rude treatment – 1 disclosure against two civil servants (disclosed persons).	Behavior incompatible to a civil servant while performing official duties.	Behavior breaching general moral norms or discrediting a civil servant and public agency (both disclosures).
Status of whistleblower	Two citizens and one civil servant holding a managerial position in the Ministry (age: 35-50)	-	-
Position of whistleblower	2 - managerial position 3 - managerial position	3 - managerial position 3 - managerial position	2 - managerial position 0 - managerial position Age: 25-35 and 35-50.
Sex of whistleblower	0 - Woman 3 - Man	3 - Woman 3 - Man	0 - Woman 3 - Man

Response and decision made	All the three disclosure statements were satisfied. Decisions were taken to dismiss one disclosed person from the job, to issue a verbal warning to one and a verbal reprimand to three disclosed persons.	A decision was made to discuss the issue at a meeting of the Ministry's advisory council, but the disclosed person tendered his resignation and was dismissed from the job.	Before a responsible person took a decision on two disclosure statement, disclosed persons tendered their resignation and were dismissed from the job.
Appeal of decision	It is worth to note that none of the decisions taken on the disclosures by the Internal Audit, Monitoring and Inspection Department as well as procedural issues were appealed.		

Table #2: Disclosure statistics of the Ministry of Environmental Protection and Agriculture of Georgia

N	Year	Substance of disclosure	Rank and sex of whistleblower	Rank and sex of disclosed person	Decision made	Means of submission of statement	List of measures undertaken
1	2017	Disciplinary. Alleged violation of law.	Director of LEPL. Male	Head of unit in LEPL. Female	Labor contract was terminated to the disclosed person. Materials were sent to a law enforcement agency for further response.	Email.	Explanation demanded and received. Materials studied.
2		Disciplinary. Failure to fulfill task.	Rank I. Male	Rank II. Female	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Email.	Explanation demanded and received. Materials studied.
3		Administrative. Loss of documentation,	Citizen. Male	Rank III. Female	Fact not established.	Hard copy of a letter.	Explanation demanded and received. Materials studied.
4		Administrative. Wrong sampling of drinking water.	Citizen. Male	LEPL employee. Male	Fact not established.	Hard copy of a letter.	Explanation demanded and received. Materials studied.

5		Administrative. Flawed conduct of grape harvest.	Citizens. Male	LEPL employee. Male	Fact not established.	Hard copy of a letter.	Explanation demanded and received. Materials studied.
N	Year	Substance of disclosure	Rank and sex of whistleblower	Rank and sex of disclosed person	Decision made	Means of submission of statement	List of measures undertaken
1	2018	Disciplinary. Unethical conduct.	LEPL employees. Male	LEPL director and employees. Male	LEPL director dismissed from the job. Corresponding disciplinary measure (reprimand and dismissal from the job) applied towards employees.	Hard copy of a letter.	Explanation demanded and received. Materials studied.
2		Disciplinary. Failure to properly perform the job.	Head of LEPL department. Male	Head of SSD department. Male	Corresponding disciplinary measure (reprimand) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
3		Administrative. Illegal felling of trees.	Citizen. Male	Head of LEPL. Male	Fact not established.	Letter	Explanation demanded and received. Materials studied.
4		Disciplinary. Failure to properly perform the job.	Head of SSD department. Male	Employees of SSD department. Male	Corresponding disciplinary measure (reprimand) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
5		Administrative. Dismissal from the job.	Citizen. Female	Head of SSD department. Female	Fact not established.	Letter	Explanation demanded and received. Materials studied.
6		Disciplinary. Violation of internal regulation.	Rank I. Male	Rank III. Male	Corresponding disciplinary measure (reprimand) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
7		Disciplinary. Violation of internal	LEPL Deputy Chair. Male	LEPL employees.	Corresponding disciplinary measure (reprimand)	Email	Explanation demanded and received. Materials

		regulation.			applied towards the disclosed person.		studied.
8		Disciplinary. Violation of internal regulation.	Rank I. Male	Rank II. Male	Corresponding disciplinary measure (reprimand) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
9		Disciplinary. Violation of internal regulation.	LEPL employee. Female	Rank I. Female	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
10		Disciplinary. Violation of internal regulation.	Rank I. Male	Rank III. Female and male.	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
11		Administrative. Appeal of competition results.	Citizen. Male	LEPL employee. Male	Fact not established.	Letter	Explanation demanded and received. Materials studied.
12		Administrative. Illegal felling of trees.	Citizen. Male	LEPL employees. Male	Fact not established.	Letter.	Explanation demanded and received. Materials studied.
13		Disciplinary. Negligence	Rank II. Female	Rank III. Male	Corresponding disciplinary measure (deduction of 22% of official salary for one month, for five working days) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
14		Disciplinary. Violation of internal regulation.	Citizen. Male	LEPL employee. Male	LEPL employee dismissed from the job.	Letter.	Explanation demanded and received. Materials studied.
N	Year	Substance of disclosure	Rank and sex of whistleblower	Rank and sex of disclosed person	Decision made	Means of submission of statement	List of measures undertaken

1		Disciplinary. Official misconduct.	Rank II. Male	Rank III. Male	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
2		Disciplinary. Failure to properly perform the job.	Acting LEPL chair. Female.	LEPL employees. Male	Corresponding disciplinary measure (warning and demotion) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
3		Disciplinary. Unethical conduct.	LEPL head of department. Male	LEPL employees. Male	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Telephone notification	Explanation demanded and received. Materials studied.
4	2019	Disciplinary. Failure to properly perform the job.	Head of SSD department. Male	SSD Department employee. Male	Corresponding disciplinary measure (reprimand) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
5		Administrative. Failure to properly conduct inspection.	Citizen. Male	LEPL leadership. Male	Fact not established.	Letter.	Explanation demanded and received. Materials studied.
6		Disciplinary. Failure to properly perform the job.	LEPL Head. Male.	LEPL employees. Male	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
7		Disciplinary. Failure to properly perform the job.	Acting LEPL chair. Female.	LEPL employees. Male	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
N	Year	Substance of disclosure	Rank and sex of whistleblower	Rank and sex of disclosed person	Decision made	Means of submission of statement	List of measures undertaken
1	2020	Disciplinary. Unethical conduct.	LEPL Head. Male.	Head of LEPL department. Male. LEPL employee. Female	Labor contracts terminated to the disclosed person.	Email	Explanation demanded and received. Materials studied.

N	Year	Substance of disclosure	Rank and sex of whistleblower	Rank and sex of disclosed person	Decision made	Means of submission of statement	List of measures undertaken
1	2021	Disciplinary. Violation of internal regulation.	Rank III. Female	Rank I. Female	Corresponding disciplinary measure (deduction of official salary for one month) applied towards the disclosed person.	Email	Explanation demanded and received. Materials studied.
N	Year	Substance of disclosure	Rank and sex of whistleblower	Rank and sex of disclosed person	Decision made	Means of submission of statement	List of measures undertaken
1	2022	Disciplinary. Failure to properly perform the job. Possible violation of law.	Citizens. Female and male	Head of Non-entrepreneurial (non-commercial) Legal Entity. Female	Fact not established.	Email	Explanation demanded and received. Materials studied.
2		Disciplinary. Failure to properly perform the job. Possible violation of law.	Citizen. Male	Head of regional department of LEPL. Male. A non-payroll employee. Female	Corresponding disciplinary measure (warning) applied towards the disclosed person.	Hotline	Explanation demanded and received. Materials studied.
3		Disciplinary.	Citizen. Male	LEPL specialist. Male	Corresponding disciplinary measure (dismissal from the job) applied towards the disclosed person.	Hard copy of a letter.	Materials studied.
4		Disciplinary. Failure to properly perform the job.	Citizen. Male	LEPL employees.	Fact not established.	Hotline	Employee's activity monitored. Video materials studied.
5		Disciplinary. Unethical conduct.	LEPL non-payroll employees. Female.	Acting Head of regional department of LEPL. Male.	Inquiry into the fact in progress.	Hard copy of a letter.	Explanation demanded and received. Materials studied.

Table #3: Disclosure statistics of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Protection of Georgia

	2016	2017	2018	2019	2020	2021	2022
Number of disclosure statements received	3	6	3	15	4	0	1
Means of submission of disclosure statement	A written statement by an identified whistleblower	Written statements by identified whistleblowers	Written statements by identified whistleblowers	14 written statements by identified whistleblowers and one anonymous.	Written statements -2, Via mkhileba@gov.ge -2.		Via mkhileba@gov.ge - an anonymous disclosure.
Substance of disclosure statement	Alleged violations of norms of legislation, ethics and conduct by civil servants.	Alleged violations of norms of legislation, ethics and conduct by civil servants.	Alleged violations of norms of legislation, ethics and conduct by civil servants.	Alleged violations of norms of legislation, ethics and conduct by civil servants.	Alleged violations of legislation.		Alleged violations of legislation.
Status of whistleblower	None of whistleblowers was a civil servant (two whistleblowers were employees of the ministry system and one was a citizen).	One whistleblower was a civil servant and five were citizens.	All whistleblowers were citizens.	Six whistleblowers were civil servants and the rest were citizens.	All the four whistleblowers were civil servants.		-
Position of whistleblower	3 – managerial position 0 - nonmanagerial position	3 - managerial position 3 - nonmanagerial position	2 - managerial position 1 - nonmanagerial position	9 - managerial position 6 - nonmanagerial position	2 - managerial position 2 - nonmanagerial position		1 - managerial position 0 - nonmanagerial position
Sex of whistleblower	1 Woman 2 Man	3 Woman 3 Man	0 - Woman 3 - Man	6 - Woman 8 - Man	2 - Woman 2 – Man		-

Response and decision made	The inquiry into disclosures did not establish the facts.	In five cases, the facts were established. In one case, a minor disciplinary misconduct was established. However, a possibility of releasing from a disciplinary sanction was applied.	The inquiry into disclosures did not prove the facts.	The inquiry into disclosures did not prove the facts in eight cases. Disciplinary proceedings were conducted against 17 persons in seven cases. ¹	Disciplinary proceedings were conducted against one person in one case. ²		Fact not established
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Table #4: Disclosure statistics of the Ministry of Economy and Sustainable Development of Georgia

	2016	2017	2018	2019	2020	2021	2022
Number of disclosure statements received	1	3	4	1	2	1	1
Means of submission of disclosure statement	Anonymous disclosure statement via mkhileba@mkhileba.gov.ge	2 written statements from identified employees holding nonmanagerial position, 1 statement from a citizen via mkhileba@mkhileba.gov.ge	2 written statements via mkhileba@mkhileba.gov.ge one of which was anonymous and another from a former civil servant.	Written statements by identified whistleblowers	2 - written statements by identified whistleblowers.	A disclosure statement against a civil servant holding a managerial position, submitted by an employee of private legal entity under the management of the Ministry.	A written statement by identified whistleblower against a civil servant of non-managerial level.
Substance of disclosure	Violation of organizational internal regulations	Breach of norms of ethics and conduct: 1 – a fact of appointing a civil servant of central	1 - incompatibility of duties and breach of internal regulations; 2 – shortcomings in asset declaration of a	Alleged breach of norms of ethics and conduct	1. Facts of discrimination; 2. Alleged breaches of norms of ethics	-	Alleged breach of norms of ethics and conduct

¹ Disciplinary misconduct was not established against five persons; minor disciplinary misconduct was established against three persons and a possibility of releasing from a disciplinary sanction was applied; a disciplinary measure “warning” defined in Paragraph 1, Subparagraph A), Article 96 of the Law on Civil Service was applied for a disciplinary misconduct specified in Paragraph 1, Subparagraph A), Article 85 of the Law on Civil Service to four persons; a disciplinary measure “deduction of 50 per cent of official salary” for a period of four months defined in Paragraph 1, Subparagraph C), Article 96 of the Law on Civil Service was applied for a disciplinary misconduct specified of in Paragraph 1, Subparagraph C), Article 85 of the Law on Civil Service to two persons a disciplinary measure “dismissal” defined in Paragraph 1, Subparagraph d), Article 96 of the Law on Civil Service was applied for a disciplinary misconduct specified in Paragraph 1, Subparagraph D), Article 85 of the Law on Civil Service to three persons.

² With regard to this person, a disciplinary measure “warning” defined in Paragraph 1, Subparagraph A), Article 96 of the Law on Civil Service was applied for a disciplinary misconduct specified in Paragraph 1, Subparagraph A), Article 85 of the Law on Civil Service; Facts were not established in three cases.

		apparatus to an entity under their subordination – incompatibility of duties.	person; 3 – alleged corruption of a civil servant; 4 - alleged breach of norms of ethics and conduct;		and conduct, insulting and humiliating treatment;		
Status of whistleblower	-	1 whistleblower was a citizen, 2 whistleblowers were civil servants of nonmanagerial level in the Ministry	-	-	2 - civil servants of nonmanagerial level	1 - civil servant of nonmanagerial level	-
Sex of whistleblower	-	-	-	-	-	-	-
Response and decision made	Recommendations were issued to the inspected administrative body. During the inspection, until the conclusion was submitted, the disclosed person tendered the resignation.	1 – a disciplinary measure of deducting 10-day reimbursement from official salary was applied against a disclosed person; 2- a fact of violation by a particular civil servant was not established, but the problem raised in the statement, which concerned the registration of his property in the LEPL National Agency of Public Registry, was settled. 3 – a person was dismissed from the job.	1 – a fact of incompatibility of duties was not established, though a corresponding disciplinary measure, “reprimand,” was imposed for violating internal regulatory acts. 2 – a verbal reprimand was issued to the high official because of minor flaw in the asset declaration. 3 – a fact of misconduct was not established. 4 – based on the conclusion of inspection, a disciplinary measure of “severe reprimand,” envisaged by the internal regulation, was imposed on the high official.	Recommendation about the imposition of a disciplinary measure, “reprimand,” envisaged by the internal regulation.	1. A disciplinary measure of “reprimand” was applied to the head of department for the neglect of paragraphs 1 and 2 of Article 12 of the Law of Georgia on the Elimination of All Forms of Discrimination. 2. A disciplinary measure of “dismissal” was applied to rank III, category II specialists and they were dismissed from their jobs on 13 July 2020.	Verbal warning	Inspection in progress

Table #5: Degree of coincidence of recommendations made by focus group participants with the recommendations made by experts and nongovernmental sector to date.

Recommendations made to date (source)	Degree of coincidence	Additional recommendations or a comment
Ensure a more specific definition of wrongdoings that whistleblowers can disclose (TI, 2015); apply legislative norms to the private sector (IDFI, 2021); compile a detailed and exhaustive list of wrongdoings that whistleblowers can disclose for the aim of identification and foreseeability of	Full coincidence	All focus group participants expressed a desire for greater explanations regarding the separation of disciplinary liability from topics to be considered within the scope of whistleblowing.

<p>scope of actions subject to disclosure (Tsukhishvili, 2020). Determine the criteria for separating disclosure statements from other types of personal complaints, such as: a) a purpose of statement, in particular, protection of public, not personal interests; b) substance of statement, in particular: not to apply norms of disclosure to the appeal of decisions taken by a public agency against a civil servant in the sphere of human resources management; to the appeal of action taken or/and a decision made by a public agency in relation to a private issue of a person (Tsukhishvili, 2020).</p>		
<p>Develop internal procedural norms of disclosure and general standards of internal procedure; develop general standards of procedural norms of consideration of disclosure statements on the level of legislation and impose a legal obligation on public/private entities to develop internal procedural norms of disclosure in accordance with general standards specified by the law (Tsukhishvili, 2020).</p>	<p>Partial coincidence</p>	<p>A proper degree of willingness for norms to be drafted and general standards set for internal procedures was expressed. However, expectations were higher for the development of uniform norms and standards that would be shared by all agencies.</p>
<p>Adopt the rule and methodology for the registration of disclosure statements for public agencies by the government of Georgia (IDFI, 2021). Keep records of whistleblowing and provide information on it to a relevant supervision body (Tsukhishvili, 2020).</p>	<p>Partial coincidence</p>	<p>Absolutely all focus groups underlined the need for the rule and methodology for the registration of disclosure statements.</p>
<p>Determine the sequence of and preconditions for the use of internal and external channels of whistleblowing, also, primarily encourage the referral to internal channels of whistleblowing (Tsukhishvili, 2020). Ensure a possibility of public disclosure by whistleblowers when: a) a possibility to make disclosure inside an agency is absent; b) available mechanisms are not effective or there is a suspicion that they will not be effective; c) there is an immediate threat to the life and health of a person; d) there is an immediate threat to the safety of public health and environment; e) there is a high risk of applying repressive mechanisms against the whistleblower (Tsukhishvili, 2020). Delete the clause from the law restricting the possibility of whistleblowing to mass media and civil society (TI, 2015)</p>	<p>Partial coincidence</p>	<p>The logic of the sequence of the use of internal and external channels of whistleblowing was not much observed in the focus groups and the use of internal channels as a precondition for using external channels was not mentioned. A general impression was that a whistleblower could simultaneously use both channels or use external channels, first, which contradicts the sequence defined in the law. However, all focus groups underlined the need to encourage the use of internal channels.</p>
<p>Raise awareness of whistleblowing mechanisms among civil servants, including the electronic platform, as well as whistleblower protection mechanisms by the Government of Georgia, the Civil Service Bureau, and relevant public institutions through training, information clips, brochures, and other awareness-raising activities (IDFI, 2021). Raise awareness of legal provisions on whistleblower protection (TI, 2015); ensure additional awareness raising campaign directed against the stigma associated with the reporting of wrongdoing at work (TI, 2015); conduct awareness raising campaign on the importance of whistleblowing in public service (IDFI, 2014).</p>	<p>Full coincidence</p>	<p>The majority of focus groups favored intensive awareness raising of whistleblowing mechanisms and tools, including of legal grounds of whistleblowing protection, both among civil servants and citizens for effective implementation.</p>

<p>Define a public agency in charge of implementation of the legislation regulating whistleblowing, which will assist and supervise the development and introduction of internal whistleblowing procedures by public agencies (Tsukhashvili, 2020). Study the need for the establishment of an independent anti-corruption agency by the Government of Georgia through active consultation with civil society and field experts (IDFI, 2021);</p> <p>Establish an independent anti-corruption agency to effectively prevent and address conflicts of interest and corruption in the public sector. Such an agency should have its own hotline for whistleblowers, offer online consultation for civil servants, publish statistics on whistleblowing, and raise awareness of the issue of whistleblowing (TI, 2015)</p> <p>Revision of the Georgian legislation on whistleblowing to bring it in line with international standards, including regulation of the issue by a separate legislative act, establishment of a coordinating body (independent anti-corruption agency/state inspector), removal of the barrier for public disclosure, establishment of a unified standard of internal mechanisms and procedures, development of special legislation for law enforcement agencies (IDFI, 2021).</p>	<p>Partial coincidence</p>	<p>A segment of focus group participants favored the consideration of disclosures outside the agency where the disclosed incident took place.</p>
<p>Stipulate criminal, administrative, or/and civil liability in the law for those persons who blocked whistleblowing or/and undertook repressive measures against the whistleblower (Tsukhashvili, 2020).</p>	<p>Not observed</p>	<p>Although focus group participants did not suggest such a need, a segment of participants stressed the necessity of criminal, administrative, or/and civil liability of a whistleblower who abuses whistleblowing.</p>
<p>Stipulate in the law the right of a whistleblower to claim compensation for material and moral damage and also the rule of evaluating sustained damage and issuing the compensation (Tsukhashvili, 2020).</p>	<p>Partial coincidence</p>	<p>The need for such a recommendation was acknowledged by only a small number of focus group participants.</p>
<p>Apply legal norms regulating whistleblowing to a) representatives of the private sector, whom the state delegated the performance of public functions; b) non-entrepreneurial legal persons established by central and local government bodies; c) enterprises set up or/and co-founded (with 50% or more share) by central and local government bodies (Tsukhashvili 2020). Adopt special legislation on whistleblowing in the ministries of defense and interior (TI, 2015).</p>	<p>Partial coincidence</p>	<p>Focus group participants merely expressed a desire for a whistleblowing mechanism to be of universal nature.</p>
<p>Adopt legal norms to regulate grounds of admissibility, initiation, suspension, and termination of consideration of disclosure statement, also, a prescriptive period, special timeframes of consideration of and decision making on disclosure statement (Tsukhashvili, 2020)</p>	<p>Not observed</p>	<p>-</p>
<p>Stipulate in the law a special rule of participation of whistleblower and disclosed person in the consideration of disclosure statement, also of interviewing of witness and expert, as well as a special, independent mechanism for consideration of whistleblower's complaint about the violation of his/her rights (Tsukhashvili, 2020).</p>	<p>Not observed</p>	<p>-</p>
<p>Evaluate, as a result of discussion with public agencies, a need of determining positive sides and difficulties of granting a status of whistleblower to any person, also, of determining</p>	<p>Not observed</p>	<p>-</p>

the criteria of granting the status of whistleblower, such as a) existence of business or other relations of a person with public or private sector; b) associated relationship with a whistleblower (Tsukhishvili, 2020)		
Clear expression of the attitude towards the institution of whistleblowing by the management of public agencies, and ensuring constant encouragement of disclosure among the employees (IDFI, 2021).	Full coincidence	A segment of focus group participants emphasized the need for encouragement of whistleblowing on the part of civil servants at the managerial level.
Develop a relevant legislative framework and the state policy for whistleblower protection (IDFI, 2014); extend whistleblower protection guarantees to personnel working on classified information, by introducing an approach of observing proportionality between whistleblowing wrongdoing in public service and prohibiting disclosure of classified information (IDFI, 2014).	Full coincidence	The majority of focus group participants spoke about the need to raise awareness of available whistleblower protection guarantees and further approximate mechanisms to best international practices. However, they favor the observation of the proportionality principle when it comes to the disclosure of information classified by the state.
Study of the whistleblowing institution issue for its promotion by the Government of Georgia, including in order to impose sanctions in case of harassment of the whistleblower, to determine the rule of compensation for the damage caused to the whistleblower, and to define possible cases of rewarding the whistleblower (IDFI, 2021). Introduce a system of compensation for whistleblowers who are victims to reprisals (TI, 2015); for the support of whistleblowing institution, incentivize those civil servants with amounts allocated from the state fund, who significantly contributed to the protection of public interest by whistleblowing (IDFI, 2014).	Partial coincidence	A segment of focus group participants supported the idea of compensation for damages caused to a whistleblower. Only few of them spoke about the need of monetary awards whereas the majority believed that monetary incentive would prove counterproductive and encourage the abuse of whistleblowing.
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, the possibility of creating an electronic account of an anonymous whistleblower, the introduction of mandatory feedback on disclosure statements (including anonymous) submitted through the electronic portal, providing a hotline for consultation, etc. (IDFI, 2021). Adoption of codes of ethics by public agencies, the inclusion of issues related to whistleblowing in them, elaboration of disclosure response procedures, and ensuring employee awareness of these (IDFI, 2021).	Partial coincidence	All focus group participants expressed support for awareness raising campaign to promote the electronic portal administered by the Civil Service Bureau and the need for aggregated management of statistics on this website.
To promote the whistleblowing institution, create a state fund aimed at assisting whistleblowers in covering legal costs of appealing the action of the employer, and ensuring compensation for damages caused by the employer to the whistleblower (IDFI, 2014). The creation of an independent and confidential consulting service will ensure the provision of confidential advice on whistleblowing by a qualified expert to a whistleblower (IDFI, 2014).	Not observed	-

Annex 2 – Respondents participating in group discussion

Respondents representing specialized departments/units relevant to whistleblowing institution				
	Participant	Agency	Department/unit	Position
1		Ministry of Regional Development and Infrastructure	Inspection Division of Internal Audit Department	
2		Ministry of Regional Development and Infrastructure		
3		Ministry of Health Care	HR Management Division of Administration	
4			Inspection and Examination Division of Internal Audit, Monitoring and Inspection Department	
5				
6		Ministry of Justice	Internal Audit Department	
7		Ministry of Culture, Sport and Youth Affairs	Internal Audit Department	
8			General Inspection (department)	
9		Ministry of Environmental Protection and Agriculture	HR Management Division of Administrative Department	
10			Inspection Division of Internal Audit Department	
Respondents of nonmanagerial level from the target ministries				
	Participant	Agency	Department/unit	Position
1		Ministry of Regional Development and Infrastructure		
2				
3		Ministry of Regional Development and Infrastructure		
4		Ministry of Environmental Protection and Agriculture	Inspection Division of Internal Audit Department	
5			Agriculture Development and Environmental Protection Policy Coordination Division of the Policy Coordination and Analysis Department	

Respondents of managerial level from the target ministries and respondents from ministries other than target ministries

	Participant	Agency	Department/unit	Position
1		Ministry of Regional Development and Infrastructure		
2		Ministry of Education and Science	Property Management and Logistics Division of Economic Department	
3		Ministry of Environmental Protection and Agriculture	Legal Provision Division of Law Department	
4			International Relations Division of the Department of International Relations and European Integration	
5		Ministry of Justice	Analysis Department	

Respondents of managerial level from municipalities

	Participant	Agency	Department/unit	Position
1		City hall of Kutaisi municipality	HR Management and Development Department	
2			Service Management and Document Flow Department	
3		City hall of Batumi municipality	Internal Audit Department of Internal Audit Office	
4			Recommendation Monitoring Department of Internal Audit Office	
5		City hall of Rustavi municipality	Internal Audit Office	
6			HR Management Department	
7		City hall of Poti municipality	Administrative Office	
8		City hall of Keda municipality	Legal and HR Management Department	
9		City hall of Borjomi municipality	Administrative Department	
10			Logistic Department	
11		City hall of Tsalenjikha municipality	Recommendation Monitoring Department	
12		City hall of Telavi municipality	HR Management Division of Administrative Department	
13			Social Affairs Department of Health Care and Social Affairs Office	
14		City hall of Akhaltsikhe municipality	HR Management Department	

Respondents of nonmanagerial level from municipalities

	Participant	Agency	Department/unit	Position
1		City hall of Keda municipality	Administrative Department	
2		City hall of Batumi municipality	Court Relations and Administrative Dispute Department of Administration	
3				
4		City hall of Rustavi municipality	Law Department	
5		City hall of Poti municipality	HR Management Division of Administrative Department	
6		City hall of Borjomi municipality	Law Department	
7		City hall of Tsalenjikha municipality	HR Management and Gender Equality Division of Administrative Department	
8				
9		City hall of Ozurgeti municipality	Legal Provision and HR Management Department	
10				
11		City hall of Telavi municipality	Legal Provision Department of Law Office	
12			Sport and Youth Affairs Department of Culture, Education, Sport and Youth Affairs Office	
13		City hall of Akhaltsikhe municipality	Audit Office	

Annex #3 – Guide to group discussion

Welcome to our focus group discussion!

I am Nani Macharashvili.

The nongovernmental organization, Civil Service Hub, which aims to support professional growth of employees of the public sector, implements the study to assess the practice of whistleblowing by civil servants. The study is carried out with the financial support from the Embassy of the Kingdom of Netherlands in Georgia. In accordance with the results of the study and best international practice, the NGO Civil Service Hub tries to contribute to the improvement of whistleblowing institution. A focus group discussion envisages a six-cycled management with target groups consisting of civil servants from central and local governments. The scope of the study includes the survey of civil servants' attitudes to the following subjects: awareness of whistleblowing among civil servants and attitudes towards it; perception of essence, purpose, and importance of whistleblowing among civil servants; the practice of whistleblowing and difficulties in its introduction; strategies for the improvement of the whistleblowing institution.

Learning about your positions will be of great help to the working process.

A group discussion will continue 1.5 hours. The discussion will be audio recorded in order to then transcribe and analyze it. Your confidentiality will be observed both in the transcript and the analysis, which means that it will not identify the author of a position (opinion).

Thank you very much for finding time to come and assist us in the conduct of in-depth study.

Please introduce yourself by giving your name and title of the organization you represent.

Introduction

1. Perception of essence, purpose and importance of whistleblowing and awareness of and attitude towards the whistleblowing institution.

- 1.1. **How would you define whistleblowing?** What is a purpose of it? What issues does it concern? Who may make a disclosure statement? Can you share information as to how a disclosure should be made?
- 1.2. **What is the importance of whistleblowing institution?** 1) for a public agency, and 2) for society?
- 1.3. **Please, share information about your experience in relation to whistleblowing institution** (what do you know about the whistleblowing institution? Where do you get information from? How familiar are you with legislation regulating it? Does your agency have any mechanism of anonymous whistleblowing? [specify, for example, a hotline...]) Have you heard of internal regulations for whistleblowing in your agency? [internal regulation, code of ethics, etc. specify when need be] Have you heard of mkhileba.gov.ge?
- 1.4. **Could you specify whether your agency keeps records of disclosure statements?** Which department/unit is responsible for that? How is a disclosure statement identified? What type of information is processed in the case of disclosure statements? What aim can this information be used for? To whom a report on disclosure statistics is submitted?
- 1.5. **Have you heard about instances of use in self-government?** 1) in your agency? 2) in other agencies? 3) in local self-governments? If the answer is yes, please, share the information with us. In your opinion, who uses the whistleblowing institution more often? Citizens? Civil servants? What is the reason for the greater/limited use of the whistleblowing mechanism by the group?
- 1.6. **Could you, please, share general attitudes/assessments of the whistleblowing institution in your agency** (among civil servants, and management) **and whether it is promoted in any form/by any mechanism?** If the answer is positive, please, specify the forms and mechanisms used for the promotion [specify, when need be, to what extent is whistleblowing considered an acceptable action in your agency?]
- 1.7. **Do you agree to submit disclosure statements anonymously?** In your opinion, what are the advantages and disadvantages of anonymous submission of disclosure statements? What are the difficulties in this process?
- 1.8. **How would you/your colleague act when learning about wrongdoings in your public agency?** Whom would you approach and what procedures would you apply? [specify in case of a general answer – a direct supervisor, internal audit and inspection department, a supervisor of a wrongdoer, face-to-face conversation with a wrongdoer, etc.]

Main Section

2. Assessment of whistleblowing practice and difficulties of introducing it

- 2.1. In your opinion, what factors/circumstances can be named that have a positive effect on practicing whistleblowing in Georgia?
- 2.2. In your opinion what factors/circumstances can be named that impede practicing whistleblowing in Georgia?
- 2.3. In your opinion, how effective is the whistleblowing institution in Georgia today? 1) on the national level? 2) on the local level?
- 2.4. What are your expectations about further development/improvement of this institution?

3. Institutional difficulties in implementing whistleblowing.

3.1. Can you name/list those institutional difficulties/challenges (preferably, by importance) that can be faced in the implementation of whistleblowing institution? – In the areas of drawing up a disclosure statement, internal and external channels of disclosure, observance of whistleblowing procedures, confidentiality of the process, whistleblower protection? [in case of a general answer, we study their attitudes to each factor listed below]

- **Drawing up a disclosure statement** – Do civil servants know how to draw up a disclosure statement? Do civil servants know what honest and dishonest whistleblowing mean?
- **Internal channels of disclosure** – Are civil servants aware of internal channels of disclosure? Can they name them? Is there a unit/person responsible for the consideration of the disclosure statement? Can you name it? Do you know how intensive is referral and on what issues?
- **External channels of disclosure** – Are civil servants aware of the possibility of external disclosure? Do civil servants know where they can make external disclosure? Have you heard of anyone using external channels? How often and on what issue?
- **Public disclosure** – Are civil servants aware of the possibility of public disclosure? Do civil servants know how to make public disclosure? Have you heard of anyone making a public disclosure? How often and on what issue?
- **Disclosure statement consideration procedure** - Do civil servants know that there are special internal rules of consideration of disclosure statements? In your opinion, is a procedure of consideration of disclosure statements separated from other types of complaints in your agency? What problems do you see in the procedure of making a disclosure? If you/your colleague had submitted a disclosure statement, what procedure was applied for its consideration?
- **Confidentiality of process of consideration of disclosure statement** – in your assessment, why is the confidentiality of the process important? Are you sure, and to what extent, that a public agency will observe the confidentiality of the process? Have you heard of facts about protecting/breaching confidentiality? If yes, please share the information.
- **Institutional mechanisms of protection of whistleblower's rights** – In your opinion, do civil servants know about the rights of whistleblowers in case of whistleblowing? Do civil servants know when the guarantees of protection of whistleblower's rights will not apply to them? Do civil servants know whom to approach for the protection of rights in case a public agency applies repressive measures because of disclosure? Do civil servants know about the demands they may have on a public agency in case of using a whistleblowing mechanism? In your assessment, how effective is/will be the protection of whistleblower's rights?

3.2. Which channel/channels of whistleblowing, and on what grounds, do you assess as:

- Reliable?
- Effective?
- Secure?

4. Personal factors/difficulties in making disclosure statement

4.1. Can you name/list those difficulties/challenges of individual nature (preferably, by importance) that may be faced in the process of implementing whistleblowing? [please, evaluate risks listed below]

Risk	Explanation	High	Medium	Low
Fear of violating rights of whistleblower or his/her close relative	Application of intimidation, harassment, coercion, humiliation, persecution, pressure, causing a moral or material damage to him/her, use of violence or threat of violence, discrimination or other unlawful act because of disclosure.			
Fear of undertaking repressive measure against a whistleblower or his/her close relative	Initiation of disciplinary, administrative or civil proceedings; launch of a criminal persecution.			
A hierarchical structure in a public agency and a risk of souring relations with the immediate supervisor	A case where disclosure is made against the immediate supervisor. A case where disclosure is made against an employee holding a higher position.			
Risk of a whistleblower souring his/her relations with colleagues/employees	A fear of affecting relations with colleagues.			
Risk of forming an unfavorable working environment in a public agency	Lack of collegiality, distrust, refusal to mutual assistance, discriminatory environment, concealment of information, etc.			
Risk of inadequate response to a disclosure statement	A risk where a civil servant doubts that an inquiry into disclosed actions will be properly carried out.			
Risk of breach of the whistleblower's confidentiality	A risk that a public agency will not protect the confidentiality of whistleblower.			
Risk of losing/souring personal and friendly relations with coworkers				
Risk of indifferent attitude of a public agency to a violation	A case where a violation does not directly relate to a civil servant's activity and functions.			
A risk of regarding disclosure of wrongdoings in a public agency as a business of internal audit or internal monitoring department alone				
A risk of settling issues informally	Informal conversation with a wrongdoer employee, with a supervisor of such employee and achievement of informal agreement.			

4.2. Which culture-related factors can you name that impede the effective implementation of a whistleblowing institution? [specify, when need be, - perception of whistleblowing as an act of informing on someone]

4.3. What gender-related factors can you name that impede effective implementation of whistleblowing institution?

4.4. What age-related factors can you name that impede effective implementation of whistleblowing institution? (views of younger and older civil servants)

4.5. What working experience-related factors can you name that impede effective implementation of whistleblowing institution?

5. Measures of introducing whistleblower institution in practice

5.1. In your opinion, what measures are needed to be undertaken in the public service to encourage whistleblowing on national as well as local levels? [please, evaluate the measures listed below]

Potential measure		Level of effectiveness		
		High	Medium	Low
1	Declared will of political leadership			
2	Clearly formulated vision about mechanism encouraging whistleblowing			
3	Creation of a unit in charge and internal procedure			
4	Creation of institution of ethics officers (provision of advice and recommendations on issues of ethics and whistleblowing to civil servants)			
5	Awareness raising campaigns/training			
6	Dissemination of information about good cases of whistleblowing by observing confidentiality			
7	Existence of financial incentives or award			
8	Keeping a record of disclosure statements			
9.	Other			

Summing up

6. Additional opinions and recommendations

6.1. Within the scope of our discussion, what additional information do you want to share? Could you discuss the information and experience that were not elaborated on in the process of discussion, but are important to share?

6.2. Who would you suggest as respondents in order to get more information about the discussed issues?

Thank you very much for your participation in the discussion!

Annex #4 – Criteria for the selection of municipalities

	Municipalities that have introduced integrity risk assessment methodology and identified corruption risks ³	Most open and closed municipalities according to LSGIndex ⁴	Statistical indicators of disclosure statements in municipalities ⁵	Municipalities participating in open government action plan	Municipalities with especially high risk of corruption ⁶
Rustavi			25		-
Batumi			-		
Kutaisi			3		
Poti			-	-	
Telavi			-	-	
Keda			-	-	-
Ozurgeti			-		-
Borjomi			-	-	-
Tsalenjikha			-	-	-
Akhaltsikhe			-		

³ With support of USAID, GGI program and Transparency International - Georgia, 2021

⁴ https://idfi.ge/ge/presentation_of_the_2021_assessment_results_of_the_local_self_government_index

⁵ https://idfi.ge/ge/challenges_of_whistleblowing_in_georgia-legislation_and_practice?fbclid=IwAR1knVUweUJfr62xSNbmvyxGDQWmICCr2M2llsG-K87zcg-E3CA6kpzoP8

⁶ <https://transparency.ge/ge/blog/magali-donis-savaraudo-korupciis-gamouziebeli-shemtxvevebi-ganaxlebadi-sia>

Annex #5: mkhileba.gov.ge – electronic form of submitting disclosure statement

☛ ქართული კლავიატურის ჩართვა/გამორთვა

სახელი და გვარი	<input type="text" value="ველი შვიცილიათ დატოვოთ ცარიელი"/>
საკონტაქტო ინფორმაცია	<input type="text" value="ველი შვიცილიათ დატოვოთ ცარიელი"/>
შემთხვევის ფაქტობრივი გარემოებები	<div style="border: 1px solid #ccc; height: 100px; width: 100%;"></div>
სატარო დაწესებულება სადაც მოხდა ფაქტი	<input type="text" value="აირჩიეთ ორგანიზაცია..."/>
სატარო დაწესებულება სადაც გასურთ განახორციელოთ მხილება	<input type="text" value="აირჩიეთ ორგანიზაცია..."/>
თუ გასურთ მიამაგრეთ ფაილი(მაქს.ზომა 2.5 მეგაბაიტი)	<input type="button" value="Choose File"/> No file chosen
უსაფრთხოების კოდი	<div style="text-align: center;"><p>ცადეთ სხვა შეიყვანეთ ზემოთ მოყვანილი ოპერაციის რეზულტატი:</p><input type="text"/></div>