

## COUNTRY PROFILE

### Georgia

#### I. BACKGROUND

<b>Area:</b>	69,700 sq. km
<b>Population:</b>	3,729 million (2014)
<b>GDP:</b>	USD 16,53 billion (2014)
<b>GNI per capita:</b>	USD 7,164 (2014)
<b>HDI:</b>	0.754; ranked 76 out of 188 countries (2014)
<b>Life expectancy at birth:</b>	74.9 years (2014)
<b>Mean years of schooling:</b>	12.1 (2014)

Source: UNDP HDI; World Bank (2015)

#### a. Indicators on Quality of Public Service:

Indicator	2000	2005	2010	2013	2014
Government effectiveness	25.37	39.51	64.11	69.38	71.63
Regulatory quality	33.82	33.33	70.33	73.68	79.33
Rule of Law	13.88	30.14	48.82	53.55	64.42
Control of corruption	20.00	47.32	55.71	66.03	75.48

Source: World Bank (2015)

#### b. Political and Administrative Structure

Georgia is a democratic presidential republic, as defined by the Constitution of Georgia. The President is Head of State. The Parliament of Georgia is the supreme representative body, which exercises legislative power, defines domestic and foreign policy and maintains control over the Government's activities, within the realm of the Constitution.

The national Government of Georgia is the supreme executive authority. It implements domestic and foreign policy, coordinates and monitors activities of government agencies and carries out the governmental programmes. The Government is composed of the Prime Minister and 19

Ministers, including three offices of State Ministers<sup>1</sup>. The Government is accountable to the Parliament of Georgia.

Government institutions operate on the central and local levels. These include the Government of Georgia, local self-governmental units, the Governments of the Autonomous Republics of Adjara and Abkhazia and the Government of the capital city of Tbilisi. Administratively, Georgia is divided into two autonomous republics, 9 regions and the capital city of Tbilisi. Regional administrations are headed by a State Trustee – Governor, who is appointed and dismissed by the Government.

Decentralisation of government started in 2004 (Dolidze et al, 2013); a local government system was introduced that organised more than 1,000 municipalities that previously existed into the current 76 municipalities (12 self-governing cities including the capital of Tbilisi and 64 communities).

Dolidze et al (2013) note that Georgia inherited weak governmental institutions from the Former Soviet Union. When the FSU collapsed, the Georgian government lacked the sufficient resources to launch reforms in the public service. At the end of 1990s, corruption and nepotism were widespread. A protectionist system prevailed providing a strong tool to exercise control at the central and local levels. Despite these challenges faced by public administration, adoption of the Law on Civil Service in 1997 paved the way for a civil service reform predicated on the principles of the rule of law, protection of rights and transparency. Following the Rose Revolution in 2003, with the introduction of a new government structure in 2004, Georgia gradually started to implement reforms in the civil service. These included legislative amendments and the introduction of e-government projects aimed at improving the efficiency of public service delivery. To date, some 80 amendments have been made to the Civil Service Law. However, modifications were fragmented and focused on short-term results. Accordingly, there is still a need for complex reforms in this area. On a more positive note, it seems that there is a strong political will from the government to reform the civil service in a modern and consistent manner.

## **II. CIVIL SERVICE PROFILE**

### ***a. Legal basis of the civil service<sup>2</sup>***

According to the Law on Civil Service of 1997 - the main legal act regulating civil service in Georgia - state policy on civil service is determined by the Parliament of Georgia. In addition, such bylaws, as Decrees of the Government and Ordinances, provide the legal basis for competitive recruitment, attestation, bonus distribution and other activities in the civil service. However, a new Law on Civil Service was enacted by the Parliament of Georgia on 27 October 2015 and a series of modifications may be introduced with this new legislation, which will come into force on 1 January 2017<sup>3</sup>.

The Law of 1997 determines the legal basis for the organisation of the civil service in Georgia. It regulates relations pertaining to the operation of the civil service and establishes the legal status of a civil servant. Specifically, Chapter I of the Law of 1997 defines the concepts of civil service,

---

<sup>1</sup> State Ministers include the State Minister of Georgia on European and Euro-Atlantic Integration, the State Minister of Georgia for Reconciliation and Civic Equality and the State Minister of Georgia for Diaspora Issues.

<sup>2</sup> In this analysis, provisions of the current Law on Civil Service of Georgia of 1997, as well as those of the newly enacted Georgian Law on Civil Service of 2015 – but to enter force on 1 January 2017- are taken into consideration, to provide comprehensive information on the civil service of Georgia.

<sup>3</sup> Since these changes are not legally adopted yet, for this analysis, provisions of both the Civil Service Laws of 1997 and of 2015 are examined and presented.

civil service agencies and civil servants including description of their types. It also spells out the main principles of the civil service. It further determines provisions of admission into the civil service detailing the special requirements, competition and selection procedures, appointment terms, service duration, as well as for service suspension and dismissal from civil service (Chapters II, IX, X, and XII). The Law also sets conditions for granting incentives, for career development and promotion, for imposing disciplinary sanctions and for attestation / certification processes (Chapters VII and VIII).

Depending on the needed competence and authority, civil service positions are divided into the ranks of chief, leading, senior and junior civil servants (Chapter V). Each rank is further sub-divided into three classes. The rights and guarantees of civil servants are delineated in Chapter III of the Law; regulating, accordingly, issues of remuneration and other payments, the types of leave that a civil servant is eligible for, as well as transfer provisions. The Law further stipulates service duties, including civil servants' responsibilities, conditions of replacement, limitations in engaging in entrepreneurial activity or participating in political party activities and terms of performing additional paid jobs (Chapter VI). In addition, general rules and the principles of conduct for civil servants, including measures to ensure confidentiality of information, handling of conflicts of interest and preventing corruption are provided among other. The Law also contains conditions of dispute resolution (Chapter XIV). Finally, the Law spells out the role and functions of the Civil Service Council as the advisory body of the Government, the Civil Service Bureau and the human resources departments of government agencies. This Law<sup>4</sup> does not cover provisions related to state-political officials, members of the local self-government / municipality councils (*Sakrebulo*), mayors (*Gamgebelis*), deputy mayors, heads of structural units of a City Hall (*Gamgeoba*) and to district *Gamgebelis* of the Tbilisi municipalities, with the exception of conditions stipulated in this Law.

The Law on the Civil Service also states that labour legislation provisions are also applicable to civil servants and support personnel, while taking into consideration specificities of this law. Other matters pertaining to the civil service, which are not regulated by this Law, are subject to provisions in other relevant legislation.

The new Law of 2015 provides the legal basis for the establishment and operation of a stable, unified civil service in the country, based on the merit principle, integrity, political neutrality, impartiality and accountability. The Law defines the status of civil servants, determines the conditions for recruitment in the civil service and performance assessment, as well as termination of service. It also regulates legal relations pertaining to civil servants while they dispense their duties and responsibilities.

Chapter I of the Law contains general provisions underpinning the aim and scope of the law. It provides definitions and specifies the officials who are subject to this law. The civil service principles of legality, loyalty, equality before the law, economic efficiency and effectiveness, merit, impartiality, equal access of all citizens to the civil service, accountability, political neutrality, career promotion and transparency are determined in Chapter II of the Law. Chapter III describes the central civil service management system, including the Civil Service Council, the Civil Service Bureau and the HRM units of public institutions with their functions. It further specifies the rank classification (Chapter IV) and related provisions on entry into civil service, including

---

<sup>4</sup> According to Article 11 of the Law on Civil Service, "Articles 1, 6, 9, 10, 39, 41, 66 and 121 apply to the members of the representative body of the local self-government Sakrebulo. Beside the articles listed in this paragraph, paragraph 3 of article 71 applies to state-political officials."

basic, special and additional qualification requirements, terms of service, competitive recruitment regulations and probation terms (Chapter V). The next chapter outlines conditions for career management as it relates to the issues of transfer, career promotion, the assignment of temporary functions, mobility, performance evaluation, professional development and suspension terms (Chapter VI). Dismissal terms are stipulated in Chapter XII. Chapter VII explores remuneration and incentives systems, types of leave, as well as the rights and obligations of civil servants. The provisions of Chapters VIII and IX regulate recruitment into the public service under administrative and labour contracts. An important novelty introduced by this Law is provisions for disciplinary liability, as specified in Chapter X. The Law also provides for new regulations on the reorganization, liquidation or mergers of public institutions that lead to the introduction of the “mobility principle”<sup>5</sup> in order to protect the interests of professional civil servants (Chapter XI). Chapter XIII regulates the protection of rights of a candidate participating in competitive recruitment processes, as well as of professional civil servants and persons employed under administrative contracts. The last three chapters (XIV, XV, and XVI) provide for conditions of organisational support, as well as transitional and final provisions.

#### **b. Definition of civil servant**

The 1997 Law on Civil Service defines civil service as *“employment in state and local self-government fiscal (budgetary) institutions – public governance bodies”*. The Law defines a civil servant as *“a person who serves in a remunerated position in a state or local self-government agency”*. Civil service in Georgia is unified and divided into the categories of state service and local self-government service. The 1997 Law identifies the following types of civil servants:

- State-political officials who are appointed or elected to state positions of a political nature. These positions include: (a) the President of Georgia; (b) Members of the Parliament of Georgia; (c) the Prime Minister of Georgia and other members of the Government of Georgia; (d) Members of the supreme representative bodies of Abkhazia and Adjara; and (e) Heads of Governments of the Autonomous Republics of Abkhazia and Adjara;
- Civil servants of the state and local self-government agencies;
- Support staff (or technical personnel) hired under labour contracts for positions regulated by the institutional staff log. They serve directly in the assigned agencies;
- Freelance (supernumerary) civil servants, who are appointed or recruited on labour contracts for a defined period to perform temporary tasks.

The new Civil Service Law of 2015 delimits executive and political functions in the Civil Service of Georgia. This serves the purpose of relieving the civil service from undertaking activities relating to legislation, justice and politics. The Law also envisages the development of a career-based civil service system built on meritocratic principles.

According to the Law of 2015, state service means *“service in elected or appointed positions in the state bodies (institutions) of Georgia and in the bodies of the autonomous republics that exercise legislative, executive and judicial authority, state supervision and control and state defence under the legislation of Georgia”*. A state servant is defined as *“a person holding an elected or appointed position, whose legal status and powers are defined under the Constitution of Georgia and/or by other relevant legislative acts”*.

---

<sup>5</sup> According to Article 52 of the Law, the mobility principle means that in the case of reduction in the number of job positions due to reorganisation, liquidation and/or merger with another public institution, an officer may be transferred, upon his/her proper consent, to an equal position in the same or another public institution, and if no such position is available, to a lower position, taking into account his/her competence. If mobility, as defined above, is not possible, an officer shall be transferred to the reserve of officers and shall be paid appropriate compensation.

Civil service relates to the “performance of public service (except for service performed by persons defined in Article 4 (1) of the Law, service in municipal bodies, service in legal entities under public law (except for service in cultural, educational, scientific, research, sports, religious and membership-based legal entities under the public law and in legal entities under public law, as defined by the Law on Civil Service and the Law of Georgia on Legal Entities under Public Law”<sup>6</sup>.

A professional civil servant is a person whose appointment in the civil service is termless and who carries out civil and legal authority in the state and autonomous republics institutions, as well as in local self-government and legal entities under public law (LEPL); for which a person receives relevant remuneration and social benefits. The Law on Civil Service of 2015 also provides a detailed list of the political positions<sup>7</sup> in the administration, to which this Law does not apply.

In addition, service and administrative contracts can be concluded between government institutions and professional civil servants. Persons employed under service contracts are granted an authority to carry out complementary or temporary tasks<sup>8</sup>. The recruitment of persons under labour contracts in the civil service is carried out utilising a simplified competition procedure.

The Law of 2015 introduces the use of administrative contracts by political officials. This means that state political officials are authorized to recruit individuals under an administrative contract, at their discretion. However, according to the terms and conditions for this type of contract, individuals may be hired only to render sectoral advisory, intellectual, technical and/or organizational-managerial and supportive services<sup>9</sup>. According to Article 25 of the Law on Civil Service of 2015, each civil service position corresponds to one career level, and is classified as follows:

- a. Rank I - top management level;
- b. Rank II - middle management level;
- c. Rank III - senior specialist level; and
- d. Rank IV - junior specialist level.

The classification of ranks is made based on factors related to the functions of a position, namely, (a) responsibility; (b) level of complexity of duties; (c) competencies; (d) required qualifications; and (e) work experience. Each rank has 12 steps. A step is assigned to a civil servant based on their performance evaluation results and length of service.

### ***c. Civil servants' profile***

#### ***Eligibility criteria***

---

<sup>6</sup> “Public service includes working in the Administration of the President; on the staffs of the Advisory Bodies of the President; the Prime Minister and the Government; the National Bank of Georgia; the State Audit Office; the High Council of Justice; in the Office of the Public Defender; the Office of the Business Ombudsman; the Office of the Personal Data Protection Inspector; the Office of the Central Election Commission; the Offices of the Supreme Election Commissions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara; and in the Administration of the state trustees – the Governors (Article 3c).

<sup>7</sup> Political positions include: the President of Georgia; Members of Parliament of Georgia; the Prime Minister and other members of the Government and their deputies; members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara; members of the Governments of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara and their deputies; as well as the Governor and his/her deputy; the officials of a municipal Sakrebulo (municipal assembly); the municipal Gamgebeli (head of local administration) mayor; and the deputy Gamgebeli (mayor) in the latter category.

<sup>8</sup> However, the Law's provisions on disciplinary responsibility also apply to holders of these contracts in case they violate the civil service principles, as is the case for permanent civil servants.

<sup>9</sup> As a rule, such recruitment may be concluded without a competitive procedure. However, recruitment of persons under administrative contracts may also be conducted through use of the simplified competition procedures, determined by Decree of the Government.

Applicants should meet the following basic requirements to apply and be considered for a position in the civil service, in compliance with the Law on Civil Service of 1997 (Articles 15 and 16):

- For state service: an applicant should be a Georgian citizen of 21 years or more, possess the legal capacity and knowledge of the state official language, as well as relevant education and experience;
- For local self-government service: an applicant should be a Georgian citizen of 18 years or more, possess the legal capacity and knowledge of the state official language and have completed secondary school education.

The Law of 1997 also specifies that a Georgian citizen, who resides abroad, possesses relevant knowledge and experience, has reached 21 years of age and is fluent in the state official language of Georgia can enter the state service, albeit, on a labour agreement only. It should be noted that these basic requirements are set for new entrants only. Additional requirements apply to all civil servants, including their subordinates and those working on a contractual basis. Additional job requirements are determined by the Law while qualification requirements are defined by the Head of an agency or a senior executive.

The new Law of 2015 introduces certification to prove that an applicant possesses the general skills and knowledge required to be recruited to a vacant professional position, along with the existing age and language knowledge requirements. This certificate is issued upon successful completion of a certification process organised by the Civil Service Bureau.

#### ***Total number of civil servants***

Recent statistics<sup>10</sup> indicate that the total number of civil servants is 53,109.

#### ***Number of civil servants as a proportion of the total population and of the labour force***

There is one civil servant for every 70 people, in the total population.

#### ***Gender and age distribution of civil service***

Gender wise, the civil service is still dominated by male civil servants. They represent 69 per cent (36,558) of the total, while female civil servants constitute the remaining 31 per cent (16,551)<sup>11</sup>. In 2015, the average age of civil servants was estimated at 40 years; the average age for female civil servants is slightly lower at 39 and for male civil servants at 41.

#### ***d. Civil servants' remuneration structure***

A civil servant's average monthly salary in Georgia is 1,278 GEL (520 USD), with a national GDP per capita of 7,582 GEL (3,083 USD). Remuneration includes basic salary and a salary increment. Salary rates for each hierarchical rank are determined by the Law of Georgia "On the Remuneration in Public Institutions". A salary increment is determined by civil servants' class rank, any additional functions they have been assigned to perform by their immediate supervisor and overtime work.

---

<sup>10</sup> See the Civil Service Bureau Annual Report 2015 at [http://csb.gov.ge/uploads.2015\\_ENG\\_web.pdf](http://csb.gov.ge/uploads.2015_ENG_web.pdf)

<sup>11</sup> In 2015.

### III. BODY RESPONSIBLE FOR HR POLICY AND IMPLEMENTATION

Human resources management in the civil service is regulated by several legal acts, notably, by the Law on Civil Service of 1997 (to be replaced by the Law of 2015) and by the Labour Code of Georgia.

The Civil Service Bureau of Georgia (CSB) is a legal entity under public law, established in 2004. It is directly subordinated to the Prime Minister. Its stated mission is to promote good governance and to develop a professional, career-based civil service in Georgia. The Bureau's work focuses on improving current legislation, promoting human resources management systems, establishing effective and transparent governance, as well as ethical standards and the implementation of anti-corruption policy in government agencies.

The Civil Service Bureau is responsible for Human Resources Management (HRM) in civil service. It also ensures coordination and methodological support to the HRM processes within the civil service. Specifically, the Bureau coordinates the activities of HR units in the government agencies, provides guidance on HRM, as well as professional development training to civil servants.

In pursuing its mandate, the Bureau has initiated and it is implementing a range of activities related to: institutionalisation of the civil service, optimisation of the number of civil servants, improvement of motivation systems, enhancement of budget planning and spending, as well as anti-corruption related activities, among other (Dolidze et al, 2013: 116). Following the introduction of the Civil Service Reform Concept, the Bureau's functions have been expanded to cover human resources selection processes. In 2015, the CSB was re-organised. The Human Resources Management Department and the Civil Service Institutional Set-up and Practice Generalisation Department were established. A second Deputy Head position was introduced and the Bureau's budget was doubled.

According to the Law on Civil Service of 1997, the human resources departments of state agencies should: [i] ensure that competitive selection processes are employed to fill vacant civil service positions in state agencies; [ii] organise and conduct certification examinations and performance evaluations; [iii] manage the personal files of civil service personnel; [iv] provide guidance and advice to civil servants on their legal status and other related issues; [v] assess the professional qualifications of civil servants; and [vi] arrange for professional development trainings and other relevant activities (Chapter XV). The new Law on Civil Service of 2015 defines the main functions of a human resources management unit as follows: [i] facilitation and planning for the development of a human resources management policy of public institutions; and [ii] management and administration of human resources in the public sector (Article 24).

#### ***a. Organisation of the selection and recruitment processes in the civil service***

Article 21 of the 1997 Law on Civil Service stipulates that *"a civil servant enters the service through either appointment or election"*. Appointment is made only through a competitive recruitment process for which the rules are determined by a decree of the Government of Georgia. However, the following categories of civil servants can be appointed to a position without competition (Article 30):

- Officials appointed or selected by the President, the Parliament, the Chairman of the Parliament, or the Prime Minister;
- Officials selected by the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara;
- Deputy Ministers, assistants and advisers to Ministers;

- Persons temporarily holding those vacant positions that must be filled through competition, temporarily acting officials;
- Acting civil servants appointed to a vacant position through only the competitive recruitment process;
- Civil servants – in the case of promotion; and
- Officials – in case of transfer to another structural unit within the same institution

Beginning in 2010, the CSB has been developing a unified electronic system for human resources management (e-HRMS) to be utilised, eventually, by all government agencies. This is an automated personnel administration system aiming at ensuring the electronic management of human resources in compliance with relevant policy guidelines and standards. As of March 2016, e-HRMS was fully operational in 18 ministries (the Ministry of Defence of Georgia was in the process of introducing it), 32 LEPLs under various ministries, 11 independent LEPLs, 5 authorities in the Autonomous Republics of Adjara and Abkhazia and 31 municipalities.

The new Law on Civil Service (2015) stipulates that recruitment to civil service positions will be made exclusively on a competitive basis, except for transfer and mobility related cases (Articles 47 and 52). Recruitment to the fourth (lowest) rank will be conducted through an open competition for all applicants holding the certificate of required skills and knowledge. Promotion of a professional civil servant to a position of higher rank (third, second and first) will be carried out through restricted competition, i.e. selection of the candidates from within the civil service system, to the exclusion of persons employed under administrative contracts.

Appointment of a professional civil servant to a higher rank position, through an open competitive process is made only in case of failure to select an appropriate candidate using a restricted competition procedure, or on the basis of a reasonable justification provided by CSB on the non-availability of a candidate with the required qualifications within the civil service system<sup>12</sup>.

A Competition Committee is established to evaluate compliance of candidates with the requirements for a vacant position. The Competition Committee's Chairperson is selected among higher rank officials and will be appointed following the approval of the Head of the hiring public institution. The Head of a public institution will no longer be eligible to become Chairperson of a Competition Committee. A Bureau representative will be allowed to attend on-going competitions in any government agency to safeguard the transparency of the process. Evaluation of candidates is conducted through a written and/or oral assignment and an interview. Other forms of evaluation may also be used, as provided for by the legislation of Georgia (Article 41, Law of 2015).

A person not possessing professional civil servant status may be accepted to fill a vacant professional civil service position on a mandatory probation period (12 months). One of the priorities of the CSB is to introduce job descriptions for civil servants that would allow managers to explicitly define the rights and responsibilities of their employees. The Bureau's Civil Service HRM Department has completed a job analysis and job description project aimed at updating existing job description templates and job analysis questionnaires. As a result of the project, guidelines and manuals for HRM staff have been developed and HR-related ministries' staff trained on developing job descriptions.

---

<sup>12</sup> Non-availability may be determined through a search of the unified HR Management System (e-HRMS) data.

### ***b. Promotion process in civil service***

According to the 1997 Law on Civil Service, civil servants may be promoted to a higher position, if they were appointed through a competitive recruitment process and have served a minimum of one year in their current position. In cases where several civil servants have been nominated for promotion to the same position, the one with the highest certification scores shall be appointed. Article 49 of the Law of 2015 stipulates that civil servants are promoted when transferred from a lower to a higher rank position or transferred from a lower to a higher position of the same rank. The promotion process is conducted through a restricted competition.

### ***c. Performance evaluation, training and career development***

The Georgian civil service still lacks an integrated performance evaluation system (Dolidze et al, 2013: 120). However, HR units of several ministries have introduced a unified digital HRM system that makes personnel data accessible to all agencies involved, with the aim of increasing effectiveness and promoting transparency in civil service HRM processes.

The CSB emphasises the significance of professional development for civil servants. It is actively involved in the development of training modules on a range of topics. An amendment to the Law on Civil Service was introduced to legally provide civil servants with the right to develop their professional skills and improve their qualifications. Further improvements in the capacity development system to provide for civil servants' professional enhancement is envisaged under the Civil Service Reform Concept and the new Law of 2015. For instance, training needs will be determined on the basis of civil servants' performance evaluation results.

The new Law of 2015 defines a number of rules for the career management of professional civil servants. These include: transfer and career development, assignment to temporary functions, as well as terms and conditions related to the mobility of civil servants. Career development tools serve the purpose of ensuring that the needs of professional civil servants are met. In this respect, the newly established practice of transfers is of particular relevance. In the interests of both civil servants and of the civil service, it allows assigning an officer other and/or functionally similar responsibilities corresponding to the same rank and position within the same public institution or within its system (horizontal transfer)<sup>13</sup>.

The current performance appraisal system is based on regular attestation carried out every three years. Attestation (or certification) is defined by Article 81 of the Law of 1997 as "*an evaluation of professional skills, qualifications, capabilities and personal qualities and characteristics of civil servants against the requirements of the position they hold*". Contrary to the current legislation provisions, the new Law provides for a mandatory annual evaluation of civil servants' performance, the results of which could lead to provision of incentives<sup>14</sup> and determine training needs for career development.

Civil servants also have an opportunity to participate in professional development programmes designed to improve such professional abilities as are offered outside the civil service system. Government institutions determine the professional development needs of their staff at the beginning of the year based on a set of standards that have been approved by the Government of Georgia.

---

<sup>13</sup> Article 47 of the CSL 2015. Procedures for transfers are specified in Article 48 of the same Law.

<sup>14</sup> In compliance with the Law of 2015, incentives for professional civil servants' performance will be in the forms of expression of appreciation, monetary bonus or a valuable gift.

The new Law also introduces rules related to disciplinary proceedings. The legislation includes definitions of disciplinary misdemeanours, the purpose and principles of administrative proceedings, as well as the rights and obligations of civil servants, who may have committed a misdemeanour.

#### **IV. ETHICS AND ANTI-CORRUPTION STRUCTURES**

The Law on Civil Service and the Law on Conflict of Interests in the Public Service specify the ethical standards in the civil service. Amendments introduced to the Law of 2009 include the replacement of handwritten applications with electronic ones. Furthermore, property and assets declaration upon entry into the civil service has been abolished<sup>15</sup>, while the categories of officials, who are subject to submitting a property and assets declaration have been expanded. Another amendment made information contained in civil servants' property declarations subject to publication (excluding personal identity details). Changes in both Laws resulted in the introduction of an annual submission of a property declaration, the abolition of the reserve (or database) of employees and the establishment of an anti-corruption council to enforce anti-corruption activities.

There is no independent anti-corruption agency in Georgia, but the Anti-Corruption Council (ACC), established in 2008, serves as the body in charge of strengthening anti-corruption and integrity rules, policies and practice, as well as ensuring certain related reforms remain on the government's agenda. Specifically, the ACC, as an inter-agency council, is responsible for coordination of anti-corruption drives, development of new policies and revision of anti-corruption action plans and strategy. It is also responsible for monitoring their implementation, introducing and implementing recommendations provided by international organisations and informing the public. ACC's decisions are not binding, unless they are reflected in Presidential or Government Decrees or in other legal acts.

ACC has developed an anti-corruption Strategy and Action plan. It identifies corruption-sensitive areas and provides for targeted actions. These are aimed at: [i] modernization and development of public service; [ii] enhancement of state procurement practices; [iii] reform of the public finance system; [iv] development of tax and customs integrity systems; [v] a competitive and corruption-free private sector; [vi] enhancement of justice administration; [vii] increased interagency coordination for the prevention of corruption; and [viii] improved systems of political party financing and the prevention of political corruption.

However, Transparency International (TI) reports that the role of ACC in developing and carrying out anticorruption activities in Georgia between 2010 and 2012, has been very circumscribed, mostly due to its weak organizational capacity (OECD, 2013). Thus, Transparency International has proposed to reform ACC and to establish an independent anti-corruption agency "*...whose responsibilities would include investigation, prevention and education. The agency would have an independent staff and budget and would be directly accountable to the legislature*" (Ibid, p. 23).

There is no special provision for an officer in charge of ethics compliance within the several ministries or other government agencies. However, there are staff members who serve as the agencies' internal focal points for ethics-related issues. The CSB is also responsible for developing a Code of Ethics for civil servants. This should be elaborated in 2016. The CSB has developed the

---

<sup>15</sup> As such, officials are now required to declare their property when they occupy a position at a particular level, mainly of a head of division and higher (Dolidze et al, 2013: 126).

Handbook on Ethics and Code of Conduct in civil service<sup>16</sup>. This includes practical exercises and situational analyses. It also provides for training on ethics and for a code of conduct for civil servants.

The CSB also works to raise awareness of civil servants on the issues of whistle-blowers' protection. In 2015, it implemented a joint project on strengthening whistle-blower protection in Georgia with UNDP and the Government of Sweden. An outcome of this project was the development of guidelines on "Whistle-blower Protection". In addition, the Law on Conflict of Interests and Corruption in Public Service provides for significant improvement in legal protection for whistle-blowers and related issues<sup>17</sup>.

## **V. CIVIL SERVICE REFORMS: PAST, CURRENT AND PLANNED**

### **a. Past reforms**

As already noted, the new government gradually started to reform the civil service, after the Rose Revolution. It introduced a series of actions to combat and curb corruption. Such efforts led to reforms in the public service at large, in law enforcement and in the management of public funds. The reform of the police system within the Ministry of Internal Affairs was, arguably, the most successful case in a series of anti-corruption reform activities<sup>18</sup>. Recruitment of new qualified personnel, provision of a stable working environment and introduction of audit and control measures ensured that corruption practices would not be present in the Ministry. Consequently, not only the police but also other government agencies are currently reported to be corruption-free. According to the OECD (2013), Georgia's progress in reducing corruption levels is significant, as evidenced by opinion polls and international ratings<sup>19</sup>.

Development and deployment of e-governance projects helped increase the efficiency of public service delivery. For instance, the process of registering a company may take only a few minutes. Already, state procurement is also made online. Such innovations contributed to promoting transparency and accountability of public service to citizens. The CSB has been advancing e-governance systems since 2009. A successful initiative was the introduction of a civil service jobs' web portal ([www.hr.gov.ge](http://www.hr.gov.ge)) in 2011. This website made both vacancy announcements and the application procedures easier. Most importantly, it promoted an unbiased access to employment opportunities in the civil service.

Another good example of an e-governance project of the CSB was the launching of a unified electronic Asset Declaration System ([www.declaration.gov.ge](http://www.declaration.gov.ge)) in 2010. Transition to an online assets declaration system has been recognised to significantly improve the processes and procedures for senior officials obliged to declare their assets. This project won the Public Service Award of the United Nations, in 2013.

Despite such positive steps in reforming the public service, challenges still persist. These include the need for further de-politicisation of the civil service; the lack of common HR practices nationwide; the lack of a system for continuous capacity building; and low levels of citizens' engagement in public policy-making.

<sup>16</sup> Ethics and Rules of Conduct of Civil Servants are available on the website of the Regional Hub of Civil Service in Astana at <http://www.regionalhub.org/en-us/E-Journal.aspx>

<sup>17</sup> For more information, see <https://matsne.gov.ge/document/view/33550>

<sup>18</sup> A case study of the Georgian anti-corruption reform in the Police system published by the Regional Hub of Civil Service in Astana is available online at: [http://www.regionalhub.org/Portals/0/Documents/Anti-corr-G\\_Eng.pdf](http://www.regionalhub.org/Portals/0/Documents/Anti-corr-G_Eng.pdf).

<sup>19</sup> According to Transparency International Corruption Perception Index (2014), Georgia's score increased from 1.8 in 2003 to 5.2 in 2014. It ranked 50<sup>th</sup> out of 174 countries.

## ***b. Current reforms***

To address the issues identified above and to further enhance civil service reform - which the Government recognises among its top priorities - a Civil Service Reform Coordination Council was established. The Council consists of 15 representatives from the Ministries and Parliament. It is chaired by the Head of the Administration of the Government of Georgia. The Council's reform efforts ostensibly purport to:

- Establish a politically neutral, open and effective civil service;
- Develop a coherent and unambiguous legal framework for civil service;
- Develop a career-based professional civil service system;
- Create training and professional development opportunities for civil servants;
- Establish fair remuneration and classification systems; and finally
- Take further steps towards the country's integration into the European and Euro-Atlantic institutions.

Accordingly, a Civil Service Reform Concept was developed and approved in 2014, providing solid ground towards the elaboration of the new Law on Civil Service. The Civil Service Reform Concept aims at: [i] the establishment of a professional civil servants' institute; [ii] the introduction of regulations safeguarding the independence of the civil service from political influence; and [iii] the development of a fair system for promotion and career advancement. The Concept includes recommendations based on the EU categorisation system<sup>20</sup>, which have been applied to other countries in transition. It provides an exhaustive list of civil service reform initiatives.

The Concept revealed several legislative gaps, namely, contradictory provisions or absence of by-laws. This, coupled with the adoption of new legal approaches and national priorities has led to the decision to enact a new law on civil service, instead of merely amending existing legislation. The new Civil Service Law of Georgia was passed by the Parliament of Georgia on 27 October 2015 and will enter into force on 1 January 2017. This Law aims at establishing a politically neutral, unified system of civil service, based on the principles of merit and professionalism, integrity, impartiality and accountability, as well as introducing solid career development perspectives for civil servants.

New competition procedures introduced by the Law of 2015 are directed towards relieving the recruitment to civil service ranks from political party influence. Specifically, certification and new rules relating to the composition of Competition Committees should ensure the elimination of favouritism and nepotism, as well as the interference of Heads of government departments into human resources management. The new Law of 2015 contributes to bolstering the civil service system. Through this Law, the Civil Service Bureau's scope is widened and the Head of the Bureau is granted authority to offer recommendations for action.

## ***c. Planned reforms***

According to the CSB, the period between 2013 and 2015 has been momentous in terms of the large-scale reform undertaken in the civil service system. Current reform activities, initiated with the Civil Service Reform Concept will continue into 2016 to prepare the ground for effective implementation of the new Law after 1 January 2017. The Law envisages amendments in a number of ways. These include revision of the civil service concept and related definitions, as well

---

<sup>20</sup> These categories include: Definition of Civil Service; Civil Service Employees; Central System for Management of Civil Service; Entry into the Civil Service System; Classification System of Civil Servants; System of Remuneration; Management of Civil Servants; Rights and Duties of Civil Servants; Training and Professional Development; and Gender Equity in Civil Service.

as eligibility criteria for entry into the civil service, remuneration and classification systems, training and professional development. The Law also provides for significant improvements in legal protection of whistle-blowers<sup>21</sup>.

## References:

1. Civil Service Bureau. *Civil Service Bureau Annual Report 2015*. Available online [accessed on 15 January 2016] <http://www.csb.gov.ge/en/civil-service-bureau-annual-report-2015/1007>
2. Decree of the Government of Georgia № 627 on the Approval of the Civil Service Reform Concept and Some Other Related Measures 2014. Available online [accessed on 10 September 2015] <http://csb.gov.ge/en/useful-links/legislative-acts>
3. Dolidze, N, Jobava, I. and Sopromadze, E. 2013. Public Administration in Georgia. In Liebert, S., Condrey, S. and Goncharov, D. eds. *Public Administration in Post-Communist Countries: Former Soviet Union, Central and Eastern Europe, and Mongolia*. CRC Press, Taylor & Francis Group.
4. Law of Georgia on Civil Service 1997. Available online [accessed on 10 September 2015] <http://csb.gov.ge/en/useful-links/legislative-acts>
5. Law of Georgia on Civil Service 2015. Available online [accessed on 15 January 2016] <https://matsne.gov.ge/en/document/view/3031098>
6. Law of Georgia on the Conflict of Interests and Corruption in Public Service 1997. Available online [accessed on 10 September 2015] <http://csb.gov.ge/en/useful-links/legislative-acts>
7. Organisation for Economic Co-operation and Development. Anti-Corruption Network for Eastern Europe and Central Asia. *Istanbul Anti-Corruption Action Plan, Third Round of Monitoring: Georgia*. 2013. Available online [accessed on 17 September 2015]
8. <http://www.oecd.org/corruption/acn/GEORGIAThirdRoundMonitoringReportENG.pdf>
9. Transparency International. 2014. *Corruption Perceptions Index 2014: Results*. Available online [accessed on 17 September 2015] <http://www.transparency.org/cpi2014/results>
10. United Nations Development Programme. 2015. Human Development Report 2015. Available online. [accessed on 15 February 2016] [http://hdr.undp.org/sites/default/files/2015\\_human\\_development\\_report.pdf](http://hdr.undp.org/sites/default/files/2015_human_development_report.pdf)
11. World Bank. 2015. *Georgia, country data*. Available online [accessed on 18 September 2015] <http://data.worldbank.org/country/georgia>
12. World Bank. 2015. *Worldwide Governance Indicators*. Available online [accessed on 15 February 2016] <http://info.worldbank.org/governance/wgi/index.aspx#reports>

---

<sup>21</sup> For more information on the new Civil Service Law, as well as on the Civil Service Concept, visit the website of the Civil Service Bureau of Georgia, <http://www.csb.gov.ge/en/home>