

**Information for the Office of the High Commissioner for Human Rights  
on the Role of the Public Service as an essential component of good governance in the promotion  
and protection of human rights  
in accordance with the HRC resolution 19/20**

**Contribution from the Government of Georgia**

**Fight against Corruption and the development of transparent public services**

Perfection and efficiency enhancement of the public sector has long been identified as one of the top priorities of the Government of Georgia (GoG). Before the commencement of reform process, critical themes were access to services, quality and reliability of services, transparency in service provisions like disclosure of service quality, standards and norms, and costs incurred in using a service including bribes. Corruption in public service delivery included both monetary and non-monetary benefits. Common forms of corruption were: bribery, extortion, influence peddling, nepotism, fraud, and opportunism. It is important to mention that corrupted practice included petty bureaucratic corruption (i.e. low-level administrative corruption) and state officials' level corruption, where corrupt activities included strategies aimed self-serving asset stripping by state officials. The areas of passport issuance and property registration were particularly affected: in case of passport issuance, citizen was obliged to pay more than 100 USD as a bribe and submit more than 10 types of documents in order to receive a passport. As for the property registration, 20 types of documents from various governmental structures and up to 300 USD were needed. Furthermore, staff was de-motivated, not service-oriented and served at extremely uncomfortable offices with minimum IT support.

Certainly, challenges to the further sustainable implementation of the reforms remain, however, the progress achieved by Georgia in curbing corruption in public services and building a customer-oriented model has been regarded by the international organizations as an important case of success. According to 2012 World Bank on "Fighting Corruption in Public Services - Chronicling Georgia's reforms", prior to 2003 public services in Georgia were dysfunctional, corrupt and full of bureaucratic barriers. Systems of public registries were chaotic and corrupt. Inaccurate information was stored in Soviet-era archives. Responses often took up to two months.<sup>1</sup>

In addition, for the public service delivery was dramatically improved and professional integrity greatly increased among civil servants. Business-type registries/databases were introduced, handled by new, qualified and well-earning staff. Timeliness of service delivery was significantly improved. Sophisticated information technologies were implemented.<sup>2</sup>

According to the EBRD (European Bank for Reconstruction and Development) 2011 *Life in Transition Survey II*, 92% of Georgian citizens are satisfied with the quality of official document issuance and Georgia holds respective 1<sup>st</sup> place among surveyed countries.<sup>3</sup> In terms of overall satisfaction with six types of public services, Georgia ranks 2<sup>nd</sup> after Estonia.

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<sup>1</sup> World Bank case study: "Fighting Corruption in Public Services: Chronicling Georgia's Reforms", 31 January 2012:

<http://documents.worldbank.org/curated/en/2012/01/15647088/fighting-corruption-public-services-chronicling-georgias-reforms>

<sup>2</sup> According to the World Bank case study, see *supra* note 1.

<sup>3</sup> [EBRD LiT Survey II](#).

Thus, Since the Rose Revolution of 2003 all-embracing and successful measures were implemented to fight corruption. From being one of the most corrupt countries in Eastern Europe by 2003, now Georgia stands as the least corrupt country on the whole continent: according to the latest Eurobarometer survey, 99% of Georgian citizens did not have first-hand experience with bribery.<sup>4</sup> World Bank underlines that profound reforms have been undertaken to ensure corruption prevention, detection and law enforcement in public services. “Georgia has had unique success in fighting corruption in public services. [Georgia’s success] destroys the myth that corruption is cultural and gives hope to reformers everywhere who aspire to clean up their public services.”<sup>5</sup>

One of Georgia's guiding anti-corruption laws has been the **Law on Conflict of Interest and Corruption in the Public Sector**, which was incorporated into the 2005 National Anti-Corruption Strategy. The law prohibits corruption among public servants and requires the disclosure of assets by public officials and their families in order to ensure transparency.

The Law on Public Service and Law on Conflict of Interest in Public Service and Corruption as well as internal regulations of particular governmental agencies also deal with the public servants’ ethics. They define the ways to obey the general rules of conduct, reveal and suppress conflicts of interest, regulate other issues of professional ethics.

The Law on Public Service establishes the legal bases for public entities, ensures the relationships related to public service and determines the legal status of public servants, their duties, rights and obligations<sup>6</sup>. The article 13 of the Law defines the fundamental principles of the public service, which include, among others, obligation of public servants to respect the Constitution of Georgia and rule of law while accomplishing their official duties; respect of rights, freedoms and dignity of people and citizens; impartiality and secular character of the public service etc. The law also defines main rules of conduct of public servants.

Moreover, some of the public entities have elaborated specific codes of conduct for their employees, for instance:

- According to *the Code of Ethics of Employees of Penitentiary System*, the employee shall perform his/her official duties impartially without discrimination based on ethnic, religious, sexual or other grounds<sup>7</sup>.
- *The Code of Ethics of Police* pays particular attention to the prohibition of discrimination. Specific provisions stipulate that officers shall perform their functions fairly and shall not commit discrimination<sup>8</sup>.
- According to *the Codes of Ethic of Prosecutors*, a prosecutor must protect human rights and freedoms protected under the Constitution, International treaties and domestic legislation. A prosecutor is under duty to facilitate the elimination of any discrimination<sup>9</sup>.
- *The Professional Code of Ethics for Teachers* reaffirms the role of teachers to propagate the values of human rights and civic principles and to thus becomes the role-models for their students. It forbids any discrimination of students, including by ethnic origin or religious background. According to *the Professional Code of Ethics for Teachers*, discrimination against pupils based on religious identity can be a basis for dismissing a teacher from the school.

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<sup>4</sup> Findings of [Eurobarometer 2012 related to Georgia](#).

<sup>5</sup> World Bank case study: [“Fighting Corruption in Public Services: Chronicling Georgia’s Reforms”](#), 31 January 2012.

<sup>6</sup> Adopted on 31<sup>st</sup> October 1997

<sup>7</sup> Article 2.4

<sup>8</sup> Article 3.21

<sup>9</sup> Article 5

- *The Code of Conduct of Public Broadcaster* adopted in 2006, which based on the principle of equality, contains a separate chapter regarding ethnic and religious minorities. It states that the Public Broadcaster must reflect in its programs representatives of all minorities and social groups living in Georgia and their real life. The Public Broadcaster should aim at comprehensive and fair covering of all peoples living in Georgia and their cultures, pay respect for the right of ethnic and religious minorities and contribute to their development.
- In 2009, the Georgian National Communications Commission approved the *Code of Conduct for Broadcasters* pursuant to the Law on Broadcasting. Among the basic principles of the Code of Conduct for Broadcasters along with impartiality, equality, diversity and tolerance, is the principle that the broadcasters shall accommodate interests of various social groups regardless of their political affiliation, cultural, ethnic, religious and regional backgrounds, language, age or gender<sup>10</sup>.

As for the Law on Conflict of Interest in Public Service and Corruption, it establishes the general principles to avoid, reveal and eliminate conflict of interest and corruption in public service, as well as determines the liability for the persons involving in corruption and conflict of interest in public service.

Moreover, the Law on Conflict of Interest in Public Service and Corruption defines the term of corruption in public service, offence of corruption and conflict of interest in public service.

The internal regulations of particular governmental agencies provide the special regulations, ethic norms which should be followed by all public servants.

### ***Strategy and Action Plan***

Currently, the Government of Georgia has a National Anti-Corruption Strategy covering all areas of public service, judiciary, legislative and private sector approved by the Presidential Decree N376 in 2010, followed by the Action Plan (AP) for 2010-2013, which is approved by the Presidential Decree. The AP lays out detailed measures for each public agency with the goal of improving transparency and effectiveness of the civil service and strengthening the role of inspectors general within public agencies. The implementation is carefully monitored by the AC Council with its Secretariat.

Georgia has elaborated far-reaching commitments within Open Government Partnership, initiated in 2011 by the US President, Mr. Barack Obama and the President of Brazil, Ms. Dilma Rouseff. Most of the commitments are aimed at the prevention of corruption, such as: taking public service delivery to another level, presenting online public services, improving the access to public information, further fine-tuning e-procurement systems, etc.

Georgia actively participates in the Council of Europe's Eastern Partnership Facility: "Good Governance and the Fight against Corruption". Among the activities of the facility are conferences, workshops, seminars, trainings and risk assessment of healthcare sector.

Georgia also works closely with GRECO, OECD and UNODC.

The Government of Georgia continues to work on its anti-corruption projects that already proved to be successful, to improve them further and maximise their benefits. These projects include e-procurement, e-declarations, e-auction and so on.

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<sup>10</sup> Article 3

### ***Anti-Corruption Coordinating Council***

On the basis of Law of Georgia on Conflict of Interests and Corruption in Public Service Anti-Corruption Council was created. The Anti-Corruption Coordinating Council of Georgia, established in 2008, is a high-level inter-agency body comprised of senior governmental officials, international organisations, and chairpersons of both national and international NGOs. The Anti-Corruption Council is chaired by the Minister of Justice of Georgia.

The Council defines Georgia's anti-corruption policy and its main function is the elaboration of strategic policy documents of the country: the Anti-Corruption Strategy and the Action Plan.

The Council supports and monitors the implementation of the Anti-Corruption Action Plan. Implementation reports are prepared each year. The AC Council is also responsible for preparing amendments to anti-corruption legal documents whenever needed.

The functions of the Inter-agency Council include: coordination of anticorruption activities in the country, update of anticorruption action plan and strategy as well as supervision of their implementation, monitoring accountability towards international organizations, initiation of relevant legislative activities and drafting recommendations. Representatives of different governmental and non-governmental agencies are represented in the Council.

There is an expert-level working group operating under the Council. The experts are from all governmental and non-governmental/international organisations represented in the Council. The anti-corruption initiatives are initially discussed and elaborated within the working Strategy and Action Plan identify corruption sensitive areas and provide for targeted actions aimed among others at modernization of Public service, development of Administrative service, state Procurement, reform of Public finance system, development of Tax and Customs systems, increased Interagency Coordination for Prevention of Corruption, improved system of Political Party financing and prevention of Political Corruption.

### ***Public procurement***

Before 2003 public procurement was effectively hijacked by corruption. This system was scrapped and a new platform for public procurement was introduced: [www.procurement.gov.ge](http://www.procurement.gov.ge). Public procurement is conducted exclusively online. There is zero possibility of corruption as the bidding process is being carried out online on the web-site and any interested party can follow it. The competitiveness is thus guaranteed. In order to maximise transparency, a Dispute Resolution Board was created with civil society being represented on par with public officials. This innovative approach gave the State the possibility to save 202 million GEL which is 4% of the procurement budget.

In June 2012 Georgian e-procurement system won the UN Public Service Award for the category of "Preventing and Combating Corruption in the Public Service".

It is planned to further fine-tune the system and find new ways of balancing criteria of price and quality and improve the analytical module of the system.

### ***Jurisdiction system of the public officials***

A number of significant legislative amendments were introduced to the Georgian Criminal Code in November 2011 in response to GRECO 3<sup>rd</sup> Round Recommendations. With these amendments, Georgia complied with all 5 recommendations issued by GRECO on incriminations.

The Georgian legislation addresses corruption-related offences, leaving aside the dual criminality requirement, when committed by its nationals, who are public officials, including members of a Parliament of Georgia, Georgian officials of international organizations, Georgian members of international parliamentary assemblies and Georgian judges or officials of international courts. The same is true for non-nationals working in any similar capacity for Georgia.

### ***E-auctions***

The Georgian Government uses an online platform and online bidding for auctions: [www.eauction.ge](http://www.eauction.ge). The State Procurement Agency has developed an online service, the principles of which are the same as with the e-procurement: full transparency, accessibility and equal competition. It is envisaged to make the e-auction system more user-friendly.

### ***E-declarations***

The Ministry of Finance provides online services for company registration, taxes and customs (under development). Senior Public Officials are under the obligation to submit their financial declarations on the web-site [www.declaration.ge](http://www.declaration.ge) where they are available to the public. The Georgian Government will improve the existing system and introduce new monitoring mechanism.

## **Free access to Information**

Article 24 of the Constitution of Georgia provides the right to free access to information. The Constitution of Georgia envisages the right to seek, receive and impart information in writing or by in any other means. This right is not the absolute one and might be restricted in certain circumstances. Article 24 (4) of the Constitution of Georgia emphasizes that restriction of this right is justified if the restriction is necessary in a democratic society, serves for the interests state security, territorial integrity or public safety, prevents crime, protects the rights and dignity of others.

The Georgian government is open towards cooperation with the civil society and citizen engagement in decision-making. The General Administrative Code of Georgia, that includes Freedom of Information Provisions, was adopted in 1999. The Code sets high standard for the accountability of administrative agencies. The Code allows for the maximum time limit of ten working days for providing an individual with the requested public information - which is one of the shortest time frames in the world for the obligation to deliver public information.

Each Georgian public entity has a designated freedom of information (FOI) officer. They are in charge of guaranteeing access to public information. The FOI officers undergo constant trainings to improve uniform practice across governmental agencies: monthly meetings are held within the joint project of the MSI Worldwide (USAID) Georgia and the Georgian Ministry of Justice.

Georgia scored 2<sup>nd</sup> after New Zealand in a global survey analyzing public access to budget information, outranking almost all developed states: according to the study conducted by the *Centre*

*for Law and Democracy*, Georgian government officials were positive, compliant, and thorough when responding to the Centre's requests for budgetary information.<sup>11</sup>

In 2011, Georgia joined the Open Government Partnership (OGP) initiative and developed ambitious commitments related to the freedom of information. The Government works on creating breakthrough possibilities for engaging more citizens in the public decision-making process. In spring 2012, the FOIA was amended, establishing the obligation for pro-active disclosure of public information.

A unified public information portal - data.gov.ge will be launched in 2012. The information stored across governmental agencies will be proactively published online, sorted according to 12 thematic sections. Data.gov.ge will enable citizens to request public information electronically from any governmental agency, without having to indicate the responsible agency. In mid-2012, the e-request of public information has already been implemented by the Court system.

Since mid-2012, citizens have been given the additional platforms to petition the Prime-Minister of Georgia (via Facebook) and the Mayor of Tbilisi ([www.chemitbilisi.com](http://www.chemitbilisi.com)) online.

### **Public Service Halls**

Before the establishment of Public Service Halls (PSH), changes were made in public service delivery process and One-Stop-Shop principle was established in all MoJ structural units delivering public services. However, it was obvious that such type of service delivery was not sufficient for achieving rapid changes in the public service delivery process. Hence, it was decided to simplify service delivery process making it more customer-friendly, more flexible and better accommodating individual needs.

This ensured providing quality services in less time and by consuming less resources. Comparing to previous experience, consumers currently have a possibility to submit the applications without having to amass dozens of required documents. Aiming to accommodate the public needs in the information age in the most efficient way, Ministry of Justice introduced a new concept of public service delivery – “Everything in One Space” principle through Public Service Hall.

Public Service Hall – A brand new concept of service delivery and exclusively Georgian innovation which allows consumers to receive all desired public needs and services in one space. A Service hall with combined structural units and unified database delivers more than 300 services to consumers and eliminates the need to fill out multiple government forms. Additionally, pleasant and comfortable environment, highly-qualified, competent and customer-friendly staff provides the consumers with quick and efficient services.

Since the establishment of PSH, online services are highly encouraged by MoJ. Hence, customers have possibility to access PSH via web page [www.house.gov.ge](http://www.house.gov.ge) and get diverse services in online regime, therefore saving their time and financial resources.

Furthermore, the MoJ actively involved its structural units in simplifying document preparation process, to make it less time consuming. Additionally, foreign experts from US based company

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<sup>11</sup> [Law and Democracy Centre](http://www.lawanddemocracy.org)

“Senteo” were involved in the process of service area planning and interior design, which made PSH itself extremely comfortable, attractive and easily accessible.

In order to deliver effective service, Training Center of the MoJ has actively trained PSH staff in effective service methods, conflict management and stress management, additionally staff was taught English and Russian languages in order to serve foreign customers arriving at PSH.

Creation of service hall according to the principle “Everything in One Space” changed the “One Stop Shop” principle. Consequently, it can be called as “Georgian know-how” due to its unique characteristics of service delivery process. Furthermore, two innovative projects – JUST DRIVE and JUST CAFÉ is planned to establish at Tbilisi PSH. JUST DRIVE will allow consumers to receive ready documents using drive-through principle of service delivery. In terms of JUST CAFÉ, consumer will have a possibility to visit specially designed cafeteria space inside the Tbilisi PSH in order to simultaneously have a cup of coffee and submit the passport or property registration application.

Currently, MoJ operates 8 PSHs offering individuals and businesses a range of services, and 13 more PSHs are scheduled to open by the end of 2013. At 8 PSHs, each serving 13 000 consumers per day in average, the main goal was achieved that is to help visitors to receive services in less than 10 minutes with a maximum comfort. For instance, customers have a choice and it is up to them whether accelerate service or no, particularly customer chooses service terms in accordance to his/her preferences (i.e. Passport issuance in 1 hour or 10 days; business/property registration in 1 hour or 4 days, etc.). Operations are enabled by a technology platform built over a unified database, so citizens need not fill out multiple government forms. Consequently, consumer satisfaction surveys show dramatic increase of satisfied customers, starting from 80% up to 92%.

Public Service Halls also received one of the highest TRI\*M index in the world. According to the TNS Customer Satisfaction Survey, the average customer satisfaction score for three Public Service Halls (Batumi, Rustavi and Kutaisi) amounts 107. Given the world benchmarks in finance (95) and public sector (78) allows the PSH leadership to consider the achieved results as an outstanding for Public Service Hall.<sup>12</sup>

In terms of international recognition, PSH is the first Post-Soviet Space organization winning the United Nations Public Service Award for 2012 in the category of “Improving the Delivery of Public Services”. A total of 471 nominations from more than 80 United Nations Member States were received in 2012, with 16 Member States participating for the first time, including Georgia.

Furthermore, hundreds of delegations from all over the world are visiting MoJ and PSH daily in order to better understand the key points of Georgia’s success in service delivery improvement (Up to date 3 000 delegates from 50 Countries have visited PSH).

Additionally, numerous international organizations, such as UN, EBRD, TI and World Bank are reporting following rankings and conclusions on service delivery to Georgia:

- 1<sup>st</sup> Place in Official Documents Issuance (Life in Transition Survey, EBRD);
- 2<sup>nd</sup> Place in Customer Service Efficiency (Life in Transition Survey, EBRD);

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<sup>12</sup> TRI\*M (Measuring, Managing and Monitoring) is a standardized indicator system. It analyzes measures and portrays stakeholder relationships on the basis of standardized indicators. The TRI\*M Index is an indicator of the status quo of a particular relationship. The index is made up of four points of view on the stakeholder relationship, e.g. for customer loyalty: overall rating, recommendation, repeats purchasing of product/services, and a company's competitive advantage. The information is based on surveys/interviews.

- 92% of Citizens are Satisfied with the Procedures of Official Documents Issuance (Life in Transition Survey, EBRD);
- Corruption Perception among Citizens is the Lowest – 4% (Life in Transition Survey, EBRD);
- Only 2% of Citizens Experienced Bribery (Life in Transition Survey, EBRD);
- Only 3% of Users Paid Bribe (Global Corruption Barometer – TI);
- 77% of Citizens Perceive Government’s Actions Toward the Fighting Corruption as effective (Global Corruption Barometer – TI);
- 78% of Citizens Think that Corruption Level decreased Significantly for the last 3 Years (Global Corruption Barometer – TI);
- 1<sup>st</sup> Place in Property Registration (World Bank);
- 16<sup>th</sup> Place in Ease of Doing Business (World Bank).

In the sense of successful elements of the initiative, it definitely seeks to protect consumer’s rights and enhance the relationship between the public service and its consumers (citizens). Furthermore, it seeks to transform the public service from bureaucracy to a results-driven organization delivering on the government’s social contract with the people. The reforms increased trust between the Community and the Public Servant and, by extension, the Government. Improved service effects for the Community contributed to a better standard of governance, building credibility and trust. Service Delivery directly impacted how GoG’s performance is seen by the citizens. PSH demolished previous perception of service delivery and established itself as an independent self-sustained body with the high sense of responsibility toward the Customer.