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Amendments for the Effective Legislative Mechanisms for Whistleblower Protection

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**Amendments for the Effective Legislative
Mechanisms for Whistleblower
Protection**

(Legislation Review and Recommendations)

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*The Vision of the Georgian Democratic Initiative (GDI) on Necessary
Amendments and Introductions to Legislation Regulating Whistleblower
Protection*

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Introduction

Whistleblowing occurs when individuals, whether in the private or public sector, disclose information about corrupt, illegal, or fraudulent activities within their respective organizations, i.e. activities that impact or endanger public interests, to the appropriate individuals or entities authorized to address such concerns. This disclosure aids in promoting good governance within countries. It facilitates the identification of corrupt practices or other forms of misconduct that undermine public interests, spanning through both public and private sectors.

Despite the significant societal benefits a whistleblower institution can yield, individuals who find the courage to speak out frequently encounter severe repercussions. Consequently, many employees opt for silence out of fear of potential retaliation even when confronted with gross violations of the law. Whistleblowers are frequently subjected to prosecution, termination, demotion, or coerced resignation upon reporting legal or ethical violations. To facilitate whistleblowing and mitigate associated obstacles, legislation must provide individuals with robust legal assurances of protection. These safeguards should align with international standards delineated in relevant documents and informed by the analysis and insights derived from whistleblower cases. For this purpose, this document aims to examine the correlation between international standards governing legal protections for whistleblowers and the current legal framework in Georgia. Specifically, the document will focus on evaluating the extent to which Georgian legislation complies with the EU Whistleblower Protection Directive 2019/1937¹ and the standards outlined in the research conducted by the International Bar Association concerning whistleblower protection.² The assessment will involve identifying and analyzing best practices in international legislation.

¹ Directive (EU) 2019/1937 of The European Parliament and of The Council of 23 October 2019 *on the protection of persons who report breaches of Union law*, available: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937> [14.02.2024].

² International Bar Association, *Are whistleblowing laws working? A global study of whistleblower protection litigation*, 2021, available at: <https://www.ibanet.org/article/EE76121D-1282-4A2E-946C-E2E059DD63DA> [last accessed 14.02.2024]

Additionally, the document will offer recommendations for essential amendments and additions to Georgian legislation.

1. Special Law “On the Protection of Whistleblowers”

For enhanced visibility, clarity, and comprehensive coverage of pertinent issues, the legislation protecting whistleblowers must function as an independent, specialized statute.

The fundamental principles of whistleblower protection, ethics, and general conduct rules in Georgia are governed by the Law of Georgia "On the Fight Against Corruption." Additionally, certain matters are addressed by Resolution No. 200 of the Government of Georgia, dated April 20, 2017, which establishes general ethical standards and procedural guidelines for public institutions. Furthermore, the reviewing body, in addition to the abovementioned law and regulation also applies the rules outlined in the Administrative Code of Georgia.

Considering these factors, it is crucial to initiate and adopt a specialized legislative framework for safeguarding whistleblowers. Such a law would comprehensively address the guarantees of whistleblower protection, ethical standards, and conduct rules. Furthermore, it would establish a clear procedure for the review and consideration of whistleblower applications regarding revealed information.

2. Scope and Issues of Whistleblowing

The scope of whistleblower protection should encompass the reporting of violations involving illegality, erroneous managerial decisions, abuse of authority, significant and specific threats to public health, and any other actions detrimental to societal welfare and the proper functioning of institutions.

Article 2 of the EU Directive provides comprehensive regulation, defining a whistleblower as an individual whose disclosures pertain to various areas including illegal state procurement, money laundering, terrorism prevention, food and transportation safety, environmental protection, protection against

radioactive substances, public health, consumer rights, privacy and data protection, as well as information systems security.

The criteria surrounding whistleblowers, including their definition, the scope of issues covered by whistleblowing, and the available channels or mechanisms for whistleblowing, are delineated in subsection "a" of Article 20 Prima of the Law of Georgia "On the Fight Against Corruption." According to this provision, whistleblowing entails an individual (the whistleblower) notifying relevant authorities, such as the reviewing body, investigator, prosecutor, or the Public Defender of Georgia, about violations committed by a civil servant that contravene Georgian legislation or established ethical and conduct standards. Such violations are those that have caused or may cause harm to the public interest or damage the reputation of the public institution in question. Informing civil society or the mass media about the aforementioned violation by the individual, after the delivery of a decision by the reviewing body, investigator, prosecutor, or the Public Defender of Georgia, is also considered whistleblowing.

The law lacks sufficient specificity regarding the range of issues and actions that whistleblowers can report. This deficiency can lead to confusion and uncertainty in the application of the law, potentially excluding individuals from whistleblower protection who meet international standards but whose disclosures do not currently align with the criteria defined by the current legislation. A more precise and expansive definition is essential to safeguard whistleblowers, particularly in scenarios where actions or oversights may not explicitly breach the law but are unethical or potentially hazardous. This includes instances such as inefficient management, wasteful spending, and potential threats to public health, safety, and the environment.

Therefore, the law should provide a comprehensive and inclusive definition of whistleblowing, specifying the range of issues falling under the subject matter of whistleblowing. This list of issues should adhere to international standards for whistleblower protection.

3. Concept of Whistleblowers in the Private Sector

Extending the institution of whistleblowing and its protection guarantees to employees in both the public and private sectors is crucial.

Article 4 of the EU Directive defines whistleblowers as individuals employed in both the private and public sectors who may possess information falling within the scope of whistleblowing. This encompasses individuals working in public services, including paid or unpaid interns, as well as those employed in the private sector.

Upon analyzing Georgia's legislation, it becomes apparent that a whistleblower is an individual who reports violations of Georgian legislation or general rules of ethics and conduct to relevant authorities. However, the existing framework in the legislation falls short of fully aligning with international standards, as it lacks detailed definitions regarding the individuals eligible to be characterized as whistleblowers.

Therefore, legislative amendments are necessary to explicitly stipulate that whistleblower protection extends to include, at a minimum, the private sector entities with business affiliations to the state. Furthermore, the category of whistleblowers should encompass not only individuals employed in public service but also those with business connections to state agencies, as well as those indirectly associated with state institutions. This broader definition should encompass invited consultants, temporary staff, contractors, interns, and volunteers.

4. Mechanisms of Whistleblowing

Legislation concerning whistleblower protection must provide detailed guidelines for both internal and external whistleblowing procedures, as well as establish prerequisites for public whistleblowing. Specifically, under Articles 7-13 of the Directive, both public and private entities are mandated to establish protected internal whistleblowing mechanisms, ensuring that employees can report concerns in a timely, secure, and effective manner. Additionally, public institutions should establish external whistleblowing procedures, allowing individuals to report information directly to competent authorities. These whistleblowing systems should be meticulously drafted to minimize the risk of retaliation against whistleblowers by representatives of public institutions or any other individuals involved in the process.

Adhering to international standards, including those outlined in the European Union directive, requires the establishment of an effective internal

whistleblowing system. This involves establishing a clear procedure for submitting complaints, detailing the review process, and defining relevant deadlines. Crucially, whistleblowers should actively participate in the case review process and have the opportunity to voice their opinions before decisions are finalized. This approach enhances the disclosure process and increases the likelihood of reaching accurate legal conclusions.

Hence, the written decision issued by the authority responsible for reviewing applications under Georgian whistleblower protection law must encompass the viewpoints of both the whistleblower and the subject of the report. Furthermore, procedural guidelines assessing whistleblower statements should clearly outline provisions for active involvement by whistleblowers to present their perspectives and opinions.

The EU directive emphasizes that states should prioritize establishing and promoting effective internal and external whistleblowing mechanisms. However, legislation should also address exceptional cases of public whistleblowing. Article 15 of the Directive outlines two possibilities for public whistleblowing.

In the first scenario, an individual can benefit from whistleblower protection guarantees if they initially reported the issue to the relevant institution through either internal or external whistleblowing procedures but the institution failed to take appropriate action. In the second scenario, an individual can make a public disclosure without first approaching public institutions if there are reasonable grounds to believe that:

1. The violation may present a clear and immediate threat to the public interest, necessitating urgent action because of the potentially irreparable harm it may cause.
2. There is a potential for retaliation against the whistleblower, or the appeal to a public institution may not result in an adequate response due to certain circumstances. These circumstances may include the concealment or destruction of crucial evidence, a conflict of interest involving the authorized person and the violator, or direct participation in the violation by the former.

According to national legislation, to fall under the whistleblower protection guarantees, an individual must initially utilize internal or external

whistleblowing mechanisms. Only after decisions have been rendered through these channels does the individual have the option to seek recourse through civil society or mass media outlets (public whistleblowing).

The legislation of Georgia designates a structural unit responsible for internal control and/or official inspection within the relevant public institution as the entity tasked with reviewing whistleblowing applications. This reviewing body will assess the application within one month of its submission, adhering to regulations outlined in Georgian legislation and its internal procedures. In the absence of specific guidelines, the review process will follow the formal administrative procedure outlined in the Administrative Code of Georgia.³

Furthermore, whistleblowing issues within the Ministry of Defense of Georgia, the Ministry of Internal Affairs of Georgia, and the State Security Service of Georgia are governed by specialized legislation.⁴ Additionally, the official website of the Anti-Corruption Bureau allows whistleblowing in public institutions where the alleged violation had occurred, serving as an external whistleblowing mechanism.

However, the legislation lacks a unified approach regarding the standards that the internal whistleblower system should adhere to and which agencies should be guided by to maximize the protection of whistleblower rights. A key issue is the absence of a clearly defined mandate for specific units within public agencies tasked with reviewing whistleblower submissions. Particularly, the body responsible for investigating whistleblower reports is often the structural subdivision of the relevant public institution handling internal control and/or service inspection. However, there is ambiguity regarding which unit or department constitutes such a body within certain public agencies, raising questions about the effectiveness of their response to whistleblowing incidents. Furthermore, as indicated by information obtained through research conducted by the Institute for the Development of Freedom of Information (IDFI), it has been confirmed that several public agencies lack an internal control unit altogether.⁵ Consequently, it remains unclear which entity should be responsible for reviewing statements submitted by whistleblowers.

³ Article 20⁶ *Of the Law of Georgia” ON the Fight Against Corruption”*.

⁴ Article 20¹¹ *Of the Law of Georgia” ON the Fight Against Corruption”*.

⁵ The Institute for Development of Freedom of Information (IDFI), *Whistleblowers Against Corruption - Challenges Related to the Effective Implementation of the Whistleblower Institute in Georgia*, available: https://idfi.ge/ge/mamkhileblebi_statia_sami [Last accessed 14.02.2024]

As evident, the law of Georgia “On the Fights Against Corruption” lacks detailed procedures for both internal and external whistleblowing. Furthermore, it neglects to consider exceptional circumstances pertaining to the disclosure of alleged illegal actions, necessitating a decision from the relevant body as a prerequisite for public whistleblowing.

Hence, the legislator must establish comprehensive procedures for both internal and external whistleblowing, including provisions for exceptional cases of public whistleblowing to enhance the guarantees for individuals taking the risk. The legislative criteria for public whistleblowing should be aligned more closely with the international standard outlined in the EU directive. Public whistleblowing should be permissible when relevant institutions fail to render a decision within the legally prescribed timeframes, despite internal and/or external appeals. Furthermore, whistleblowing matters, procedures, application review, and decision-making processes within the Ministry of Defense of Georgia and the Ministry of Internal Affairs of Georgia should be governed by specialized legislation.

Furthermore, legislation should comprehensively regulate the internal whistleblowing system, addressing both institutional and procedural aspects as well as substantive concerns.

Additionally, national legislation should establish a standardized protocol for reviewing statements submitted by whistleblowers across all public agencies.

5. Guaranties of Whistleblower Confidentiality

Whistleblower protection laws ought to establish a framework enabling anonymity for whistleblowers, while those who choose to reveal their identity should be assured of confidentiality. Failure to uphold these confidentiality assurances may result in a "chilling effect," negatively affecting the willingness of individuals to blow the whistle and undermining the effectiveness of their rights protection. According to Article 16 of the EU directive, only individuals directly involved in handling a whistleblower's report should have access to the whistleblower's identifying information, unless explicit written consent is obtained from the whistleblower for disclosure.

It is important to highlight that the Law of Georgia “On the Fight Against Corruption” includes provisions for anonymous whistleblowers.⁶ Furthermore, as stipulated by the law, if the whistleblower has not provided written consent to reveal their identity, the reviewing body is obligated to maintain confidentiality. **The law should ensure the following confidentiality assurances: despite the presence of a traceable whistleblower application, individuals' identities cannot be revealed or disclosed, even to employees within the same public agency, except for those directly involved in reviewing the application, unless explicit written consent is given by the applicant.**

6. Guaranties for Whistleblowers at Work and Beyond

Following the submission of whistleblower applications to relevant authorities, it is anticipated that various forms of harassment and retaliation may ensue against them. Consequently, the legislation must offer comprehensive assurances of effective protection for whistleblowers across all fronts.

Article 19 of the EU directive outlines potential forms of retaliation against whistleblowers and urges member states to establish protective measures against them. Specifically, the directive prohibits various retaliatory measures, including suspension, lay-off, dismissal, or equivalent measures; demotion or withholding of promotion; transfer of duties, change of location of the place of work, reduction in wages, change in working hours; withholding of training; a negative performance assessment or employment reference; imposition or administering of any disciplinary measure, reprimand, or other penalties; coercion, intimidation, harassment or ostracism; discrimination, disadvantageous or unfair treatment; reputation damage via media, blacklisting, revocation of licenses or permits, and referral to psychiatric or medical facilities, among others. Additionally, disclosures by whistleblowers should not serve as grounds for initiating any form of proceedings against them.

Legislation should give precedence to guarantees for protecting whistleblowers and their freedom of expression, especially when a court or employer may seek to limit the spread of information regarding potential

⁶ Article 20³(2) of the Law of Georgia” On the Fight Against Corruption”.

illegality or the breach of ethical standards. The laws regulating whistleblower protection should take precedence over conflicting legislation. Article 24 of the Directive mandates that Member States must ensure that the rights and protection mechanisms outlined in this Directive cannot be waived or restricted by any agreement, policy, or employment contract, including pre-dispute arbitration agreements.

In this context, our legislation prohibits intimidation, harassment, coercion, or any other unlawful actions against whistleblowers and their immediate family members in connection with whistleblowing. These assurances also encompass shielding whistleblowers from any legal proceedings initiated against them due to circumstances arising from their act of whistleblowing.

However, the legislation lacks clarity regarding the course of action to be taken in the event of coercion or intimidation directed at whistleblowers. For instance, if the whistleblower faces harassment or intimidation in the workplace, jeopardizing their ability to carry out official duties, or if changes in the work environment make it untenable for the whistleblower to continue in their current role, the legislation does not outline alternative mechanisms for their transfer to a different position. **Therefore, the legislation must provide detailed descriptions of the protection mechanisms afforded to whistleblowers in the event of various retaliatory actions being taken against them.**

Additionally, as per the legislation, legal proceedings against whistleblowers persist unaffected if the whistleblowers exploit the protection guarantees established by law to undermine the sovereignty and security of the state, subvert its constitutional framework, or incite ethnic or religious discord. **This exception may pose challenges, potentially discouraging whistleblowers. Therefore, it should be precisely delineated to ensure its legitimate use without dissuading individuals from reporting wrongdoing.**

It's important to note that our legislation doesn't establish the precedence of whistleblower protection guarantees over conflicting laws. **Therefore, the legislation should explicitly state that whistleblower rights and protection mechanisms cannot be waived or restricted by any agreement, policy, or employment contract, including pre-dispute arbitration agreements.**

It's important to consider scenarios where, following a legal dispute ruling in favor of the whistleblower, it's challenging for them to go back to their employment and continue working with the individual they reported. Adhering to international standards, it's crucial to provide whistleblowers with the opportunity to transition to another role within the organization, thus minimizing potential risks of retaliation against them as much as possible.

It is essential to acknowledge that national legislation prohibits discriminatory treatment or other unlawful actions against whistleblowers related to the act of whistleblowing.⁷ However, it is crucial to specify precisely the types of actions which whistleblowers should be protected from. Specifically, individuals should not face involuntary changes to their official positions or be transferred to lower-ranking positions as a result of whistleblowing. The legislation should establish protection guarantees for whistleblowers to safeguard their current official positions.

Therefore, when utilizing the whistleblowing mechanism, it's crucial for legislation to comprehensively address the risks associated with temporary suspension or removal of the whistleblower from their position, imposing changes in position against their will, and conversely, to contemplate the option, if desired by the whistleblower, of appropriately altering their current official position to mitigate the risks of retaliation.

7. Standard of Burden of Proof in Proceedings Initiated Based on Lawsuits or Complaints Against Whistleblowers

Whistleblower protection guarantees encompass a sensible distribution of the burden of proof to ensure that the safeguarding of whistleblower rights remains feasible. Consistent with international standards, such as Article 21(5) of the EU Directive, a crucial aspect of whistleblower protection involves shifting the burden of proof onto public institutions. This entails demonstrating that any coercive measures and/or harassment directed at the whistleblower are not linked to their act of whistleblowing.⁸ More precisely, initially, the whistleblower bears the burden of demonstrating prima facie violations. Subsequently, the burden of proof should shift to the organization/subject of whistleblowing, necessitating clear and compelling

⁷ Article 20⁴(1) of the Law of Georgia “On the Fight Against Corruption”.

⁸ Article 21(5) of the Directive (EU) 2019/1937 of The European Parliament and of The Council of 23 October 2019 *on the protection of persons who report breaches of Union law*.

evidence to establish that any disciplinary action taken against the whistleblower is grounded on valid reasons and is not a form of "retaliation" in response to the act of whistleblowing.

As per national legislation, when employing coercive measures against the whistleblower in administrative, civil, or criminal proceedings, the pertinent public institution is mandated to justify that such measures are unrelated to the act of whistleblowing, with the basis for this justification outlined in the Georgian legislation.⁹

Hence, it is crucial that whistleblower protection laws clearly outline the burden of proof standard when assessing complaints filed against actions targeting whistleblowers. This standard should be in line with international recommendations to safeguard whistleblowers from facing legal repercussions as a form of retaliation for their disclosures.

9. Compensation and Damages

Based on international standards, it is necessary for national legislation to consider issues related to the assessment of damages for whistleblowers in such a way that the standard for compensation should cover not only direct financial losses but also indirect losses such as medical expenses, emotional distress, loss of income, and reputational damage. Compensation may also include restitution for the whistleblower's change in position at their workplace.

According to Article 21(8) of the European Union Directive, national authorities need to ensure that whistleblowers receive adequate protection and full compensation for the damages they have suffered as a result of their whistleblowing activities. There are no specific regulations for the compensation and restitution of moral or material damages incurred by whistleblowers in the Georgian legislation.

It is essential to explicitly outline the purpose of safeguarding whistleblowers' rights for restitution and compensation in legislation concerning whistleblower protection. Any amendments and additions should be implemented in a manner that fully complies with international standards to address material or moral damages incurred by whistleblowers.

⁹ Article 20⁴(4) of the Law of Georgia "On the Fight Against Corruption".

10. Reimbursement of Litigation Costs

In order to exercise whistleblowers' rights effectively it's crucial to ensure reimbursement of procedural and legal aid expenses. Under international standards, provisions for compensating legal fees and court costs must be made available to whistleblowers. Article 20(1)(c) of the EU Directive also addresses this requirement. In certain instances, legal expenses may surpass the whistleblower's annual income, posing a significant risk of irreparable harm to whistleblowers in such disputes.

To prevent hindrances to the functioning of whistleblower institutions and to avoid imposing a "chilling effect" on potential whistleblowers, it is crucial to ensure that compensation for legal fees and court costs is legally available. However, the legislation of Georgia currently lacks provisions regarding the reimbursement of court and lawyer expenses for whistleblowers.

Therefore, the Whistleblower Protection Law should explicitly include provisions granting whistleblowers the right to reimbursement of court and legal aid fees.

11. Effective Implementation of Whistleblower Protection Mechanisms

It is crucial to incorporate an effective mechanism for enforcing whistleblower protection measures within the national legislation. **The legislation should recognize court decisions on the implementation of measures outlined in the Law of Georgia "On the Protection of Whistleblowers" as the criteria for terminating proceedings initiated against them.**

12. Accountability for Retaliation Against Whistleblowers

Adhering to international standards, it's imperative for legislation to address the accountability of individuals who retaliate against whistleblowers to prevent instances of reprisal. Without such provisions, those seeking to retaliate against whistleblowers for their disclosures may face no impediment. It is noteworthy that the most effective means of discouraging retaliation is to establish liability for individuals who persecute and harass whistleblowers as a form of retribution.

Furthermore, Article 23 of the European Union Recommendation emphasizes the necessity for states to incorporate effective and proportionate sanctions in

their legislation. This ensures that the whistleblowing process remains unimpeded, protects whistleblowers from various forms of retaliation, including legal actions, and upholds their confidentiality.

The Georgian legislation currently lacks a mechanism for imposing such accountability. **To align with international standards, it is imperative for legislation to address the issue of holding accountable those who retaliate against whistleblowers.**

Moreover, national legislation should also address the issue of holding individuals accountable for violating the confidentiality of whistleblower identities.

13. The Role of the Anti-Corruption Bureau in the Process of Strengthening the Whistleblower Institution

Enabling individuals to effectively advocate for the public good necessitates ensuring they possess knowledge regarding their rights and protection mechanisms when disclosing wrongdoings. Consequently, it becomes imperative to establish institutions within legislation tasked with disseminating information about proper channels and processes for whistleblowers, while educating them about their rights and means of protection following such revelations. As stipulated by Article 20 of the EU Directive, member states are obligated to provide whistleblowers with access to relevant details concerning whistleblowing protocols and, specifically, in instances where whistleblowers face retribution, to convey information about their rights and assurances of protection.

As outlined in the Georgian legislation, the Anti-corruption Bureau is tasked with developing suitable proposals to enhance whistleblower security mechanisms, issuing relevant recommendations on whistleblower protection, and implementing other pertinent measures within the framework of the law.¹⁰ While the official website of the Anti-corruption Bureau does offer information about whistleblowing processes and provides the option to submit whistleblower applications,¹¹ it may not comprehensively address the issue of

¹⁰Article 20¹⁵(1a) of the Law of Georgia “On the Fight Against Corruption”.

¹¹ Whistleblowing in Public Workplace, available at: <https://mkhileba.acb.gov.ge/> [last accessed 14.02.2024]

providing detailed information to individuals who aim to disclose wrongdoings. Therefore, it is imperative to enhance the role of the Anti-Corruption Bureau in bolstering the whistleblower institution. Specifically, the bureau should proactively engage in refining the regulatory framework governing whistleblowing, generating proposals, and issuing recommendations. Furthermore, the bureau should embark on a proactive campaign to disseminate information to the public regarding whistleblower protection guarantees, rights, and the overall significance of whistleblowing. This informational outreach aims to cultivate a culture supportive of whistleblowers and to shift societal attitudes away from negative perceptions surrounding whistleblowing.

Recommendations:

Drawing from the analysis of international practices concerning the rights and protection guarantees of whistleblowers, it is important to implement the following recommendations in order to develop optimal whistleblower protection legislation in Georgia:

1. It is essential to adopt a specialized legislative act on whistleblower protection encompassing comprehensive regulations on guarantees for whistleblower protection, ethical standards, conduct guidelines, and procedures for reviewing whistleblower disclosures.
2. The law should provide a broad and comprehensive definition of whistleblowing, outlining the range of issues that individuals can report. The criteria for whistleblowing should align with international standards.
3. The amendments should specify that the whistleblower protection institute also applies to the private sector that is involved in a business relationship with the state at the minimum. Furthermore, along with individuals affiliated with public service, those with business associations with state agencies or indirect connections to governmental institutions should also be included in the definition of potential

whistleblowers. These may include contracted consultants, temporary staff, service providers, interns, and volunteers.

4. A written decision issued by the authority responsible for reviewing applications under Georgia's whistleblower protection law must encompass the viewpoints of both the whistleblower and the subject of the report. Moreover, the procedural guidelines governing the assessment of whistleblower statements should unambiguously include provisions for the active involvement of whistleblowers to present their perspectives and opinions.
5. The legislator should establish comprehensive procedures for both internal and external whistleblowing, including provisions for exceptional cases of public whistleblowing to further enhance whistleblower protection guarantees. The legislative criteria for public whistleblowing should be aligned more closely with the international standard outlined in the EU Directive. Furthermore, public whistleblowing should be permissible when relevant institutions fail to render a decision within the legally prescribed timeframes, despite internal and/or external appeals.
6. Whistleblowing issues, procedures, application reviews, and decision-making processes within the Ministry of Defense of Georgia and the Ministry of Internal Affairs of Georgia should be regulated by specialized legislation.
7. National legislation should establish a unified protocol for the examination of applications submitted by whistleblowers across all public agencies.
8. Even in cases where a whistleblower application is identifiable, individuals' identities must not be revealed or disclosed, even to employees within the same public agency, except for those directly involved in handling the application, unless explicit written consent is obtained from the applicant.
9. Legislation should comprehensively outline the protection mechanisms provided to whistleblowers in case they face various forms of retaliation.

10. The legislation should explicitly state that whistleblower rights and protection mechanisms cannot be waived or restricted by any agreement, policy, or employment contract, including pre-dispute arbitration agreements.
11. In instances where whistleblowing mechanisms are employed, it's crucial for legislation to carefully address the potential risks of temporary suspension or dismissal of whistleblowers from their current positions, involuntary reassignment, and on the other hand provide the opportunity for whistleblowers, if desired, to voluntarily switch their official roles, to minimize the risks of reprisal against them.
12. The provision regarding encroachment on state sovereignty and security may lack transparency. Therefore, it's crucial to reassess this aspect in the law governing the termination of proceedings against whistleblowers. Georgian legislation permits proceedings if the whistleblower's use of protection guarantees is perceived to compromise state sovereignty and security or aims to overthrow the constitutionally elected government and its structure. This provision requires revision to ensure it meets the intended purpose and to prevent its misuse as a means of deterring whistleblowers.
13. The law on whistleblower protection should stipulate a clear definition of the burden of proof standard particularly when reviewing complaints related to procedures initiated against whistleblowers. This standard should adhere to international recommendations to prevent retaliation in the form of various prosecutions against whistleblowers.
14. Safeguarding whistleblower rights effectively necessitates the incorporation of provisions on restitution and compensation within whistleblower protection legislation. Amendments and additions should fully align with international standards to address any material or moral damages suffered by the whistleblower.
15. The Whistleblower Protection Law must include explicit provisions granting whistleblowers the right to reimbursement of court and legal aid costs.

16. The legislation should consider court decisions regarding the implementation of measures outlined in Georgia's whistleblower protection laws as the ground for terminating proceedings against them.
17. To meet international standards, the legislation must address the accountability of individuals who retaliate against whistleblowers, ensuring that those who seek revenge are held responsible.
18. The national legislation should also address the accountability of individuals who breach the confidentiality of whistleblowers' identities.
19. The Anti-Corruption Bureau should take proactive steps to enhance the regulatory framework governing whistleblower protection, develop proposals, and offer recommendations. Additionally, it should engage in public outreach efforts to inform citizens about whistleblower protection rights and guarantees, as well as the significance of the institution of whistleblowers in general. These initiatives aim to cultivate a culture of whistleblowing and shift societal perceptions towards a more positive outlook on whistleblowers.