

THE DEVASTATING EFFECTS OF THE PUBLIC SERVICE "REFORM"





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Heads of Publication: NONA KURDOVANIDZE
SHORENA LOLADZE

Author: GIORGI ABULADZE

Editor: KHATUNA KVIRALASHVILI

Technical Editor: IRAKLI SVANIDZE

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J. Kakhidze street #15, Tbilisi, Georgia
(+995 32) 295 23 53, 293 61 01
www.gyla.ge

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INTRODUCTION

Following the 26 October 2024 parliamentary elections in Georgia, the decision of the “Georgian Dream” of 28 November 2024,¹ to suspend the issue of opening negotiations with the European Union and also to refuse to receive any budgetary grants from the European Union until the end of 2028, has been followed by an appropriate response from the broad public, including through the dissemination of statements by the persons employed in the public service.

On 29 November 2024, employees of the Ministry of Defence,² the Ministry of Foreign Affairs of Georgia,³ the Ministry of Education,⁴ the National Bank⁵ and the Tbilisi City Hall⁶ dissociated themselves from the decision of the “Georgian Dream”. Later, other public sector employees responded to this decision with a joint statement.⁷

The high-ranking political officials of the “Georgian Dream” soon responded to the statements issued by the public officials. On 1 December 2024, the Secretary General of the “Georgian Dream”, Tbilisi Mayor, Kakha Kaladze, issued a statement, saying that he had announced a reorganization at the City Hall the previous week and that this statement was “a good self-lustration” prior to starting this process.⁸

Prime Minister Irakli Kobakhidze also responded to this situation at a government session on 2 December 2024, and he stated that the public service, whose employees had distanced themselves from the “Georgian Dream’s” decision to suspend the EU integration process, had “practically switched

¹ Press Service of the Administration of the Government, Statement by Prime Minister Irakli Kobakhidze of 28 November 2024. Available at: < <https://bit.ly/3Espxzf> > [14.04.2025].

² Joint statement by the current employees of the Ministry of Defence of Georgia. Available at: <<http://bit.ly/4jHP9XN>> [14.04.2025].

³ “Joint letter of the diplomats: Termination of the EU accession negotiations goes against the country’s strategic interests”, online publication “Civil Georgia”, 29 November 2024. Available at: <<https://civil.ge/ka/archives/639011>> [14.04.2025].

⁴ “Employees of the Ministry of Education Dissociate themselves from the Georgian Dream’s Decision”, online publication “Civil Georgia”, 29 November 2024. Available at: <<https://civil.ge/ka/archives/639435>> [14.04.2025].

⁵ Public statement of the employees of the National Bank of Georgia. Available at: <<https://bit.ly/3YLpVj9>> [16.05.2025].

⁶ Joint statement of some of the employees of the Tbilisi City Hall. Available at: <<https://bit.ly/42xuJtq>> [14.04.2025].

⁷ Statement of the public sector employees. Available at: <<https://bit.ly/4ipVRAE>> [26.04.2025].

⁸ “We announced a reorganization last week...it’s a lustration” - Kaladze responds to the protest of more than 200 City Hall employees, online publication “Radio Tavisupleba”, 1 December 2024. Available at: <<https://www.radiotavisupleba.ge/a/33222551.html>> [14.04.2025].

to a self-cleansing mode” and that “this process will also be finalized”. According to him, public servants and teachers have “a serious problems with reading comprehension”.⁹ The following day, on 3 December 2024, Irakli Kobakhidze stated “with full responsibility” at a press conference that “the self-cleansing process has been conducted in a very interesting way and all actions will be appropriately responded to in accordance with the Constitution and legislation”.¹⁰ Moreover, information has been circulating that officials were pushing those public servants who had expressed dissatisfaction to resign.¹¹

Soon after, on 9 December 2024, the Executive Secretary of the “Georgian Dream” and the Leader of the Parliamentary Majority, Mamuka Mdinardze, announced that amendments to the Law “On Public Service” had been initiated,¹² “with which the reorganization issues in the public sector will be simplified” and “this will ensure the recovery of the public sector”.¹³

⁹ “Irakli Kobakhidze - It is good that the system has switched to a self-cleaning mode, this process will be finalized – also, it is a big problem when public servants or teachers have difficulty with the reading comprehension”, online publication “Interpressnews”, 2 December 2024. Available at: <<https://bit.ly/4cOZ37W>> [14.04.2025].

¹⁰ “Irakli Kobakhidze - Foreign agents and their patrons used their last remaining resources, including in the public services, the self-cleaning process has been conducted in a very interesting way”, Public Broadcaster “First Channel”, 3 December 2024. Available at: <<https://bit.ly/3RvwWAH>> [14.04.2025].

¹¹ “Kobakhidze is speaking about personnel cleansing and states that the public service has entered a ‘self-cleansing mode’”, online publication “Civil Georgia”, 2 December 2024. Available at: <<https://civil.ge/ka/archives/640523>> [14.04.2025].

¹² The ruling party submitted a draft law amending the Law of Georgia “On Public Service” on 4 December 2024. Available at: <<https://www.parliament.ge/legislation/29794>> [14.04.2025].

¹³ “‘Georgian Dream’ simplifies reorganization issues in the public sector”, online publication “Civil Georgia”, 9 December 2024. Available at: <<https://civil.ge/ka/archives/643242>> [14.04.2025].

METHODOLOGY

The study assesses the repressive actions taken against the public servants supporting the pro-European course. The regulatory legislation and by-laws related to the activities in the public service are also analyzed. Beside this, the study also reviews the cases litigated by the Georgian Young Lawyers' Association (GYLA), which reveal the harmful practice of unsubstantiated dismissals from their jobs or disciplinary actions against the public servants.

GYLA provides free legal aid through its central office in Tbilisi and 7 regional offices. About 150 people applied to the organization for legal assistance regarding dismissals and other labor-related issues as a result of repressive legislation. Legal proceedings have already been initiated in some of the cases with GYLA's involvement.

GYLA has requested materials from the public agencies to study the issue of changes in the legal status of the employees resulting from the legislative amendments. Furthermore, the report uses information available in open sources and disseminated in the media on the dismissal of the public officers. Also, the study is based on the statements and assessments of GYLA issued concurrently with the legislative amendments.

The aim of the study is to provide the public with the information on regarding the repressive amendments made to the legislation and the bylaws regulating the public services, to present the harmful practices identified in the cases currently litigated by GYLA and its broader context by examining public information requested from the state agencies.

LEGISLATIVE AMENDMENTS FOR PUNISHING “DISOBEDIENT” OFFICERS

Amendment to the Law “On Public Service”

The ruling party adopted amendments to the Law “On Public Service” to punish the “disobedient” public servants in an accelerated manner, four days after its initiation, on 13 December 2024, and the President signed it on the same day, 13 December 2024.¹⁴

Repressive legislative amendments have significantly worsened the mechanisms for protecting public servants. At the same time, the risk of politicization of the public service has increased.

The initial version of the initiated draft law significantly weakened the guarantees for the protection of the public servants’ rights and, among other things, created the possibility of using the reorganization for political cleansing. Later, during the review on the second reading, the draft law was somewhat changed and other repressive changes were also added.¹⁵

As a result of the amendments, the following issues have been regulated in a new way:

The head of the primary structural unit of the institution and their deputy, according to the amendments, will not be professional public servants, but rather persons employed under an agreement under public law.

This amendment, on the one hand, significantly weakens the guarantees of protection for the persons employed on managerial positions — the grounds and guarantees for dismissal of the officers no longer apply to them (Chapter XII of the Law), and on the other hand, it disproportionately increases the influence of the head of a public institution and creates the possibility of making unfounded politically motivated decisions.

Also, according to the new regulations:

- The period of validity of the agreement under public law between the head of the primary structural unit and their deputy cannot exceed the term of office of the head of this institution,¹⁶

¹⁴ “On Amendments to the Law of Georgia ‘On Public Service’”.

Available at: <<https://info.parliament.ge/#law-drafting/29794>> [15.04.2025].

¹⁵ GYLA, The amendments made in an expedited manner to the Law “On Public Service” are designed to increase pressure on public servants and further politicize the public service, 16 December 2024. Available at: <<https://www.gyla.ge/post/sajaro-samsaxuris-shesaxebskanon-cvilebebi>> [15.04.2025].

¹⁶ Law of Georgia “On Public Service”, Article 81 (2).

- Organization of a competition will not be mandatory for the appointment of the head of the primary structural unit and their deputy;¹⁷
- With the initial amendments, the head of the primary structural unit and their deputy, as persons employed under an agreement under public law, were no longer required to know the official language, hold an officer's certificate, and meet the age requirement; later, with the amendment made on 6 February 2025, the obligation to know the official language and meet the age requirement (has attained the age of 18) has been extended to these persons.
- The dismissal of the named officials will be possible on the initiative of the head of the relevant institution, about which the person will be notified 1 month in advance. In this case, the person will receive compensation in the amount of only a month's official salary.¹⁸

The head of a public institution shall appoint the head of the primary structural unit of this public institution, their deputy, or an officer holding a second-rank position in the same public institution as the chairperson of the competition commission¹⁹ (according to the previous regulations, the head of a public institution appointed an officer in a first or second-rank position in this public institution as the chairperson of the competition commission).

To the extent that the adopted amendments serve to politicize the positions of the head of the structural unit and his/her deputy and make them vulnerable to improper influences, the leadership of the competition commission by these individuals poses the threat of politicizing the competition itself.

The reorganization process has been simplified - it will be possible to dismiss an employee without the obligation to prioritize mobility opportunities;

Appealing a decision on reorganization, liquidation and/or its merger with another public institution shall not suspend the validity of this decision;

Full or partial satisfaction of a complaint/claim of a person dismissed as a result of reorganization will not result in their reinstatement.

With the new regulation, it becomes easier to use reorganization as a tool for political cleansing.

¹⁷ Ibid, Article 78 (2).

¹⁸ Ibid, Article 82 (2).

¹⁹ Ibid, Article 37 (2).

- *The wording in force before the amendments provided for the possibility that, in the event of a reduction in staff as a result of reorganization, an officer, with his/her consent, could be transferred to a position equal to his/her position in the same or another public institution, and in the absence of such - to a lower position. During the reorganization, due to a reduction in staff, an officer would be dismissed only if such mobility was impossible. According to the amendments, this guarantee will no longer apply to the officers and it will be possible to dismiss them from their positions, regardless of whether mobility is possible or not;*²⁰
- **Appealing a decision** on the reorganization, liquidation and/or merger of a public institution with another public institution, or any decision taken during and/or in connection with this process, **does not suspend its validity**;²¹
- A person dismissed from office as a result of reorganization will not be reinstated to his/her position even in the case of the court completely or partially granting his/her complaint/claim. He/she shall only be given his/her lost official salary, also, 3 months of this amount as compensation and shall be put on the reserve list of officers with his/her consent.²²

A public institution shall evaluate officers holding positions of all hierarchical ranks once in 6 months;²³ the head of a public institution shall be authorized to change the evaluation results of an officer within a month following their evaluation.²⁴

The periodicity of the obligation to evaluate an officer is reduced and instead of a year is determined to be 6 months, with the new regulation. Also, the head of a public institution is granted the authority to change the results of the evaluation of an officer within a month from their evaluation. Moreover, in the event of an unsatisfactory evaluation as provided for in Article 53, paragraph 3, subparagraph “d” of the Law, 20% of the officer’s salary will be withheld from the officer until the beginning of his/her next period to be evaluated. **This regulation creates a threat that the evaluation of an officer will be used unjustifiably and abusively as a mechanism for their punishment.**

²⁰ Ibid, Article 52, Article 110 (1).

²¹ Ibid, Article 118 (2).

²² Ibid, Article 118 (6).

²³ Ibid, Article 53 (1).

²⁴ Ibid, Article 53 (9).

The second wave of amendments to the Law “On Public Service”

In February 2025, the Parliament launched another wave of amendments to the Law “On Public Service”. As a result, several important issues have been regulated in a new way. As with the previous process, also this time, the ruling party adopted amendments in an accelerated manner, within three days after their initiation.

Among the amendments, the most significant was the transfer of powers attributed to the Civil Service Bureau under the previous edition of the law to the Government of Georgia, which led to the liquidation of the Bureau as of 1 April 2025.²⁵

The goal of the change was stated to be management rationalization and cost optimization,²⁶ while the functions remaining within the authority of the Bureau will be carried out by the relevant departments of the Administration of the Government.²⁷ The evaluation document, which presented the problem of rationalizing the Bureau’s management or the need for cost optimization, had been made available neither for the public nor for the Bureau employees.²⁸

Beside this, the appointment procedure based on a competition for the heads of the legal entities under public law and their deputies has been abolished, and this authority has been transferred to the relevant state supervision body or the head of the agency under whose jurisdiction a legal entity under public law falls.

Also, the amendments stipulated that the labour relationship concluded with the persons employed under an agreement under public law may be terminated because of the reorganization, liquidation and/or merger of a public institution with another public institution due to staff reductions.²⁹

²⁵ Law of Georgia on Amendments to the Law of Georgia “On Public Service”.

Available at: <https://info.parliament.ge/file/1/BillReviewContent/381239?> [16.04.2025].

²⁶ Explanatory note on the draft law of Georgia “On Amendments to the Law of Georgia ‘On Public Service’”. Available at: <https://info.parliament.ge/file/1/BillReviewContent/380369?> [16.04.2025].

²⁷ Press Service of the Administration of the Government, Under the Government’s Decision, the Civil Service Bureau will no longer exist as a legal entity under public law, 3 February 2025, Available at: https://www.gov.ge/index.php?lang_id=GEO&sec_id=288&info_id=91160 [16.04.2025].

²⁸ Statement of the Civil Society Organizations, Civil Service Bureau liquidation is a continuation of repression in Public Service, 5 February 2025.

Available at: <https://gyla.ge/post/sajarosamsaxurisbiuro-likvidacia> [16.04.2025].

²⁹ Law of Georgia on Amendments to the Law of Georgia “On Public Service”.

Available at: <https://info.parliament.ge/file/1/BillReviewContent/385085?> [16.04.2025].

Furthermore, the leader of the parliamentary majority, Mamuka Mdinaradze, announced that “receiving benefits financed from the foreign sources in the public service without the consent of the head of the relevant institution will be restricted”.³⁰

Amendments to the Rules for Conducting Diplomatic Service

By Order №01-74 of the Minister of Foreign Affairs of 27 January 2025 amendments were made to the Rules for Conducting Diplomatic Service, with which, the legal status of the diplomatic service employees have been worsened. According to the assessment of GYLA, this is a continuation of the repressive measures against the public servants that have begun since December 2024, and, directly mirrors the amendments made to the Law “On Public Service”.³¹

These amendments have been adopted in gross violation of the principle of formal legality. The order, as a subordinate act, unlawfully worsened the legal status established by the superior act, the Law on Diplomatic Service, violating the hierarchy set by the Organic Law of Georgia on Normative Acts.³²

Contrary to the Law of Georgia “On Diplomatic Service”, the agreement under public law will apply to the diplomatic officials.

According to the amendments, the concepts of a primary structural unit and its deputy have appeared in the order regulating the procedure for conducting diplomatic service.³³ People can be appointed on these positions based on an agreement under public law.³⁴ As a result, the Director General of the Ministry’s General Directorate, the Director of a Department, the Deputy Director of a Department, and the Head of the Minister’s Secretariat will be

³⁰ “GD Charges Ahead with Repressive Legislative Initiatives Targeting Civil Society and Media”, online publication “Civil Georgia”, 5 February 2025.

Available at: <https://civil.ge/ka/archives/660178> [16.04.2025].

³¹ GYLA, GYLA responds to illegal and repressive changes to the rules for diplomatic service, 31 January 2025. Available at: <https://gyla.ge/post/diplomatiuri-samsaxuri-represiebi> [17.04.2025]. With reference to: GYLA, The amendments made in an expedited manner to the Law “On Public Service” are designed to increase pressure on public servants and further politicize the public service, 16 December 2024. Available at: <https://gyla.ge/post/sajaro-samsaxuris-shesaxebkanoni-cvilebebi> [17.04.2025].

³² Ibid.

³³ Order of the Minister of Foreign Affairs of Georgia of 27 January 2025 “On Approval of the Rules for Conducting Diplomatic Service”, Article 3(1).

³⁴ Ibid, Article 11¹.

appointed by agreement under public law,³⁵ despite the fact that they are not considered as the persons employed under an agreement under public law under the Law “On Diplomatic Service”.³⁶

The Law of Georgia “On Diplomatic Service” is more special than the Law of Georgia “On Public Service”. It regulates the legal basis for the organization of the diplomatic service of Georgia, relations related to the conduct of diplomatic service, and the legal status of a person serving in this service. The Law clarifies the concept of a person employed under an agreement under public law and directly establishes that *a person employed under an agreement under public law is a person who does not hold a position provided for by this Law for a diplomatic official, administrative personnel, or technical personnel*.³⁷ Moreover, according to the same law, the Director General of the General Directorate of the Ministry and the Director of the Ministry’s Department are the holders of the highest diplomatic positions,³⁸ while the Deputy Director of the Ministry’s Department and the Head of the Minister’s Secretariat - the holders of senior diplomatic positions.³⁹

With the amendments, a danger appears of politicizing the diplomatic service, weakening the guarantees of those employed here, and instrumentalizing political discrimination against them.

As a result of the amendments, the termination of a minister’s authority will automatically result in the termination of the agreement with the senior and highest diplomatic officials.⁴⁰

This kind of regulation poses a serious risk of political manipulation by the “Georgian Dream”. Political and executive functions had been separated from the very beginning with the Law “On Public Service” for the public service to be protected from political influence. And now the approach is completely being changed. First of all, the heads of the structural units may be appointed to this position based on party loyalty, since, unlike the professional public servants, political neutrality is no longer required of them. On the other hand, individuals appointed in this way will be subject to arbitrary dismissals from their positions if their opinions no longer align with the party interests. This, in turn, leaves both the employee and the structure itself

³⁵ Ibid, Article 11¹(2).

³⁶ Law of Georgia “On Diplomatic Service”, Article 2(i.c), 12, 13.

³⁷ Ibid, Article 2(i.c).

³⁸ Ibid, Article 12.

³⁹ Ibid, Article 13.

⁴⁰ Order of the Minister of Foreign Affairs of Georgia of 27 January 2025 “On Approval of the Rules for Conducting Diplomatic Service”, Article 11¹ (7, h).

vulnerable, the effectiveness and identity of which depend on the stability and permanence of the professional staff.

In the diplomatic service, beside the legal grounds, it becomes possible to terminate the agreement of these officials on the initiative of one of the parties.

With the amendments, it has become possible to terminate an agreement under public law on the initiative of one of the parties, with the obligation to notify the other party 1 month in advance. If an agreement under public law is terminated on the initiative of the Minister, the employed person is given compensation in the amount of 1 month's official salary. And if an agreement under public law is terminated on the initiative of the Minister with a later notification to the other party than a month, the employed person is given compensation in the amount of 2 months' official salary.⁴¹

⁴¹ Ibid, Article 11¹(9).

REPRESSION IN PUBLIC SERVICE

Based on the amendments made to the Law “On Public Service” in December 2024, the so called purge of the public officers from their offices soon began. Beside this, several important institutions have also been liquidated.

More than 800 employees have been dismissed from dozens of public structures on political grounds.⁴² Among them, about 150 people have already been dismissed from the Ministry of Defence. GYLA provides legal aid to some of them.⁴³

Immediately after the amendments came into force, heads of the primary structural units in the public institutions and their deputies are considered to be employed under agreements under public law. Soon after, some of them, in some cases, were notified of the decision to dismiss them on New Year’s Eve.⁴⁴

Two important agencies have been liquidated - the Civil Service Bureau and the Parliament Research Center.

On 10 March 2025, the legal entity under public law - the Parliament Research Center - was declared liquidated. The Chairperson of the Parliament of Georgia named as the reason for the liquidation the fact that the original goal, that the Parliament Research Center had been based on, had not been achieved.⁴⁵ As a result of the liquidation, 21 people have been left without a job.⁴⁶

⁴² “Article 78 of the Constitution: More than 800 people have already been dismissed from public services”, TV Company “Formula”, 24 April 2025. Available at: https://formulanews.ge/News/კონსტიტუციის_78-ე_მუხლი:_საჯარო_სამსახურებიდან_უკვე_800-ზე_მეტი_ადამიანი_გათავისუფლეს/125348 [05.05.2025].

⁴³ GYLA, GYLA’s assessment of the dismissal of employees from the Ministry of Defence, 19 March 2025. Available at: <https://gyla.ge/post/gyla-shepaseba-tavdacvis-tanamshromeli> [23.04.2025].

⁴⁴ “Another employee from the Public Service Hall - Head of the Legal Department of the Public Service Hall, Megi Katsitadze, has been dismissed”, online publication “Publika”, 9 January 2025. Available at: <https://www.facebook.com/share/p/1AEifQWXUa/> [23.04.2025]; “SJC applies to the court about the dismissal of 3 Ministry of Justice employees”, TV Company “Formula”, 1 April 2025. Available at: <https://formulanews.ge/News/124783> [23.04.2025].

⁴⁵ “The Legislative Body Supported the Amendments to the ‘Rules of Procedure of the Parliamentary’ prepared by Shalva Papuashvili on the First Reading”, Public Broadcaster – First Channel, 5 February 2025. Available at: <https://1tv.ge/news/sakanonmdeblo-organom-shalva-papuashvilis-mier-momzadebul-parlamentis-reglamentshi-cvilebebs-pirveli-mosmenit-mkhari-dauchira/> [23.04.2025].

⁴⁶ “21 More Fired: Date Announced for the Abolishment of the Parliament Research Center”, Internet Publication “Radio Tavisupleba”, 6 February 2025. Available at: <https://www.radiotavisupleba.ge/a/კიდევ-21-გათავისუფლებული/33305429.html> [23.04.2025].

From 1 April 2025, for the purpose of rationalization and cost optimization, the Civil Service Bureau was abolished⁴⁷ and the Administration of the Government of Georgia was declared as its successor.⁴⁸

Following this process, amendments have been made to the Law of Georgia “On the Structure, Authorities and Procedures for Activity of the Government of Georgia” and to Ordinance №340 of the Government of Georgia of 26 June 2018 “On Approval of the Statute on the Administration of the Government of Georgia”. According to the amendments, the structural units of the Administration of the Government of Georgia and their authorities have been newly defined. And the implementation of the functions of the Bureau has been assigned to the newly created Department of Human Capital Management in the Public Service.

As of 11 April 2025, 15 people are employed in the aforementioned department.⁴⁹ It is unknown how many of them are the public servants transferred from the Civil Service Bureau on the basis of mobility.

It is noteworthy that on 24 January 2025, amendments were made to Order №582 of the Minister of Defence of Georgia of 21 July 2011 “On the Rules for the Service of Military Police Officers”, with which the age limit for the employees with special ranks was determined. According to the amendments, reaching the age limit established for the relevant rank is the basis for the dismissal from office. Beside the reorganization, a number of persons have been dismissed from office precisely on the basis of this amendment.⁵⁰

Furthermore, information has recently been disseminated about a large-scale reorganization underway at the Ministry of Foreign Affairs, which is expected to result in the dismissal of up to 250 employees.⁵¹

According to the publicly disseminated information, in a letter sent to the employees the minister notes that “the reform should enable professional

⁴⁷ Press Service of the Administration of the Government, Under the Government’s Decision, the Civil Service Bureau will no longer exist as a legal entity under public law, 3 February 2025. Available at: https://www.gov.ge/index.php?lang_id=GEO&sec_id=288&info_id=91160 [23.04.2025].

⁴⁸ Law of Georgia on Amendments to the Law of Georgia “On Public Service”. Available at: <https://info.parliament.ge/file/1/BillReviewContent/381239?> [16.04.2025].

⁴⁹ Reply of the Administration of the Government of Georgia of 11 April 2025 №GOV9 25 00009214. }

⁵⁰ GYLA, GYLA’s assessment of the dismissal of employees from the Ministry of Defence, 19 March 2025.

Available at: <https://gyla.ge/post/gyla-shepaseba-tavdacvis-tanamshromeli> [23.04.2025].

⁵¹ “Reorganization Begins at the Ministry of Foreign Affairs”, online publication “Radio Tavisupleba”, 1 May 2025. Available at: <https://www.radiotavisupleba.ge/a/33402213.html> [05.05.2025].

diplomats to better use their experience to protect the interests of the state; the younger generation should be given better opportunities to establish themselves in the foreign service, based on healthy competition; moreover, everyone should be given objective opportunities for career growth”.

As it turns out, as a result of the reorganization, four political directorates will be established, which will join 10 departments and 25 divisions, among them, the Political Directorate for European Affairs will join the departments of Europe and European Integration.⁵²

Information requested from the public agencies

GYLA has requested public information from those state agencies whose employees have been most actively spoken about to have been dismissed. Among them, requests have been submitted to: the Government of Georgia; the National Agency of Public Registry; the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation; LEPL Public Service Hall; the Ministry of Internal Affairs; the Ministry of Defence; and the Tbilisi City Hall.

The requested information concerned statistical data, following the entry into force of the amendments, on the public servants dismissed, on the transfer of the heads of the primary structural units to the employment agreements under public law, and on the employees dismissed due to the expiration of fixed-term employment agreements.

In response to this statement GYLA has received replies from only three agencies - the LEPL Public Service Hall, the Government of Georgia and the Ministry of Defence of Georgia. According to the provided information:

*LEPL Public Service Hall:*⁵³

- Four individuals had their agreements under public law terminated; additionally, on the basis of the new amendments, stemming from the termination of the authority of the Chairperson of the Public Service Hall, three individuals had their agreements under public law terminated;
- Also, in accordance with the new amendments, the heads of the primary structural unit and their deputies, a total of 52 people, for the term of office of the chairperson, have been considered persons employed under an agreement under public law;

⁵² Ibid.

⁵³ Letter №2337 of the LEPL Public Service Hall of 4 April 2025.

- After the expiration of their fixed-term labour relations, 11 individuals have not had their employment agreements extended.

According to the information provided by the Government of Georgia,⁵⁴ in order to carry out the powers of the Civil Service Bureau, a Department of Human Capital Management in Public Service has been established, which, at the time of sending the reply, employs 15 people.

According to the information provided by the Ministry of Defence of Georgia,⁵⁵ as of 1 April 2025 (since December 2024), 99 people have been dismissed from the agency, including professional public servants, persons employed under employment agreements and agreements under public law.

Furthermore, the legal status of the heads of the primary structural units and their deputies, a total of 48 persons, have been changed and they have been considered persons employed under an agreement under public law.

Despite the expiration of the time period for issuing public information, GYLA has not received any written responses from the other agencies up to this day.

Cases currently litigated by GYLA

A number of public officers have applied to GYLA for legal assistance, who have been affected by the aforementioned amendments. Some of them have been dismissed from their jobs on formal, unsubstantiated grounds, which had been preceded by the creation of a hostile workplace environment. Some of them had been employed as professional public servants before the amendments, and with the new regulations they were automatically considered persons employed under the agreements under public law, which made it possible to dismiss them without any justification.

GYLA provides legal aid to the individuals who are disputing unlawful dismissals based on discrimination due to their different/political views. And a case of one of them concerns the termination of a disciplinary inquiry initiated at the workplace based on an administrative fine imposed for the participation in the pro-European rallies and the resulting disciplinary penalty.

⁵⁴ Letter №GOV9 25 00009214 of the Administration of the Government of Georgia of 11 April 2025.[†]

⁵⁵ Letter №MOD 9 25 00544104 of the Ministry of Defence of Georgia of 29 April 2025.

Briefly about the cases:

Case N1:

A person employed under an employment agreement has been dismissed from one of the departments of the Ministry of Finance and Economy of the Autonomous Republic of Adjara due to the expiration of the agreement. It is noteworthy that they had agreed on a work plan and directions for 2025.

Discriminatory treatment based on different/political views is also confirmed by the fact that the dismissed person had been repeatedly asked to refrain from expressing political views and from being active on social media. On the final meeting, they were told that if they fulfilled these demands, their contract would be extended.

Case N2:

A person who had been employed for 35 years at one of the NNLEs operating in Samtskhe-Javakheti, was dismissed from their job due to the expiration of their employment agreement. It is noteworthy that, despite their length of service, a year-long contract had been concluded with them annually, and the last contract among them was also concluded for a period of a year - until 31 December 2024.

The employee attributes their dismissal from office to the discrimination due to open and public statements. At the same time, they were the head of one of the local organizations and a member of the Public Defender's Council, which had made a public statement expressing concern about the violence prevalent during the ongoing protests in Tbilisi.

Case N3:

The person had been employed at one of the art schools in Tbilisi as a deputy principle since 2018 and as a manager of the organizational information service since 2012. They also worked as a fortepiano teacher.

A new acting principal was appointed to the school as of 13 January 2025.

The principal verbally abused the employee, also, accused them of disrupting the educational process, inconsistencies in the documentations prepared during their term as deputy principal, and of destroying them. The principle was summoning the parents of some of the students and suggesting that they transfer their children to other teachers.

They were dismissed, among other things, based on discriminatory grounds, due to their different views on the political processes in the country. It was also unacceptable for the principle that the employee attended the protests. Because of this, the principle was threatening them with a fine as a disciplinary measure and urging them not to attend the protests again.

On 3 February 2025, based on the principle's report card, a verbal warning was issued to the employee as a disciplinary penalty against them, on 17 February 2025 - a reprimand, on 19 February 2025 - a severe reprimand, and on 24 February 2025, they were dismissed from the positions of Deputy Principle and the Manager of the Organizational Information Service, also, their contract for the position of the fortepiano teacher was terminated. Later, on 11 March, the principle made an amendment to the dismissal order and canceled the decision to dismiss them from the position of the fortepiano teacher.

Case N4:

A person who was employed under a permanent employment agreement at the Strategic Communications and Public Relations Department of the Ministry of Defence had signed a joint statement of the public servants in support of the European integration process.

The ministry notified them in February that a reorganization was underway and that they were being dismissed from their position.

Their employment agreement was terminated on March 1st, on the grounds that as a result of the reorganization, public officers exercising key authority had been dismissed, accordingly, it was no longer necessary to keep the persons employed under an employment agreement (as performers of auxiliary functions) in office. Despite this, the number of personnel for the position in which the dismissed person worked has not been reduced.

Moreover, another person performing the same function, who was not a signatory to the joint statement of the public servants, has not had the employment agreement terminated.

Case N5:

On 27 January 2025, based on the order of the Head of the Georgian Border Police, a state sub-agency of the Ministry of Internal Affairs of Georgia, a reorganization was declared in some structural units of the Georgian Border Police in order to the staffing and organizational changes.

By the order of 27 February 2025, the person was dismissed from office on the grounds of reorganization.

According to their assessment, the dismissal, among other things, is discriminatory due to their positions regarding the current events in the country, which are not in line with the positions of the persons authorized to make the dismissal-reorganization decision.

After appealing the decision in accordance with the procedure provided for by the law, the administrative complaint was not considered in its merits, and in the response letter the following is explained: "We inform you that to protect your rights or interests provided for by the law, you can apply to the court in accordance with the procedure established by the legislation of Georgia".

Case N6:

A person employed by the Revenue Service had been fined by the Ministry of Internal Affairs for participating in the pro-European protest, and a fine receipt was sent to the service.

The fine receipt was placed in an envelope specifically intended for this person and marked as “confidential”. Despite this, an employee of the Revenue Service Chancellery opened it and, beside the addressee, addressed it to the head of the service monitoring as well.

Based on this fine receipt, an official enquiry was initiated against the employee.

In the framework of the enquiry, the person refused to provide a written explanation, although they did explain orally that they were participating in a peaceful protest, but had not committed any offences.

This information provided by them was misinterpreted. The following is indicated in the materials: “Regarding the incident, on 13 March 2025, they verbally stated to the Official Monitoring Department that they systematically participate in anti-government protests planned by the opposition in front of the legislative body, on the Rustaveli Avenue, and as for their participation in the protest on 7 February 2025, they confirm the aforementioned incident”.

As a result of the enquiry, a disciplinary measure – “a warning”, has been applied to them.

Case N7:

A person who was employed in the Tbilisi City Hall was gradually removed from the main activities, and then the position they had held for 10 years was abolished.

They believe that their dismissal occurred due to their differing views from the ruling party, with discriminatory motives. They were openly and publicly expressing their position on the needs of Georgia’s Euro-Atlantic course during the protests and the media. They had also signed the joint statement of the public officers.

Moreover, they note that during their final period at work, a hostile work environment was created around them. They felt negative attitudes from some of their colleagues due to their differing opinions - employees who were supposed to agree with them the operational strategy stopped all communication with them due to their participation in the protests.

In the cases discussed, the dismissal of the individuals from employment is based, on the one hand, on a supposedly justified formal-legal basis, and, on the other hand, on the possibility of using the legislative amendments as a repressive tool.

Termination of the employment agreements based on the expiration of their terms has become the most frequently used basis for dismissing the public servants supporting the pro-European movement.

From December 2024 up to this day, information has been constantly disseminated about the dismissal of employees due to the expiration of their agreements.⁵⁶ Their absolute majority consider the real reason for their dismissals to be publicly stating their position or signing a statement.

The Labor Code of Georgia allows for the possibility of concluding a fixed-term employment agreement for the performance of specific/temporary work.⁵⁷ And it determines the expiration of the employment agreement as the basis of its termination.⁵⁸ On the other hand, from the labour law perspective of protecting the parties, the expiration of the agreement cannot a priori become the basis for its termination without the justification for the exhaustion of work or the absence of a need for personnel.

In the given cases, it is noteworthy that the termination of the employment agreements was not caused by the exhaustion of the work to be performed or the lack of a need for personnel, but rather, it was related to the employees' public statements and the non-compliance with the demand to refrain from such actions.

Beside this, the simplification of the reorganization procedures resulting from the legislative amendments have facilitated politically motivated reorganizations and unsubstantiated dismissals of the employees. Moreover, the rule established by the amendments, which effectively left the employees without the right to appeal in the absence of a suspension of the effects of the decision, increased the government's ability to arbitrarily prosecute "disobedient" employees.

⁵⁶ "An obedient public sector? - Dismissal with a single sentence", online publication "Radio Tavisupleba", 9 January 2025. Available at: <https://www.radiotavisupleba.ge/a/საჯარო-სექტორიდან-გათავისუფლებულები/33269956.html> [18.04.2025].

⁵⁷ Organic Law of Georgia "Labour Code of Georgia", Article 12 (3).

⁵⁸ Ibid, Article 47 (1, ბ).

CONCLUSION

In the framework of preparing this document, GYLA has studied the legislation regulating the public services since December 2024 and the amendments made to the bylaws, the harmful practices of dismissing/disciplining the public servants based on these amendments, and the cases currently litigated by GYLA.

Repressive legislative amendments have significantly worsened the mechanisms for protecting the public servants. At the same time, the risk of politicization of the public service has increased. The amendments significantly weaken the guarantees for protecting the rights of the public servants and, among other things, create the possibility of using the reorganization process for political cleansing. Beside this, it leaves a dismissed public servant without the legal mechanisms for protection, since a court decision in favor of the public servant is doomed to non-execution from the very beginning.

Furthermore, the amendments have weakened the guarantees of protection for the persons employed in managerial positions (the heads and deputies of the primary structural units), since they are not public servants, but rather persons employed under an agreement under public law, whose term of office is terminated with the term of office of the head. This disproportionately increases the influence of the head of the public institution and creates the possibility of making unsubstantiated politically motivated decisions.

Beside this, these amendments have a “chilling effect” for the other public servants. An unstable and politically-driven work environment effectively deprives a public servant of the opportunity for professional growth, just as a demonstrative/exemplary punishment—dismissal—causes a professional public servant to refrain from publicly expressing his or her civic position.